

1978 WL 35204 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 2, 1978

*1 Honorable Rex L. Carter
Speaker of the House
P.O. Box 10304
Greenville, South Carolina 29603

Dear Mr. Speaker:

Attorney General McLeod has asked me to reply to your letter of October 31. Your request concerns the correct interpretation of a proviso to § 3 of the 1978-79 State Appropriations Act, which provides as follows:

Provided, Further, No member of the General Assembly shall be entitled to receive any amounts by way of salary if such member has been absent more than 25% of the days for which the legislature is in session unless such member has been granted a leave of absence.

In the past the members of the House of Representatives have been paid one-half of their salary the first week of the session and the balance two weeks later. However, it is the opinion of this Office that the plain meaning of the above-quoted proviso is that no one shall receive salary at all until the end of the session, at which time it can be determined whether or not the member has been absent for more than 25% of the days of the session and therefore whether he is entitled to be compensated. See also [§ 8-11-30, 1976 Code](#) of Laws. While this conclusion may cause inconvenience to some members of the General Assembly, it nevertheless appears that this was their clearly expressed intent when the aforementioned proviso was enacted.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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