COMMITTEE REPORT

April 14, 2010

**S. 1339**

Introduced by Senator Peeler

S. Printed 4/14/10--S.

Read the first time March 31, 2010.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 1339) to amend Title 11 of the 1976 Code, relating to public finance, by adding Chapter 55 to establish the “I‑85 Cherokee‑Spartanburg Corridor Authority Act” and, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Title 11 of the 1976 Code is amended by adding:

“Chapter 55

I‑85 Corridor Authority Act

Section 11‑55‑5. This chapter may be cited as the ‘I‑85 Corridor Authority Act’.

Section 11‑55‑10. There is established the I‑85 Corridor Authority. The authority must:

(1) oversee the implementation of the recommendations contained in the Department of Transportation’s I‑85 Widening Corridor Feasibility Study for Cherokee County and Spartanburg County and other studies from the department relating to widening I‑85; and

(2) report to the General Assembly, at least annually, on the progress made related to its charge, any modification of the laws of this State needed to allow the authority to better fulfill its charge, programs, and operations.

Section 11‑55‑15. The authority is a public body, politic and corporate, and an agency of the State and may:

(1) adopt bylaws, procedures, and regulations for the directors, officers, and employees and for implementation and operation of the programs authorized by this act;

(2) sue and be sued in its own name;

(3) enter into such contracts, agreements, and instruments and make such offers to contract with such persons, partnerships, firms, corporations, agencies, or entities, whether public or private, considered desirable in the furtherance of its purpose;

(4) acquire by purchase, donation, exchange, or otherwise, hold, improve, mortgage, pledge, or otherwise, encumber, manage, lease, convey, transfer, or dispose of any real or personal property, whether tangible or intangible, together with such rights and privileges as may be incidental and appurtenant thereto. To the extent that administrative funds are involved, the authority must comply with the provisions of the South Carolina Consolidated Procurement Code. To the extent that the liability of the authority is limited to program funds, any such acquisition or disposition may be pursuant to public or private sale upon such terms and conditions as the authority may approve in accordance with prudent business practices;

(5) appoint officers, agents, employees, and consultants, prescribe their duties, and fix their compensation; and

(6) participate in and cooperate with any agency or instrumentality of the United States and with any agency or political subdivision of this State in the administration of any of the programs authorized by this act.

Section 11‑55‑20. The member counties of the authority consist of Cherokee, Spartanburg, Greenville, Oconee, and Anderson Counties.

Section 11‑55‑25. (A) The authority is governed by a board of directors that is composed of seven members. The members must be appointed as follows:

(1) three members appointed by the senators whose districts’ include the member counties;

(2) three members appointed by the representatives whose districts’ include the member counties; and

(3) one member who is a president of a technical college located in a member county appointed by the senior senator of the member counties.

(B) Except as provided in subsection (C), members must serve a five‑year term. Any vacancy on the authority must be filled in the same manner as the original appointment. Members of the authority shall serve without mileage, per diem, and subsistence. (C) Initial appointments to the authority shall be made within sixty days of the enactment of this section.

(D) The initial meeting of the authority shall be convened by the chairman as soon as practical after the initial appointments are made. Business of the authority may only be conducted when a quorum is present. A quorum consists of a majority of the total membership.

Section 11‑55‑30. (A) The authority shall receive state funds as appropriated by the General Assembly.

(B) In addition to funding sources listed in subsection (A), the authority is authorized to solicit and accept private and public donations, grants, gifts, and federal funds. All funds received by the authority, regardless of their source, are to be held and accounted for by the State Treasure in a separate account to be known as the ‘I‑85 Corridor Authority Fund’. Disbursements from the Authority Fund must only be made upon the signature of the chairmen of the board of directors, or a designee of the board, upon written warrants of the Comptroller General drawn on the state treasurer to the payee designated in the requisition.

(C) The authority must distribute funds throughout the member counties as grants, in a manner which fulfills the charge in Section 11‑55‑10. The authority must create guidelines to govern the selection of recipients of grants and the distribution of grant funds.

(D) The authority must be audited annually by the State Auditor or by an independent certified public accounting firm approved by the State Auditor.” /

Renumber sections to conform.

Amend title to conform.

HUGH K. LEATHERMAN, SR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**REVENUE IMPACT 1/**

Because this bill is concerned with the appropriation of funds, this bill would not affect state general fund revenue in FY2010-11.

## Explanation

This bill would add Chapter 55 to Title 11 to establish a public body and State agency named the I-85 Cherokee-Spartanburg Corridor Authority. The Authority would oversee the implementation of the recommendations contained in the Department of Transportation’s I-85 Widening Feasibility Study, and report annually to the General Assembly on the progress made and recommend any modification of the laws of this State needed to allow the Authority to better fulfill its charge, programs, and operations. The member counties of the Authority consist of Cherokee and Spartanburg counties. The Authority is governed by a board of directors composed of seven members. The members must be appointed as follows: 1) three members appointed by the senators whose districts include the member counties, 2) three members appointed by the representatives whose districts include the member counties, and 3) one member who is a president of a technical college located in a member county. The members are chosen for terms of five years. To carry out its duties, the Authority shall receive state funds as appropriated by the General Assembly, as well as the solicitation of private and public donations, grants, gifts, and federal funds. All funds would be held by the State Treasurer in a separate and distinct fund styled the “I-85 Cherokee-Spartanburg Corridor Authority Fund”. The Authority must distribute funds throughout the member counties as grants that would oversee the implementation of the recommendations contained in the Department of Transportation’s I-85 Widening Feasibility Study. The Authority must be audited annually by the State Auditor or by an independent certified public accounting firm approved by the State Auditor. This act takes effect upon approval by the Governor.

*Approved By:*

William C. Gillespie

Board of Economic Advisors

1/ This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.

**A** **BILL**

TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 55 TO ESTABLISH THE “I‑85 CHEROKEE‑SPARTANBURG CORRIDOR AUTHORITY ACT” AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

SECTION 1. Title 11 of the 1976 Code is amended by adding:

“Chapter 55

I‑85 Cherokee‑Spartanburg Corridor Authority Act

Section 11‑55‑5. This chapter may be cited as the ‘I‑85 Cherokee‑Spartanburg Corridor Authority Act’.

Section 11‑55‑10. There is established the I‑85 Cherokee‑Spartanburg Corridor Authority. The authority must:

(1) oversee the implementation of the recommendations contained in the Department of Transportation’s I-85 Widening Feasibility Study; and

(2) report to the General Assembly, at least annually, on the progress made related to its charge, any modification of the laws of this State needed to allow the authority to better fulfill its charge, programs, and operations.

Section 11‑55‑15. The authority is a public body, politic and corporate, and an agency of the State and may:

(1) adopt bylaws, procedures, and regulations for the directors, officers, and employees and for implementation and operation of the programs authorized by this act;

(2) sue and be sued in its own name;

(3) enter into such contracts, agreements, and instruments and make such offers to contract with such persons, partnerships, firms, corporations, agencies, or entities, whether public or private, considered desirable in the furtherance of its purpose;

(4) acquire by purchase, donation, exchange, or otherwise, hold, improve, mortgage, pledge, or otherwise, encumber, manage, lease, convey, transfer, or dispose of any real or personal property, whether tangible or intangible, together with such rights and privileges as may be incidental and appurtenant thereto. To the extent that administrative funds are involved, the authority must comply with the provisions of the South Carolina Consolidated Procurement Code. To the extent that the liability of the authority is limited to program funds, any such acquisition or disposition may be pursuant to public or private sale upon such terms and conditions as the authority may approve in accordance with prudent business practices;

(5) appoint officers, agents, employees, and consultants, prescribe their duties, and fix their compensation; and

(6) participate in and cooperate with any agency or instrumentality of the United States and with any agency or political subdivision of this State in the administration of any of the programs authorized by this act.

Section 11‑55‑20. The member counties of the authority consist of Cherokee and Spartanburg Counties.

Section 11‑55‑25. (A) The authority is governed by a board of directors that is composed of seven members. The members must be appointed as follows:

(1) three members appointed by the senators whose districts include the member counties;

(2) three members appointed by the representatives whose districts include the member counties;

(3) one member who is a president of a technical college located in a member county.

(B) Except as provided in subsection (C), members must serve a five‑year term. Any vacancy on the authority must be filled in the same manner as the original appointment. Members of the authority shall serve without mileage, per diem, and subsistence. (C) Initial appointments to the authority shall be made within sixty days of the enactment of this section.

(D) The initial meeting of the authority shall be convened by the chairman as soon as practical after the initial appointments are made. Business of the authority may only be conducted when a quorum is present. A quorum consist of a majority of the total membership.

Section 11‑55‑30. (A) The authority shall receive state funds as appropriated by the General Assembly.

(B) In addition to funding sources listed in subsection (A), the authority is authorized to solicit and accept private and public donations, grants, gifts, and federal funds. All funds received by the authority, regardless of their source, are to be held and accounted for by the State Treasure in a separate account to be known as the ‘I‑85 Cherokee‑Spartanburg Corridor Authority Fund’. Disbursements from the Authority Fund must only be made upon the signature of the chairmen of the board of directors, or a designee of the board, upon written warrants of the Comptroller General drawn on the state treasurer to the payee designated in the requisition.

(C) The authority must distribute funds throughout the member counties as grants, in a manner which fulfills the charge in Section 11‑55‑10. The authority must create guidelines to govern the selection of recipients of grants and the distribution of grant funds.

(D) The authority must be audited annually by the State Auditor or by an independent certified public accounting firm approved by the State Auditor.”

SECTION 2. This act takes effect upon approval by the Governor.

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