**South Carolina General Assembly**

118th Session, 2009-2010

**A186, R229, S1261**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cromer

Document Path: l:\council\bills\nbd\12006ac10.docx

Companion/Similar bill(s): 4543

Introduced in the Senate on March 9, 2010

Introduced in the House on March 25, 2010

Last Amended on May 12, 2010

Passed by the General Assembly on May 18, 2010

Governor's Action: May 28, 2010, Signed

Summary: Timber

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/9/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\03-09-10.docx)‑3

3/9/2010 Senate Referred to Committee on **Fish, Game and Forestry** [SJ](file:///h:\SJ%20Archive\2010\03-09-10.docx)‑3

3/17/2010 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** [SJ](file:///h:\SJ%20Archive\2010\03-17-10.docx)‑12

3/18/2010 Senate Committee Amendment Adopted [SJ](file:///h:\SJ%20Archive\2010\03-18-10.docx)‑42

3/23/2010 Senate Amended [SJ](file:///h:\SJ%20Archive\2010\03-23-10.docx)‑8

3/23/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\03-23-10.docx)‑8

3/24/2010 Scrivener's error corrected

3/24/2010 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2010\03-24-10.docx)‑24

3/25/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\03-25-10.docx)‑23

3/25/2010 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2010\03-25-10.docx)‑23

4/29/2010 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2010\04-29-10.docx)‑8

4/30/2010 Scrivener's error corrected

5/12/2010 House Amended [HJ](file:///h:\HJ%20Archive\2010\05-12-10.docx)‑89

5/12/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\05-12-10.docx)‑89

5/13/2010 House Read third time and returned to Senate with amendments [HJ](file:///h:\HJ%20Archive\2010\05-13-10.docx)‑10

5/18/2010 Senate Concurred in House amendment and enrolled [SJ](file:///h:\SJ%20Archive\2010\05-18-10.docx)‑26

5/25/2010 Ratified R 229

5/28/2010 Signed By Governor

6/3/2010 Effective date 05/28/10

6/9/2010 Act No. 186

**VERSIONS OF THIS BILL**

[3/9/2010](file:///p:\pprever\2009-10\1261_20100309.docx)

[3/17/2010](file:///p:\pprever\2009-10\1261_20100317.docx)

[3/18/2010](file:///p:\pprever\2009-10\1261_20100318.docx)

[3/23/2010](file:///p:\pprever\2009-10\1261_20100323.docx)

[3/24/2010](file:///p:\pprever\2009-10\1261_20100324.docx)

[4/29/2010](file:///p:\pprever\2009-10\1261_20100429.docx)

[4/30/2010](file:///p:\pprever\2009-10\1261_20100430.docx)

[5/12/2010](file:///p:\pprever\2009-10\1261_20100512.docx)

(A186, R229, S1261)

**AN ACT TO AMEND ARTICLE 5, CHAPTER 3, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CUTTING OF TIMBER ON LANDS HELD BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE TECHNICAL CORRECTIONS; TO DELETE OBSOLETE REFERENCES; TO REQUIRE THE DEPARTMENT TO COORDINATE THE CUTTING AND SALE OF SUCH TIMBER WITH THE STATE FORESTER, RATHER THAN SUBMIT THE MATTER TO THE STATE FORESTER; TO PROVIDE THAT LAND USED BY THE DEPARTMENT FOR AGRICULTURE OR MANAGED FOREST LAND BEFORE ACQUISITION BY THE DEPARTMENT MUST BE MANAGED AND TIMBER HARVESTED TO PROVIDE OPTIMUM FISH AND WILDLIFE HABITAT; TO REVISE PROCEDURES FOR ADVERTISING FOR BIDS ON THE TIMBER; TO PROVIDE THAT THE STATE FORESTER MUST APPROVE THE IMMEDIATE HARVEST OF TIMBER IF AN ECOLOGICAL OR SILVICULTURE EMERGENCY OR NATURAL DISASTER OCCURS NECESSITATING SUCH HARVEST OF TIMBER; TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT, RATHER THAN THE BOARD, TO EXECUTE DEEDS AND CONTRACTS REQUIRED IN CARRYING OUT THIS ARTICLE; TO DELETE THE PROVISION REQUIRING THE STATE FORESTER TO HAVE TREES MARKED BEFORE CUTTING BEGINS; AND TO PROVIDE THAT, UNLESS OTHERWISE PROVIDED FOR, THE PROCEEDS OF THESE TIMBER SALES MUST CONTINUE TO BE CREDITED TO THE FISH AND WILDLIFE PROTECTION FUND.**

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

**Revisions to article**

SECTION 1. Article 5, Chapter 3, Title 50 of the 1976 Code is amended to read:

“Article 5

Cutting of timber on lands held by department

Section 50‑3‑510. The department may, subject to the provisions of this article, contract for the harvest of timber on any lands held by the department. No contract for such cutting and sale may be entered into and no timber may be cut or sold unless the board votes that the cutting and sale of the timber is for the best interests of the department and the improvement of its lands, by reason of thinning the timber, harvesting the over‑age trees and improving general forestry conditions. Before selling or cutting the timber the department shall coordinate with the State Forester to have the timber cruised and an estimate of the value made. If the State Forester finds that the sale is not in keeping with good forestry practices or will adversely affect the remainder of the timber, the sale must not be made.

Section 50‑3‑515. Notwithstanding any other provision of law, lands which were used for agriculture or managed forestland before acquisition by the department must be managed and the timber harvested to provide optimum fish and wildlife habitat. The department must use Best Management Practices as prescribed by the South Carolina Forestry Commission, or its successor, in managing and harvesting timber. If the department uses Best Management Practices when managing or harvesting timber, there is no adverse effect on historical properties or archeological sites.

Section 50‑3‑520. If the sale is recommended by the State Forester, the department shall publicly advertise for bids for the timber at least three weeks before the closing of the bidding. The department has the right to reject any and all bids, either on account of the amounts of the bids or the lack of experience and responsibility of the bidder. A sale agreed upon must be for cash.

Section 50‑3‑525. If an ecological or silviculture emergency or a natural disaster occurs that necessitates the immediate harvest of timber, upon the approval of the State Forester, the department immediately may negotiate contracts for the harvest and sale of the timber. Ecological or silviculture emergencies include, but are not limited to, insect, fungal, disease infestations, or fires.

Section 50‑3‑530. Any deeds or contracts required in carrying out the provisions of this article may be executed and delivered on behalf of the department by the director.

Section 50‑3‑550. Unless otherwise provided, the proceeds of the sale must be deposited with the State Treasurer to the credit of the Fish and Wildlife Protection Fund.”

**Time effective**

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

Ratified the 25th day of May, 2010.

Approved the 28th day of May, 2010.

\_\_\_\_\_\_\_\_\_\_