

Legislative Updates of interest for Higher Education Week of May 12 - 16, 2014

(Highlighted and bolded text is linked to source. Bill numbers go to the most recent version on the SC General Assembly website, www.scstatehouse.gov, which is the latest version adopted House or Senate. As a result, bills may not reflect action of committees or the bodies for amendments under consideration. Text appearing in all caps following a bill reflects a copy of the bill title. This report is not intended to be all inclusive. For additional information on the 2014 session, see SC General Assembly website. For information reports on CHE's website, [Click Here](#))

In the House –

- On Thursday, the House received favorable reports from the House Ways and Means Committee on the following bills of interest. These bills now await further consideration of the House.
 - [S.535](#), Clemson University Enterprise Act, which was amended by Ways and Means as recommended by the ad hoc K-16 facilities subcommittee to strike all text and replace it with an amendment to change the facilities approval process for all public higher education institutions. The bill amends the present facilities review process of the Joint Bond Review Committee and Budget and Control Board to include greater latitude dependent on an institution's bond rating and the type project and source of funds. The Ways and Means Committee made only perfecting changes to the subcommittee's proposal, none of which changed the substance of the bill as recommended by the subcommittee.
 - [S.825](#) relating to the Ad Valorem Tax concerning property tax for military housing was further amended by Ways and Means to add provisions of [H.4859](#), Military Family Quality of Life Enhancement Act. Among the provisions of H.4859 is a provision that would enable discharged veterans to waive the 12- month physical presence requirement for purposes of in-state residency for tuition and fees. This provision is the same as [H.3086](#) which is under consideration in the Senate.
 - [S.940](#) relating to the Capital Improvement Sales and Use Tax was amended further concerning the eligible counties that may use the tax for education purposes.
- [S.516](#), Read to Succeed Act, was reported to the House from House Education and Public Works with amendments.
- [H.3893](#), relating statewide education standards and assessments (Common Core) was adopted by the Senate with amendments and returned to the House during the week of May 5. The bill was not considered during the week and remains on the House calendar.
- [H.3945](#) relating to ethics reform was reported out of House Judiciary to the House with a favorable report with amendments during the week of May 5. The bill previously had passed the Senate and was returned to the House with amendments. H.3945 was not considered during the week and remains on the House calendar.

In the Senate –

- On Wednesday, the Higher Education Subcommittee of Senate Education met and took up [H.4632](#) which as passed by the House designates the College of Charleston as a public research institution under the University of Charleston name. It provides for certain requirements and also adds University of Charleston as an eligible institution for the SC Centers of Economic Excellence program (SmartState). The subcommittee voted to recommend the bill for the consideration of the full Senate Education Committee with amendments to be prepared relating to mission approval by CHE and the duplication provision so as to be consistent with current statutory requirements. Senate Education is expected to meet next on May 28.
- [S.1295](#) which adds a member from Fairfield County to the Midlands Technical College Commission was introduced, adopted, and sent to the House.
- By the end of the week, the Senate approved its budget recommendations by giving third reading to the Appropriations Act on Thursday and to the Capital Reserve Fund Bill on Friday and returning the bills to the House for consideration ([H.4701](#) and [H.4702](#)). Provided the House does not accept the Senate budget plan, the House may further amend the bill (e.g., return to its recommendations and may amend further) prior to sending the bills to conference committee to resolve differences between the House and Senate.
 - The following Senate amendments were adopted during the Senate deliberations relating to higher education items:

- [Amendment #67](#) to add a proviso directing a Blue Ribbon Study Committee for S.C. State for the purposes of developing and implementing a budget plan and further amended by [Amendment #177A](#). (See below for a copy of the proviso.)
- [Amendment #208A](#) to add \$1.5 million recurring dollars to CHE's budget and a corresponding proviso to provide that if H.3086, which provides for the waiver of the 12-month physical presence requirement for discharged veterans establishing in-state residency, passes, CHE would reimburse institutions for the cost of H.3086. The proviso directs the suspension of H.3086 upon the exhaustion of the available funds. (See below for a copy.)
- [Amendment #71A](#) relating to institution reading materials to require College of Charleston and USC Upstate to expend funds (\$52,000 and \$17,000, respectively) to comply with 59-29-120 related to instruction in the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals, and to direct additional requirements for all institutions relating non-elective reading programs and mandatory presentations (See below for a copy.)
- [Amendment #46](#) to add a new proviso, USC Energy-related economic development. (See below for a copy.)
- The following items are added to the priority list for unobligated surplus funds if available that was included by Senate Finance as part of Part 1B Proviso #118.16. The Senate Finance Committee had recommended the priority list to be funded from year-end surplus funds for any revenues that may come in above those certified by the BEA (i.e., unobligated surplus). The initial list included \$47.7 million in priorities. The Senate added \$18.7 million in projects to the priority list which includes as listed below \$11 million for higher education projects. The State has been running ahead of the BEA's current year estimate by about \$30 million. See #118.16 in [Part 1B](#) of the Appropriations Act for the full text.
 - [Amendment #215](#) which adds to the priority list (item 3m) \$500,000 for Orangeburg Calhoun Technical College for its Health Sciences & Nursing Building Annex.
 - [Amendment #28](#) which adds to the priority list (Item 8) \$500,000 for The Citadel for its Mechanical Engineering Lab & Equipment.
 - [Amendment #57](#) which adds to the priority list (Item 12) \$100,000 to pass through CHE for Coker College for faculty recruitment and retention purposes (memorial professorships) and [Amendment #55](#) to amend the provision for funding for Coker College that was included in the lottery allocations to change the purpose of the \$50,000 provided from facilities maintenance to faculty recruitment and retention.
 - [Amendment #39](#) which adds to the priority list (Item #17) \$5,000,000 for Trident Technical College Aerospace.
 - [Amendment #43](#) which adds to the priority list (Item 19) \$450,000 for Williamsburg Technical College facilities.
 - [Amendment #191](#) which adds to the priority list (Item 23) \$2,000,000 for University of Charleston for acquisition of surplus state property.
 - [Amendment #213](#) which adds to the priority list (Item 26) \$1,400,000 for USC Columbia for its On Your Time graduation initiative.
 - [Amendment #214](#) which adds to the priority list (Item 28) \$1,500,000 for Coastal Carolina University for its Science Center Complex.

The full text of the above referenced added Part 1B Provisos follow:

20.4. (USC: Energy-Related Economic Development) During the current fiscal year and using existing resources, the Earth Sciences and Resources Institute at the University of South Carolina shall develop a plan to foster collaborations among the State's institutions of higher education, the private sector, local governments, K-12 schools, the general public, and international partners to capitalize on the unique, unexplored geophysical characteristics of South Carolina and create energy-related economic development opportunities within the State. By January 15, 2015, the

report shall be provided to the Director of the South Carolina Energy Office, the Secretary of the Department of Commerce, the Governor, and the Chairmen of the Senate Agriculture and Natural Resources Committee and House Agriculture, Natural Resources and Environmental Affairs Committee.

11.22. (CHE: Required Reading Material Reporting) (A) From the revenue appropriated or authorized by this act, the University of Charleston must utilize at least \$52,000 and USC Upstate must utilize at least \$17,000 to comply with the provisions contained in Section 59-29-120, related to instruction in the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals. The instruction that must be given pursuant to this provision may be satisfied by providing or assigning reading materials related to the subject matter.

(B) A public institution of higher learning that conducts a non-elective reading program, other than as part of an instructional class, must provide alternative reading materials to a student who finds the required reading material objectionable based on a sincerely held religious, moral, or cultural belief. A student who requests alternative materials must not be subjected to any negative consequences or disparate treatment by any officer, official, faculty member, or other employee of the institution as a result of making the request.

(C) A public institution of higher learning that conducts a mandatory lecture, seminar, or other similar type presentation or program, other than as part of an instructional class, must allow a student who finds the program objectionable based on a sincerely held religious, moral, or cultural belief to decline to attend or otherwise participate in the program. A student who declines to attend or otherwise participate must not be subjected to any negative consequences or disparate treatment by any officer, official, faculty member, or other employee of the institution as a result of making the request.

11.23. (CHE: Out-of-State Veteran Supplement) The funds appropriated for the Out-of-State Veteran Supplement must be used to reimburse colleges and universities, including technical colleges, for the cost of H. 3086, which was introduced on December 11, 2012. Once all these funds have been exhausted, the provisions of H. 3086 no longer apply. Funding is exhausted when the Commission on Higher Education determines that the appropriated funds are exceeded by the difference of the aggregate out-of-state tuition otherwise owed and the aggregate in-state tuition as allowed by H. 3086. If H. 3086 is not enacted by July 15, 2014, then the Commission shall remit the appropriation to the State Treasurer for deposit in the general fund.

19.2. (SCSU - Blue Ribbon Advisory Committee) (A) The General Assembly finds that:

(1) Historically black colleges and universities serve as important and vital institutions for the education of students. These institutions of higher learning are essential to producing college graduates, professionals, uplifting students, and inspiring others to continue in their traditions;

(2) South Carolina State University was founded in 1896 as the state's sole public college for black youth and has played a key role in the education of African-Americans in the state and nation; and

(3) It is vital for this State that South Carolina State University maintain its legacy of excellence in education, and continue to produce generations of scholars and leaders in business, military service, government, athletics, education, medicine, science, engineering technology, and more.

(B) (1) There is established the South Carolina State Blue Ribbon Advisory Committee. The committee shall be composed of James F. Barker, former President of Clemson University; Harris Pastides, President of the University of South Carolina; Dr. Luther F. Carter, President of Francis Marion University; Judge Alex Sanders, former President of the College of Charleston; and Chief Justice Ernest A. Finney, former President of South Carolina State University, or their successors.

(2) The President of South Carolina State University and the university's board of trustees, in consultation with the advisory committee, shall develop a budgetary

plan to reduce expenditures and stabilize the university, including, but not limited to, the recruitment and retention of students. Upon approval of the plan by the board and the advisory committee, the university is authorized to implement the provisions of the budgetary plan as set forth in this subsection. The approved budgetary plan must be provided to each member of the General Assembly. Upon implementation, the budgetary plan must prevent the university from running another other funds operating deficit. In developing the budgetary plan, all operating and other expenditures made across all aspects of the university must be considered, including, but not limited to, administration, academics, auxiliary operations, public service activities, and athletics.

(3) Upon certification by the advisory committee that funds for implementation of the budgetary plan are required, then the university must forward the plan to the Joint Bond Review Committee. Within fifteen days of approval by the Joint Bond Review Committee, the Budget and Control Board, in consultation with the Comptroller General, shall identify accounts from which the State Treasurer must transfer to the university on the schedule required by the budgetary plan an amount or amounts required by the budgetary plan. Members of the General Assembly must be provided with a complete list of all accounts from which the State Treasurer will transfer funds. If any portion of the budgetary plan approved by the committee includes a recommendation of a loan or a series of loans, the loan must be at an interest rate established by the State Treasurer pursuant to Section 11 9 250. Loan repayment, if required by the budgetary plan, shall be for the duration recommended by the committee except that repayment shall begin no earlier than the calendar year following the conclusion of the current fiscal year.

(4) Members of South Carolina State Blue Ribbon Advisory Committee shall be indemnified in the same manner as members of the Retirement System Investment Commission, mutatis mutandis.

Other

- During the week, a number of bills were ratified and sent to the Governor for consideration including: [S.997](#) relating to requirements and fees for speech and audio pathologists and [H.4646](#) relating to the Governor's School for Science and Math Board of Trustees. For a full listing of the ratified bills during the week, see May 15 House or Senate Journal – [click here](#).