**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 54‑7‑665 SO AS TO PROVIDE THAT IT IS NOT ILLEGAL FOR AN INDIVIDUAL FOR A NONCOMMERCIAL PURPOSE WITHOUT A HOBBY LICENSE BELOW THE MEAN HIGH WATER MARK TO GATHER ON A PUBLIC BEACH SEASHELLS, SHARK OR FISH TEETH, DRIFTWOOD, OR ANY OTHER LIKE ITEMS THAT COULD POSSIBLY BE CONSIDERED ARTIFACTUAL MATERIAL IF THESE ITEMS ARE NATURALLY FOUND FROM TIME TO TIME ON A BEACH AS A RESULT OF THE TIDAL OR OTHER FLOW OF THE OCEAN OR OTHER BODIES OF SALT, BRACKISH, OR FRESH WATER, AND TO REQUIRE A NONEXCLUSIVE COMMERCIAL LICENSE FOR AN INDIVIDUAL WHO DESIRES TO ENGAGE IN THIS ACTIVITY FOR A COMMERCIAL PURPOSE; TO AMEND SECTION 54‑7‑670, RELATING TO HOBBY LICENSES AND REQUIREMENTS PERTAINING TO HOBBY DIVERS UNDER THE UNDERWATER ANTIQUITIES ACT, SO AS TO PROVIDE THAT IF AN APPLICATION FOR A HOBBY LICENSE IS DENIED BY THE SOUTH CAROLINA INSTITUTE OF ARCHAEOLOGY AND ANTHROPOLOGY OR IF A HOBBY DIVER DISAGREES WITH A DECISION BY THE INSTITUTE, THE PERSON MAY APPEAL THE DECISION OR DENIAL TO THE SOUTH CAROLINA MUSEUM COMMISSION WITHIN THIRTY DAYS OF THE DECISION OR DENIAL, AND TO PROVIDE THAT THE COMMISSION MAY UPHOLD OR REVERSE THE DECISION OF THE INSTITUTE OR REMAND THE MATTER TO THE INSTITUTE FOR FURTHER ACTION CONSISTENT WITH INSTRUCTIONS FROM THE COMMISSION; AND TO AMEND SECTION 60‑13‑10, RELATING TO THE SOUTH CAROLINA MUSEUM COMMISSION, SO AS TO INCREASE THE MEMBERSHIP OF THE COMMISSION AND PROVIDE FOR THE MANNER OF FILLING VACANCIES.

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

SECTION 1. Article 5, Chapter 7, Title 54 of the 1976 Code is amended by adding:

“Section 54‑7‑665. (A) Nothwithstanding any other provision of law, it is not a violation of this article, chapter, or any other legal prohibition against the activity described in this section for an individual for a noncommercial purpose below the mean high water mark without a hobby license to gather on a public beach seashells, shark or fish teeth, driftwood, or any other like items that could possibly be considered artifactual material if these items are naturally found from time to time on a beach as a result of the tidal or other flow of the ocean or other bodies of salt, brackish, or fresh water. No reporting of any items collected as permitted by this section is required. The provisions of this section do not apply to state-owned beaches, coastal wildlife management areas, and federally protected beaches.

(B) Individuals who desire to engage in the activity described in subsection (A) for a commercial purpose must obtain a nonexclusive commercial license for this purpose from the institute at a cost of twenty-five dollars per year. This nonexclusive commercial license entitles the holder to engage in the permitted activity in any public area not otherwise restricted by the institute in the license. The institute also shall specify what type of reporting the license holder must make to the institute and the frequency of the reporting. A commercial purpose as used in this subsection includes, but is not limited to, a sale of the items collected or the inclusion of the items collected in other products offered for sale.”

SECTION 2. Section 54‑7‑670 of the 1976 Code is amended by adding a new subsection to read:

“( ) If an application for a hobby license is denied by the institute or if a hobby diver disagrees with a decision by the institute, the person may appeal this decision or denial to the South Carolina Museum Commission within thirty days of the decision or denial. The commission may uphold or reverse the decision of the institute or remand the matter to the institute for further action consistent with instructions from the commission.”

SECTION 3. Section 60‑13‑10 of the 1976 Code is amended to read:

“Section 60‑13‑10. There is hereby created the South Carolina Museum Commission composed of ~~ten~~ thirteen members appointed by the Governor for terms of four years and until their successors are appointed and qualify. One member shall be appointed from each congressional district of the State and three members shall be appointed at large. One of the at‑large members shall be appointed chairman of the commission by the Governor. Vacancies for any reason shall be filled in the manner of original appointment for the unexpired term. In addition to these members, there shall be three additional members of the commission, one appointed upon recommendation of the South Carolina Institute of Archeology and Anthropology, one who is engaged in the archeological profession, and one who is a certified diver. The initial terms of these three members must be for two years and until their successors are appointed and qualify, and after, their successors must be appointed for terms of four years each and until their successors are appointed and qualify.

Notwithstanding the provisions above prescribing four‑year terms for members of the commission, the members appointed from even‑numbered congressional districts and one at‑large member other than the chairman shall be initially appointed for terms of two years only. Vacancies in all seats must be filled in the manner of original appointment.”

SECTION 4. This act takes effect upon approval by the Governor.

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