

**SENATE FINANCE COMMITTEE
NATURAL RESOURCES SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE

- 44.10** **ADD** (AGRI: South Carolina Tax Exemption Program) **HOU:** ADD new proviso to authorize the department to charge up to \$24 for a 3-year registration card and \$5 for a replacement card for agricultural producers to claim sales tax exemptions on qualified purchases. Allows the department to retain funds to defray costs associated with the SC Agricultural Tax Exemption Program. Sponsor: Rep. Ott
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

44.10. (AGRI: South Carolina Tax Exemption Program) The Department of Agriculture is authorized to charge up to \$24 for a three-year registration card for agricultural producers to claim a sales tax exemption on certain qualified purchases. The Department of Agriculture is also authorized to charge \$5 for any replacement cards. The funds collected pursuant to this provision shall be retained by the department to defray any costs associated with the South Carolina Agricultural Tax Exemption Program.

SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES

- 47.15** **DELETE** (DNR: Non-Native Wildlife) Directs DNR to spend up to \$100,000 to develop and implement a program to encourage the voluntary surrender of Black and White Tegus. Directs that SC residents shall be eligible to receive a \$100 payment for each live Tegu surrendered to the department. Directs the department to establish a time period to accept the Tegus of not more than 120 days.
WMC: DELETE proviso. Requested by the Department of Natural Resources.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~47.15. (DNR: Non-Native Wildlife) From the funds appropriated to the Department of Natural Resources, the department shall expend up to \$100,000 to develop and implement a program to encourage the voluntary surrender of Black and White Tegus (Salvator merianae, and its hybrids). South Carolina residents shall be eligible to receive a payment of \$100 for each live Black and White Tegu surrendered to the department and payment must be remitted in an expedited manner. The department shall provide for a time period to accept Black and White Tegus that shall not exceed one hundred twenty days.~~

- 47.16** **ADD** (DNR: Water Recreational Resources Fund) **WMC:** ADD new proviso to direct funds collected by the department from the Water Recreational Resources Fund must be retained and used for the Fund's stated purpose. Allows the department to use a county's Water Recreational Resources Fund for the purchase of boats, boat trailers, outboard motors, and boating safety and rescue equipment. Funding applications must follow departmental guidelines with a recommendation from the county delegation. Requested by the Department of Natural Resources.
HOU: ADOPT new proviso.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

47.16. (DNR: Water Recreational Resources Fund) Funds collected during the current fiscal year by the department from the Water Recreational Resources Fund must be retained by the department and used for the stated purposes of the fund. In addition to all other uses allowed by statute, the department may use the Water Recreational Resources Fund of a county for the purchase of boats, boat trailers, outboard motors, and boating safety and rescue equipment used

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for law enforcement and water rescue. An application for funding must follow the established departmental approval process for awarding grants from this fund including the recommendation of the county delegation.

47.17 AMEND NEW PROVISO (Building Maintenance Carry Forward) **WMC:** ADD new proviso to allow the department to transfer unexpended other operating expenses funds to an earmarked account and expended for headquarters building rent, maintenance, and capital improvement needs. Directs the department to report the amount transferred and expenditures to the Chairmen of Senate Finance and House Ways and Means by October 1st. Requested by the Department of Natural Resources.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND NEW PROVISO to change “an earmarked” to “a separate and distinct.”

47.17. (Building Maintenance Carry Forward) At the end of each fiscal year, the department may transfer any unexpended general fund balance remaining on the “Other Operating Expenses” line identified in the “Administration” program to ~~an earmarked~~ a separate and distinct account to be carried forward by the department. Balances carried forward in this account must only be expended for rent, maintenance, and capital improvement needs in the headquarters building. The department must report to the Chairmen of the Senate Finance Committee and House Ways and Means Committee any amount transferred and expenditures made from the fund by October first.

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

49.16 DELETE (PRT: State Parks Maintenance) Directs PRT to use the \$1,000,000 and \$3,000,000 appropriated in the non-recurring provisos in Act 91 of 2015 and Act 284 of 2016 for the Medal of Honor Museum instead for state parks maintenance needs.

WMC: DELETE proviso. Requested by the Department of Parks, Recreation and Tourism.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~49.16. (PRT: State Parks Maintenance) The Department of Parks, Recreation and Tourism shall utilize the \$1,000,000 appropriated in Act No. 91 of 2015, by proviso 118.14, Item (41)(h) and the \$3,000,000 appropriated in Act No. 284 of 2016, by proviso 118.16, Item (39)(g) for the Medal of Honor Museum for state parks maintenance needs.~~

49.17 AMEND (PRT: Destination Specific Tourism) Allows the agency director to reduce the Destination Specific Tourism Marketing recurring funds grant match requirement for FY 21-22. Directs that the adjustment shall be based on prior fiscal year financial statements and cash balances submitted with the application, along with the forecast data proved by the destination. Directs that there shall not be a match requirement for non-recurring funds.

WMC: AMEND proviso to update fiscal year reference to “2022-23.” Requested by the Department of Parks, Recreation and Tourism.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

49.17. (PRT: Destination Specific Tourism) The agency director shall be allowed to reduce the grant match requirement for the recurring funds appropriated to the Destination Specific

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Tourism Marketing grant program for Fiscal Year ~~2021-22~~ 2022-23. The adjustment to the match requirement shall be based on the financial statements and cash balance on hand at the end of the prior fiscal year submitted with the application, along with the forecast data provided by each destination. There shall not be a match requirement on non-recurring funds appropriated to this program.

- 49.19 DELETE** (PRT: PARD Fund Expiration) Extends the Fiscal Year 2020-21 expiration date on PARD funds to Fiscal Year 2021-22.
WMC: DELETE proviso. Requested by the Department of Parks, Recreation and Tourism.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~49.19. (PRT: PARD Fund Expiration) PARD funds which were scheduled to expire in Fiscal Year 2020-21 shall be extended to Fiscal Year 2021-22.~~

SECTION 50 - P320 - DEPARTMENT OF COMMERCE

- 50.23 ADD** (CMRC: Strategic Economic Development Fund) **WMC:** ADD new proviso to establish the Strategic Economic Development Fund to fund projects essential to the State's economic and development success. Directs the Secretary of Commerce to recommend projects for review and comment by JBRC. Directs that unexpended funds shall be carried forward and expended for the same purpose.
HOU: ADOPT new proviso.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

50.23. (CMRC: Strategic Economic Development Fund) In the current fiscal year, there is established, within the Department of Commerce, the Strategic Economic Development Fund for the purpose of funding projects that are essential to the State's ongoing and future economic development success. The Secretary of Commerce shall identify and recommend potential projects for review and comment by the Joint Bond Review Committee before any funds may be awarded or expended. Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

- 50.esp ADD** (CMRC: Emergency Services Pilot) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to create a pilot program in the department for funding projects that increase a local government's emergency services capacity and capability. Provides for the requirements of funding eligibility and requires the department to provide an update by January 15 to the Chairmen of the Senate Finance Committee and Ways and Means Committee until all funds are expended. Allows unexpended funds to be carried forward and expended for the same purposes.

50.esp. (CMRC: Emergency Services Pilot) There is established a pilot program within the Department of Commerce named the Public/Private Partnerships - Emergency Services Fund for the purpose of funding projects that increase a local government's emergency services capacity and capability. Every project must involve investment and participation by both private companies and local governments in order to be eligible for funding. The Department of Commerce will provide an annual update by January 15 of each year to the Chairmen of the Senate Finance Committee and House Ways and Means Committee until all funds are expended.

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Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year for the same purposes.

SECTION 52 - P360 - PATRIOTS POINT DEVELOPMENT AUTHORITY

- 52.2 DELETE** (PPDA: USS Laffey Loan Principal Payment Exemption) Exempts Patriots Point from paying the principal amount due for FY 2021-22 on the outstanding USS Laffey Loan.
WMC: AMEND proviso to update fiscal year reference to “2022-23.”
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~**52.2.** (PPDA: USS Laffey Loan Principal Payment Exemption) **Patriots Point Development Authority** shall be exempt from paying the principal amount due for Fiscal Year ~~2021-22-2022-23~~ on the outstanding USS Laffey loan.~~

SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

- 81.3 AMEND** (LLR: POLA - Ten Percent, Other Funds) Remits an amount equal to 10% of Professional and Occupational Licensing expenditures and all Contractor’s Licensing revenue remaining at year-end to the general fund.
WMC: AMEND proviso to exempt Professional and Occupational Offices with negative ending cash balances from the current and prior fiscal year from the requirements of this provision. Requested by the Department of Labor, Licensing and Regulation.
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

~~**81.3.** (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor’s Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor’s Licensing Board to the general fund includes the ten percent. *Professional and Occupational Offices with an overall negative ending cash balance for the current and prior completed fiscal years will be exempt from these requirements.*~~

- 81.15 DELETE** (LLR: Mobile Optometry Units) Directs that location and site restrictions on services provided by mobile units for optometry in Section 40-37-320(B) [PUBLICIZING OFFICE HOURS; MOBILE UNITS; PROMULGATION OF REGULATIONS PERTAINING TO OPTOMETRY OFFICES.] shall be suspended for FY 2021-22. Directs the department and board to process and issue registrations for mobile units to provide services by a South Carolina licensed optometrist through a not-for-profit program on the site of a Title I public school for students attending the school. Directs the board to issue the registration within 10 days of receiving the request and \$10 registration fee.
WMC: DELETE proviso.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~**81.15.** (LLR: Mobile Optometry Units) **In furtherance of expanding access to health care in unserved and underserved populations, the location and site restriction on services provided by mobile units for optometry in Section 40-37-320(B) of the 1976 Code shall be suspended for Fiscal Year 2021-22. The Department of Labor, Licensing and Regulation and the Board of**~~

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~~Examiners in Optometry are directed to process and issue registrations for mobile units that apply to provide optometry services on the site of a Title I public school to students attending the school, provided that the services are rendered as part of a not for profit program and are provided by an optometrist licensed to practice in South Carolina. The registration shall be administratively issued by the Board of Examiners in Optometry within ten days after receipt of a registration request and following payment of a ten dollar registration fee to cover administrative costs.~~

- 81.16** **ADD** (LLR: Indirect Cost Waiver OSHA) **WMC:** ADD new proviso to allow the department to retain indirect cost recoveries relating to federal OSHA grants and used for the operation of the agency. Requested by the Department of Labor, Licensing and Regulation.
HOU: ADOPT new proviso.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

81.16. (LLR: Indirect Cost Waiver OSHA) The Department of Labor, Licensing and Regulation shall retain indirect cost recoveries relating to federal OSHA grants in this act. Recoveries retained by the agency will be used for operations of the agency. All other federal grants within the agency will remit indirect cost recoveries pursuant to Section 2-65-70 of the 1976 Code.

SECTION 88 - Y140 - STATE PORTS AUTHORITY

- 88.1** **AMEND** (SPA: 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.
WMC: AMEND proviso to update calendar year references to “2022” and “2023.” Requested by State Ports Authority.
HOU: ADOPT proviso as amended.
SFC 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, ~~2021~~ 2022, pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2022~~ 2023, to continue the Charleston Cooper River Bridge Project.

- 88.2** **DELETE** (SPA: Georgetown Port Marketing) Directs the Ports Authority to continue its cargo diversification strategy which enhances marketing Charleston and Georgetown terminal capabilities, highlighting cruise, breakbulk, bulk, and roll on/roll off.
WMC: DELETE proviso.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

88.2. (SPA: Georgetown Port Marketing) ~~The State Ports Authority will continue its cargo diversification strategy which enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll on/roll off.~~

- 88.4** **DELETE** (SPA: Georgetown Port Maintenance Dredging Fund) Directs the State Ports Authority to maintain the Georgetown Port Maintenance Dredging Fund and to deposit any funds appropriated in this act for that purpose into the fund, which shall be separate and distinct from

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the General Fund and the Harbor Deepening Reserve Fund, and direct that interest from the fund must remain in the fund. Directs that the funds must only be used for activities associated with the Port of Georgetown maintenance dredging. Requires a comprehensive plan for use of the fund be submitted to JBRC for review and comment prior to expending monies from the fund. Authorizes the funds to be carried forward and used for the same purpose.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~**88.4.** (SPA: Georgetown Port Maintenance Dredging Fund) The State Ports Authority shall maintain the Georgetown Port Maintenance Dredging 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 the Harbor Deepening Reserve Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with the maintenance dredging of the Port of Georgetown. Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for maintenance dredging to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.~~

88.6 **ADD** (SPA: Transfer of Port of Georgetown) **WMC:** ADD new proviso to allow the State Ports Authority to transfer the Port of Georgetown real property to the County of Georgetown in “as-is” condition through a quit-claim deed no later than June 30, 2023. Requires all funds in the Georgetown Port Maintenance to be transferred to the State Ports Authority and to be approved by the Georgetown County Council and the State Ports Authority Board of Directors. Allows the approval to satisfy the fiduciary duties of each approving body.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

88.6. (SPA: Transfer of Port of Georgetown) The South Carolina State Ports Authority will transfer the Port of Georgetown real property, including buildings, fixtures, and certain equipment, to the County of Georgetown in “as-is” condition including, but not limited to, any appurtenances and the assumption of any existing leases through a quit-claim deed no later than June 30, 2023. Any and all funds in the Georgetown Port Maintenance Dredging Fund shall be transferred to the South Carolina State Ports Authority in full consideration for such transfer, which is deemed to be just and fair compensation. Only the approval of the Georgetown County Council and the South Carolina State Ports Authority Board of Directors is required for this transaction, and approval of this transaction shall satisfy the fiduciary duties of each approving body related to this transfer.

SECTION 92D - D300 - OFFICE OF RESILIENCE

92D.1 **AMEND** (SCOR: 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, 2022, is not considered an improvement and may not be reassessed at a higher rate as a result of the improvement. Directs that for the current fiscal year, an eligible property’s tax value shall remain the same unless an assessable transfer of interest occurs.

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WMC: AMEND proviso to update calendar year reference to “2023.” Requested by the Office of Resilience.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

92D.1. (SCOR: Catastrophic Weather Event) 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 Hurricane Florence of 2018, after the event and before June 30, ~~2022~~ 2023, is not considered an improvement and may not be reassessed at a higher rate as a result of the assistance provided. 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 implemented by the Office of Resilience, Disaster Recovery Office. 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.

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.

92D.4 **AMEND** (SCOR: Risk Reduction Plan Extension) **WMC:** ADD new proviso to extend the completion date for the Strategic Statewide Resilience and Risk Reduction Plan.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

92D.4. (SCOR: Risk Reduction Plan Extension) The completion date for the Office of Resilience’s Strategic Statewide Resilience and Risk Reduction Plan, as set forth in Section 48-62-30(1) of the 1976 Code, shall be extended from July 1, 2022 to July 1, 2023.

SECTION 117 - X900 - GENERAL PROVISIONS

117.100 **AMEND** (GP: State Ports Authority Property) Directs that if the Authority has not sold its remaining property on Daniel Island, with certain exceptions, by June 30, 2022 it must transfer the property to the Department of Administration.

WMC: AMEND proviso to update calendar year references to “2023.” Requested by State Ports Authority.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.100. (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, ~~2022~~ 2023, 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.

117.151 **DELETE** (GP: Funds Transferred to Santee Cooper) Directs the transfer of funds held by the Department of Administration from the implementation of Act 95 of 2019 for the purposes of

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reforming Santee Cooper. Authorizes the Public Service Commission and Office of Regulatory Staff to employ third-party consultants and experts to assist with reforming Santee Cooper and direct that the two agencies are exempt from the state procurement code for the purpose of hiring these consultants or experts.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~**117.151.** (GP: Funds Transferred to Santee Cooper) The funds held by the Department of Administration, related to the implementation of Act 95 of 2019, shall be transferred as follows and for the purposes of reforming Santee Cooper: \$2,000,000 to the Office of Regulatory Staff; \$1,000,000 to the Public Service Commission; and the balance to Santee Cooper. The Public Service Commission and the Office of Regulatory Staff are authorized to employ, through contract or otherwise, third party consultants and experts in carrying out their duties for purposes of reforming Santee Cooper. The Public Service Commission and Office of Regulatory Staff are exempt from complying with the State Procurement Code in the selection and hiring of third party consultants or experts authorized by this provision.~~

117.157 AMEND (GP: Electricity Market Reform) Directs that the Electricity Market Reform Measures Study Committee shall request an opinion to be issued no later than March 1, 2022 from any consultant to advise the committee on which market reform measures benefit consumers. Directs the committee to issue a report on its findings no later than June 30, 2022. Directs that the committee may continue to meet past that date and issue additional reports.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso and amend to delete the requirement to request and opinion. Changes report date and extension of work date from “June 30, 2022” to “January 31, 2023.”

~~**117.157.** (GP: Electricity Market Reform) The Electricity Market Reform Measures Study Committee shall request for an opinion to be issued no later than March 1, 2022 from any consultant or consultants retained to advise the committee as to which market reform measures studied, if any, benefit South Carolina consumers. The committee shall issue a report on its work no later than ~~June 30, 2022~~ January 31, 2023; however, nothing in this provision prohibits the committee from continuing to meet past ~~June 30, 2022~~ January 31, 2023 and issue additional reports pursuant to Act 187 of 2020.~~

117.168 DELETE (GP: South Carolina Housing Commission) **WMC:** ADD new proviso to allow members of the Housing Commission to receive compensation, subsistence, per diem, and milage when engaging in work of the commission.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

***117.168.** (GP: South Carolina Housing Commission) Members of the South Carolina Housing Commission shall receive compensation, subsistence, per diem, and mileage as provided by law for members of boards, commissions, and committees while engaged in the work of the commission.*