RECALLED

April 14, 2015

**H. 3663**

Introduced by Reps. Bingham and Mitchell

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Read the first time March 24, 2015.

**A** **JOINT RESOLUTION**

TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY AND DEVOLVE THE BOARD’S POWERS UPON THE STATE BUDGET AND CONTROL BOARD AND DIRECT THE STATE BUDGET AND CONTROL BOARD TO REMOVE THE CURRENT PRESIDENT OF SOUTH CAROLINA STATE UNIVERSITY AND EMPLOY AN INTERIM CHIEF EXECUTIVE OFFICER WHO SHALL SERVE AT‑WILL AT THE PLEASURE OF THE BOARD TO AID IN DIRECTING THE UNIVERSITY IN A NEW DIRECTION WITH AN EMPHASIS ON ADDRESSING AND CORRECTING THE ONGOING FINANCIAL DIFFICULTIES OF THE UNIVERSITY IN ORDER TO KEEP THE UNIVERSITY FUNCTIONAL AND MAINTAIN ITS ACCREDITATION.

Whereas, the members of the General Assembly of the State of South Carolina recognize the rich and diverse history of South Carolina State University founded in 1896 in Orangeburg, South Carolina, and the significant contribution that the university has made to the higher education community as well as its current students and alumni; and

Whereas, South Carolina State University is currently experiencing student enrollment revenues that are insufficient to cover existing expenditure obligations, such that the General Assembly finds it necessary to shepherd the institution through this temporary period to restore it to the viable institution it has been in the past and, in order to preserve the long and distinguished history of South Carolina State University, the General Assembly finds it necessary to take temporary corrective action; and

Whereas, with new, experienced management and the proper support and encouragement from the State, South Carolina State University should once again thrive as the State’s only state-supported historically black university and continue to graduate distinguished alumni who will represent the university with pride and serve as the state’s future professionals and leaders; and

Whereas, the Southern Association of Colleges and Schools has expressed concerns regarding governing board conflicts of interests and board/administration structure as well as financial stability and controls of South Carolina State University and the General Assembly recognizes that maintaining accreditation by the Southern Association of colleges and schools is of great importance. In addition, the General Assembly recognizes and acknowledges the need to follow up on this temporary action that is so critical at this juncture with permanent, statewide legislation to restructure the Board of Trustees and general governance of South Carolina State University with particular emphasis on maintaining the institutional knowledge of members of the Board of Trustees going forward and staggering terms of newly appointed Board of Trustees members to maintain that essential consistency in the university’s governance as it seeks to accomplish its important educational mission. Now, therefore,

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

SECTION 1. (A) The members of the Board of Trustees of South Carolina State University serving on the effective date of this joint resolution are hereby removed from their positions, powers, and duties. Upon the effective date of this joint resolution, an Interim Board of Trustees is hereby created and shall be composed of the designees of the five members of the State Budget and Control board or its successor agency, respectively, who shall serve ex officio and at the pleasure of the appropriate appointing member of the State Budget and Control Board or its successor agency. The Interim Board of Trustees must be appointed upon the effective date of this resolution. The duties and powers of the former board are hereby transferred to the interim board of trustees. The interim board of trustees is directed to remove the president of South Carolina State University serving on the effective date of this joint resolution, if it is determined that would be in the best interest of the university, and is directed to employ an interim president who shall be employed on an at‑will basis.

(B) The interim president, whose actions must be overseen by the Interim Board of Trustees, shall review both the educational accreditation of the university and the past and current financial situation of the university and make recommendations to the Interim Board of Trustees, to the State Budget and Control Board or its successor agency, to the General Assembly, and to the Executive Budget Office regarding the path that the university must pursue in order to lead the university out of the current financial crisis with an emphasis on having the university return to the valuable and functional institution of higher learning that it has been in the past.

(C) The Interim Board of Trustees and the interim president shall carry out the appropriate responsibilities concerning all daily operations of South Carolina State University including, but not limited to, the expenditure of funds necessary for the university’s daily operations.

(D) The Interim Board of Trustees shall serve in their respective capacities until the election of new members of the Board of Trustees for South Carolina State University by the General Assembly pursuant to Chapter 127, Title 59, and such election must include a restructured Board of Trustees including, but not limited to, the members of the Interim Board of Trustees to serve staggered terms and must be held not later than July 1, 2018.

(E) The Interim Board of Trustees shall be indemnified in the same manner as members of the Retirement System Investment Commission, mutatis mutandis.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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