RECALLED

April 7, 2011

**H. 3956**

Introduced by Reps. Cooper, Skelton, White, Ott and Horne

S. Printed 4/7/11--H.

Read the first time March 16, 2011.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑119‑180 SO AS TO ALLOW CLEMSON UNIVERSITY TO ENTER INTO GROUND LEASE AGREEMENTS WITH A PRIVATE ENTITY, TO PROVIDE WHAT THOSE AGREEMENTS MUST INCLUDE, TO PROVIDE FOR THE SURRENDERING OF THE PREMISES UPON THE EXPIRATION OF THE LEASE TERM, TO REQUIRE REVIEW OF THE LEASE BY THE STATE BUDGET AND CONTROL BOARD, AND TO PROVIDE THAT THE FULL FAITH AND CREDIT OF THE STATE MAY NOT BE PLEDGED.

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

SECTION 1. Article 1, Chapter 119, Title 59 of the 1976 Code is amended by adding:

“Section 59‑119‑180. (A) The Clemson University Board of Trustees, with the approval of the State Budget and Control Board, may enter into one or more ground lease agreements with a private entity whereby the private entity provides all services necessary for the creation or operation of institution infrastructure 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 Clemson University the premises with the existing buildings, other structures, and improvements constructed and located thereon and therein, in the same condition as when the construction of the buildings, other structures, and improvements were completed, only natural and normal wear and tear excepted. The State Budget and Control Board first shall approve all ground lease agreement terms and conditions, including the consideration involved. The full faith and credit of the State toward the lease obligations may not be pledged, and any statement to the contrary is deemed null and void as a matter of public policy. The private entity may be a nonprofit organization. The approval required is instead of or a substitute for any other approval required by any other provision of law or regulation in connection with the undertaking of the private entity and Clemson University; however, the private entity and Clemson University shall adhere to fire, life, and safety codes as required by the Office of the State Engineer.

(B) This section and the approval required by this section does not exempt Clemson University from complying with Chapter 35, Title 11; however, in the case of an economic development project, Clemson University is exempt from the provisions of Chapter 35, Title 11 upon approval by the State Budget and Control Board.”

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

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