

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

BEESON/MORGAN
APRIL 7, 2014

CLERK OF THE HOUSE

THE CHARLESTON UNIVERSITY ACT AD HOC COMMITTEE
PROPOSES THE FOLLOWING AMENDMENT No. TO H. 4632
(COUNCIL\AGM\4632C003.AGM.AB14):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY
DELETING ALL AFTER THE ENACTING WORDS AND
INSERTING:**

**/SECTION 1. ARTICLE 1, CHAPTER 103,
TITLE 59 IS AMENDED BY ADDING:**

**“SECTION 59-103-22. THE UNIVERSITY OF
CHARLESTON, SOUTH CAROLINA, AS PROVIDED
FOR IN THIS CHAPTER IS HEREBY DESIGNATED A
RESEARCH INSTITUTION, AS PROVIDED IN**

SECTION 59-103-15 (B)(1), AND AS SUCH IS ELIGIBLE TO PARTICIPATE IN SOUTH CAROLINA RESEARCH CENTERS OF ECONOMIC EXCELLENCE AS PROVIDED IN TITLE 2, CHAPTER 75. THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, SHALL SUBMIT A MISSION STATEMENT CORRESPONDING WITH ITS DESIGNATION AS A RESEARCH INSTITUTION BEFORE JANUARY 1, 2015, AND THIS MISSION STATEMENT MUST BE APPROVED BY THE COMMISSION ON HIGHER EDUCATION BEFORE APRIL 1, 2015. THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, SHALL NOT DUPLICATE ANY DEGREE PROGRAMS OFFERED IN THE CHARLESTON REGION. THE PROVISIONS OF THIS SECTION DO NOT ALTER THE DESIGNATION OF THE COLLEGE OF CHARLESTON AS A FOUR YEAR LIBERAL ARTS COLLEGE. THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, AND THE COLLEGE OF CHARLESTON MUST EACH BE ESTABLISHED AS SEPARATE BUDGET SECTIONS IN THE ANNUAL APPROPRIATIONS BILL.”

SECTION 2. SECTION 2-75-5 OF THE 1976 CODE IS AMENDED TO READ:

“SECTION 2-75-5. (A) THIS CHAPTER IS KNOWN AND MAY BE CITED AS THE SOUTH CAROLINA RESEARCH CENTERS OF ECONOMIC EXCELLENCE ACT.

(B) THE GENERAL ASSEMBLY FINDS THAT:

(1) IT IS IN THE PUBLIC INTEREST TO CREATE INCENTIVES FOR THE SENIOR RESEARCH UNIVERSITIES OF SOUTH CAROLINA CONSISTING OF CLEMSON UNIVERSITY, THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, AND THE UNIVERSITY OF SOUTH CAROLINA TO RAISE CAPITAL FROM THE PRIVATE SECTOR TO FUND ENDOWMENTS FOR PROFESSORSHIPS IN RESEARCH AREAS TARGETED TO CREATE WELL-PAYING JOBS AND ENHANCED ECONOMIC OPPORTUNITIES FOR THE PEOPLE OF SOUTH CAROLINA;

(2) THESE ENDOWED PROFESSORSHIPS SHOULD BE USED TO RECRUIT AND MAINTAIN LEADING SCIENTISTS AND ENGINEERS AT THE

SENIOR RESEARCH UNIVERSITIES OF SOUTH CAROLINA FOR THE PURPOSES OF DEVELOPING AND LEVERAGING THE RESEARCH CAPABILITIES OF THE UNIVERSITIES FOR THE CREATION OF WELL-PAYING JOBS AND ENHANCED ECONOMIC OPPORTUNITIES IN KNOWLEDGE-BASED INDUSTRIES FOR ALL SOUTH CAROLINIANS;

(3) IN COMMUNITIES ACROSS THE UNITED STATES IN WHICH BETTER PAYING JOBS AND ENHANCED ECONOMIC DEVELOPMENT IN KNOWLEDGE-BASED INDUSTRIES HAS FLOURISHED, THE LOCAL OR STATE GOVERNMENT HAS CREATED INCENTIVES AND MADE A LONG-TERM COMMITMENT TO PUBLIC AND PRIVATE FUNDING FOR A SIGNIFICANT NUMBER OF ENDOWMENTS FOR PROFESSORSHIPS IN TARGETED KNOWLEDGE-BASED INDUSTRIES;

(4) THE SOUTH CAROLINA EDUCATION LOTTERY PROVIDES A SOURCE OF FUNDING AND AN INCENTIVE FOR THE SENIOR RESEARCH UNIVERSITIES TO RAISE, IN DOLLAR-FOR-DOLLAR MATCHING AMOUNTS, SUMS FROM NONSTATE SOURCES SUFFICIENT TO CREATE ENDOWED PROFESSORSHIPS;

(5) THESE ENDOWED PROFESSORSHIPS SHOULD BE AWARDED TO THE SENIOR RESEARCH UNIVERSITIES THROUGH A COMPETITIVE APPLICATION PROCESS, PROVIDED THAT THE COMPETITIVE PROCESS MUST ENCOURAGE THE SENIOR RESEARCH UNIVERSITIES TO SUBMIT COOPERATIVE APPLICATIONS WITH ONE ANOTHER AS WELL AS IN COOPERATION WITH OTHER INSTITUTIONS OF HIGHER EDUCATION; AND

(6) THESE ENDOWED PROFESSORSHIPS, FUNDED EQUALLY FROM THE SOUTH CAROLINA EDUCATION LOTTERY AND FROM OTHER NONSTATE SOURCES, PROVIDE A FOUNDATION FOR THE CREATION OF CENTERS OF ECONOMIC EXCELLENCE; AND

(7) THESE ENDOWED PROFESSORSHIPS AND SENIOR RESEARCH UNIVERSITIES SHALL SEEK COLLABORATION AND DEVELOP PARTNERSHIPS WITH SIMILARLY FOCUSED PROGRAMS AT THE STATE'S

TECHNICAL COLLEGES TO MEET THE WORKFORCE DEMANDS OF SOUTH CAROLINA'S GROWING ECONOMY."

SECTION 3. THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR. /

RENUMBER SECTIONS TO CONFORM.

AMEND TITLE TO CONFORM.

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-103-22 SO AS TO DESIGNATE THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, AS A RESEARCH INSTITUTION ELIGIBLE TO PARTICIPATE IN THE SOUTH CAROLINA RESEARCH CENTERS OF ECONOMIC EXCELLENCE, TO REQUIRE THE UNIVERSITY SHALL SUBMIT A CORRESPONDING MISSION STATEMENT TO THE COMMISSION ON HIGHER EDUCATION AND THAT THE COMMISSION SHALL APPROVE THE MISSION STATEMENT PURSUANT TO CERTAIN DEADLINES, TO PROVIDE THE UNIVERSITY SHALL NOT DUPLICATE ANY DEGREE PROGRAMS OFFERED IN THE CHARLESTON REGION, TO PROVIDE THAT COLLEGE OF CHARLESTON SHALL REMAIN A FOUR-YEAR LIBERAL ARTS COLLEGE, AND TO PROVIDE THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, AND THE COLLEGE OF CHARLESTON MUST EACH BE ESTABLISHED AS SEPARATE BUDGET SECTIONS IN THE ANNUAL APPROPRIATIONS BILL; AND TO AMEND SECTION 59-2-75, RELATING TO THE SOUTH CAROLINA RESEARCH CENTERS OF ECONOMIC EXCELLENCE ACT, SO AS TO ADD THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, TO THE SENIOR RESEARCH UNIVERSITIES ELIGIBLE FOR

CERTAIN INCENTIVES AND PROVIDED WITH CERTAIN POWERS RELATING TO RAISING CAPITAL FROM THE PRIVATE SECTOR TO FUND CERTAIN ENDOWMENTS RELATED TO RESEARCH, AMONG OTHER THINGS, AND TO PROVIDE THAT THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, SHALL NOT DUPLICATE ANY DEGREE PROGRAMS OFFERED IN THE CHARLESTON REGION. /

REPORT OF THE Charleston University ad hoc Committee

(Merrill, Limehouse, Bingham, M. Smith, Cobb-Hunter, Stavrinakis, Anthony -
Staff Contacts: Paul Patrick and Blythe Littlefield)

HOUSE BILL 4632

H. 4632 -- Reps. Stavrinakis, Merrill, McCoy, Daning, Crosby, Murphy, Sottile, Gilliard, R.L. Brown, Mack and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "CHARLESTON UNIVERSITY ACT" BY ADDING CHAPTER 120 TO TITLE 59 SO AS TO CREATE CHARLESTON UNIVERSITY TO EVENTUALLY BE CONSTITUTED BY MERGING THE COLLEGE OF CHARLESTON AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, INCLUDING ITS HOSPITAL AUTHORITY, INTO ONE INSTITUTION AS DETERMINED BY THE BOARD OF TRUSTEES OF THE UNIVERSITY; TO PROVIDE THIS MERGER MUST OCCUR BEFORE JULY 1, 2016; TO PROVIDE THAT THE FORMER COLLEGE OF CHARLESTON MUST BE KNOWN AS THE "CHARLESTON UNIVERSITY GEORGE STREET CAMPUS" AND THE FORMER MEDICAL UNIVERSITY OF SOUTH CAROLINA MUST BE KNOWN AS THE "CHARLESTON UNIVERSITY MEDICAL CAMPUS"; TO CREATE A BOARD OF TRUSTEES OF THE UNIVERSITY; TO PROVIDE FOR THE COMPOSITION, POWERS, AND DUTIES OF THE BOARD AND MISCELLANEOUS MATTERS CONCERNING THE BOARD; TO PROVIDE THAT UNTIL THE MERGER OCCURS THE PRIMARY FOCUS OF THE CHARLESTON UNIVERSITY BOARD OF TRUSTEES MUST BE THE COMPLETION OF A MERGER PLAN; TO PROVIDE THIS PLAN MUST BE PRESENTED TO THE GOVERNOR AND THE GENERAL ASSEMBLY BEFORE JULY 1, 2015, AND TO PROVIDE CONTENT REQUIREMENTS FOR THE REPORT; AND TO PROVIDE CERTAIN REQUIREMENTS FOR APPROPRIATIONS, CAPITAL IMPROVEMENT BONDS, AND REVENUE BONDS; TO AMEND SECTION 59-107-10, RELATING TO STATE SUPPORTED INSTITUTIONS OF HIGHER LEARNING IN SOUTH CAROLINA, SECTION 59-123-10, RELATING TO THE NAME OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, SECTION 59-123-40, AS AMENDED, RELATING TO THE MANAGEMENT AND CONTROL OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, SECTION 59-123-60, RELATING TO THE BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, ALL SO AS TO MAKE CONFORMING CHANGES; TO PROVIDE THAT ANY REFERENCE TO THE COLLEGE OF CHARLESTON, UNIVERSITY OF CHARLESTON, MEDICAL UNIVERSITY OF SOUTH CAROLINA IN A LEGISLATIVE ENACTMENT, STATUTE, OR REGULATION MUST BE CONSTRUED TO MEAN CHARLESTON UNIVERSITY; TO REDESIGNATE CHAPTER 123, TITLE 59 AS "CHARLESTON UNIVERSITY MEDICAL CAMPUS AND THE HOSPITAL AUTHORITY"; TO REDESIGNATE CHAPTER 130, TITLE 59 AS "CHARLESTON UNIVERSITY GEORGE STREET CAMPUS"; AND TO REPEAL SECTION 59-123-50 RELATING TO THE ELECTION OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SECTION 59-130-10 RELATING TO THE BOARD OF TRUSTEES OF THE COLLEGE OF CHARLESTON, SECTION 59-130-30 RELATING TO POWERS OF THE BOARD OF TRUSTEES OF THE COLLEGE OF CHARLESTON, AND SECTION 59-130-40 RELATING TO MEETINGS OF THE BOARD OF TRUSTEES OF THE COLLEGE OF CHARLESTON.

Summary of Bill:

The bill has been amended and is no longer the 'Charleston University Act.' The amendment is a strike-all and insert. The amendment allows for University of Charleston, South Carolina (an entity created in 1992) to be designated as a Research University and participate in the endowed chairs/SmartState program. The College of Charleston and MUSC are not mentioned in this amendment. University of Charleston, South Carolina is prohibited from offering any programs that would be duplicative in the Charleston region. There is also language to allow endowed chairs to partner with similarly focused technical college programs.

Introduced: 02/06/2014

Received by Ways and Means: 02/06/2014

Estimated Fiscal Impact: Pending

Subcommittee Recommendation: Adopted Favorable with Attached Amendment

Full Committee Recommendation: Pending

Other Notes/Comments:

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A BILL

10

11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, SO AS TO ENACT THE "CHARLESTON UNIVERSITY
13 ACT" BY ADDING CHAPTER 120 TO TITL 59 SO AS TO
14 CREATE CHARLESTON UNIVERSITY TO EVENTUALLY
15 BE CONSTITUTED BY MERGING THE COLLEGE OF
16 CHARLESTON AND THE MEDICAL UNIVERSITY OF
17 SOUTH CAROLINA, INCLUDING ITS HOSPITAL
18 AUTHORITY, INTO ONE INSTITUTION AS DETERMINED
19 BY THE BOARD OF TRUSTEES OF THE UNIVERSITY; TO
20 PROVIDE THIS MERGER MUST OCCUR BEFORE JULY 1,
21 2016; TO PROVIDE THAT THE FORMER COLLEGE OF
22 CHARLESTON MUST BE KNOWN AS THE "CHARLESTON
23 UNIVERSITY GEORGE STREET CAMPUS" AND THE
24 FORMER MEDICAL UNIVERSITY OF SOUTH CAROLINA
25 MUST BE KNOWN AS THE "CHARLESTON UNIVERSITY
26 MEDICAL CAMPUS"; TO CREATE A BOARD OF TRUSTEES
27 OF THE UNIVERSITY; TO PROVIDE FOR THE
28 COMPOSITION, POWERS, AND DUTIES OF THE BOARD
29 AND MISCELLANEOUS MATTERS CONCERNING THE
30 BOARD; TO PROVIDE THAT UNTIL THE MERGER
31 OCCURS THE PRIMARY FOCUS OF THE CHARLESTON
32 UNIVERSITY BOARD OF TRUSTEES MUST BE THE
33 COMPLETION OF A MERGER PLAN; TO PROVIDE THIS
34 PLAN MUST BE PRESENTED TO THE GOVERNOR AND
35 THE GENERAL ASSEMBLY BEFORE JULY 1, 2015, AND TO
36 PROVIDE CONTENT REQUIREMENTS FOR THE REPORT;
37 AND TO PROVIDE CERTAIN REQUIREMENTS FOR
38 APPROPRIATIONS, CAPITAL IMPROVEMENT BONDS,
39 AND REVENUE BONDS; TO AMEND SECTION 59-107-10,
40 RELATING TO STATE SUPPORTED INSTITUTIONS OF
41 HIGHER LEARNING IN SOUTH CAROLINA, SECTION
42 59-123-10, RELATING TO THE NAME OF THE MEDICAL

1 UNIVERSITY OF SOUTH CAROLINA, SECTION 59-123-40,
2 AS AMENDED, RELATING TO THE MANAGEMENT AND
3 CONTROL OF THE MEDICAL UNIVERSITY OF SOUTH
4 CAROLINA, SECTION 59-123-60, RELATING TO THE
5 BOARD OF TRUSTEES OF THE MEDICAL UNIVERSITY OF
6 SOUTH CAROLINA, ALL SO AS TO MAKE CONFORMING
7 CHANGES; TO PROVIDE THAT ANY REFERENCE TO THE
8 COLLEGE OF CHARLESTON, UNIVERSITY OF
9 CHARLESTON, MEDICAL UNIVERSITY OF SOUTH
10 CAROLINA IN A LEGISLATIVE ENACTMENT, STATUTE,
11 OR REGULATION MUST BE CONSTRUED TO MEAN
12 CHARLESTON UNIVERSITY; TO REDESIGNATE CHAPTER
13 123, TITLE 59 AS "CHARLESTON UNIVERSITY MEDICAL
14 CAMPUS AND THE HOSPITAL AUTHORITY"; TO
15 REDESIGNATE CHAPTER 130, TITLE 59 AS
16 "CHARLESTON UNIVERSITY GEORGE STREET CAMPUS";
17 AND TO REPEAL SECTION 59-123-50 RELATING TO THE
18 ELECTION OF THE MEDICAL UNIVERSITY OF SOUTH
19 CAROLINA BOARD OF TRUSTEES, SECTION 59-130-10
20 RELATING TO THE BOARD OF TRUSTEES OF THE
21 COLLEGE OF CHARLESTON, SECTION 59-130-30
22 RELATING TO POWERS OF THE BOARD OF TRUSTEES OF
23 THE COLLEGE OF CHARLESTON, AND SECTION 59-130-40
24 RELATING TO MEETINGS OF THE BOARD OF TRUSTEES
25 OF THE COLLEGE OF CHARLESTON.

26

27 Whereas, the General Assembly finds that both the College of
28 Charleston and the Medical University of South Carolina are
29 treasures of South Carolina and forever shall be; and

30

31 Whereas, the General Assembly finds that the economy of
32 Charleston has fully transformed from one dependent on military
33 and defense concerns to one of broad diversification demanding a
34 highly trained and multitalented workforce; and

35

36 Whereas, the General Assembly finds that an overwhelming
37 number of the nation's top one hundred metropolitan areas have a
38 full-scale comprehensive research university, but that Charleston
39 regrettably is not among them; and

40

41 Whereas, the General Assembly finds that by merging the
42 extraordinary assets and talents of the College of Charleston and
43 the Medical University of South Carolina to form a full-scale

1 comprehensive research university will enable Charleston to
2 forever solidify its place as a leader in higher education and ensure
3 its continued economic prosperity. Now, therefore,

4
5 Be it enacted by the General Assembly of the State of South
6 Carolina:

7
8 SECTION 1. This act must be known and may be cited as the
9 “Charleston University Act”.

10
11 PART I

12
13 CHARLESTON UNIVERSITY CREATED

14
15 SECTION 2. Title 59 of the 1976 Code is amended by adding:

16
17 “CHAPTER 120

18
19 Charleston University

20
21 Section 59-120-110. Effective July 1, 2014 there is created a
22 comprehensive research university known as ‘Charleston
23 University’ to be located in Charleston, South Carolina.
24 Charleston University is to be constituted from the eventual merger
25 of the College of Charleston and the Medical University of South
26 Carolina, including the Medical University of South Carolina
27 Hospital Authority. The College of Charleston and the Medical
28 University of South Carolina, including the Medical University of
29 South Carolina Hospital Authority, must remain as separate
30 institutions until the board of trustees of Charleston University,
31 established in this chapter, determines they must be merged into
32 one institution, which must occur before July 1, 2016. After the
33 merger, the former College of Charleston portion of the university
34 must be known as the ‘Charleston University George Street
35 Campus’ and the former Medical University of South Carolina
36 portion of the university must be known as the ‘Charleston
37 University Medical Campus’.

38
39 Section 59-120-120. (A) There is created a board of trustees
40 for Charleston University. The respective boards of trustees of the
41 College of Charleston and the Medical University of South
42 Carolina and their respective powers and duties shall remain in
43 place until the board of trustees of Charleston University

1 determines that the two institutions must be merged into one
2 institution. At that time the board of trustees for both the College
3 of Charleston and the Medical University of South Carolina and
4 their respective powers and duties are dissolved, and their powers
5 and duties are devolved to the board of trustees of Charleston
6 University.

7 (B)(1) The board of trustees of Charleston University is
8 compromised of twenty-three members.

9 (2) The initial membership of this board must be constituted
10 of individuals that are currently serving on either the College of
11 Charleston or Medical University of South Carolina board of
12 trustees on July 1, 2014. Until the College of Charleston and the
13 Medical University of South Carolina are merged into one
14 institution, the members of the Charleston University board of
15 trustees shall serve in an ex officio capacity.

16 (3) The board will be first appointed in the following
17 manner:

18 (a) one member from each congressional district
19 appointed by the Speaker of the House of Representatives;

20 (b) three members appointed from the state at-large by the
21 Speaker of the House of Representatives to hold Seats 1, 2, 3, 4, 5,
22 6, 7, 15, 16 and 19;

23 (c) one member from each congressional district
24 appointed by the President Pro Tempore of the Senate to hold
25 Seats 8, 9, 10, 11, 12, 13, and 14;

26 (d) three members appointed from the state at-large by the
27 President Pro Tempore of the Senate to hold Seats 17, 18, and 20;

28 (e) one member appointed from the state at-large by the
29 Governor, who holds Seat 21;

30 (f) the Governor or his designee, who is a voting ex
31 officio member of the board, who holds Seat 22; and

32 (g) one alum of either the College of Charleston, the
33 Medical University of South Carolina, or Charleston University,
34 who holds Seat 23;

35 (h) the first term of Seat 23 will be held by the current
36 alumni representative on the College of Charleston board of
37 trustees for a term of four years. Upon the expiration of this initial
38 term, Seat 23 will be held by a representative of the Charleston
39 University Alumni Association.

40 (4) Members appointed by the Speaker of the House of
41 Representatives to fill Seats 5, 6, 7, and 19 and members appointed
42 by the President Pro Tempore of the Senate to fill Seats 8, 9, 10, 11
43 and 20 must be members of an allied health profession, which for

1 the purposes of this chapter means the professions of medicine,
2 dental medicine, nursing, pharmacy, or physical therapy or
3 occupational therapy. A member of an allied health profession may
4 not be appointed to a Seat on the board of trustees if he is not a
5 member in good standing with any licensing authority that has
6 granted him a license in an allied health profession.

7 (5) An appointment under this section must be made based
8 on merit regardless of race, color, creed, or gender and shall strive
9 to assure that the membership of the board is representative of all
10 citizens of this State.

11 (C) Each position on the board constitutes a separate office,
12 identified by number as provided as follows:

- 13 (1) Seats 1 and 8 represent the 1st congressional district;
- 14 (2) Seats 2 and 9 represent the 2nd congressional district;
- 15 (3) Seats 3 and 10 represent the 3rd congressional district;
- 16 (4) Seats 4 and 11 represent the 4th congressional district;
- 17 (5) Seats 5 and 12 represent the 5th congressional district;
- 18 (6) Seats 6 and 13 represent the 6th congressional district;
- 19 (7) Seats 7 and 14 represent the 7th congressional district;
- 20 (8) Seats 15, 16, 17, 18, 19, 20 and 21 represent the State
21 at-large;

22 (9) Seat 22 is represented by the Governor or his designee;
23 and

24 (10) Seat 23 is represented by an alum.

25 (D) The Speaker of the House of Representatives, President Pro
26 Tempore of the Senate, and the Governor shall make their
27 respective appointments within thirty days after the effective date
28 of this act, but no later than July 1, 2014. Because all trustees must
29 currently be serving in a similar capacity on either the College of
30 Charleston or the Medical University of South Carolina boards
31 they will be considered qualified upon appointment, and are not
32 subject to screening otherwise required of college and university
33 trustees.

34 (E) The initial terms of office of each seat must be staggered
35 such that:

36 (1) Seats 1, 2, 5, 6, 10, 11, 14, 16, 17, and 20 are for terms of
37 four years each;

38 (2) Seats 3, 4, 7, 8, 9, 12, 13, 15, 18, and 19 are for terms of
39 two years each;

40 (3) at the expiration of each initial term, Seats 1 through 20
41 must be elected by the General Assembly each for a term of four
42 years and may serve until their successors are elected and
43 qualified; and

1 (4) the members appointed by the Governor to serve at-large
2 thereafter serve conterminous with the Governor.

3
4 Section 59-120-130. (A)(1) Before July 15, 2014, the board
5 shall or a majority of its members shall meet in a suitable location
6 in Charleston, South Carolina to:

7 (a) appoint officers and adopt bylaws as provided in
8 Section 59-120-140;

9 (b) begin development of a merger plan and the related
10 report required pursuant to Section 59-120-160; and

11 (c) address other matters as it considers appropriate.

12 (2) Staff assistance to the board must be provided by the
13 Office of the President.

14 (B) After the initial meeting provided in subsection (A), the
15 board shall meet in Charleston not less than four times each year,
16 the time and place to be fixed by the chairman or as the board
17 provides. The chairman shall preside and, in his absence, a
18 member shall preside as the board may select. The chairman or a
19 majority of the members has the power to call a special meeting
20 and fix the time and place of the meeting. A majority of the
21 members constitutes a quorum for the transaction of all business of
22 the board. A majority vote of the entire board is required for the
23 appointment, election, or removal of the president.

24 (C) Notice of the time and place of all meetings of the board
25 must be mailed by the secretary or his assistant to each trustee not
26 less than five days before each meeting, and must comply with the
27 Freedom of Information Act.

28 (D) Members may receive per diem and mileage as provided
29 for state boards and commissions.

30
31 Section 59-120-140. (A)(1) Until such time that the board of
32 trustees determines that the College of Charleston and the Medical
33 University of South Carolina, including the Medical University of
34 South Carolina Hospital Authority must be merged into one
35 institution, the primary focus of the Charleston University Board
36 of Trustees must be the completion of a merger plan pursuant to
37 Section 59-120-150.

38 (2) Prior to the merger date established by the Charleston
39 University Board of Trustees, the individual respective boards of
40 trustees for the College of Charleston and the Medical University
41 of South Carolina shall maintain daily operational oversight of
42 their respective institutions pursuant to Chapter 130 for the College

1 of Charleston and Chapter 123 for the Medical University of South
2 Carolina.

3 (3) Notwithstanding another provision of law, the Charleston
4 University Board of Trustees withholds the right to revoke, delay
5 or amend any decision made by the respective boards of trustees of
6 the College of Charleston and the Medical University of South
7 Carolina.

8 (B) Upon the date that the Charleston University Board of
9 Trustees determines the College of Charleston and the Medical
10 University of South Carolina, including the Medical University of
11 South Carolina Hospital Authority must be merged into one
12 institution, the boards of trustees for the College of Charleston and
13 the Medical University of South Carolina are dissolved. The
14 Charleston University Board of Trustees may:

15 (1) have perpetual succession;

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

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

18 (4) make contracts and to have, to hold, to purchase, and to
19 lease real estate and personal property for corporate purposes, and
20 to sell and dispose of personal property and any building
21 considered by it as surplus property or not further needed, and any
22 buildings that it may need to do away with for the purpose of
23 making room for other construction. The board does not have
24 power to sell or dispose of any of its real estate, other than
25 buildings, except with the consent of the State Fiscal
26 Accountability Authority (SFAA);

27 (5) appoint a chairman and to appoint or otherwise provide
28 for the appointment of subordinate and assistant officers and
29 agents, faculty members, instructors, and other employees,
30 prescribing the terms of their employment and their duties and
31 fixing their compensation;

32 (6) make bylaws and regulations for the management of its
33 affairs and its own operations not inconsistent with law;

34 (7) condemn land for corporate purposes as provided by law;

35 (8) fix tuition fees and other charges for students attending
36 the college, not inconsistent with law;

37 (9) confer degrees upon students and other persons as the
38 board considers qualified;

39 (10) accept, receive, and hold all monies or other properties,
40 real, personal, and mixed, that may be given, conveyed,
41 bequeathed, or devised to the college and to use them for the
42 benefit of the college, but in those cases where the money or
43 property is received, charged with any trust, the money or property

1 must be held and used strictly in accordance with the terms of the
2 trust; provided, however, that if the terms of the trust require
3 something to be done other than to administer the trust, no
4 obligation in receiving the trust over and above its administration
5 is binding upon the college or the State, except any obligation
6 accepted by the General Assembly;

7 (11) assign any member of the faculty without additional
8 salary to additional duties in any other college department than that
9 in which the faculty member may at the time be working;

10 (12) compel by subpoena, rule, and attachment witnesses to
11 appear and testify and papers to be produced and read before the
12 board in all investigations relating to the affairs of the college;

13 (13) adopt measures and make regulations as the board
14 considers necessary for the proper operation of the college;

15 (14) appoint for the college a board of visitors of a number as
16 it may determine, to regulate the terms during which the members
17 of the board of visitors serve, and to prescribe their functions;

18 (15) remove any officer, faculty member, agent, or employee
19 for incompetence, neglect of duty, violation of college regulations,
20 or conduct unbecoming a person occupying such a position;

21 (16) appoint an executive committee not exceeding five
22 members of the board who have the powers of the board during the
23 interim between meetings of the board but not the power to do
24 anything inconsistent with the policy or action taken by the board,
25 and the executive committee at each meeting of the board shall
26 report fully all action taken by it during the interim;

27 (17) appoint committees of the board or officers or members
28 of the faculty of the college with authority and for purposes in
29 connection with the operation of the college as the board considers
30 necessary;

31 (18) appoint a president. The president shall report to and
32 seek approval of his actions and those of his subordinates from the
33 board, and shall appoint a chancellor for the George Street Campus
34 and a chancellor for the Medical Campus;

35 (19) issue revenue bonds as provided by law; and

36 (20) establish, appoint and empower a board of directors for
37 the hospital authority;

38 (C) In addition to the powers and duties provided in this
39 section, the board all shall exercise all powers and duties with
40 respect to the George Street Campus and the Medical Campus as
41 provided for the boards of the former College of Charleston in
42 Chapter 130 and the former Medical University of South Carolina
43 as provided in Chapter 123, respectively, except that to the extent

1 such a power or provision conflicts with or is inconsistent with the
2 provisions of this chapter, the provisions of this chapter shall
3 prevail.

4

5 Section 59-120-150. (A) The board shall develop and render a
6 comprehensive report to the Governor and the General Assembly
7 before July 1, 2015, concerning the most efficient and effective for
8 merging the College of Charleston and the Medical University of
9 South Carolina, including the Medical University of South
10 Carolina Hospital Authority, together with recommendations that it
11 considers appropriate. The report must include recommendations
12 of the management and organizational structure for Charleston
13 University, and any changes needed in the general laws of this
14 State not otherwise provided in this act to effectuate the merger.

15 (B) The contents of such a plan must, at a minimum:

16 (1) ensure that the culture of both the College of Charleston
17 and the Medical University of South Carolina are forever
18 protected;

19 (2) ensure that the current academic and clinical reputations
20 are preserved;

21 (3) ensure clear separation of the Medical University of
22 South Carolina Hospital Authority from the greater institution;

23 (4) establish a budgeting process in which Charleston
24 University is addressed as at least two separate budget programs,
25 medical education and undergraduate education; and

26 (5) ensure all financial and legal contracts are maintained.

27

28 Section 59-120-160. (A) Beginning with the 2014-2015 annual
29 general appropriations act, the General Assembly shall fund
30 Charleston University and each of its components in the manner it
31 determines appropriate. Until the Charleston University Board of
32 Trustees merges the College of Charleston and the Medical
33 University of South Carolina, including the Medical University of
34 South Carolina Hospital Authority, the existing entities to be
35 merged into Charleston University shall continue to utilize the
36 funding and appropriations they each receive as separate entities.

37 (B) Capital improvement or revenue bonds previously issued
38 before the merger date, in the former names of the component
39 parts of Charleston University, namely the Medical University of
40 South Carolina, the Medical University of South Carolina Hospital
41 Authority, and the College of Charleston, including in the name of
42 any of their related entities or auxiliaries, must be construed to
43 mean the appropriate new names as provided in this act.

1 (C) After the merger date, the Board of Trustees of Charleston
2 University may authorize and issue capital improvement or
3 revenue bonds on behalf of the three component parts of
4 Charleston University in the name of that component part in the
5 manner authorized by the general law of this State applicable to
6 that component part.”

7

8

PART II

9

10 CONFORMING AND MISCELLANEOUS PROVISIONS

11

12

13 SECTION 3. Section 59-107-10 of the 1976 Code is amended to
14 read:

15

16 “Section 59-107-10. (A) The several state-supported
17 institutions of higher learning, within the contemplation of this
18 chapter, are declared to be:

19 The University of South Carolina;‡

20 Charleston University;‡

21 Clemson University, in Clemson;‡

22 The Citadel;‡

23 ~~the Medical University of South Carolina,~~

24 Winthrop University;‡

25 South Carolina State University;‡

26 Francis Marion University;‡

27 Lander University;‡

28 ~~The College of Charleston,~~

29 Coastal Carolina University;‡ and

30 Technical Education Colleges and Centers.

31 (B) Hereafter in this chapter such institutions shall be denoted
32 by the term ‘state institution’.”

33

34 SECTION 4. Section 59-123-10 of the 1976 Code is amended to
35 read:

36

37 “Section 59-123-10. The name of the Medical College of South
38 Carolina is hereby changed to the ‘The Medical University of
39 South Carolina, Campus of Charleston University’, it being the
40 intent that this institution will limit its programs to those in the
41 health area. It is further intended that any new programs
42 undertaken by the institution will first be approved by the
43 Commission on Higher Education and that no organizational

1 changes in the operation and management of the institution shall
2 be made as a result of the change in name. The name of the
3 Medical University of South Carolina Hospital Authority is hereby
4 changed to the ‘Hospital Authority of Charleston University’.
5 References to the Medical University or the Hospital Authority as
6 contained in this chapter or other provisions of law must be
7 accordingly construed to mean appropriate references.”

8
9 SECTION 5. Section 59-123-40 of the 1976 Code, as last
10 amended by Act 176 of 2012, is further amended to read:

11
12 “Section 59-123-40. ~~The management and control of The~~
13 ~~university shall be vested in a board of trustees, to be composed as~~
14 ~~follows: the Governor or his designee, ex officio, fourteen~~
15 ~~members to be elected by the General Assembly in joint assembly~~
16 ~~and one member to be appointed by the Governor. The Governor~~
17 ~~shall make the appointment based on merit regardless of race,~~
18 ~~color, creed, or gender and shall strive to assure that the~~
19 ~~membership of the board is representative of all citizens of the~~
20 ~~State of South Carolina. The governing board of Charleston~~
21 University as established by the General Assembly by law must be
22 the governing board of the Medical University of South Carolina
23 of Charleston University and the Medical University of South
24 Carolina Hospital Authority of Charleston University. All
25 references to the governing board are considered to be appropriate
26 references.”

27
28 SECTION 6. Section 59-123-60(A) of the 1976 Code is amended
29 to read:

30
31 “(A) ~~The board of trustees shall elect one of its members to be~~
32 ~~chairman and is authorized to elect a university president, one or~~
33 ~~more vice presidents, and a secretary, prescribe their duties and~~
34 ~~terms of office, and fix their compensation. It shall elect teachers~~
35 ~~of professorial rank in the various colleges which make up the~~
36 ~~Medical University of South Carolina and other officers and~~
37 ~~employees as may be necessary for the proper conduct of the~~
38 ~~university and fix their compensation, the fees and charges of~~
39 ~~students, and the rules for the government of the university. In~~
40 addition to the powers of the Charleston University board of
41 trustees provided in Chapter 120, the board of trustees also has the
42 following powers:”

1 SECTION 7. Any reference to the College of Charleston,
2 University of Charleston, or the Medical University of South
3 Carolina in any legislative enactment, statute, or regulation must
4 be construed to mean Charleston University.

5

6 SECTION 8. (A) Chapter 123, Title 59 of the 1976 Code is
7 redesignated "Charleston University Medical Campus and the
8 Hospital Authority".

9 (B) Chapter 130, Title 59 of the 1976 Code is redesignated
10 "Charleston University George Street Campus".

11 (C) Sections 59-123-50, 59-130-10, 59-130-30, and 59-130-40
12 of the 1976 Code are repealed.

13

14 SECTION 9. Except as otherwise provided herein, the provisions
15 of this act are effective upon approval by the Governor.

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