

**ECONOMIC DEVELOPMENT SUBCOMMITTEE
RECOMMENDATIONS FOR FY 2021-22
TO THE PROVISO SUBCOMMITTEE**

SECTION 26 - H790 - DEPARTMENT OF ARCHIVES AND HISTORY

26.1 DELETE (Use of Proceeds) Allows the department to charge fees for providing certain services to offset the cost of those services.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Proviso codified in Section 60-11-103.* Requested by Department of Archives and History.

~~26.1. (AH: Use of Proceeds) The proceeds of facilities rentals, gift shop operations, training sessions, sales of publications, reproductions of documents, repair of documents, research fees, handling charges, and the proceeds of sales of National Register of Historic Places certificates and plaques by the Archives Department shall be deposited in a special account in the State Treasury, and may be used by this department to cover the cost of facility operations and maintenance, gift shop inventory, additional training sessions, publication, reproduction expenses, repair expenses, and National Register of Historic Places certificates and plaques, and selected Historic Preservation Grants.~~

26.2 DELETE (Disposal of Materials) Authorizes the department to sell certain record and non-record materials from its collections which are not eligible for public auction, upon prior commission approval and in the most advantageous manner.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Proviso codified in Section 60-11-102.* Requested by Department of Archives and History.

~~26.2. (AH: Disposal of Materials) For the current fiscal year, the Department of Archives and History, upon prior approval of the commission, may sell from its collections certain record and non-record materials, which are not eligible for public auction, in a manner most advantageous to the department.~~

SECTION 43 - P120 - FORESTRY COMMISSION

43.spi ADD (Sale of Promotional Items) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Forestry Commission to sell promotional items that advocate for forestry and forest culture to generate funds for agency operations. Allow unexpended funds to be carried forward and used for the same purpose. Requested by Forestry Commission.

43.spi. (FC: Sale of Promotional Items) The Forestry Commission may sell promotional items that advocate for the forestry and forest culture, including items featuring the South Carolina Forestry Commission Forest Life brand logo, for the purposes of generating funds for the agency operations. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and used for the same purposes.

SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

45.rsp ADD (Regulatory Services Programs) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the PSA to lead the effort to eradicate the Asian Longhorned Beetle. Direct that all revenues and recoveries from USDA-APHIS shall be retained by the PSA Regulatory Services Program to carry out program operations. Requested by Clemson University - PSA.

45.rsp. (CU-PSA: Regulatory Services Programs) For the current fiscal year, Clemson University Public Service Activities shall lead state and federal eradication efforts of the Asian Longhorned Beetle (Anoplophora glabripennis). All revenues and recoveries from USDA Animal

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and Plant Health Inspection Service (USDA-APHIS) for Clemson University PSA's Regulatory Services Programs and its departments shall be retained by Clemson University-PSA's Regulatory Services Program for purposes of carrying out the operation of its programs.

SECTION 49 - P280 - DEPARTMENT OF PARKS, RECREATION, AND TOURISM

49.14 DELETE (Beach Access) Directs PRT to use state park funds to open pedestrian, non-motorized vehicular and golf cart ingress and egress to Myrtle Beach State Park at the intersection of US Hwy 17 and Center South Road and/or at other locations which legally and safely affords such ingress and egress. Directs that this access is subject to department rules and regulations that govern uniform closure of park ingress during periods of peak usage.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Parks, Recreation and Tourism.

~~49.14. (PRT: Beach Access) Of the funds appropriated for state parks, the department shall utilize such funds to open pedestrian, non-motorized vehicular and golf cart ingress and egress to Myrtle Beach State Park at the intersection of US Highway 17 and Center South Road in Myrtle Beach, and/or at other location(s) which legally and safely affords such ingress and egress. Said access shall be subject to the rules and regulations of the department governing uniform closure of park ingress during periods of peak usage.~~

SECTION 88 - Y140 - STATE PORTS AUTHORITY

88.1 AMEND (Charleston Cooper River Bridge Project) Directs the State Ports Authority to pay the State Transportation Infrastructure Bank \$1,000,000 before June 30, 2021 to continue the Charleston Cooper River Bridge Project.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year references from "2019" to "2021" and from "2021" to "2022." *Meets the obligations of the State Ports Authority and the State Infrastructure Bank's financial agreement. Per the Ports Authority, the commitment of the agency is to provide \$1,000,000 per year for 25 years, until 2027.* Requested by State Ports Authority.

88.1. (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2019~~ 2021, pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2021~~ 2022, to continue the Charleston Cooper River Bridge Project.

88.5 DELETE (Jasper Ocean Terminal Permitting) Directs that not more than \$5,000,000 of the funds specifically appropriated for the Jasper Ocean Terminal be spent to purchase a portion of the real property available for purchase through the Option Agreement by and between Sherwood Plantation, Inc and Southern Carolina Regional Development Alliance dated September 20, 2017. Provides for the purchased property to be transferred to Jasper County under certain conditions. Directs the authority to use Jasper Ocean Terminal funds for activities approved and directed by the joint venture governing board that are associated with advancing the project during FY 2019-20. Prohibits the funds from being used to reimburse the authority's prior fiscal year expenditures. Requires the authority to provide progress reports to the General Assembly by the first day of the 2020 legislative session and by June 30, 2020.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by State Ports Authority.

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~~88.5. (SPA: Jasper Ocean Terminal Permitting) From funds specifically appropriated to the State Ports Authority (SPA) for the Jasper Ocean Terminal, not more than \$5,000,000 shall be spent on the purchase of real property as may be available for purchase through that certain Option Agreement by and between Sherwood Plantation, Inc., and Southern Carolina Regional Development Alliance (SCRDA) dated September 20, 2017, as may be amended, so long as SCRDA secures the right to and assigns said Option Agreement to the SPA no later than September 30, 2019. In no event and under no circumstance shall the cost, expense, purchase price, payments, fees, or any associated charges for the acquisition of such property cause the SPA to expend more than the \$5,000,000 appropriated for this purpose. It is understood that this limitation shall result in less than the full acreage currently under option being purchased by the SPA.~~

~~Should the Option Agreement be exercised by the SPA, then SPA shall take title and include in the deed language providing that such property purchased pursuant to the Option Agreement shall be transferred to Jasper County by operation of law in the event that upon the fifth anniversary of the closing on such property the property has not been sold, leased, or otherwise utilized for an economic development project that will utilize port facilities. The intent of such condition is to develop the property in a manner that highlights the necessity of the Jasper Ocean Terminal.~~

~~Any funds appropriated to the (SPA) for the Jasper Ocean Terminal remaining after the exercise of and purchase of real property pursuant to the Option Agreement or in the event the SCRDA does not assign the Option Agreement by September 30, 2019, shall be utilized by the SPA to pay for activities approved and directed by the joint venture governing board and associated with advancing the Project during FY 2019-20. In connection with activities that are approved and directed by the joint venture, SPA shall comply with the directive of Section 54-3-115 of the South Carolina Code in regard to taking "all action necessary to expeditiously develop a port in Jasper County." Activities undertaken during FY 2019-20 may include, but are not limited to, the following:~~

- ~~1. working on a corporate governance model for the joint venture as an operating port;~~
- ~~2. working on terminal simulation for design and operation;~~
- ~~3. working on plans, studies, and modeling in conjunction with the respective South Carolina and Georgia Departments of Transportation and the metropolitan planning organization to identify and assess supporting road and rail infrastructure for the terminal footprint including, but not limited to, supporting infrastructure that may have independent utility;~~
- ~~4. working on sedimentation modeling for impacts on construction and dredging;~~
- ~~5. taking actions in furtherance of obtaining: (a) a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act; (b) a permit pursuant to Section 404 of the Clean Water Act, to prepare a Channel Modification Feasibility Study; and (c) studies necessary in connection with developing an Environmental Impact Statement for the Project; and~~
- ~~6. discharging its obligations pursuant to its Joint Venture Agreement with the Georgia Ports Authority.~~

~~The funds appropriated to SPA for the Jasper Ocean Terminal Permitting may not be used for reimbursement of SPA expenditures made in a prior fiscal year and must be used only for one or more of the purposes set forth above.~~

~~SPA shall provide a detailed report in writing to the members of the South Carolina General Assembly on or before the first day of the 2020 legislative session and another such report on or before June 30, 2020, describing the progress made as of the dates of those reports in regard to the Jasper Ocean Terminal, such to include a description of the ongoing and planned work.~~

88.6 DELETE (Jasper Ocean Terminal Port Facility Infrastructure Fund) Creates the Jasper Ocean Terminal Port Facility Infrastructure Fund. Directs the State Ports Authority to maintain the fund.

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Directs the fund be separate from the General Fund and used exclusively by the authority for the Jasper Ocean Terminal Port facility. Directs that these funds be carried forward and used for the same purpose.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by State Ports Authority.

~~88.6. (SPA: Jasper Ocean Terminal Port Facility Infrastructure Fund) There is created within the State Ports Authority the Jasper Ocean Terminal Port Facility Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility Infrastructure Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the State Ports Authority for activities associated with the development of the Jasper Ocean Terminal Port facility and infrastructure necessary to support the facility. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.~~

88.jpf **ADD** (Jasper Ocean Terminal Port Facility Infrastructure Fund) **SUBCOMMITTEE RECOMMENDATION:** Create the Jasper Ocean Terminal Port Facility Infrastructure Fund. Direct the State Ports Authority to maintain the fund. Direct the fund be separate from the General Fund and used exclusively by the authority for capital infrastructure expenditures supporting development of the Jasper Ocean Terminal Port facility. Prohibit the authority from spending or committing funds that exceeds the amount of funds appropriated or designated by Georgia without written consent from the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees. Direct that these funds be carried forward and used for the same purpose. Requested by State Ports Authority.

88.jpf. (SPA: Jasper Ocean Terminal) There is created within the State Ports Authority the Jasper Ocean Terminal Port Facility Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility Infrastructure Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the State Ports Authority for capital infrastructure expenditures supporting the development of the Jasper Ocean Terminal Port facility, including, but not limited to, roads, utilities, dredge disposal areas, and acquisition of property and property rights (such as easements, rights-of-way, and licenses). Absent written consent from the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee, the State Ports Authority may not expend or commit an amount from this Infrastructure Fund that exceeds the amount of appropriated or designated funds by the State of Georgia, Georgia Ports Authority, or similarly situated governmental obligation from the State of Georgia committed to the infrastructure development of the Jasper Ocean Terminal Port facility and supporting infrastructure. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

109.14 DELETE (Cigarette Stamps) Directs DOR to extend the date by which a report must be filed stating the quantity of unstamped packages of cigarettes that were in the person's possession from January 1, 2020, to October 1, 2020. Directs the department to refund any fine collected if a person files the report by October 1, 2020.

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SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Revenue.

~~109.14. (DOR: Cigarette Stamps) The Department of Revenue must extend the date by which a person must file a report with the department stating the quantity of such unstamped packages of cigarettes that were in the person's possession as of January 1, 2020, to until October 1, 2020. If a person files the report by October 1, 2020, then the person is deemed to have filed the report by March 31, 2020. Upon application, in the current fiscal year, the department must refund any fine collected in contravention of this proviso.~~

SECTION 117 - X900 - GENERAL PROVISIONS

117.101 AMEND (State Ports Authority Property) Directs that if the Authority has not sold its remaining property on Daniel Island, with certain exceptions, by June 30, 2020, it must transfer the property to the Department of Administration.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update the year of sale from "2020" to "2022."

117.101. (GP: State Ports Authority Property) If the State Ports Authority has not completed the sale of its real property on Daniel Island, except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance, by June 30, ~~2020~~ 2022, the authority must transfer the property to the Department of Administration. The authority shall sell the real property under terms and conditions it considers most advantageous to the authority and the State of South Carolina.

117.120 DELETE (Distribution Facility) Directs that the State Ports Authority be considered a distribution facility for sales tax exemptions associated with the purchase of equipment and construction materials.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by State Ports Authority.

~~117.120. (GP: Distribution Facility) The State Ports Authority shall be considered a distribution facility for the purpose of sales tax exemptions associated with the purchase of equipment and construction materials.~~

117.121 AMEND (Catastrophic Weather Event) Directs that improvements to real or personal property used as a residence, such as a mobile home or manufactured housing unit, resulting from damage caused by the catastrophic weather event in October 2015, Hurricane Matthew of 2016, or Hurricane Florence of 2018, made after the event and before June 30, 2020, is not considered an improvement and does not require a re-appraisal under certain funding conditions. Directs that for the current fiscal year, an eligible property's tax value shall remain the same unless an assessable transfer of interest occurs.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "June 30, 2021" to "June thirtieth of the current fiscal year." Delete the directive that for the current fiscal year, an eligible property's tax value shall remain the same unless an assessable transfer of interest occurs. Requested by Department of Administration.

117.121. (GP: Catastrophic Weather Event) ~~(A)~~ Any improvements made to real property or personal property used as a residence, such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015, Hurricane Matthew of 2016, or

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Hurricane Florence of 2018, after the event and before June 30, 2021 ~~thirtieth of the current fiscal year~~, is not considered an improvement and does not require a re-appraisal. This provision only applies if as a result of the catastrophic weather event, the improvements made to the property were funded by the United States Department of Housing and Urban Development Block Grant - Disaster Recovery program. This provision also applies if, at the discretion of the county and using qualifications determined by the county, the improvements were made with the assistance of a volunteer organization active in disaster, or a similar volunteer organization.

~~(B) During the current fiscal year, the property tax value of an eligible property shall remain the same unless an assessable transfer of interest occurs. No refund is allowed on account of values adjusted as provided in this provision.~~

117.130 DELETE (State Flag Study Committee) Creates a state flag study committee charged with proposing an official and uniform design for the state flag which is historically accurate. Provides for the composition of the study committee. Directs the committee to provide a report to the General Assembly by June 30, 2021.

GOV: DELETE proviso.

~~**117.130.** (GP: State Flag Study Committee) There is created the South Carolina State Flag Study Committee charged with proposing an official, uniform design for the state flag based on historically accurate details and legislative adoptions. Membership of the study committee shall be comprised of five members as follows:~~

~~(1) the Director of the Department of Archives and History, or his designee, who shall serve as chairman;~~

~~(2) the Director of the Department of Administration, or his designee;~~

~~(3) one member appointed by the President Pro Tempore of the Senate;~~

~~(4) one member appointed by the Speaker of the House of Representatives; and~~

~~(5) one member appointed by the Governor.~~

~~The study committee shall provide a report including a proposed design to the General Assembly by June 30, 2021, at which time the study committee shall dissolve. Members of the study committee shall receive mileage, per diem, and subsistence as provided by law.~~

SECTION 118 - X910 - STATEWIDE REVENUE

118.16 AMEND (Accrual of Tax Payments) Directs the Comptroller General to accrue into FY 2019-20 General Fund revenues previously due to be remitted to DOR by April 15th or June 15th, but which were allowed to be remitted as late as July 15th by federal directive or Governor's Executive Order 2020-12 including, but not limited to, individual and corporate income tax returns and quarterly estimated declarations.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year reference from "2019-20" to "2020-21."

118.16. (SR: Accrual of Tax Payments) The Comptroller General is directed to accrue into Fiscal Year ~~2019-20~~ 2020-21 General Fund revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted as late as July fifteenth pursuant to federal directive or the Governor's Executive Order 2020-12 including, but not limited to, individual and corporate income tax returns and quarterly estimated declarations.