**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 1029**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Setzler

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Companion/Similar bill(s): 4996

Introduced in the Senate on January 21, 2020

Currently residing in the Senate Committee on **Finance**

Summary: SC Research Authority Board of Trustees

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/21/2020 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj\20200121.docx))

1/21/2020 Senate Referred to Committee on **Finance** ([Senate Journal‑page 6](file:///h:\sj\20200121.docx))

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**VERSIONS OF THIS BILL**

[1/21/2020](file:///p:\pprever\2019-20\1029_20200121.docx)

**A** **BILL**

TO AMEND SECTION 13‑17‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE SOUTH CAROLINA RESEARCH AUTHORITY BOARD OF TRUSTEES, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF CERTAIN UNIVERSITY PRESIDENTS OR THEIR DESIGNEES, TO PROVIDE CERTAIN REQUIREMENTS FOR DESIGNEES, AND TO PROVIDE THAT THE EXECUTIVE COMMITTEE SHALL ELECT TWO ADDITIONAL MEMBERS WHO ARE NOT REQUIRED TO BE TRUSTEES AT THE TIME OF THEIR ELECTION; TO AMEND SECTION 13‑17‑70, RELATING TO THE POWERS OF THE BOARD OF TRUSTEES, SO AS TO PROVIDE THAT THE BOARD MAY INVEST IN CERTAIN OBLIGATIONS OF PRIVATE ENTITIES; AND TO AMEND SECTION 13‑17‑87, RELATING TO THE ESTABLISHMENT OF RESEARCH INNOVATION CENTERS, SO AS TO PROVIDE THAT THE SOUTH CAROLINA RESEARCH AUTHORITY MAY ALLOW A COMPANY TO REMAIN IN AN INNOVATION CENTER FOR UP TO FIVE YEARS OR UNTIL EXCEEDING FIVE MILLION DOLLARS BUT DOES NOT APPLY WITH RESPECT TO THIRTY‑FIVE PERCENT OF THE SQUARE FEET IN AN INNOVATION CENTER.

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

SECTION 1. A. Section 13‑17‑40(B)(1) of the 1976 Code is amended to read:

“(1)(a) The President of Clemson University or his designee, President of the Medical University of South Carolina or his designee, President of the University of South Carolina at Columbia or his designee, the Governor or his designee, the Chairman of the House Ways and Means Committee or his designee, the Chairman of the Senate Finance Committee or his designee, and the chairman of the board of trustees shall serve on the executive committee of the ~~board of trustees~~ SCRA.

(b) A designee of one of the three university presidents must be an individual serving in no less than a vice president or comparable role and shall report directly to the president, with such determination to be made in the sole discretion of the designating president. Each university president may designate only one person for each calendar year, except in the case of the designee’s death, incapacity, or termination of employment, in which case the designating university president may replace the designee for the remainder of the calendar year. Any university president is authorized in any event to participate, in any meeting or otherwise, in person rather than through a previously named designee.

(c) The executive committee shall elect two additional members of the executive committee, who shall be trustees at the time of their election, and two members, who are not required to be trustees at the time of their election, by the affirmative vote of a majority of the ~~members of the~~ executive committee then serving. ~~Each of the three university presidents, with respect to no more than two executive committee meetings each calendar year, may designate in his place that university’s chief research officer, as determined in the sole discretion of the designating president, to participate in and vote at executive committee meetings specified in the designation.~~

(d) The executive committee has all powers and authority of the board of trustees. The board shall have an advisory role only and shall advise the executive committee of the actions recommended by the board.

(2) Terms of elected executive committee members are for four years, and half expire every two years. An elected executive committee member may not serve more than two consecutive four‑year elected terms. A vacancy must be filled for the unexpired term in the manner of original election, and occurs upon the expiration of the term of service, death, resignation, disqualification, or removal of an elected executive committee member. An elected executive committee member ~~need not continue to~~ who must be a trustee at the time of his election need not continue to be a trustee in order to complete his term as an executive committee member. An elected executive committee member may be removed from office by the affirmative vote of two‑thirds of the executive committee members serving.”

B. The terms of the two members of the executive committee of the SCRA board of trustees who are not required to be trustees at the time of their election, pursuant to Section 13‑17‑40(B)(1), begin on July 1, 2020. The executive committee shall elect the initial members: one for a two‑year term and one for a four‑year term. Thereafter, the terms are four years.

SECTION 2. Section 13‑17‑70(8) of the 1976 Code is amended to read:

“(8) from time to time to borrow money, make and issue negotiable notes, bonds, and other evidences of indebtedness, including refunding and advanced refunding notes, bonds, and other evidences of indebtedness of the authority; to secure the payment of the obligations or any part by mortgage, lien, pledge, or deed of trust, on all or any of its property, contracts, franchises, or revenues, including the proceeds of any refunding and advanced refunding notes, bonds, and other evidences of indebtedness and the investments in which proceeds are invested and the earning on and income therefrom; to invest its monies, including without limitation its revenues and proceeds of the notes, bonds, or other evidences of indebtedness, in obligations of, or obligations the principal of and interest on which are guaranteed by or are fully secured by contracts with the United States of America, in obligations of any agency, instrumentality, or corporation which has been or may hereafter be created by or pursuant to an act of Congress of the United States as an agency, instrumentality, or corporation thereof, in direct and general obligations of the State of South Carolina, and in certificates of deposit issued by any bank, trust company, or national banking association and, in addition, in obligations of any private entity existing under the laws of the United States of America or any state thereof, which at the time of purchase bear an investment grade rating of at least two nationally recognized credit rating services; provided, that the authority, when investing in certificates of deposit, shall invest in certificates of deposit issued by institutions authorized to do business in South Carolina if such institutions offer terms which, in the opinion of the authority, are equal to or better than those offered by other institutions; to make agreements with the purchasers or holders of such notes, bonds, or other evidences of indebtedness or with others in connection with any such notes, bonds, or other evidences of indebtedness, whether issued or to be issued, as the authority shall deem advisable; and in general to provide for the security for the notes, bonds, or other evidences of indebtedness and the rights of the holders thereof; provided, that in the exercise of the powers herein granted to issue advanced refunding notes, bonds, or other evidences of indebtedness the authority may, but shall not be required to, avail itself of or comply with any of the provisions of Sections 11‑21‑10 to 11‑21‑80 (Advanced Refunding Act);”

SECTION 3. Section 13‑17‑87(F)(3) of the 1976 Code is amended to read:

“(3) allow a company to remain in an innovation center for up to ~~four~~ five years or until exceeding ~~one~~ five million dollars in annual commercial revenue~~;~~, provided, however, that this requirement may not apply with respect to thirty‑five percent of the square feet in an innovation center, as determined by the SCRA;”

SECTION 4. This act takes effect on July 1, 2020.

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