DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2012 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 3.

 ORGANIZATION, EMPLOYEES AND COMPENSATION

**SECTION 2‑3‑10.** Oath of members.

 All members elected to the General Assembly shall take the oath prescribed in Article III, section 26, of the Constitution of the State, before entering upon the duties of their office.

HISTORY: 1962 Code Section 30‑51; 1952 Code Section 30‑51; 1942 Code Section 2053; 1932 Code Section 2053; Civ. C. '22 Section 15; Civ. C. '12 Section 15; Civ. C. '02 Section 13; G. S. 12; R. S. 12; 1880 (17) 502.

**SECTION 2‑3‑20.** Compensation of members.

 Members of the General Assembly shall annually receive as compensation for their services such sum as may be provided by law and mileage at the rate provided for by law for the actual distance traveled in the most direct route going to and returning from their homes on weekend adjournments of the General Assembly at the place where the sessions of the General Assembly are held. The terms of this provision shall be subject to limitations imposed by the State Constitution.

 The President of the Senate, the President pro tempore of the Senate, the Speaker of the House and the Speaker pro tempore of the House shall receive, in addition, such amounts as may annually appear in the State appropriation act.

HISTORY: 1962 Code Section 30‑52; 1952 Code Section 30‑52; 1942 Code Section 2054; 1932 Code Section 2054; Civ. C. '22 Section 16; Civ. C. '12 Section 16; Civ. C. '02 Section 14; G. S. 13; R. S. 13; 1877 (16) 246; 1893 (21) 417; 1908 (25) 1079; 1920 (31) 875; 1938 (40) 1672; 1944 (43) 1429; 1960 (51) 1779; 1964 (53) 1918.

**SECTION 2‑3‑22.** Prohibition of members of the General Assembly from receiving in any one calendar year on account of service during the regular session of the General Assembly any amount which exceeds the total amount appropriated for personal service.

 No member of the General Assembly may receive in any one calendar year on account of service during the regular session of the General Assembly any amount which exceeds the total amount appropriated for personal service for members of the General Assembly for the applicable fiscal year divided by one hundred seventy.

HISTORY: 1995 Act No. 145, Part II, Section 58.

**SECTION 2‑3‑25.** Requirement of member of General Assembly to repay compensation in event of resignation or expulsion; procedure; remedy for nonpayment.

 Effective after July 1,1995, if a member of the General Assembly resigns or is expelled, he must repay any compensation he has received for that year on a pro rata basis, pro rated from the first day of the session in January each year through the end of the annual session. The Clerk of the Senate or the Clerk of the House of Representatives, as appropriate, shall request the repayment of the compensation paid. If the member does not repay the monies he has received within thirty days of the date of request by the clerk, the Comptroller General is authorized to deduct the appropriate amount from any retirement benefits the member may receive and remit this amount to the credit of the general fund of the State, pro rated from the first day of the session in January each year through the end of the annual session.

HISTORY: 1995 Act No. 145, Part II, Section 106.

**SECTION 2‑3‑27.** Compensation or expense reimbursement of General Assembly member convicted of felony.

 A member of the General Assembly who has been convicted of a felony under state or federal law, or who has pled guilty or nolo contendere to these offenses, may not receive compensation or reimbursable expenses provided for members of the General Assembly in the annual general appropriations act. However, this section does not apply to a person who has been pardoned under state or federal law of the disqualifying felony.

HISTORY: 2002 Act No. 356, Section 1, Part VI.O.

**SECTION 2‑3‑30.** Subsistence expenses for members and Lieutenant Governor.

 Except for legislative days which, by Senate or House action, are designated for consideration only of local and uncontested matters, members of the General Assembly, including the Lieutenant Governor, shall be paid fifty ($50.00) dollars subsistence expenses for each legislative day. Provided, such subsistence allowance shall be paid for each calendar day occurring within the same legislative day to members of that body in session on each calendar day.

HISTORY: 1962 Code Section 30‑52.1; 1958 (50) 1721; 1962 (52) 1741; 1966 (54) 2424; 1969 (56) 444; 1977 Act No. 219, Part II, Section 6; 1980 Act No. 517, Part II, Section 24.

**SECTION 2‑3‑40.** Payment to members for postage expense.

 The clerk of the Senate shall, on the first day of each session, draw a pay certificate of fifteen dollars in favor of each Senator and the clerk of the House of Representatives shall likewise, on the first day of each session, draw a pay certificate of fifteen dollars in favor of each member of the House of Representatives, which shall be given in lieu of all postage to be used by such Senator or Representative in his official capacity during each session and shall be in addition to his per diem.

HISTORY: 1962 Code Section 30‑53; 1952 Code Section 30‑53; 1942 Code Section 2055; 1932 Code Section 2055; Civ. C. '22 Section 17; Civ. C. '12 Section 17; Civ. C. '02 Section 15; G. S. 14; R. S. 14; 1893 (21) 184; 1961 (52) 272.

**SECTION 2‑3‑45.** Postage and telephone allocation; using unused funds in other category.

 Notwithstanding another provision of law, a member of the House of Representatives who does not use all of his annual allocation for postage or telephone expenses may use the remaining funds in one category in the other category during that year.

HISTORY: 2002 Act No. 356, Section 1, Part VI.L.

**SECTION 2‑3‑50.** Stationery for each house.

 The clerks of the Senate and of the House of Representatives shall each furnish for his house for its use and for the use of its several committees, such stationery as may be necessary for each session.

HISTORY: 1962 Code Section 30‑53; 1952 Code Section 30‑54; 1942 Code Section 2056; 1932 Code Section 2056; Civ. C. '22 Section 18; Civ. C. '12 Section 18; Civ. C. '02 Section 16; G. S. 15; R. S. 15; 1893 (21) 234; 1961 (52) 272.

**SECTION 2‑3‑60.** Supplies and equipment for Speaker of House and President of Senate.

 The clerk of the House, upon the request of the Speaker of the House of Representatives, shall furnish for his office such supplies and equipment as are requested by the Speaker, and the clerk of the Senate, upon the request of the President of the Senate, shall furnish for his office such supplies and equipment as are requested by the President.

HISTORY: 1962 Code Section 30‑54.1; 1967 (55) 719.

**SECTION 2‑3‑65.** Preparation of payment and expense vouchers for General Assembly; warrants for necessary extra clerical services.

 (A) All vouchers for the payment of the expenses or compensation, or both, of the General Assembly must be prepared by the clerks of the two houses of the General Assembly.

 (B) The clerks of the two houses and the Legislative Council may issue their warrants on approved accounts for necessary extra clerical or other services with the approval of: (a) the Speaker on behalf of the House of Representatives; (b) the President of the Senate on behalf of the Senate; and (c) the executive director of the Legislative Council on behalf of the Legislative Council.

HISTORY: 2002 Act No. 356, Section 1, Part VI.B.

**SECTION 2‑3‑67.** Installation of telephone service for use by General Assembly membership.

 The clerks of the Senate and the House, with the approval of the Senate Operations and Management Committee and the Speaker of the House, respectively, shall have installed an appropriate telephone service for use of the membership and presiding officers of the two houses of the General Assembly.

HISTORY: 2002 Act No. 356, Section 1, Part VI.C.

**SECTION 2‑3‑70.** Purchase of supplies and equipment for General Assembly.

 Except as provided for in Section 2‑3‑110, all supplies and equipment for use of the General Assembly shall be purchased only upon authority of either the Clerk of the Senate, Clerk of the House or the Legislative Council for the respective branches of the General Assembly, and that a copy of such written authority shall be attached to all warrants in payment thereof before such warrants are honored by the Comptroller General.

HISTORY: 1962 Code Section 30‑54.2; 1971 (57) 709.

**SECTION 2‑3‑75.** Office of Legislative Printing, Information and Technology Systems; creation and administration.

 The Office of Legislative Printing, Information and Technology Systems (LPITS) is established under the joint direction and management of the Clerk of the Senate and the Clerk of the House. The clerks shall employ a director to carry out the business of the office, who shall have authority to hire and discharge staff with the approval of the clerks, with funds as may be authorized by the General Assembly. The Office of Legislative Printing, Information and Technology Systems has the following authority and duties:

 (1) The Office of Legislative Printing, Information and Technology Systems shall provide printing and technical services to the House of Representatives, the Senate, the Legislative Council, and the Code Commissioner. The director of LPITS, with the approval of the clerks shall contract for all legislative printing requirements not otherwise provided for by law. LPITS shall also contract for the printing requirements of the Code Commissioner as contained in Section 2‑13‑60(4).

 (2) Any materials which have been printed or paid for under the LPITS printing contract may be sold to other state agencies and private persons. All funds received for this service must be deposited in the state treasury to the credit of the general fund of the State. Before any funds are paid into the state treasury, all necessary expenses incurred by the Office of LPITS in the production and distribution of materials in accordance with this section may be first deducted and retained by the Office of LPITS. Payment for these expenses may be made on order of the Director of Legislative Printing, Information and Technology Systems and approval of the Clerks of the House and Senate.

 (3) Legislative Printing, Information and Technology Systems may sell by means of electronic transmission or by other means as it considers appropriate any legislative document or report which may be obtained under the provisions of Chapter 4 of Title 30 of the 1976 Code. This sale is with the approval of the Clerks of the House and Senate upon their prior consultation with the Speaker of the House and the President Pro Tempore of the Senate.

HISTORY: 1985 Act No. 201, Part II, Section 81A; 1987 Act No. 194, Section 4; 2002 Act No. 333, Section 2; 2002 Act No. 356, Section 1, Part VI.P(2).

**SECTION 2‑3‑80.** Election of clerks of Senate and House of Representatives.

 The Senate and House of Representatives, immediately after assembling in the session following a general election, shall each proceed to the election of a clerk, to be known as the clerk of the Senate and the clerk of the House of Representatives, respectively.

HISTORY: 1962 Code Section 30‑55; 1952 Code Section 30‑55; 1942 Code Section 2057; 1932 Code Section 2057; Civ. C. '22 Section 20; Civ. C. '12 Section 20; Civ. C. '02 Section 18; G. S. 17; R. S. 17; 1877 (16) 294; 1890 (20) 661; 1893 (21) 417, 418.

**SECTION 2‑3‑90.** Election of reading clerks, sergeants at arms, and assistant sergeants at arms.

 The Senate and House of Representatives shall also, at the same time, each for itself elect a reading clerk, a sergeant at arms, and an assistant sergeant at arms. Should a vacancy occur in the sergeant at arms or assistant sergeant at arms while the General Assembly is not in session, the Lieutenant Governor or the Speaker of the House is authorized to appoint for their respective Houses a sergeant at arms or assistant sergeant at arms until the convening of the next General Assembly.

HISTORY: 1962 Code Section 30‑56; 1952 Code Section 30‑56; 1942 Code Section 2057; 1932 Code Section 2057; Civ. C. '22 Section 20; Civ. C. '12 Section 20; Civ. C. '02 Section 18; G. S. 17; R. S. 17; 1877 (16) 294; 1890 (20) 661; 1893 (21) 417, 418; 1972 (57) 3013.

**SECTION 2‑3‑100.** Duties of sergeants at arms.

 The sergeant at arms of the Senate and the sergeant at arms of the House of Representatives shall take exclusive care and charge of the Senate chamber and the hall of the House of Representatives and the committee rooms, respectively, and be held responsible for their keeping and the keeping and protection of the furniture and furnishings belonging to them, packing such as may need packing and inspecting and caring for them during the recess of the General Assembly. The sergeant at arms of both houses shall employ such laborers and help as may be necessary to carry out the provisions of this section.

HISTORY: 1962 Code Section 30‑57; 1952 Code Section 30‑57; 1942 Code Section 2068; 1932 Code Section 2068; Civ. C. '22 Section 31; Civ. C. '12 Section 31; 1907 (25) 651; 1922 (32) 1287; 1931 (37) 160; 1951 (47) 506; 1961 (52) 270; 1967 (55) 719.

**SECTION 2‑3‑105.** Duties of Sergeants at Arms and Directors of Security.

 (A) The duties of the Sergeants at Arms and Directors of Security of the respective Houses or the Assistant Sergeant at Arms, or both, are:

 (1) as provided by law;

 (2) as provided by the Rules of the respective Houses;

 (3) the security of personnel and property of the respective Houses; and

 (4) those designated by the President Pro Tempore of the Senate or the Speaker of the House of Representatives.

 (B) The Sergeants at Arms and Directors of Security of the respective Houses or the Assistant Sergeant at Arms, or both, shall meet and escort visitors in and about their respective bodies and must be, during the hours of duty, dressed in a distinctive manner, so as to be easily identified as Sergeants at Arms and Directors of Security of the respective Houses.

HISTORY: 2002 Act No. 356, Section 1, Part VI.E.

**SECTION 2‑3‑110.** Speaker designated as department head and chief administrative officer of House; supplies and equipment for Speaker and standing committees.

 The Speaker is hereby designated as the department head and chief administrative officer of the House of Representatives. He is authorized to furnish his office and those of the various standing committees of the House with such supplies and equipment as he deems necessary to be paid for from the approved accounts of the House.

HISTORY: 1962 Code Section 30‑58; 1971 (57) 709.

**SECTION 2‑3‑120.** Election of chaplains.

 The Senate and House of Representatives shall each elect, on the first day of the session of each General Assembly, a chaplain, who shall serve as such officer during the sessions.

HISTORY: 1962 Code Section 30‑59; 1952 Code Section 30‑59; 1942 Code Section 2057; 1932 Code Section 2057; Civ. C. '22 Section 20; Civ. C. '12 Section 20; Civ. C. '02 Section 18; G. S. 17; R. S. 17; 1877 (16) 294; 1890 (20) 661; 1893 (21) 417, 418; 1961 (52) 254.

**SECTION 2‑3‑130.** Appointment of other officers and employees of the Senate.

 There shall be appointed at the commencement of the first session of every term of the General Assembly for the Senate:

 (1) By the presiding officer of the Senate the secretary to the president, the secretary between sessions, the pages, the postmistress, a telephone page, three doorkeepers and a keeper of the president's office;

 (2) By the clerk of the Senate an assistant clerk, the general desk clerks, the bill clerks, the journal clerks, the general committee clerks, the committee sergeant, the amendment clerks, the assistant amendment clerks, the attendants and the laborers;

 (3) By the chairman of the finance committee two stenographers, a clerk and a keeper of the finance committee room;

 (4) By the chairman of the judiciary committee the stenographers and a keeper of the judiciary committee room; and

 (5) By the chairman of other committees the general committee stenographers as specified in the general appropriation bill.

HISTORY: 1962 Code Section 30‑60; 1952 Code Section 30‑60; 1942 Code Section 2058; 1932 Code Section 2058; Civ. C. '22 Section 21; Civ. C. '12 Section 21; Civ. C. '02 Section 19; 1920 (31) 766; 1935 (39) 461; 1961 (52) 270.

**SECTION 2‑3‑140.** Appointment of other officers and employees of the House.

 The clerk of the House of Representatives shall appoint all of the clerical and stenographic help in the House and in addition thereto shall be authorized to employ one porter. The sergeant at arms of the House shall appoint one porter. The Speaker of the House shall appoint the staff personnel of the various standing committees, the secretary to the Speaker, the amendment clerks and all other employees of the House of Representatives.

HISTORY: 1962 Code Section 30‑61; 1952 Code Section 30‑61; 1942 Code Section 2058; 1932 Code Section 2058; Civ. C. '22 Section 21; Civ. C. '12 Section 21; Civ. C. '02 Section 19; 1920 (31) 766; 1935 (39) 461; 1961 (52) 270; 1971 (57) 709.

**SECTION 2‑3‑150.** Additional employees for office of Speaker of House.

 The Speaker of the House of Representatives shall have authority to employ such additional employees, not in excess of two, as he deems necessary for the proper operation of his office and upon his approval their salaries as set by him shall be paid from the approved accounts of the House.

HISTORY: 1962 Code Section 30‑62; 1964 (53) 2307.

**SECTION 2‑3‑155.** Appointment of Executive Director of Research and Directors of Research for each standing committee; funding of research assistants.

 (A) The Speaker of the House of Representatives shall appoint the Executive Director of Research. The Speaker, with the advice and consent of the individual committee chairmen, shall appoint the Director of Research for each standing committee.

 (B) Necessary temporary or permanent research assistants for the House of Representatives must be paid from approved accounts of the House of Representatives upon the approval of the Speaker with the advice and consent of the applicable standing committee chairman. The Speaker may adjust salary levels of House employees using funds carried forward from the research assistant accounts.

HISTORY: 2002 Act No. 356, Section 1, Part VI.D.

**SECTION 2‑3‑160.** Employees shall be designated as temporary or full time in budget requests.

 When either the House of Representatives or the Senate submits its annual budget requests all employees shall be designated as temporary or full time and the compensation of all full‑time employees shall be shown as a line item.

HISTORY: 1962 Code Section 30‑63; 1967 (55) 719.

**SECTION 2‑3‑170.** Compensation of officers and employees; pay increases.

 (A) All persons elected or appointed under the provisions of this chapter shall receive such compensation as the General Assembly shall determine.

 (B) Notwithstanding any other law, the Speaker must authorize and allocate any base pay increase, merit pay, or bonus among the staff of the House of Representatives in the manner the Speaker determines after consultation with the Operations and Management Committee and chairmen of the standing committees of the House.

HISTORY: 1962 Code Section 30‑64; 1952 Code Section 30‑64; 1942 Code Section 2062; 1932 Code Section 2062; Civ. C. '22 Section 25; Civ. C. '12 Section 25; Civ. C. '02 Section 23; G. S. 23; R. S. 23; 1877 (16) 294; 1951 (47) 506; 1961 (52) 254; 1967 (55) 719; 1968 (55) 2855; 2002 Act No. 356, Section 1, Part VI.M.

**SECTION 2‑3‑175.** Outside employment.

 Full‑time employees of the House of Representatives and the Senate are prohibited from outside employment during normal working hours, except with the permission of an employee's department head, and annual leave must be taken for any approved outside employment.

HISTORY: 2002 Act No. 356, Section 1, Part VI.J.

**SECTION 2‑3‑180.** Lists of appointments shall be filed with Treasurer.

 All officers making any of the appointments provided for in this chapter shall forthwith, when each appointment is made, furnish correct lists thereof to the clerks of the two houses respectively and copies of such lists, together with a list of the officers or attaches elected by the two houses, shall be filed by said clerks with the State Treasurer.

HISTORY: 1962 Code Section 30‑65; 1952 Code Section 30‑65; 1942 Code Section 2063; 1932 Code Section 2063; Civ. C. '22 Section 26; Civ. C. '12 Section 26; Civ. C. '02 Section 24; G. S. 24; R. S. 24; 1877 (16) 294.

**SECTION 2‑3‑190.** Qualification for appointment of officers and employees.

 No person holding or exercising the duties of any office in this State and no person not a permanent resident of this State shall be eligible to election or appointment to any of the offices or positions provided for in this chapter.

HISTORY: 1962 Code Section 30‑66; 1952 Code Section 30‑66; 1942 Code Section 2061; 1932 Code Section 2061; Civ. C. '22 Section 24; Civ. C. '12 Section 24; Civ. C. '02 Section 22; G. S. 22; R. S. 22; 1877 (16) 294.

**SECTION 2‑3‑200.** Pay certificates for members.

 The clerks of the Senate and House of Representatives shall furnish each member of their respective bodies a pay certificate for the amount of his mileage and compensation, to include such dates as the General Assembly shall, by concurrent resolution, direct.

HISTORY: 1962 Code Section 30‑67; 1952 Code Section 30‑67; 1942 Code Section 2064; 1932 Code Section 2064; Civ. C. '22 Section 27; Civ. C. '12 Section 27; Civ. C. '02 Section 25; G. S. 25; R. S. 25.

**SECTION 2‑3‑210.** Certification and attestation of pay certificates.

 Such certificates shall be certified by the President of the Senate and attested by the clerk of the Senate for all members of that body and by the Speaker of the House of Representatives and the clerk of the House for all members of that body.

HISTORY: 1962 Code Section 30‑68; 1952 Code Section 30‑68; 1942 Code Section 2065; 1932 Code Section 2065; Civ. C. '22 Section 28; Civ. C. '12 Section 28; Civ. C. '02 Section 26; G. S. 26; R. S. 26; 1869 (14) 310.

**SECTION 2‑3‑220.** Pay certificates of officers and employees.

 The subordinate officers and employees of the General Assembly shall, in like manner, be furnished with certificates of pay in such amounts as shall be fixed by that branch of the General Assembly to which such officers and employees shall respectively belong except that the pay certificates for services common to the two houses shall be signed by the President of the Senate and countersigned by the Speaker of the House of Representatives.

HISTORY: 1962 Code Section 30‑69; 1952 Code Section 30‑69; 1942 Code Section 2066; 1932 Code Section 2066; Civ. C. '22 Section 29; Civ. C. '12 Section 29; Civ. C. '02 Section 27; G. S. 27; R. S. 27; 1869 (14) 310.

**SECTION 2‑3‑225.** Reimbursement of travel and other expenses.

 The Speaker of the House is authorized to reimburse travel and other expenses incurred by employees of the House of Representatives for official business in accordance with applicable policies and regulations.

HISTORY: 2002 Act No. 356, Section 1, Part VI.A.

**SECTION 2‑3‑235.** State House and L. Marion Gressette Senate Office Building nursing staff; annual leave; health and accident insurance coverage.

 Nursing personnel employed to staff the Nursing Stations in the State House and in the L. Marion Gressette Senate Office Building shall accrue annual leave and receive the same annual leave allowance and receive the same basic health and accident insurance coverage as is provided pursuant to law to other state employees.

HISTORY: 2002 Act No. 356, Section 1, Part VI.G.