

South Carolina General Assembly
120th Session, 2013-2014

A32, R43, H3829

STATUS INFORMATION

General Bill

Sponsors: Reps. Bedingfield, Stringer, Allison, Bannister, Chumley, Dillard, Hamilton, Henderson, Loftis, Nanney, Putnam, Robinson-Simpson, G.R. Smith and Willis

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Introduced in the House on March 20, 2013

Introduced in the Senate on April 23, 2013

Last Amended on April 18, 2013

Passed by the General Assembly on May 2, 2013

Governor's Action: May 21, 2013, Signed

Summary: Greenville Technical College Area Commission

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/20/2013	House	Introduced and read first time (House Journal-page 6)
3/20/2013	House	Referred to Committee on Education and Public Works (House Journal-page 6)
4/17/2013	House	Recalled from Committee on Education and Public Works (House Journal-page 44)
4/18/2013	House	Amended (House Journal-page 103)
4/18/2013	House	Read second time (House Journal-page 103)
4/18/2013	House	Roll call Yeas-104 Nays-0 (House Journal-page 105)
4/18/2013	House	Unanimous consent for third reading on next legislative day (House Journal-page 106)
4/19/2013	House	Read third time and sent to Senate (House Journal-page 6)
4/23/2013	Senate	Introduced and read first time (Senate Journal-page 16)
4/23/2013	Senate	Referred to Committee on Education (Senate Journal-page 16)
4/25/2013	Senate	Recalled from Committee on Education (Senate Journal-page 3)
4/30/2013	Senate	Read second time (Senate Journal-page 60)
4/30/2013	Senate	Roll call Ayes-39 Nays-0 (Senate Journal-page 60)
5/2/2013	Senate	Read third time and enrolled (Senate Journal-page 27)
5/15/2013		Ratified R 43
5/21/2013		Signed By Governor
5/23/2013		Effective date 06/01/13
5/28/2013		Act No. 32

VERSIONS OF THIS BILL

[3/20/2013](#)

[4/17/2013](#)

[4/18/2013](#)

[4/29/2013](#)

(A32, R43, H3829)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 53, TITLE 59 SO AS TO BE CAPTIONED THE “GREENVILLE TECHNICAL COLLEGE AREA COMMISSION”; TO DESIGNATE SECTIONS 1A, 4, AND 5 OF ACT 743 OF 1962 AS SECTIONS 59-53-1500, 59-53-1510, AND 59-53-1520, RESPECTIVELY, OF ARTICLE 18, CHAPTER 53, TITLE 59; AND TO AMEND ARTICLE 18, CHAPTER 53, TITLE 59, RELATING TO THE MEMBERSHIP, POWERS, AND DUTIES OF THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION AND THE TERMS AND APPOINTING PROCEDURES FOR MEMBERS.

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

Article caption added

SECTION 1. Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Article 18

Greenville Technical College Area Commission”

Designation of code sections

SECTION 2. (A) Section 1A of Act 743 of 1962, as last amended by Act 310 of 2010, is designated as Section 59-53-1500, Article 18, Chapter 53, Title 59.

(B) Section 4 of Act 743 of 1962 is hereby designated as Section 59-53-1510, Article 18, Chapter 53, Title 59.

(C) Section 5 of Act 743 of 1962, is hereby designated as Section 59-53-1520, Article 18, Chapter 53, Title 59.

Commission membership revised

SECTION 3. Article 18, Chapter 53, Title 59 of the 1976 Code is amended to read:

“Article 18

Greenville Technical College Area Commission

Section 59-53-1500. (A) There is created the Greenville Technical College Area Commission which is a body politic and corporate and the governing body of Greenville Technical College. The commission consists of twelve voting members or area commissioners appointed by the Greenville County Legislative Delegation in the manner provided in this section.

(B) All members must be qualified electors of Greenville County. Each member filling a house district residency seat, as provided for in this section, at the time of their appointment and throughout their term of office, shall reside in a house district corresponding to their membership seat. A change of residency outside of Greenville County, or outside of a corresponding district for members filling house district residency seats, automatically terminates that member’s appointment, although, subject to the provisions of subsection (E), the member may serve until a successor is appointed and qualifies to fill the remainder of the unexpired term.

(C) The commission shall have six members designated as occupying house district residency seats, nominated by the Greenville County Council and selected by the Greenville County Legislative Delegation as follows:

- (1) Residency Seat No. 1: one member selected from either House District 19, or House District 10;
- (2) Residency Seat No. 2: one member selected from either House District 21 or House District 24;
- (3) Residency Seat No. 3: one member selected from either House District 20 or House District 22;
- (4) Residency Seat No. 4: one member selected from either House District 23 or House District 25;
- (5) Residency Seat No. 5: one member selected from either House District 17, House District 18, or House District 36; and
- (6) Residency Seat No. 6: one member selected from either House District 16, House District 27, or House District 28.

Current members of the commission residing in these specified house districts are deemed to be the house district residency seat members from those districts.

(D) The commission shall have six at-large members selected by the Greenville County Legislative Delegation as follows:

(1) four at-large members nominated by the Greenville County Council. Each of these four at-large seats must be numbered as Seats 1-4, respectively;

(2) one at-large member nominated by the Greenville County Council from among the Greenville County School District Board of Trustees, including the Superintendent; and

(3) one at-large member nominated by the Greenville County Council from the Greenville County Workforce Investment Board, including the President.

Any public officials selected for the school board and Workforce Investment Board seats shall serve ex officio.

Members are responsible to all areas served by the Greenville Technical College regardless of residency and shall make decisions in the best interests of the Greenville Technical College and all those it serves as a whole. The commission shall elect from among its members a chairman, vice chairman, secretary, and treasurer. Members shall serve without compensation.

(E) Commission members shall serve terms of four years, which expire May thirty-first of the appropriate year, and until their successors are appointed and qualify. A member shall serve until his successor is appointed and qualifies for a period not to exceed one year after expiration of his term. If the Greenville County Legislative Delegation has not filled a seat within one year of the expiration of the term, the member serving in that seat shall cease serving and the seat is vacant until filled. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

(F) A commissioner having served as a member of the commission for a total of twelve years, after the effective date of this subsection, and whether or not consecutive or in different seats, is not eligible for appointment to any additional terms until after he has been off the commission for six consecutive years, at which time, a new twelve-year limitation period commences.

(G) For the purpose of facilitating the transition to this modified commission structure, upon the effective date of this subsection:

(a) the house district residency seats are considered filled as set forth in subsection (C);

(b) the current commissioners filling the school board and Workforce Investment Board-related seats shall fill their respective newly reconstituted subject matter seats; and

(c) the four current remaining commissioners shall become the four at-large members in Seats 1-4 as follows:

(1) current Commissioner Johnson is deemed to fill at-large Seat No. 1;

(2) current Commissioner Ehrmann is deemed to fill at-large Seat No. 2;

(3) current Commissioner Stafford is deemed to fill at-large Seat No. 3; and

(4) current Commissioner Shouse is deemed to fill at-large Seat No. 4.

Thereafter, all commission members must be selected as otherwise set forth in subsections (A) - (F) and (H) - (J) and their terms of office must be staggered and modified as follows:

(1) Block 1: The terms of office for commissioner seats falling within Block 1 initially expire on May 31, 2014, and then expire every four years thereafter. Block 1 shall include:

(a) the at-large member nominated from the Greenville County School District Board of Trustees;

(b) the at-large member nominated from the Workforce Investment Board; and

(c) Residency Seat No. 1.

(2) Block 2: The terms of office for commissioner seats falling within Block 2 initially expire on May 31, 2015, and then expire every four years thereafter. Block 2 shall include:

(a) the at-large member from at-large Seat No. 1;

(b) Residency Seat No. 2; and

(c) Residency Seat No. 3.

(3) Block 3: The terms of office for commissioner seats falling within Block 3 initially expire on May 31, 2016, and then expire every four years thereafter. Block 3 shall include:

(a) the two at-large members from at-large Seats No. 2 and No. 3; and

(b) Residency Seat No. 4.

(4) Block 4: The terms of office for commissioner seats falling within Block 4 initially expire on May 31, 2017, and then expire every four years thereafter. Block 4 shall include:

(a) the at-large member from at-large Seat No. 4;

(b) Residency Seat No. 5; and

(c) Residency Seat No. 6.

(H) The absence of a member at three consecutive regularly scheduled commission meetings shall cause that member's seat to become immediately vacant. Any regularly scheduled meeting which is canceled pursuant to the bylaws or does not begin for lack of a quorum must be disregarded for all purposes under this subsection. Vacancies occurring under this subsection must be filled in the manner of the original appointment for the unexpired portion of the term. If otherwise eligible, the member causing the vacancy may be reappointed to the seat.

(I) The nominating procedures for appointment of area commissioners are as follows:

(1) The commission shall publicize vacancies, and recommendations may be made to the commission from any individual, organization, or group. Notwithstanding this provision, the Greenville County Legislative Delegation may reappoint a member who completes an unexpired portion of a prior term of less than two years without soliciting or accepting any nominations.

(2) All recommendations, nominations, and appointments to the commission must be nondiscriminatory and shall take into account diversity and other pertinent qualifications as may be beneficial to constituting a commission which is mindful of the needs of all segments of the population of Greenville County and those served by Greenville Technical College.

(3) The Greenville County School District Board of Trustees and the Greenville County Workforce Investment Board shall submit at least two nominees to the Greenville County Council to fill vacancies in their respective proxy seats. The Greenville County Council shall submit at least two nominees to the Greenville County Legislative Delegation for all other seat vacancies for which it submits nominations.

(4) Members of the Greenville County Legislative Delegation may nominate additional candidates for any seat other than the seats filled from among the members of the Greenville County School District Board of Trustees and the Greenville County Workforce Investment Board. The Greenville County Legislative Delegation may request additional nominees for any vacant seat.

(J) Whenever the South Carolina House of Representatives election districts are redrawn and become effective, the boundaries of the house district residency seats are automatically redrawn to match the new house districts. Redistricting does not affect the term of any commissioner appointed before the effective date of redistricting. If any new house districts are added to Greenville County or include portions of Greenville County, then one of the four at-large seats nominated by the Greenville County Council must be filled upon the expiration of the current member's term with a member residing in one of the new house districts until such time as the residency seats are amended to include the new house districts. If redistricting renames or renumbers a district, it continues to be included within the residency seat boundaries under its prior number. If disagreement arises as to whether a house district is new or renamed for the purpose of this subsection, it must be resolved by majority vote of the Greenville County Legislative Delegation.

(K) The commission shall:

(1) establish the basic qualifications for and appoint a president for the term and under the conditions as it may fix, the commission having full powers of appointment and dismissal to the fullest extent permitted by law and applicable regulations;

(2) provide for the employment of personnel pursuant to Section 59-53-20;

(3) purchase land required for college sites and rights of way which are necessary for the proper operation of the college;

(4) apply the standards and requirements for admission and graduation of students and other standards established by the State Board for Technical and Comprehensive Education;

(5) receive and accept private donations, gifts, bequests, and the like to apply them or invest any of them and apply the proceeds for the purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of law and the regulations of the State Board for Technical and Comprehensive Education;

(6) require the execution of studies and take steps as are necessary to ensure that the functions of the college are always those which are most helpful and feasible in light of the resources available to the school;

(7) designate members or other agents or representatives to represent the college before the Greenville County Council, the State Board for Technical and Comprehensive Education, and other agencies concerned with the serving of financial support for the needs of the college for operational expenses and capital outlay;

(8) adopt and recommend current expense and capital outlay budgets;

(9) perform acts and do other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of reasonable rules, regulations, and bylaws for the government and operation of the college under law and for the discipline of students;

(10) perform functions required as necessary for the proper governance of the college with regard to policy, personnel, and fiduciary matters.

Section 59-53-1510. The commission at all times shall keep a full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs must be made by a qualified public accountant. Copies of the audit must be filed with the Clerk of Court for Greenville County and with the Secretary of the Greenville County Legislative Delegation.

Section 59-53-1520. Not less frequently than annually the commission shall make a written report of the activities of the commission and file a copy with the Secretary of the Greenville County Legislative Delegation.”

Time effective

SECTION 4. This act takes effect on June 1, 2013.

Ratified the 15th day of May, 2013.

Approved the 21st day of May, 2013.
