COMMITTEE REPORT

March 30, 2022

**S. 106**

Introduced by Senator Campsen

S. Printed 3/30/22--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 106) to amend the Code of Laws of South Carolina, 1976, by adding Chapter 25 to Title 51 so as to place the beach restoration and improvement trust fund under the authority, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

RONNIE W. CROMER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 25 TO TITLE 51 SO AS TO PLACE THE BEACH RESTORATION AND IMPROVEMENT TRUST FUND UNDER THE AUTHORITY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND TO RENAME THE TRUST FUND, TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE A CERTAIN AMOUNT OF DOLLARS FOR THE FUND ANNUALLY, TO PROVIDE THAT THE FUNDING FOR ANNUAL MONITORING AND EVALUATION OF EROSION RATES AND BEACH PROFILES MUST BE PROVIDED BY THE TRUST FUND, AND TO MAKE CONFORMING CHANGES; AND TO REPEAL CHAPTER 40 OF TITLE 48 RELATING TO THE SOUTH CAROLINA BEACH RESTORATION AND IMPROVEMENT TRUST ACT.

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

SECTION 1. Title 51 of the 1976 Code is amended by adding:

“CHAPTER 25

Beach Preservation Trust Act

Section 51‑25‑10. As used in this chapter:

(1) ‘Trust fund’ means the South Carolina Beach Preservation Trust Fund.

(2) ‘Department’ means the Department of Parks, Recreation and Tourism.

(3) ‘Beach renourishment’ means the artificial establishment and periodic renourishment of a beach with sand that is compatible with the existing beach in a way so as to create a dry sand beach at all stages of the tide, as described in Section 48‑39‑270.

(4) ‘Groin maintenance’ means activities in furtherance of maintaining the functionality of a groin:

(a) that was in existence prior to January 1, 2020;

(b) located on a beach with a high erosion rate; and

(c) whose maintenance activity is done in conjunction with beach renourishment.

(5) ‘Hazard removal’ means removal of a structure located on an active beach where the structure has been determined to be unfit for occupancy or habitation by the local government.

(6) ‘Public beach restoration and maintenance’ includes beach renourishment, groin maintenance, and hazard removal.

(7) ‘OCRM’ means the Office of Ocean Coastal Resource Management of the Department of Health and Environmental Control.

Section 51‑25‑20. There is established the South Carolina Beach Preservation Trust Fund for the purposes of:

(1) providing matching funds to qualifying municipal and county governments for public beach restoration and maintenance of eroded public beaches and improvement and enhancement of public beach access; and

(2) restoring beaches and protective sand dunes on an emergency basis after significant storm damage.

Section 51‑25‑30. (A) The trust fund must be funded by annual appropriations from admissions tax revenues. The appropriated monies must be credited to the trust fund and maintained separately from the general fund and other funds. The monies credited to the trust fund must be retained and carried forward, along with all interest earned.

(B) The trust fund must be administered by the Department of Parks, Recreation and Tourism pursuant to this chapter and its regulations governing grant application review, ranking, and approval.

Section 51‑25‑40. (A) Beginning in Fiscal Year 2022‑2023, and each fiscal year thereafter, the General Assembly must appropriate an amount equal to twenty five percent of the general fund portion of admissions tax revenues to the department for credit to the trust fund.

(B) Allocations of trust fund monies for public beach restoration and maintenance or improvement and enhancement of public beach access must be matched equally by the municipality or county in which a project site is located or by a combination of the county and municipality in which the project site is located.

(1) If a project site is located within both a municipality and an unincorporated area of a county, then the match must be financed in proportion to the area of the site located within the respective jurisdictions unless otherwise agreed to by the respective jurisdictions.

(2) The matching requirement of this subsection does not apply to beach renourishment projects within state parks or other state‑owned beachfront property.

(C) Trust fund allocations for a public beach restoration or maintenance project or project to improve and enhance public beach access must be made only to a project approved by the department.

(D) Municipal and county jurisdictions which apply for matching funds for proposed projects must be:

(1) ranked in relation to all other qualifying local governmental project applications; and

(2) approved according to the minimum regulatory criteria for construction within the beach and dune critical area.

(E) An application for trust fund monies for a public beach restoration or maintenance project or project to improve and enhance public beach access may be accepted by the department only from a municipal or county government with a Local Beach Management Plan approved by the OCRM.

(F) An application pursuant to this section for matching funds for a public beach renourishment project may be accepted and ranked by the department only if the project first has been fully permitted and approved as otherwise provided by law.

(G) Allocations of trust fund monies must be made through properly executed written agreements between the department and all the municipal and county project sponsors. The department must be given quarterly financial status reports throughout the project’s duration and a final audit report at the project’s completion.

(H) State funds appropriated and designated for funding local efforts pursuant to this section may be used only for the purposes of public beach access improvement and enhancement and public beach restoration and maintenance projects.

Section 51‑25‑50. The annual monitoring and evaluation of erosion rates and beach profiles by OCRM in accordance with Chapter 39, Title 48 must be funded by the trust fund in an amount not to exceed two hundred fifty thousand dollars. Monitoring and evaluation data must be made available to the public.”

SECTION 2. Chapter 40, Title 48 of the 1976 Code is repealed.

SECTION 3. This act takes effect upon approval by the Governor.

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