**A** **BILL**

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

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

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

“Section 48‑23‑205. (A) The following definitions apply to this section:

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

(2) ‘Forest land’ 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) ‘Forestry’ means any professional service relating to forestry, such as consultation, investigation, evaluation, planning or responsible supervision of forest management, protection, silviculture, measurements, utilization, economics, education, or other forestry activities in connection with any public or private lands.

(4) ‘Forest management plan’ means a document prepared or approved by a South Carolina registered forester that defines a landowner’s forest management objectives and describes specific measures to be taken to achieve those objectives. A forest management plan shall include silvicultural practices that both ensure forest productivity and environmental protection of land by either commercially growing timber through the establishment of forest stands or by ensuring the proper regeneration of forest stands in accordance with the management plan after the harvest of timber.

(5) ‘Forestry activity’ means any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber, provided that such activities comply with existing state regulations pertaining to forestry.

(6) ‘Registered forester’ means a person who has registered and qualified to engage in professional forestry practices as defined by state law.

(B) A county or municipality shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates either:

(1) forestry activity on forestland that is taxed on the basis of its present use value as forest land under Section 12‑43‑220(d); or

(2) forestry activity that is conducted in accordance with a forest management plan.

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

(1) regulate activity associated with development. A county or municipality may deny a building permit or refuse to approve a site disturbance or subdivision plan that if implemented would result in a change from forestland to nonforest or nonagricultural use for either a period of up to:

(a) three years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under county or municipal regulations governing development from the tract of land for which the permit or approval is sought; 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 that were protected under county or municipal regulations governing development from the tract of land for which the permit or approval is sought and the harvest was a wilful violation of the county or municipal regulations.

Three or five year moratorium on permit approval shall terminate upon transfer of ownership through inheritance;

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

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

(4) exercise its planning or zoning authority as provided by law.”

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

‑‑‑‑XX‑‑‑‑