

AS PASSED BY THE HOUSE

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Calendar No. S. 251

Introduced by SENATORS LAKE, HARRIS P. SMITH, HARRIS, STEPHEN, LAND, T. TURNIPSEED and RUBIN

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Read the first time May 3, 1977.

# A BILL

To Amend the Code of Laws of South Carolina, 1976, by Adding Sections 59-103-5, 59-103-25 and 59-103-35 and to Amend Sections 59-103-10 and 59-103-60, Relating to the State Commission on Higher Education, so as to Increase the Number of Members to Eighteen, Provide that Representatives of State-Supported Institutions of Higher Learning Shall Not Be Members of the Board, Provide for the Appointment and Terms of the Members, Provide that Membership on the Board Shall Be Rotated Among the Counties of the State, Limit the Number of Graduates of Certain Institutions Who May Serve as Members, Define "Public Institution of Higher Learning" and "Public Higher Education", Include All Post-Secondary Institutions of Higher Learning and Those Institutions Governed by the State Board of Technical and Comprehensive Education, Provide that the Commission Shall Recommend a Unitary Budget for All Institutions of Higher Education and Specify Categories of Budgetary Requests, Designate the Commission as the State Post-Secondary Educational Planning Agency, Direct the Commission to Compile and Publish Certain Legislation and Establish Certain Committees, and Further Provide for the Powers of the Commission Relative to Programs and Courses for Offering at Public Institutions of Higher Learning, Direct the Commission to Formulate After a Thorough Study a Master Plan Establishing Goals, Missions, Procedures and Enrollment Objectives for Institutions of Higher Learning; and to Repeal Section 59-103-30 Relating to Budgets of State Institutions of Higher Learning.

Amend title to conform.

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

Section 1. The 1976 Code is amended by adding:

"Section 59-103-5. For purposes of this chapter (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. Section 59-103-10 of the 1976 Code is amended to read:

"Section 59-103-10. There is hereby created the State Commission on Higher Education to be composed of eighteen members, twelve to be appointed by the Governor with the advice and consent of the majority of the legislative delegation members from the congressional district for terms of four years and until their successors are appointed and qualify; of the twelve, two members shall be appointed from each congressional district. Six members shall be appointed by the Governor, one from each congressional district, upon the recommendation of a majority of the legislative delegation members from the congressional district and such district members shall be appointed in a manner to assure that minority groups, especially women and black persons, are fairly represented among such appointees. Such appointments shall be for four years and until their successors are appointed and qualify. No one shall be appointed or nominated from a county which is represented by a member whose term has expired until and unless all other counties have been represented by a resident of each such county on the commission for a full term. In the event of a vacancy within any term, a member may be appointed from that county for the unexpired portion of such term only. Subsequent to such initial appointments, the terms of office on the Higher Education Commission shall be for four years. No one shall be eligible to serve on the Higher Education Commission for more than two consecutive terms. No member shall be an employee or member of a governing body of a public or private institution of higher learning. The Governor, by his appointments, shall assure that various economic interests and minority groups, especially women and black persons, are fairly represented on the commission and shall attempt to assure that the graduates of no one public or private college or technical education center shall be dominant 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. Approval of appointees and selection of members by the General Assembly shall be by resident members of each congressional delegation within the General Assembly. If the boundaries of congressional districts are changed, members serving on the commission shall continue to serve until the expiration of their terms but successors to members whose terms expire shall be appointed or elected from the newly defined congressional district. If a congressional district is added the commission shall be enlarged to include representation from that district.

The commission shall notify each state-supported institution of higher learning and the State Board for Technical and Comprehensive Education of all meetings of the commission.

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 with the advice and consent of the respective legislative delegation, one from each congressional district shall be appointed for a term of two years and one from each congressional district shall be appointed for a term of four years. Of the members first appointed upon the recommendation of a majority of the legislative delegation members of each congressional district, three shall be appointed for terms of two years and three shall be appointed for terms of four years. The successors of all the members shall be appointed for a regular four-year term and until their successors are appointed and qualify.

Section 4. The definitions of "public higher education" and "public institution of higher learning", prescribed in Section 59-103-5 of the 1976 Code, added by Section 1 of this act, shall apply to this section.

Notwithstanding the provisions of Chapters 53 and 105 of Title 59 of the 1976 Code 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, as contained in this act and in addition to its other duties as provided in Chapter 103 of Title 59 of the 1976 Code, shall make a complete and thorough study of all public institutions of higher learning, including technical schools, their offerings, goals and plans and upon complete

tion 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. It shall consider the location, offerings and objectives of privately supported institutions 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, as soon as practical, address all major academic and public service programs of the post-secondary institutions in terms of goals and objectives, costs versus benefits to the people of the State, relationship to state and local governmental programs, priority for use of scarce resources within post-secondary education, strategies of instruction and operation and effectiveness of the programs in achieving their goals and objectives. The master plan shall be used to guide the Commission in its annual budget recommendations to the Budget and Control Board and the General Assembly and, as soon as practical, the master plan shall constitute a complete evaluation of post-secondary education programs sufficient to provide the basis of a zero-based budget analysis of post-secondary education. The master plan shall be presented to the General Assembly by the commission within one year of the effective date of this act and shall take effect upon approval by the General Assembly, and shall be reviewed annually by the commission for the purpose of making revisions to assure its continued validity. While the commission is conducting its study and until such time as the master plan is adopted, no public institution of higher learning shall expend its curricula, administrative staff or faculty nor shall there be further construction of physical plants other than construction already approved by the General Assembly or State Board for Technical and Comprehensive Education unless such expansion or construction is approved by the commission and the Budget and Control Board or either body of the General Assembly to satisfy pressing local needs.

The commission is hereby designated as the state post-secondary educational planning agency, upon approval by the Governor, under the provisions of the Federal Higher Education Act of 1965, as amended. *Provided*, that the restriction on construction of physical plant shall not apply to Francis Marion College in Florence County.

SECTION 5. The 1976 Code is amended by adding:

"Section 59-103-25. 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.

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. A professional staff complement shall be established by the Commission on recommendation of the Executive Director which shall insure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to insure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of state supported institutions in the state. Provision shall be made for persons of high competence and strong professional experience in such areas as academic affairs, public service and extension programs, business and financial affairs, institutional studies and long-range planning, student affairs, research and development, legal affairs, health affairs, institutional development, and for State and Federal programs administered by the Commission. The hiring of additional staff members to any position for which funds were not specifically appropriated by the General Assembly shall require prior approval by the General Assembly.

SECTION 7. Section 59-103-60 of the 1976 Code is amended by striking the last paragraph.

SECTION 7A. The provisions of this act shall not be construed to limit federal and private grants which are made for research and are not connected with teaching programs.

SECTION 8. 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 five-item budgets to the commission in the manner set forth in this section. The State Board for Technical and Comprehensive Education shall submit a single five-item budget to the commission

representing the total request of all area-wide technical and comprehensive educational institutions. The budget submitted by each institution and the State Board for Technical and Comprehensive Education shall include all state funds, federal grants, tuition and fees other than funds derived wholly from athletic or other student contests, from the activities of student organizations, and from the operation of canteens and bookstores which may be retained by the institutions and be used as determined by the respective governing boards, subject to annual audit by the State. Fees established by the respective governing boards for programs, activities and projects not covered by appropriations or other revenues may be retained and used by each institution as previously determined by the respective governing boards, subject to annual audit by the State. *Provided*, however, that the commission shall have forty-five days in which to make a decision concerning federal grants. If the commission fails to act at the end of forty-five days, the institution may then proceed with federally funded program. The commission shall in turn adopt or modify such budgets and submit them 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 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, in-provements 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. The provisions of this chapter shall apply to all

college parallel, transferable and associate degree programs of Technical and Comprehensive Education institutions and all other programs and offerings of such institutions are excluded from this chapter. Only the budgets for the college parallel, transferable and associate degree programs of Technical and Comprehensive Education institutions shall be included under the provisions of this chapter. The commission shall have the authority to recommend the termination of an existing program at any institution within the purview of this act. An appeal from this recommendation must be made by the governing board of an affected institution within sixty days to the Senate Education Committee and the House Education and Public Works Committee which will hear the parties to the appeal. If the committees concur in the recommendation for termination, the program will be terminated at a time to be determined by the commission. A decision shall be reached by the committees within one hundred twenty days from the date of the filing of the appeal. No existing program may be terminated by the Higher Education Commission until the Master Plan has been approved by the General Assembly."

**SECTION 9.** No public institution of higher learning shall be authorized to construct any new permanent facility at any location other than on a currently approved campus or on property immediately contiguous thereto unless such new location and such new facility has been approved by the Commission. *Provided*, that the provisions of this section shall not apply to the Trident Technical College property in Berkeley County or the new Palmer College site in Charleston County or Francis Marion College in Florence County.

**SECTION 10.** Section 59-103-30 of the 1976 Code is repealed.

**SECTION 11.** This act shall take effect upon approval by the Governor.