

Amendment: D17

STATE PORTS AUTHORITY

Representative STAVRINAKIS proposes the following amendment:

DELETE

~~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 2020-21. 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 2020-21 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 2021 legislative session and another such report on or before June 30, 2020 2021, 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.~~

Ways and Means Committee Amendment