AMENDED

March 20, 2014

**H. 4920**

Introduced by Reps. Bingham, Allison, Anthony and Hayes

S. Printed 3/20/14--H.

Read the first time March 12, 2014.

**A** **JOINT RESOLUTION**

TO TRANSFER ADMINISTRATIVE CONTROL OF THE JOHN DE LA HOWE SCHOOL FROM THE BOARD OF TRUSTEES OF THE SCHOOL TO THE DEPARTMENT OF JUVENILE JUSTICE FOR FISCAL YEAR 2014‑2015, TO TRANSFER THE POWERS AND DUTIES OF THE BOARD TO THE DEPARTMENT DURING FISCAL YEAR 2014‑2015; TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL SERVE IN AN ADVISORY CAPACITY TO THE DEPARTMENT DURING FISCAL YEAR 2014‑2015; AND TO PROVIDE FOR THE CONSTRUCTION OF THE TERMS OF THIS JOINT RESOLUTION.

Amend Title To Conform

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

SECTION 1. (A) To provide that through Fiscal Year 2014‑2015, the Department of Juvenile Justice shall assume administrative control of the John de la Howe School, and the powers and duties of the board of trustees must be transferred to the department through Fiscal Year 2014‑2015, including, but not limited to:

(1) controlling of the business, property, and affairs of the school, as provided in Section 59‑49‑20;

(2) electing of a superintendent for the school and the authority to approve decisions of the superintendent concerning the employ and discharge of all employees of the school as provided in Section 59‑49‑80;

(3) instructing the superintendent of the school to implement programs which shall meet the needs of children from all of South Carolina who for some urgent reason need to be separated from their home or community as provided in Section 59‑49‑100;

(4) carrying out improved forestry and farm practices on the timber holdings and farmland of the school property and apply the revenues derived from them and any other revenue source on the property for the further improvement and development of the school forest and farmlands and for other school purposes, as provided in Section 59‑49‑110;

(5) having discretion over the use of all amounts received from the estate of John de la Howe for the support and development of the school, as provided in Section 59‑49‑120;

(6) making rules and regulations for its own government and for the management of the school as it may deem necessary, consistent with the laws of this State and with the terms of the will of Dr. John de la Howe, as provided in Section 59‑49‑140;

(7) determining policies concerning the manner and method of determining financial ability and the collecting and retention of amounts required to be paid for the maintenance of students in accordance with state policy, as provided in Section 59‑49‑150; and

(8) powers and duties of the board derived from any other provisions of Chapter 49, Title 59 or another provision of law.

(B) Through Fiscal Year 2014‑2015, the members of the board of trustees of the John de la Howe school shall serve in an advisory capacity to the Department of Juvenile Justice. The provisions of Section 59‑49‑20, concerning terms and vacancies of board members, Section 59‑49‑30, concerning removal of board members, Section 59‑49‑40, concerning meetings of trustees, and Section 59‑49‑60, concerning compensation of trustees, remain in full force and effect through Fiscal Year 2014‑2015 independent of the department’s administrative control of the school as provided in subsection (A). However, nothing in this joint resolution may be construed to toll the running of the terms of the members of the board of trustees through Fiscal Year 2014‑2015.

(C) The provisions of this joint resolution must be construed liberally in favor of empowering the Department of Juvenile Justice to control the affairs of the John de la Howe school through Fiscal Year 2014‑2015, and to the extent a provision of Chapter 49, Title 59 conflicts with a provision of this joint resolution, the provisions of this joint resolution must prevail.

SECTION 2. This joint resolution takes effect upon approval by the Governor and only applies through June 30, 2015.

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