

1980 WL 121082 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 7, 1980

*1 George H. Pretty, III, Esquire
University Counsel
Medical University of South Carolina
171 Ashley Avenue
Charleston, South Carolina 29403

Dear Mr. Pretty:

Your letter of February 13, 1980, to Frank Sloan of this Office has been forwarded to me for reply. You have asked whether the Charleston Higher Education Consortium is a State agency and as such is subject to State Budget and Control Board rules and regulations.

The Consortium was created by Part II, Section 24 of the General Appropriations Act, Permanent Provisions, adopted by the South Carolina General Assembly on June 24, 1969. Its purpose, according to the Act, is ' . . . to provide a coordinated working relationship involving the College of Charleston, the Medical University of South Carolina (the present Medical College of South Carolina) and The Citadel for the purpose of broadening course offerings at minimum costs.' The membership of the Consortium presently consists of five state agencies and institutions and one private institution. Contributions from the General Assembly and each of the member institutions and agencies fund the staff personnel and programs of the Consortium.

The 1979-1980 Appropriations Act, § 119, contains the most recent contribution by the General Assembly to the Consortium; that amount is \$17,000. Section 119 contains 57 items; except for the Consortium, there is not a single entity among the other 56 which could reasonably be argued to be any sort of State agency. While the question as to the status of the Consortium is a close one, because at least part of the services provided by it seem to necessarily be funded by State agencies or institutions, nevertheless the treatment of the Consortium by the General Assembly in including it among its roster of non-state entities seems to be the best indication of the intent of the General Assembly in this matter. This is further shown by the inclusion of the Baptist College of Charleston, a private institution. For these reasons, it is the opinion of this Office that the Charleston Higher Education Consortium is not a State agency.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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