**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3910**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Duckworth, Hardee, Hixon, Hiott, Loftis, Collins, Johnson, H.A. Crawford, Hardwick, Goldfinch, Burns, Clemmons, Gagnon, Lowe and Ryhal

Document Path: l:\council\bills\nbd\11081cz15.docx

Companion/Similar bill(s): 578

Introduced in the House on March 25, 2015

Introduced in the Senate on April 29, 2015

Last Amended on April 28, 2015

Currently residing in the Senate Committee on **Agriculture and Natural Resources**

Summary: Coastal tidelands and wetlands

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/25/2015 House Introduced and read first time ([House Journal‑page 29](file:///h:\HJ%20Archive\2015\03-25-15.docx))

3/25/2015 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 29](file:///h:\HJ%20Archive\2015\03-25-15.docx))

4/22/2015 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 5](file:///h:\HJ%20Archive\2015\04-22-15.docx))

4/28/2015 House Amended ([House Journal‑page 21](file:///h:\HJ%20Archive\2015\04-28-15.docx))

4/28/2015 House Read second time ([House Journal‑page 21](file:///h:\HJ%20Archive\2015\04-28-15.docx))

4/28/2015 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 22](file:///h:\HJ%20Archive\2015\04-28-15.docx))

4/29/2015 House Read third time and sent to Senate ([House Journal‑page 10](file:///h:\HJ%20Archive\2015\04-29-15.docx))

4/29/2015 Senate Introduced and read first time ([Senate Journal‑page 16](file:///h:\SJ%20Archive\2015\04-29-15.docx))

4/29/2015 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 16](file:///h:\SJ%20Archive\2015\04-29-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3910&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/25/2015](file:///p:\pprever\2015-16\3910_20150325.docx)

[4/22/2015](file:///p:\pprever\2015-16\3910_20150422.docx)

[4/28/2015](file:///p:\pprever\2015-16\3910_20150428.docx)

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Indicates New Matter

AMENDED

April 28, 2015

**H. 3910**

Introduced by Reps. Duckworth, Hardee, Hixon, Hiott, Loftis, Collins, Johnson, H.A. Crawford, Hardwick, Goldfinch, Burns, Clemmons, Gagnon, Lowe and Ryhal

S. Printed 4/28/15--H.

Read the first time March 25, 2015.

**A** **BILL**

TO AMEND SECTION 48‑39‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TIDELANDS AND WETLANDS, SO AS TO PROVIDE A THREE‑YEAR STATUTE OF LIMITATIONS ON ENFORCEMENT VIOLATIONS RELATING TO MINOR DEVELOPMENT ACTIVITIES AND TO PROVIDE EXCEPTIONS WHEN THE ALLEGED VIOLATOR KNOWINGLY OR INTENTIONALLY WITHHELD INFORMATION RELATING TO THE ALLEGED VIOLATION.

Amend Title To Conform

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

SECTION 1. Section 48‑39‑170(C) of the 1976 Code is amended to read:

“(C) Any person who is determined to be in violation of any provision of this chapter by the department shall be liable for, and may be assessed by the department for, a civil penalty of not less than one hundred dollars nor more than one thousand dollars per day of violation. Whenever the department determines that any person is in violation of any permit, regulation, standard, or requirement under this chapter, the department may issue an order requiring such person to comply with such permit, regulation, standard, or requirement, including an order requiring restoration when deemed environmentally appropriate by the department; in addition, the department may bring a civil enforcement action under this section as well as seeking an appropriate injunctive relief under Section 48‑39‑160. The department must assert violations of any provision of this chapter relating to minor development activities within three years of the date of the violation, except if the department’s failure to assert the alleged violation resulted from a knowing or intentional attempt to withhold or conceal information relating to the alleged violation by the person against whom the violation is alleged. Failure to make application for, and subsequently receive, the required permit, permit modification, or permit amendment before commencing these activities must be considered to be an act of concealment. The provisions of this section apply to all enforcement actions pending as of January 1, 2015, and all future enforcement actions.”

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

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