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COMMITTEE REPORT

June 15, 2022

**H. 3055**

Introduced by Reps. Hixon, Forrest, W. Newton and Ligon

S. Printed 5/12/22--H.

Read the first time January 25, 2022.

**A** **BILL**

TO AMEND SECTION 48‑22‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE SOUTH CAROLINA GEOLOGICAL SURVEY UNIT, SO AS TO REQUIRE THE UNIT TO CONDUCT TOPOGRAPHIC MAPPING BY DECEMBER 31, 2022, AND AT LEAST EVERY SEVEN YEARS THEREAFTER, AND TO SHARE THE INFORMATION WITH THE DEPARTMENT’S FLOOD MITIGATION PROGRAM; TO AMEND SECTION 48‑4‑10, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO UPDATE THE NAMES OF THE DIVISIONS OF THE DEPARTMENT; TO AMEND SECTION 48‑4‑70, RELATING TO THE GENERAL DUTIES OF THE BOARD, SO AS TO REMOVE THE BOND REQUIREMENT; TO AMEND SECTION 50‑1‑220, RELATING TO THE APPLICATION OF THE PROVISIONS OF SECTIONS 50‑1‑180 TO 50‑1‑230 TO CERTAIN LANDS, SO AS TO REMOVE A REFERENCE TO A REPEALED STATUTE; TO AMEND SECTION 50‑3‑90, RELATING TO GAME AND FISH CULTURE OPERATIONS AND INVESTIGATIONS, SO AS TO REMOVE CERTAIN REQUIREMENTS BEFORE AN INVESTIGATION MAY BE CONDUCTED; TO AMEND SECTION 50‑3‑110, RELATING TO THE SUPERVISION OF ENFORCEMENT OFFICERS, SO AS TO UPDATE THE AGENCY NAME AND DELETE A REFERENCE TO A DISCONTINUED PRACTICE; TO AMEND SECTION 50‑3‑130, RELATING TO UNIFORMS AND EMBLEMS OF ENFORCEMENT OFFICERS, SO AS TO GRANT AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES TO PRESCRIBE THE OFFICIAL UNIFORM; TO AMEND SECTION 50‑3‑315, RELATING TO DEPUTY ENFORCEMENT OFFICERS, SO AS TO DELETE AN EXPIRED DIRECTIVE TO ESTABLISH A TRAINING PROGRAM; TO AMEND SECTION 50‑3‑320, RELATING TO THE TRANSMITTAL AND DELIVERY OF COMMISSIONS OF ENFORCEMENT OFFICERS, SO AS TO PROVIDE THE DEPARTMENT IS RESPONSIBLE TO MAINTAIN THE COMMISSIONS OF ENFORCEMENT OFFICERS AND TO DELETE A BOND REQUIREMENT; TO AMEND SECTION 50‑3‑350, RELATING TO THE OFFICIAL BADGE OF ENFORCEMENT OFFICERS, SO AS TO UPDATE THE AGENCY NAME FOR AN ENFORCEMENT OFFICER’S OFFICIAL BADGE; TO AMEND SECTION 50‑3‑395, RELATING TO THE AUTHORITY OF ENFORCEMENT OFFICERS TO ISSUE WARNING TICKETS, SO AS TO ALLOW THE DEPARTMENT TO ESTABLISH CERTAIN PROCEDURES WITHOUT PROMULGATING REGULATIONS; TO AMEND SECTION 50‑15‑10, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO PROVISIONS PROTECTING NONGAME AND ENDANGERED WILDLIFE SPECIES, SO AS TO UPDATE THE CITATION OF THE FEDERAL LIST OF ENDANGERED SPECIES; AND TO AMEND SECTION 50‑15‑30, AS AMENDED, RELATING TO THE LIST OF ENDANGERED SPECIES, SO AS TO UPDATE THE CITATION TO THE FEDERAL REGULATION AND TO MOVE CERTAIN DUTIES TO THE DEPARTMENT OF NATURAL RESOURCES.

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

SECTION 1. Section 48‑22‑40 of the 1976 Code, as last amended by Act 75 of 2019, is further amended by adding an appropriately numbered item at the end to read:

“( ) shall conduct topographic mapping using light detection and ranging (LiDAR) data collections by December 31, 2022, and at least every seven years thereafter. The information must be shared with the South Carolina Department of Natural Resources Flood Mitigation Program to ensure compliance with Federal Emergency Management Agency guidelines and standards for flood risk analysis and mapping activities under the Risk Mapping, Assessment, and Planning Program. The unit is authorized to work with local, state, and federal governmental entities in South Carolina to complete the topographic mapping and share the results of the topographic mapping with these agencies. The unit shall work with the Flood Mitigation Program to publish the results to the public on the Department of Natural Resources’ website. The provisions of this item may only be enforced when the General Assembly appropriates the necessary funding for the topographic mapping in the general appropriations act.”

SECTION 2. A. Section 48‑4‑10(A) of the 1976 Code is amended to read:

“(A) The South Carolina Department of Natural Resources is created to administer and enforce the laws of this State relating to wildlife, marine resources, and natural resources and other laws specifically assigned to it. The department must be comprised of a ~~Natural Resources~~ Law Enforcement Division, a Wildlife and Freshwater Fisheries Division, a Marine Resources Division, ~~a Water Resources Division, and a Land Resources and Conservation Districts Division~~ and a Land, Water, and Conservation Division. Each division of the department must have the functions and powers provided by law.”

B. Section 48‑4‑70 of the 1976 Code is amended to read:

“Section 48‑4‑70. The board shall:

(1) hold meetings, as considered necessary by the chairman, with a majority of the board members constituting a quorum. The board may hold meetings, transact business, or conduct investigations at any place necessary; however, its primary office is in Columbia;

(2) formulate and recommend legislation to enhance uniformity, enforcement, and administration of the wildlife, marine, and natural resource laws;

(3) make an annual report to the General Assembly on all matters relating to its action;

(4) ~~require those of its officers, agents, and employees it designates to give bond for the faithful performance of their duties in the sum and with the sureties it determines, and all premiums on the bonds must be paid by the board;~~

~~(5)~~ pay travel expenses; and purchase or lease all necessary facilities, equipment, books, periodicals, and supplies for the performance of its duties; and

~~(6)~~(5) exercise and perform other powers and duties as granted to it or imposed upon it by law.”

C. Section 50‑1‑220 of the 1976 Code is amended to read:

“Section 50‑1‑220. The provisions of Sections 50‑1‑180 to ~~50‑1‑230~~ 50‑1‑220 shall also apply to (a) other properties of the United States Government, (b) any other properties acquired or to be acquired from the United States Government by the State, or (c) any other lands or waters purchased by the United States or the State. But hunting and fishing shall not be allowed on any lands under the control or ownership of the State Commission of Forestry except by written agreement with that Commission. Nothing contained in such sections shall interfere in any manner with the use and management of lands by a state agency in charge of such lands in the functions of such agency as authorized by law.”

D. Section 50‑3‑90 of the 1976 Code is amended to read:

“Section 50‑3‑90. The authorized agents of the department may conduct game and fish cultural operations and scientific investigations in such manner, places and at such times as are considered necessary and may use whatever methods are deemed advisable for sampling fish populations. ~~Such operations and investigations shall be conducted only at the request of and with the permission from the board, and~~ No such operations and investigations shall be made upon private lands and waters except at the request of the owner or owners of such lands and waters.”

E. Section 50‑3‑110 of the 1976 Code is amended to read:

“Section 50‑3‑110. The department shall have charge of the enforcement officers of the Natural Resources Law Enforcement Division of the department and exercise supervision over the enforcement of the laws of the State, regulatory, tax, license or otherwise, in reference to birds, nonmigratory fish, game fish, shellfish, shrimp, oysters, ~~oyster leases,~~ and fisheries.”

F. Section 50‑3‑130 of the 1976 Code is amended to read:

“Section 50‑3‑130. The ~~board~~ department shall prescribe a unique and distinctive official uniform, with appropriate insignia to be worn by all uniformed enforcement officers of the Natural Resources Law Enforcement Division of the department when on duty and at such other times as the board shall order, and a distinctive color or colors and appropriate emblems for all motor vehicles used by such officers. No other law enforcement agency, private security agency or any person shall wear a similar uniform and insignia which may be confused with the uniform and insignia of the enforcement officers nor shall any emblem be used on a motor vehicle nor shall it be painted in a color or in any manner which would cause the vehicle to be similar to an enforcement officer’s vehicle or readily confused therewith.”

G. Section 50‑3‑315 of the 1976 Code is amended to read:

“Section 50‑3‑315. (A) The director may appoint deputy enforcement officers who serve at the pleasure of the director without pay. The officers have statewide police power. However, the director may restrict their territorial jurisdiction. No person may be appointed as an officer who holds another public office. The Secretary of State shall transmit to the director the commissions of all officers.

(B) Except for specially designated department employees, deputy enforcement officers are volunteers covered by Chapter 25 ~~of~~, Title 8 and not employees entitled to coverage or benefits in Title 42.

(C) Except for specially designated department employees, deputy enforcement officers shall furnish their own equipment but may not equip privately owned vehicles with blue lights, sirens, or police‑type markings.

(D) Deputy enforcement officers must be of good character.

(E) The department shall administer the deputy enforcement officers through its Natural Resources Enforcement Division.

(F) The number of deputy enforcement officers appointed is in the discretion of the director.

(G) All deputy enforcement officers:

(1) must be certified by the South Carolina Criminal Justice Academy or successfully shall complete the ‘Basic State Constables Course’ at their own expense at one of the state technical schools;

(2) successfully shall complete required refresher training;

(3) promptly shall comply with all directives by the Deputy Director of the Natural Resources Enforcement Division and the supervisor of enforcement officers within whose area the officer is acting.

~~(H)~~ ~~The department by regulation shall establish a training program for deputy enforcement officers commissioned after July 1, 1980.~~”

H. Section 50‑3‑320 of the 1976 Code is amended to read:

“Section 50‑3‑320. The Secretary of State shall transmit to the ~~board~~ department the commissions of all enforcement officers and the director shall deliver such commissions to the enforcement officers only after the enforcement officers have filed oaths ~~and bonds~~ as required by Section 50‑3‑330.”

I. Section 50‑3‑350 of the 1976 Code is amended to read:

“Section 50‑3‑350. The enforcement officers, when acting in their official capacity, shall wear a metallic shield with the words ~~‘Enforcement Officer of the Natural Resources Enforcement Division’~~ ‘South Carolina Department of Natural Resources Law Enforcement Officer’ inscribed thereon.”

J. Section 50‑3‑395 of the 1976 Code is amended to read:

“Section 50‑3‑395. Enforcement officers may issue warning tickets to violators in cases of misdemeanor violations under this title. The department shall ~~by regulation~~ provide for the form, administration, and use of warning tickets authorized by this section.”

K. Section 50‑15‑10(2)(e) of the 1976 Code is amended to read:

“(e) any combination of the foregoing factors. The term shall also be deemed to include any species or subspecies of fish or wildlife appearing on the United States’ List of Endangered Native Fish and Wildlife as it appears on July 2, 1974, (Part 17 of Title 50, Code of Federal Regulations, Appendix D, 50 C.F.R. Section 17.11) as well as any species or subspecies of fish and wildlife appearing on the United States’ List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50 of the Code of Federal Regulations, Appendix A, 50 C.F.R. Section 17.11), as such list may be modified hereafter.”

L. Section 50‑15‑30(B) and (C) of the 1976 Code is amended to read:

“(B) The ~~board~~ department shall conduct a review of the state list of endangered species within not more than two years from its effective date and every two years thereafter and may amend the list by such additions or deletions as are deemed appropriate. The ~~board~~ department shall submit to the Governor a summary report of the data used in support of all amendments to the state list during the preceding biennium.

(C) Except as otherwise provided in this article, it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship, and for any common or contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on any of the following lists:

(1) the list of wildlife indigenous to the State determined to be endangered within the State pursuant to subsection (A);

(2) the United States’ List of Endangered Native Fish and Wildlife as it appears on July 2, 1974, (Part 17 of Title 50, Code of Federal Regulations, Appendix D, 50 C.F.R. Section 17.11); and

(3) the United States’ List of Endangered Foreign Fish and Wildlife (Part 17 of Title 50, Code of Federal Regulations, Appendix A, 50 C.F.R. Section 17.11), as such list may be modified hereafter; provided, that any species or subspecies of wildlife appearing on any of the foregoing lists which enters the State from another state or from a point outside the territorial limits of the United States and which is transported across the State destined for a point beyond the State may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

/s/Sen. George E. “Chip” Campsen III /s/Rep. William M. “Bill” Hixon

/s/Sen. David Wesley “Wes” Climer /s/Rep. Cally R. "Cal" Forrest Jr.

/s/Sen. Vernon Stephens /s/Rep. Lucas Atkinson

On Part of the Senate. On Part of the House.

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