**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 807**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Shealy

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

Summary: Citadel, Board of Visitors

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/6/2017 Senate Prefiled

12/6/2017 Senate Referred to Committee on **Education**

1/9/2018 Senate Introduced and read first time ([Senate Journal‑page 62](file:///h:\sj\20180109.docx))

1/9/2018 Senate Referred to Committee on **Education** ([Senate Journal‑page 62](file:///h:\sj\20180109.docx))

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**VERSIONS OF THIS BILL**

[12/6/2017](file:///p:\pprever\2017-18\807_20171206.docx)

**A** **BILL**

TO AMEND SECTION 59-121-10 OF THE 1976 CODE, RELATING TO THE COMPOSITION OF THE BOARD OF VISITORS OF THE CITADEL, TO PROVIDE THAT THE BOARD OF VISITORS SHALL BE COMPOSED OF THE GOVERNOR, EX OFFICIO, OR HIS DESIGNEE; THE ADJUTANT GENERAL, EX OFFICIO, OR HIS DESIGNEE; THE STATE SUPERINTENDENT OF EDUCATION, EX OFFICIO, OR HIS DESIGNEE; SEVEN MEMBERS WHO SHALL BE ELECTED BY JOINT VOTE OF THE GENERAL ASSEMBLY; THREE MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNOR UPON RECOMMENDATION OF THE CITADEL ALUMNI ASSOCIATION, AND ONE MEMBER WHO SHALL BE APPOINTED BY THE GOVERNOR TO REPRESENT THE STATE AT-LARGE; TO AMEND SECTION 59-121-20 OF THE 1976 CODE, RELATING TO TERMS OF THE MEMBERS OF THE CITADEL BOARD OF VISITORS, TO PROVIDE THAT, OF THE SEVEN MEMBERS TO BE ELECTED BY THE GENERAL ASSEMBLY, ONE SHALL BE ELECTED FROM EACH CONGRESSIONAL DISTRICT, TO PROVIDE THAT ELECTED SEATS ON THE BOARD ARE NUMBERED CONSECUTIVELY CORRESPONDING TO THE NUMBER OF EACH CONGRESSIONAL DISTRICT, TO PROVIDE THAT EACH REPRESENTATIVE OF A CONGRESSIONAL DISTRICT SHALL BE A RESIDENT OF THE CONGRESSIONAL DISTRICT REPRESENTED AND SHALL SERVE A TERM OF SIX YEARS, TO PROVIDE THAT EACH OF THE THREE MEMBERS TO BE APPOINTED BY THE GOVERNOR UPON RECOMMENDATION OF THE CITADEL ALUMNI ASSOCIATION SHALL SERVE A TERM OF SIX YEARS, TO PROVIDE THAT THE AT-LARGE MEMBER APPOINTED BY THE GOVERNOR SHALL OCCUPY SEAT EIGHT, AND TO PROVIDE THAT THE TERM OF OFFICE OF THE AT-LARGE MEMBER APPOINTED BY THE GOVERNOR SHALL BE EFFECTIVE UPON CERTIFICATION TO THE SECRETARY OF STATE AND SHALL BE SIX YEARS; AND TO AMEND SECTION 59-121-30 OF THE 1976 CODE, RELATING TO THE ELECTION OF MEMBERS OF THE CITADEL BOARD OF VISITORS, TO PROVIDE THAT VACANCIES MUST BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT FOR THE UNEXPIRED TERM, TO PROVIDE THAT, REGARDING ELECTIONS TO FILL VACANCIES OCCURRING DUE TO THE EXPIRATION OF TERMS OF BOARD MEMBERS REPRESENTING A CONGRESSIONAL DISTRICT, THE GENERAL ASSEMBLY SHALL HOLD THE ELECTION NO EARLIER THAN THE FIRST DAY OF APRIL OF THE YEAR THE TERM EXPIRES AND AS NECESSARY TO FILL UNEXPIRED TERMS THAT ARE CAUSED BY THE DEATH, RESIGNATION, OR REMOVAL OF A MEMBER, AND TO PROVIDE FOR THE MANNER IN WHICH INITIAL TERMS SHALL BE FILLED.

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

SECTION 1. Section 59-121-10 of the 1976 Code is amended to read:

“Section 59-121-10. ~~The board of visitors of The Citadel, the Military College of South Carolina, shall be composed of the Governor, the Adjutant General and the State Superintendent of Education, who shall be members ex officio of the board, and eleven others who shall be graduates of the college, seven of whom are to be elected by joint vote of the General Assembly as hereinafter provided, three of whom are to be elected by such means and methods as may be determined by the Association of Citadel Men or any succeeding organization of Citadel men, the result of election to be certified by the president of the association to the Secretary of State, and one of whom shall be appointed by the Governor. The Governor shall make the appointment based on merit regardless of race or economic status and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.~~

The board of visitors of The Citadel, the Military College of South Carolina, shall be composed of:

(1) the Governor, ex officio, or his designee;

(2) the Adjutant General, ex officio, or his designee;

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

(4) seven members who shall be elected by joint vote of the General Assembly;

(5) three members who shall be appointed by the Governor upon recommendation of the Citadel Alumni Association; and

(6) one member who shall be appointed by the Governor to represent the state at-large.”

SECTION 2. Section 59-121-20 of the 1976 Code is amended to read:

“Section 59-121-20. ~~The regular terms of office of the elected members in office on April 18, 1947, who are still in office shall end on the last day of June in the years stated in the table in Act 108 of the regular session of 1947 (Acts 1947, p. 144). The regular terms of office of the elected members who were not in office on that date and of all members hereafter elected shall be six years; provided, that the third member authorized to be elected by the Association of Citadel Men shall serve an initial term of four years. All elected terms shall begin on the first day of July and end on the last day of June; provided, however, that each incumbent shall be entitled to hold office until his successor is duly elected. In electing members of the board, the General Assembly shall elect members based on merit regardless of race or economic status and shall strive to assure that the membership of the board is representative of all citizens of the State of Carolina.~~

~~The term of office of the at-large trustee appointed by the Governor shall be effective upon certification to the Secretary of State and shall be six years.~~

(A) Of the seven members to be elected by the General Assembly:

(1) one shall be elected from each congressional district. Elected seats on the board are numbered consecutively corresponding to the number of each congressional district.Each representative of a congressional district shall be a resident of the congressional district represented. The term of office of the elected members of the board of visitors 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 ensure that the membership of the board is representative of all citizens of the State of South Carolina. The elected members of the board of visitors shall continue to serve until the thirtieth day of June of the year in which their terms are scheduled to expire; and

(B) each of the three members to be appointed by the Governor upon recommendation of the Citadel Alumni Association shall serve a term of six years. The three members appointed by the Governor upon recommendation of the Citadel Alumni Association shall occupy seats nine, ten, and eleven.

(C) the at-large member appointed by the Governor shall occupy seat eight. The term of office of the at-large member appointed by the Governor shall be effective upon certification to the Secretary of State and shall be six years. The Governor shall make the appointment based on merit regardless of race or economic status and shall strive to ensure that the membership of the board is representative of all citizens of the State of South Carolina.”

SECTION 3. Section 59-121-30 of the 1976 Code is amended to read:

“Section 59-121-30. Vacancies must be filled in the same manner as the original appointment for the unexpired term only. Regarding elections ~~The General Assembly shall hold an election~~ to fill vacancies occurring due to expiration of terms of board members representing a congressional district, the General Assembly shall hold the election no earlier than the first day of April of the year the term expires and as necessary to fill unexpired terms ~~which~~ that are caused by the death, resignation, or removal of a ~~trustee~~ member~~, except that vacancies of unexpired terms of members elected by the Association of Citadel Men shall be filled in the same manner as is provided for by Section 59-121-10. No elective member shall be elected or re-elected either by the General Assembly or by the Association of Citadel Men to fill any term of office the duration of which shall extend beyond the member's seventy-fifth birthday. However, beginning with the elections for members of the board occurring on or after July 1, 1997, the seventy-fifth birthday limit no longer applies~~.”

SECTION 4. Notwithstanding the provisions of this act, the board of visitors of The Citadel, the Military College of South Carolina, as it is constituted as of the effective date of this act, shall serve as the interim board of visitors until elections for the seven congressional seat offices are held by the General Assembly on or before June 30, 2019. Upon election by the General Assembly, the visitors serving on seats one through seven shall serve an initial term of four years. Upon the election by the General Assembly of seats one through seven, the remaining seats on the board of visitors of The Citadel, the Military College of South Carolina, shall be filled in the manner prescribed by this act, provided that the Governor’s initial appointees upon recommendation of the Citadel Alumni Association shall serve a term of four years and the Governor’s initial at-large appointee shall serve a term of two years. Nothing in this act shall be construed to prohibit a current board member from being elected or appointed on or before June 30, 2019 as provided in this act.

SECTION 5. This act takes effect upon approval by the Governor.

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