

Calendar No. H. 3738

Introduced by EDUCATION AND PUBLIC WORKS
COMMITTEE

Printer's No. 452--H.

Read the first time March 2, 1976.

A BILL

To Amend Act 194 of 1967, as Amended, Relating to the State Commission on Higher Education, so as to Increase the Number of Members to Eighteen, to Provide that Representatives of State-Supported Institutions of Higher Learning Shall Not be Members of the Board, to Provide for the Appointment and Terms of the Members, to Provide that Membership on the Board Shall be Rotated Among the Counties of the State, to Limit the Number of Graduates of Certain Institutions Who May Serve as Members, to Define "Public Institution of Higher Learning" and "Public Higher Education", to Include All Post-Secondary Institutions of Higher Learning and Those Institutions Governed by the State Board of Technical and Comprehensive Education, to Provide that the Commission Shall Recommend a Unitary Budget for All Institutions of Higher Education and Specify Categories of Budgetary Requests, to Designate the Commission as the State Post-Secondary Educational Planning Agency, to Direct the Commission to Compile and Publish Certain Legislation and Establish Certain Committees, and to Further Provide for the Powers of the Commission Relative to Programs and Courses for Offering at Public Institutions of Higher Learning; to Amend Act 1268 of 1972, Relating to the State Board for Technical and Comprehensive Education, so as to Delete the Provision Which Permits University Branches to Offer Courses at the Junior and Senior Levels upon the Enrollment of Certain Number of Full-Time Equivalent Students; to Direct the Commission to Promulgate, After a Thorough Study, a Master Plan Establishing Goals, Missions, Procedures and Enrollment Objectives for Institutions of Higher Learning; and to Repeal Section 22-15.7:1 Relating to the

Approval of Budgets of Public Institutions of Higher Learning
by the Commission on Higher Education.

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

SECTION 1. Section 1 of Act 194 of 1967, as last amended by Act 1430 of 1972, is further amended to read:

"Section 1. For purposes of this act (1) 'public higher education' shall mean state-supported education in the post-secondary field, including comprehensive and technical education; (2) 'public institution of higher learning' shall mean any state-supported-post-secondary educational institution and shall include technical and comprehensive educational institutions."

SECTION 2. Act 194 of 1967, as last amended by Act 1430 of 1972, is further amended by adding:

"Section 1A. There is hereby created the State Commission on Higher Education to be composed of eighteen members to be appointed by the Governor with the advice and consent of the General Assembly for terms of six years and until their successors are appointed and qualify. Three members shall be appointed from each congressional district. No member may succeed himself and his successor shall be appointed from a different county within the congressional district so that each county within the district shall receive equal periods of representation. No member shall be an employee or member of a governing body of a public institution of higher learning. No more than three members serving at the same time shall be graduates of any one state-supported university and no more than two members serving at the same time shall be graduates of any one public college or technical education center or college. The Governor, by his appointments, shall assure that all economic interests and minority groups are represented on the commission. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term. The chairman of the commission shall be elected annually by the members of the commission and may not serve as chairman for more than four consecutive years.

SECTION 3. The terms of the present members of the Commission on Higher Education shall terminate on the effective date of this act. Such members shall be eligible for reappointment for full terms. Of the members first appointed, one from each congressional district shall be appointed for a term of two years, one for four years and one for six years. The members appointed for the two and four-year terms may succeed themselves for one full term.

SECTION 4. The definitions of "public higher education" and "public institution of higher learning", as added to Act 194 of 1967 by Section 1 of this act, shall apply to this section.

Notwithstanding the provisions of Acts 353 of 1969 and 1268 of 1972 and the statutes relating to individual state-supported institutions of higher learning and any other provision of law, the State Commission on Higher Education (commission), immediately upon its reorganization as directed by the amendments to Act 194 of 1967, as contained in Section 1 of this act and in addition to its other duties as provided in Act 194 of 1967, shall make a complete and thorough study of all public institutions of higher learning, including technical schools, their offerings, goals and plans and upon completion write a master plan of public higher education. The plan shall make the best possible use of existing plants and administrative and instructional staffs. It shall include the mission and scope of each public institution of higher learning. The master plan shall create a one-

year program for each institution of higher learning establishing its goal, mission, procedures and enrollment objectives. It shall include a long-range plan for higher education and recommendations for legislation revising statutes governing public higher education to eliminate duplication of authority among governing bodies of public institutions of higher learning and their programs and curricula. The master plan shall take effect upon approval by the General Assembly. While the commission is conducting its study and until such time as the master plan is adopted, no public institution of higher learning shall expand its curricula, administrative staff or faculty nor shall there be further construction of physical plants other than construction already approved by the General Assembly unless such expansion or construction is approved by the commission or the General Assembly to satisfy pressing local needs. The commission is hereby designated as the state post-secondary educational planning agency under the provisions of the Federal Higher Education Act of 1965, as amended.

SECTION 5. Act 194 of 1967, as last amended by Act 1430 of 1972, is further amended by adding:

"Section 3.2. The commission shall compile and publish legislation applicable to it so that the relationships among the commission, the governing bodies of public institutions of higher education, the General Assembly and the executive branches of government may be more clearly established and understood.

Section 3.3. The commission shall create from among its membership such standing committees as it may deem necessary. The creation of the committees and their duties shall be prescribed by a two-thirds vote of the membership of the commission. Special committees may be created and their duties prescribed by a majority vote of the membership of the commission."

SECTION 6. Section 4 of Act 194 of 1967 is amended by striking the last paragraph.

SECTION 7. Act 194 of 1967, as last amended by Act 1430 of 1972, is further amended by adding:

"Section 4.1. All public institutions of higher learning shall submit their budgets to the commission which shall in turn adopt or modify such budgets and make a unitary budgetary presentation to the State Budget and Control Board and General Assembly or any committee thereof on behalf of all the institutions. The budgets shall be divided into three categories:

- (1) Funds for the continuing operation of each public institution of higher learning;
- (2) Funds for salary increases for employees of such institutions exempt from the State Personnel Act;
- (3) Funds requested without reference to individual institutions of higher learning itemized as to priority and covering such areas as new programs and activities, expansions of programs and activities, increases in enrollment, increases to accommodate internal shifts and categories of persons served, capital improvements, improvements in levels of operation and increases to decrease deficiencies and such other areas as the commission deems desirable.

Supplemental appropriations requests from any public institution of higher education must be submitted first to the commission. If the commission does not concur in such requests the affected institution may request a hearing on such requests before the appropriate

committee of the General Assembly. The commission shall have the right to appear at any such hearing and present its own recommendations and findings to the same committee.

No new program shall be undertaken by any public institution of higher education without the approval of the commission or the General Assembly. Any existing program in a public institution of higher education may be terminated by the commission or the General Assembly upon a finding that such program is unnecessary. No funds may be provided by the General Assembly for programs so terminated."

SECTION 8. Section 2 of Act 1268 of 1972 is amended to read:

"Section 2. The board shall have within its jurisdiction, in accordance with the provisions of this act, all two-year-state-supported-post-secondary institutions and their programs that are presently operating and any created in the future. Excepted are the present university branches and centers which shall continue the present programs under the direction of the University of South Carolina."

SECTION 9. Section 22-15.7:1 of the 1962 Code is repealed.

SECTION 10. This act shall take effect upon approval by the Governor.