

6332 Library



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

September 22, 1997

The Honorable John W. Matthews, Jr.  
Member, South Carolina Senate  
Box 460  
Bowman, SC 29018

Dear Senator Matthews:

You have requested the advice of this Office as to payment of salaries or per diem for members of the Orangeburg County consolidated school boards and the County Board of Education established by Act No. 526, 1996 S.C. Acts \_\_\_\_\_. As you note, this Act makes no provision for such compensation, and it provides that this Act and the general law are to be the only laws governing the school districts and County Board of Orangeburg county. Act 526 \$10.

Under previous opinions of this Office, members of county boards of education and boards of trustees may receive per diem and mileage pursuant to votes of those Boards. S.C. Code Ann. § 59-1-350 (1990); Ops. Atty. Gen. (January 7, 1994, February 3, 1983, October 5, 1979, May 4, 1979, July 20, 1977). Per diem is "...pay for a day's services" and mileage is "[a]llowance for traveling expenses at [a] certain rate per mile." Ops. Atty. Gen. (October 5, 1979). This authority does not permit salaries. Id. (January 7, 1994).

Under this authority, the referenced boards of Orangeburg County may vote to set per diem and mileage for their respective members, but they may not authorize salaries. I hope that this information is of assistance to you.

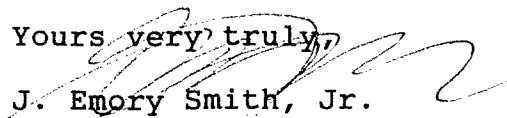
This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

If you have further questions, please let me know.

*Don... [signature]*

The Honorable John W. Matthews, Jr.  
September 22, 1997  
Page 2

Yours very truly,

  
J. Emory Smith, Jr.

Assistant Deputy Attorney General

JESjr