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April 17, 1985

The Honorable James J. Reid  
Chairman, South Carolina Industrial  
Commission  
1800 St. Julian Place  
Columbia, South Carolina 29204

Dear Commissioner Reid:

Chief Deputy Attorney General Frank K. Sloan has referred your letter of April 2, 1985, to the Opinion Section for response. You have asked for an interpretation of the statutes governing reimbursement of Commission members for travel expenses and subsistence, noting that three Commissioners are domiciled in Richland County and four have legal residences in other counties, with Commission headquarters being located in Columbia. Attached to your letter was an interpretation of the appropriate statute by the State Auditor, Edgar A. Vaughn, Jr. We believe that the interpretation of the State Auditor is controlling in response to your inquiry.

Part I, Section 133 I of Act No. 512, 1984 Acts and Joint Resolutions (Appropriations Act) provides the following in pertinent part:

No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may be allowed for the necessary travel to his official headquarters. Provided, However, That the members of the Industrial Commission ...

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may be reimbursed at the regular mileage rate of one round trip each week from their respective homes in Columbia. No subsistence reimbursement shall be allowed to a member of the Industrial Commission ... while traveling in the county of his official residence. When traveling on official business of the Commission within 50 miles outside the county of his official residence, a member of the Industrial Commission ... shall be allowed subsistence expenses in the amount of \$35 per day. When traveling on official business of the Commission 50 or more miles outside the county of his official residence, each member shall be allowed a subsistence expense in the amount of \$50 per day ... .

Absent ambiguity, statutes are to be interpreted according to the plain meaning of the terms used in the statute. Worthington v. Belcher, 274 S.C. 366, 264 S.E.2d 148 (1980). Applying the plain meaning of the statute, the summary of provisions applicable to members of the Industrial Commission is as follows:

1. No expense would be allowed for a Commissioner traveling on Commission business within his or her county of residence.
2. Subsistence allowances of \$35 per day would be paid to a Commissioner traveling on Commission business within 50 miles of the county of his or her residence.
3. Subsistence allowances of \$50 per day would be paid to a Commissioner traveling on Commission business 50 miles or more from the county of his or her residence.
4. Commission members may be reimbursed at the regular mileage rate for one round trip per week from their respective residences to Columbia.

An example of the application of these provisions is taken from the State Auditor's letter of August 24, 1983:

[As to the Commissioner officially headquartered in Charleston], I would interpret this provision [from the 1983-84 Appropriations Act identical to provisions in 1984-85 Act] to mean that your Commissioner could not receive travel and subsistence expenses

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while in Charleston, however, he would be entitled to such expenses for trips made from Charleston to Columbia.

The same reasoning would be applicable to the Commissioners from Lexington, Cherokee, and Laurens Counties; subsistence allowances as noted above would also be paid according to the distances traveled from the county of the Commissioner's residence.

As to the Commissioners who reside in Richland County, they are entitled to subsistence allowances when traveling on official business outside Richland County; the amount depends of course on the distance the Commissioner is from Richland County. No travel or subsistence allowance would be paid to these three Commissioners while in Columbia.

We trust that the foregoing interpretation, along with the State Auditor's letter, will satisfactorily resolve your questions. If we may provide additional assistance, please advise.

Sincerely,

*Patricia D. Petway*

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Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

*Robert D. Cook*

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