

1980 WL 120732 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 20, 1980

\*1 Honorable Edgar A. Vaughn, Jr.  
State Auditor  
Post Office Box 11333  
Columbia, South Carolina 29211

Dear Mr. Vaughn:

This will reply to your letter of June 11, 1980, inquiring whether the College of Charleston may supplement the cost of dormitory operation with tuition fees, and the further question whether such supplements are proper in light of Section 125 of the Appropriations Act of 1979 which requires that dormitory operations must be self-supporting.

It is the opinion of this Office that the proviso to Section 20, Part, I, of the 1979 Act, which provides that the College of Charleston may use tuition revenue for general operating purposes of the college does not override Section 125 of the Act. That Section specifically provides that fees for dormitory rental would be sufficient to cover the cost of providing such facilities and services, and only the Medical University is exempted from the requirement. This general proviso of the Act is controlling over special provisos in prior sections. The exclusion of the Medical University in Section 125 must be construed to mean that no other State institution of higher learning is excluded.

The result is that tuition fees at the College of Charleston may be used for general operating purposes; but that the dormitories must be self-supporting, since the proviso in Section 20 does not relieve the College of Charleston of the obligation to see that the dormitories are self-supporting.

We invite your attention to the additional matter that the customary proviso in Section 20 was omitted (apparently through error) from the Appropriations Act of 1978. Therefore, for that year, the supplementing of the cost of dormitory operations from tuition revenue in that year would be improper in any event.

Sincerely,

Frank K. Sloan  
Deputy Attorney General

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