

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

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4 HOUSE AMENDMENTS AMENDED

5 May 15, 2008

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**S. 950**

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Introduced by Senators Hutto and Matthews

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11 S. Printed 5/15/08--S.

12 Read the first time January 8, 2008.

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9 **A BILL**

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11 TO AMEND SECTION 59-53-630, CODE OF LAWS OF SOUTH  
12 CAROLINA, 1976, RELATING TO THE POWERS OF THE  
13 DENMARK TECHNICAL COLLEGE AREA COMMISSION,  
14 SO AS TO ALLOW THE COMMISSION TO ENTER INTO  
15 GROUND LEASE AGREEMENTS WITH PRIVATE ENTITIES  
16 UPON APPROVAL BY THE STATE BUDGET AND CONTROL  
17 BOARD.

18 Amend Title To Conform

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

22  
23 SECTION 1. Section 59-53-630 of the 1976 Code is amended to  
24 read:

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26 “Section 59-53-630. (A) The commission has the same powers  
27 as provided by Article 1, Chapter 53, Title 59 of the 1976 Code,  
28 and in addition must prepare and submit its annual budget for  
29 approval to the State Board of Technical and Comprehensive  
30 Education.

31 (B) Denmark Technical College shall be funded in accordance  
32 with the provisions of Section 6 of Act 654 of 1976.

33 (C) The Denmark Technical College Area Commission, with  
34 the approval of the State Budget and Control Board, may enter into  
35 one or more ground lease agreements with a private entity in  
36 which the private entity provides all services necessary for the  
37 creation and operation of an on-campus student housing facility  
38 including, but not limited to, financing, designing, construction,  
39 managing, operating, maintaining, and related services. Upon  
40 expiration of the ground lease agreement term, the private entity  
41 shall surrender to the Denmark Technical College Area  
42 Commission such premises with the existing buildings, other  
43 structures, and improvements constructed and located on the  
44 premises, in the same condition as when the construction of the

1 buildings, other structures, and improvements were completed,  
2 with only natural and normal wear and tear excepted. The State  
3 Budget and Control Board must first approve all ground lease  
4 agreement terms and conditions including the consideration  
5 involved. The full faith and credit of the State toward the lease  
6 obligations must not be pledged, and a statement to the contrary is  
7 deemed null and void as a matter of public policy. The private  
8 entity may be a nonprofit organization. The State Budget and  
9 Control Board approval required shall be in lieu of or a substitute  
10 for other approval required by another provision of law or  
11 regulation in connection with the undertaking of the private entity  
12 and Denmark Technical College. However, the private entity and  
13 the Denmark Technical College Area Commission shall adhere to  
14 fire, life, and safety codes as required by the Office of the State  
15 Engineer.

16 (D) Neither this section, nor the approval required by this  
17 section, exempts any transaction or entity from complying with  
18 Title 11, Chapter 35.”

19  
20 SECTION 2. Section 59-53-740 of the 1976 Code, as added by  
21 Act 201 of 2004, is amended by adding:

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23 “(E) Neither this section, nor the approval required by this  
24 section, exempts any transaction or entity from complying with  
25 Title 11, Chapter 35.”

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27 SECTION 3. Section 59-117-65 of the 1976 Code is amended by  
28 adding:

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30 “Neither this section, nor the approval required by this section,  
31 exempts any transaction or entity from complying with Title 11,  
32 Chapter 35.”

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34 SECTION 4. Section 59-125-130 of the 1976 Code is amended  
35 by adding:

36  
37 “Neither this section, nor the approval required by this section,  
38 exempts any transaction or entity from complying with Title 11,  
39 Chapter 35.”

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41 SECTION 5. Section 59-127-85 of the 1976 Code is amended by  
42 adding:

1 “Neither this section, nor the approval required by this section,  
2 exempts any transaction or entity from complying with Title 11,  
3 Chapter 35.”

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5 SECTION 6. Section 59-130-60 of the 1976 Code is amended by  
6 adding:

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8 “Neither this section, nor the approval required by this section,  
9 exempts any transaction or entity from complying with Title 11,  
10 Chapter 35.”

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12 SECTION 7. Section 59-133-60 of the 1976 Code is amended by  
13 adding:

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15 “Neither this section, nor the approval required by this section,  
16 exempts any transaction or entity from complying with Title 11,  
17 Chapter 35.”

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19 SECTION 8. Article 3, Chapter 53, Title 59 of the 1976 Code is  
20 amended by adding:

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22 “Section 59-53-290. (A) The Area Commission of Tri-County  
23 Technical College, with the approval of the State Budget and  
24 Control Board, may enter into one or more ground lease  
25 agreements with a private entity in which the private entity  
26 provides all services necessary for the creation and operation of an  
27 on-campus facility, the purpose of which must be determined by  
28 the commission including, but not limited to, financing, designing,  
29 constructing, managing, operating, maintaining, and related  
30 services. Upon expiration of the ground lease agreement term, the  
31 private entity shall surrender to the college the premises with the  
32 existing buildings, other structures, and improvements constructed  
33 and located on the premises, in the same condition as when the  
34 construction of the buildings, other structures, and improvements  
35 were completed, with only natural and normal wear and tear  
36 excepted. The State Budget and Control Board shall first approve  
37 all ground lease agreement terms and conditions including the  
38 consideration involved. The full faith and credit of the State  
39 toward the lease obligations may not be pledged, and a statement  
40 to the contrary is deemed null and void as a matter of public  
41 policy. The approval required is in lieu of or a substitute for other  
42 approval required by another provision of law or regulation in  
43 connection with the undertaking of the private entity and the  
44 college; however, the private entity and the college shall adhere to

1 fire, life, and safety codes as required by the Office of the State  
2 Engineer.

3 (B) The Area Commission of Tri-County Technical College,  
4 upon the approval of the State Budget and Control Board, may  
5 enter into a lease or lease purchase agreement with a private entity  
6 for the entity to occupy a college facility or a facility to be built by  
7 the college on college property for the purpose of conducting an  
8 entrepreneurial or commercial activity.

9 (C) The Area Commission of Tri-County Technical College,  
10 upon approval of the State Budget and Control Board, may enter  
11 into a ground lease with a private entity for the private entity to  
12 build a facility on property of the college in which the private  
13 entity will conduct an entrepreneurial or commercial activity  
14 consistent with the scope and mission of the college.

15 (D) In implementing the provisions of subsections (B) and (C),  
16 full compliance with the provisions of Article X, Section 11 of the  
17 Constitution of this State is required.

18 (E) Neither this section, nor the approval required by this  
19 section, exempts any transaction or entity from complying with  
20 Title 11, Chapter 35.”

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22 SECTION 9. This act takes effect upon approval by the Governor.

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