

South Carolina General Assembly
121st Session, 2015-2016

H. 3249

STATUS INFORMATION

General Bill

Sponsors: Reps. G.M. Smith, G.R. Smith, Cobb-Hunter, Pitts, Stavrinakis, McCoy, Loftis, Atwater, Huggins, Burns, Bedingfield, Stringer, Clemmons, Hardwick, Neal, Limehouse, Sottile and Pope

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Companion/Similar bill(s): 43

Introduced in the House on January 13, 2015

Currently residing in the House Committee on **Education and Public Works**

Summary: SC College and University Board of Regents

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/18/2014	House	Prefiled
12/18/2014	House	Referred to Committee on Education and Public Works
1/13/2015	House	Introduced and read first time (House Journal-page 169)
1/13/2015	House	Referred to Committee on Education and Public Works (House Journal-page 169)
1/15/2015	House	Member(s) request name added as sponsor: Pitts
3/9/2015	House	Member(s) request name added as sponsor: Stavrinakis, McCoy, Loftis, Atwater, Huggins, Burns, Bedingfield, Stringer, Clemmons, Hardwick, Neal, Limehouse, Sottile, Pope

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VERSIONS OF THIS BILL

[12/18/2014](#)

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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 138 TO TITLE 59 SO AS TO ESTABLISH THE SOUTH CAROLINA COLLEGE AND UNIVERSITY BOARD OF REGENTS AND PROVIDE FOR ITS MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE FOR THE SERVICE OF TRUSTEES OR MEMBERS OF THE GOVERNING BODY OF "CONSTITUENT INSTITUTIONS", DEFINED AS ALL TWO-YEAR AND FOUR-YEAR COLLEGES AND UNIVERSITIES IN THIS STATE INCLUDING TECHNICAL COLLEGES; TO PROVIDE THAT ON JULY 1, 2016, THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE STATE COMMISSION ON HIGHER EDUCATION AND THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION NOT INCONSISTENT WITH CHAPTER 138, TITLE 59 ARE DEVOLVED UPON THE SOUTH CAROLINA COLLEGE AND UNIVERSITY BOARD OF REGENTS; AND TO REPEAL SECTION 59-103-10 RELATING TO THE STATE COMMISSION ON HIGHER EDUCATION AND SECTION 59-53-10 RELATING TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 59 of the 1976 Code is amended by adding:

"CHAPTER 138

South Carolina College and
University Board of Regents

1 Section 59-138-10. In order to foster the development of a
2 coordinated system of higher education, to improve the quality of
3 education, to extend its benefits, and to encourage an economical
4 use of the state's resources, the South Carolina system of higher
5 education is redefined in accordance with the provisions of this
6 chapter.

7
8 Section 59-138-20. As used in this chapter, unless the context
9 clearly requires otherwise:

10 (1) 'Board' means the South Carolina College and University
11 Board of Regents.

12 (2) 'Board of Trustees' means the board of trustees or governing
13 board or commission of a constituent institution.

14 (3) 'Constituent institution' or 'institution' means those public
15 institutions of higher learning defined by Section 59-103-5.

16
17 Section 59-138-30. There is created a South Carolina College
18 and University Board of Regents, which is known as the 'State
19 Board of Regents' and which is a body corporate and politic and
20 which by that name has the power to:

21 (1) have perpetual succession;

22 (2) sue and be sued in the corporate name;

23 (3) have a common seal and to alter it at pleasure;

24 (4) make contracts and to have, to hold, to purchase, and to lease
25 real estate and personal property for corporate purposes, and to sell
26 and dispose of personal property and buildings that are considered
27 by it as surplus property or not further needed and buildings that it
28 may need to dispose of for the purpose of making room for other
29 construction. However, the board does not have the power to sell or
30 otherwise dispose of real estate, other than buildings, except with
31 the consent of the General Assembly;

32 (5) elect from its membership for two-year terms a chairman,
33 vice chairman, and secretary of the board to serve until their
34 successors have been elected and qualify. However, no person may
35 serve as chairman for more than four years in succession;

36 (6) take, demand, receive, and possess monies, goods, and
37 chattels that may be given for the use of a constituent institution and
38 to apply the same according to the will of the donors;

39 (7) receive, possess, enjoy, and retain forever by gift, purchase,
40 or devise real and personal estate and funds of any kind, nature, or
41 quality in special trust and confidence that the same, or the profits
42 from them, must be applied to and for the use and purpose of
43 establishing and endowing the constituent institutions;

1 (8) do all things which usually are done by bodies corporate and
2 politic or anything necessary for the promotion of learning and
3 virtue.

4
5 Section 59-138-40. (A) The Board of Regents is composed of
6 fifteen members. Two members must be elected by the General
7 Assembly from each congressional district with no two members
8 from a congressional district being from the same county. These
9 members must be elected for terms of four years each and until their
10 successors are elected and qualify, except that of those members
11 first elected, one-half must be elected for terms of two years each
12 with the initial terms of all members to be designated by the General
13 Assembly when conducting the elections.

14 One member must be appointed by the Governor to serve for
15 terms coterminous with his term of office. Vacancies in all seats
16 must be filled by election or appointment in the same manner of
17 original election or appointment for the remainder of the unexpired
18 term.

19 (B) Neither a person elected or appointed to the board nor a
20 member of his immediate family may be employed by or be a
21 member of the governing body of a constituent institution for a
22 period of five years immediately preceding his election or
23 appointment to the Board of Regents.

24
25 Section 59-138-50. (A) A member of the board must be chosen
26 for his interest in, and his ability to contribute to the fulfillment of,
27 the purposes of the board. Each member is charged with the
28 responsibility of serving the best interests of the State. In selecting
29 members, the objective must be to obtain the services of the best
30 qualified citizens of the State, taking into consideration the need for
31 representation on the board by the different races, sexes, and
32 political parties.

33 (B) A member of the board shall receive mileage, subsistence,
34 and per diem as is allowed for members of state boards, committees,
35 and commissions.

36
37 Section 59-138-60. The board shall meet at stated times
38 established by the board, but not less frequently than six times a
39 year. A quorum for the conduct of business consists of a majority
40 of the members.

41
42 Section 59-138-70. The board has the power to appoint from its
43 membership committees which are clothed with any the board may

1 confer which are consistent with law. No committee may reverse a
2 decision concerning a policy taken by the board at a regular meeting.

3
4 Section 59-138-80. In performing its functions, duties, and
5 responsibilities:

6 (1) The board shall plan and develop a coordinated system of
7 higher education in South Carolina. The board shall govern the
8 constituent institutions, subject to the powers, duties, and
9 responsibilities granted in this chapter to the boards of trustees of
10 the institutions, and the board shall maintain close liaison with the
11 constituent institutions, the State Board of Education, and other
12 committees, boards, commissions, or agencies which serve the
13 purpose of fostering education in South Carolina. The board, in
14 consultation with representatives of the private colleges and
15 universities of this State, shall prepare and revise a long-range plan
16 for a coordinated system of higher education, supplying copies of
17 the plan to the Governor, the members of the General Assembly, the
18 members of the State Budget and Control Board, and the constituent
19 institutions.

20 (2) The board is responsible for the general determination,
21 control, supervision, management, and governance of all affairs of
22 the constituent institutions. For this purpose, the board may adopt
23 and promulgate policies and regulations it considers wise.

24 (3) The board shall determine the functions, educational
25 activities, and academic programs of the constituent institutions.
26 The board also shall determine the types of degrees to be awarded
27 by the constituent institutions. The powers granted in this chapter
28 to the board are not restricted by any provision of law assigning
29 specific functions, duties, or responsibilities to designated
30 institutions, and the powers granted in this chapter to the board are
31 superior to the provision. After adequate notice and after giving the
32 board of trustees or a governing body of a constituent institution an
33 opportunity to be heard, the board is authorized to withdraw
34 approval of an existing program if it appears that the program is
35 unproductive, excessively costly, or unnecessarily duplicative.

36 (4) The board shall approve the establishment of a new publicly
37 supported institution of higher education.

38 (5) The board shall set tuition and required fees at the
39 institutions not inconsistent with any action of the General
40 Assembly.

41 (6) The board shall set enrollment levels at the constituent
42 institutions.

1 (7) The board shall develop, prepare, and present to the
2 Governor, the General Assembly, and the State Budget and Control
3 Board a budget for each constituent institution. In preparing this
4 budget, the board shall consult specifically with the constituent
5 institution involved.

6 (8) The board shall render advice and make recommendations
7 concerning education to the Governor and General Assembly on an
8 annual basis or more frequently if requested by the Governor or the
9 General Assembly.

10

11 Section 59-138-90. Property, rights, and privileges held by the
12 boards of trustees or governing bodies of the constituent institutions
13 as the property, rights, and privileges may exist immediately before
14 the effective date of this chapter are transferred to and assumed by
15 the board. Property, real or personal or mixed, held immediately
16 before the effective date of this chapter by a board of trustees of a
17 constituent institution for the benefit of that institution must be kept
18 separate and distinct from other properties held by the board, must
19 continue to be held for the benefit of the institution that was
20 previously the beneficiary, and must continue to be held subject to
21 the provisions of the respective instruments, grants, or other means
22 of process by which any property was acquired. Nothing contained
23 in this chapter increases or diminishes the income, other revenue, or
24 specific property which is pledged or otherwise hypothecated for the
25 security or liquidation of an obligation. The board shall assume the
26 obligations without either enlarging or diminishing the rights of the
27 holders of the obligations.

28

29 Section 59-138-100. Pursuant to this chapter, each board of
30 trustees or governing body of a constituent institution has the
31 powers and duties to:

32 (1) promote the sound development of the institution within the
33 functions prescribed for it, helping it to serve the State in a way that
34 will complement the activities of the other constituent institutions
35 and aiding it to perform at a high level of excellence in every area
36 of endeavor;

37 (2) serve as advisor to the Board of Regents on matters
38 pertaining to the institution;

39 (3) appoint a chairman of the board of trustees or governing
40 body and other officers necessary to assist the members of the board
41 of trustees or governing body in their duties;

42 (4) appoint, with the advice and consent of the Board of
43 Regents, a college president, treasurer, and secretary and, with the

1 advice and consent of the Board of Regents, to prescribe their duties
2 and terms of office;
3 (5) make bylaws and regulations for the management of its
4 institution's affairs and operations not inconsistent with policies of
5 the Board of Regents or with any provision of law. Bylaws and
6 regulations must be approved by the Board of Regents before
7 becoming effective;
8 (6) confer degrees upon students and other persons who meet
9 the standards set by the Board of Regents;
10 (7) perform other functions delegated to it by the Board of
11 Regents, which functions may not be inconsistent with law;
12 (8) perform functions enumerated in the statutes governing the
13 board of trustees' or governing body's existence, as long as the
14 function has not been granted to the Board of Regents by this
15 chapter.

16

17 Section 59-138-110. To the extent that a regulation or other
18 provision of law is inconsistent with this chapter or confers powers
19 on other bodies inconsistent with the powers conferred on the Board
20 of Regents, the provisions of this chapter prevail and apply.”

21

22 SECTION 2. Persons who, as of the effective date of Chapter 138,
23 Title 59, are serving as trustees or members of the governing body
24 of constituent institutions, as defined in that chapter, shall continue
25 to serve as provided by the applicable provisions of law governing
26 their institutions. Their successors must be elected in the manner
27 and at the time prescribed by the provisions of law governing their
28 institutions.

29

30 SECTION 3. Upon the effective date of this act, the duties, powers,
31 and responsibilities of the State Commission on Higher Education
32 and the State Board for Technical and Comprehensive Education
33 not inconsistent with the duties, powers, and responsibilities
34 conferred upon the South Carolina College and University Board of
35 Regents under Chapter 138, Title 59, are devolved upon the South
36 Carolina College and University Board of Regents.

37

38 SECTION 4. Sections 59-53-10 and 59-103-10 of the 1976 Code
39 are repealed.

40

41 SECTION 5. This act takes effect July 1, 2016.

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