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A49, R77, H4135

STATUS INFORMATION

General Bill

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

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Introduced in the House on May 6, 2015

Introduced in the Senate on May 12, 2015

Last Amended on May 20, 2015

Passed by the General Assembly on May 27, 2015

Governor's Action: June 3, 2015, Signed

Summary: Greenville Technical College Area Commission

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
5/6/2015	House	Introduced, read first time, placed on calendar without reference (House Journal-page 6)
5/7/2015	House	Read second time (House Journal-page 47)
5/7/2015	House	Roll call Yeas-91 Nays-0 (House Journal-page 48)
5/7/2015	House	Unanimous consent for third reading on next legislative day (House Journal-page 49)
5/8/2015	House	Read third time and sent to Senate (House Journal-page 1)
5/12/2015	Senate	Introduced and read first time (Senate Journal-page 14)
5/12/2015	Senate	Referred to Committee on Education (Senate Journal-page 14)
5/19/2015	Senate	Recalled from Committee on Judiciary (Senate Journal-page 5)
5/20/2015	Senate	Amended (Senate Journal-page 20)
5/20/2015	Senate	Read second time (Senate Journal-page 20)
5/20/2015	Senate	Roll call Ayes-42 Nays-0 (Senate Journal-page 20)
5/21/2015	Senate	Read third time and returned to House with amendments (Senate Journal-page 12)
5/27/2015	House	Concurred in Senate amendment and enrolled (House Journal-page 58)
5/27/2015	House	Roll call Yeas-84 Nays-0 (House Journal-page 59)
5/28/2015		Ratified R 77
6/3/2015		Signed By Governor
6/8/2015		Effective date 06/03/15
6/9/2015		Act No. 49

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VERSIONS OF THIS BILL

[5/6/2015](#)

[5/6/2015-A](#)

[5/19/2015](#)

[5/20/2015](#)

(A49, R77, H4135)

AN ACT TO AMEND ARTICLE 18, CHAPTER 53, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION, SO AS TO REVISE THE MANNER IN WHICH MEMBERS OF THE COMMISSION ARE SELECTED, TO REVISE THE TERMS OF OFFICE OF CERTAIN MEMBERS OF THE COMMISSION AND THE SEATS WHICH CERTAIN MEMBERS OF THE COMMISSION ARE DEEMED TO BE FILLING, AND TO REVISE OR PROVIDE FOR OTHER PROVISIONS RELATING TO THE SELECTION OF COMMISSION MEMBERS.

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

Governing commission revisions

SECTION 1. 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 which, unless otherwise

stipulated, must be filled as provided in this subsection. The members of the House of Representatives from each of the House single-member election districts in a particular house residency district, together with any member of the Senate representing any portion of these House single-member election districts in that particular house residency district, shall recommend a nominee for that seat to the full Greenville County Legislative Delegation which shall either select and appoint that nominee to the commission or reject the nominee. In this case another nominee must be recommended by the same process to the full county legislative delegation until the seat is filled. These six house district residency seats are as follows:

(1) Residency Seat No. 1: one member selected from House District 10, 17, or 19. Present Commissioner Blakely serving in office on the effective date of this provision is deemed to be the member filling Residency Seat No. 1;

(2) Residency Seat No. 2: one member selected from House District 16, 21, or 35;

(3) Residency Seat No. 3: one member selected from House District 22 or 24. Present Commissioner Shouse now serving as an at-large member Seat No. 4 on the effective date of this provision is deemed to be the member filling Residency Seat No. 3;

(4) Residency Seat No. 4: one member selected from House District 23 or 25;

(5) Residency Seat No. 5: one member selected from House District 18, 20, or 36. Present Commissioner Hamilton serving on the effective date of this provision is deemed to be the member filling Residency Seat No. 5; and

(6) Residency Seat No. 6: one member selected from House District 27 or 28.

Members of the commission residing in these specified house districts not serving as at-large members are deemed to be the house district residency seat members from those districts unless otherwise provided.

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

(1) four at-large members which unless otherwise stipulated, must be 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 School District Board of Trustees from among the Greenville County School District Board of Trustees, including the superintendent; and

(3) one at-large member nominated by the Greenville County Workforce Investment Board, including the president, from among the members of the board including its officers.

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

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) on the effective date of this provision, due to the death of former Commissioner Erhmann who served as the at-large member, Seat No. 2, at-large Seat No. 2 is vacant which shall be filled as provided in this article;

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

(4) present Commissioner Southerlin on the effective date of this provision is deemed to be the at-large member, 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. 5.

(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. 3; 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 legislative delegation 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. The legislative delegation may appoint the nominee of the county council for a particular seat or may reject the nominee, in which case an additional nominee must be submitted by the county council in the manner provided by this article until the vacancy is filled.

(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 a nominee to the Greenville County Legislative Delegation to fill vacancies in their respective proxy seats. The Greenville County Council shall submit a nominee to the Greenville County Legislative Delegation for all seat vacancies for which it submits a nominee.

(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 2. This act takes effect upon approval by the Governor.

Ratified the 28th day of May, 2015.

Approved the 3rd day of June, 2015.
