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INTRODUCED

February 3, 2021

**H. 3740**

Introduced by Rep. McGarry

L. Printed 2/3/21--S.

Read the first time February 3, 2021.

**A** **BILL**

TO AMEND ACT 126 OF 1959, AS AMENDED, RELATING TO THE LANCASTER COUNTY COMMISSION FOR HIGHER EDUCATION, SO AS TO PROVIDE FOR THE COMMISSION’S RECEIPT AND ADMINISTRATION OF LANCASTER COUNTY MILLAGE‑DERIVED FUNDS, TO PROVIDE THAT THE DEAN OF THE UNIVERSITY OF SOUTH CAROLINA LANCASTER MUST BE AN EX OFFICIO MEMBER OF THE COMMISSION, TO CLARIFY THE COMMISSION’S ROLE RELATING TO THE OFFERING OF POST‑SECONDARY COURSES; TO REMOVE CERTAIN ARCHAIC LANGUAGE, AND TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT TO LANCASTER COUNTY COUNCIL.

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

SECTION 1. Act 126 of 1959, as last amended by Act 614 of 1980, is further amended by adding an appropriately numbered Section at the end to read:

“SECTION \_\_. After the effective date of this section, all existing and future Lancaster County millage‑derived funds received by the commission must be set aside and used exclusively for the benefit of the University of South Carolina Lancaster. Other institutions seeking a disbursement from these funds shall submit their requests directly to Lancaster County Council or to another funding source. If the commission receives Lancaster County millage‑derived funds after the effective date of this section that are designated for use by an institution other than the University of South Carolina Lancaster, the commission shall segregate and administer these funds accordingly.”

SECTION 2. The first and second paragraphs of Section 1 of Act 126 of 1959 are amended to read:

“SECTION 1. There is hereby created the Lancaster County Commission for Higher Education. This body, hereinafter called the commission, shall be composed of seven members who shall be appointed by the Governor on the recommendation of a majority of the Lancaster County Legislative Delegation~~, including the Senator~~. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; provided, that three of the seven commissioners initially appointed shall be appointed for a term of two years, with their successors to be appointed thereafter for full four‑year terms.

The Superintendent of Education for Lancaster County shall, by virtue of his office, be an ex officio member of the commission. The Dean of the University of South Carolina Lancaster Campus by virtue of office must be an ex officio member of the commission.”

SECTION 3. Section 3 of Act 126 of 1959, as last amended by Act 16 of 1975, is further amended to read:

“SECTION 3. The commission shall have as its purpose the encouragement of higher education in Lancaster County and ~~adjacent~~ nearby areas and, more specifically, the establishment in Lancaster County of facilities to offer standard ~~freshman and sophomore~~ ~~college~~ post‑secondary courses, and such other courses as deemed desirable. ~~The commission shall establish standards for the admission of persons to such courses.~~

The commission also shall ~~also~~ furnish and operate recreational facilities and programs in conjunction with its other purposes and shall make such facilities available to the general public.”

SECTION 4. Section 4 of Act 126 of 1959, as last amended by Act 614 of 1980, is further amended to read:

“SECTION 4. To carry out this purpose and objective the commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, purchase and sell real property, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Lancaster County and ~~adjacent~~ nearby areas the educational facilities above described; provided, that the County of Lancaster shall not be bound nor held liable for any acts of omission or commission of the Commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Lancaster County Legislative Delegation~~, including the Senator~~.

The commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

The commission is authorized to enter into agreements for public grants, local, state and federal.”

SECTION 5. Section 5 of Act 126 of 1959 is amended to read:

“SECTION 5. The commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Lancaster County ~~Legislative Delegation~~ Council, which shall include an accounting of all funds the commission may have received and disbursed in the twelve months preceding that date.”

SECTION 6. This act takes effect upon approval by the Governor.

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