**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3786**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Lowe, G.M. Smith, Bannister, Jordan, Rutherford, Bernstein, Cobb-Hunter, Henegan, Gilliam, Hewitt, Erickson, Ott, M.M. Smith, W. Newton, Murphy, Gatch, Elliott, Herbkersman, Hosey, McDaniel, Mitchell, Stavrinakis, Taylor, Wooten, Carter, Atkinson, Kirby, Hyde, Leber, Alexander, B. Newton, Ballentine, Pope, Hixon, Brittain, Gagnon, Ligon, Wetmore, Davis, Brewer, Robbins, Bauer, Weeks, Dillard and W. Jones

Companion/Similar bill(s): 280

Document Path: LC-0115DG23.docx

Introduced in the House on January 24, 2023

Introduced in the Senate on April 6, 2023

Last Amended on April 5, 2023

Currently residing in the Senate Committee on **Finance**

Summary: SC Conservation Enhancement Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/24/2023 House Introduced and read first time (House Journal‑page 31)

 1/24/2023 House Referred to Committee on **Ways and Means** (House Journal‑page 31)

 1/25/2023 House Member(s) request name added as sponsor: Carter,
 Atkinson, Kirby

 1/26/2023 House Member(s) request name added as sponsor: Hyde

 1/31/2023 House Member(s) request name added as sponsor: Leber,
 Alexander

 2/7/2023 House Member(s) request name added as sponsor: B.
 Newton, Ballentine, Pope, Hixon, Brittain,
 Gagnon, Ligon, Wetmore

 2/8/2023 House Member(s) request name added as sponsor: Davis

 3/29/2023 House Member(s) request name added as sponsor: Brewer,
 Robbins, Bauer

 3/30/2023 House Member(s) request name added as sponsor: Weeks,
 Dillard, W. Jones

 3/30/2023 House Committee report: Favorable with amendment **Ways and Means** (House Journal‑page 12)

 4/3/2023 Scrivener's error corrected

 4/5/2023 House Amended (House Journal‑page 150)

 4/5/2023 House Read second time (House Journal‑page 150)

 4/5/2023 House Roll call Yeas-93 Nays-20 (House Journal‑page 150)

 4/6/2023 House Read third time and sent to Senate (House Journal‑page 28)

 4/6/2023 Senate Introduced and read first time (Senate Journal‑page 38)

 4/6/2023 Senate Referred to Committee on **Finance** (Senate Journal‑page 38)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3786&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/24/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3786_20230124.docx)

[03/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3786_20230330.docx)

[04/03/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3786_20230403.docx)

[04/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3786_20230405.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

April 5, 2023

H. 3786

Introduced by Reps. Lowe, G. M. Smith, Bannister, Jordan, Rutherford, Bernstein, Cobb-Hunter, Henegan, Gilliam, Hewitt, Erickson, Ott, M. M. Smith, W. Newton, Murphy, Gatch, Elliott, Herbkersman, Hosey, McDaniel, Mitchell, Stavrinakis, Taylor, Wooten, Carter, Atkinson, Kirby, Hyde, Leber, Alexander, B. Newton, Ballentine, Pope, Hixon, Brittain, Gagnon, Ligon, Wetmore, Davis, Brewer, Robbins, Bauer, Weeks, Dillard and W. Jones

S. Printed 04/05/23--H.

Read the first time January 24, 2023

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA CONSERVATION ENHANCEMENT ACT”; BY AMENDING SECTION 12‑24‑90, RELATING TO THE DEED RECORDING FEE, SO AS TO REQUIRE A PORTION OF THE FEE TO BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND BY AMENDING SECTION 48‑59‑40, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO ADD ADDITIONAL MEMBERS TO THE BOARD.

 Amend Title To Conform

Whereas, rapid land development in South Carolina has led to the loss of forestlands, farmlands, wildlife habitats, outstanding natural areas, beaches, and public areas for outdoor recreation and has impacted the health of the state’s streams, rivers, wetlands, estuaries, and bays, all of which impact the quality of life of the state’s current and future citizens and may jeopardize the well‑being of the state’s environment and economy if not addressed appropriately; and

Whereas, this same rapid land development also has led to the loss of historical, cultural, and archaeological sites that embody the heritage and history of the State; and

Whereas, the protection of natural, cultural, and historical lands safeguards water quality, mitigates flooding, protects rural communities and economies, and provides opportunities for citizens and visitors to access open spaces and waterways for subsistence fishing, livelihoods and recreation, while guaranteeing these same benefits for future generations; and

Whereas, the State recognizes that wildlife biodiversity, publicly protected lands, historical and culturally significant properties, working lands, forests and waterfronts, and the communities, families, and outdoor recreationists who utilize these lands contribute to the state’s economy and the quality of life of its citizens; and

Whereas, the South Carolina Conservation Bank has protected over 329,000 acres statewide since its initial funding seventeen years ago at a statewide average price of $527 per acre ‑ a seven to one rate of return on investment when compared to the fair market value of the land protected; and

Whereas, building on the longstanding bipartisan conservation legacy in the State, doubling the amount of protected land through negotiation, compensation, and leveraging other funding sources while respecting property rights is in the best interest of its citizens, communities, and economy; and

Whereas, restoring the share of the deed recording fee previously dedicated to the Conservation Bank Trust Fund and establishing the Natural Resources Enhancement Fund to provide for capital improvements on public parks, forests, wildlife management areas, and heritage preserves builds on the goal of doubling our protected lands by 2050, our state’s commitment to conservation, and the continued preservation of our state’s resources for future generations of South Carolinians. Now, therefore,

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

SECTION 1. This act may be cited as the “South Carolina Conservation Enhancement Act”.

SECTION 2.A. Section 12‑24‑90(B) of the S. C. Code is amended to read:

 (B) The state fee must be credited as follows:

 (1) ten cents of each one dollar thirty cents into the Heritage Land Trust Fund;

 (2) twenty cents of each one dollar thirty cents into the South Carolina Housing Trust Fund; and

 (3) twenty‑five cents of each one dollar thirty cents into the South Carolina Conservation Bank Trust Fund; and

 (4) one dollar seventy‑five cents of each one dollar thirty cents into the general fund of the State.

B. This SECTION takes effect July 1, 20222024.

SECTION 3. Section 48‑59‑40(A) and (B) of the S. C. Code is amended to read:

 Section 48‑59‑40. (A) There is established the South Carolina Conservation Bank. The bank is governed by a fourteen~~‑~~member seventeen‑member board selected as follows:

 (1) the Chairman of the Board for the Department of Natural Resources, the Chairman of the South Carolina Forestry Commission, the Commissioner of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Director of the South Carolina Department of Parks, Recreation and Tourism, or their designees, all of whom shall serve ex officio and without voting privileges;

 (2) three members appointed by the Governor from the State at large;

 (3) four members appointed by the Speaker of the House of Representatives, one each from the Third, Fourth, and Sixth Congressional Districts and one member from the State at large; and

 (4) four members appointed by the President of the Senate, one each from the First, Second, Fifth, and Seventh Congressional Districts.

 (B)(1) In making their respective appointments to the board, the Governor, Speaker of the House of Representatives, and President Pro Tempore of the Senate shall take all reasonable steps to ensure that the members of the board reflect the state’s racial and gender diversity.

 (2) Each member of the board must possess experience in the areas of natural resources, land development, farming, forestry, finance, land conservation, real estate, or law.

SECTION 4. Section 12-24-90 of the S.C. Code is amended by adding:

 (D) Notwithstanding subsection (B), beginning in Fiscal Year 2025-2026, the maximum amount of the state fee that may be credited to the South Carolina Conservation Bank Trust Fund in a fiscal year equals the amount credited to the Trust Fund in the previous year plus or minus the percentage change in projected general fund revenues. The projected percentage change in general fund revenues must be calculated by the Revenue and Fiscal Affairs Office in the same manner as specified in Section 6-27-30 with the forecast in effect on February fifteenth of the current fiscal year being the final forecast for purposes of determining the adjustment. The Revenue and Fiscal Affairs Office shall notify the State Treasurer of the maximum amount that may be credited to the Trust Fund in the upcoming fiscal year. Any revenues from the state fee that exceed the maximum amount that may be credited to the Trust Fund must be credited to the general fund.

SECTION 5. Unless otherwise provided, this act takes effect upon approval by the Governor.

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