**South Carolina General Assembly**

119th Session, 2011-2012

**A176, R203, S1307**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Courson, Setzler, Matthews, Hayes and Ford

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Introduced in the Senate on March 6, 2012

Introduced in the House on April 25, 2012

Last Amended on May 3, 2012

Passed by the General Assembly on May 9, 2012

Governor's Action: May 25, 2012, Signed

Summary: Statutes creating certain educational boards and commissions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/6/2012 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj%20archive\2012\03-06-12.docx))

3/6/2012 Senate Referred to Committee on **Education** ([Senate Journal‑page 5](file:///h:\sj%20archive\2012\03-06-12.docx))

3/28/2012 Senate Committee report: Favorable with amendment **Education** ([Senate Journal‑page 14](file:///h:\sj%20archive\2012\03-28-12.docx))

3/29/2012 Scrivener's error corrected

4/12/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 34](file:///h:\sj%20archive\2012\04-12-12.docx))

4/17/2012 Scrivener's error corrected

4/19/2012 Senate Amended ([Senate Journal‑page 34](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Senate Read second time ([Senate Journal‑page 34](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 34](file:///h:\sj%20archive\2012\04-19-12.docx))

4/20/2012 Scrivener's error corrected

4/24/2012 Scrivener's error corrected

4/24/2012 Senate Read third time and sent to House ([Senate Journal‑page 18](file:///h:\sj%20archive\2012\04-24-12.docx))

4/25/2012 House Introduced and read first time ([House Journal‑page 4](file:///h:\hj%20archive\2012\04-25-12.docx))

4/25/2012 House Referred to Committee on **Education and Public Works** ([House Journal‑page 4](file:///h:\hj%20archive\2012\04-25-12.docx))

5/2/2012 House Recalled from Committee on **Education and Public Works** ([House Journal‑page 45](file:///h:\hj%20archive\2012\05-02-12.docx))

5/3/2012 Scrivener's error corrected

5/3/2012 House Amended ([House Journal‑page 53](file:///h:\hj%20archive\2012\05-03-12.docx))

5/3/2012 House Read second time ([House Journal‑page 53](file:///h:\hj%20archive\2012\05-03-12.docx))

5/3/2012 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 56](file:///h:\hj%20archive\2012\05-03-12.docx))

5/3/2012 House Unanimous consent for third reading on next legislative day ([House Journal‑page 57](file:///h:\hj%20archive\2012\05-03-12.docx))

5/4/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 1](file:///h:\hj%20archive\2012\05-04-12.docx))

5/9/2012 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 19](file:///h:\sj%20archive\2012\05-09-12.docx))

5/9/2012 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 19](file:///h:\sj%20archive\2012\05-09-12.docx))

5/23/2012 Ratified R 203

5/25/2012 Signed By Governor

5/31/2012 Effective date 05/25/12

6/1/2012 Act No. 176

**VERSIONS OF THIS BILL**

[3/6/2012](file:///p:\pprever\2011-12\1307_20120306.docx)

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(A176, R203, S1307)

**AN ACT TO AMEND SECTION 59‑7‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑47‑10, RELATING TO THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND THE BLIND BOARD OF COMMISSIONERS, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑48‑20, RELATING TO THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS BOARD OF TRUSTEES, SO AS TO ADD A BOARD MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO ELIMINATE THE SEAT HELD BY THE CHAIRMAN OF THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE STATE’S PUBLIC EDUCATION SYSTEM; TO AMEND SECTION 59‑50‑20, AS AMENDED, RELATING TO THE SOUTH CAROLINA GOVERNOR’S SCHOOL FOR ARTS AND HUMANITIES BOARD OF DIRECTORS, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑53‑10, RELATING TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, SO AS TO ADD A BOARD MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑103‑10, RELATING TO THE STATE COMMISSION ON HIGHER EDUCATION, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑123‑40, RELATING TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO ADD TWO MEMBERS TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑123‑50, RELATING TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO PROVIDE FOR THE ELECTION OF A MEMBER OF THE MEDICAL PROFESSION AND A MEMBER OF A NONMEDICAL PROFESSION FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑125‑20, AS AMENDED, RELATING TO THE WINTHROP UNIVERSITY BOARD OF TRUSTEES, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑125‑30, AS AMENDED, RELATING TO THE ELECTION OF THE WINTHROP UNIVERSITY BOARD OF TRUSTEES, SO AS TO DESIGNATE THE SEAT NUMBER FOR THE NEWLY ESTABLISHED BOARD MEMBER FROM THE SEVENTH CONGRESSIONAL DISTRICT FOR THE WINTHROP UNIVERSITY BOARD OF TRUSTEES AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑127‑20, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT, TO REMOVE AN AT‑LARGE MEMBER, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑130‑10, AS AMENDED, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD TWO MEMBERS TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑133‑10, AS AMENDED, RELATING TO THE FRANCIS MARION UNIVERSITY BOARD OF TRUSTEES, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT‑LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑135‑10, RELATING TO THE LANDER UNIVERSITY BOARD OF TRUSTEES, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT‑LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑136‑110, RELATING TO THE COASTAL CAROLINA UNIVERSITY BOARD OF TRUSTEES, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT‑LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 60‑1‑10, RELATING TO THE SOUTH CAROLINA STATE LIBRARY BOARD, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT AND TO ELIMINATE ONE AT‑LARGE SEAT; TO AMEND SECTION 60‑13‑10, RELATING TO THE SOUTH CAROLINA MUSEUM COMMISSION, SO AS TO INCREASE THE NUMBER OF COMMISSION MEMBERS FOR THE SOUTH CAROLINA MUSEUM COMMISSION AND BY ADDING A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT; TO PROVIDE THAT ANY PERSON ELECTED OR APPOINTED TO SERVE, OR SERVING, AS A MEMBER OF ANY BOARD OR COMMISSION TO REPRESENT A CONGRESSIONAL DISTRICT WHOSE RESIDENCY IS TRANSFERRED TO ANOTHER DISTRICT BY A CHANGE IN THE COMPOSITION OF THE DISTRICT MAY CONTINUE TO SERVE THE TERM OF OFFICE FOR WHICH HE WAS ELECTED OR APPOINTED; TO PROVIDE THAT THE APPOINTING OR ELECTING AUTHORITY SHALL APPOINT OR ELECT AN ADDITIONAL MEMBER ON THAT BOARD OR COMMISSION FROM THE DISTRICT WHICH LOSES A RESIDENT MEMBER AS A RESULT OF THE TRANSFER TO SERVE UNTIL THE TERM OF THE TRANSFERRED MEMBER EXPIRES; TO REQUIRE THAT WHEN A VACANCY OCCURS IN THE DISTRICT TO WHICH A MEMBER HAS BEEN TRANSFERRED, THE VACANCY MUST NOT BE FILLED UNTIL THE FULL TERM OF THE TRANSFERRED MEMBER EXPIRES; AND TO ALLOW FOR RETENTION OF CURRENT MEMBERS OF THE VARIOUS BOARDS OF TRUSTEES IN THE EVENT ELECTIONS ARE NOT HELD BEFORE JUNE 30, 2012.**

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

**South Carolina Educational Television Commission, membership revised**

SECTION 1. Section 59‑7‑10 of the 1976 Code is amended to read:

“Section 59‑7‑10. There is hereby created the South Carolina Educational Television Commission, which shall be composed of the Superintendent of Education, who shall be a member of the commission, ex officio, and in addition the commission shall be composed of eight members to be appointed by the Governor as follows: One shall be appointed from each of the congressional districts, and one shall be appointed from the State at large, who shall be named by the Governor as chairman of the commission. The term of the member who serves ex officio shall be coterminous with the term of the office to which he was elected, and the terms of the members appointed by the Governor shall be for six years, except that of those first appointed two shall serve for terms of two years, two shall serve for terms of four years and three shall serve for terms of six years, after which the terms of all members shall be for six years.”

**South Carolina School for the Deaf and the Blind, Board of Commissioners, membership revised**

SECTION 2. Section 59‑47‑10 of the 1976 Code is amended to read:

“Section 59‑47‑10. The Board of Commissioners of the South Carolina School for the Deaf and the Blind shall consist of eleven members appointed by the Governor for terms of six years and until their successors are appointed and qualify. Each congressional district must be represented by one board member, who must be a resident of that district, and four members must be appointed at large from the State. Of the members appointed at large, one must be deaf, one must be blind, one must represent the interests of persons with multiple handicaps, and one shall represent the general public. Vacancies must be filled in the manner of the original appointment for the remainder of the unexpired term. The State Superintendent of Education and the Executive Officer of the Department of Health and Environmental Control are ex officio members of the board.”

**Special School of Science and Mathematics, Board of Trustees, membership revised**

SECTION 3. Section 59‑48‑20 of the 1976 Code is amended to read:

“Section 59‑48‑20 (A) The school is under the management and control of a board of trustees consisting of eleven members, as follows:

(1) one member from each congressional district appointed by the Governor;

(2) two members appointed from this State at large by the Governor;

(3) the State Superintendent of Education, ex officio, or his designee;

(4) the Executive Director of the Commission on Higher Education, ex officio, or his designee.

Members appointed by the Governor shall serve for four years and until their successors are appointed and qualify, except that of those first appointed, the members representing the First, Second, and Third Congressional Districts and one at‑large member shall serve for two years and until their successors are appointed and qualify. Members shall receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

In his appointments, the Governor shall seek to obtain the best qualified persons from the business, industrial, and educational communities, including mathematicians and scientists.

The board of trustees shall explore use of the facilities of Coker College for the school’s campus.

(B) The Board of Trustees of the Special School of Science and Mathematics shall also include the following six additional members:

(1) the President of the South Carolina Governor’s School of Science and Mathematics Foundation, Inc. to serve ex officio;

(2) the provost or vice president for academic affairs from each of the following higher education research institutions to serve ex officio:

(a) Clemson University;

(b) the University of South Carolina;

(c) the Medical University of South Carolina;

(3) two members appointed from the State at large by the Governor to serve for terms of four years each and until their successors are appointed and qualify. Vacancies shall be filled by appointment in the manner of original appointment for the remainder of the unexpired term.”

**South Carolina Governor**’**s School for Arts and Humanities, Board of Directors, membership revised**

SECTION 4. Section 59‑50‑20 of the 1976 Code, as last amended by Act 84 of 2005, is further amended to read:

“Section 59‑50‑20. The school is governed by a board of directors composed of seventeen members, as follows:

(1) one member from each congressional district, appointed by the Governor;

(2) six members from the State at large, appointed by the Governor;

(3) the Chairman of the Education Oversight Committee or his designee who serves ex officio;

(4) the State Superintendent of Education or his designee who serves ex officio;

(5) the Executive Director of the Commission on Higher Education or his designee who serves ex officio; and

(6) the chairman of the school’s foundation board or his designee who serves ex officio.

Members appointed by the Governor serve for terms of four years and until their successors are appointed and qualify. Members receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

In making the appointments, the Governor shall seek to obtain the most qualified persons from business, industry, and the educational and arts communities.”

**State Board for Technical and Comprehensive Education, membership revised**

SECTION 5. Section 59‑53‑10 of the 1976 Code is amended to read:

“Section 59‑53‑10. There is hereby created the State Board for Technical and Comprehensive Education (board) as a continuing body and agency and instrumentality of the State. The board shall consist of eleven members, appointed by the Governor for terms of six years and until successors are appointed and qualify. One member must be appointed from each congressional district, with the advice and consent of the legislative delegations of the congressional district involved, and be a resident thereof. There must be four at‑large members appointed by the Governor, one of whom must be experienced in the policy development of secondary vocational education and adult basic and adult secondary education and one of whom must be experienced in the policy development of federal job training programs. The initial terms of office of board members representing congressional districts are for a period of years corresponding to the numerical designation of their respective districts. The initial terms of office of the first at‑large members of the board are for three and six years determined by lot and the initial term of the at‑large member experienced in the policy development of secondary vocational education and adult basic and adult secondary education is three years and the initial term of the at‑large member experienced in the policy development of federal job training programs is six years. In addition, the State Superintendent of Education and the Secretary of Commerce shall serve as ex officio members of the board. The chairman must be elected by the board. In case a vacancy shall occur a member must be appointed in the same manner for the remainder of the unexpired term. The board shall enter into contracts and make regulations, including policies and guidelines, as considered necessary to fulfill the intent of Sections 59‑5‑61, 59‑43‑20, 59‑53‑10, 59‑53‑20, 59‑53‑40, 59‑53‑50, 59‑53‑57, 59‑54‑10 through 59‑54‑60, subject to the approval of the General Assembly.”

**State Commission on Higher Education, membership revised**

SECTION 6. Section 59‑103‑10 of the 1976 Code is amended to read:

“Section 59‑103‑10. There is created the State Commission on Higher Education. The commission shall consist of fifteen members appointed by the Governor. The membership must consist of one at‑large member to serve as chairman, one representative from each of the congressional districts, three members appointed from the State at large, three representatives of the public colleges and universities, and one representative of the independent colleges and universities of South Carolina.

The membership of the Commission on Higher Education must be as follows:

(1) Ten members, seven to represent each of the congressional districts of this State appointed by the Governor upon the recommendation of a majority of the senators and a majority of the members of the House of Representatives comprising the legislative delegation from the district and three members appointed from the State at large upon the advice and consent of the Senate. Each representative of a congressional district must be a resident of the congressional district he represents. In order to qualify for appointment, the representatives from the congressional districts and those appointed at large must have experience in at least one of the following areas: business, the education of future leaders and teachers, management, or policy. A member representing the congressional districts or appointed at large must not have been, during the succeeding five years, a member of a governing body of a public institution of higher learning in this State and must not be employed or have immediate family members employed by any of the public colleges and universities of this State. These members must be appointed for terms of four years and shall not serve on the commission for more than two consecutive terms. However, the initial term of office for a member appointed from an even‑numbered congressional district shall be two years.

If the boundaries of the congressional districts are changed, members serving on the commission shall continue to serve until the expiration of their current terms, but successors to members whose terms expire must be appointed from the newly defined congressional districts. If a congressional district is added, the commission must be enlarged to include a representative from that district.

(2) Three members to serve ex officio to represent the public colleges and universities appointed by the Governor with the advice and consent of the Senate. It shall not be a conflict of interest for any voting ex officio member to vote on matters pertaining to their individual college or university. One member must be serving on the board of trustees of one of the public senior research institutions, one member must be serving on the board of trustees of one of the four‑year public institutions of higher learning, and one member must be a member of one of the local area technical education commissions or the State Board for Technical and Comprehensive Education to represent the State Board for Technical and Comprehensive Education. These members must be appointed to serve terms of two years with terms to rotate among the institutions.

(3) One ex officio member to represent the independent colleges and universities by the Governor upon the advice and consent of the Senate. The individual appointed must be serving as a member of the Advisory Council of Private College Presidents. This member must be appointed for a term of two years and shall serve as a nonvoting member.

(4) One at‑large member to serve as chairman appointed by the Governor with the advice and consent of the Senate. This member must be appointed for a term of four years and may be reappointed for one additional term; however, he may serve only one term as chairman.

The Governor, by his appointments, shall assure that various economic interests and minority groups, especially women and blacks, are fairly represented on the commission and shall attempt to assure that the graduates of no one public or private college or technical college are dominant on the commission. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term. All members of the commission shall serve until their successors are appointed and qualify.”

**Medical University of South Carolina, Board of Trustees, membership revised**

SECTION 7. Section 59‑123‑40 of the 1976 Code is amended to read:

“Section 59‑123‑40. The management and control of the university shall be vested in a board of trustees, to be composed as follows: the Governor or his designee, ex officio, fourteen members to be elected by the General Assembly in joint assembly and one member to be appointed by the Governor. 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.”

**Medical University of South Carolina, Board of Trustees, election of additional members**

SECTION 8. Section 59‑123‑50 of the 1976 Code is amended to read:

“Section 59‑123‑50. The present members of the board of trustees shall continue to serve until July 1, 1966, at which time their terms shall terminate and the members of the board to succeed the present members, and to fill the additional membership provided in Section 59‑123‑40, must be elected at a joint session of the General Assembly on the following dates: On the first Wednesday in February 1966, members representing the medical profession (medical doctor, dentist, registered nurse, or licensed pharmacist) and on the second Wednesday in February 1966, lay members or nonmedical members. One member of the medical profession from each congressional district and one layman or member of a nonmedical profession from each congressional district must be elected. The terms of all members elected commence on July 1, 1966. Of those first elected, the member who represents the medical profession from the first, second, and third congressional districts and lay members or members of a nonmedical profession from the fourth, fifth, and sixth congressional districts must be elected for terms of four years or until their successors are elected and qualify. The member of the board of trustees who represents the medical profession from the fourth, fifth, and sixth congressional districts and the members who are laymen or members of nonmedical professions from the first, second, and third congressional districts must be elected for terms of two years or until their successors are elected and qualify. Effective July 1, 2012, the member who represents the medical profession from the seventh congressional district must be elected to a term of four years and the lay member or member of a nonmedical profession from the seventh congressional district must be elected for an initial term of two years. Their successors must be elected for terms of four years or until their successors are elected and qualify. After its 1984 session, the General Assembly shall elect successors to those members it elects 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 succeed the member expires on the last day of June of the year in which the term of the former member would have expired. 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.

The term of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. Any vacancy in the office of the member appointed by the Governor must be filled by appointment for the unexpired term in the same manner of original appointment. If the Governor chooses to designate a member to serve in his stead, as permitted by Section 59‑123‑40, 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.”

**Winthrop University, Board of Trustees, membership revised**

SECTION 9. Section 59‑125‑20 of the 1976 Code, as last amended by Act 50 of 2007, is further amended to read:

“Section 59‑125‑20. (A) The Board of Trustees of Winthrop University is composed of the Governor and the State Superintendent of Education or their designees who are members ex officio of the board, ten other members each to be elected by the joint vote of the General Assembly, as hereinafter provided, and two graduates of Winthrop University to be appointed by the Winthrop University Alumni Association or its successors, as hereinafter provided.

(B) In addition to the members of the board in subsection (A), there shall be one additional member of the board appointed by the Governor. 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.”

**Winthrop University, Board of Trustees, membership revised**

SECTION 10. Section 59‑125‑30 of the 1976 Code, as last amended by Act 50 of 2007, is further amended to read:

“Section 59‑125‑30. Of the ten members to be elected by the General Assembly, one member must be elected from each of the congressional districts and three members must be elected by the General Assembly from the State at large. Each representative of a congressional district must be a resident of the congressional district represented. The regular term of office of the elective members of the board of trustees is six years. 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. The elective members of the board of trustees shall continue to serve until the thirtieth day of June of the year in which their terms are scheduled to expire. Those persons elected by the General Assembly shall have their seats designated as the seat number corresponding to the congressional district from which they are elected with the at‑large members designated as Seat Eight, Seat Nine, and Seat Ten with the present at‑large member of the board deemed to be serving in Seat Eight. The General Assembly shall hold elections to fill vacancies as they occur on the board by the expiration of terms of office, as follows: Seat One in 2006, Seat Two in 2008, Seat Three in 2004, Seat Four in 2004, Seat Five in 2006, Seat Six in 2008, Seat Seven in 2018, Seat Eight in 2005, Seat Nine in 2008, and Seat Ten in 2009. In 2008, the person elected by the General Assembly to fill Seat Nine shall serve a six‑year term and in 2009, the person elected by the General Assembly to fill Seat Ten shall serve a six‑year term. At the completion of those terms of office, all subsequent members of the board elected by the General Assembly to fill Seats Nine and Ten shall be elected for six‑year terms. Elections to fill vacancies 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. When there is a vacancy otherwise occurring on the board of trustees among the elected members, the Governor may fill it by appointment until the next session of the General Assembly. The State Superintendent of Education or the superintendent’s designee shall serve in Seat Eleven, ex officio. Seat Fourteen shall be a member appointed by the Governor. The Governor or the Governor’s designee shall serve in Seat Fifteen, ex officio. In 2006, the person elected by the Winthrop University Alumni Association or its successors to fill Seat Twelve shall serve a six‑year term and the person elected by the Winthrop University Alumni Association or its successors to fill Seat Thirteen shall serve a four‑year term. At the completion of those terms of office, all subsequent members of the board elected by the Winthrop University Alumni Association or its successors to fill Seats Twelve and Thirteen shall be elected for six‑year terms. The names of those so elected must be certified to the Secretary of State by the president and secretary of the association and they shall take office immediately after the certification. The term of the at‑large trustee appointed by the Governor to Seat Fourteen is effective upon certification to the Secretary of State and is coterminous with the term of office of the Governor. Any vacancy in the office of the member appointed by the Governor must be filled by appointment of the Governor for the unexpired term in the same manner of original appointment.”

**South Carolina State University, Board of Trustees, membership revised**

SECTION 11. Section 59‑127‑20(A) of the 1976 Code is amended to read:

“(A) South Carolina State University is managed and controlled by a board of trustees, composed of thirteen members, twelve of whom are elected by the General Assembly, one member from each congressional district and five 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. The Governor of the State or his designee is ex officio, the thirteenth 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. 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 at large. The Governor or his designee occupies Seat Thirteen. 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 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.”

**College of Charleston, Board of Trustees, membership revised**

SECTION 12. Section 59‑130‑10 of the 1976 Code, as last amended by Act 257 of 2010, is further amended to read:

“Section 59‑130‑10. The Board of Trustees for the College of Charleston is composed of the Governor of the State or his designee, who is an ex officio of the board, and nineteen members, with seventeen of these members elected by the General Assembly, one member appointed from the State at large by the Governor, and one member appointed by the Governor upon recommendation of the College of Charleston Alumni Association. The General Assembly shall elect and the Governor shall appoint these 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 this State.

Of the seventeen members to be elected, two members must be elected from each congressional district and the remaining three members must be elected by the General Assembly from the State at large.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies. The member appointed by the Governor upon recommendation of the College of Charleston Alumni Association shall serve for a term of four years, beginning on July 1, 2010, until his successor is appointed and qualifies. The member must be a South Carolina resident and hold an undergraduate or graduate degree from the College of Charleston.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively as follows: for the First Congressional District, Seats One and Two; for the Second Congressional District, Seats Three and Four; for the Third Congressional District, Seats Five and Six; for the Fourth Congressional District, Seats Seven and Eight; for the Fifth Congressional District, Seats Nine and Ten; for the Sixth Congressional District, Seats Eleven and Twelve; for the Seventh Congressional District, Seats Thirteen and Fourteen; for the at‑large positions elected by the General Assembly, Seats Fifteen, Sixteen, and Seventeen. The member appointed by the Governor shall occupy Seat Eighteen. The member appointed by the Governor upon recommendation of the alumni association shall occupy Seat Nineteen.

Effective July 1, 1988, the even‑numbered seats of those members elected by the General Assembly must be filled for four‑year terms expiring June 30, 1992. The remaining elective odd‑numbered seats on the board must be filled for two‑year terms beginning July 1, 1988, and expiring June 30, 1990. The trustees for the odd‑numbered seats must then be elected for four‑year terms beginning July 1, 1990, and expiring June 30, 1994. Effective July 1, 2012, the member elected to Seat Thirteen on the board must be elected for two‑year terms beginning July 1, 2012, and expiring June 30, 2014, and the member elected to Seat Fourteen on the board must be elected to fill a four‑year term beginning July 1, 2012, and expiring June 30, 2016. The General Assembly shall hold elections every two years to select successors of the trustees whose four‑year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.”

**Francis Marion University,** **Board of Trustees, membership revised**

SECTION 13. Section 59‑133‑10 of the 1976 Code, as last amended by Act 355 of 2008, is further amended to read:

“Section 59‑133‑10. The Board of Trustees for Francis Marion University is composed of the Governor of the State or his designee, who is an ex officio member of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these 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 this State.

Of the fifteen members to be elected, one member must be elected from each congressional district and the remaining eight members must be elected by the General Assembly from the State at large.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively: Seats One through Seven corresponding to the number of each congressional district and Seats Eight through Fifteen to be designated at large. The member appointed by the Governor shall occupy Seat Sixteen.

Effective July 1, 2012, the member from former Seat One remains in Seat One, the member from former Seat Three is transferred to Seat Twelve, the member from former Seat Five is transferred to Seat Thirteen, the member from former Seat Seven is transferred to Seat Fourteen, the member from former Seat Nine is transferred to Seat Five, the member from former Seat Eleven is transferred to Seat Six, the member from former Seat Thirteen is transferred to Seat Eight, and the member from former Seat Fifteen is transferred to Seat Ten, with these members continuing to serve until their terms expire on June 30, 2014. A member for Seats Two, Three, Four, Seven, Nine, Eleven, and Fifteen must be elected by the General Assembly in 2012 for a term that expires on June 30, 2016. The General Assembly shall hold elections every two years to select successors of the trustees whose four‑year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected. If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.”

**Lander University, Board of Trustees, membership revised**

SECTION 14. Section 59‑135‑10 of the 1976 Code is amended to read:

“Section 59‑135‑10. The Board of Trustees for Lander University is composed of the Governor of the State or his designee, who is an ex officio of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these 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 this State.

Of the fifteen members to be elected, one member must be elected from each congressional district and the remaining eight members must be elected by the General Assembly from the State at large.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively: Seats One through Seven corresponding to the number of each congressional district and Seats Eight through Fifteen to be designated at large. The member appointed by the Governor shall occupy Seat Sixteen.

Effective July 1, 2012, the member from former Seat One is transferred to Seat Eight, the member from former Seat Three is transferred to Seat Nine, the member from former Seat Five is transferred to Seat Ten, the member from former Seat Seven is transferred to Seat Eleven, the member from former Seat Nine is transferred to Seat Twelve, the member from former Seat Thirteen is to remain in Seat Thirteen, the member from former Seat Fourteen is to remain in Seat Fourteen, and the member from former Seat Fifteen is to remain in Seat Fifteen, with these members continuing to serve until their terms expire on June 30, 2014. The member from former Seat Eleven is transferred to Seat Six with a term that expires on June 30, 2016. A member for Seats One, Two, Three, Four, Five, and Seven must be elected by the General Assembly in 2012 for a term that expires on June 30, 2016. The General Assembly shall hold elections every two years to select successors of the trustees whose four‑year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.”

**Coastal Carolina University, Board of Trustees, membership revised**

SECTION 15. Section 59‑136‑110 of the 1976 Code is amended to read:

“Section 59‑136‑110. The Board of Trustees for Coastal Carolina University is composed of the Governor of the State or his designee, who is an ex officio member of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these 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 this State.

Of the fifteen members to be elected by the General Assembly, one member must be elected from each congressional district and the remaining eight members must be elected from the State at large.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively: Seats One through Seven corresponding to the number of each congressional district and Seats Eight through Fifteen to be designated at large. The member appointed by the Governor shall occupy Seat Sixteen.

The General Assembly shall elect those members of the board of trustees it elects during its 1993 Session. Members initially elected from Seats One, Three, Five, Seven, Nine, Eleven, Thirteen, and Fifteen shall be elected for two‑year terms and members initially elected from Seats Two, Four, Six, Eight, Ten, Twelve, and Fourteen shall be elected for four‑year terms. Thereafter, their successors shall each be elected for four‑year terms.

Effective July 1, 2012, the member from former Seat Two is transferred to Seat Twelve, the member from former Seat Three is transferred to Seat Two, the member from former Seat Four is transferred to Seat Fifteen, the member from former Seat Five is transferred to Seat Thirteen, the member from former Seat Six is transferred to Seat Three, the member from former Seat Seven is transferred to Seat Eleven, the member from former Seat Eight is transferred to Seat Four, the member from former Seat Nine is transferred to Seat Ten, the member from former Seat Ten is transferred to Seat Five, the member from former Seat Eleven is transferred to Seat Eight, the member from former Seat Twelve is transferred to Seat Seven, the member from former Seat Thirteen is transferred to Seat Nine, and the member from former Seat Fifteen is transferred to Seat Fourteen.

The General Assembly shall hold elections every two years to select successors of the trustees whose terms are expiring in that year. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected and all members shall serve until their successors are elected or appointed and qualify.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.”

**South Carolina State Library, State Library Board, membership revised**

SECTION 16. Section 60‑1‑10 of the 1976 Code is amended to read:

“Section 60‑1‑10. There is created the South Carolina State Library governed by the State Library Board consisting of seven members, one from each congressional district. The members must be appointed by the Governor for terms of five years and until their successors are appointed and qualify. All vacancies must be filled in the manner of the original appointment for the unexpired term.

No person is eligible to serve as a member of the board for more than two successive terms, except that a person appointed to fill an unexpired term may be reappointed for two full terms.”

**South Carolina Museum Commission, membership revised**

SECTION 17. Section 60‑13‑10 of the 1976 Code is amended to read:

“Section 60‑13‑10. There is hereby created the South Carolina Museum Commission composed of ten members appointed by the Governor for terms of four years and until their successors are appointed and qualify. One member shall be appointed from each congressional district of the State and three members shall be appointed at large. One of the at‑large members shall be appointed chairman of the commission by the Governor. Vacancies for any reason shall be filled in the manner of original appointment for the unexpired term.

Notwithstanding the provisions above prescribing four‑year terms for members of the commission, the members appointed from even‑numbered congressional districts and one at‑large member other than the chairman shall be initially appointed for terms of two years only.”

**Boards and commissions, residency changes or transfers of members appointed or elected to represent a congressional district**

SECTION 18. Notwithstanding any other provision of law to the contrary, any person elected or appointed to serve, or serving, as a member of any board or commission to represent a congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board or commission from the district which loses a resident member as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires.

**Boards and commissions, retention of members when elections not held**

SECTION 19. In the event that elections for incumbent university board of trustees’ seats whose terms are expiring this year are not held prior to June 30, 2012, current board members will retain their seats until the General Assembly reconvenes and holds elections.

**Time effective**

SECTION 20. This act takes effect upon approval by the Governor.

Ratified the 23rd day of May, 2012.

Approved the 25th day of May, 2012.

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