**South Carolina General Assembly**

121st Session, 2015-2016

**A204, R224, S788**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Campsen

Document Path: l:\council\bills\nbd\11119cz15.docx

Companion/Similar bill(s): 4215

Introduced in the Senate on May 19, 2015

Introduced in the House on March 3, 2016

Last Amended on May 3, 2016

Passed by the General Assembly on May 24, 2016

Governor's Action: June 3, 2016, Signed

Summary: Managed Tidal Impoundment Preservation Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/19/2015 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\SJ%20Archive\2015\05-19-15.docx))

5/19/2015 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 9](file:///h:\SJ%20Archive\2015\05-19-15.docx))

2/25/2016 Senate Committee report: Favorable with amendment **Agriculture and Natural Resources** ([Senate Journal‑page 10](file:///h:\SJ%20Archive\2016\02-25-16.docx))

2/26/2016 Scrivener's error corrected

3/1/2016 Senate Committee Amendment Adopted ([Senate Journal‑page 9](file:///h:\SJ%20Archive\2016\03-01-16.docx))

3/1/2016 Senate Read second time ([Senate Journal‑page 9](file:///h:\SJ%20Archive\2016\03-01-16.docx))

3/1/2016 Senate Roll call Ayes‑34 Nays‑0 ([Senate Journal‑page 9](file:///h:\SJ%20Archive\2016\03-01-16.docx))

3/2/2016 Senate Read third time and sent to House ([Senate Journal‑page 10](file:///h:\SJ%20Archive\2016\03-02-16.docx))

3/3/2016 House Introduced and read first time ([House Journal‑page 12](file:///h:\HJ%20Archive\2016\03-03-16.docx))

3/3/2016 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 12](file:///h:\HJ%20Archive\2016\03-03-16.docx))

4/21/2016 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 2](file:///h:\HJ%20Archive\2016\04-21-16.docx))

4/26/2016 House Debate adjourned until Tues., 5‑3‑16 ([House Journal‑page 180](file:///h:\HJ%20Archive\2016\04-26-16.docx))

5/3/2016 House Amended ([House Journal‑page 18](file:///h:\HJ%20Archive\2016\05-03-16.docx))

5/3/2016 House Read second time ([House Journal‑page 18](file:///h:\HJ%20Archive\2016\05-03-16.docx))

5/3/2016 House Roll call Yeas‑104 Nays‑0 ([House Journal‑page 18](file:///h:\HJ%20Archive\2016\05-03-16.docx))

5/4/2016 House Read third time and returned to Senate with amendments ([House Journal‑page 10](file:///h:\HJ%20Archive\2016\05-04-16.docx))

5/24/2016 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 109](file:///h:\SJ%20Archive\2016\05-24-16.docx))

5/24/2016 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 109](file:///h:\SJ%20Archive\2016\05-24-16.docx))

6/2/2016 Ratified R 224

6/3/2016 Signed By Governor

6/9/2016 Effective date 06/03/16

6/9/2016 Act No. 204

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**VERSIONS OF THIS BILL**

[5/19/2015](file:///p:\pprever\2015-16\788_20150519.docx)

[2/25/2016](file:///p:\pprever\2015-16\788_20160225.docx)

[2/26/2016](file:///p:\pprever\2015-16\788_20160226.docx)

[3/1/2016](file:///p:\pprever\2015-16\788_20160301.docx)

[4/21/2016](file:///p:\pprever\2015-16\788_20160421.docx)

[5/3/2016](file:///p:\pprever\2015-16\788_20160503.docx)

(A204, R224, S788)

**AN ACT TO AMEND SECTION 48‑39‑150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPROVAL OF PERMITS TO ALTER CRITICAL AREAS, SO AS TO ENACT THE “MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT”, BY EXEMPTING PROPERTY THAT IS DEEMED ELIGIBLE UNDER A UNITED STATES ARMY CORP OF ENGINEERS’ GENERAL PERMIT FROM PERMITTING REQUIREMENTS IN CERTAIN CIRCUMSTANCES AND GRANTING ENFORCEMENT AUTHORITY TO THE COASTAL DIVISION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.**

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

**Act Citation**

SECTION 1. This act must be known and may be cited as the “Managed Tidal Impoundment Preservation Act”.

**Eligible property exempt from permitting regulations for maintenance and repair**

SECTION 2. Section 48‑39‑150 of the 1976 Code, as last amended by Act 41 of 2011, is further amended by adding an appropriately lettered subsection to read:

“( )(1) A property that is deemed eligible under a general permit issued by the United States Army Corp of Engineers is exempt from the permitting requirements set forth in this chapter for routine, normal, or emergency maintenance or repair activities pursuant to the general permit within currently functioning:

(a) tidal impoundment fields located in tidal navigable waters of the United States, as the term is used in Section 10 of the Rivers and Harbors Act of 1899; or

(b) adjacent nontidal fields that rely on the outgoing tide to drain, where the water regimes of the fields are currently being manipulated for wildlife management or where the fields have all of the necessary embankments and structures in place to allow for the manipulation of the water regimes for wildlife management.

(2) The division may enforce the conditions of the general permit issued by the United States Army Corp of Engineers in the same manner and with the same authority as if the division had approved the permit pursuant to the provisions of this chapter.”

**Intent**

SECTION 3. The intent of the General Assembly is to make this act applicable to property deemed eligible under the United States Army Corps of Engineers, Charleston District’s Managed Tidal Impoundment General Permit Number SAC‑2011‑1157 and its successors.

**Time effective**

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

Ratified the 2nd day of June, 2016.

Approved the 3rd day of June, 2016.

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