

1980 WL 121129 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 27, 1980

*1 Mr. James E. Truesdale, Jr.
Office of the Governor
Office of Executive Policy and Programs
Edgar A. Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Truesdale:

You have asked the opinion of this Office concerning the per diem payment to an alternate attending the meetings for the named member of a board, commission or committee and the payment of expenses for an attendant for handicapped members attending the meetings.

Section 136, Part I, Act No. 199 of 1979 (General Appropriation Act) provides:

That the per diem allowance of all boards, commissions and committees shall be at the rate of Thirty-five (\$35.00) Dollars per day. Provided, that no full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees.

The above cited provision would apply only to the named members of boards, commissions and committees and would not include alternates or substitutes for these members since per diem is generally used in connection with compensation, wages or salary and absent additional statutory legislation alternates or substitutes could not receive compensation. 'The word 'compensation' . . . , ordinarily means pay for services rendered, and it is sometimes held to be synonymous with 'salary'.' [Scroggin v. Scarborough, State Treasurer](#), 162 S.C. 218, 226, 160 S.E. 596 (1931).

The general intent behind per diem payment legislation is the payment to the individual for actually attending the meetings of the various boards, commissions and committees. Annot. 1 A.L.R. 276 (1919), Per Diem Compensation of Public Officers. Payment to an alternate could possible interfere with a member's attendance and encourage absences.

Further, Section 136, Part I, Act No. 199 of 1979 does not authorize payment for an attendant for handicapped members attending meetings. In construing a statute, the Court cannot read into the statute something not within the manifest intention of the Legislature as gathered from the statute itself. [Laird v. Nationwide Insurance Company](#), 134 S.E.2d 206, 243 S.C. 388 (1964).

It is the opinion of this Office that there is no statutory authorization for per diem payment to an alternate to attend a meeting of a board, commission or committee; nor is there authorization for the payment of expenses for an attendant for handicapped members who attend the meetings.

Very truly yours,

Raymond G. Halford
Deputy Attorney General

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