

1982 S.C. Op. Atty. Gen. 25 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-23, 1982 WL 154993

Office of the Attorney General

State of South Carolina

Opinion No. 82-23

April 14, 1982

*1 Mr. Edgar A. Vaughn, Jr., CPA
State Auditor
Post Office Box 11333
Columbia, South Carolina 29211

Dear Mr. Vaughn:

You have requested an opinion on the following questions as quoted from your recent letter:

'We would appreciate your advising us if it is proper for a member of the General Assembly to:

1. Receive per diem and subsistence from a committee when the General Assembly is in Session for a 'Statewide' day?
2. Was it considered a Special Session on June 5, 1981 when the House adjourned and then had to return because the Senate had not adjourned?
3. What period of time or number of days does the salary of the General Assembly cover?'

1. On February 9, 1977, it was concluded in Opinion No. 77-52 (copy enclosed) that members of the General Assembly could not receive per diem, mileage or subsistence from more than one committee when meeting with two committees on the same day during the interim between sessions. The present question is essentially the same and, in my opinion, requires the same result. Only one per diem one subsistence allowance may be paid for one day.

2. This question has arisen because it has been suggested that when the House adjourned and then had to return, the resultant House session was a 'special session' for which additional compensation was allowable. However, [Art. III, § 21 of the South Carolina Constitution](#), provides that neither house may adjourn for more than three days without the consent of the other house. It thus appears that unless both houses adjourned the regular session, that session could not be regarded as officially adjourned, and the additional compensation, therefore, should not be paid.

3. As to the period of time which the salary of the General Assembly covers, it was concluded in a 1964 opinion of this Office (copy enclosed) that the compensation paid members of the General Assembly is an annual compensation predicated upon a forty-day legislative session.

Very truly yours,

Daniel R. McLeod
Attorney General

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