**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5012**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. W. Newton, McCoy, Cogswell, Herbkersman, Stavrinakis, Norrell and Bradley

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Companion/Similar bill(s): 870

Introduced in the House on January 23, 2020

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Oil and gas exploration

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/23/2020 House Introduced and read first time ([House Journal‑page 42](file:///h:\hj\20200123.docx))

1/23/2020 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 42](file:///h:\hj\20200123.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5012&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/23/2020](file:///p:\pprever\2019-20\5012_20200123.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑190 SO AS TO PROHIBIT A CITY, COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION FROM APPROVING A PLAN, PERMIT, OR LICENSE APPLICATION TO CERTAIN ACTIVITIES RELATING TO THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OFFSHORE CRUDE OIL OR NATURAL GAS; BY ADDING SECTION 48‑43‑300 SO AS TO PROHIBIT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FROM APPROVING A PLAN, PERMIT, OR LICENSE APPLICATION TO CERTAIN ACTIVITIES RELATING TO THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OFFSHORE CRUDE OIL OR NATURAL GAS; AND BY AMENDING SECTIONS 48‑43‑310 AND 48‑43‑390, BOTH RELATING TO EXPLORATION AND PRODUCTION OF OIL OR GAS WITHIN THE JURISDICTION OF SOUTH CAROLINA, SO AS TO ADD REFERENCES TO SECTION 48‑43‑300.

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

SECTION 1. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑190. (A) For the purposes of this section:

(1) ‘Crude oil’ means any naturally occurring, unrefined petroleum liquid.

(2) ‘Development’ means the design, planning, permitting, licensing, or construction of infrastructure for which the principal purpose is to prepare for the production of crude oil or natural gas.

(3) ‘Exploration’ means any activity for which the principal purpose is to define, characterize, test for, or evaluate crude oil or natural gas resources for possible commercial development or production.

(4) ‘Natural gas’ means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth’s surface.

(5) ‘Production’ means any activity for which the principal purpose is to engage in, monitor, or conduct operations, or maintenance related to the active extraction of crude oil or natural gas.

(6) ‘Territorial waters of South Carolina’ means waters located within the State of South Carolina and waters of the Atlantic Ocean extending out to three nautical miles from the mean low‑water mark of South Carolina’s naturally occurring coastline.

(B) A county, municipality, or other political subdivision of this State is prohibited from approving a plan, permit, or license application for:

(1) the construction or use of infrastructure for which the principal purpose is to facilitate the transportation of crude oil or natural gas into the territorial waters of South Carolina, or onto the lands of South Carolina, from offshore crude oil and natural gas production platforms or related infrastructure in the Atlantic Ocean;

(2) activities for which the principal purpose is the exploration, development, or production of crude oil or natural gas from within the territorial waters of South Carolina; or

(3) activities for which the principal purpose is the exploration, development, or production of crude oil or natural gas in the Atlantic Ocean.”

SECTION 2. Article 2, Chapter 43, Title 48 of the 1976 Code is amended by adding:

“Section 48‑43‑300. (A) For the purposes of this section:

(1) ‘Crude oil’ means any naturally occurring, unrefined petroleum liquid.

(2) ‘Development’ means the design, planning, permitting, licensing, or construction of infrastructure for which the principal purpose is to prepare for the production of crude oil or natural gas.

(3) ‘Exploration’ means any activity for which the principal purpose is to define, characterize, test for, or evaluate crude oil or natural gas resources for possible commercial development or production.

(4) ‘Natural gas’ means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth’s surface.

(5) ‘Production’ means any activity for which the principal purpose is to engage in, monitor, or conduct operations or maintenance related to the active extraction of crude oil or natural gas.

(6) ‘Territorial waters of South Carolina’ means waters located within the State of South Carolina and waters of the Atlantic Ocean extending out to three nautical miles from the mean low‑water mark of South Carolina’s naturally occurring coastline.

(B) Notwithstanding any other provision of law, the department is prohibited from approving a plan, permit, or license application for:

(1) the construction or use of infrastructure for which the principal purpose is to facilitate the transportation of crude oil or natural gas into the territorial waters of South Carolina, or onto the lands of South Carolina, from offshore crude oil and natural gas production platforms or related infrastructure in the Atlantic Ocean;

(2) activities for which the principal purpose is the exploration, development, or production of crude oil or natural gas from within the territorial waters of South Carolina; or

(3) activities for which the principal purpose is the exploration, development, or production of crude oil or natural gas in the Atlantic Ocean.”

SECTION 3. Section 48‑43‑310 of the 1976 Code is amended to read:

“Section 48‑43‑310. ~~The~~ (A) Pursuant to the provisions of Section 48‑43‑300, the department shall require that all persons who explore for oil or gas within the jurisdiction of the State of South Carolina obtain an exploration permit from the department. The department may include in the permits such conditions and restrictions as the department deems to be desirable or necessary and may charge a reasonable fee for the issuance of the permit.

(B) All monies collected by the department pursuant to this section shall be forwarded to the State Treasurer who shall place such monies in an account for the department and such monies shall be used by the department in carrying out its duties imposed by this chapter.”

SECTION 4. Section 48‑43‑390(H)(a) of the 1976 Code is amended to read:

“(a) ~~Any~~ Pursuant to the provision of Section 48‑43‑300, a person as defined herein who intends to construct a deep water port facility within the territorial jurisdiction of the State of South Carolina for the purpose of loading or unloading oil, gas or other products as defined by this chapter shall apply for and obtain a permit to construct such facility from the department prior to the commencement of construction.”

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor.

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