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INTRODUCED

April 24, 2013

**H. 4014**

Introduced by Reps. Mitchell, Cobb‑Hunter and King

S. Printed 4/24/13--H. [SEC 4/26/13 2:37 PM]

Read the first time April 24, 2013.

**A** **BILL**

TO AMEND SECTION 59‑127‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO RECONSTITUTE THE BOARD OF TRUSTEES BY REVISING THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH THEY ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT, PROVIDING TWO AT‑LARGE SEATS FILLED BY ELECTION OF THE GENERAL ASSEMBLY AND TWO AT-LARGE SEATS FILLED BY APPOINTMENT OF THE GOVERNOR, ONE OF WHOM IS RECOMMENDED BY THE SOUTH CAROLINA STATE NATIONAL ALUMNI ASSOCIATION, TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, AND TO PROVIDE TRANSITION PROVISIONS.

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

SECTION 1. Section 59‑127‑20 of the 1976 Code, as last amended by Act 176 of 2012, is further 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 at large for terms of four years each and until their successors are elected and qualify~~, and two elected from the State at large. The Governor shall appoint two members from the State at large, one of whom must be appointed on the recommendation of the South Carolina State University National Alumni Association or its successor, recommended by that body in a secret ballot election conducted at its annual meeting. Members shall serve for terms of four years and until their successors are elected or appointed and qualify. Vacancies must be filled in the manner of original election or appointment, for the unexpired portion of the term except that in the case of vacancy of an elective member, the Governor may appoint an interim board member who shall serve until a successor is elected and qualifies. 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.

(B) 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~~ Eight and Nine at large. Seats Eight and Nine are occupied by the members elected by the General Assembly from the State at large. Seat Ten is occupied by the member appointed by the Governor from the State at large on the recommendation of the South Carolina State University National Alumni Associaion. Seat Eleven is occupied by the at‑large member appointed by the Governor. ~~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.~~

(C) ~~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.~~”

SECTION 2. This act takes effect upon approval by the Governor and is implemented according to the following schedule:

(1) the terms of members of the South Carolina State University Board of Trustees elected by the General Assembly before 2013 are terminated effective July 1, 2014;

(2) the ex officio service of the Governor or the Governor’s designee on the board ends effective July 1, 2013;

(3)(a) the three members of the board elected by the General Assembly in 2013 pursuant to the former provisions of Section 59‑127‑20 of the 1976 Code from congressional districts 1, 6, and 7 are deemed to be elected to Seats One, Six, and Seven pursuant to the provisions of Section 59‑127‑20 of the 1976 Code as amended by this act for terms beginning July 1, 2013;

(b) the three at‑large members of the board elected in 2013 pursuant to the former provisions of Section 59‑127‑20 of the 1976 Code, become members of the reconstituted board as follows:

(i) an at‑large member of the board elected by the General Assembly in 2013, who, when elected resided in congressional district 1, 2, or 6 and who was the only board member elected from that district in 2013, is deemed to have been elected as the board member for the applicable seat number; and

(ii) an at‑large member of the board elected in 2013 who is not deemed to have been elected from a congressional district pursuant to item (3)(b)(i) of this section takes office July 1, 2013, and shall serve for a term of four years, after which that member’s successor on the board must be elected as provided pursuant to Section 59‑127‑20 of the 1976 Code as amended by this act;

(4) notwithstanding the four‑year terms of office for board members provided pursuant to Section 59‑127‑20 of the 1976 Code, members elected to, or, pursuant to item (3) of this section, deemed to be elected, to Seats One, Three, Four, Five, and the member first appointed by the Governor on the recommendation of the South Carolina State University National Alumni Association shall serve for an initial term of two years, beginning July 1, 2014, and until their successors are elected or appointed and qualify; (5) during the transition period, vacancies in the board attributable to unrepresented congressional districts must be filled in the order that the General Assembly shall provide in the concurrent resolution setting the election.

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