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COMMITTEE REPORT

April 29, 2010

**S. 1261**

Introduced by Senator Cromer

S. Printed 4/29/10--H.

Read the first time March 25, 2010.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 1261) to amend Article 5, Chapter 3, Title 50, Code of Laws of South Carolina, 1976, relating to the cutting of timber on lands held by the Department of Natural Resources, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting Section 50-3-515 on page 2, lines 26-36 and inserting:

/ Section 50‑3‑515. Notwithstanding any other provision of law, lands which were used for agriculture or managed forestland before acquisition by the department must be managed and the timber harvested to provide optimum fish and wildlife habitat. The department must use Best Management Practices as prescribed by the South Carolina Forestry Commission, or its successor, in managing and harvesting timber. If the department uses Best Management Practices, when managing or harvesting timber there is no adverse effect on historical properties or archeological sites./

Renumber sections to conform.

Amend title to conform.

JEFF D. DUNCAN for Committee.

**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 3, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CUTTING OF TIMBER ON LANDS HELD BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE TECHNICAL CORRECTIONS; TO DELETE OBSOLETE REFERENCES; TO REQUIRE THE DEPARTMENT TO COORDINATE THE CUTTING AND SALE OF SUCH TIMBER WITH THE STATE FORESTER, RATHER THAN TO SUBMIT THE MATTER TO THE STATE FORESTER FOR APPROVAL; TO PROVIDE THAT LAND OWNED BY THE DEPARTMENT THAT WAS PREVIOUSLY USED FOR AGRICULTURE OR MANAGED FOREST LAND MUST BE MANAGED TO PROVIDE OPTIMUM FISH AND WILDLIFE HABITAT AND TIMBER PRODUCTION; TO REVISE PROCEDURES FOR ADVERTISING FOR BIDS ON THE TIMBER; TO PROVIDE PROCEDURES FOR THE HARVEST AND SALE OF TIMBER IF AN EMERGENCY OR NATURAL DISASTER OCCURS NECESSITATING IMMEDIATE HARVESTING OF TIMBER; TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT, RATHER THAN THE BOARD, TO EXECUTE DEEDS AND CONTRACTS REQUIRED IN CARRYING OUT THIS ARTICLE; AND TO PROVIDE THAT, UNLESS OTHERWISE PROVIDED FOR, THE PROCEEDS OF THESE TIMBER SALES MUST CONTINUE TO BE CREDITED TO THE FISH AND WILDLIFE PROTECTION FUND.

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

SECTION 1. Article 5, Chapter 3, Title 50 of the 1976 Code is amended to read:

“Article 5

Cutting of Timber on Lands Held by Department

Section 50‑3‑510. The department may, subject to the provisions of this article, contract for the ~~selective cutting and sale~~ harvest of timber on any lands held by the department ~~on behalf of its Wildlife and Freshwater Fish Division~~. No contract for such cutting and sale ~~shall~~ may be entered into and no timber ~~shall~~ may be cut or sold unless the board ~~decides~~ votes that the cutting and sale of ~~such~~ the timber is for the best interests of the department and the improvement of its lands, by reason of thinning the timber, harvesting the over‑age trees and improving general forestry conditions. ~~Prior to~~ Before selling or cutting ~~any such~~ the timber the ~~matter shall be submitted to the State Forester, who shall investigate the propriety of making such cutting and~~ department shall coordinate with the State Forester to have the timber cruised and an estimate of the value made. If the State Forester finds that the sale is not in keeping with good forestry practices or will adversely affect the remainder of the timber, the sale ~~shall~~ must not be made.

Section 50‑3‑515. Notwithstanding any other provision of law, lands owned by the department which have been used for agriculture or managed forestland before acquisition by the department must be managed and the timber harvested to provide optimum fish and wildlife habitat and timber production. The department must use Best Management Practices as prescribed by the South Carolina Forestry Commission, or its successor, in managing and harvesting timber. When managing or harvesting timber on a historical or archeological site using Best Management Practices does not constitute a disturbance of the historical or archeological sites.

Section 50‑3‑520. If the sale is ~~approved~~ recommended by the State Forester, the department shall publicly advertise for bids for ~~such~~ the timber ~~in at least two newspapers of general circulation in the area in which the timber is located, such advertisements to be published~~ at least ~~once a week for~~ three weeks ~~prior to~~ before the closing of the bidding. The ~~board shall have~~ department has the right to reject any and all bids, either on account of the amounts of the bids or the lack of experience and responsibility of the bidder. ~~Any~~ A sale agreed upon ~~shall~~ must be for cash.

Section 50‑3‑525. If an ecological or silviculture emergency or a natural disaster occurs that necessitates the immediate harvest of timber, upon the approval of the State Forester the department may immediately negotiate contracts for the harvest and sale of the timber. Ecological or silviculture emergencies include, but are not limited to, insect, fungal, or disease infestations, or fires.

Section 50‑3‑530. Any deeds or contracts required in carrying out the provisions of this article may~~, by resolution of the board,~~ be executed and delivered on ~~its~~ behalf ~~by its chairman and~~ of the department by the director.

~~Section 50‑3‑540.~~ ~~The State Forester shall have all trees to be cut properly marked prior to the commencement of the cutting.~~

Section 50‑3‑550. Unless otherwise provided, the proceeds of the sale must be deposited with the State Treasurer to the credit of the Fish and Wildlife Protection Fund.”

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

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