

The State of South Carolina



Office of the Attorney General

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April 15, 1992

The Honorable Marshall B. Williams
President Pro Tempore
South Carolina Senate
P. O. Box 142
Columbia, South Carolina 29202

Dear Senator Williams:

In a letter to this Office you requested an opinion regarding what is considered "earnable compensation" as set forth in Section 9-9-10(13) of the Code for retirement purposes for members of the General Assembly. You indicated that as to the Office of President Pro Tempore of the Senate, the question has been raised as to whether the \$7500.00 line item compensation for that office is eligible to be considered as "earnable compensation" in addition to the actual line item salary for members of the General Assembly and the \$3600.00 in-district expense allowance. In your letter you stated that the daily rate of remuneration for the President Pro Tempore of the Senate is the accumulation of line item salary which is provided for all members of the Senate, the \$3600.00 per month in-district expense allowance, and the \$7500.00 salary provided for the Office of President Pro Tempore.

Section 9-9-10(13) defines the term "earnable compensation" as

... forty times the daily rate of remuneration, plus thirty-six hundred dollars, of a member of the General Assembly, as from time to time in effect.

Pursuant to Section 2-3-20 of the Code

Members of the General Assembly shall annually receive as compensation for their services such sum as may be provided by law ... The President of the

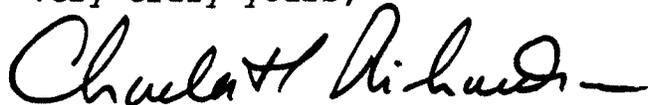
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Senate, the President pro tempore of the Senate, the Speaker of the House and the Speaker pro tempore of the House shall receive, in addition, such amounts as may annually appear in the State appropriation act.

Based upon our review of Section 2-3-20 it appears that the \$7500.00 compensation for the Office of President Pro Tempore should be included along with the line item compensation and the \$3600.00 in-district expense allowance as a member of the General Assembly in determining the daily rate of remuneration for purposes of Section 9-9-10(13).

With kind regards, I am

Very truly yours,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions