

1977 S.C. Op. Atty. Gen. 93 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-103, 1977 WL 24445

Office of the Attorney General

State of South Carolina

Opinion No. 77-103

April 12, 1977

*1 Honorable Sylvia W. Risher
Clerk
House of Representatives
Capitol
Columbia, South Carolina

Dear Ms. Risher:

You have requested an opinion as to whether or not a member of the General Assembly can receive mileage when he had not been able to attend the legislative sessions due to illness. South Carolina Code of Laws, 1962, as amended, Section 30-52 states in part that:

members of the General Assembly shall receive . . . mileage at the rate provided for by law for the actual distance traveled in the most direct route going to and returning from their homes on weekend adjournments of the General Assembly at the place where the sessions of the General Assembly are held . . . (emphasis added)

Article III, Section 19 of the South Carolina Constitution states in pertinent part:

Each member of the General Assembly shall receive such mileage allowance for the ordinary route of travel in going to and returning from the place where its sessions are held as the General Assembly may provide by law . . . (emphasis added)

It would appear from the language of the statute and constitutional provision that reimbursement is to be made only for mileage actually driven to and from the General Assembly. Therefore, if a member has been unable to attend a session of the General Assembly due to illness and has not actually driven to and from the session, he should not receive reimbursement for mileage.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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