

1976 WL 30704 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 11, 1976

*1 Honorable John W. Matthews, Jr.
Representative
District No. 94
The State House
Columbia, SC 29211

Dear Representative Matthews:

This is in further response to our telephone conversation yesterday. You requested an opinion as to (1) whether your employment as an elementary school principal constitutes a conflict of interest with your duties as a member of the General Assembly and (2) whether any statutory provisions prohibit your concurrently receiving compensation for both of these positions.

My response to your inquiry (1) was hand delivered to the State House yesterday, and a copy mailed to your Bowman address.

As regards question (2) you apparently refer to a provision in Part I, Section 100 of the Appropriations Act for the present fiscal year (Act No. 237 of 1975). Paragraph three of said section states as follows:

Provided further, that no employee of any state department or institution shall be paid any compensation from any other department of the state government except with the approval of the State Budget and Control Board, . . . (emphasis added.)

The above quoted section, however, has no reference to school teachers and principals, inasmuch as the same are not, in my opinion, employees of a 'state department or institution' within the meaning of the above-quoted provision. See §§ 21-228, 230, Code of Laws of South Carolina, 1962, as amended.

Yours very truly,

Edward E. Poliakoff
Assistant Attorney General

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