

1 House: Bingham, Allison, Anthony, Hayes
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9 A JOINT RESOLUTION

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11 TO TRANSFER ADMINISTRATIVE CONTROL OF THE
12 JOHN DE LA HOWE SCHOOL FROM THE BOARD OF
13 TRUSTEES OF THE SCHOOL TO THE DEPARTMENT OF
14 JUVENILE JUSTICE FOR FISCAL YEAR 2014-2015, TO
15 TRANSFER THE POWERS AND DUTIES OF THE BOARD TO
16 THE DEPARTMENT DURING FISCAL YEAR 2014-2015; TO
17 PROVIDE THAT THE BOARD OF TRUSTEES SHALL SERVE
18 IN AN ADVISORY CAPACITY TO THE DEPARTMENT
19 DURING FISCAL YEAR 2014-2015; AND TO PROVIDE FOR
20 THE CONSTRUCTION OF THE TERMS OF THIS JOINT
21 RESOLUTION.
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23 Be it enacted by the General Assembly of the State of South
24 Carolina:
25

26 SECTION 1. (A) To provide that for Fiscal Year 2014-2015, the
27 Department of Juvenile Justice shall assume administrative control
28 of the John de la Howe School, and the powers and duties of the
29 board of trustees must be transferred to the department during
30 Fiscal Year 2014-2015, including, but not limited to:

31 (1) controlling of the business, property, and affairs of the
32 school, as provided in Section 59-49-20;

33 (2) electing of a superintendent for the school and the
34 authority to approve decisions of the superintendent concerning the
35 employ and discharge of all employees of the school as provided in
36 Section 59-49-80;

37 (3) instructing the superintendent of the school to implement
38 programs which shall meet the needs of children from all of South
39 Carolina who for some urgent reason need to be separated from
40 their home or community as provided in Section 59-49-100;

41 (4) carrying out improved forestry and farm practices on the
42 timber holdings and farmland of the school property and apply the

1 revenues derived from them and any other revenue source on the
2 property for the further improvement and development of the
3 school forest and farmlands and for other school purposes, as
4 provided in Section 59-49-110;

5 (5) having discretion over the use of all amounts received
6 from the estate of John de la Howe for the support and
7 development of the school, as provided in Section 59-49-120;

8 (6) making rules and regulations for its own government and
9 for the management of the school as it may deem necessary,
10 consistent with the laws of this State and with the terms of the will
11 of Dr. John de la Howe, as provided in Section 59-49-140;

12 (7) determining policies concerning the manner and method
13 of determining financial ability and the collecting and retention of
14 amounts required to be paid for the maintenance of students in
15 accordance with state policy, as provided in Section 59-49-150;
16 and

17 (8) powers and duties of the board derived from any other
18 provisions of Chapter 49, Title 59 or another provision of law.

19 (B) During Fiscal Year 2014-2015, the members of the board
20 of trustees of the John de la Howe school shall serve in an advisory
21 capacity to the Department of Juvenile Justice. The provisions of
22 Section 59-49-20, concerning terms and vacancies of board
23 members, Section 59-49-30, concerning removal of board
24 members, Section 59-49-40, concerning meetings of trustees, and
25 Section 59-49-60, concerning compensation of trustees, remain in
26 full force and effect during Fiscal Year 2014-2015 independent of
27 the department's administrative control of the school as provided
28 in subsection (A). However, nothing in this joint resolution may be
29 construed to toll the running of the terms of the members of the
30 board of trustees during Fiscal Year 2014-2015.

31 (C) The provisions of this joint resolution must be construed
32 liberally in favor of empowering the Department of Juvenile
33 Justice to control the affairs of the John de la Howe school during
34 Fiscal Year 2014-2015, and to the extent a provision of Chapter
35 49, Title 59 conflicts with a provision of this joint resolution, the
36 provisions of this joint resolution must prevail.

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38 SECTION 2. This joint resolution takes effect upon approval by
39 the Governor and only applies from July 1, 2014, through June 30,
40 2015.

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