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COMMITTEE REPORT

April 18, 2013

**S. 558**

Introduced by Senator Reese

S. Printed 4/18/13--S.

Read the first time March 21, 2013.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 558) to amend Article 13, Chapter 25, Title 50, Code of Laws of South Carolina, 1976, relating to restrictions placed on the use of watercraft on Lakes William C. Bowen and, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

GEORGE E. CAMPSEN III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Natural Resources

The department reports that this bill would have no impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND ARTICLE 13, CHAPTER 25, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS PLACED ON THE USE OF WATERCRAFT ON LAKES WILLIAM C. BOWEN AND H. TAYLOR BLALOCK IN SPARTANBURG COUNTY, SO AS TO SPECIFY THE TYPES OF WATERCRAFT TO WHICH THESE RESTRICTIONS APPLY, TO PROVIDE THAT CERTAIN SIGNS THAT CONTAIN THESE RESTRICTIONS MUST BE DESIGNED AND INSTALLED BY THE SPARTANBURG WATER SYSTEM, TO PROVIDE THAT CERTAIN VESSELS ARE EXEMPTED FROM THESE RESTRICTIONS, TO PROVIDE THAT THESE RESTRICTIONS APPLY TO A HYDROELECTRIC GENERATOR OUTFALL, AND TO PROVIDE THAT CERTAIN RESTRICTIONS APPLICABLE TO LAKE H. TAYLOR BLALOCK DO NOT APPLY TO THE HUNTING OF WATERFOWL IN CERTAIN AREAS DURING CERTAIN TIMES OF THE YEAR.

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

SECTION 1. Article 13, Chapter 25, Title 50 of the 1976 Code is amended to read:

“Article 13

Restrictions Applicable to Lakes William C. Bowen and H. Taylor Blalock in Spartanburg County

Section 50‑25‑1310. On Lakes William C. Bowen and H. Taylor Blalock in Spartanburg County:

(1) There is established a no wake zone within three hundred feet of all bridges and public docks. No wake zones must be clearly marked with signs. The signs must be designed and installed by the department.

(2) No ~~watercraft of any type~~ boat, watercraft, or any other type of vessel may be operated, anchored, moored, docked, or otherwise enter within five hundred feet of any pump station, water intake of a dam, or ~~spillways~~ hydroelectric generator outfall, or spillway. These restricted areas must be clearly marked with signs. Signs must be designed and installed by the ~~department~~ Spartanburg Water System. Boats, watercraft, and other vessels operated for law enforcement, emergency medical services, or dam maintenance and repair are exempted from this requirement.

(3) No boat, watercraft, or any other type of vessel may operate or anchor within one hundred fifty feet of public fishing piers.

(4) No sailing craft with a mast height in excess of thirty feet is permitted to operate.

(5) No wading, bathing, or swimming is permitted within two hundred feet of any public landing, bridge, or restricted area. These restricted areas must be clearly marked with signs. The signs must be designed and installed by the ~~department~~ Spartanburg Water System.

(6) The lake wardens, at their discretion, may limit entrance of boats, watercraft, or any other type of vessel onto the lakes via the public landings when conditions such as overcrowding or adverse weather create an unsafe boating environment.

Section 50‑25‑1320. On Lake William C. Bowen:

(1) No boat, watercraft, or any other type of vessel with an outboard motor having a horsepower rating in excess of one hundred fifteen horsepower is permitted.

(2) No boat, watercraft, or any other type of vessel with an outboard motor in excess of the United States Coast Guard rating, with Coast Guard rating plate missing or changed, is permitted.

(3) No boat, watercraft, or any other type of vessel powered by an outdrive or inboard motor having an engine automotive horsepower rating in excess of one hundred ninety horsepower is permitted. This restriction does not apply to towboats which have been approved by the American Waterski Association or any Coast Guard approved boat commonly referred to as an inboard boat designed by the manufacturer for towing waterskiers with the motor or engine located near the midpoint of the boat between the bow and stern, propeller driven by a single rod drive shaft extending through the hull with the propeller located under the boat in front of a rudder.

(4) There is no minimum or maximum restriction on length of boats, watercraft, or any other type of vessel. Boats, watercraft, and other vessels operated for law enforcement, emergency medical services, or dam maintenance and repair are exempted from the restrictions in items (1) and (3) of this section.

Section 50‑25‑1330. (A) ~~Watercraft~~ No boat, watercraft, or any other vessel may ~~not~~ operate on Lake H. Taylor Blalock with an engine greater than thirty horsepower or greater than twenty‑five feet in length, and in the case of a pontoon boat, the engine may not be greater than forty horsepower or greater than twenty‑five feet in length, unless:

(1) the gas line has been disconnected and the engine or prop is trimmed out of water; and

(2) an electric trolling motor or engine of thirty horsepower or less is mounted. Boats, watercraft, and other vessels operated for law enforcement, emergency medical services, or dam maintenance and repair are exempted from the restrictions contained in this subsection.

(B) It is unlawful on Lake H. Taylor Blalock to:

(1) operate personal watercraft, including jet skis;

(2) operate any boat, watercraft, or any other type of vessel between midnight and one hour before sunrise, except that public access to Lake H. Taylor Blalock for the purpose of hunting waterfowl on South Carolina Department of Natural Resources leased premises shall be open weekly on Wednesday mornings beginning at 5:00 a.m. during the Federal Waterfowl Hunting Season;

(3) operate any boat, watercraft, or any other type of vessel with an outboard motor having horsepower in excess of the United States Coast Guard rating for the watercraft or with the Coast Guard rating plate missing or changed;

(4) operate, anchor, moor, or dock any boat, watercraft, or allow such vessel to enter ~~of any type~~ within five hundred feet of any pump station, water intake of a dam, hydroelectric generator outfall, or spillways, and these restricted areas must be clearly marked with signs designed and installed by the Spartanburg Water System. Boats, watercraft, and other vessels operated for law enforcement, emergency medical service, or dam maintenance and repair are exempted from this requirement;

(5) operate, anchor, moor, or dock any boat, watercraft, or any other type of vessel ~~or anchor~~ within one hundred fifty feet of public fishing piers;

(6) operate sailing craft with a mast height in excess of thirty feet;

(7) wade, bathe, or swim within two hundred feet of any public landing, bridge, or restricted area, and these restricted areas must be clearly marked with signs designed and installed by the Spartanburg Water System.

(C) The lake wardens may limit entrance of boats, watercraft, or any other type of vessel onto the lake via the public landings when conditions including, but not limited to, overcrowding or adverse weather create an unsafe boating environment.

Section 50‑25‑1340. On Lake H. Taylor Blalock, it is unlawful to waterski or tow rafts, discs, or any other similar floating devices.

Section 50‑25‑1350. On Lake William C. Bowen it is unlawful to:

(1) waterski or tow rafts, discs, or other similar floating devices within three hundred feet of any bridge or within one hundred feet of public dock facilities of the Spartanburg Water System;

(2) waterski and tow rafts, discs, or other similar floating devices upstream and west of the Interstate Highway 26 bridge which crosses over Lake William C. Bowen;

(3) pull more than two skiers at one time from any boat or to waterski while carrying one or more persons piggyback;

(4) operate ~~a watercraft~~ any boat, watercraft, or any other type of a vessel between midnight and one hour before sunrise.

Section 50‑25‑1360. The department, after consultation with the Spartanburg Water System, by special permit, may waive the restrictions and provisions of Sections 50‑25‑1310 through 50‑25‑1350 to allow for boat testing, water and ski shows, and similar activities. It is unlawful to violate the terms and conditions of the permit.

Section 50‑25‑1370. A person violating a provision of this article is guilty of a misdemeanor and must be punished as provided in Section 50‑1‑130.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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