

Session 114 - (2001-2002)

H 3995 General Bill, By Harrison

Summary: Private Property Rights Protection Act, Eminent domain, Courts, Administrative Law Judges Division, Taxation

A BILL TO ENACT THE "SOUTH CAROLINA PRIVATE PROPERTY RIGHTS PROTECTION ACT" INCLUDING PROVISIONS TO AMEND SECTION 1-23-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ADMINISTRATIVE PROCEDURES ACT, SO AS TO REVISE THE DEFINITIONS FOR "AGENCY" AND "CONTESTED CASE" TO INCLUDE PROCEEDINGS BROUGHT PURSUANT TO THE PRIVATE PROPERTY RIGHTS PROTECTION ACT; TO AMEND SECTION 1-23-570, AS AMENDED, RELATING TO THE RESPONSIBILITY OF THE CHIEF ADMINISTRATIVE LAW JUDGE FOR THE ADMINISTRATION OF THE DIVISION, SO AS TO PROVIDE THAT WHEN MAKING ASSIGNMENTS, THE CHIEF JUDGE MUST ASSIGN ONE JUDGE OF THE DIVISION TO HEAR CASES IN WHICH A PETITIONER SEEKS A VARIANCE FROM A STATE LAW OR REGULATION DIRECTLY AFFECTING THE USE OF LAND; TO AMEND SECTION 1-23-600, AS AMENDED, RELATING TO THE JURISDICTION OF THE ADMINISTRATIVE LAW JUDGE DIVISION, SO AS TO ADD JURISDICTION TO HEAR PROCEEDINGS BROUGHT PURSUANT TO THE PRIVATE PROPERTY RIGHTS PROTECTION ACT; AND TO AMEND TITLE 28 BY ADDING CHAPTER 4 SO AS TO PROVIDE THE "SOUTH CAROLINA PRIVATE PROPERTY RIGHTS PROTECTION ACT" WHICH PROVIDES RELIEF FOR A PROPERTY OWNER WHEN A SPECIFIC ACTION OF A GOVERNMENTAL ENTITY HAS THE EFFECT OF AN UNCONSTITUTIONAL TAKING OF REAL PROPERTY OR HAS RESULTED IN AN UNNECESSARY HARDSHIP ON THE USE OF REAL PROPERTY, AND TO PROVIDE PROCEDURES FOR THESE PROCEEDINGS.

04/24/01 House Introduced and read first time HJ-9

04/24/01 House Referred to Committee on Judiciary HJ-10