

1972 WL 25207 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 11, 1972

*1 The Honorable J. C. Duncan
Member
House of Representatives
Spartanburg County
Route 1
Lyman, South Carolina

Dear Mr. Duncan:

I am sorry that an answer has not been heretofore forwarded to you concerning the alteration of the Spartanburg campus of the two-year college established and so as to make this institution a four-year college.

Apparently, this action would necessitate an amendment of Section 21-4041 of the Code of Laws, 1962, which creates the Spartanburg County Commission for Higher Education and authorizes it to establish an institution in Spartanburg County offering freshman and sophomore college courses, and such other courses as deemed desirable. It is questionable whether this would authorize the Commission to create course leading beyond the freshman and sophomore years, but if the act is construed to create this authority, the addition of two additional years would, in my opinion, require consideration of Section 22-611 of the Code of Laws, Supp., which creates the State College Board of Trustees, and vests it with authority over Francis Marion college at Florence and of any four-year State-supported college created hereafter in this State.

The school at Spartanburg is apparently not a State-supported college but operates under a contract with the University of South Carolina.

It is my opinion that the State College Board of Trustees would not have any jurisdiction over the Spartanburg institution unless and until it becomes a State-supported institution, but that the act concerning the Spartanburg County Commission for Higher Education would have to be amended to make it clear that a four-year college could be operated in Spartanburg County. It is doubtful if the present statute now permits this.

I appreciate your kind consideration of the lateness of this response.

With all best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

1972 WL 25207 (S.C.A.G.)

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.