

1978 WL 35093 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 5, 1978

*1 Honorable Lois T. Shealy
Clerk of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mrs. Shealy:

Your letter of August 28, 1978, refers to the inquiry submitted by the Honorable Ramon Schwartz, Speaker Pro Tempore, with respect to a motion adopted by the House of Representatives on January 12, 1978, which reads:

'In light of the national office that Mrs. Risher now holds, I would move that she be appointed by you, with the approval of this House, as a special envoy of the House of Representatives on the National Committee on Interstate Cooperation, and in such capacity be allowed to attend the next four meetings of the said National Committee wherever held, and be paid such compensation and expenses as are received by the other members of the Committee from South Carolina.' (1978 House Journal, p. 19.)

The Commission on Interstate Cooperation, which, I assume, is the body referred to in the motion, is governed by [Section 1-17-10 of the Code](#) of Laws, 1976. It consists of the five members of the Senate and House, respectively, and five officials of the State government named by the Governor. The five members from the House and Senate are those members constituting the respective Standing Committees on Interstate Cooperation of the House and Senate. Mrs. Risher was formerly a Governor's appointee to the Commission but by appointment dated March 14, 1978, you were designated as a member of the Commission vice Mrs. Risher, who had previously resigned as Clerk of the House of Representatives.

The motion of January 12, 1978, does not constitute Mrs. Risher as a member of the Commission. The question then remains as to whether she may serve as Special Envoy of the House of Representatives to that Commission and be paid compensation for such services to the same extent as member's of the Commission are compensated.

In my opinion, Mrs. Risher cannot be considered as a member of the Commission nor can she be compensated for her services in the capacity of Special Envoy to that Commission. The basis for this conclusion is set forth below.

The Commission members serve without compensation but are paid for necessary expenses in carrying out their obligations under the law. The Commission may employ a secretary and a stenographer, may incur other expenses as may be necessary for the performance of its duties, and may make certain contributions to national organizations. Section 1-17-70. The General Appropriations Act for the year 1978-79 provides, with respect to Standing Committees of the House and Senate:

'The members thereof shall receive no compensation, but when certified by the Chairman of the respective committee shall be paid the regular per diem, mileage and subsistence allowance of \$35.00 per day to be paid from Approved Accounts of both houses.'

This provision of the Appropriations Act, adopted subsequent to the motion quoted above, is, in my opinion, controlling. It limits compensation being paid to members of the Standing Committees and it is unnecessary to consider the effect,

if any, which action by the Commission on Interstate Cooperation, pursuant to the provisions of Section 1-17-70, may have for the reason that it is my understanding that the Commission has undertaken no action in this regard.

*2 The General Appropriations Act, in Item II(1), contains an appropriation for Approved Accounts under the heading 'Contingencies.' I am not aware of any procedure that has been adopted for the withdrawal of funds from this Account, except upon the basis of custom and usage. Irrespective of this Account, however, it is my opinion that the action of the entire General Assembly in specifically designating in the General Appropriations Act how Standing Committees of the House shall be compensated is its final and controlling directive and, as already indicated herein, it has provided that only members of Standing Committees may receive allowances for their expenses. The status of a Special Envoy is nowhere referred to.

I therefore advise that, in my opinion, Mrs. Risher is not a member of the House Standing Committee on Interstate Cooperation and is therefore not a member of the Commission on Interstate Commission. She is therefore not eligible to receive compensation in that capacity.

Very truly yours,

Daniel R. McLeod
Attorney General

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