~~Indicates Matter Stricken~~

Indicates New Matter

AS PASSED BY THE SENATE

May 30, 2012

**H. 5025**

Introduced by Reps. Govan, Cobb‑Hunter, King, Limehouse, J.H. Neal, Ott, R.L. Brown and Gilliard

S. Printed 5/30/12--S. [SEC 5/31/12 2:29 PM]

Read the first time May 1, 2012.

**A** **BILL**

TO AMEND SECTION 59‑127‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

Amend Title To Conform

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

SECTION 1. Section 59-127-20, as last amended by S. 1307, R. 203, of the 1976 Code is amended to read:

“Section 59-127-20. (A) South Carolina State University is managed and controlled by a board of trustees, composed of ~~thirteen~~ eleven members, ~~twelve~~ nine of whom are elected by the General Assembly~~, one member from each congressional district and five~~ from the State at large for terms of four years each and until their successors are elected and qualify. 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. A graduate of South Carolina State University, elected at large by secret ballot by the members of the South Carolina State University National Alumni Association, or its successor, is the tenth member of the board of trustees. The Governor of the State or his designee is ex officio, the ~~thirteenth~~ eleventh member of the board of trustees. In case of a vacancy on the board, the Governor may fill it by appointment until the next session of the General Assembly, except that the vacancies as provided in subsection (B) do not constitute a vacancy pursuant to this provision. Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively, ~~one corresponding in number to each congressional district and~~ Seats ~~Eight‑ Twelve~~ 1-11 at large. Seat 10 shall be occupied by a South Carolina State University graduate elected at large by secret ballot by members of the South Carolina State University National Alumni Association, or its successor. The Governor or his designee occupies Seat ~~Thirteen~~ 11. ~~Effective July 1, 2012, the member from former Seat Seven is transferred to Seat Eight, the member from former Seat Eight is transferred to Seat Nine, the member from former Seat Nine is transferred to Seat Ten, the member from former Seat Ten is transferred to Seat Eleven, and the member from former Seat Eleven is transferred to Seat Twelve.~~

~~The~~ Except as provided in subsection (B), the terms of the present members of the board who are elected by the General Assembly expire on the thirtieth day of June of the year in which the terms are scheduled to expire. The General Assembly shall elect successors to the elective trustees not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.

(B) ~~Beginning with members elected to the board during 1992, terms of members are four years. In 1993, members from Seats 1, 2, 3, 4, 5, and 11 must be elected, and the term of the member elected in 1993 from Seat 3 shall be one year, the terms of the members elected in 1993 from Seats 1, 2, and 4 shall be two years each, the term of the member elected in 1993 from Seat 11 shall be three years, and the term of the member elected in 1993 from Seat 5 shall be four years. Thereafter, successors to the members of the board elected in 1993 and successors to members of the board provided six‑year terms by the provisions of this subsection must be elected for terms of four years each.~~

(1) The terms of persons serving on former Seats 11 and 12 end as of June 30, 2012. On or after June 30, 2012, the Governor or his designee serves on Seat 11. The terms of persons serving on former Seats 5, 6, 8, and 10 end as of June 30, 2013. The General Assembly shall elect in 2013 from the State at large the persons to serve on Seats 5, 6, and 8 for terms of four years to begin on July 1, 2013. Pursuant to subsection (A), the South Carolina State University National Alumni Association shall elect by secret ballot, on or before June 30, 2013, a graduate to serve on Seat 10.

(2) As of June 30, 2014, the terms of the persons serving on former Seats 3, 7, and 9 end. The General Assembly shall elect in 2014 from the State at large the persons to serve on Seats 3, 7, and 9 for terms of four years to begin on July 1, 2014.

(3) As of June 30, 2015, the terms of the persons serving on former Seats 1, 2, and 4 end. The General Assembly shall elect in 2015 from the State at large the persons to serve on Seats 1, 2, and 4 for terms of four years to begin on July 1, 2015.

(C)(1) By no later than August 30, 2013, the South Carolina Commission on Higher Education shall produce a draft report, provided to all members of the board of trustees, that contains a review of the policies on personnel, procurement, and accounting of finances that have been promulgated and implemented by South Carolina State University and its board of trustees as of that date. The report shall contain recommendations for changes to these policies consistent with improving institutional effectiveness, accountability, and performance. The board and all personnel in the university must cooperate with the Commission on Higher Education in its review of these policies.

(2) Upon receipt of the draft report, the board of trustees shall have forty days to respond to the South Carolina Commission on Higher Education on each of the recommendations and on any inaccuracies in the draft report. The response must include information as to the acceptance or rejection of each recommendation. If a recommendation is rejected, the board must provide in its response why it has rejected the recommendation. If a recommendation is accepted, the board must provide in its response how the recommendation shall be implemented.

(3) The Commission on Higher Education, within forty‑five days of receipt of the responses from the board of trustees, shall make any revisions to the draft report necessary to correct inaccurate statements and include the responses from the board of trustees. This will be considered the final report. This final report shall be posted on the websites of the South Carolina Commission on Higher Education and South Carolina State University, and an electronic copy shall also be provided to the President Pro Tempore of the South Carolina Senate and to the Speaker of the House of Representatives. ”

SECTION 2. Nothing in this act may be construed to effect the historically black colleges or universities designation of South Carolina State University.

SECTION 3. This act takes effect upon approval by the Governor.

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