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Indicates New Matter

COMMITTEE REPORT

March 28, 2012

**H. 5025**

Introduced by Reps. Govan, Cobb‑Hunter, King, Limehouse, J.H. Neal, Ott, R.L. Brown and Whipper

S. Printed 3/28/12--H. [SEC 3/30/12 2:52 PM]

Read the first time March 15, 2012.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 5025) to amend Section 59‑127‑20, Code of Laws of South Carolina, 1976, relating to the Board of Trustees of South Carolina State University, so as to revise, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 59‑127‑20 of the 1976 Code is amended to read:

“Section 59‑127‑20. (A) South Carolina State University is managed and controlled by a board of trustees, composed of ~~thirteen~~ nine members, ~~twelve~~ seven of whom are elected by the General Assembly, one member from each of the seven congressional ~~district~~ districts ~~and six at large~~ for terms of four years each and until their successors are elected and qualify. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. In addition, there must be one alumni member of the board who must be elected for a term of four years and until his successor is elected and qualified by the means and methods determined by the National Alumni Association of the university or any succeeding organization. The result of this election must be certified by the president of the alumni association to the Secretary of State. The Governor of the State or his designee is ex officio, the ~~thirteenth~~ ninth member of the board of trustees. In case of a vacancy on the board, the Governor may fill it by appointment until the ~~next session of the General Assembly~~ successor is selected in the manner of original selection. Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively, one corresponding in number to each congressional district and ~~Seats 7‑12 at large~~ Seat 8 for the alumni member. The Governor or his designee occupies Seat ~~13~~ 9. ~~Of the three present members of the board who reside in the sixth congressional district, the member with the longest remaining current term shall be the resident member selected from that congressional district occupying Seat 6. The two remaining members not determined to be the resident member from the sixth congressional district shall be considered at‑large members of the board occupying Seats 8 and 12, respectively. The terms of each of these three members shall not be affected by the provisions of this paragraph.~~

The terms of the ~~present~~ members of the board who are elected by the General Assembly expire on the thirtieth day of June of the year in which the terms are scheduled to expire, except as otherwise provided in subsection (B). The General Assembly shall elect successors to the elective trustees not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.

(B) ~~Beginning with members elected to the board during 1992, terms of members are four years. In 1993, members from Seats 1, 2, 3, 4, 5, and 11 must be elected, and the term of the member elected in 1993 from Seat 3 shall be one year, the terms of the members elected in 1993 from Seats 1, 2, and 4 shall be two years each, the term of the member elected in 1993 from Seat 11 shall be three years, and the term of the member elected in 1993 from Seat 5 shall be four years. Thereafter, successors to the members of the board elected in 1993 and successors to members of the board provided six‑year terms by the provisions of this subsection must be elected for terms of four years each.~~ (1) The terms of all presently elected members of the board expire on June 30, 2012.

(2) The General Assembly during its 2012 session as provided in this section shall elect successors to the members it elects who shall take office on July 1, 2012.  Members elected from the First, Third, Fifth, and Seventh Congressional Districts shall serve initial terms of four years each, and members elected from the Second, Fourth, and Sixth Congressional Districts shall serve initial terms of two years each.  Successors to all these members shall then be elected for terms of four years each.

(3) The member elected by the National Alumni Association, to be elected upon the termination of the current terms of all present board members elected by the General Assembly as provided in item (1), must be elected for an initial term of four years and shall serve four year terms thereafter.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**A** **BILL**

TO AMEND SECTION 59‑127‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

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

SECTION 1. Section 59‑127‑20 of the 1976 Code is amended to read:

“Section 59‑127‑20. (A) South Carolina State University is managed and controlled by a board of trustees, composed of ~~thirteen~~ eleven members, ~~twelve~~ seven of whom are elected by the General Assembly, one member from each of the seven congressional ~~district~~ districts ~~and six at large~~ for terms of four years each and until their successors are elected and qualify. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. In addition, there shall be three alumni members of the board who shall be elected for terms of four years each and until their successors are elected and qualify by such means and methods as may be determined by the National Alumni Association of the university or any succeeding organization, the result of elections to be certified by the president of the alumni association to the Secretary of State. The Governor of the State or his designee is ex officio, the ~~thirteenth~~ eleventh member of the board of trustees. In case of a vacancy on the board, the Governor may fill it by appointment until the ~~next session of the General Assembly~~ successor is selected in the manner of original selection. Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively, one corresponding in number to each congressional district and ~~Seats 7‑12 at large~~ Seats 8‑10 for the alumni members. The Governor or his designee occupies Seat ~~13~~ 11. ~~Of the three present members of the board who reside in the sixth congressional district, the member with the longest remaining current term shall be the resident member selected from that congressional district occupying Seat 6. The two remaining members not determined to be the resident member from the sixth congressional district shall be considered at‑large members of the board occupying Seats 8 and 12, respectively. The terms of each of these three members shall not be affected by the provisions of this paragraph.~~

The terms of the ~~present~~ members of the board who are elected by the General Assembly expire on the thirtieth day of June of the year in which the terms are scheduled to expire, except as otherwise provided in subsection (B). The General Assembly shall elect successors to the elective trustees not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.

(B)(1) ~~Beginning with members elected to the board during 1992, terms of members are four years. In 1993, members from Seats 1, 2, 3, 4, 5, and 11 must be elected, and the term of the member elected in 1993 from Seat 3 shall be one year, the terms of the members elected in 1993 from Seats 1, 2, and 4 shall be two years each, the term of the member elected in 1993 from Seat 11 shall be three years, and the term of the member elected in 1993 from Seat 5 shall be four years. Thereafter, successors to the members of the board elected in 1993 and successors to members of the board provided six‑year terms by the provisions of this subsection must be elected for terms of four years each.~~ The terms of all presently elected members of the board expire on June 30, 2012.

(2) The General Assembly during its 2012 session as provided in this section shall elect successors to the members it elects who shall take office on July 1, 2012. Members elected from the First, Third, Fifth, and Seventh Congressional Districts shall serve initial terms of four years each, and members elected from the Second, Fourth, and Sixth Congressional Districts shall serve initial terms of two years each. Successors to all these members shall then be elected for terms of four years each.

(3) Of the three members elected by the National Alumni Association in 2012, one shall be elected for an initial term of two years to be designated by the National Alumni Association when holding the elections. Thereafter, all alumni members shall serve terms of four years each. Three alumni members shall be elected in 2012, in the manner required by this section who shall take office on July 1, 2012.”

SECTION 2. This act takes effect upon approval by the Governor.

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