

1981 WL 157847 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 2, 1981

*1 Colonel W. C. Gibbons, Jr.
Acting Vice President for Financial Management
The Citadel
Charleston, South Carolina 29409

Dear Colonel Gibbons:

[Section 59-111-10 of the South Carolina Code](#) of Laws (1976) establishes a four-year scholarship at the state-supported institution of his choice for the winner of an essay contest sponsored by the Governor's Committee on the Employment of the Physically Handicapped. That statute expressly directs that '[t]he scholarship shall provide free tuition and fees.'

You have requested that we advise you as to whether or not expenses for auxiliary services at The Citadel, *i.e.*, charges for laundry, room, board, and the like, are included within the term 'tuition and fees' as those terms are used in [Section 59-111-10](#). We do not believe that they are.

Because [Section 59-111-10](#) does not define either the term 'tuition' or 'fees,' each term must be accorded its commonly understood meaning. [Bohlen v. Allen](#), 228 S.C. 135, 89 S.E.2d 99, 82 C.J.S. Statutes § 329 at 639; 1971 Op.Atty.Gen. No. 3068 at 6-7. The word 'tuition' means 'a charge made for instruction.' [Linton v. Lucy Cobb Institute](#), 117 Ga. 678, 45 S.E. 53; 1970 Op.Atty.Gen. No. 2891 at 133. On the other hand, the word 'fee,' a broader and more general term, means a payment for a service done or to be done [[Aiken Mills v. U.S.](#), 53 F.Supp. 524; *see also*, WEBSTER'S THIRD INTERNATIONAL DICTIONARY, *Fee* at 833] or a charge imposed to defray a cost of a particular service. [Nitkin v. Administrator of Health Services Administration](#), 67 Misc.2d 716, 399 N.Y.2d 162.

Ordinarily, in construing a statute, where a general word in a statute follows a particular word, the meaning of the general word will usually be presumed to include only those things that are of the same kind, class, character, or nature as the particular word. 76 AM.JUR.2d [Statutes](#) § 214 at 407-408. Here, the general word 'fees,' since it follows the specific word 'tuition,' should be presumed, then, to include only those charges of the same character as are included within the term 'tuition.' As used within [Section 59-111-10](#), therefore, the phrase 'free tuition and fees,' means, in our view, that there shall be no charge made by an institution either for instruction or for the costs which the institution incurs in providing instruction to the scholarship recipient. The phrase would not embrace, therefore, charges not directly related to the costs of instruction. Expenses that are associated with a student's support, maintenance, and welfare, such as charges for room, board, telephone, clothing, health care, transportation, and insurance, need not be assumed by the institution which the scholarship winner elects to attend whether it be The Citadel or some other South Carolina college or university.

Moreover, had the General Assembly intended that the scholarship winner be entitled to attend The Citadel or any other state-supported institution of higher learning 'expense free' or 'free from all charges' it would have expressly provided that the scholarship include 'free tuition, fees, and expenses' or that the scholarship cover 'all costs.' Because the expression of one thing in a statute ordinarily implies the exclusion of another [73 AM.JUR.2d [Statutes](#) § 211 at 405], we believe that the General Assembly, in expressly providing for 'free tuition and fees' meant to exclude expenses or charges associated with a student's support, maintenance, and welfare while attending college. *Cf.*, Letter from Richard B. Kale, Jr. to T. Eston Marchant (September 22, 1980) (attached).

Best wishes,

*2 C. Tolbert Goolsby, Jr.
Deputy Attorney General

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