

1974 WL 27789 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 28, 1974

*1 The Honorable W. Brantley Harvey, Jr.
Chairman
Rules Committee
House of Representatives
Columbia, South Carolina

Dear Brantley:

Thank you for your letter of May 22, 1974, reading as follows:

'The House Rules Committee has voted to ask you for an opinion as to the conflict between Section 30-52.1, Code of Laws of South Carolina (1962), as amended, and House Rule 3.4. It has been suggested by several members that this House Rule providing that non-attending members shall receive no subsistence is in conflict with Section 30-52.1 which specifies that 'members . . . shall be paid for each legislative day, as subsistence expenses, twenty-five dollars per day.'

It is my opinion that the House Rule is valid as constituting a proper implementation of Section 30-52.1.

Section 30-52.1 formerly provides that subsistence expenses be paid upon written certification by each member that he was actually in attendance at the legislative session of each day for which such payment is made. The present statute does not include this restriction it having been eliminated in 1962 (62 Acts 1862), Despite this amendment, I am of opinion that the House Rule is proper implementation of the existing statute, chiefly because this construction is consonant with the decisions of the Supreme Court of South Carolina concerning extra pay for legislative members.

With best wishes
Very truly yours,

Daniel R. McLeod
Attorney General

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