**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4721**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Collins

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Introduced in the House on January 14, 2020

Currently residing in the House Committee on **Judiciary**

Summary: Local Planning Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/20/2019 House Prefiled

11/20/2019 House Referred to Committee on **Judiciary**

1/14/2020 House Introduced and read first time ([House Journal‑page 79](file:///h:\hj\20200114.docx))

1/14/2020 House Referred to Committee on **Judiciary** ([House Journal‑page 79](file:///h:\hj\20200114.docx))

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**VERSIONS OF THIS BILL**

[11/20/2019](file:///p:\pprever\2019-20\4721_20191120.docx)

**A** **BILL**

TO AMEND SECTION 6‑29‑1150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCAL PLANNING COMMISSION SUBMISSIONS, RECORDS, AND APPEALS, SO AS TO CONFORM LOCAL PLANNING COMMISSION APPELLATE PROCEDURES WITH THOSE APPLICABLE TO BOARDS OF ZONING APPEALS.

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

SECTION 1. Section 6‑29‑1150(D) of the 1976 Code, is amended to read:

“(D)(1) An appeal from the decision of the planning commission must be taken to the circuit court within thirty days after actual notice of the decision.

(2) A property owner whose land is the subject of a decision of the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre‑litigation mediation in accordance with Section 6‑29‑1155.

A notice of appeal and request for pre‑litigation mediation must be filed within thirty days after the decision of the board is mailed.

(3) Any filing of an appeal from a particular planning commission decision pursuant to the provisions of this chapter must be given a single docket number, and the appellant must be assessed only one filing fee pursuant to Section 8‑21‑310(C)(1).

(4) Upon the filing of a notice of appeal as provided in this subsection, the clerk of the circuit court must give immediate notice of the appeal to the secretary of the planning commission and within thirty days from the time of the notice, the commission must file with the clerk a duly certified copy of the proceedings held before the commission, including a transcript of the evidence heard before the commission, if any, and the decision of the commission including its findings of fact and conclusions.

(5) At the next term of the circuit court or in chambers, upon ten days’ notice to the parties, the presiding judge of the circuit court of the county must proceed to hear and pass upon the appeal on the certified record of the planning commission proceedings. The findings of fact by the planning commission must be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter may be remanded to the planning commission for rehearing. In determining the questions presented by the appeal, the court must determine only whether the decision of the commission is correct as a matter of law. In the event that the decision of the commission is reversed by the circuit court, the board is charged with the costs, and the costs must be paid by the governing authority which established the planning commission.

(6) 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. A judge, upon request by any party, may in his discretion give the appeal precedence over other civil cases. Nothing in this subsection prohibits a property owner from subsequently electing to assert a pre‑existing right to trial by jury of any issue beyond the subject matter jurisdiction of the planning commission, such as, but not limited to, a determination of the amount of damages due for an unconstitutional taking.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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