**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 296**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Harpootlian and Setzler

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Introduced in the Senate on January 8, 2019

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

Summary: Offshore oil

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/12/2018 Senate Prefiled

12/12/2018 Senate Referred to Committee on **Agriculture and Natural Resources**

1/8/2019 Senate Introduced and read first time ([Senate Journal‑page 172](file:///h:\sj\20190108.docx))

1/8/2019 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 172](file:///h:\sj\20190108.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=296&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/12/2018](file:///p:\pprever\2019-20\296_20181212.docx)

**A** **BILL**

TO AMEND ARTICLE 2, CHAPTER 43, TITLE 48 OF THE 1976 CODE, RELATING TO THE EXPLORATION AND PRODUCTION OF OIL AND NATURAL GAS WITHIN THE JURISDICTION OF SOUTH CAROLINA, BY ADDING SECTION 48-43-400, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IS PROHIBITED FROM ENTERING INTO LEASES THAT ALLOW FOR THE INSTALLATION OF INFRASTRUCTURE RELATED TO THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OIL OR NATURAL GAS LOCATED IN THE SOUTH ATLANTIC PLANNING AREA, TO PROHIBIT CONDEMNATION OF REAL PROPERTY FOR THE PURPOSES OF THE INSTALLATION OF PIPELINES OR SUPPORT FACILITIES OR INFRASTRUCTURE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OIL OR NATURAL GAS IN THE SOUTH ATLANTIC PLANNING AREA, TO PROHIBIT PETROLEUM‑BEARING VESSELS TRANSPORTING CRUDE OIL PRODUCED IN THE SOUTH ATLANTIC PLANNING AREA FROM ENTERING OR MOVING UPON WATERS OFF OF SOUTH CAROLINA’S COASTAL COUNTIES, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IS PROHIBITED FROM ENTERING INTO ISSUING OR RENEWING ANY LICENSE OR PERMIT FOR ANY MAJOR FACILITY STORING OR TRANSFERRING PETROLEUM PRODUCED IN THE NAVIGABLE WATERS OF THE STATE OR TIDEWATERS BORDERING ON OR LYING WITHIN THE BOUNDARIES OF SOUTH CAROLINA’S COASTAL COUNTIES; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IS PROHIBITED FROM ENTERING INTO ISSUING OR RENEWING ANY LICENSE OR PERMIT FOR ANY MAJOR FACILITY INTENDED TO TRANSFER OR STORE CRUDE OIL FROM ANY VESSEL THAT HOLDS PETROLEUM TRANSPORTED DIRECTLY FROM ANY PIPELINE, SUPPORT FACILITY, OR INFRASTRUCTURE ASSOCIATED WITH THE PRODUCTION OF CRUDE OIL FROM THE SOUTH ATLANTIC PLANNING AREA; TO AMEND ARTICLE 2, CHAPTER 43, TITLE 48 OF THE 1976 CODE, RELATING TO THE EXPLORATION AND PRODUCTION OF OIL AND NATURAL GAS WITHIN THE JURISDICTION OF SOUTH CAROLINA, BY ADDING SECTION 48-43-345, TO PROVIDE CONDEMNATION AUTHORITY OVER CERTAIN PROPERTY REQUIRED FOR INSTALLING INFRASTRUCTURE RELATED TO THE PRODUCTION OF OIL OR NATURAL GAS; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 2, Chapter 43, Title 48 of the 1976 Code is amended by adding:

“Section 48-43-400. (A) For the purposes of this section:

(1) ‘Development’ means those activities taking place following the discovery of commercially producible quantities of oil or natural gas, including, but not limited to, platform construction, pipeline construction, and operation of all onshore support facilities, that are performed for the purposes of ultimately producing oil or natural gas.

(2) ‘Exploration’ means any activity associated with the search of oil or natural gas, including, but not limited to, geophysical tests, seismic tests, air blasts, or the drilling of stratigraphic wells.

(3) ‘Federal waters’ means those waters and submerged lands lying seaward of the state waters of South Carolina that appertain to the United States and are subject to federal jurisdiction and control.

(4) ‘Production’ means those activities that take place following the successful completion of a well or field necessary for the removal of oil or natural gas, including filed operations, transfer of resources to shore, operation, monitoring, maintenance, and workover drilling.

(5) ‘South Atlantic Planning Area’ means the federal waters in the outer continental shelf that span 54.34 million acres, adjacent to the coastal waters of South Carolina, Georgia, and North Florida.

(B) The department shall not enter into any new lease or other conveyance, or lease modification, that authorizes or enables the installation of pipelines, support facilities, or other infrastructure directly or indirectly associated with the exploration, development, or production of oil or natural gas located in the South Atlantic Planning Area.

(C) Condemnation of any real property for the purposes of the installation of pipelines, support facilities, or infrastructure associated with the exploration, development, or production of oil or natural gas, in the South Atlantic Planning Area is expressly prohibited.

(D)(1) Petroleum‑bearing vessels transporting crude oil produced in the South Atlantic Planning Area are prohibited from entering or moving upon the navigable waters of the State or any tidewaters bordering on or lying within the boundaries of Beaufort, Charleston, Colleton, Georgetown, Horry, and Jasper counties.

(2) The department is prohibited from issuing or renewing any license or permit for any major facility storing or transferring petroleum produced in the navigable waters of the State or tidewaters bordering on or lying within the boundaries of Beaufort, Charleston, Colleton, Georgetown, Horry, and Jasper counties.

(3) The department is prohibited from issuing or renewing any license or permit for any major facility intended to transfer or store crude oil from any vessel that holds petroleum transported directly from any pipeline, support facility, or infrastructure associated with the production of crude oil from the South Atlantic Planning Area.”

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

“Section 48-43-345. A person who has, or is applying for, an exploration permit or a person to whom has been allocated an oil allowable from a pool is unable to agree to the purchase of any real property required for development and the route in the county in which the real property is situated has been finally located, he shall have the right to acquire title thereto by condemnation. However, the person shall not locate his route or construct any line of pipe through or under any building, dooryard, lawn, garden, or orchard, except by the duly acknowledged prior written consent of the owner; through any cemetery or burial ground; or within one hundred feet of any building except where such line is authorized by public officers to be laid across or upon any public highway, and he shall not install pipelines that support facilities or infrastructure associated with the exploration, development, or production of oil or natural gas in federal waters located in the South Atlantic Planning Area. The person shall not lay or construct his line of pipe through or under a street in any city, unless he first obtains the consent of the majority of the owners of property abutting that portion of the street in which his pipeline is to be laid. Such pipeline shall be laid with reasonable care and prudence.”

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

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