

Right To Practice Forestry

South Carolina General Assembly
118th Session, 2009-2010

A48, R109, H3651

STATUS INFORMATION

General Bill

Sponsors: Reps. Duncan, Umphlett, Anthony, Knight, Forrester and Hayes

Introduced in the House on March 3, 2009

Introduced in the Senate on May 5, 2009

Last Amended on May 19, 2009

Passed by the General Assembly on May 21, 2009

Governor's Action: June 2, 2009, Signed

Summary: Forestry

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/3/2009	House	Introduced and read first time HJ-6
3/3/2009	House	Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-6
4/21/2009	House	Member(s) request name added as sponsor: Hayes
4/22/2009	House	Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs HJ-54
4/28/2009	House	Debate adjourned until Wednesday, April 29, 2009 HJ-36
4/29/2009	House	Requests for debate-Rep(s). Gullick, Littlejohn, Loftis, Kennedy, Crawford, Daning, Sellers, Duncan, Hart, Hiott, Vick, Parker, and King HJ-203
4/30/2009	House	Requests for debate removed-Rep(s). Vick, Kennedy, Hiott, Loftis, Gullick, King, Daning, Duncan, Sellers, Hart, and Crawford HJ-49
4/30/2009	House	Amended HJ-59
4/30/2009	House	Read second time HJ-67
4/30/2009	House	Unanimous consent for third reading on next legislative day HJ-67
5/1/2009	House	Read third time and sent to Senate HJ-3
5/5/2009	Senate	Introduced and read first time SJ-8
5/5/2009	Senate	Referred to Committee on Fish, Game and Forestry SJ-8
5/6/2009	Senate	Committee report: Favorable Fish, Game and Forestry SJ-15
5/13/2009	Senate	Read second time SJ-81
5/19/2009	Senate	Amended SJ-21
5/19/2009	Senate	Read third time and returned to House with amendments SJ-21
5/21/2009	House	Concurred in Senate amendment and enrolled HJ-32
5/21/2009	House	Roll call Yeas-95 Nays-2 HJ-32

5/27/2009
6/2/2009
6/11/2009
6/12/2009

Ratified R 109
Signed By Governor
Effective date 06/02/09
Act No. 48

VERSIONS OF THIS BILL

3/3/2009
4/22/2009
4/30/2009
5/6/2009
5/19/2009

(A48, R109, H3651)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-23-205 SO AS TO PROVIDE CERTAIN DEFINITIONS, TO LIMIT THE AUTHORITY OF COUNTIES AND MUNICIPALITIES TO RESTRICT OR REGULATE CERTAIN FORESTRY ACTIVITIES, TO PROVIDE THE TERMS AND CONDITIONS OF CERTAIN PERMITTED REGULATIONS, AND TO PROVIDE EXEMPTIONS.

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

Forestry regulations, definitions, prohibitions on enforcement of certain laws, exemptions

SECTION 1. Chapter 23, Title 48 of the 1976 Code is amended by adding:

“Section 48-23-205. (A) For purposes of this section:

- (1) ‘Development’ means any activity, including timber harvesting, that is associated with the conversion of forestland to nonforest or nonagricultural use.
- (2) ‘Forestland’ means land supporting a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses, or for other purposes.
- (3) ‘Forest management plan’ means a document or documents prepared or approved by a forester registered in this State that defines a landowner’s forest management objectives and describes specific measures to be taken to achieve those objectives. A management plan shall include silvicultural practices, objectives, and measures to achieve them, that relate to a stand or potential stand of trees that may be utilized for timber products, watershed or wildlife protection, recreational uses, or for other purposes.
- (4) ‘Forestry activity’ includes, but is not limited to, timber harvest, site preparation, controlled burning, tree planting, applications of fertilizers, herbicides, pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices.

(B) A county or municipality must not adopt or enforce any ordinance, rule, regulation, resolution, or permit related to forestry activities on forestland that is:

(1) taxed on the basis of its present use value as forestland under Section 12-43-220(d);

(2) managed in accordance with a forest management plan;

(3) certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system;

(4) subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or

(5) managed and harvested in accordance with the best management practices established by the State Commission of Forestry pursuant to Section 48-36-30.

(C) This section does not limit, expand, or otherwise alter the authority of a county or municipality to:

(1) regulate activities associated with development, provided that a county or municipality requires a deferral of consideration of an application for a building permit, a site disturbance or subdivision plan, or any other approval for development that if implemented would result in a change from forest land to nonforest or nonagricultural use, the deferral may not exceed a period of up to:

(a) one year after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees from the specific area included in a building permit, site disturbance or subdivision plan in item (1), and the removal qualified for an exemption contained in subsection (B); or

(b) five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees from the specific area included in a building permit, site disturbance or subdivision plan in item (1), and the removal qualified for an exemption contained in subsection (B) for which the permit or approval is sought and the harvest was a wilful violation of the county regulations;

(2) regulate trees pursuant to any act of the General Assembly;

(3) adopt ordinances that are necessary to comply with any federal or state law, regulation, or rule; or

(4) exercise its development permitting, planning, or zoning authority as provided by law.

(D) A person whose application for a building permit, a site disturbance or subdivision plan, or any other approval for development is deferred pursuant to the provisions contained in this section may appeal the decision to the appropriate governmental authority.”

Time effective

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

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.