

1980 WL 120651 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 4, 1980

*1 Mr. Jerry E. Stevens
Vice President for Finance & Administration
Trident Technical College
Post Office Box 10367
Charleston, South Carolina 29411

Dear Mr. Stevens:

In response to your request for an opinion from this Office regarding whether or not the members of the Berkeley-Charleston-Dorchester Technical Education Area Commission (Commission) are authorized to be reimbursed for expenses incurred during the performance of their official duties, my opinion is that it is most probably not so authorized as hereinafter discussed.

[Sections 59-53-410 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, provide for the creation and operation of the Commission and nowhere in those provisions is the authority to receive compensation and/or reimbursement for expenses expressly granted nor is that authority necessarily implied. Cf., e.g., 55 STAT. 671 at 674 (1967) ('The members of the [Aiken County Board of Education] shall receive per diem and mileage as provided by law for boards, commissions and committees.'). Moreover, the authorities seem to agree that:

Any right which a public officer may have to a salary or compensation must generally be found in some provision of the law, for whatever may be the character of the compensation, whether an annual salary, or per diem allowance, or fees for particular services, it must depend upon the will of the people speaking through their constitution, statutes, or ordinances. If no compensation is fixed by law, the services of the officer may be regarded as gratuitous. 63 AM.JUR.2d Public Officers and Employees § 361 at 845 (1972).

If the Commission were authorized to be reimbursed for expenses, the amount would be thirty-five (\$35.00) Dollars per day pursuant to Section 136 of the 1979-80 General Appropriations Act. 61 STAT. Act No. 199, Section 136 at 853 (1979).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

1980 WL 120651 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.