**South Carolina General Assembly**

118th Session, 2009-2010

**A48, R109, H3651**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Duncan, Umphlett, Anthony, Knight, Forrester and Hayes

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Introduced in the House on March 3, 2009

Introduced in the Senate on May 5, 2009

Last Amended on May 19, 2009

Passed by the General Assembly on May 21, 2009

Governor's Action: June 2, 2009, Signed

Summary: Forestry

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/3/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-03-09.docx)‑6

 3/3/2009 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-03-09.docx)‑6

 4/21/2009 House Member(s) request name added as sponsor: Hayes

 4/22/2009 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-22-09.docx)‑54

 4/28/2009 House Debate adjourned until Wednesday, April 29, 2009 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-28-09.docx)‑36

 4/29/2009 House Requests for debate‑Rep(s). Gullick, Littlejohn, Loftis, Kennedy, Crawford, Daning, Sellers, Duncan, Hart, Hiott, Vick, Parker, and King [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-29-09.docx)‑203

 4/30/2009 House Requests for debate removed‑Rep(s). Vick, Kennedy, Hiott, Loftis, Gullick, King, Daning, Duncan, Sellers, Hart, and Crawford [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑49

 4/30/2009 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑59

 4/30/2009 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑67

 4/30/2009 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-30-09.docx)‑67

 5/1/2009 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-01-09.docx)‑3

 5/5/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-05-09.docx)‑8

 5/5/2009 Senate Referred to Committee on **Fish, Game and Forestry** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-05-09.docx)‑8

 5/6/2009 Senate Committee report: Favorable **Fish, Game and Forestry** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-06-09.docx)‑15

 5/13/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-13-09.docx)‑81

 5/19/2009 Senate Amended [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-19-09.docx)‑21

 5/19/2009 Senate Read third time and returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-19-09.docx)‑21

 5/21/2009 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑32

 5/21/2009 House Roll call Yeas‑95 Nays‑2 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑32

 5/27/2009 Ratified R 109

 6/2/2009 Signed By Governor

 6/11/2009 Effective date 06/02/09

 6/12/2009 Act No. 48

**VERSIONS OF THIS BILL**

[3/3/2009](file:///p%3A%5Cpprever%5C2009-10%5C3651_20090303.docx)

[4/22/2009](file:///p%3A%5Cpprever%5C2009-10%5C3651_20090422.docx)

[4/30/2009](file:///p%3A%5Cpprever%5C2009-10%5C3651_20090430.docx)

[5/6/2009](file:///p%3A%5Cpprever%5C2009-10%5C3651_20090506.docx)

[5/19/2009](file:///p%3A%5Cpprever%5C2009-10%5C3651_20090519.docx)

(A48, R109, H3651)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑23‑205 SO AS TO PROVIDE CERTAIN DEFINITIONS, TO LIMIT THE AUTHORITY OF COUNTIES AND MUNICIPALITIES TO RESTRICT OR REGULATE CERTAIN FORESTRY ACTIVITIES, TO PROVIDE THE TERMS AND CONDITIONS OF CERTAIN PERMITTED REGULATIONS, AND TO PROVIDE EXEMPTIONS.**

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

**Forestry regulations, definitions, prohibitions on enforcement of certain laws, exemptions**

SECTION 1. Chapter 23, Title 48 of the 1976 Code is amended by adding:

 “Section 48‑23‑205. (A) For purposes of this section:

 (1) ‘Development’ means any activity, including timber harvesting, that is associated with the conversion of forestland to nonforest or nonagricultural use.

 (2) ‘Forestland’ means land supporting a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

 (3) ‘Forest management plan’ means a document or documents prepared or approved by a forester registered in this State that defines a landowner’s forest management objectives and describes specific measures to be taken to achieve those objectives. A management plan shall include silvicultural practices, objectives, and measures to achieve them, that relate to a stand or potential stand of trees that may be utilized for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

 (4) ‘Forestry activity’ includes, but is not limited to, timber harvest, site preparation, controlled burning, tree planting, applications of fertilizers, herbicides, pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices.

 (B) A county or municipality must not adopt or enforce any ordinance, rule, regulation, resolution, or permit related to forestry activities on forestland that is:

 (1) taxed on the basis of its present use value as forestland under Section 12‑43‑220(d);

 (2) managed in accordance with a forest management plan;

 (3) certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system;

 (4) subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or

 (5) managed and harvested in accordance with the best management practices established by the State Commission of Forestry pursuant to Section 48‑36‑30.

 (C) This section does not limit, expand, or otherwise alter the authority of a county or municipality to:

 (1) regulate activities associated with development, provided that a county or municipality requires a deferral of consideration of an application for a building permit, a site disturbance or subdivision plan, or any other approval for development that if implemented would result in a change from forest land to nonforest or nonagricultural use, the deferral may not exceed a period of up to:

 (a) one year after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees from the specific area included in a building permit, site disturbance or subdivision plan in item (1), and the removal qualified for an exemption contained in subsection (B); or

 (b) five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees from the specific area included in a building permit, site disturbance or subdivision plan in item (1), and the removal qualified for an exemption contained in subsection (B) for which the permit or approval is sought and the harvest was a wilful violation of the county regulations;

 (2) regulate trees pursuant to any act of the General Assembly;

 (3) adopt ordinances that are necessary to comply with any federal or state law, regulation, or rule; or

 (4) exercise its development permitting, planning, or zoning authority as provided by law.

 (D) A person whose application for a building permit, a site disturbance or subdivision plan, or any other approval for development is deferred pursuant to the provisions contained in this section may appeal the decision to the appropriate governmental authority.”

**Time effective**

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

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.

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