

1978 WL 35213 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
November 8, 1978

\*1 Lois Shealy  
Clerk of the House  
House of Representatives  
Post Office Box 11968  
Columbia, South Carolina 29211

Dear Ms. Shealy:

You have requested a clarification of the opinion of this Office dated November 2, to the Honorable Rex Carter, Speaker of the House, concerning the payment of salaries to members of the General Assembly. Specifically, you have asked whether it is sufficient for a member to attend more than 75% of the first 40 days of the session (since those 40 days are the only ones for which compensation is paid; [S.C. Constitution Article 3 § 9](#)), or whether a member must attend more than 75% of the entire session. The proviso in question, which is part of § 3 of Act No. 644 of 1978, provides that no salary should be paid if a member has been absent ‘more than 25% of the days for which the legislature is in session . . .’ Several cases have defined the word ‘session’ as encompassing all the time it takes for a legislative body to complete its business, *i.e.*, from opening until final adjournment. Two cases are abstracted in 38A [Words and Phrases](#) as follows: Term ‘session’ within constitutional provision governing compensation of members of Legislature means during time Legislature is assembled in faithful discharge of duties as legislative body. [Shaw v. Carter](#), 296 P. 273, 276, 148 Okl. 57.

The meaning of the word ‘session’ is the sitting of a body, competent for the transaction of its business; the time during which it is convened and actually engaged in business; the time during which a legislative body or other assembly sits for the transaction of business. [Ralls v. Wyand](#), 138 P. 158, 162, 40 Okl. 323.

Such would also appear to be the plain meaning of the word.

Accordingly, it is the opinion of this Office that the words ‘the days for which the legislature is in session’ in the aforementioned proviso means all the days of the session and not just the first 40 days.

It should be pointed out, however, that the proviso does not affect travel and subsistence payments.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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