

1976 S.C. Op. Atty. Gen. 159 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4335, 1976 WL 22954

Office of the Attorney General

State of South Carolina

Opinion No. 4335

April 21, 1976

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Charleston, South Carolina 29401

Dear Bill:

I am sorry to have delayed answering your letter of April 1, 1976, concerning whether a city can provide a salary or per diem to the Commissioners of Public Works created under the provisions of Section 59–172 of the Code of Laws.

Insofar as compensation is concerned, I think that the answer is that this cannot be done. So far as the per diem is concerned, I think that it will depend upon whether it is ‘compensation’ under the guise of per diem. My basis for saying this is the extra pay cases of [Scroggie v. Scarborough](#), 162 S.C. 218, 160 S.E. 596, and [Scroggie v. Bates](#), 213 S.C. 141, 48 S.E.2d 634.

There is no doubt in my mind that an amendment should be sought to get any relief and I would think that the amendment of the statute would not constitute a special law, although it reaches cities of certain populations.

It was nice hearing from you.

With best wishes,  
Cordially,

Daniel R. McLeod  
Attorney General

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