~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 28, 2022

**H. 5198**

Introduced by Reps. Lucas, G.M. Smith, Rutherford, Simrill, Finlay, Yow, R. Williams, Jefferson and Cobb‑Hunter

S. Printed 4/28/22--S.

Read the first time April 7, 2022.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (H. 5198) 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 revise, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

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

“Section 59‑117‑10. (A) The board of trustees of the University of South Carolina ~~shall be 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 members ex officio of the board; and seventeen other members including one member from each of the sixteen judicial circuits to be elected by the general vote of the General Assembly as hereinafter provided, and one at‑large member appointed by the Governor~~ is composed of:

(1) the Governor of the State, or his designee, who shall serve as a nonvoting ex officio member;

(2) the President of the student body of the University of South Carolina’s Columbia campus, who shall serve as a nonvoting ex officio member;

(3) three at‑large members appointed by the Governor of which one must be a resident of a county with a population of less than ninety thousand people based upon the most recent decennial census and one of which must be based upon the recommendation of the Greater University of South Carolina Alumni Association;

(4) six members elected by a general vote of the General Assembly pursuant to Section 59‑117‑20(A) as follows:

(a) Seat 1, a resident of Aiken County;

(b) Seat 2, a resident of Beaufort County;

(c) Seat 3, a resident of Lancaster, Union, Colleton, Allendale, or Sumter County;

(d) Seat 4, a resident of Richland County;

(e) Seat 5, a resident of Spartanburg County;

(f) Seat 6, a resident of Sumter, Lancaster, Union, Colleton, or Allendale County; and

(5) six at-large members elected by a general vote of the General Assembly pursuant to Section 59-117-20(A), provided that no two members may be elected from the same county of residency.

(B) The Governor shall make the ~~appointment~~ appointments 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. (A)(1) 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. A trustee in holdover status is prohibited from serving as the chairman or vice chairman of the board of trustees. ~~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,~~

(2) The terms of current elected and appointed trustees serving in office on June 30, 2023, expire on that date, and they shall not serve in holdover status. Before June 30, 2023, the General Assembly shall elect twelve new voting trustees pursuant to Section 59-117-10(A). The initial terms of these fifteen new trustees begin on July 1, 2023, as follows:

(a) trustees elected to represent specific designated seats identified in Section 59-117-10(A)(4) are elected for initial terms of two years and until their successors are elected and qualify, and thereafter are elected to terms of four years and until their successors are elected and qualify; and

(b) trustees elected to at-large seats are elected for initial terms of four years, and thereafter are elected to terms of four years and until their successors are elected and qualify.

(3) After the initial elections held pursuant to item (2) occur, 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.

(4) 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.

(B) The term of office of the at‑large ~~trustee~~ trustees appointed by the Governor is effective upon certification to the Secretary of State and is four years, with the exception of the appointment made upon the recommendation of the Greater University of South Carolina Alumni Association, which shall be for a term of two 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 long as he continues to hold the specified office.~~

(C) The term of the ~~President of the Greater University of South Carolina Alumni Association~~ President of the student body of the University of South Carolina’s Columbia campus is for the active term of office as president.

(D) There is no prohibition on members previously serving prior to June 30, 2023, from future election or appointment as a trustee.”

SECTION 3. Sections 59‑117‑40(5) and (16) through (18) of the 1976 Code are amended to read:

“(5) to appoint a chairman of the board of trustees who shall serve a two‑year term and may serve no more than two terms as chairman, 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 compensation;

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

(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. ~~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 member shall preside as~~ the board may select another member to preside. ~~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~~ has the power to call a special meeting of the board ~~of trustees~~ and fix the time and place ~~thereof~~ of the meeting. Any five voting members of the board ~~shall~~ likewise ~~have~~ has this power. A majority of the voting members of the board ~~of trustees~~ shall constitute a quorum for the transaction of all business 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~~ at the request of the board.

(B) The secretary or his assistant shall mail 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 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.” /

Renumber sections to conform.

Amend title to conform.

GREG HEMBREE for Committee.

**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 REVISE THE COMPOSITION OF THE BOARD; 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, 2023; TO AMEND SECTION 59‑117‑40, RELATING TO THE POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THE CHAIRMAN SERVES A TWO‑YEAR TERM, TO PROVIDE A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN, AND TO REVISE CERTAIN POWERS; AND TO AMEND SECTION 59‑117‑50, RELATING TO MEETINGS OF THE BOARD, SO AS TO 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. (A) The board of trustees of the University of South Carolina ~~shall be 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 members ex officio of the board; and seventeen other members including one member from each of the sixteen judicial circuits to be elected by the general vote of the General Assembly as hereinafter provided, and one at‑large member appointed by the Governor~~ is composed of:

(1) the Governor of the State, who shall serve as a nonvoting ex officio member;

(2) the President of the Greater University of South Carolina Alumni Association, who shall serve as a nonvoting ex officio member;

(3) the President of the student body of the University of South Carolina’s Columbia campus, who shall serve as a nonvoting ex officio member;

(4) two at‑large members appointed by the Governor;

(5) four at‑large members elected by a general vote of the General Assembly pursuant to Section 59‑117‑20(A), provided that each member must reside in a county in which the University of South Carolina operates a campus other than the main campus and each member must reside in a different county; and

(6) seven members consisting of one member from each of the seven congressional districts to be elected by a general vote of the General Assembly pursuant to Section 59‑117‑20(A); provided that each congressional district member must reside in a different county than any at‑large member elected pursuant to item (4).

(B) 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. (A)(1) 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,~~

(2) The terms of current elected and appointed trustees serving in office on June 30, 2023, expire on that date, and they shall not serve in holdover status. Before June 30, 2023, the General Assembly shall elect eleven new voting trustees, with one from each of the seven congressional districts and four at large as provided by Section 59‑117‑10(A). A trustee must reside in the congressional district from which he is elected. The initial terms of these eleven new trustees begin on July 1, 2023, as follows:

(a) trustees elected to represent odd‑numbered congressional districts and two of the trustees elected at large are elected for initial terms of two years and until their successors are elected and qualify, and thereafter are elected to terms of four years and until their successors are elected and qualify; and

(b) trustees elected to represent even‑numbered congressional districts and two of the trustees elected at large are elected for initial terms of four years, and thereafter are elected to terms of four years and until their successors are elected and qualify.

(3) After the initial elections held pursuant to item (2) occur, 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.

(4) 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.

(B) The term of office of the at‑large ~~trustee~~ trustees 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 long as he continues to hold the specified office.~~

(C) The term of the President of the Greater University of South Carolina Alumni Association and for the President of the student body of the University of South Carolina’s Columbia campus is for the active term of office as president.

(D) There is no prohibition on members previously serving prior to June 30, 2023, from future election or appointment as a trustee.”

SECTION 3. Sections 59‑117‑40(5) and (16) through (18) of the 1976 Code are amended to read:

“(5) to appoint a chairman of the board of trustees who shall serve a two‑year term and may serve no more than two terms as chairman, 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 compensation;

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

(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. ~~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 member shall preside as~~ the board may select another member to preside. ~~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~~ has the power to call a special meeting of the board ~~of trustees~~ and fix the time and place ~~thereof~~ of the meeting. Any five voting members of the board ~~shall~~ likewise ~~have~~ has this power. A majority of the voting members of the board ~~of trustees~~ shall constitute a quorum for the transaction of all business 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~~ at the request of the board.

(B) The secretary or his assistant shall mail 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 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.

‑‑‑‑XX‑‑‑‑