**South Carolina General Assembly**

123rd Session, 2019-2020

**A74, R94, H4012**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hixon, Tallon, Johnson and R. Williams

Document Path: l:\council\bills\nbd\11150cz19.docx

Introduced in the House on February 19, 2019

Introduced in the Senate on April 10, 2019

Last Amended on May 9, 2019

Passed by the General Assembly on May 9, 2019

Governor's Action: May 16, 2019, Signed

Summary: Land Resources Conservation Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/19/2019 House Introduced and read first time ([House Journal‑page 39](file:///h:\hj\20190219.docx))

2/19/2019 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 39](file:///h:\hj\20190219.docx))

3/27/2019 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 32](file:///h:\hj\20190327.docx))

4/2/2019 House Member(s) request name added as sponsor: R.Williams

4/2/2019 House Debate adjourned until Wed., 4‑3‑19 ([House Journal‑page 42](file:///h:\hj\20190402.docx))

4/4/2019 House Read second time ([House Journal‑page 61](file:///h:\hj\20190404.docx))

4/4/2019 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 62](file:///h:\hj\20190404.docx))

4/9/2019 House Read third time and sent to Senate ([House Journal‑page 9](file:///h:\hj\20190409.docx))

4/10/2019 Senate Introduced and read first time ([Senate Journal‑page 19](file:///h:\sj\20190410.docx))

4/10/2019 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 19](file:///h:\sj\20190410.docx))

4/25/2019 Senate Committee report: Favorable **Agriculture and Natural Resources** ([Senate Journal‑page 9](file:///h:\sj\20190425.docx))

5/7/2019 Senate Amended ([Senate Journal‑page 94](file:///h:\sj\20190507.docx))

5/7/2019 Senate Read second time ([Senate Journal‑page 94](file:///h:\sj\20190507.docx))

5/7/2019 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 94](file:///h:\sj\20190507.docx))

5/8/2019 Scrivener's error corrected

5/8/2019 Senate Read third time and returned to House with amendments ([Senate Journal‑page 71](file:///h:\sj\20190508.docx))

5/9/2019 House Senate amendment amended ([House Journal‑page 42](file:///h:\hj\20190509.docx))

5/9/2019 House Returned to Senate with amendments ([House Journal‑page 42](file:///h:\hj\20190509.docx))

5/9/2019 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 66](file:///h:\sj\20190509.docx))

5/13/2019 Ratified R 94

5/16/2019 Signed By Governor

5/31/2019 Effective date 05/16/19

6/5/2019 Act No.  74

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**VERSIONS OF THIS BILL**

[2/19/2019](file:///p:\pprever\2019-20\4012_20190219.docx)

[3/27/2019](file:///p:\pprever\2019-20\4012_20190327.docx)

[4/25/2019](file:///p:\pprever\2019-20\4012_20190425.docx)

[5/7/2019](file:///p:\pprever\2019-20\4012_20190507.docx)

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(A74, R94, H4012)

**AN ACT TO AMEND SECTIONS 48‑9‑15 AND 48‑9‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO DEFINITIONS APPLICABLE TO CHAPTER 9, TITLE 48, SO AS TO REDEFINE THE TERM “DIVISION”, DEFINE THE TERM “BOARD”, AND EXPAND THE DEFINITION OF “THE UNITED STATES”; TO AMEND SECTION 48‑9‑45, RELATING TO THE LAND, RESOURCES, AND CONSERVATION DISTRICTS DIVISION, SO AS TO UPDATE THE NAME OF THE DIVISION; TO AMEND SECTION 48‑9‑50, RELATING TO AGENCIES OPERATING PUBLIC LANDS, SO AS TO DELETE A REFERENCE TO CERTAIN LAND USE REGULATIONS; TO AMEND SECTION 48‑9‑220, RELATING TO GEOGRAPHIC AREAS FOR THE STATE LAND RESOURCES CONSERVATION COMMISSION, SO AS TO REFORMAT THE STATE LAND RESOURCES CONSERVATION COMMISSION INTO THE LAND, WATER, AND CONSERVATION DIVISION ADVISORY COMMITTEE; TO AMEND SECTION 48‑9‑310, RELATING TO ESTIMATES OF FINANCIAL NEEDS FOR SOIL AND WATER CONSERVATION DISTRICTS, SO AS TO REMOVE UNNECESSARY STATUTORY REQUIREMENTS THAT ARE NOW ACCOMPLISHED THROUGH THE BUDGETING PROCESS; TO AMEND SECTION 48‑9‑1220, RELATING TO THE NOMINATION AND ELECTION OF COMMISSIONERS, SO AS TO UPDATE AN EXISTING REFERENCE TO REFLECT THE ROLE OF THE STATE ELECTION COMMISSION TO DETERMINE ELECTORS; TO AMEND SECTION 48‑9‑1250, RELATING TO THE USE OF COUNTY AGRICULTURAL AGENTS, SO AS TO REMOVE REFERENCES TO DISCONTINUED PRACTICES; TO AMEND SECTION 48‑11‑10, RELATING TO DEFINITIONS APPLICABLE TO WATERSHED CONSERVATION DISTRICTS, SO AS TO ALTER THE DEFINITION OF THE TERM “DIVISION”; TO REPEAL SECTION 48‑9‑40 RELATING TO THE RENAMING OF THE STATE LAND RESOURCES CONSERVATION COMMISSION; TO REPEAL SECTION 48‑9‑230 RELATING TO ADVISORS TO THE LAND RESOURCES AND CONSERVATION DISTRICTS DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES; TO REPEAL ARTICLE 13 OF CHAPTER 9, TITLE 48 RELATING TO LAND USE REGULATIONS; AND TO REPEAL ARTICLE 15 OF CHAPTER 9, TITLE 48 RELATING TO THE BOARD OF ADJUSTMENT FOR A NEWLY ORGANIZED SOIL AND WATER CONSERVATION DISTRICT.**

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

**Soil and Water Conservation Districts, definitions**

SECTION 1. A. Section 48‑9‑15(2) of the 1976 Code is amended to read:

“(2) ‘Division’ means the Land, Water, and Conservation Division of the Department of Natural Resources.”

B. Section 48‑9‑30(8) of the 1976 Code is amended to read:

“(8) ‘United States’ or ‘agencies of the United States’ includes the United States of America, the Natural Resources Conservation Service of the United States Department of Agriculture and its successors, and any other agency or instrumentality, corporate or otherwise, of the United States of America;”

C. Section 48‑9‑30 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) ‘Board’ means the governing body of the Department of Natural Resources.”

**Land Resources and Conservation Districts renamed Land, Water, and Conservation Division**

SECTION 2. Section 48‑9‑45 of the 1976 Code is amended to read:

“Section 48‑9‑45. The Land, Water, and Conservation Division, shall be directly accountable to and subject to the director of the department.”

**Conforming amendment**

SECTION 3. Section 48‑9‑50 of the 1976 Code is amended to read:

“Section 48‑9‑50. Agencies of this State which shall have jurisdiction over or be charged with the administration of any state‑owned lands and agencies of any county or other governmental subdivision of the State which shall have jurisdiction over or be charged with the administration of any county owned or other publicly owned lands, lying within the boundaries of any district organized under this chapter, shall cooperate to the fullest extent with the commissioners of such districts in the effectuation of programs and operations undertaken by the commissioners under the provisions of this chapter. The commissioners of such districts shall be given free access to enter and perform work upon such publicly owned lands. ”

**Conforming amendment, Advisory Committee**

SECTION 4. A. Section 48‑9‑220 of the 1976 Code is amended to read:

“Section 48‑9‑220. For the purpose of selecting the five soil and water conservation district commissioners to serve as members of the Land, Water, and Conservation Division Advisory Committee, the State is divided into five areas, to wit:

(1) Area 1, the counties of Abbeville, Anderson, Cherokee, Greenville, Laurens, Oconee, Pickens, Spartanburg and Union;

(2) Area 2, the counties of Aiken, Calhoun, Edgefield, Greenwood, Lexington, McCormick, Newberry, Richland and Saluda;

(3) Area 3, the counties of Chester, Chesterfield, Darlington, Fairfield, Kershaw, Lancaster, Lee, Marlboro and York;

(4) Area 4, the counties of Berkeley, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Sumter and Williamsburg; and

(5) Area 5, the counties of Allendale, Bamberg, Barnwell, Beaufort, Charleston, Colleton, Dorchester, Hampton, Jasper and Orangeburg.”

B. Article 3, Chapter 9, Title 48 is redesignated as ‘Land, Water, and Conservation Division Advisory Committee’.

**Reporting of financial needs to the Governor eliminated**

SECTION 5. Section 48‑9‑310 of the 1976 Code is amended to read:

“Section 48‑9‑310. The department may require the commissioners of the respective soil and water conservation districts to submit to it such statements, estimates, budgets and other information as it may deem necessary.”

**Nomination and election of Commissioners, updated dates**

SECTION 6. Section 48‑9‑1220 of the 1976 Code is amended to read:

“Section 48‑9‑1220. Effective November, 1982, and in November of the appropriate years thereafter, three commissioners from each district must be elected. The election must be nonpartisan and must be conducted by the county election commission at the same time as other county officers are elected in the general election.

To be placed on the ballot for county offices, each candidate shall submit to the county election commission a nominating petition with the signatures of one hundred qualified registered electors or one percent of the qualified registered electors of the district, whichever is lesser.

The nominees in the petition must be placed on the appropriate official ballot for the election if the petition is submitted to the county election commission not later than twelve noon on July fifteenth or, if July fifteenth falls on Sunday, no later than twelve noon on the following Monday. The form of the petition must comply with the requirements in Section 7‑11‑80 pertaining to the conduct of general elections not conflicting with this section. Candidates must be qualified registered electors and residents of the district in which elected.

The three candidates who receive the largest number of votes cast in the election are elected and shall assume office the following February first.

This election must be conducted pursuant to Title 7, mutatis mutandis, except as otherwise provided for in this section.

Effective with the 1990 election, the two candidates who receive the highest number of votes shall serve for terms of four years each and the other candidate who receives the next highest number of votes shall serve for a term of two years. Thereafter, their successors must be elected in a nonpartisan election to be held at the same time as the general election for terms of four years each.”

**County agricultural agents, deleted discontinued practices**

SECTION 7. Section 48‑9‑1250 of the 1976 Code is amended to read:

“Section 48‑9‑1250. The commissioners may employ such additional employees and agents, permanent and temporary, as they may require and shall determine their qualifications, duties and compensation. The commissioners may delegate to their chairman or to one or more agents, or employees such powers and duties as they may deem proper. The commissioners may call upon the Attorney General of the State for such legal services as they may require or may employ their own counsel and legal staff.”

**Conforming amendments**

SECTION 8. Section 48‑11‑10(13) of the 1976 Code is amended to read:

“(13) ‘Division’ means Land, Water, and Conservation Division.”

**Repeal**

SECTION 9. Sections 48‑9‑40 and 48‑9‑230 of the 1976 Code are repealed. Articles 13 and 15 of Chapter 9, Title 48 of the 1976 Code are repealed.

**Time effective**

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

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