

1977 S.C. Op. Atty. Gen. 53 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-52, 1977 WL 24395

Office of the Attorney General

State of South Carolina

Opinion No. 77-52

February 9, 1977

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

Dear Mr. Vaughn:

Your letter of January 25, 1977, inquires as follows:

'We are presently auditing the Miscellaneous Appropriations and the Approved Accounts of the Senate and the House for the fiscal year ended June 30, 1976. During our examination, we have determined that Members of the General Assembly when attending two committee meetings on the same day during the interim have received per diem, travel and subsistence from both committees. We would appreciate your advising us if it is proper for a Member of the General Assembly to:

1. Receive per diem from more than one committee when meeting with two committees on the same day during the interim.
2. Receive mileage from more than one committee when meeting with two committees on the same day during the interim.
3. Receive subsistence from more than one committee when meeting with two committees on the same day during the interim.'

Members of legislative committees are allowed subsistence expenses at the rate of \$20.00 per day in the State, \$25.00 per day while traveling outside the State, and \$30.00 per day while traveling to urban areas in excess of 250,000 population.

Mileage is fixed at the rate of 14 cents per mile when personal automobiles are used.

A per diem allowance is fixed at the rate of \$25.00 per day.

In my opinion, the amounts so fixed must be computed on the basis of actual mileage traveled per trip and on the basis of one day's subsistence and one day's per diem irrespective of the number of committees which the member may attend in one single day. This conclusion continues irrespective of the committees upon which a member may serve on the same day. The ordinary standing committees of the House and Senate are normally paid from approved accounts by the appropriate disbursing personnel of each House. In other committees, such as the ones cited below and selected at random, payments of expenses are made from the General Fund of the State and are not transmitted through legislative disbursing officers. The absence of a central disbursing office for branches of the General Assembly has apparently led to the duplication of payment in some instances.

I therefore advise that, in my opinion, members may not receive per diem from more than one committee when meeting with two committees on the same day nor may they receive mileage or subsistence from more than one committee under the same circumstances.

Very truly yours,

Daniel R. McLeod

Attorney General

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