~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 26, 2010

**S. 1051**

Introduced by Senator Davis

S. Printed 5/26/10--H.

Read the first time May 4, 2010.

**A** **BILL**

TO AMEND SECTION 48‑39‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS, EXCEPTIONS, AND SPECIAL PERMITS CONCERNING CONSTRUCTION AND RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SET BACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND THE FORTY‑YEAR RETREAT POLICY.

Amend Title To Conform

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

SECTION 1. Section 48-39-290(B)(2)(e) of the 1976 Code is amended to read:

“(e) ~~Subitem (a) does not apply to a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet of which twenty thousand, ninety feet of shoreline is revetted with existing erosion control devices and one hundred twenty feet of shoreline is not revetted with existing erosion control devices. Nothing contained in this subitem makes this island eligible for each renourishment funds~~ Section 48‑39‑280 and Section 48‑39‑290(B)(2)(a) do not apply to a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet which is entirely revetted with existing erosion control devices. Nothing contained in this subitem makes this island eligible for beach renourishment funds. The baseline is established on this private island at the landward edge of the existing revetment and the setback line is established twenty feet landward of the baseline.”

SECTION 2. Chapter 39, Title 48 of the 1976 Code is amended by adding:

“Section 48-39-285. In utilizing the best available historical data for the implementation of the forty-year policy of retreat from the shoreline, as provided for in Section 48-39-280(B), and as may otherwise be relied upon by the department, the department shall use historical data dating back no more than fifty years unless the department obtains the approval of the General Assembly by joint resolution authorizing the department to use earlier data. In seeking to obtain such approval, the department shall submit to the House Committee on Agriculture, Natural Resources and Environmental Affairs and the Senate Committee on Agriculture and Natural Resources the necessity and rationale for using earlier data.”

SECTION 3. This act takes effect upon approval by the Governor.

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