COMMITTEE REPORT

April 6, 2011

**H. 3083**

Introduced by Reps. Pitts, Daning, Toole, G.M. Smith, Clyburn, Bingham, J.R. Smith, Huggins, Young, Taylor and Long

S. Printed 4/6/11--H.

Read the first time January 11, 2011.

**THE COMMITTEE ON WAYS AND MEANS**

To whom was referred a Bill (H. 3083) to enact the “South Carolina Conservation Bank Reauthorization Act” by amending Act 200 of 2002, which enacted the “South Carolina Conservation Bank Act” and provided for its, etc., respectfully

**REPORT:**

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

DANIEL T. COOPER for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**REVENUE IMPACT 1/**

This bill is not expected to affect general fund revenue in FY2011-12.

**Explanation**

This act may be cited as the “South Carolina Conservation Bank Reauthorization Act”. Currently, the South Carolina Conservation Bank is scheduled to be repealed July 1, 2013 unless reenacted or extended by the General Assembly. This bill would delete Section 7 of Act 200 of 2002 (Conservation Bank Act) to remove all references to the repeal of the Conservation Bank by removing the sunsetting date of the act. This bill also makes several Sections of Act 200 of 2002 part of permanent law by designating sections of the Code of Laws as follows:

Section 3 of Act 200 of 2002 would become Section 12-24-96 to allow twenty-five cents of the one dollar thirty-cent state deed recording fee must be credited to the South Carolina Conservation Bank Trust Fund.

Section 5 of Act 200 of 2002 would become Section 48-59-65 to state that in a fiscal year when the General Assembly in the annual general appropriations act provides less appropriations than what was provided for the previous year to at least one-half of the state agencies or departments contained in the act, or in any year when the Budget and Control Board orders across-the-board cuts to state agencies and departments in the manner provided by law, no further transfer of deed recording fees or other appropriated funds, state or local, may be credited to the trust fund for the fiscal year or balance of the fiscal year.

Section 6 of Act 200 of 2002 would become Section 27-8-37 to allow the provisions of Section 27-8-30(E)(3) do not apply to an easement conveyed by a county or municipality if the county or municipality is compensated for the easement for the Conservation Bank Trust Fund, or if the donation of an easement by a municipality or county is an integral part of a larger proposal for which a grant or loan is made from the Conservation Bank Trust Fund.

Section 8 of Act 200 of 2002 would become Section 48-59-150 to direct the Board of the Conservation Bank to perform a biennial review of the plight of land loss by small landowners and holders of heir’s property. The results of this review must be published in an official board report and submitted to the South Carolina general Assembly for its use.

Section 10 of Act 200 of 2002 would become Section 48-59-160 to allow the Department of Parks, Recreation and Tourism as an eligible trust fund recipient is authorized but not required to use monies it receives from the Conservation Bank Trust Fund to provide for beach conservation at the State Parks System.

Section 11 of Act 200 of 2002 would become Section 48-59-170 to allow the Department of Parks, Recreation and Tourism as an eligible trust fund recipient is authorized but not required to use monies it receives from the Conservation Bank Trust Fund to provide as a priority for the acquisition of lands adjoining the State Parks System to be used as part of the State Parks System.

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 ENACT THE “THE SOUTH CAROLINA CONSERVATION BANK REAUTHORIZATION ACT” BY AMENDING ACT 200 OF 2002, WHICH ENACTED THE “SOUTH CAROLINA CONSERVATION BANK ACT” AND PROVIDED FOR ITS FUNDING, SO AS TO DELETE THE SUNSETTING OF THAT ACT OTHERWISE EFFECTIVE JULY 1, 2013, AND TO MAKE VARIOUS SECTIONS OF THAT ACT PERMANENT LAW BY DESIGNATING SECTIONS 3, 5, 6, 8, 10, AND 11 OF ACT 200 OF 2002, RELATING RESPECTIVELY TO THE PORTION OF THE DEED RECORDING FEE DEDICATED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, THE SUSPENSION OF DEED RECORDING FEE REVENUE IN CERTAIN CIRCUMSTANCES, CONSERVATION EASEMENTS, BIENNIAL REPORTS TO THE GENERAL ASSEMBLY, USE OF CONSERVATION BANK FUNDS FOR BEACH CONSERVATION, AND USE OF CONSERVATION BANK FUNDS TO ACQUIRE LAND FOR STATE PARKS AS SECTIONS 12‑24‑96, 48‑59‑65, 27‑8‑37, 48‑59‑150, 48‑59‑160, AND 48‑59‑170, ALL OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

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

SECTION 1. This act may be cited as the “South Carolina Conservation Bank Reauthorization Act”.

SECTION 2. Act 200 of 2002 is amended by deleting SECTION 7 which reads:

“SECTION 7. Chapter 59, Title 48 of the 1976 Code and Sections 2 through 6 of this act are repealed effective July 1, 2013, unless reenacted or otherwise extended by the General Assembly. However, the South Carolina Conservation Bank established by this act may continue to operate as if Chapter 59, Title 49 of the 1976 Code was not repealed until the South Carolina Conservation Bank Trust Fund is exhausted or July 1, 2016, whichever first occurs. Any balance in that trust fund on July 1, 2016, reverts to the general fund of the State. Repeal does not affect any rights, obligations, liabilities, or debts due the South Carolina Conservation Bank. For these purposes, after the bank’s termination, the State Budget and Control Board is the bank’s successor, except that, after the bank’s termination, the board’s voting rights provided in the former provisions of Section 48‑59‑80(F), (G), (H), and (I) of the 1976 Code are devolved upon the Department of Natural Resources Board, and any contribution to the trust fund required pursuant to the former provisions of Section 48‑59‑80(H) of the 1976 Code must be made to the Heritage Trust Program.”

SECTION 3. The following SECTIONS of Act 200 of 2002 are made part of permanent law of this State and designated sections of the 1976 Code as indicated:

(1) SECTION 3 ‑ Section 12‑24‑96;

(2) SECTION 5 ‑ Section 48‑59‑65;

(3) SECTION 6 ‑ Section 27‑8‑37;

(4) SECTION 8 ‑ Section 48‑59‑150;

(5) SECTION 10 ‑ Section 48‑59‑160;

(6) SECTION 11 ‑ Section 48‑59‑170.

SECTION 4. This act takes effect upon approval by the Governor.

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