

1973 WL 26616 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 15, 1973

*1 James R. Michael
South Carolina Commission on Higher Education
1429 Senate Street
Columbia, South Carolina 29201

Dear Mr. Michael:

This will acknowledge receipt of your letter concerning an inconsistency in Section 2 and Section 8 of Act No. 1268 of 1972.

From looking at the provisions of Act No. 1268 of 1972 and Act No. 353 of 1969, it appears that there is no real inconsistency. Section 2, Act No. 1268 of 1972 says that the State Board for Technical and Comprehensive Education shall have jurisdiction over all two-year, state-supported, post secondary institutions presently existing as well as created in the future. The latter part of that section merely leaves the control of branches or centers of the University of South Carolina and Clemson under the board of trustees as the case may be.

Section 8 of Act No. 1268 merely states that should a four year institution be created under that Act then it will be under the control of the State College Board of Trustees. This is consistent with Act No. 353 of 1972.

It is therefore my opinion that if a four-year institution is created under Section 2 other than a branch or center of USC or Clemson, it is under the jurisdiction of the State College Board of Trustees.

I hope this information will be of assistance to you.

Sincerely,

Kenneth W. Fish
Law Clerk

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