

## Session 115 - (2003-2004)

### **S\*0204 (Rat #0091, Act #0039 of 2003) General Bill, By McConnell, Martin and Knotts**

**Summary:** Land Use Dispute Resolution Act; to settle disputes between private property owners and local governments

AN ACT TO AMEND SECTION 1-23-630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS OF ADMINISTRATIVE LAW JUDGES, SO AS TO AUTHORIZE AN ADMINISTRATIVE LAW JUDGE TO USE MEDIATION IN A MANNER THAT DOES NOT CONFLICT WITH OTHER PROVISIONS OF LAW AND IS CONSISTENT WITH THE DIVISION'S RULES OF PROCEDURE; TO AMEND SECTION 6-29-800, RELATING TO THE POWERS OF A ZONING BOARD OF APPEALS, SO AS TO PROVIDE A MATTER MAY BE REMANDED TO AN ADMINISTRATIVE OFFICIAL IF THE BOARD DETERMINES THE RECORD IS INSUFFICIENT FOR REVIEW; TO AMEND SECTION 6-29-820, RELATING TO APPEAL FROM A ZONING BOARD OF APPEALS TO A CIRCUIT COURT, SO AS TO PROVIDE THAT A PROPERTY OWNER MAY FILE A NOTICE OF APPEAL ACCOMPANIED BY A REQUEST FOR PRE-LITIGATION MEDIATION; BY ADDING SECTION 6-29-825 SO AS TO PROVIDE THE PROCEDURE FOR PRE-LITIGATION MEDIATION IN AN APPEAL FROM A ZONING BOARD OF APPEALS DECISION; TO AMEND SECTION 6-29-830, RELATING TO THE NOTICE OF APPEAL FROM A ZONING BOARD OF APPEALS DECISION, SO AS TO PROVIDE FOR THE PROCEDURE BY DIRECT APPEAL AND BY APPEAL AFTER THE MEDIATION IS NOT SUCCESSFUL OR APPROVED; TO AMEND SECTION 6-29-840, RELATING TO DETERMINATION OF THE APPEAL, SO AS TO PROVIDE WHEN AN APPEAL INCLUDES NO ISSUES TRIABLE OF RIGHT BY JURY OR WHEN THE PARTIES CONSENT, THAT THE APPEAL MUST BE PLACED ON THE NONJURY DOCKET AND TO PROVIDE IF ANY PARTY SO REQUESTS, THE APPEAL MUST BE GIVEN PRECEDENCE OVER OTHER CIVIL CASES; TO AMEND SECTION 6-29-890, RELATING TO AN APPEAL TO A BOARD OF ARCHITECTURAL REVIEW, SO AS TO PROVIDE A MATTER MAY BE REMANDED TO AN ADMINISTRATIVE OFFICIAL IF THE BOARD DETERMINES THE RECORD IS INSUFFICIENT FOR REVIEW; TO AMEND SECTION 6-29-900, RELATING TO AN APPEAL FROM A BOARD OF ARCHITECTURAL REVIEW TO THE CIRCUIT COURT, SO AS TO PROVIDE THAT A PROPERTY OWNER MAY FILE A NOTICE OF APPEAL ACCOMPANIED BY A REQUEST FOR PRE-LITIGATION MEDIATION; BY ADDING SECTION 6-29-915 SO AS TO PROVIDE THE PROCEDURE FOR PRE-LITIGATION MEDIATION IN AN APPEAL FROM A BOARD OF ARCHITECTURAL REVIEW DECISION; TO AMEND SECTION 6-29-920, RELATING TO THE NOTICE OF APPEAL FROM A BOARD OF ARCHITECTURAL REVIEW DECISION, SO AS TO PROVIDE FOR THE PROCEDURE BY DIRECT APPEAL AND BY APPEAL AFTER THE MEDIATION IS NOT SUCCESSFUL OR APPROVED; TO AMEND SECTION 6-29-930, RELATING TO DETERMINATION OF THE APPEAL, SO AS TO PROVIDE WHEN AN APPEAL INCLUDES NO ISSUES TRIABLE OF RIGHT BY JURY OR WHEN THE PARTIES CONSENT, THAT THE APPEAL MUST BE PLACED ON THE NONJURY DOCKET AND TO PROVIDE IF ANY PARTY SO REQUESTS, THE APPEAL MUST BE GIVEN PRECEDENCE OVER OTHER CIVIL CASES; TO AMEND SECTION 6-29-1150, RELATING TO AN APPEAL FROM A DECISION OF A PLANNING COMMISSION, SO AS TO PROVIDE THAT A PROPERTY OWNER MAY FILE A NOTICE OF APPEAL ACCOMPANIED BY A REQUEST FOR PRE-LITIGATION MEDIATION THAT, WHEN AN APPEAL INCLUDES NO ISSUES TRIABLE OF RIGHT BY JURY OR WHEN THE PARTIES CONSENT, THE APPEAL MUST BE PLACED ON THE NONJURY DOCKET, AND THAT, IF ANY PARTY SO REQUESTS, THE APPEAL MUST BE GIVEN PRECEDENCE OVER OTHER CIVIL CASES; BY ADDING SECTION 6-29-1155 SO AS TO PROVIDE THE PROCEDURE FOR PRE-LITIGATION MEDIATION IN AN APPEAL FROM A PLANNING COMMISSION DECISION; AND BY ADDING ARTICLE 9 TO CHAPTER 29, TITLE 6 SO AS TO PROVIDE EDUCATIONAL REQUIREMENTS FOR ZONING OFFICIALS AND EMPLOYEES AND TO CREATE AN ADVISORY COMMITTEE TO APPROVE COURSES FOR ORIENTATION AND CONTINUING EDUCATION PROGRAMS. - ratified title

**01/16/03 Senate Introduced and read first time SJ-10**  
**01/16/03 Senate Referred to Committee on Judiciary SJ-10**  
**02/12/03 Senate Committee report: Favorable with amendment Judiciary SJ-13**  
**02/13/03 Scrivener's error corrected**  
**02/19/03 Senate Amended SJ-25**  
**02/19/03 Senate Read second time SJ-25**  
**02/19/03 Senate Unanimous consent for third reading on next legislative day SJ-49**  
**02/20/03 Senate Read third time and sent to House SJ-10**  
**02/20/03 Scrivener's error corrected**  
**02/25/03 House Introduced and read first time HJ-8**  
**02/25/03 House Referred to Committee on Judiciary HJ-10**  
**04/30/03 House Committee report: Favorable with amendment Judiciary HJ-83**  
**05/06/03 House Debate adjourned until Wednesday, May 7, 2003 HJ-23**

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|-----------------|---------------|---|
| <b>05/07/03</b> | <b>House</b>  | <b>Amended HJ-18</b>  |
| <b>05/07/03</b> | <b>House</b>  | <b>Read second time HJ-18</b>                                       |
| <b>05/08/03</b> | <b>House</b>  | <b>Read third time and returned to Senate with amendments HJ-69</b> |
| <b>05/13/03</b> | <b>Senate</b> | <b>House amendment amended SJ-12</b>                                |
| <b>05/13/03</b> | <b>Senate</b> | <b>Returned to House with amendments SJ-12</b>                      |
| <b>05/14/03</b> |               | <b>Scrivener's error corrected</b>                                  |
| <b>05/15/03</b> | <b>House</b>  | <b>Concurred in Senate amendment and enrolled HJ-39</b>             |
| <b>05/28/03</b> |               | <b>Ratified R 91</b>  |
| <b>06/02/03</b> |               | <b>Signed By Governor</b>   |
| <b>06/05/03</b> |               | <b>Copies available</b>   |
| <b>06/05/03</b> |               | <b>Effective date 06/02/03</b>                                      |
| <b>06/19/03</b> |               | <b>Act No. 39</b>   |