

1980 WL 120858 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 8, 1980

*1 Lee M. Thomas
Director
Division of Public Safety Programs
Edgar A. Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Thomas:

You have requested an opinion as to which, if any, state-supported universities and colleges constitute state agencies or political subdivisions for the purposes of [23 U.S.C. § 402](#). There are a number of state-supported colleges and institutions in this State with means of governance sufficiently similar that they can be discussed together. Each such college is governed by a board of trustees which is elected by the General Assembly. The property of such colleges, although in the larger sense owned by the State, is controlled by the respective boards of trustees pursuant to the various statutes by which the General Assembly has delegated such powers to the boards. Each board is by statute made a body corporate and politic with perpetual succession and a common seal.

It appears from the above facts that the state-supported institutions of higher education listed below are bodies corporate owned and operated by the State of South Carolina and are therefore agencies of the State of South Carolina for purposes of funding under [23 U.S.C. § 402](#).

The state-supported institutions of higher learning which are governed as described above are the University of South Carolina, Clemson University, The Citadel, The Medical University of South Carolina, Winthrop College, South Carolina State College, Francis Marion College, Lander College, The College of Charleston and technical education colleges and centers (see [§ 59-107-10, 1976 Code of Laws of South Carolina](#)). The governing boards for these colleges and institutions are created by various chapters of Title 59 of the 1976 Code of Laws.

Please let me know if I can be of further assistance.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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