**South Carolina General Assembly**

123rd Session, 2019-2020

**R60, H3700**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bailey, Hewitt, Hardee and Clemmons

Document Path: l:\council\bills\bh\7111cz19.docx

Companion/Similar bill(s): 369, 4811, 4945

Introduced in the House on January 22, 2019

Introduced in the Senate on February 12, 2019

Last Amended on May 8, 2019

Passed by the General Assembly on May 8, 2019

Governor's Action: May 15, 2019, Vetoed

Legislative veto action(s): Veto sustained

Summary: Erosion control structures or devices, prohibition

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/22/2019 House Introduced and read first time ([House Journal‑page 28](file:///h:\hj\20190122.docx))

1/22/2019 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 28](file:///h:\hj\20190122.docx))

1/30/2019 House Member(s) request name added as sponsor: Hardee

2/5/2019 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 20](file:///h:\hj\20190205.docx))

2/6/2019 House Member(s) request name added as sponsor: Clemmons

2/7/2019 House Amended ([House Journal‑page 19](file:///h:\hj\20190207.docx))

2/7/2019 House Read second time ([House Journal‑page 19](file:///h:\hj\20190207.docx))

2/7/2019 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 20](file:///h:\hj\20190207.docx))

2/12/2019 House Read third time and sent to Senate ([House Journal‑page 17](file:///h:\hj\20190212.docx))

2/12/2019 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj\20190212.docx))

2/12/2019 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 6](file:///h:\sj\20190212.docx))

4/2/2019 Senate Committee report: Favorable with amendment **Agriculture and Natural Resources** ([Senate Journal‑page 17](file:///h:\sj\20190402.docx))

4/3/2019 Scrivener's error corrected

4/23/2019 Senate Committee Amendment Adopted ([Senate Journal‑page 7](file:///h:\sj\20190423.docx))

4/23/2019 Senate Read second time ([Senate Journal‑page 7](file:///h:\sj\20190423.docx))

4/23/2019 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 7](file:///h:\sj\20190423.docx))

5/2/2019 Senate Read third time and returned to House with amendments ([Senate Journal‑page 49](file:///h:\sj\20190502.docx))

5/8/2019 House Senate amendment amended ([House Journal‑page 23](file:///h:\hj\20190508.docx))

5/8/2019 House Returned to Senate with amendments ([House Journal‑page 23](file:///h:\hj\20190508.docx))

5/8/2019 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 155](file:///h:\sj\20190508.docx))

5/8/2019 Senate Roll call Ayes‑34 Nays‑3 ([Senate Journal‑page 155](file:///h:\sj\20190508.docx))

5/9/2019 Ratified R 60

5/15/2019 Vetoed by Governor

5/20/2019 House Veto sustained Yeas‑60 Nays‑43 ([House Journal‑page 63](file:///h:\hj\20190520.docx))

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**VERSIONS OF THIS BILL**

[1/22/2019](file:///p:\pprever\2019-20\3700_20190122.docx)

[2/5/2019](file:///p:\pprever\2019-20\3700_20190205.docx)

[2/7/2019](file:///p:\pprever\2019-20\3700_20190207.docx)

[4/2/2019](file:///p:\pprever\2019-20\3700_20190402.docx)

[4/3/2019](file:///p:\pprever\2019-20\3700_20190403.docx)

[4/23/2019](file:///p:\pprever\2019-20\3700_20190423.docx)

[5/8/2019](file:///p:\pprever\2019-20\3700_20190508.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(R60, H3700)

**AN ACT** **TO AMEND SECTION 48‑39‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON EROSION CONTROL STRUCTURES OR DEVICES SEAWARD OF THE SETBACK LINE, SO AS TO ALLOW FOR THE PLACEMENT OF SHORELINE PERPENDICULAR WINGWALLS THAT EXTEND LANDWARD FROM THE ENDS OF EXISTING EROSION CONTROL STRUCTURES OR DEVICES; AND TO AMEND SECTION 48‑39‑130, AS AMENDED, RELATING TO PERMITS TO UTILIZE CRITICAL AREAS, SO AS TO PROVIDE THAT A PERMIT IS NOT REQUIRED TO UNDERTAKE ACTIONS PROTECTING CERTAIN EXISTING EROSION CONTROL DEVICES.**

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

**Wingwalls allowed on existing erosion control structures**

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

“(a) No new erosion control structures or devices are allowed seaward of the setback line except:

(i) structures or devices to protect a public highway that existed on June 25, 1990; and

(ii) shoreline perpendicular wingwalls that extend landward at a ninety degree angle from the ends of existing erosion control structures or devices that are consistent in height and composition with the existing erosion control structures to which they are attached, subject to any special conditions imposed by the department.”

**Certain activities on existing erosion control structures excluded**

SECTION 2. Section 48‑39‑130(D) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( )(a) The rehabilitation, reinforcement, or protection of an existing erosion control device for which:

(i) the erosion control device is approximately four thousand one hundred linear feet;

(ii) the erosion control device is oceanward of an unincorporated private oceanfront residential community of approximately two thousand seven hundred acres with an Atlantic Ocean shoreline of approximately eight thousand one hundred linear feet;

(iii) the beach for which the erosion control device is being used is not eligible for public beach renourishment funds;

(iv) no public funds have ever been expended on maintaining the beach for which the erosion control device is being used; and

(v) the rehabilitation, reinforcement, or protection activities are authorized by a permit, if required, issued by the United States Army Corps of Engineers.

(b) All other department‑administered certifications for these activities are waived.”

**Time effective**

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

Ratified the 9th day of May, 2019.

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*President of the Senate*

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*Speaker of the House of Representatives*

Approved the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2019.

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*Governor*

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