**A** **BILL**

TO AMEND CHAPTER 3, TITLE 49, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATER RESOURCES PLANNING AND COORDINATION BY ADDING ARTICLE 3, SO AS TO ENACT THE “SOUTH CAROLINA COMPREHENSIVE STATEWIDE WATER MANAGEMENT ACT OF 2009”, INCLUDING PROVISIONS TO REQUIRE THE DEVELOPMENT OF A STATEWIDE COMPREHENSIVE WATER MANAGEMENT PROGRAM; TO PROVIDE FOR PRINCIPLES ON WHICH SUCH PROGRAM MUST BE BASED; TO REQUIRE ALL WATER WITHDRAWAL PERMIT DECISIONS TO BE MADE IN ACCORDANCE WITH THE PROGRAM; TO PROVIDE FOR EFFECT OF NONCOMPLIANCE WITH THE PROGRAM; TO PROVIDE FOR A SOUTH CAROLINA WATER PLANNING COMMITTEE AND FOR ITS COMPOSITION AND DUTIES; TO PROVIDE PROCEDURES FOR PROGRAM DEVELOPMENT, ADOPTION, AND REVISION; TO DESIGNATE SECTION 49‑3‑10 THROUGH SECTION 49‑3‑50 OF THE 1976 CODE AS ARTICLE 1, CHAPTER 3 OF TITLE 49; AND TO REPEAL CHAPTER 21 OF TITLE 49 RELATING TO THE INTERBASIN TRANSFER OF WATER UPON APPROVAL OF THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF THE STATEWIDE COMPREHENSIVE WATER MANAGEMENT PROGRAM PROVIDED ABOVE.

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

SECTION 1. (A) The General Assembly finds and declares that the South Carolina Water Plan, Second Edition, January 2004, shall be used as a foundation and be enhanced for the development of a water program for South Carolina. The General Assembly also finds that:

(1) a comprehensive statewide water management act for this State is needed. This act shall result in the development of a water management program for South Carolina and must be developed by the Land, Water and Conservation Division of the Department of Natural Resources;

(2) such a program must support a structured, yet flexible, approach to state and regional water planning and provide guidance and incentives for regional and local water planning efforts; and

(B) Development of the water management program shall be conducted under the guidance of an eleven member South Carolina Water Planning Committee. The membership, duties, and functions of the Water Planning Committee shall be as provided in Section 49‑3‑370 and with the chairman appointed by the Governor.

(C) State and regional water planning efforts of the Water Planning Committee must be coordinated with and not supplant the existing efforts of other state agencies.

SECTION 2. Section 49‑3‑10 through Section 49‑3‑50 are designated as Article 1, Chapter 3, Title 49 of the 1976 Code.

SECTION 3. Chapter 3 of Title 49 of the 1976 Code is amended by adding:

“Article 3

Comprehensive Statewide Water Management Act

Section 49‑3‑300. This article shall be known and may be cited as the ‘Comprehensive Statewide Water Management Act of 2009’.

Section 49‑3‑310. As used in this article, the term:

(1) ‘Chairman’ means the chairman of the South Carolina Water Planning Committee.

(2) ‘Committee’ means the South Carolina Water Planning Committee.

Section 49‑3‑320. The committee shall develop and propose a Comprehensive Statewide Water Management Program consistent with this article in order to manage water resources of this State in a sustainable manner to protect public health and natural systems, support the state’s economy and enhance the quality of life for all citizens of the State of South Carolina.

Section 49‑3‑330. The following principles shall guide the work of the division in developing the comprehensive statewide water management program:

( 1) effective water resources management protects public health and the safety and welfare of South Carolina’s citizens;

( 2) water resources are to be managed in a sustainable manner so that current and future generations have access to adequate supplies of quality water that support both human needs and natural systems;

( 3) all citizens have a stewardship responsibility to conserve and protect the water resources of South Carolina;

( 4) water resources management efforts shall have a sound scientific foundation and recognize that economic prosperity and environmental quality are interdependent;

( 5) water quality and quantity and surface and ground water are interrelated and require integrated management as well as reasonable and efficient use;

( 6) a comprehensive and accessible database must be developed to provide sound scientific and economic information upon which effective water resources management decisions may be based;

( 7) water resources management encourages local and regional innovation, implementation, adaptability, and responsibility for watershed and river basin management;

( 8) water resource management during periods of drought, or for purposes of drought planning, must include specific processes for continuous basin monitoring and the ability to adjust and adapt policies and methods as necessary;

( 9) sound water resources management involves meaningful participation, coordination, and cooperation among interested and affected stakeholders and citizens as well as all levels of governmental and other entities managing or utilizing water;

(10) periodic revisions of the comprehensive statewide water management program may be required to accommodate new scientific and policy insights as well as changing social, economic, cultural, and environmental factors.

Section 49‑3‑340. The comprehensive statewide water management program shall:

(1) develop water policies which shall guide river basin and aquifer management plans, regional and river basin water planning efforts, and local water plans;

(2) propose processes to manage and implement the recommended water policies;

(3) include methods suggesting how the public may participate in the creation and revision of these policies and plans;

(4) suggest revisions, where and if necessary, of the current duties and organizational responsibilities of water management and administrative departments within the State to provide greater oversight and management of all water policies;

(5) establish regional water basin management councils for each water basin in the State. It is anticipated that each regional water planning council, when formed, shall prepare recommended water planning and conservation plans for each basin, consistent with the comprehensive statewide water management program, and relate those needs to adjacent regions as well as comparing water capacity to water needs and providing a process to resolve water shortages.

Section 49‑3‑350. The committee also shall include a review and revision of all planning and approval processes relating to water withdrawal and permitting as part of this article and the comprehensive statewide water management program that has been approved or enacted by the General Assembly as provided by this article. Any political subdivision or local water authority that is not in compliance with the program is ineligible for state grants or loans for water projects, except for those projects designed to bring the political subdivision or local water authority into compliance with the program.

Section 49‑3‑360. (A) The committee shall work in cooperation, coordination, and communication with any other state, local, regional, or federal agency as appropriate to develop a comprehensive statewide water management program.

(B) The committee shall solicit extensive stakeholder involvement in the development of the proposed comprehensive statewide water management program and specifically including stakeholders as part of the advisory committees as provided in subsection (C)(2)(a). The stakeholders shall include, without limitation, other state agencies such as the Department of Health and Environmental Control, the Department of Natural Resources, the Department of Agriculture, and the Forestry Commission, nonprofit advocacy organizations such as local lake or water associations and environmental groups; universities; business organizations such as energy and water companies or other utility councils; local government entities and associations of local government entities; and any other organizations or representative with specific expertise in a particular advisory committee investigation area.

(C) The General Assembly declares its intent that the following development phases of the statewide water management program along with expected completion dates for each phase be accomplished in the manner provided:

(1) Phase 1: Completion date June 30, 2009: The South Carolina General Assembly enacts this comprehensive Statewide Water Management Act for the purpose of developing a comprehensive statewide water management program.

(2) Phase 2: Completion date December 31, 2009:

(a) form the South Carolina Water Planning Committee, establish advisory committees and agree on guiding principles for future water management as listed in Section 49‑3‑330;

(b) appoint water‑experienced watershed managers for each South Carolina water basin to facility the efforts of the Basin Management Council for their respective basin, manage the basin, and coordinate with watershed managers from neighboring states as well as other federal and state agencies;

(c) agree on a process to develop a water program, review all issues, develop assumptions based on available data, develop recommendations, and discuss and resolve potential conflicts;

(d) decide on a state water management and administrative process, if necessary;

(e) determine Phase 3 funding.

(3) Phase 3: In three subphases identified below. Completion date June 30, 2012:

(a) Subphase 3A: Completion date June 30, 2011, develop the initial draft of the comprehensive statewide water management program for public comment;

(b) Subphase 3B: Completion date December 31, 2011, perform statewide reviews with stakeholders, make final revisions, determine Phase 4 funding, profile comprehensive statewide water management program for the 2012 General Assembly session;

(c) Subphase 3C: Completion date June 30, 2012, General Assembly approves the comprehensive statewide water management program by joint resolution.

(4) Phase 4: After June 30, 2012, implement the comprehensive statewide water management program as approved by the South Carolina General Assembly and defined in the program.

(D) The comprehensive statewide water management program as developed pursuant to this article must be approved by joint resolution of the General Assembly by June 30, 2012, and if not approved, its provisions shall not be implemented.

(E) The comprehensive statewide water management program shall embody those provisions necessary to regulate and provide for the interbasin transfer of water now provided for in Chapter 21, Title 49. Upon the approval of the General Assembly by joint resolution of the comprehensive statewide water management program as provided for in subsection (D), Chapter 21, Title 49 is repealed.

Section 49‑3‑370. (A) There is established a coordinating committee to be known as the ‘South Carolina Water Planning Committee’. The committee shall consist of the following members:

(1) one member appointed by the Speaker of the House of Representatives who shall not be a member of the General Assembly and who shall serve for a term of four years and until a successor is appointed and qualifies;

(2) one member appointed by the President Pro Tempore of the Senate who shall not be a member of the General Assembly and who shall serve for a term of four years and until a successor is appointed and qualifies;

(3) one member appointed by the Governor who shall act as chairman of the committee and who shall serve for a term of four years and until a successor is appointed and qualifies;

(4) two members to serve ex officio one of whom shall be the chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee or his designee and the other member to be the chairman of the Senate Agriculture and Natural Resources Committee or his designee;

(5) ten members who shall be elected by the General Assembly for terms of four years each and until their successors are selected and qualify from South Carolina organizations having water related impacts such as local water and sewer authorities, publicly owned electrical power facilities, state regulatory agencies, academic institutions, water management agencies, and others with the relevant water backgrounds.

Any vacancy among the non ex officio members of the committee appointed members of the committee must be filled in the same manner as the original appointment for the unexpired term.

The committee shall direct all organizations and personnel associated with the development of the comprehensive statewide water management program in order to accomplish the objectives stated in this article.

(B) The committee in performing its duties shall:

( 1) develop and manage the overall project plan for the development of the comprehensive statewide water management program including the development process and schedule of activities;

( 2) ensure coordination, cooperation, and communication among state agencies;

( 3) establish, guide, and provide support for any advisory committees that may be required to support various aspects of the comprehensive statewide water management program development;

( 4) prepare and submit a budget for the operation of the committee and the development of the comprehensive statewide water management program;

( 5) engage, from funds provided by the General Assembly, certain services such as those of the Clemson University Center for Watershed Excellence, for the purposes of providing:

(a) research and technical assistance to the committee and any other water plan advisory committees in the areas of water policy, technical issues, and management; and

(b) administrative assistance for the development and publication of the comprehensive statewide water management program during the development phases of the program;

( 6) provide input to the General Assembly, the Governor, and other agencies as required concerning the comprehensive statewide water management program development;

( 7) convene no less than monthly through Phase 3;

( 8) review advisory committee reports and recommendations and compile the information into a draft comprehensive statewide water management program;

( 9) manage a process for tentative approval of the comprehensive statewide water management program by the General Assembly and Governor;

(10) perform statewide stakeholder reviews of the draft comprehensive statewide water management program and revise as required; and

(11) manage process for final approval of the comprehensive statewide water management program by the General Assembly and the Governor.

Section 49‑3‑380. The authority of the committee conferred by this article must be performed in conjunction with the concurrent authority of any other state or local agency or entity.”

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

‑‑‑‑XX‑‑‑‑