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# The State of South Carolina



## Office of the Attorney General

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December 20, 1993

The Honorable Alex Harvin III  
The Majority Leader Emeritus  
House of Representatives  
Post Office Box 266  
Summerton, South Carolina 29148

Dear Representative Harvin:

Referencing a law which does not permit state employees who are members of state boards or commissions to collect per diem, you have asked whether state employees who are members of state boards or commissions would be entitled to collect mileage for using their personal vehicles and any subsistence provided to other board members performing like functions, provided the expenses were, of course, not paid by the state agency for which they work. For purposes of this response, it is assumed that a particular board or commission is statutorily authorized to pay per diem, mileage, and subsistence to board members carrying out their official responsibilities.

Proviso 129.38 of Act No. 164 of 1993, the 1993-94 appropriations act, provides in part that "No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees." This proviso references only per diem allowances. Assuming that the mileage and subsistence are not paid by the state employee's agency of employment and further that there is authorization for mileage and subsistence to be paid to the members of the particular board or commission for the performance of their official duties, proviso 129.38 would not prohibit mileage and subsistence to be paid to the state employee.

*Request Letter*

The Honorable Alex Harvin III  
Page 2  
December 20, 1993

With kindest regards, I am

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:



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