

The State of South Carolina



Office of the Attorney General

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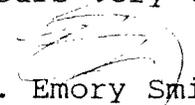
Fred R. Sheheen, Commissioner
S.C. Commission on Higher Education
1333 Main Street, Suite 300
Columbia, SC 29201

Dear Fred:

I am writing to confirm our telephone conversation today concerning John Smalls' request that this Office review its Opinion of July 25, 1984, concerning provision of free tuition to persons sixty years old. The Opinion addressed the proviso that "...neither such persons nor their spouses receive compensation as full-time employees", therein. The Opinion concluded that "...a reasonable interpretation of the proviso in question is that it is limited to the employees of the employing institutions, [but that] sound arguments can be made for a different conclusion [and that] clarification by a declaratory judgment action or legislative action may be desirable." This Office continues to be guided by a prior Opinion unless the prior Opinion "is clearly erroneous or the applicable law has changed." (Ops. Atty. Gen. October 3, 1986). Therefore, if you would like further clarification of the matter, legislative action may be desirable.

If you have any questions, please let me know.

Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

JESjr/jps

REVIEWED AND APPROVED BY:


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