

1973 WL 27693 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 8, 1973

*1 The Honorable Ed McElveen, Jr.
County Administrator
Lee County Council
Court House
Bishopville, South Carolina 29010

Dear Mr. McElveen:

Thank you for your letter of May 5 inquiring if it is legal to pay travel to an employee of the County government where the employee is furnished vehicles, gas, oil, and all repairs for his transportation.

I advise that, in my opinion, such payment would probably be invalid.

I am not aware of the measure which makes appropriations for travel expenses of employees and this, of course, would control. Normally, where means of travel are provided to public employees, they are required to utilize such means of travel and I can conceive of no circumstances where additional mileage could be paid to employees who use County furnished and maintained vehicles for transportation and, at the same time, receive additional mileage allowances for the travel which they incur.

I suggest that you forward to me the provisions of the measure which your County Council may have adopted in making appropriations for travel expenses. This would control and I would need to have reference to it in order to fully answer your question.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

ATTACHMENT

P.S. I note that the organic act creating the County Council for Lee County provides, in Section 5, that the Chairman and members of the Council receive a designated compensation annually, plus 'per diem and mileage allowances at not in excess of the amount authorized by the State for members of boards, commissions or committees—.' This does not reach the question of whether mileage and per diem may be paid in addition to the furnishing of all transportation costs at no expense, by way of furnishing vehicles, fuel, etc., but I think that the conclusions expressed in the foregoing letter would apply here as well.

D.R.M.

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