Session 117 - (2007-2008)

H 3651 General Bill, By Herbkersman, Merrill, E.H. Pitts, Cotty, Crawford, Bedingfield, Clemmons, Dantzler, Hagood, Harrison, Kirsh, Owens and Mulvaney

Summary: Public-Private Education Facilities and Infrastructure Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5, CHAPTER 23, TITLE 59 SO AS TO ENACT THE "PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT"; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR THE PREREQUISITES FOR THE OPERATION OF A QUALIFYING PROJECT; TO PROVIDE THE INFORMATION THAT MUST ACCOMPANY A REQUEST FOR APPROVAL OF A QUALIFYING PROJECT BY THE RESPONSIBLE PUBLIC ENTITY; TO PROVIDE FOR THE APPROVAL PROCESS AND WHEN A RESPONSIBLE PUBLIC ENTITY MAY GRANT APPROVAL OF THE ACQUISITION; TO PROVIDE THAT A PUBLIC ENTITY MAY ENTER INTO SERVICE CONTRACTS; TO PROVIDE THAT A PRIVATE ENTITY REQUESTING APPROVAL FROM A RESPONSIBLE PUBLIC ENTITY SHALL NOTIFY EACH AFFECTED LOCAL JURISDICTION, WHICH MAY SUBMIT COMMENTS FOR THE RESPONSIBLE PUBLIC ENTITY'S CONSIDERATION; TO PROVIDE FOR WHEN A PUBLIC ENTITY MAY DEDICATE A PROPERTY INTEREST FOR PUBLIC USE IN A QUALIFYING PROJECT; TO PROVIDE THE POWERS AND DUTIES OF THE OPERATOR OF THE QUALIFYING PROJECT; TO PROVIDE FOR THE SPECIFICATIONS OF THE COMPREHENSIVE AGREEMENT BETWEEN THE OPERATOR AND THE RESPONSIBLE PUBLIC ENTITY; TO PROVIDE THAT THE RESPONSIBLE PUBLIC ENTITY MAY OBTAIN FEDERAL, STATE, OR LOCAL ASSISTANCE FOR A QUALIFYING PROJECT THAT SERVES THE PUBLIC PURPOSE; TO PROVIDE FOR REMEDIES IN THE EVENT OF A MATERIAL DEFAULT BY THE OPERATOR; TO PROVIDE WHEN THE RESPONSIBLE PUBLIC ENTITY MAY EXERCISE THE POWER OF CONDEMNATION; TO PROVIDE FOR WHEN THE QUALIFYING PROJECT CROSSES A UTILITY; TO PROVIDE THAT POLICE OFFICERS HAVE POWERS AND JURISDICTION WITHIN THE LIMITS OF THE QUALIFYING PROJECT; TO PROVIDE THAT THIS ARTICLE IS NOT A WAIVER OF SOVEREIGN IMMUNITY; TO PROVIDE THAT THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE AND GUIDELINES DEVELOPED PURSUANT TO IT AND OTHER BUILDING CODES DO NOT APPLY WHEN THE STATE IS THE RESPONSIBLE PUBLIC ENTITY; AND TO PROVIDE THE PROCEDURES ACCORDING TO WHICH A RESPONSIBLE PUBLIC ENTITY MAY ENTER INTO A COMPREHENSIVE AGREEMENT.

03/06/07	**House**	**Introduced and read first time HJ-45**
03/06/07	**House**	**Referred to Committee on Education and Public Works HJ-46**
03/07/07	**House**	**Member(s) request name added as sponsor: Mulvaney**