

## Session 118 - (2009-2010)

### **S\*0351 (Rat #0064, Act #0073 of 2009) General Bill, By Grooms, McConnell and Ford**

#### **Summary:** Ports Authority

AN ACT TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 54 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY'S WEBSITE; BY ADDING SECTION 54-3-1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; BY ADDING ARTICLE 13 TO CHAPTER 3, TITLE 54 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54-3-155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54-3-110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54-3-130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54-3-115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54-3-117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54-3-118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC-PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13-1-1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY 'APPLICABLE FEDERAL MILITARY INSTALLATION' OR 'APPLICABLE FEDERAL FACILITY' AS DEFINED IN SECTION 12-6-3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1-3-240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54-3-700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE PORT ROYAL REAL PROPERTY SHALL BE SOLD; BY ADDING SECTION 54-3-119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS)

ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54-3-700 SHOULD BE USED TO BUILD THE BOAT LANDING. - ratified title

01/29/09	Senate	Introduced and read first time SJ-8
01/29/09	Senate	Referred to Committee on Transportation SJ-8
02/04/09	Senate	Committee report: Favorable with amendment Transportation SJ-6
02/05/09		Scrivener's error corrected
02/11/09	Senate	Debate interrupted SJ-46
02/12/09	Senate	Debate interrupted SJ-18
02/17/09	Senate	Committee Amendment Amended and Adopted SJ-15
02/17/09	Senate	Amended SJ-15
02/17/09	Senate	Read second time SJ-15
02/17/09	Senate	Special order, set for February 17, 2009 SJ-60
02/18/09		Scrivener's error corrected
02/18/09	Senate	Read third time and sent to House SJ-16
02/19/09	House	Introduced and read first time HJ-10
02/19/09	House	Referred to Committee on Judiciary HJ-11
04/29/09	House	Committee report: Favorable with amendment Judiciary HJ-178
04/30/09	House	Amended HJ-36
04/30/09	House	Requests for debate-Rep(s). Daning, Crawford, Kennedy, Bowers, Williams, Sellers, Hart, Hosey, Long, and Bedingfield HJ-54
05/13/09	House	Amended HJ-58
05/13/09	House	Read second time HJ-76
05/13/09	House	Roll call Yeas-103 Nays-4 HJ-76
05/13/09	House	Motion to reconsider tabled HJ-77
05/14/09	House	Read third time and returned to Senate with amendments HJ-54
05/20/09	Senate	House amendment amended SJ-31
05/20/09	Senate	Returned to House with amendments SJ-31
05/21/09		Scrivener's error corrected
05/21/09	House	Non-concurrence in Senate amendment HJ-55
05/21/09	House	Roll call Yeas-1 Nays-107 HJ-55
05/21/09	Senate	Senate insists upon amendment and conference committee appointed Peeler, McGill, and Grooms SJ-49
05/21/09	House	Conference committee appointed Reps. Cato, Merrill, and Miller HJ-59
05/21/09	Senate	Conference report adopted SJ-54
05/21/09	House	Conference report received and adopted HJ-85
05/21/09	House	Roll call Yeas-115 Nays-0 HJ-85
05/21/09	House	Ordered enrolled for ratification HJ-110
05/27/09		Ratified R 64
06/02/09		Vetoed by Governor
06/16/09	Senate	Veto overridden by originating body Yeas-35 Nays-9
06/16/09	House	Veto overridden Yeas-102 Nays-2 HJ-132
06/22/09		Effective date 06/16/09
06/24/09		Act No. 73