CHAPTER 111

Scholarships

ARTICLE 1

General Provisions

**SECTION 59‑111‑10.** Scholarship for winner of essay contest sponsored by Governor’s Committee on Employment of Physically Handicapped.

 Each year the first place winner of the essay contest sponsored by the Governor’s Committee on the Employment of the Physically Handicapped shall receive a four‑year scholarship from the State‑supported institution of his choice, provided he is otherwise qualified. The scholarship shall be granted by the governing body of the particular institution upon certification by the Governor’s Committee of the first‑place winner and that the winner is in financial need. The scholarship shall provide free tuition and fees, and may be cancelled if a recipient does not maintain general scholastic and conduct standards established by the institution.

HISTORY: 1962 Code Section 22‑55; 1960 (51) 2084; 1961 (52) 91.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

**SECTION 59‑111‑15.** Tuition assistance for permanent faculty and staff.

 State‑supported colleges or universities and state‑supported post‑high school vocational or technical colleges are authorized to provide assistance for educational expenses, including the payment, reimbursement, or remission of tuition or fees, to its permanent faculty and staff. The assistance authorized by this section is not considered a perquisite of office or employment. Permanent faculty and staff are not entitled to assistance provided in this section for more than four credit hours a semester. The credit hours generated by individuals receiving assistance under this section may not be used in computing the higher education funding formula and may not have an impact on the level of funding an institution receives.

HISTORY: 1992 Act No. 373, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

**SECTION 59‑111‑20.** Free tuition for certain veterans’ children.

 (A) A child of a wartime veteran, upon application to and approval by the South Carolina Department of Veterans Affairs, may be admitted to any state‑supported college, university, or post high school technical education institution free of tuition so long as his work and conduct is satisfactory to the governing body of the institution, if the veteran was a resident of this State at the time of entry into service and during service or has been a resident of this State for at least one year and still resides in this State or, if the veteran is deceased, resided in this State for one year before his death, and provided the veteran served honorably in a branch of the military service of the United States during a war period, as those periods are defined by Section 101 of Title 38 of the United States Code and:

 (1) was killed in action;

 (2) died from other causes while in the service;

 (3) died of disease or disability resulting from service;

 (4) was a prisoner of war as defined by Congress or Presidential proclamation during such war period;

 (5) is permanently and totally disabled, as determined by the Veterans Administration from any cause;

 (6) has been awarded the Congressional Medal of Honor;

 (7) is missing in action;

 (8) the applicant is the child of a deceased veteran who qualified under items (4) and (5); or

 (9) has been awarded the Purple Heart for wounds received in combat.”

 (B) The provisions of this section apply to a child of a veteran who meets the residency requirements of Chapter 112 of this title, is twenty‑six years of age or younger, and is pursuing any type of undergraduate degree.

HISTORY: 1962 Code Section 22‑56; 1952 Code Section 22‑56; 1942 Code Section 5711; 1932 Code Section 5711; 1930 (36) 1287; 1938 (40) 1882; 1940 (41) 1911; 1941 (42) 148; 1947 (45) 41; 1965 (54) 330; 1968 (55) 2821; 1969 (56) 126; 1972 (57) 2163; 1974 (58) 2077; 1976 Act No. 727, Section 1; 1978 Act No. 445, Section 1; 1993 Act No. 151, Section 1; 2001 Act No. 39, Section 2.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

Attorney General’s Opinions

Veterans must be rated by the Veterans’ Administration as permanently and totally disabled in order for their children to qualify for free tuition benefits. 1978 Op Atty Gen, No 78‑213, p 245.

Section 22‑56, S. C. Code (1962), as amended [Code 1976 Section 59‑111‑20] requires a veteran to have been a resident of South Carolina both at the time of entry into service and during service in order for his child to be entitled to free tuition at State‑supported schools. 1974‑75 Op Atty Gen, No 4125, p 196.

The post high school technical education benefits provided by this section [Code 1962 Section 22‑56] are not limited to children of Vietnam War veterans but extend to eligible children of all veterans provided for in this section [Code 1962 Section 22‑56]. 1971‑72 Op Atty Gen, No 3332, p 163.

Where veteran’s children are residents of other states. Those who are entitled to the benefits of this section [Code 1962 Section 22‑56] and are residents of other states may attend a state‑supported college or university in this State without having to pay “out‑of‑state tuition.” 1969‑70 Op Atty Gen, No 2892, p 132.

**SECTION 59‑111‑25.** Scholarships exempted from mid‑year budget reduction.

 If a mid‑year budget reduction is imposed by the General Assembly or the State Executive Budget Office, the Commission on Higher Education appropriations for the LIFE Scholarship, need‑based Grants, and the Palmetto Fellows Scholarship are exempt.

HISTORY: 2008 Act No. 353, Section 2, Pt 1.D, eff July 1, 2009.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

**SECTION 59‑111‑30.** South Carolina defense scholarship fund.

 The South Carolina defense scholarship fund is hereby created for which the sum of one hundred twenty thousand dollars is hereby appropriated from the general fund for the fiscal year 1962‑1963. Additional appropriations to the fund may be made in annual general appropriation acts. The State Fiscal Accountability Authority shall administer the fund and shall allocate to State‑supported institutions of higher learning which have elected to make loans to students under the provisions of subchapter II of chapter 17 of Title 20, United States Code, Annotated, their equitable share of the funds appropriated, so as to enable the institutions to contribute to the fund created as required by Federal law, a sum equal to one ninth of the total Federal capital contributed. The allocations made to institutions of higher learning shall be deemed loans by the State to the institutions and payment on the loans shall be made as directed by the State Fiscal Accountability Authority. Interest on the loans shall not exceed three per cent per annum.

 Appropriations to the South Carolina defense scholarship fund may also be used for participation as loan guarantees provided under the college reserve program of the United Student Aid Funds, Incorporated.

HISTORY: 1962 Code Section 22‑57; 1962 (52) 1979; 1964 (53) 2307.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

**SECTION 59‑111‑40.** Provisions creating South Carolina defense scholarship fund applicable to students and institutions qualifying under Health Professions Educational Assistance Act of 1963 and Nurse Training Act of 1964.

 The provisions of Section 59‑111‑30 shall apply to students and institutions of higher learning which otherwise qualify under the Health Professions Educational Assistance Act of 1963 (P.L. 88‑129) and the Nurse Training Act of 1964 (P.L. 88‑851).

HISTORY: 1962 Code Section 22‑58; 1965 (54) 717.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

**SECTION 59‑111‑50.** Persons defaulting on certain student loans precluded from employment by State.

 No person who has wilfully defaulted on a National Direct Student Loan, a National Defense Student Loan, a Guaranteed‑Federally Insured Student Loan, a Nursing Student Loan, a Health Professions Student Loan or a Law Enforcement Educational Loan shall now or hereafter be employed by the State or any of its departments, agencies or subdivisions until all defaults are cured and loan payments made current; provided, however, that if such person and his lender voluntarily enter into an agreement after default under which terms the debt will be repaid and the lender confirms this agreement in writing with the state agency, department or subdivision, the loan shall not be considered in default and the default shall be considered as cured so long as the person complies with the terms of the agreement.

HISTORY: 1980 Act No. 375, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25(2).

Westlaw Key Number Search: 81k9.25(2).

C.J.S. Colleges and Universities Section 34.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 22, Discipline Matters.

**SECTION 59‑111‑60.** Scholarship, free tuition, and other financial assistance for trustee or member of immediate family prohibited; exceptions.

 (A) No person who is a member of the board of trustees or other governing body of a state institution as defined in Section 59‑112‑10 or member of his immediate family may receive a scholarship, free tuition, or other financial assistance except as provided in subsection (B).

 “Immediate family” includes the spouse, natural or adoptive child, stepchild, or legal dependent.

 (B) Nothing in subsection (A) prohibits a person from obtaining a scholarship, free tuition, or other financial assistance based on criteria applicable to all persons eligible for scholarships, free tuition, or other financial assistance.

HISTORY: 1992 Act No. 325, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

**SECTION 59‑111‑75.** College loan program for National Guard members.

 (A) The Commission on Higher Education, in consultation with the staff of the South Carolina Student Loan Corporation, shall develop a loan repayment program through which talented and qualified state residents may attend state public or private colleges and universities for the purpose of providing incentives for enlisting or remaining in the South Carolina National Guard in areas of critical need. Areas of critical need must be defined annually for that purpose by the Commission on Higher Education in consultation with the State Adjutant General. The Commission on Higher Education shall promulgate appropriate regulations to set forth the terms of the loan repayment program. The regulations must define limitations on monetary repayment amounts, successful participation within the National Guard, successful school matriculation, and other requirements for participation in the loan repayment program. In case of failure to complete the term of enlistment, failure to participate successfully in the National Guard, noncompliance by a borrower with the terms of the loan, or failure to comply with regulations of the program, the borrowers participation in the loan repayment program may be terminated and the borrower remains subject to those provisions as provided in the loan documents. The borrower shall execute the necessary legal documents to reflect his obligation to the lending entity and the terms and conditions of the loan. The loan program, as implemented in this section, must be administered by a separate student loan provider. Of the funds appropriated by the General Assembly for the loan repayment program, these funds must be retained in a separate account and used on a revolving basis for purposes of the loan repayment program and its administration. The State Treasurer shall disburse funds from this account as requested by the Commission on Higher Education and upon warrant of the Comptroller General; provided, however, that no more than five percent of the funds annually appropriated to the Commission on Higher Education for this program may be used for the cost of administering the program. Funds in the account and earnings from it may be carried forward in succeeding fiscal years and used for the purposes of the loan repayment program. The Commission on Higher Education shall review the loan program annually and report to the General Assembly on its progress and results.

 (B) Beginning with the 2007‑2008 academic year, the loan repayment program established pursuant to this section may not accept new participants. Members of the National Guard who have received loans pursuant to this section before the 2007‑2008 academic year may continue to receive their loans, including loans for subsequent academic years, and have their loans forgiven pursuant to the provisions under which the loan program began. Any funds remaining in the loan repayment program, provided for in subsection (A), shall be transferred to the College Assistance Program in accordance with regulations prescribed by the commission.

HISTORY: 2000 Act No. 387, Part II, Section 60; 2001 Act No. 41, Section 1; 2007 Act No. 40, Section 2, eff June 4, 2007, applicable beginning with the 2007‑2008 school year.

Effect of Amendment

The 2007 amendment designated subsection (A) and added subsection (B).

LIBRARY REFERENCES

Colleges and Universities 9.25(2).

Westlaw Key Number Search: 81k9.25(2).

C.J.S. Colleges and Universities Section 34.

ARTICLE 3

Free Tuition for Children of Certain Firemen, Law‑Enforcement Officers and the Like

**SECTION 59‑111‑110.** Tuition not charged children of firemen, law‑enforcement officers and government employees totally disabled or killed in line of duty.

 No tuition may be charged for a period of four school years by any state‑supported college or university or any state‑supported vocational or technical school for children of:

 (1) firemen, both regularly employed and members of volunteer organized units, organized rescue squad members, members of the Civil Air Patrol, law enforcement officers, or corrections officers, as defined herein, including reserve and auxiliary units of counties or municipalities who become totally disabled or are killed in the line of duty on or after July 1, 1964;

 (2) government employees who become totally disabled or are killed in the line of duty while working on state time on or after July 1, 1996, as a result of a criminal act committed against them which constitutes a felony under the laws of this State.

 The tuition authorized to be paid by this section applies only to undergraduate courses or curriculum and may be paid for a period not exceeding four years, regardless of the number of state‑supported colleges, universities, or state‑supported vocational or technical schools the child attends.

HISTORY: 1962 Code Section 22‑71; 1968 (55) 2300; 1969 (56) 659; 1971 (57) 457, 481; 2000 Act No. 281, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

Attorney General’s Opinions

The term “tuition” as used in this article, a statute which permits children of any fireman or law‑enforcement officer totally disabled or killed in the line of duty to attend any state‑supported college or university tuition free, includes a fee described as either a “college fee” or a “maintenance and activities fee,” and is not limited to fees charged for tuition, matriculation, and registration. 1970‑71 Op Atty Gen, No 3068, p 5.

**SECTION 59‑111‑120.** “Fireman” defined.

 For the purposes of this article, a fireman shall be defined as any person performing general fire‑fighting duties who is either employed by an official State, municipal or county fire department in this State, or is a member of any organized volunteer fire department within this State, whose name has been entered on an official roster of such volunteer organization prior to the time such person is totally disabled or killed in line of duty.

HISTORY: 1962 Code Section 22‑72; 1968 (55) 2300.

**SECTION 59‑111‑130.** “Law‑enforcement officer” defined.

 For the purposes of this article, a law enforcement officer means a:

 (1) person performing law enforcement duties at the request of and under the supervision of an official state, municipal, or county law enforcement agency in South Carolina when the person is totally disabled or killed in the line of duty;

 (2) person performing law enforcement duties at the request of and under the supervision of a federal agency when the person is totally disabled or killed in the line of duty if he has been a resident of South Carolina for at least eighteen years. This item applies whether or not the law enforcement officer was disabled or killed in South Carolina or another state.

HISTORY: 1962 Code Section 22‑73; 1968 (55) 2300; 1992 Act No. 459, Section 1.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

**SECTION 59‑111‑140.** “Corrections officer” defined.

 For purposes of this article a corrections officer shall be defined as any person who performs duties of security, control, or discipline over inmates at the request of and under the supervision of any official State, municipal, or county correctional institution and who was performing such duties at the time of his death or total disability.

HISTORY: 1962 Code Section 22‑73.1; 1971 (57) 481.

**SECTION 59‑111‑145.** “Government employee” defined.

 For the purposes of this article, a government employee means a person who is required to participate in the state retirement system.

HISTORY: 2000 Act No. 281, Section 2.

**SECTION 59‑111‑150.** “State‑supported college or university” defined.

 For the purposes of this article, a State‑supported college or university shall be defined as any two‑year or four‑year college or university supported by the State of South Carolina, including colleges or universities offering postgraduate or professional courses of study.

HISTORY: 1962 Code Section 22‑74; 1968 (55) 2300.

**SECTION 59‑111‑160.** “Total disability” defined.

 For the purposes of this article, total disability shall mean the physical inability to perform work in any gainful occupation, which disability directly results from any injury received in line of duty. In cases of such total disability, the free tuition provided for herein shall be extended only while such fireman or law‑enforcement officer continues to be totally disabled.

 This article shall not apply to a child or children born after the first year of total disability as herein defined.

HISTORY: 1962 Code Section 22‑75; 1968 (55) 2300.

**SECTION 59‑111‑170.** Application for free tuition.

 Application for the free tuition provided for in this article shall be filed with the governing body of the institution and shall be accompanied by proof or evidence of the death or total disability of the parent of the applicant and such proof or evidence that the injury or death occurred in the line of duty as considered necessary by such governing body, which shall have sole discretion in granting or not granting free tuition.

HISTORY: 1962 Code Section 22‑76; 1968 (55) 2300.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

**SECTION 59‑111‑180.** Penalties for misrepresenting eligibility.

 Any applicant who wilfully misrepresents his eligibility for the free tuition provided for under this article, or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not less than six months.

HISTORY: 1962 Code Section 22‑77; 1968 (55) 2300.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

ARTICLE 5

Free Tuition for Residents Sixty Years of Age

**SECTION 59‑111‑310.** “Tuition” defined.

 As used in this article, “tuition” shall mean the amount charged for registering for a credit hour of instruction and shall not be construed to mean any other fees or charges or costs of textbooks.

HISTORY: 1962 Code Section 22‑81; 1974 (58) 2844.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

**SECTION 59‑111‑320.** Persons age sixty and over may attend classes without payment of tuition.

 State‑supported colleges and universities, and institutions under the jurisdiction of the State Board for Technical and Comprehensive Education, are authorized to permit legal residents of South Carolina who have attained the age of sixty to attend classes for credit or noncredit purposes on a space available basis without the required payment of tuition, if these persons meet admission and other standards deemed appropriate by the college, university, or institution.

HISTORY: 1962 Code Section 22‑82; 1974 (58) 2844; 1978 Act No. 503, Section 1; 1992 Act No. 263, Section 1; 2015 Act No. 50 (S.261), Section 1, eff June 3, 2015.

Effect of Amendment

2015 Act No. 50, Section 1, inserted “, and if these persons do not receive compensation as full‑time employees”.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

**SECTION 59‑111‑330.** Rules and regulations.

 The State Commission on Higher Education shall promulgate rules and regulations necessary for the implementation of the provisions of this article.

HISTORY: 1962 Code Section 22‑83; 1974 (58) 2844.

CROSS REFERENCES

Appeals Procedures: LIFE Scholarship and LIFE Scholarship Enhancement, see S.C. Code of Regulations R. 62‑1200.55.

Free tuition for residents sixty years of age, see S.C. Code of Regulations R. 62‑1100.

**SECTION 59‑111‑340.** Institutions to which article applies.

 The provisions of this article apply to:

 (1) those institutions enumerated in Section 59‑107‑10 and to the branches and extensions of those institutions;

 (2) those institutions under the jurisdiction of the State Board for Technical and Comprehensive Education.

HISTORY: 1962 Code Section 22‑84; 1974 (58) 2844; 1988 Act No. 510, Section 7.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

**SECTION 59‑111‑350.** Persons attending under article not counted in computing enrollment.

 Persons attending classes under the provisions of this article, on a space available basis without payment of tuition, shall neither be counted in the computation of enrollment for funding purposes nor considered on a formula basis for the issuance of capital improvement bonds.

HISTORY: 1962 Code Section 22‑85; 1974 (58) 2844; 1978 Act No. 503, Section 2.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

**SECTION 59‑111‑360.** Proof of eligibility.

 The officials of such colleges, universities or institutions charged with administration may require such proof as they deem necessary to insure that the person applying to the college, university or institution is eligible for the benefits provided by this article.

HISTORY: 1962 Code Section 22‑86; 1974 (58) 2844.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

**SECTION 59‑111‑370.** Penalties for misrepresenting eligibility.

 Any applicant who wilfully misrepresents his eligibility for the tuition benefits provided for under this article, or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1962 Code Section 22‑87; 1974 (58) 2844.

LIBRARY REFERENCES

Colleges and Universities 9.20(1).

Westlaw Key Number Search: 81k9.20(1).

C.J.S. Colleges and Universities Section 31.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

ARTICLE 6

One‑Half Tuition for Members of the South Carolina National Guard [Repealed]

**SECTIONS 59‑111‑410 to 59‑111‑440.** Repealed by 2007 Act No. 40, Section 3, eff June 4, 2007.

Editor’s Note

Former Section 59‑111‑410 was entitled “‘Tuition’ defined” and was derived from 1994 Act No. 497, Part II, Section 135.

Former Section 59‑111‑420 was entitled “Exemption of member of South Carolina National Guard from one‑half of tuition charges; conditions and limitations; administration by State Commission on Higher Education” and was derived from 1994 Act No. 497, Part II, Section 135.

Former Section 59‑111‑430 was entitled “Impact on level of funding received by institution” and was derived from 1994 Act No. 497, Part II, Section 135.

Former Section 59‑111‑440 was entitled “Applicability of article” and was derived from 1994 Act No. 497, Part II, Section 135.

ARTICLE 7

Medical and Dental Loans

**SECTION 59‑111‑510.** Medical and dental scholarship fund.

 The Department of Health and Environmental Control, hereinafter referred to as “the Department”, shall aid, assist, promote, and administer a fund to be known as “The South Carolina Medical and Dental Loan Fund” with sums as may be appropriated by the General Assembly.

HISTORY: 1962 Code Section 22‑371; 1974 (58) 1983; 1985 Act No. 186, Section 1.

CROSS REFERENCES

Admission of beneficiaries of scholarships under this article are subject to approval by the admitting authorities of the Medical University, see Section 59‑123‑100.

LIBRARY REFERENCES

Colleges and Universities 9.25.

Westlaw Key Number Search: 81k9.25.

C.J.S. Colleges and Universities Section 33.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

LAW REVIEW AND JOURNAL COMMENTARIES

Penalty provisions imposed by statute upheld. 39 S.C. L. Rev. 164 (Autumn 1987).

**SECTION 59‑111‑520.** Consideration of applications and granting of loans or scholarships by Department of Health and Environmental Control.

 The Department shall receive and consider all applications for loans made by students who have been legal residents of South Carolina for a period of at least one year immediately preceding their application who desire to become physicians or dentists and who are acceptable for enrollment in any accredited medical school or dental school within the United States and which is approved by the Department. The Department shall make a careful and full investigation of the ability, character, financial needs, and qualifications of each applicant to determine his fitness to become the recipient of each loan. The Department may examine each applicant to assist in determining if he is so qualified. The Department shall consider, during the selection process, the intent of the applicant to practice medicine or dentistry in a predominantly rural area. The Department may grant to each applicant, considered by the Department to be qualified to receive the loan, a loan as herein provided for the purpose of acquiring a medical or dental education upon terms and conditions imposed by the Department pursuant to applicable provisions of this article.

HISTORY: 1962 Code Section 22‑372; 1974 (58) 1983; 1975 (59) 189; 1985 Act No. 186, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25.

Westlaw Key Number Search: 81k9.25.

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑111‑530.** Amounts and conditions of loans or scholarships.

 A loan shall not exceed ten thousand dollars per annum, for not exceeding four years, to defray tuition, living expenses, and other school related expenses. The loan must be based upon the condition that the applicant apply for a license to practice medicine, dentistry, or child psychiatry in South Carolina at the earliest practicable opportunity and that, within six months after the applicant is so licensed to practice, he will engage in the practice of medicine, dentistry, or child psychiatry in a service area within this State which has a ratio of not more than one doctor for each two thousand people or a ratio of not more than one dentist for each six thousand people. However, the practice of child psychiatry is limited only to the Child and Adolescent Unit of the South Carolina State Hospital. The Department shall approve a deferment of the required entry into practice during the time that the applicant is engaged in a residency training program in the field of family practice, general internal medicine, general pediatrics, child psychiatry, or obstetrics‑gynecology. The Department shall annually prepare a list of medical service areas and dental service areas in this State and the ratios of doctors and dentists to the population in each service area, using the population figures of the latest official United States Census and the latest directories of the State Board of Medical Examiners and the State Board of Dentistry.

 All areas of the State must be included in the service areas established by the Department. However, the practice of child psychiatry is not subject to the service area requirement and is limited only to the Child and Adolescent Unit at the South Carolina State Hospital. Medical service areas shall have a minimum population of two thousand and dental service areas shall have a minimum population of six thousand and each area shall have at least one town or municipality, whether or not incorporated, which has a population of at least five hundred. The applicant may choose the service area in which he desires to practice if the service area qualifies at the time the recipient initiates his practice. The recipient is required to practice in an eligible service area for one year for each year in which a loan was received. If the applicant receives a loan for four years he is only required to practice in the service area for three years, at the end of which time the loan is considered paid in full. A recipient may practice for the designated period of time in such other locations or assignments which the Board determines meet a critical state need.

HISTORY: 1962 Code Section 22‑373; 1974 (58) 1983; 1975 (59) 189; 1978 Act No. 478, Section 1; 1985 Act No. 186, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25.

Westlaw Key Number Search: 81k9.25.

C.J.S. Colleges and Universities Section 33.

RESEARCH REFERENCES

ALR Library

88 ALR 6th 203 , Application of Section 1 of 13th Amendment to United States Constitution, U.S. Const. Amend. XIII, S1, Prohibiting Slavery and Involuntary Servitude‑Labor Required by Law or Force Not as Punishment for...

LAW REVIEW AND JOURNAL COMMENTARIES

Penalty provisions imposed by statute upheld. 39 S.C. L. Rev. 164 (Autumn 1987).

NOTES OF DECISIONS

In general 1

1. In general

A physician could be required to repay 3 times the amount loaned, plus 7 percent interest per annum, as provided in Section 5 of the contract he voluntarily entered into with the state, as a valid statutory penalty for his unjustifiable noncompliance with his contractual obligation to practice general medicine for 3 years in a medical service area in the state. South Carolina Dept. of Health and Environmental Control v. Kennedy (S.C.App. 1986) 289 S.C. 73, 344 S.E.2d 859.

**SECTION 59‑111‑540.** Contracts required.

 Before being granted a loan each applicant shall enter into a contract with the Department, which is considered a contract with the State of South Carolina agreeing to the terms and conditions upon which the loan is granted to him. The contract shall include such terms and provisions as shall carry out the purpose and intent of Section 59‑111‑530. The contract must be signed by the chairman of the Department, countersigned by the executive secretary of the Department, and signed by the applicant.

HISTORY: 1962 Code Section 22‑374; 1974 (58) 1983; 1985 Act No. 186, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25.

Westlaw Key Number Search: 81k9.25.

C.J.S. Colleges and Universities Section 33.

LAW REVIEW AND JOURNAL COMMENTARIES

Penalty provisions imposed by statute upheld. 39 S.C. L. Rev. 164 (Autumn 1987).

NOTES OF DECISIONS

In general 1

1. In general

A physician could be required to repay 3 times the amount loaned, plus 7 percent interest per annum, as provided in Section 5 of the contract he voluntarily entered into with the state, as a valid statutory penalty for his unjustifiable noncompliance with his contractual obligation to practice general medicine for 3 years in a medical service area in the state. South Carolina Dept. of Health and Environmental Control v. Kennedy (S.C.App. 1986) 289 S.C. 73, 344 S.E.2d 859.

**SECTION 59‑111‑550.** Department authorized to enter and cancel contracts with medical and dental schools for admission of students.

 The Department may make inquiry of the medical or dental schools which are approved for applicants to attend, and make arrangements and enter into contracts with those institutions for the admission of students granted loans by the Department. The Department, upon proper notice, may cancel any contract made with the institutions.

HISTORY: 1962 Code Section 22‑375; 1974 (58) 1983; 1985 Act No. 186, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25.

Westlaw Key Number Search: 81k9.25.

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑111‑560.** Penalty for failure to complete contract.

 If the recipient of a loan fails without justifiable cause to practice medicine or dentistry in accordance with the terms of his contract, a penalty for failure to complete the contract must be imposed by the Department which at a minimum shall consist of a demand for the entire amount of the loan or scholarship benefits received plus per annum interest from the date funds were advanced to the recipient at the prevailing prime rate of the largest bank by deposits in South Carolina in effect at the time the funds were advanced plus two percent, and at a maximum shall consist of a demand for three times the entire amount of the loan benefits received, plus interest at a per annum rate equal to the then prevailing prime rate of the largest bank by deposits in South Carolina. The demand as determined by the Department must be mailed to the recipient at his last known address and shall at that time become immediately due and payable. However, where the Department determines that there is justifiable cause for the failure to practice pursuant to the terms of the contract, it may relieve the recipient of the obligation to practice according to the terms of the contract, and shall provide for repayment of the amount received, plus interest at a per annum rate equal to the then prevailing prime rate of the largest bank by deposits in South Carolina on any terms it deems proper.

 Upon recommendation and request of the Department the Attorney General shall institute proceedings for the purpose of recovering any amount due the State upon breach of the contract.

HISTORY: 1962 Code Section 22‑376; 1974 (58) 1983; 1985 Act No. 186, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25.

Westlaw Key Number Search: 81k9.25.

C.J.S. Colleges and Universities Section 33.

LAW REVIEW AND JOURNAL COMMENTARIES

Penalty provisions imposed by statute upheld. 39 S.C. L. Rev. 164 (Autumn 1987).

NOTES OF DECISIONS

In general 1

1. In general

A provision requiring recipient to repay 3 times the amount loaned, plus 7 percent interest per annum, for unjustifiable noncompliance with contractual obligation to practice medicine in the service area did not subject a loan recipient to involuntary servitude, since he had voluntarily agreed to the terms of the contract, and the sanction for the breach of contract was not for service as a doctor, but the payment of money damages. South Carolina Dept. of Health and Environmental Control v. Kennedy (S.C.App. 1986) 289 S.C. 73, 344 S.E.2d 859.

**SECTION 59‑111‑570.** Deposits and disbursements.

 The funds appropriated for the purposes of this article and all sums received in repayment of loans must be placed in the State Treasury to the credit of The South Carolina Medical and Dental Loan Fund. Loan payments must be paid out of this fund upon a voucher to the State Comptroller General signed by the chairman and the executive secretary of the Department.

HISTORY: 1962 Code Section 22‑377; 1974 (58) 1983; 1985 Act No. 186, Section 1.

LIBRARY REFERENCES

Colleges and Universities 9.25.

Westlaw Key Number Search: 81k9.25.

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑111‑580.** Rules and regulations.

 The Department may promulgate reasonable regulations for the purpose of carrying out the provisions of this article.

HISTORY: 1962 Code Section 22‑378; 1974 (58) 1983; 1985 Act No. 186, Section 1.

CROSS REFERENCES

Student Loan Corporation regulations, see S.C. Code of Regulations R. 62‑110 et seq.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 23, Tuition, Fees and Scholarships.

ARTICLE 9

Environmental Scholars Endowment Fund

**SECTION 59‑111‑710.** “Qualifying institution” or “institution” defined.

 For purposes of this article, “qualifying institution” or “institution” means a state‑supported post‑secondary educational institution offering a master or doctoral degree program in environmental studies or environmental sciences on July 1, 1994.

HISTORY: 1994 Act No. 497, Part II, Section 104.

**SECTION 59‑111‑720.** Environmental Scholars Endowment Fund created; financing; deposit of fines and penalties.

 (A) There is created the Environmental Scholars Endowment Fund, known as “the fund”, which must be separate and distinct from the general fund of the State. The fund must be financed through the collection and deposit of fines and penalty assessments levied by the South Carolina Department of Health and Environmental Control pursuant to the State Safe Drinking Water Act, Sections 44‑55‑10, et seq., the South Carolina Hazardous Waste Management Act, Sections 44‑56‑10, et seq., low‑level radioactive waste fines pursuant to Sections 48‑48‑10, et seq., and the South Carolina Pollution Control Act, Sections 48‑1‑10, et seq. However, the portion of the Pollution Control Act fines distributed to the counties pursuant to Section 48‑1‑350 must not be placed into the fund.

 (B) The collection and deposit of fines and penalties to the fund pursuant to this section shall continue until such time as the fund reaches four hundred thousand dollars at which time all subsequent fines and penalties must be deposited in the general fund.

HISTORY: 1994 Act No. 497, Part II, Section 104.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑111‑730.** “Environmental Scholars Endowment” at qualifying institutions; private match funds.

 (A) After the fund has reached four hundred thousand dollars, each qualifying institution may request the transfer of one hundred thousand dollars for the sole purpose of being held and administered by the institution as the corpus of a perpetual endowment fund known as the “Environmental Scholars Endowment”. Only an annual amount no greater than the annual interest income earned from the corpus of the endowment is to be expended for the award of scholarships or fellowships to students pursuing graduate level degrees in environmental studies or environmental sciences. The corpus of the fund must not be invaded by the institution.

 (B) A qualifying institution that establishes an Environmental Scholars Endowment must agree to raise one hundred thousand dollars in private match funds before July 1, 1999. If an institution fails to raise the one hundred thousand dollars in private match funds before July 1, 1999, the corpus of the endowment reverts to the fund.

HISTORY: 1994 Act No. 497, Part II, Section 104.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑111‑740.** Award of scholarships and fellowships from Environmental Scholars Endowment; criteria; amounts; preference for residents.

 The criteria, selection process, and amount of awards for scholarships or fellowships from an Environmental Scholars Endowment must be established by each qualifying institution. However, a recipient of a scholarship or fellowship must be currently enrolled or accepted for enrollment in a master or doctoral degree program in environmental studies or environmental sciences. Each institution also must establish application procedures that ensure equitable minority participation in the selection process. Preference must be given to those applicants who are residents of South Carolina. A recipient of a scholarship or a fellowship must complete a year‑long internship in South Carolina arranged by or with the approval of the institution prior to the award of their degree.

HISTORY: 1994 Act No. 497, Part II, Section 104.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑111‑750.** Establishment of Environmental Scholars Endowment by the State Board for Comprehensive and Technical Education.

 After the fund has reached four hundred thousand dollars, the State Board for Comprehensive and Technical Education, known as “the board”, also may request the transfer of one hundred thousand dollars from the fund to the board to establish and administer an Environmental Scholars Endowment for the award of scholarships to eligible students currently enrolled or accepted for enrollment in a technical education degree program in environmental studies or environmental sciences. This article applies to the board in its administration of the endowment except that private match funds are not required. The board shall establish written guidelines for the application, review, and selection process which must be furnished to eligible students through the technical education colleges.

HISTORY: 1994 Act No. 497, Part II, Section 104.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑111‑760.** Annual accounting of funds in Environmental Scholars Endowments; reports.

 Each qualifying institution and the board annually shall prepare an independent accounting of all of the funds in its Environmental Scholars Endowment, including a statement of the value of the corpus of the fund, the income derived from the corpus, and the specific uses to which the income has been applied. The reports must be kept on file at the institution and at the board and must be available for inspection upon request.

HISTORY: 1994 Act No. 497, Part II, Section 104.

**SECTION 59‑111‑770.** Final disbursements from fund; dissolution of fund.

 Any funds remaining in the fund July 1, 1999, or any funds which have reverted to the fund pursuant to Section 59‑111‑730(B), shall be distributed equally among the board if it has established an endowment and each qualifying institution that has established an endowment and raised the required match funds. Funds distributed pursuant to this section must be used only for the purpose of increasing the corpus of the endowment. Upon final disbursement of all funds in accordance with this section, the fund shall be dissolved.

HISTORY: 1994 Act No. 497, Part II, Section 104.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.