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COMMITTEE REPORT

March 22, 2017

**S. 480**

Introduced by Senator Hutto

S. Printed 3/22/17--S.

Read the first time February 28, 2017.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 480) to amend Section 59-53-630 of the 1976 Code, relating to the powers and funding for Denmark Technical College, to provide that the governing body for Denmark Technical, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

HARVEY S. PEELER, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 28, 2017**

**State Expenditure**

This bill devolves all of the responsibilities of the existing Denmark Technical College Area Commission (commission) upon the State Board for Technical and Comprehensive Education (board). The bill repeals statutes relating to the makeup of the commission (section 59-53-610), selection of commission members (59-53-620), and accountability reporting of the commission (59-53-640). In addition, the board is required to convene a committee to study the most effective and efficient delivery of technical college educational opportunities in Allendale, Bamberg, and Barnwell counties. The committee is to report its findings and recommendations to the board not more than 120 days after the effective date of this bill.

**State Board for Technical and Comprehensive Education.** The State Board for Technical and Comprehensive Education expect additional expenditures similar or less than that of the current commission. These expenditures and any expenditures related to the duties of the committee would be managed within current appropriations. Therefore, this bill will not impact the expenditures of the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 59-53-630 OF THE 1976 CODE, RELATING TO THE POWERS AND FUNDING FOR DENMARK TECHNICAL COLLEGE, TO PROVIDE THAT THE GOVERNING BODY FOR DENMARK TECHNICAL COLLEGE IS THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO COMMISSION A STUDY INTO THE MOST EFFECTIVE, EFFICIENT DELIVERY OF TECHNICAL COLLEGE EDUCATION OPPORTUNITIES IN CERTAIN COUNTIES; AND TO REPEAL SECTIONS 59-53-610, 59-53-620, AND 59-53-640.

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

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

“Section 59‑53‑630. (A) There is created Denmark Technical College, of which the governing body is the State Board for Technical and Comprehensive Education. ~~The commission~~ Concerning the operation of the technical college, the board has the same powers as provided by Article 1, Chapter 53, Title 59 of the 1976 Code~~, and in addition must prepare and submit its annual budget for approval to the State Board of Technical and Comprehensive Education~~.

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

(C) The ~~Denmark Technical College Area Commission~~ board, with the approval of the State Department of Administration or State Fiscal Accountability Authority, as appropriate, may enter into one or more ground lease agreements with a private entity in which the private entity provides all services necessary for the creation and operation of an on‑campus student housing facility including, but not limited to, financing, designing, constructing, managing, operating, maintaining, and related services. Upon expiration of the ground lease agreement term, the private entity shall surrender to the ~~Denmark Technical College Area Commission~~ board such premises with the existing buildings, other structures, and improvements constructed and located on the premises, in the same condition as when the construction of the buildings, other structures, and improvements were completed, with only natural and normal wear and tear excepted. The State Department of Administration or State Fiscal Accountability Authority, as appropriate, must first approve all ground lease agreement terms and conditions including the consideration involved. The full faith and credit of the State toward the lease obligations must not be pledged, and a statement to the contrary is deemed null and void as a matter of public policy. The private entity may be a nonprofit organization. The State Department of Administration or State Fiscal Accountability Authority, as appropriate, approval required shall be in lieu of or a substitute for other approval required by another provision of law or regulation in connection with the undertaking of the private entity and ~~Denmark Technical College~~ the board. However, the private entity and the ~~Denmark Technical College Area Commission~~ board shall adhere to fire, life, and safety codes as required by the Office of the State Engineer.

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

SECTION 2. All powers, duties, and obligations vested in the Denmark Technical College Area Commission prior to this act are devolved upon and become the powers, duties, and obligations of the State Board for Technical and Comprehensive Education in relation to Denmark Technical College.

SECTION 3. Within thirty days of the effective date of this act, the State Board for Technical and Comprehensive Education shall convene a committee to study the most effective, efficient delivery of technical college educational opportunities to Allendale, Bamberg, and Barnwell Counties. The committee shall report its findings and recommendations to the board not more than one hundred twenty days after the effective date of this act.

SECTION 4. Sections 59-53-610, 59-53-620, and 59-53-640 are repealed.

SECTION 5. This act takes effect upon approval by the Governor.

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