

1973 WL 27738 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 14, 1973

\*1 The Honorable James B. Brandt  
Member  
House of Representatives  
Allendale County  
Ulmers, South Carolina

Dear Jim:

In accordance with our conversation of yesterday, I am confirming it by expressing the opinion that the county funds of the county may not be used to pay expenses of legislative members. I doubt seriously that the prohibition against increasing compensation payable to members of the General Assembly during their terms of office would prohibit such a practice, in that the funds are locally derived, but it is my view that counties, under their present powers, are not authorized to expend money to pay the expenses of legislators. In my opinion, the counties are still restricted by the old constitutional provisions relating to the purposes for which counties may expend tax monies. The only avenue under these restrictions is the authorization to spend such monies for 'ordinary county purposes' and I do not think that the furnishing of such expense allowances is included within that phrase.

A number of counties provide for such expenses, although I understand that the county attorney in at least one county has issued his opinion stating that such expenditures may not be made. The answer is not absolutely certain but the views expressed herein are based upon the construction of the constitutional provisions which are indicated by the decisions of the Supreme Court of South Carolina.

With best wishes,  
Cordially,

Daniel R. McLeod  
Attorney General

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