

1978 WL 35028 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 8, 1978

*1 William M. Catoe, Jr., Esquire
Lancaster County Attorney
E. Hilton Street
Kershaw, South Carolina 29067

Dear Mr. Catoe:

You have made the following inquiries:

(1) Whether it is lawful for Lancaster County to supplement State employees in light of [Section 4-11-170, CODE OF LAWS OF SOUTH CAROLINA \(1976\)](#);

(2) Whether Lancaster County is obligated to provide travel expenses for State employees working in Lancaster County, particularly, the Department of Social Services, Department of Health, Department of Mental Health, South Carolina Highway Patrol, State Forestry and South Carolina Tax Commission;

(3) Whether Lancaster County is obligated to pay the telephone bills for all State agencies located in Lancaster County; and

(4) Whether Lancaster County is obligated to pay for fuel and janitorial service for the State agencies?

In my opinion, Lancaster County may not lawfully supplement the salaries of State employees because of the provisions of [Section 4-11-170, CODE OF LAWS OF SOUTH CAROLINA \(1976\)](#). See also, 60 STAT. Act No. 219, § 129 at 767 (1977). In addition, my opinion is that Lancaster County need not pay the travel expenses of persons working in the employ of State agencies in Lancaster County. Specifically, [Sections 12-3-60 and 12-3-100, CODE OF LAWS OF SOUTH CAROLINA \(1976\)](#), provide that the salary and traveling expenses of commissioners and employees of the South Carolina Tax Commission shall be paid by the State. [Section 43-1-200 of the Code](#) provides for the payment of salary and expenses to officers and employees of the Department of Social Services by the State. Although not all of the departments referred to above have specific statutes providing for the payment of travel expenses, the provisions of each annual general appropriations act provides for the travel and expense allowances permitted State employees. See, e.g., 60 STAT. Act No. 219, § 131 at 769 (1977). Finally, I know of no requirement imposed by state law that a county must pay the telephone, fuel or janitorial expenses of State agencies located and conducting State business therein. Cf., [§ 4-1-80, CODE OF LAWS OF SOUTH CAROLINA \(1976\)](#).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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