~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2015

**H. 3910**

Introduced by Reps. Duckworth, Hardee, Hixon, Hiott, Loftis, Collins, Johnson, H.A. Crawford, Hardwick, Goldfinch, Burns, Clemmons, Gagnon, Lowe and Ryhal

S. Printed 4/22/15--H.

Read the first time March 25, 2015.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3910) to amend Section 48‑39‑170, Code of Laws of South Carolina, 1976, relating to tidelands and wetlands, so as to provide a three‑year statute, 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 striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 48‑39‑170(C) of the 1976 Code is amended to read:

“(C) Any person who is determined to be in violation of any provision of this chapter by the department shall be liable for, and may be assessed by the department for, a civil penalty of not less than one hundred dollars nor more than one thousand dollars per day of violation. Whenever the department determines that any person is in violation of any permit, regulation, standard, or requirement under this chapter, the department may issue an order requiring such person to comply with such permit, regulation, standard, or requirement, including an order requiring restoration when deemed environmentally appropriate by the department; in addition, the department may bring a civil enforcement action under this section as well as seeking an appropriate injunctive relief under Section 48‑39‑160. The department must assert violations of any provision of this chapter relating to minor development activities within three years of the date of the violation, except if the department’s failure to assert the alleged violation resulted from a knowing or intentional attempt to withhold or conceal information relating to the alleged violation by the person against whom the violation is alleged. Failure to make application for, and subsequently receive, the required permit, permit modification, or permit amendment before commencing these activities must be considered to be an act of concealment. The provisions of this section apply to all enforcement actions pending as of January 1, 2015, and all future enforcement actions.”

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND SECTION 48‑39‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TIDELANDS AND WETLANDS, SO AS TO PROVIDE A THREE‑YEAR STATUTE OF LIMITATIONS ON ENFORCEMENT VIOLATIONS RELATING TO MINOR DEVELOPMENT ACTIVITIES AND TO PROVIDE EXCEPTIONS WHEN THE ALLEGED VIOLATOR KNOWINGLY OR INTENTIONALLY WITHHELD INFORMATION RELATING TO THE ALLEGED VIOLATION.

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

SECTION 1. Section 48‑39‑170(C) of the 1976 Code is amended to read:

“(C) Any person who is determined to be in violation of any provision of this chapter by the department shall be liable for, and may be assessed by the department for, a civil penalty of not less than one hundred dollars nor more than one thousand dollars per day of violation. Whenever the department determines that any person is in violation of any permit, regulation, standard, or requirement under this chapter, the department may issue an order requiring such person to comply with such permit, regulation, standard, or requirement, including an order requiring restoration when deemed environmentally appropriate by the department; in addition, the department may bring a civil enforcement action under this section as well as seeking an appropriate injunctive relief under Section 48‑39‑160. The department must assert violations of any provision of this chapter relating to minor development activities within three years of the date of the violation, except if the department’s failure to assert the alleged violation resulted from a knowing or intentional attempt to withhold or conceal information relating to the alleged violation by the person against whom the violation is alleged.”

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

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