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COMMITTEE AMENDMENT ADOPTED

January 22, 2019

**S. 217**

Introduced by Senators Kimpson, Campsen and Senn

S. Printed 1/22/19--S.

Read the first time January 8, 2019.

**A** **BILL**

TO AMEND SECTIONS 6‑1‑530, 6‑1‑730, AND 6‑4‑10 OF THE 1976 CODE, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM‑RELATED LANDS OR AREAS.

Amend Title To Conform

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

SECTION 1. Section 6‑1‑530(A) of the 1976 Code is amended by adding new items to read:

“(7) control and repair of flooding and drainage within or on tourism‑related lands or areas; or

(8) site preparation for items in this section, including, but not limited to, demolition, repair, or construction.”

SECTION 2. Section 6-1-530 of the 1976 Code is amended by adding an appropriately lettered new subsection at the end to read:

“( ) If applying the provisions of subsection (A)(7), then the revenues must be expended exclusively on public works projects designed to eliminate or mitigate the adverse effects of recurrent nuisance tidal flooding, including that which is attributable to sea-level rise, or other recurrent flooding. Such adverse effects include road closures and other transportation disruptions, storm‑water drainage issues, and compromised public infrastructure. The public works projects must be within or on tourism-related lands or areas. Revenues must not be used to pay claims or otherwise settle litigation that may arise from time to time due to the harmful impacts of nuisance or other flooding.”

SECTION 3. Section 6‑1‑730(A) of the 1976 Code is amended by adding new items to read:

“(7) control and repair of flooding and drainage within or on tourism‑related lands or areas; or

(8) site preparation for items in this section, including, but not limited to, demolition, repair, or construction.”

SECTION 4. Section 6-1-730 of the 1976 Code is amended by adding an appropriately lettered new subsection at the end to read:

“( ) If applying the provisions of subsection (A)(7), then the revenues must be expended exclusively on public works projects designed to eliminate or mitigate the adverse effects of recurrent nuisance tidal flooding, including that which is attributable to sea-level rise, or other recurrent flooding. Such adverse effects include road closures and other transportation disruptions, storm‑water drainage issues, and compromised public infrastructure. The public works projects must be within or on tourism-related lands or areas. Revenues must not be used to pay claims or otherwise settle litigation that may arise from time to time due to the harmful impacts of nuisance or other flooding.”

SECTION 5. Section 6‑4‑10(4)(b) of the 1976 Code is amended to read:

“(b) The funds received by a county or municipality which has a high concentration of tourism activity may be used to provide additional county and municipal services including, but not limited to, law enforcement, traffic control, public facilities, and highway and street maintenance, as well as the continual promotion of tourism. The funds must not be used as an additional source of revenue to provide services normally provided by the county or municipality but to promote tourism and enlarge its economic benefits through advertising, promotion, and providing those facilities and services which enhance the ability of the county or municipality to attract and provide for tourists.

‘Tourism‑related expenditures’ include:

(i) advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity;

(ii) promotion of the arts and cultural events;

(iii) construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and other nearby roads and utilities for the facilities;

(iv) the criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities. This is based on the estimated percentage of costs directly attributed to tourists;

(v) public facilities such as restrooms, dressing rooms, parks, and parking lots;

(vi) tourist shuttle transportation;

(vii) control and repair of waterfront erosion, including beach renourishment;

(viii) operating visitor information centers;

(ix) site preparation for subsubitems in this subitem (b), including, but not limited to, demolition, repair, or construction; and

(x) control and repair of flooding and drainage within or on tourism‑related lands or areas.

If applying the provisions of item (4)(b)(x) relating to flooding and drainage, then the revenues must be expended exclusively on public works projects designed to eliminate or mitigate the adverse effects of recurrent nuisance tidal flooding, including that which is attributable to sea-level rise, or other recurrent flooding. Such adverse effects include road closures and other transportation disruptions, storm‑water drainage issues, and compromised public infrastructure. The public works projects must be within or on tourism-related lands or areas. Revenues must not be used to pay claims or otherwise settle litigation that may arise from time to time due to the harmful impacts of nuisance or other flooding.”

SECTION 6. This act takes effect upon approval by the Governor.

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