

**SENATE FINANCE COMMITTEE
NATURAL RESOURCES SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2014-15**

SECTION 44 - P16-DEPARTMENT OF AGRICULTURE

44.9 DELETE (Farmers Market Appraisal) Directs the department to remit to the general fund any state farmers market appraisal funds that remain from the appropriation received in Act 290 of 2012 for that purpose.

WMC: DELETE proviso. Requested by Department of Agriculture. *Agency indicates a balance of \$9,872.54, after appraisal and related assessments, is being returned to the general fund.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**44.9.** (AGRI: Farmers Market Appraisal) The department shall remit to the general fund any remaining funds from the appropriation received by Act 290 of 2012 for the Farmers Market Phase II Property Acquisition and Expansion and used for the state farmers market appraisal.~~

44.10 DELETE (Farmers Market Purchase) Requires the department to work with the Attorney General's Office to ensure that new State Farmers Market property acquisition will not restrict the department from facilitating the sale of market-related products on property owned by the department. Specifies that any contract to acquire State Farmers Market property is subject to JBRC and B&C Board approval.

WMC: DELETE proviso. Requested by Department of Agriculture.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**44.10.** (AGRI: Farmers Market Purchase) The Department of Agriculture, while negotiating the purchase of any property located at the State Farmers Market in Lexington County, shall work with the Attorney General's office to ensure that no new acquisition of property will restrict the department from facilitating the sale of market related products on any property owned by the department. The department shall forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee copies of any recorded changes to the original farmers market development agreement or the declaration of covenants, conditions and restrictions for the wholesalers section. Any contract for the acquisition of property at the State Farmers Market is subject to approval of the Joint Bond Review Committee and the Budget and Control Board.~~

44.cb ADD (Commodity Boards) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize commodity boards to collect and retain private funds from its members; to deposit the funds into a Department of Agriculture account; and to direct that the funds may only be used for marketing, research and educational purposes. Authorize the department, at the direction of the commodity boards, to purchase these goods and services in any manner it deems to best fit the commodity board's needs. Define commodity board for purposes of this provision.

***44.cb.** (AGRI: Commodity Boards) In the current fiscal year, the commodity boards are authorized to collect and retain private funds from its members. The funds may be deposited into a Department of Agriculture account and may only be used for marketing, research, and education purposes. At the direction of the commodity boards, the department may purchase marketing, research, and education products on behalf the commodity board in any manner it*

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determines to best fit the needs of the commodity board, and such provision is deemed to have met the requirements of law. For purposes of this section, a commodity board is a board created pursuant to Chapter 17, Title 46 of the 1976 Code, and includes the SC Beef Board, SC Cotton Board, SC Peanut Board, SC Pork Board, SC Soybean Board, SC Tobacco Board and the SC Watermelon Board.

SECTION 45 - P20-CLEMSON UNIVERSITY - PSA

- 45.6 DELETE** (Fertilizer Inspection Fee) Authorizes Clemson PSA to charge a \$1.50 per ton inspection fee on commercial fertilizer sold or distributed in the state and authorizes the funds to be retained, expended, and carried forward to maintain Clemson PSA's programs.
SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Passage of Act 140 of 2014 renders this provision obsolete.*

~~45.6. (CU-PSA: Fertilizer Inspection Fee) For the current fiscal year Clemson Public Service Activities is authorized to charge an inspection fee of \$1.50 per ton of commercial fertilizer sold or distributed in this state. Clemson University PSA may retain, expend, and carry forward these funds to maintain its programs.~~

- 45.11 DELETE** (Broadcasting Wheat) Directs Clemson PSA to use existing funds to begin a pilot study on the effectiveness of broadcasting the use of wheat as a cover crop.
HOU: DELETE proviso. Sponsor: Rep. Lowe.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~45.11. (CU-PSA: Broadcasting Wheat) Clemson University PSA is directed to use existing funds to start a pilot study on the effectiveness of broadcasting wheat for use as a cover crop.~~

SECTION 47 - P24-DEPARTMENT OF NATURAL RESOURCES

- 47.8 DELETE** (Cormorant Control) Directs the department to use existing funds to develop regulations in conjunction with the US Fish and Wildlife Service to allow the public to participate in Cormorant control activities on Lake Marion and Lake Moultrie if the impacts on fisheries and vegetation are positive.
WMC: DELETE proviso. *Plan is complete and approved by Fish and Wildlife Services.* Requested by Department of Natural Resources.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~47.8. (DNR: Cormorant Control) The Department of Natural Resources is directed, through the use of existing funds, to develop regulations in conjunction with the US Fish and Wildlife Service to allow public participation in Cormorant control activities on Lake Marion and Lake Moultrie providing that impacts are positive to the fisheries and vegetation.~~

- 47.9 DELETE NEW PROVISO** (Cormorant Control) **HOU:** ADD new proviso to direct the department to continue to coordinate a public Cormorant control program with the US Fish and Wildlife Service for Lake Marion and Lake Moultrie and to try to coordinate with the Army Corps of Engineers, Santee Cooper, and the USFWS to include waters above and below each spillway, Wildlife Management Areas, and National refuges. Direct the department assess the

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need and implement a plan to expand the program to other public waters if warranted. Direct the department establish online permitting if the USFWS allows the Cormorant control program to continue. Sponsor: Rep. Lowe.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*47.9. (DNR: Cormorant Control) The Department of Natural Resources shall continue to coordinate a public Cormorant control program with the US Fish and Wildlife Service for Lake Marion and Moultrie. The department shall try to coordinate with the Army Corp of Engineers, Santee Cooper, and the USFWS to include waters above and below each spillway, Wildlife Management Areas, and national refuges. The department shall assess the need to expand the program to other public waters and implement a plan if warranted. If the USFWS allows continuation of the control program, the department shall establish an online method of permitting.*~~

SECTION 49 - P28-DEPARTMENT OF PARKS, RECREATION AND TOURISM

49.1 CONFORM TO FUNDING (Tourism and Promotion) Provides for the distribution of Regional Promotions funds to the 11 Regional Tourism groups.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

49.1. (PRT: Tourism and Promotion) The funds appropriated in this Act for Regional Promotions shall be distributed equally to the eleven Regional Tourism groups, except that the Grandstrand Tourism Region's funds shall be divided, with \$50,000 distributed to the Myrtle Beach Chamber of Commerce, \$115,000 distributed to the Georgetown Chamber of Commerce, \$20,000 distributed to the City of Georgetown, and \$20,000 distributed to the Williamsburg Chamber of Commerce for tourism related activities. The Myrtle Beach Chamber of Commerce and the Georgetown Chamber of Commerce shall submit a report to the Senate Finance Committee and the House Ways and Means Committee by December first each year describing how these funds were expended in the prior fiscal year.

49.5 REINSERT (Motion Picture Administration Application Fee) Allows PRT to charge an application fee for Motion Picture Incentive programs, approved by the director, and to retain and expend the funds for various purposes.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund and impact on the department is negligible. The application fee is \$500. The department collected \$500 in FY 11-12; \$1,500 in FY 12-13; and \$0 year to date for FY 13-14.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: REINSERT proviso.

49.5. (PRT: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.

49.8 CARRIED FORWARD (Destination Specific, Tourism and Marketing Transfer) Provides for Motion Picture Incentive Wage Rebate set-aside funds to be transferred to PRT for the Destination Specific Tourism Program and specifies how the funds are to be used. Limits the

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amount of funds used for the Destination Specific program from all sources to \$12,000,000. Provides for Motion Picture Incentive Supplier Rebate set-aside funds to be transferred to PRT and specifies how the funds are to be used. Authorizes PRT to carry forward these funds.

WMC: AMEND proviso to update fiscal year references to 2014-15; delete capital improvements to the state's Welcome Centers from acceptable use of wage rebate funds and delete Marketing/Advertising and deferred maintenance and capital projects at state parks from acceptable use of supplier rebate funds. Change the directive that the department "can" use these rebates for the purposes specified and instead direct that they "must" be used for those purposes. *Wage Rebates will be used for deferred maintenance and capital projects at state parks and for Marketing/Advertising and Supplier Rebate will be used for Welcome Centers capital improvements.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: CARRIED FORWARD to Full Senate Finance Committee with no recommendation.

49.8. (PRT: Destination Specific, Tourism and Marketing Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year ~~2013-14~~ 2014-15 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and may be utilized for the Destination Specific Tourism Program. The Destination Specific program shall not exceed twelve million dollars when combining all source of funds. Any unexpended wage rebate carry forward funds not used for the Destination Specific program ~~can~~ must be used by the department ~~for capital improvements to the state's Welcome Centers, for deferred maintenance and capital projects at state parks, and for Marketing/Advertising.~~ From the funds set aside pursuant to the Motion Picture Incentive Supplier Rebate, for Fiscal Year ~~2013-14~~ 2014-15 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and ~~may~~ must be ~~utilized for Marketing/Advertising, used by the department~~ used by the department for capital improvements to the state's Welcome Centers, ~~and for deferred maintenance and capital projects at state parks.~~ These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

49.12 CONFORM TO FUNDING (State Park Service) **WMC:** ADD new proviso to exempt PRT from remitting Admissions Tax to DOR on the admissions fees it collects at State Parks. Require an amount equal to the tax be earmarked in the State Park Service portion of PRTs budget to support general operations. *Retaining this revenue will assist in PRTs goal of the State Park Service becoming closer to self-sufficiency.* Fiscal Impact: BEA indicates general fund revenue would be reduced by \$225,000 while PRTs other funds would increase by a like amount.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

49.12. (PRT: State Park Service) The Department of Parks, Recreation and Tourism is exempt from remitting Admissions Tax to the Department of Revenue on the admission fees collected at the South Carolina State Parks. The amount equivalent to the tax shall be earmarked in the State Park Service's budget for the purpose of supporting general operations.

49.13 DELETE NEW PROVISO (Motion Picture Definition) **HOU:** ADD new proviso to include digital animation film production in the definition of a "Motion Picture" for purposes of the Motion Picture Incentive Program. Sponsors: Reps. Merrill and Stavrinakis.

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SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~49.13. (PRT: Motion Picture Definition) For the purposes of the Motion Picture Incentive Program, the definition of a "Motion Picture" shall include digital animation film production.~~

SECTION 50 - P32-DEPARTMENT OF COMMERCE

50.13 CONFORM TO FUNDING (Regional Economic Development Organizations) Directs the department to use the \$5,000,000 appropriated for Regional Economic Development Organizations to provide funds to the designated organizations and counties and provides a mechanism by which the funds should be distributed. Requires a 1:1 private fund match and requires the receiving organization to certify that the private funds match are new dollars specifically designated for this purpose. Directs the organizations provide an annual expenditure report and outcome measures to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce by November 1st. Directs unexpended or undistributed funds from prior fiscal years be transferred to the Rural Infrastructure Fund at the Department of Commerce.

WMC: AMEND proviso to change "\$5,000,000" to "\$4,850,000;" update fiscal year reference to 2014-15; add "TheLINK Economic Alliance \$350,000" to the list of organizations receiving funds; provide the remaining \$150,000 to Beaufort County if it meets the requirements established by this provision; delete the following county disbursements: Beaufort \$250,000; Sumter \$250,000; Lancaster \$75,000; and Saluda \$75,000. Prohibit the organizations from using these funds for routine operating costs as defined by the Department of Commerce. Direct that "unallocated" funds also be transferred to the Rural Infrastructure Fund.

HOU: AMEND FURTHER to change "\$4,850,000" back to "\$5,000,000;" change North Eastern Strategic Alliance (NESAs), from "\$650,000" to "\$675,000;" change Charleston Regional Development Alliance, from "\$650,000" to "\$675,000;" and change I-77 Alliance from "\$575,000" to "\$675,000." Sponsor: Rep. Simrill.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

50.13. (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize ~~the~~ \$5,000,000 appropriated in Fiscal Year ~~2013-14~~ 2014-15 for Regional Economic Development Organizations to provide funds to the following economic development organizations: ~~Of the \$5,000,000 appropriated for this purpose, \$4,350,000~~ and must be disbursed as follows:

- (1) Upstate Alliance, \$750,000;
- (2) Central SC Economic Development Alliance, \$750,000;
- (3) North Eastern Strategic Alliance (NESAs), ~~\$650,000~~ \$675,000;
- (4) Charleston Regional Development Alliance, ~~\$650,000~~ \$675,000;
- (5) I-77 Alliance, ~~\$575,000~~ \$675,000;
- (6) Economic Development Partnership, \$500,000; ~~and~~
- (7) Southern Carolina Alliance, \$475,000; and
- (8) TheLINK Economic Alliance, \$350,000.

Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of the organization as defined by the Department of Commerce.

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The remaining ~~\$650,000~~ \$150,000 shall be provided to ~~counties as follows~~ Beaufort County, provided ~~they meet~~ it meets the requirements established above:

- ~~(1) Beaufort County, \$250,000;~~
- ~~(2) Sumter County, \$250,000;~~
- ~~(3) Lancaster County, \$75,000; and~~
- ~~(4) Saluda County, \$75,000.~~

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development Organizations shall be transferred to the Rural Infrastructure Fund at the Department of Commerce.

50.16 AMEND (Council on Competitiveness) Directs the department to use \$650,000 of the funds appropriated for the S.C. Council on Competitiveness to provide funds to existing businesses for economic development activities. Requires a 1:1 private funds match and for the Council to certify that the private funds have not been previously allocated or designated for economic development. Requires the Council provide a report on expenditures and outcome measures by January 1, 2014 to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce.

WMC: AMEND proviso to delete the specific reference to \$650,000. Change the requirement that the funds be matched 1:1 with "private" funds and instead designate the match be made with "non-state appropriated" funds.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

50.16. (CMRC: Council on Competitiveness) The Department of Commerce shall utilize ~~\$650,000~~ the funds appropriated in ~~Fiscal Year 2013-14~~ the current fiscal year for the South Carolina Council on Competitiveness to provide funds for existing business economic development activities. Each dollar of state funds disbursed must be matched equally with ~~private~~ non-state appropriated funds and prior to the disbursement of funds, the Council on Competitiveness must certify that ~~the private~~ these funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development. The Council on Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January 1, ~~2014~~, to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee and the Secretary of Commerce.

50.17 ADD (Business Incubator/Innovation Program) **WMC:** ADD new proviso to require funds appropriated for the Business Incubator/Innovation Program be used for eligible projects that address one or more of the S.C. Innovation Plan goals and require investments to be accompanied by a 1:1 match from non-state appropriated funds. Authorize the department to use up to \$300,000 for program administrative costs.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

50.17. (CMRC: Business Incubator/Innovation Program) Any funds appropriated to the Department for the Business Incubator/Innovation Program shall be used for eligible projects

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that address one or more of the goals in the South Carolina Innovation Plan and any investments must be accompanied by a dollar-for-dollar match from non-state appropriated funds. Up to \$300,000 may be used by the department for administrative costs associated with this program.

SECTION 54 - P45 - RURAL INFRASTRUCTURE AUTHORITY

- 54.2** **ADD** (Grant Award Calendar) **HOU:** ADD new proviso to direct the Rural Infrastructure Authority to establish a schedule for FY 14-15 that includes a spring and fall award period for qualified projects. Sponsor: Rep. Simrill.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

54.2. (RIA: Grant Award Calendar) For Fiscal Year 2014-15, the Rural Infrastructure Authority shall establish a schedule that includes, at a minimum, a spring and fall award period for qualified projects.

SECTION 81 - R36-DEPARTMENT OF LABOR, LICENSING AND REGULATION

- 81.8** **AMEND** (Immigration Bill Funding Report) Requires the department to use \$250,000 of Subfund 3135 carry forward funds for the department's Illegal Immigration responsibilities. Directs the department to compile an accountability report outlining Immigration Bill expenditures and to submit the report to specific Senate and House members, committees, and subcommittees on the first Tuesday of February 2014.
HOU: AMEND proviso to change report due date from "2014" to "current fiscal year."
Sponsors: Reps. J.R. Smith, Huggins, and Neal
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

81.8. (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing, and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February 2014 in the current fiscal year.

SECTION 88 - Y14-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, 2013 to continue the Charleston Cooper River Bridge Project.
WMC: AMEND proviso to change July 1, "2013" to "2014" and June 30, "2014" to "2015."
Meets the obligations of the State Ports Authority and the State Infrastructure Bank's financial agreement. Fiscal Impact: No impact on the General Fund. The funds used to pay the Transportation Infrastructure Bank are operating funds of the Ports Authority, none of which are state appropriated funds. Generates \$1,000,000 for the State Transportation Infrastructure

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Bank. Per the Ports Authority, the commitment of the agency is to provide \$1,000,000 per year for 25 years, until 2027.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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, 2013 2014, pay to the State Transportation Infrastructure Bank one million dollars before June 30, 2014 2015, to continue the Charleston Cooper River Bridge Project.

88.4 **DELETE NEW PROVISO** (Shore Electrical Power) **WMC:** ADD new proviso to direct the State Ports Authority, during construction of the newly permitted cruise facility at Union Pier Terminal, to use interest earned from an infrastructure development account to aid the availability of shore electrical power and other approved air emission reduction technologies at the new Charleston Cruise Facility.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*88.4. (SPA: Shore Electrical Power) The State Ports Authority, during the construction of the newly permitted cruise facility at Union Pier Terminal, shall utilize interest earned from an infrastructure development account to facilitate the availability of shore electrical power and other air emission reduction technologies approved by national or international regulatory agencies at the new Charleston Cruise Facility.*~~

88.5 **DELETE NEW PROVISO** (Port Royal) **HOU:** ADD new proviso to direct the State Ports Authority to sell its Port Royal property as soon as practicable and to have the property appraised by a State Certified General Real Estate Appraiser who is a member of the MAI with experience in appraising closed industrial sites. Direct the Ports Authority to transfer the Port Royal property to the B&C Board or its successor entity on June 30, 2015 if it has not sold the property by June 29, 2015. Authorize the B&C Board or its successor entity to sell the property on behalf of the authority at public auction by parcel or in whole, but direct that if the auction price doesn't meet 80% of the appraised value it property must be marketed and sold as soon as practicable in a commercially reasonable manner. Direct that when the property is transferred to the B&C Board or its successor entity, it is vested with the board's fiduciary duties to the authority and bondholders. Sponsors: Reps. Erickson, Patrick, Herbkersman, and Newton.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*88.5. (SPA: Port Royal) The State Ports Authority is directed to sell all its property at Port Royal as soon as practicable. Prior to sale, the authority shall have the property appraised by a State Certified General Real Estate Appraiser who is a member of the Appraisal Institute (MAI) with experience in appraising closed industrial sites. If the State Ports Authority has not received or accepted a bona fide offer to purchase any of its property at Port Royal by June 29, 2015, the authority shall transfer all remaining property to the Budget and Control Board, or its successor entity, on June 30, 2015. The Budget and Control Board, or its successor entity, is authorized on behalf of the authority to sell the remaining property at public auction in any manner it deems appropriate, including but not limited to selling the property in parcels. However, if the auction price for any parcel, or the property as a whole, does not meet the eighty percent of appraised value threshold, then the Budget and Control Board, or its successor entity, must market and sell the property on behalf of the authority as soon as*~~

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~~*practicable in a commercially reasonable manner considering the type and location of the property. Upon the transfer of the property, the Budget and Control Board or its successor entity, is vested with all of the board's fiduciary duties to the authority and the authority's bondholders.*~~

SECTION 97 - E16-OFFICE OF STATE TREASURER

97.13 CARRIED FORWARD Accommodations Tax Withholdings) **HOU:** ADD new proviso to direct that if the State Treasurer is withholding accommodations tax revenue distributions to a municipality because the Tourism Expenditure Review Committee determined an expenditure was noncompliant, the municipality or county may refund an amount equal to the noncompliant amount to the appropriate fund, and after certifying to the committee that the amount has been refunded, the State Treasurer shall no longer subject the municipality or county to future withholdings of that amount. Require the Tourism Expenditure Review Committee to notify the municipality or county if they find an expenditure to be noncompliant and if the amount is not refunded, require the committee to certify the noncompliance to the State Treasurer. Sponsor: Rep. Clemmons.

SUBCOMMITTEE RECOMMENDATION: CARRIED FORWARD to Full Senate Finance Committee with no recommendation.

97.13. (TREAS: Accommodations Tax Withholdings) If the State Treasurer is withholding accommodations tax revenue distributions to a municipality due to an expenditure the Tourism Expenditure Review Committee determined to be in noncompliance, then the municipality or county may refund an amount equivalent to the amount determined to be in noncompliance to the appropriate fund. If the municipality or county certifies to the committee that the amount has been refunded, the State Treasurer shall no longer subject the municipality or county to future withholdings of the amount determined to be in noncompliance. After the amount determined to be in noncompliance has been refunded, the municipality or county may expend the funds for a compliant tourism-related purpose. Any subsequent expenditure of a refunded amount is subject to the reporting and review requirements of Chapter 4, Title 6. If the municipality or county certifies to the committee that the amount previously determined to be in noncompliance has been refunded to the appropriate fund, then any amount withheld from the municipality or county from subsequent allocations must be returned in same amount and manner that it was withheld.

The Tourism Expenditure Review Committee shall notify the municipality or county if an expenditure is found to be in noncompliance. If the committee informs the county or municipality of an expenditure determined to be in noncompliance and the county or municipality does not refund the noncompliant amount, the committee shall certify the noncompliance to the State Treasurer. If the committee determines an expenditure of any refunded amount to be in noncompliance, the municipality or county may not refund an equivalent amount in order to avoid future withholdings.

SECTION 101 - F03-BUDGET AND CONTROL BOARD

101.17 DELETE (Base Closure Fund Carry Forward Transfer) Directs the balance of the funds previously appropriated for the Base Closure Fund be carried forward and transferred to the Department of Commerce for the S.C. Military Base Task Force.

WMC: DELETE proviso. *Funds have been transferred.* Requested by Budget and Control Board.

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HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

101.17. (BCB: Base Closure Fund Carry Forward Transfer) ~~The balance of the funds previously appropriated to the Budget and Control Board for the Base Closure Fund shall be carried forward into the current fiscal year and transferred to the Department of Commerce, and shall be used for the South Carolina Military Base Task Force.~~

SECTION 117 - X90-GENERAL PROVISIONS

117.118 AMEND FURTHER (State Ports Authority Property) Directs that if the State Ports Authority has not completed the sale of the real property it owns on Daniel Island and Thomas (St. Thomas) Island, with certain exceptions, by December 31, 2013, the B&C Board shall transfer the property back to the Authority on January 1, 2014. Directs that if the Authority is not able to sell the property by June 30, 2014, it must be transferred back to the B&C Board for sale.

WMC: AMEND proviso to direct the State Ports Authority to transfer 50 acres of its Daniel Island property to PRT which shall make sure that the property is used for public recreation activities. Direct that if the Authority has not sold its remaining property on Daniel and Thomas Islands, with certain exceptions, by June 30, 2015, it must transfer the property to the B&C Board.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to delete the transfer of the 50 acres on Daniel Island to PRT.

117.118. (GP: State Ports Authority Property) ~~The State Ports Authority shall transfer fifty acres of its real property on Daniel Island to the Department of Parks, Recreation, and Tourism, which shall ensure, in the manner it deems appropriate, that the property is used for public recreation activities.~~ If the State Ports Authority has not completed the sale of its ~~remaining~~ real property on Daniel Island and Thomas (St. Thomas) 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 ~~December 31, 2013, the Budget and Control shall, on January 1, 2014, transfer the property back to the authority~~ June 30, 2015, the authority must transfer the property to the Budget and Control Board. The authority shall sell the real property under terms and conditions it considers most advantageous to the authority and the State of South Carolina and ~~the sale must be completed by June 30, 2014. The State Ports Authority must transfer the property to the Budget and Control Board for sale if the authority is unable to complete the sale by June 30, 2014.~~

117.120 DELETE NEW PROVISO (Site Certification and Development) **WMC:** ADD new proviso to require the Department of Commerce, Regional Economic Development Organizations, or political subdivisions, that receive state funds by direct appropriation or indirect pass-through, and that use those funds for economic development-based site certification and development, to adhere to Procurement Code requirements.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

117.120. (GP: Site Certification and Development) ~~Any state funds received by the Department of Commerce, the Regional Economic Development Organizations, or by political~~

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~~*subdivisions, whether by direct appropriation or indirect pass through, and used for economic development-based site certification and development must adhere to the requirements of the South Carolina Consolidated Procurement Code.*~~

117.124 CARRIED FORWARD (South Carolina Welcome Centers) **WMC:** ADD new proviso to direct PRT to assume control of all South Carolina Welcome Centers. Direct that control includes, but is not limited to, replacement, renovation and maintenance of the centers. Direct DOT to transfer \$2,200,000 to PRT for annual maintenance cost. Fiscal Impact: DOT spends \$2,229,895 annually to maintain welcome centers.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: CARRIED FORWARD to Full Senate Finance Committee with no recommendation.

117.124. (GP: South Carolina Welcome Centers) Notwithstanding any agreement to the contrary, the Department of Parks, Recreation and Tourism shall assume control of all South Carolina Welcome Centers. Control shall include, but not necessarily be limited to, replacement, renovation and maintenance of these centers. The Department of Transportation shall transfer to the Department of Parks, Recreation and Tourism the amount of funds expended in the prior fiscal year for annual maintenance costs, not to exceed \$2,200,000.

SECTION 118 - X91-STATEWIDE REVENUE

118.9 CONFORM TO FUNDING (Admissions Tax) Directs that up to \$114,000 in admissions tax revenue collected from events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year that features the preeminent NASCAR cup series must be rebated to the facility in the current fiscal year to keep a NASCAR race at the facility.

WMC: AMEND proviso to direct that half of the admissions tax revenue collected from a sports facility that hosts at least one preeminent Women's Tennis Association sanctioned tournament or any sports facility that operates as the home venue for a professional soccer team that participates in the United Soccer Leagues, second division or higher must be rebated to the facility and be used for marketing facility events.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

118.9. (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility. *In addition, any sports facility that hosts at least one preeminent Women's Tennis Association-sanctioned tournament or any sports facility that operates as the home venue for a professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility half of its admissions tax revenue for the fiscal year and used by that facility for marketing the events held at the facility.*