**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 798**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Peeler, Harpootlian and Jackson

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Companion/Similar bill(s): 878, 4752

Introduced in the Senate on April 30, 2019

Currently residing in the Senate Committee on **Education**

Summary: USC Board of Trustees

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/30/2019 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj\20190430.docx))

4/30/2019 Senate Referred to Committee on **Education** ([Senate Journal‑page 8](file:///h:\sj\20190430.docx))

5/2/2019 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[4/30/2019](file:///p:\pprever\2019-20\798_20190430.docx)

[5/2/2019](file:///p:\pprever\2019-20\798_20190502.docx)

**A** **BILL**

TO AMEND SECTION 59‑117‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO REDUCE THE SIZE OF THE BOARD AND THE AREAS FROM WHICH ELECTED MEMBERS ARE SELECTED; TO AMEND SECTION 59‑117‑20, RELATING TO TERMS OF ELECTED MEMBERS OF THE BOARD, SO AS TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2020; TO AMEND SECTION 59‑117‑40, RELATING TO THE POWERS AND DUTIES OF THE BOARD, SO AS TO REVISE CERTAIN POWERS; AND TO AMEND SECTION 59‑117‑50, RELATING TO MEETINGS OF THE BOARD, SO AS TO FURTHER PROVIDE FOR HOW SPECIAL MEETINGS OF THE BOARD MAY BE CALLED.

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

SECTION 1. Section 59‑117‑10 of the 1976 Code is amended to read:

“Section 59‑117‑10. The board of trustees of the University of South Carolina ~~shall be~~ is composed of the Governor of the State (or his designee), the State Superintendent of Education, and the President of the Greater University of South Carolina Alumni Association, which three ~~shall be~~ are members ex officio of the board; and ~~seventeen~~ eight other members, including one member from each of the ~~sixteen judicial circuits~~ seven congressional districts of this State, to be elected by the general vote of the General Assembly as ~~hereinafter~~ provided in this section, and one at‑large member appointed by the Governor. The Governor shall make the appointment 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.”

SECTION 2. Section 59‑117‑20 of the 1976 Code is amended to read:

“Section 59‑117‑20. The regular term of office of each trustee elected by the General Assembly is four years; however, the trustee shall continue to function as a trustee after his term has expired until his successor is elected and qualifies. ~~Trustees from the first, third, fifth, seventh, ninth, eleventh, twelfth, and thirteenth judicial circuits whose terms expire March 31, 1982, must next be elected for terms commencing on April 1, 1982, and those terms expire on June 30, 1986. Trustees from the second, fourth, sixth, eighth, tenth, fourteenth, fifteenth, and sixteenth judicial circuits elected for terms to commence April 1, 1984, shall have their terms extended to June 30, 1988, and must next be elected for terms commencing on July 1, 1988. Thereafter, the General Assembly shall hold elections every two years for the purpose of selecting successors of those trustees whose terms are then expiring. The term of office of an elective trustee commences on the first day of July of the year in which the trustee under this plan is scheduled to be elected and the term continues until the thirtieth day of June of the year in which the term is scheduled to expire. After its 1984 session, the General Assembly shall elect successors to those elective trustees whose terms are expiring not earlier than the first day of April of the year the term expires. 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.~~ Beginning July 1, 2020, trustees elected by the General Assembly must be elected from the congressional district in which he or she resides. The terms of the initial elected members of the board of trustees are as follows:

(1) trustees elected to represent odd‑numbered congressional districts are elected for initial terms of two years and until their successors are elected and qualify;

(2) trustees elected to represent even‑numbered congressional districts are elected for initial terms of four years; and

(3) the terms of current elected members of the board serving in office on June 30, 2020, expire on this date, at which time the seven newly elected trustees elected in the manner provided in this section, take office for terms beginning on July 1, 2020.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. If the Governor~~,~~ chooses to designate a member to serve in his stead as permitted by Section 59‑117‑10, the appointment is effective upon certification to the Secretary of State and shall continue~~,~~ at the pleasure of the Governor making the appointment, ~~so~~ as long as he continues to hold the specified office.

The term of the President of the Greater University of South Carolina Alumni Association is for the active term of office as president.”

SECTION 3. Section 59‑117‑40 of the 1976 Code is amended to read:

“Section 59‑117‑40. The board of trustees of the University of South Carolina is ~~and is hereby~~ constituted a body corporate and politic, in deed and in law under the name of the University of South Carolina. ~~Such~~ The corporation through its board has the following powers:

(1) to have perpetual succession;

(2) to sue and be sued by the corporate name;

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

(4) to make contracts and to have, ~~to~~ hold, ~~to~~ purchase, and ~~to~~ lease real estate and personal property for corporate purposes; and to sell and dispose of personal property and any buildings that are ~~deemed~~ considered by it as surplus property or not further needed and any buildings that it may need to do away with for the purpose of making room for other construction. All ~~such~~ these powers ~~shall~~ must be exercised in a manner consistent with the provisions of Chapter 35, ~~of~~ Title 11 ~~of the 1976 Code~~.

(5) to appoint a chairman of the board of trustees and to appoint a University president, treasurer, and secretary, and in the appointment of these latter three, to prescribe their duties and their terms of office and to fix ~~their~~ the compensation for the treasurer and secretary and to recommend to the Agency Head Salary Commission the compensation for the president;

(6) to appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, instructors, and other employees prescribing the terms of their employments, their duties, and fixing their compensations;

(7) to make bylaws and all rules and regulations ~~deemed~~ considered expedient for the management of its affairs and its own operations not inconsistent with the Constitution and laws of this State or of the United States;

(8) to condemn land for corporate purposes as provided in Section 59‑117‑70;

(9) to fix tuition fees and other charges for students attending the University, but these ~~shall~~ must not be inconsistent with statutes where the legislature undertakes to fix ~~such~~ these fees and charges;

(10) to confer degrees upon students and ~~such~~ other persons as in the opinion of the board of trustees may be qualified to receive them;

(11) to accept, receive, and hold all ~~moneys~~ monies or other properties, real and personal, that may be given, conveyed, bequeathed, or devised to the University and to use them for the benefit of the University, but in those cases where ~~such~~ money or property is received and charged with any trust, then in every case ~~such~~ the money or property ~~shall~~ must be held and used strictly in accordance with the terms of ~~such~~ the trust; provided, however, where the terms of ~~any such~~ the trust would require something to be done other than merely to administer the trust, no obligation in receiving the trust over and above ~~merely~~ its administration ~~shall be~~ is binding upon the University or the State, except ~~such as are~~ those obligations accepted by the General Assembly;

(12) to assign any member of the faculty to additional duties in ~~any other~~ another University department other than that in which the faculty member may at the time be working and without additional salary;

(13) in all investigations touching the affairs of the University, the board of trustees is invested with full powers to compel by subpoena, rule, and attachment, witnesses to appear and testify and papers to be produced and read before ~~such~~ the board;

(14) to adopt ~~such~~ measures and make ~~such~~ regulations as may, in the discretion of the board of trustees, be necessary for the proper operation of the University;

(15) to appoint for the University a board of visitors of ~~such~~ a number as the board of trustees ~~may deem~~ considers expedient, and to regulate the terms during which the members of ~~such~~ the board shall serve, and to prescribe the functions of ~~such~~ the board of visitors;

(16) to remove ~~any~~ an officer, faculty member, agent, or employee for incompetence, neglect of duty, violation of University regulations, or conduct unbecoming a person occupying such a position;

(17) to appoint ~~an executive committee not exceeding six members of the board who have all the powers of the board during the interim between meetings of the board, but not the power to do anything which is inconsistent with the policy or action taken by the board. The executive committee at each meeting of the board shall report fully all action taken by it during the interim; and~~

~~(18)~~ ~~to appoint~~ committees of the board of trustees or officers or members of the faculty of the University, with such power and authority and for such purposes in connection with the operation of the University as the board of trustees ~~may deem wise~~ considers appropriate.”

SECTION 4. Section 59‑117‑50 of the 1976 Code is amended to read:

“Section 59‑117‑50. The board of trustees shall meet not less frequently than quarterly, the time and place of each ~~such~~ regular meeting to be fixed by the chairman of the board or otherwise as the board of trustees ~~shall provide~~ provides. If the Governor chooses to serve as an ex officio member of the board, he shall preside at all regular and special meetings of the board of trustees in which he is in attendance. At those meetings at which the Governor is not in attendance, the chairman of the board of trustees shall preside and in his absence ~~such~~ a member shall preside as the board may select. The Governor of the State, ~~(~~if serving as an ex officio member of the board~~)~~, the chairman of the board of trustees, and the president of the University ~~shall~~ each have the power to call a special meeting of the board of trustees and fix the time and place ~~thereof~~ of it. ~~Any five members of the board shall likewise have this power.~~ A majority of the members of the board of trustees ~~shall constitute~~ constitutes a quorum for the transaction of all business of the board and for the purpose of calling a special meeting of the board, but not less than a majority vote of the whole board ~~shall be~~ is required for the election or removal of a president. It ~~shall be~~ is the duty of the president and other officers as well as members of the faculty to attend meetings of the board of trustees when requested to so.

Notice of the time and place of all meetings, both regular and special meetings, of the board of trustees of the University of South Carolina ~~shall~~ must be mailed by the secretary or his assistant to each trustee not less than five days before each meeting ~~thereof~~.”

SECTION 5. This act takes effect upon approval by the Governor.

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