**South Carolina General Assembly**

119th Session, 2011-2012

**A25, R45, H3586**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer

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Introduced in the House on February 3, 2011

Introduced in the Senate on March 8, 2011

Last Amended on April 19, 2011

Passed by the General Assembly on April 27, 2011

Governor's Action: May 9, 2011, Signed

Summary: Piers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/3/2011 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj%20archive\2011\02-03-11.docx))

2/3/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 6](file:///h:\hj%20archive\2011\02-03-11.docx))

3/2/2011 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 2](file:///h:\hj%20archive\2011\03-02-11.docx))

3/3/2011 House Amended ([House Journal‑page 25](file:///h:\hj%20archive\2011\03-03-11.docx))

3/3/2011 House Read second time ([House Journal‑page 25](file:///h:\hj%20archive\2011\03-03-11.docx))

3/3/2011 House Unanimous consent for third reading on next legislative day ([House Journal‑page 26](file:///h:\hj%20archive\2011\03-03-11.docx))

3/4/2011 House Read third time and sent to Senate ([House Journal‑page 2](file:///h:\hj%20archive\2011\03-04-11.docx))

3/8/2011 Senate Introduced and read first time ([Senate Journal‑page 33](file:///h:\sj%20archive\2011\03-08-11.docx))

3/8/2011 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 33](file:///h:\sj%20archive\2011\03-08-11.docx))

4/14/2011 Senate Polled out of committee **Agriculture and Natural Resources** ([Senate Journal‑page 18](file:///h:\sj%20archive\2011\04-14-11.docx))

4/14/2011 Senate Committee report: Favorable **Agriculture and Natural Resources** ([Senate Journal‑page 18](file:///h:\sj%20archive\2011\04-14-11.docx))

4/19/2011 Senate Amended ([Senate Journal‑page 25](file:///h:\sj%20archive\2011\04-19-11.docx))

4/19/2011 Senate Read second time ([Senate Journal‑page 25](file:///h:\sj%20archive\2011\04-19-11.docx))

4/19/2011 Senate Roll call Ayes‑41 Nays‑2 ([Senate Journal‑page 25](file:///h:\sj%20archive\2011\04-19-11.docx))

4/20/2011 Senate Read third time and returned to House with amendments ([Senate Journal‑page 14](file:///h:\sj%20archive\2011\04-20-11.docx))

4/27/2011 House Concurred in Senate amendment and enrolled ([House Journal‑page 24](file:///h:\hj%20archive\2011\04-27-11.docx))

4/27/2011 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 24](file:///h:\hj%20archive\2011\04-27-11.docx))

5/5/2011 Ratified R 45

5/9/2011 Signed By Governor

5/13/2011 Effective date 05/09/11

5/17/2011 Act No. 25

**VERSIONS OF THIS BILL**

[2/3/2011](file:///p:\pprever\2011-12\3586_20110203.docx)

[3/2/2011](file:///p:\pprever\2011-12\3586_20110302.docx)

[3/3/2011](file:///p:\pprever\2011-12\3586_20110303.docx)

[4/14/2011](file:///p:\pprever\2011-12\3586_20110414.docx)

[4/19/2011](file:///p:\pprever\2011-12\3586_20110419.docx)

(A25, R45, H3586)

**AN ACT TO AMEND SECTION 48‑39‑290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO INCLUDE IN THESE EXEMPTIONS ASSOCIATED AMENITY STRUCTURES ON FISHING PIERS; TO EXEMPT SUCH A STRUCTURE FROM PERMIT REQUIREMENTS IF THE LOCAL GOVERNING BODY FOR PLANNING AND ZONING AUTHORIZED THE CONSTRUCTION OF THE STRUCTURE; TO SPECIFY CERTAIN STRUCTURES THAT ARE NOT ASSOCIATED AMENITY STRUCTURES; AND TO PROVIDE A MAXIMUM AMOUNT OF THE PIER THAT SUCH A STRUCTURE MAY COVER.**

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

**Construction of associated amenity structures on fishing piers**

SECTION 1. Section 48‑39‑290(A)(3) of the 1976 Code is amended to read:

“(3) fishing piers and associated amenity structures which are open to the public. Those fishing piers with their associated amenity structures including, but not limited to, baitshops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated amenity structures which existed on September 21, 1989, that were privately owned, privately maintained, and not open to the public on this date also may be rebuilt and used for the same purposes if they are constructed to the same dimensions;”

**Permit exemption, pier coverage maximum**

SECTION 2. Section 48‑39‑290(A)(8)(e)(ii) of the 1976 Code is amended to read:

“(ii) restoration of the adversely affected beach and adjacent real estate through renourishment pursuant to subitem (c).

An adjacent or downdrift property owner that claims a groin has caused or is causing an adverse impact shall notify the department of such impact. The department shall render an initial determination within sixty days of such notification. Final agency action shall be rendered within twelve months of notification. An aggrieved party may appeal the decision pursuant to the Administrative Procedures Act.

A permit must be obtained from the department for items (2) through (8). However, no permit is required under this chapter for associated amenity structures constructed on fishing piers if local governmental bodies having responsibility for the planning and zoning authorize construction of those amenity structures. Associated amenity structures do not include those employed as overnight accommodations or those consisting of more than two stories above the pier decking. Associated amenity structures, excluding restrooms, handicapped access features, and observation decks, may occupy no more than thirty‑five percent of the total surface area of the fishing pier or be constructed at a location further seaward than one‑half of the length of the fishing pier as measured from the baseline.”

**Time effective**

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

Ratified the 5th day of May, 2011.

Approved the 9th day of May, 2011.

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