

1978 WL 35010 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 3, 1978

\*1 Mr. H. P. Kinder  
Assistant Comptroller  
Office of Comptroller General  
P. O. Box 11228  
Columbia, South Carolina 29211

Dear Mr. Kinder:

Reference is made to your request for an opinion interpreting certain provisions of the State Appropriations Act as it relates to per diem for members of the Department of Highways and Public Transportation Commission. Under the appropriations section for the Department of Highways and Public Transportation it is provided:

That members of the Department of Highways and Public Transportation Commission shall receive such per diem, subsistence and mileage for each official meeting as is provided by law for members of boards, commissions and committees. (Page 541, 1978-9 Appropriations Act.)

Section 137, of the General Provisions, provides:

That the per diem allowance of all boards, commissions and committees shall be at the rate of Thirty-five (\$35.00) Dollars per day. Provided, that no full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees.

We see no conflict in the two provisions, which should be read together. Under the first proviso pertaining to the Highway Department, the members of the Highway Commission receive the regular per diem for any official meeting, but this is not exclusive of per diem for other official business, as contemplated by Section 137 of the General Provisions. The two provisions should be read together, so that the regular \$35.00 per diem, plus mileage, is applicable to any official meeting, while the per diem under Section 137 is applicable to other official business of commission members.

Please advise if additional opinion is required.

Yours very truly,

Victor S. Evans  
Deputy Attorney General

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