**South Carolina General Assembly**

124th Session, 2021-2022

**S. 74**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

Document Path: l:\s-res\gm\041usc .sp.gm.docx

Companion/Similar bill(s): 813, 1242, 4410, 5198

Introduced in the Senate on January 12, 2021

Currently residing in the Senate Committee on **Education**

Summary: USC Board of Trustees

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Education**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 158](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Education** ([Senate Journal‑page 158](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\74_20201209.docx)

**A** **BILL**

TO AMEND SECTION 59‑117‑10 OF THE 1976 CODE, RELATING TO THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, TO REVISE THE COMPOSITION OF THE BOARD; TO AMEND SECTION 59‑117‑20 OF THE 1976 CODE, RELATING TO THE TERMS OF THE MEMBERS OF THE BOARD, TO PROVIDE FOR THE ELECTION OF NEW MEMBERS OF THE BOARD FOR STAGGERED TERMS BEGINNING JULY 1, 2022; TO AMEND SECTION 59‑117‑40(5) OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE BOARD, TO PROVIDE THAT THE BOARD SHALL ELECT A CHAIRMAN, TO PROVIDE THAT THE CHAIRMAN SERVES A TWO-YEAR TERM, AND TO PROVIDE THAT A TRUSTEE MAY NOT SERVE MORE THAN TWO TERMS AS CHAIRMAN; AND TO AMEND SECTION 59‑117‑50 OF THE 1976 CODE, RELATING TO MEETINGS OF THE BOARD, 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 president of the University of South Carolina Alumni Association, who shall serve ex officio, or, if the president is not a resident of this State, his designee, who must be a resident of this State serving as an officer of the University of South Carolina Alumni Association;

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

(3) two at-large members elected by a general vote of the General Assembly pursuant to Section 59‑117‑20(A); and

(4) seven members, to include 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).

(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 General Assembly shall elect nine trustees, to include one from each of the seven congressional districts and two at large. A trustee must reside in the congressional district from which he is elected.

(2) 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, the~~

(3) 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~~ 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 or his designee is for the active term of office as president.”

SECTION 3. Section 59‑117‑40(5) of the 1976 Code is 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~~ 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;”

SECTION 4. Section 59‑117‑50 of the 1976 Code is amended to read:

“Section 59‑117‑50. (A) 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~~ 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~~ The chairman of the board ~~of trustees,~~ and the president of the ~~University~~ 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 members of the board ~~shall~~ likewise ~~have~~ has this power. A majority of the 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) ~~Notice~~ 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. Pursuant to Section 59-117-20, as amended by this act, the terms of current elected members of the Board of Trustees of the University of South Carolina who are serving in office on June 30, 2022 expire on that date. Before June 30, 2022, the General Assembly shall elect nine new trustees, with one from each of the seven congressional districts and two at large. The initial terms of these nine new trustees begin on July 1, 2022, as follows:

(1) trustees elected to represent odd‑numbered congressional districts are elected for initial terms of two years and until their successors are elected and qualify; and

(2) trustees elected to represent even‑numbered congressional districts and the two trustees elected at large are elected for initial terms of four years.

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