COMMITTEE REPORT

February 26, 2015

**S. 475**

Introduced by Senators Leatherman, Setzler, Courson, Matthews, Jackson, Hutto, O’Dell and Williams

S. Printed 2/26/15--S. [SEC 2/27/15 10:52 AM]

Read the first time February 19, 2015.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Joint Resolution (S. 475) to remove the current members of the Board of Trustees of South Carolina State University and devolve the board’s powers upon a new appointed board, to specify, etc., respectfully

**REPORT:**

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

Amend the joint resolution, as and if amended, page 2, by striking line 39 and inserting:

/ (B) Section 59‑127‑20 of the South Carolina Code, relating to the South Carolina State University Board of Trustees, election, and term, is suspended until June 30, 2018. There is /

Amend the joint resolution further, as and if amended, page 3, by striking line 12 and inserting:

/ membership. Vacancies must be filled in the manner of the original appointment. /

Amend the joint resolution, as and if amended, page 3, by striking lines 16‑20 and inserting:

/ 127, Title 59, whichever is later. The term of office for each seat on the board of trustees shall be suspended as of the date of removal pursuant to subsection (A) until a new member of the board of trustees is elected to that seat pursuant to Chapter 127, Title 59, after June 30, 2018. Initial terms of the new members of the board of trustees shall be the unexpired term of the seat to which they are elected. /

Amend the joint resolution further, as and if amended, page 3, by striking line 22‑25 and inserting:

/ established pursuant to subsection (B) is authorized to develop programmatic, personnel, and related policies it deems necessary to ensure that the university operates within its appropriated and authorized budget. The policies the board develops may be across all /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

JOHN E. COURSON GERALD MALLOY

For Majority. For Minority.

**A** **JOINT RESOLUTION**

TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY AND DEVOLVE THE BOARD’S POWERS UPON A NEW APPOINTED BOARD, TO SPECIFY THE MEMBERS OF THE NEW BOARD, TO PROVIDE ADDITIONAL POWERS TO THE NEW BOARD, AND TO PROVIDE THAT THE NEW BOARD SHALL SERVE UNTIL JULY 1, 2018, AT WHICH TIME ANOTHER BOARD SHALL BE ELECTED IN THE SAME MANNER AS THE CURRENT BOARD WAS ELECTED.

Whereas, the members of the General Assembly recognize that historically black colleges and universities (HBCUs) serve as important and vital institutions for the education of students; and

Whereas, South Carolina State University, an HBCU, was founded in 1896 as the state’s sole public college for black youth and has played a key role in the education of African Americans and other races in the State and nation; and

Whereas, while it is vital for this State that South Carolina State University remains open, and that it maintains its legacy of excellence in education, and continues to produce generations of scholars and leaders, it must do so in such a manner that operating expenditures do not exceed available revenue in a fiscal year; and

Whereas, out of a desire to support a return to financial and enrollment stability at South Carolina State University, since April 2014, the State has loaned the university $7 million and provided up to another $10.5 million over the next three fiscal years contingent on the university maintaining a balanced operating budget, for a total of up to $17.5 million; and

Whereas, as of January 31, 2015, South Carolina State University’s past due vendor accounts payable has grown from $10.3 million at the beginning of the fiscal year to $11.1 million at the end of the first seven months of the current fiscal year; and

Whereas, on February 13, 2015, the Executive Director of the Executive Budget Office informed South Carolina State University that in its opinion the university would end the current fiscal year with another operating deficit; and

Whereas, eroding public trust and confidence in the willingness or ability of South Carolina State University to successfully operate within a balanced budget, coupled with ongoing accreditation concerns related to financial, governance, and other matters, are among factors adversely impacting university enrollment which is at a level greatly in need of stabilization; and

Whereas, removing the current members of the Board of Trustees of South Carolina State University and replacing the board temporarily with a new board to guide the institution out of its current financial difficulties is the responsibility of the General Assembly at this critical time for the State and South Carolina State University and is a requisite step toward restoring public trust and confidence in this important university and is necessary to help bring financial and enrollment stability to the university in order to ensure its long term viability as an accredited public institution of higher learning in this State well into the future. Now, therefore,

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

SECTION 1. (A) Immediately upon the appointment of a full new board pursuant to subsection (B), the members of the Board of Trustees of South Carolina State University currently serving on the effective date of this joint resolution are hereby removed from service and the powers and duties of the board are transferred to and devolved upon the new board of trustees appointed pursuant to subsection (B).

(B) Notwithstanding any other provision of law, there is established a new temporary Board of Trustees of South Carolina State University, to be composed of:

(1) one member appointed by the President Pro Tempore of the Senate;

(2) one member appointed by the Speaker of the House of Representatives;

(3) one member appointed by the Chairman of the Senate Education Committee;

(4) one member appointed by the Chairman of the House Education and Public Works Committee; and

(5) one member appointed by the Governor.

Each member must have experience in at least one of the following: finance, higher education administration, business administration, or public administration. The board shall meet as soon as practical and elect a chairman and other officers from its membership.

(C) Unless extended by the General Assembly, the board established pursuant to subsection (B) shall serve until June 30, 2018, or until a full board is elected and qualified pursuant to Chapter 127, Title 59, whichever is later. The term associated with each seat of the board shall continue to run as though this section was not enacted, so that the members elected pursuant to Chapter 127, Title 59, beginning July 1, 2018, shall serve the term associated with the member’s respective seat.

(D) Notwithstanding any other provision of law, the board established pursuant to subsection (B) is authorized to implement programmatic, personnel, and related policies it deems necessary to ensure that the university operates within its appropriated and authorized budget. The board’s implementations may be across all operations of the university including, but not limited to, administration, academics, auxiliary operations, public service activities, and athletics. Programmatic and personnel policies implemented by the board pursuant to this subsection must be reported as information to the Commission on Higher Education and the State Division of Human Resources, respectively, as soon as is practicable after implementation.

(E) The board is solely responsible for the selection, periodic evaluation, and retention or termination of the university’s chief executive officer (CEO).

(F) The board shall ensure there is a clear and appropriate distinction between the policy‑making functions of the board and the responsibility of the CEO, administration, and faculty to administer and implement policies and that the university has a clearly defined organizational structure that delineates responsibility for the administration of policies.

(G) The board shall ensure that the university has qualified administrative and academic officers with the experience and competence necessary to lead the university.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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