

1973 WL 26936 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 25, 1973

*1 Senator T. Ed Garrison
Route 2
Anderson, South Carolina 29621

Dear Senator Garrison:

You have inquired as to whether or not a member of the Commission for the Blind is entitled to receive the sum of twelve cents per mile for travel where the member has been driven without charge in another's automobile from the member's home to a meeting in Columbia.

Part I, Section 92 of the General Appropriation Act provides in part:

When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge of twelve cents per mile will be allowed for the use of such automobile . . . [Emphasis ours.]

And the recently promulgated regulations of the State Budget and Control Board prescribes.

When an employee uses his own automobile for official business he shall be reimbursed at the rate of twelve cents per mile. . . . [Emphasis ours.] Regulations for Reimbursement for Travel and Subsistence Expenses ¶5 (September 4, 1973.)

Because the language of both the statute and the regulation expressly specifies that the automobile be that of the employee, we can only conclude that where an employee of the State, which would include a member of the Commission for the Blind, has traveled with another without charge in the latter's automobile from the member's home to a meeting at the official headquarters of the Commission in Columbia, the member is not entitled to receive twelve cents per mile. Only where the member travels in his 'own' or 'personal' automobile is he entitled to receive the mileage allowance.

A proposal amending the statute regulating travel expenses is attached.

Sincerely,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

Proposed Amendment

When traveling by automobile to a meeting of the Commission for the Blind each member of the Commission shall be entitled to receive as a travel allowance the sum of twelve cents per mile to and from the location of the meeting.

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