**A** **BILL**

TO AMEND SECTION 54-3-700, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANNER IN WHICH THE MARINE TERMINAL OPERATIONS OF THE STATE PORTS AUTHORITY AT PORT ROYAL SHALL BE TERMINATED AND THE PROPERTY SOLD, SO AS TO EXTEND THE DATE THAT THE TERMS OF THE SALE OF THE PROPERTY MAY NOT EXTEND BEYOND AND TO DELETE A PROVISION THAT NO BID MAY BE ACCEPTED WHICH IS LESS THAN THE PROPERTY’S FAIR MARKET VALUE AS SHOWN BY THE APPRAISAL.

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

SECTION 1. Section 54-3-700 of the 1976 Code, as added by Act 313 of 2004, is amended to read:

“Section 54-3-700. (A) Upon the effective date of this section:

(1) the State Ports Authority has no statutory responsibility to operate a marine terminal at Port Royal; and

(2) marine operations at Port Royal shall cease as soon as practicable.

(B) The State Ports Authority is hereby directed to sell all its real and personal property at Port Royal upon the effective date of this section, but in a manner that is financially responsible and advantageous to the State Ports Authority.

(C) The State Ports Authority shall, in its discretion, determine the manner of the sale, but in no event shall terms of the sale extend beyond December 31, ~~2006~~ 2010, except for parcels which may be under long‑term contract, in which case the South Carolina Ports Authority is directed to terminate such leases as soon as possible through ‘lease purchases,’ ‘buy outs,’ or any other lawful means.

(D) Any real or personal property at Port Royal which is to be sold must be first appraised and then sold at fair market value. The real property appraiser must be a State Certified General Real Estate Appraiser, a Member of the Appraisal Institute (MAI), and must be knowledgeable in appraisal and in appraising marine terminal facilities. The appraisal of the real property should include its future development opportunities and those of the surrounding properties. The sale of the real property shall comply with all state procedures, must be approved by the State Budget and Control Board, and must be on an open‑bid basis~~, and no bid may be accepted which is less than the property’s fair market value as shown by the appraisal~~. All proceeds from the sale of real and personal property at Port Royal must be retained by the State Ports Authority; provided, however, that the Town of Port Royal shall have the right to petition the State Budget and Control Board for a portion of the net proceeds from any sale and may be allocated a portion of these net proceeds in an amount not to exceed five percent of the net proceeds upon showing the allocation is necessary to pay for infrastructure needs directly associated with and necessitated by the closing of the port as Port Royal. These funds must be expended at the direction of the Town Council of Port Royal with the approval of the State Budget and Control Board, solely for the infrastructure, and shall have priority over all other expenditures except usual and necessary closing costs attributable to any sales contracts.”

SECTION 2. This act takes effect upon approval by the Governor.

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