COMMITTEE REPORT

May 12, 2010

**S. 1190**

Introduced by Senator Leatherman

S. Printed 5/12/10--H.

Read the first time April 15, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 1190) to make certain findings by the General Assembly in regard to the settlement of litigation involving a site acquired by the State of South Carolina in Richland County, etc., respectfully

**REPORT:**

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

JAMES H. HARRISON for Committee.

**A** **JOINT RESOLUTION**

TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS’ MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

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

SECTION 1. The General Assembly finds that:

(1) The Commissioner of Agriculture (commissioner) settled the case captioned as Richland County v. State of South Carolina and South Carolina Department of Agriculture, 2008‑CP‑40‑5723, involving a dispute concerning ownership of approximately one hundred forty‑six acres of land (tract) and formerly acquired for the proposed State Farmers’ Market.

(2) In connection with the settlement, the commissioner entered into and executed a mutual consent order and other appropriate documents dismissing with prejudice the referenced case and any related claims that the State of South Carolina may have in connection therewith.

(3) In connection with the settlement, the commissioner transferred on behalf of the State approximately one hundred nine acres of the tract to the South Carolina Research Authority (SCRA) and approximately thirty‑seven acres of the tract to Richland County.

(4) In connection with the settlement, the commissioner and Richland County agreed that clarification should be sought with respect to the use of the tract by the SCRA and the county.

SECTION 2. The approximately one hundred nine acres of the tract transferred to the South Carolina Research Authority shall be used in accordance with the powers granted to the authority pursuant to its enabling act, as contained in Chapter 17, Title 13 of the 1976 Code, including, but not limited to, Section 13‑17‑70(5), and the approximately thirty‑seven acres of the tract transferred to Richland County shall be used in accordance with the powers granted to Richland County pursuant to Section 4‑9‑30 of the 1976 Code, including, but not limited to, Section 4‑9‑30(2). Notwithstanding any other provision of law, the original acquisition of and continuing repayment of any outstanding obligations related to the tract constitute an authorized use of those revenues specified in Article 7, Chapter 1, Title 6 of the 1976 Code; however, once the original acquisition and all outstanding original obligations related to the tract are paid in full, revenues collected pursuant to Article 7, Chapter 1, Title 6 of the 1976 Code must be used only for the purposes set forth in Article 7, Chapter 1, Title 6 of the 1976 Code.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

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