

1978 WL 35055 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
August 23, 1978

\*1 Mr. John W. Parris  
Executive Director  
South Carolina Land Resources Conservation Commission  
2221 Devine Street  
Suite 222  
Columbia, South Carolina 29205

Dear Mr. Parris:

You have requested an opinion from this Office concerning the payment of a per diem allowance to soil and water conservation district commissioners. As you observed in your letter, Section 137 of the General Appropriations Act for 1978-79 (1978 Act bearing Ratification No. 801) provides for a per diem allowance of Thirty-Five Dollars (\$35.00) for state boards, commissions, and agencies. However, it is implicit that this provision would only apply to those boards, commissions, and agencies which are permitted to receive a per diem allowance.

Soil and water conservation district commissioners are among those that are prohibited from receiving such payment. [Section 48-9-1240 of the 1976 Code of Laws of South Carolina](#) provides that '[a] commissioner shall receive no compensation for his services, but he shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his duties.' The per diem allowance provided in the General Appropriations Act for 1978-79 would constitute compensation and therefore would be improper. See, [Scroggie v. Scarborough, 162 S.C. 218, 160 S.E. 596 \(1931\)](#).

It is therefore the opinion of this Office that soil and water conservation district commissioners are not entitled to receive the per diem allowance provided in the 1978-79 General Appropriations Act.

Sincerely,

Keith M. Babcock  
State Attorney

1978 WL 35055 (S.C.A.G.)

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.