

1973 WL 27057 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 16, 1973

**\*1 re: No. 336—Universities and Colleges**

Mr. Frank E. Kinard  
S. C. Commission on Higher Education  
Rutledge Building  
Columbia, South Carolina 29201

Dear Mr. Kinard:

You have requested that we advise you as to whether or not there exists in this State a statute requiring State universities and colleges to charge non-residents out-of-state tuition. As we construe Section 2-2.2 of the Cumulative Supplement of the South Carolina Code of Laws, State universities and colleges are required to make some distinction in the amounts which resident and non-resident students must pay as tuition. There is, then, at least an implied requirement that non-residents attending this State's universities and colleges pay what might be termed an 'out-of-state' tuition.

You have also requested that we advise you as to the proper State official that should sign a proposed agreement establishing an Academic Common Market. Presuming that the appropriate legislation is obtained authorizing the implementation of the aforementioned agreement (see, letter from Hardwick Stuart to James R. Michael, May 17, 1973), it should be signed by the official or officials designated by the General Assembly in the enabling legislation. Cf. 81 C.J.S. State § 10 at 905.

Sincerely,

C. Tolbert Goolsby, Jr.  
Deputy Attorney General

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