**A** **BILL**

TO AMEND SECTION 48‑59‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC ACCESS REQUIREMENTS FOR CONSERVATION EASEMENTS ACQUIRED IN WHOLE OR IN PART WITH REVENUES OF THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, SO AS TO PROVIDE THAT TRUST FUNDS AND ANY OTHER PUBLIC FUNDS OF THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE MAY NOT BE USED TO ACQUIRE A CONSERVATION EASEMENT OR OTHER INTEREST IN RIVERBANK PROPERTY UNLESS THE CONSERVATION EASEMENT OR OTHER PROPERTY INTEREST BY ITS TERMS SPECIFICALLY CONTINUES TO ALLOW PUBLIC ACCESS FOR FISHING AND HUNTING AND OTHER TRADITIONAL USES ASSOCIATED WITH FISHING AND HUNTING AND TO REQUIRE AN APPLICANT APPLYING FOR SOUTH CAROLINA CONSERVATION BANK TRUST FUND REVENUES FOR AN EASEMENT OR OTHER INTEREST IN RIVERBANK PROPERTY TO SPECIFY THE APPLICANT’S EFFORTS TO IDENTIFY THESE USES MADE BEFORE THE PROPERTY BECOMES SUBJECT TO A CONVERSATION EASEMENT OR OTHER OWNERSHIP INTEREST TRANSFER.

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

SECTION 1. Section 48‑59‑100 of the 1976 Code is amended to read:

“Section 48‑59‑100. (A) Notwithstanding any other provision of this chapter, an easement acquired in whole or in part with trust funds or any other public funds of this State and any political subdivision of this State must provide for public access consistent with the uses permitted by the terms of the easement.

(B)(1) Trust fund revenues and any other public funds of this State and any political subdivision of this State may not be used to acquire a conservation easement or other interest in riverbank property in this State unless the conservation easement or other property interest by its terms specifically allows public access for fishing and hunting and other traditional uses associated with fishing and hunting at least equal to such access before the other riverbank property becomes subject to a conservation easement or transfer of an ownership interest made possible in whole or in part by trust fund revenues or any other public funds of this State and any political subdivision of this State.

(2) An applicant for a loan or grant of trust fund revenues in connection with riverbank property must include in the application specifications required pursuant to Section 48‑59‑70(G)(4) the efforts the applicant has made to identify public access for fishing and hunting and other uses traditionally associated with fishing and hunting currently allowed.”

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

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