**South Carolina General Assembly**

118th Session, 2009-2010

**A285, R343, S1051**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Davis

Document Path: l:\council\bills\nbd\11630ac10.docx

Companion/Similar bill(s): 1225, 4372

Introduced in the Senate on January 14, 2010

Introduced in the House on May 4, 2010

Last Amended on June 16, 2010

Passed by the General Assembly on June 16, 2010

Became law without Governor's signature, June 28, 2010

Summary: Private island description

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/14/2010 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C01-14-10.docx)‑4

 1/14/2010 Senate Referred to Committee on **Agriculture and Natural Resources** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C01-14-10.docx)‑4

 3/10/2010 Senate Committee report: Favorable with amendment **Agriculture and Natural Resources** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-10-10.docx)‑13

 3/11/2010 Scrivener's error corrected

 4/28/2010 Senate Committee Amendment Withdrawn [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-28-10.docx)‑46

 4/28/2010 Senate Amended [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-28-10.docx)‑46

 4/28/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-28-10.docx)‑46

 4/29/2010 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-29-10.docx)‑25

 5/4/2010 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-04-10.docx)‑30

 5/4/2010 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-04-10.docx)‑30

 5/12/2010 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-12-10.docx)‑5

 5/18/2010 House Requests for debate‑Rep(s). Sandifer, Crawford, Daning, Skelton, Bales, Weeks, Whitmire, Gambrell, White, Long, Kirsh, and Chalk [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-18-10.docx)‑179

 5/25/2010 House Debate adjourned until Wednesday, May 26, 2010 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-25-10.docx)‑154

 5/26/2010 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-26-10.docx)‑68

 5/26/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-26-10.docx)‑68

 5/26/2010 House Roll call Yeas‑105 Nays‑0 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-26-10.docx)‑68

 5/27/2010 House Read third time and returned to Senate with amendments [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-27-10.docx)‑46

 6/1/2010 Senate House amendment amended [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-01-10.docx)‑173

 6/1/2010 Senate Returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-01-10.docx)‑173

 6/3/2010 House Non‑concurrence in Senate amendment [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-03-10.docx)‑66

 6/3/2010 House Roll call Yeas‑0 Nays‑90 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-03-10.docx)‑66

 6/15/2010 Senate Senate insists upon amendment and conference committee appointed Hayes, Leventis, and Bryant [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-15-10.docx)‑70

 6/15/2010 House Conference committee appointed Hiott, Norman, and Vick [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-15-10.docx)‑95

 6/15/2010 House Conference report received and adopted [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-15-10.docx)‑170

 6/15/2010 House Roll call Yeas‑100 Nays‑1 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-15-10.docx)‑170

 6/16/2010 Senate Conference report received and adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-16-10.docx)‑183

 6/16/2010 House Ordered enrolled for ratification [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-16-10.docx)‑104

 6/21/2010 Ratified R 343

 6/28/2010 Became law without Governor's signature

 7/13/2010 Effective date 06/28/10

 7/14/2010 Act No. 285

**VERSIONS OF THIS BILL**

[1/14/2010](file:///p%3A%5Cpprever%5C2009-10%5C1051_20100114.docx)

[3/10/2010](file:///p%3A%5Cpprever%5C2009-10%5C1051_20100310.docx)

[3/11/2010](file:///p%3A%5Cpprever%5C2009-10%5C1051_20100311.docx)

[4/28/2010](file:///p%3A%5Cpprever%5C2009-10%5C1051_20100428.docx)

[5/12/2010](file:///p%3A%5Cpprever%5C2009-10%5C1051_20100512.docx)

[5/26/2010](file:///p%3A%5Cpprever%5C2009-10%5C1051_20100526.docx)

[6/1/2010](file:///p%3A%5Cpprever%5C2009-10%5C1051_20100601.docx)

[6/16/2010](file:///p%3A%5Cpprever%5C2009-10%5C1051_20100616.docx)

(A285, R343, S1051)

**AN ACT TO AMEND SECTION 48‑39‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS, EXCEPTIONS, AND SPECIAL PERMITS CONCERNING CONSTRUCTION AND RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SETBACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE, WHICH IS EXEMPT FROM THE PROVISIONS THAT DO NOT ALLOW NEW EROSION CONTROL STRUCTURES SEAWARD OF THE SETBACK LINE AND TO PROVIDE THAT THE BASELINE OF THIS ISLAND IS AT THE LANDWARD EDGE OF THE EROSION CONTROL DEVICE AND THAT THE SETBACK LINE IS TWENTY FEET LANDWARD OF THE BASELINE; AND BY ADDING SECTION 48-39-45 SO AS TO CREATE THE COASTAL ZONE MANAGEMENT ADVISORY COUNCIL TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL’S OFFICE OF OCEAN AND COASTAL RESOURCES MANAGEMENT AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES IN IMPLEMENTING THE SOUTH CAROLINA COASTAL ZONE MANAGEMENT ACT.**

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

**Baseline and setback lines established**

SECTION 1. Section 48‑39‑290(B)(2)(e) of the 1976 Code is amended to read:

 “(e) Subitem (a) does not apply to a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet which is entirely revetted with existing erosion control devices. Nothing contained in this subitem makes this island eligible for beach renourishment funds. For a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet which is entirely revetted with existing erosion control devices, the baseline is established for this private island at the landward edge of the erosion control device and the setback line is established twenty feet landward of the baseline.”

**Advisory council created**

SECTION 2. Chapter 39, Title 48 of the 1976 Code is amended by adding:

 “Section 48‑39‑45. (A)(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of fourteen members, which shall act as an advisory council to the department’s Office of Ocean and Coastal Resources Management.

 (2) The members of the council must be constituted as follows:

 (a) eight members, one from each coastal zone county, to be elected by a majority vote of the members of the House of Representatives and a majority vote of the Senate members representing the county from three nominees submitted by the governing body of each coastal zone county, each House or Senate member to have one vote; and

 (b) six members, one from each of the congressional districts of the State, to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in that district, each House or Senate member to have one vote.

 (3) The council shall elect a chairman, vice chairman, and other officers it considers necessary.

 (B) Terms of all members are for four years and until successors are appointed and qualified. A vacancy must be filled in the original manner of selection for the remainder of the unexpired term.

 (C) Members of the council may not be compensated for their services and are not entitled to mileage, subsistence, or per diem as provided by law for members of state boards, committees, and commissions and are not entitled to reimbursement for actual and necessary expenses incurred in connection with and as a result of their service on the council.

 (D)(1) The council shall provide advice and counsel to the staff of the Office of Ocean and Coastal Resources Management in implementing the provisions of the South Carolina Coastal Zone Management Act. The department and the public may bring a matter concerning implementation of the provisions of this act by operation of its permitting and certification process, including the promulgation of regulations, to the council’s attention.

 (2) The council shall meet at the call of the chairman.

 (3) Advice and counsel of the council is not binding on the department.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 21st day of June, 2010.

Became law without the signature of the Governor -- 6/28/2010.

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