

1981 S.C. Op. Atty. Gen. 14 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-8, 1981 WL 96535

Office of the Attorney General

State of South Carolina

Opinion No. 81-8

January 30, 1981

*1 Honorable Eugene C. Stoddard
Chairman
Education and Public Works Committee
House of Representatives
P. O. Box 11867
Columbia, South Carolina 29211

Dear Mr. Stoddard:

Your letter of January 28, 1981, presents the following question with reference to Act 410 of 1978, now codified as Sections 59–103–5, et seq., Code of Laws, 1976, as amended.

Your question relates specifically to the problem that may be presented should the Higher Education Commission terminate its program at one of the colleges or universities. In such circumstances, the statute provides that the university may appeal the Commission's recommendation to the Senate Education Committee and the House Education and Public Works Committee. Section 59–103–35 provides, in part:

'If the Committees concur in the recommendation for termination, the program will be terminated at a time to be determined by the Commission.'

Your question concerns whether concurrence of both committees is necessary in order to effect termination of a program.

In my opinion, the statute clearly requires that the concurrence of both committees must be obtained before termination may be made; if one committee concurs with the Commission on Higher Education but the other committee does not concur, then the program in question may not be terminated under the precise terms of the statute.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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