**South Carolina General Assembly**

118th Session, 2009-2010

**S. 494**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cromer, Grooms, Sheheen, Hutto, McGill, Land, Rankin, Coleman and Verdin

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Introduced in the Senate on February 26, 2009

Currently residing in the Senate Committee on **Fish, Game and Forestry**

Summary: Forestry activities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\02-26-09.docx)‑4

2/26/2009 Senate Referred to Committee on **Fish, Game and Forestry** [SJ](file:///h:\SJ%20Archive\2009\02-26-09.docx)‑4

**VERSIONS OF THIS BILL**

[2/26/2009](file:///p:\pprever\2009-10\494_20090226.docx)

**A** **BILL**

TO AMEND CHAPTER 23, TITLE 48 OF THE 1976 CODE, RELATING GENERALLY TO FORESTRY, BY ADDING SECTION 48‑23‑300 TO PLACE LIMITS ON ANY COUNTY OR MUNICIPAL ORDINANCE, RULE, REGULATION, OR RESOLUTION CONCERNING FORESTRY ACTIVITIES.

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 48‑23‑300. (A) For purposes of this section:

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

(2) ‘Forest land’ means land supporting a stand or potential stand of trees that may be utilized for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

(3) ‘Forestry service’ means any professional service relating to a forestry management plant or forestry activity including, but not limited to, 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 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 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 South Carolina rules and regulations pertaining to forestry.

(B) A county or municipality shall not adopt or enforce any ordinance, rule, regulation, or resolution related to:

(1) forestry activities on forestland that is taxed on the basis of its present‑use value as forestland under Section 12‑43‑220(d) of the 1976 Code;

(2) forestry activities that are conducted in accordance with a forest management plan.

(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) 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 forest land to non‑forest or non‑agricultural use, for a period of up to:

(i) 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

(ii) 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 willful violation of the county regulations;

(b) a county or municipality may not continue to deny a permit pursuant to item (a) if ownership of the tract of land for which the permit is sought transfers 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, regulation, or rule; or

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

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

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