**A** **BILL**

TO AMEND SECTION 13‑1‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSES OF THE DEPARTMENT OF COMMERCE, SO AS TO PROVIDE CERTAIN QUALITY OF LIFE PURPOSES; AND TO AMEND SECTION 13‑1‑25, AS AMENDED, RELATING TO CERTAIN ACCOUNTABILITY, DISCLOSURE, AND REPORTING REQUIREMENTS, SO AS TO PROVIDE THAT CERTAIN FUNDS MAY NOT BE USED TO SOLICIT, ENTICE, OR INCENTIVIZE CERTAIN COMPANIES FOR CERTAIN ENVIRONMENTAL REASONS.

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

SECTION 1. Section 13‑1‑20 of the 1976 Code is amended to read:

“Section 13‑1‑20. The Department of Commerce shall conduct an adequate statewide program for the stimulation of economic activity to develop the potentialities of the State; manage the business and affairs of the Savannah Valley Development; develop the state public railway system for the efficient and economical movement of freight, goods, and other merchandise; and enhance the quality of life and economic growth and development of the State through strategic planning, balancing the use and protection of natural resources, and coordinating activities.”

SECTION 2. Section 13‑1‑25 of the 1976 Code, as last amended by Act 1 of 2019, is further amended by adding appropriately lettered subsections to read:

“( ) State funds or other funds from the department may not be used to solicit, entice, incentivize, or otherwise recruit an industry, company, or facility which is under investigation or enforcement action for an environmental crime or a major permit violation, has a history of causing significant contamination of air, soil, water, or groundwater, or has a history of chronic permit violations.

( ) State funds or other funds from the department may not be used to solicit, entice, incentivize, or otherwise recruit a new or unproven industry, company, or facility which, by its nature or with respect to its location, will have a significant negative impact on the environment or public health unless such entity provides a financial assurance mechanism that will provide for the reasonably foreseeable costs of:

(1) clean up;

(2) environmental remediation;

(3) environmental rehabilitation;

(4) firefighting;

(5) air, soil, ground water, and surface water contamination;

(6) private property contamination;

(7) public health impacts;

(8) displacement and relocation of affected persons; and

(9) any other reasonably foreseeable costs associated with the operation, management, or abandonment of an industry, company, or facility.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

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