

1974 S.C. Op. Atty. Gen. 312 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3882, 1974 WL 21380

Office of the Attorney General

State of South Carolina

Opinion No. 3882

November 4, 1974

**\*1 Re: Compensation for the House of Representatives ‘Freshman Orientation Program:**

The Honorable Sylvia W. Orange  
Clerk of the House  
House of Representatives  
State House  
Post Office Box 11867  
Columbia, SC 29211

Dear Mrs. Orange:

Your letter inquiring as to what, if any, compensation, mileage, subsistence or per diem newly elected members of the House of Representatives will be entitled to for attending the planned ‘Freshman Orientation Program’ has been referred to me for answer. It is the opinion of this Office that under the Constitution and laws of South Carolina, these newly elected members are not legally entitled to receive compensation, mileage, subsistence or per diem in any form.

Article 3, Section 19 of the Constitution of South Carolina (1895) provides:

Each member of the General Assembly shall receive such mileage allowance for the ordinary route of travel in going to and returning from the place where its sessions are held as the General Assembly may provide by law; no General Assembly shall have the power to increase the per diem of its members; and the members of the General Assembly when convened in extra session shall receive the same compensation as is fixed by law for the regular session.

It is basic principal of government that no money may be disbursed by the State Treasurer unless authorized by the Legislature. ‘There is no question that the General Assembly may provide for the payment of expenses of its members in performing duties imposed upon them by statute . . .’ [Scroggie v. Bates](#), 213 S.C. 141 at 153, 48 S E 2d 643 (1948). As a review of the CODE OF LAWS OF SOUTH CAROLINA (1962) indicates, ‘. . . where any statutory duty is imposed upon the members of the General Assembly when not in session, the statutes carries with it a provision for the payment of official expenses or a per diem and expenses.’ [Scroggie v. Bates](#) at 154.

There is no provision, either in the South Carolina Constitution or the statutes, requiring newly elected members of the House of Representatives to attend a ‘Freshman Orientation’ prior to the convening of the first session following their election. In the absence of such a provision, newly elected members of the House of Representatives are not legally entitled to receive any sort of compensation for attending the ‘Freshman Orientation Program.’

Furthermore, Article 3, Section 30 prohibits the General Assembly from retroactively compensating any public officer after services rendered.

Yours very truly,

M. Elizabeth Crum  
Assistant Attorney General

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