**South Carolina General Assembly**

124th Session, 2021-2022

**S. 1039**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Cromer, Setzler, Sabb, Hembree, Corbin, Turner, Talley, Grooms, Climer, Hutto, Bennett, Davis, M. Johnson, Kimbrell, Harpootlian, Garrett, Rice, Adams, Senn, Fanning, Alexander, Shealy, Young, Allen, Kimpson and McElveen

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Companion/Similar bill(s): 4956

Introduced in the Senate on February 2, 2022

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

Summary: SC Conservation Enhancement Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2022 Senate Introduced and read first time ([Senate Journal‑page 91](file:///h:\sj\20220202.docx))

2/2/2022 Senate Referred to Committee on **Finance** ([Senate Journal‑page 91](file:///h:\sj\20220202.docx))

2/16/2022 Scrivener's error corrected

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=1039&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/2/2022](file:///p:\pprever\2021-22\1039_20220202.docx)

[2/16/2022](file:///p:\pprever\2021-22\1039_20220216.docx)

**A** **BILL**

TO ENACT THE “SOUTH CAROLINA CONSERVATION ENHANCEMENT ACT”; TO AMEND SECTION 12-24-90 OF THE 1976 CODE, RELATING TO THE DEED RECORDING FEE, TO REQUIRE A PORTION OF THE FEE TO BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; TO AMEND SECTION 48-59-40 OF THE 1976 CODE, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, TO ADD ADDITIONAL MEMBERS TO THE BOARD AND TO REQUIRE THAT AN ANNUAL AMOUNT EQUIVALENT TO THE GENERAL FUND PORTION OF SALES TAX REVENUE ATTRIBUTED TO SPORTING GOODS STORES BE APPROPRIATED FOR CAPITAL IMPROVEMENTS ON CERTAIN LANDS OWNED, LEASED, OR MANAGED FOR PUBLIC USE BY AN AGENCY OF THIS STATE.

Whereas, rapid land development in South Carolina has led to the loss of forestlands, farmlands, wildlife habitats, outstanding natural areas, beaches, and public areas for outdoor recreation and has impacted the health of the State’s streams, rivers, wetlands, estuaries, and bays, all of which impacts the quality of life of the State’s current and future citizens and may jeopardize the well‑being of the State’s environment and economy if not addressed appropriately; and

Whereas, this same rapid land development has also led to the loss of historical, cultural, and archaeological sites that embody the heritage and history of the State; and

Whereas, the protection of natural, cultural, and historical lands safeguards water quality, mitigates flooding, protects rural communities and economies, and provides opportunities for citizens and visitors to access open spaces and waterways for subsistence fishing, livelihoods and recreation, while guaranteeing these same benefits for future generations; and

Whereas, the State recognizes that wildlife biodiversity, publicly protected lands, historical and culturally significant properties, working lands, forests and waterfronts, and the communities, families, and outdoor recreationists who utilize these lands contribute to the State’s economy and the quality of life of its citizens; and

Whereas, the South Carolina Conservation Bank has protected over 329,000 acres statewide since its initial funding seventeen years ago at a statewide average price of $527 per acre—a seven to one rate of return on investment when compared to the fair market value of the land protected; and

Whereas, building on the longstanding bipartisan conservation legacy in the State, doubling the amount of protected land through negotiation, compensation, and leveraging other funding sources while respecting property rights is in the best interests of its citizens, communities, and economy; and

Whereas, restoring the share of the deed recording fee previously dedicated to the Conservation Bank Trust Fund and establishing the Natural Resources Enhancement Fund to provide for capital improvements on public parks, forests, wildlife management areas, and heritage preserves builds on the goal of doubling our protected lands by 2050, our State’s commitment to conservation, and the continued preservation of our State’s resources for future generations of South Carolinians. Now therefore,

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

SECTION 1. This act must be known and may be cited as the “South Carolina Conservation Enhancement Act.”

SECTION 2. A. Section 12-24-90(B) of the 1976 Code is amended to read:

“(B) The state fee must be credited as follows:

(1) ten cents of each one dollar thirty cents into the Heritage Land Trust Fund;

(2) twenty cents of each one dollar thirty cents into the South Carolina Housing Trust Fund;

(3) twenty-five cents of each one dollar thirty cents into the South Carolina Conservation Bank Trust Fund; and

~~(3)~~(4) ~~one dollar~~ seventy-five cents of each one dollar thirty cents into the general fund of the State.”

B. This SECTION takes effect July 1, 2022.

SECTION 3. Section 48-59-40(A) and (B) of the 1976 Code is amended to read:

“Section 48‑59‑40. (A) There is established the South Carolina Conservation Bank. The bank is governed by a ~~fourteen-member~~ seventeen-member board selected as follows:

(1) the Chairman of the Board for the Department of Natural Resources, the Chairman of the South Carolina Forestry Commission, the Commissioner of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Director of the South Carolina Department of Parks, Recreation and Tourism, or their designees, all of whom shall serve ex officio and without voting privileges;

(2) three members appointed by the Governor from the State at large;

(3) four members appointed by the Speaker of the House of Representatives, one each from the Third, Fourth, and Sixth Congressional Districts and one member from the State at large; and (4) four members appointed by the President of the Senate, one each from the First, Second, Fifth, and Seventh Congressional Districts.

(B)(1) In making their respective appointments to the board, the Governor, Speaker of the House of Representatives, and President ~~Pro Tempore~~ of the Senate shall take all reasonable steps to ensure that the members of the board reflect the state's racial and gender diversity.

(2) Each member of the board must possess experience in the areas of natural resources, land development, farming, forestry, finance, land conservation, real estate, or law.”

SECTION 4. A. In each fiscal year, an amount equal to the general fund portion of sales tax attributed to sporting goods stores, designated under the 2007 North American Industry Classification System with code 451110, must be credited to the Natural Resources Enhancement Fund, a fund that is separate and distinct from all other funds and that is dedicated for the purpose of capital improvements on parks, forests, wildlife management areas, and heritage preserves that are owned, leased, or managed for public use by an agency of this State.

B. For the purposes of this SECTION, “capital improvements” means activities that require the expenditure of $50,000 or more and that serve to create, improve, or restore access to public lands and waters, facilities, natural resources including fish and wildlife populations, or recreational opportunities. “Capital improvements” does not include the acquisition of fee simple title. The dollar amount in this SECTION must be indexed to the Consumer Price Index for All Urban Consumers in increments of $10,000.

C. This SECTION takes effect July 1, 2022.

SECTION 5. Unless otherwise provided, this act takes effect upon approval by the Governor.

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