**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4985**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Neal, Henegan, Whipper, Gilliard, Clyburn, Hosey, Mack and McKnight

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Introduced in the House on February 25, 2016

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Private property rights requirements for trespassing

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/25/2016 House Introduced and read first time ([House Journal‑page 12](file:///h:\HJ%20Archive\2016\02-25-16.docx))

2/25/2016 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 12](file:///h:\HJ%20Archive\2016\02-25-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4985&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/25/2016](file:///p:\pprever\2015-16\4985_20160225.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑65 SO AS TO PROVIDE THAT A PERSON WHO APPLIES FOR A PERMIT, LICENSE, OR OTHER ACTION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROVIDE PERSONAL NOTICE TO ALL ADJACENT, ADJOINING, AND AFFECTED LANDOWNERS, TO PROHIBIT AN APPLICANT FROM TRESPASSING ON PRIVATE PROPERTY AND TO PROVIDE AN EXCEPTION, TO ESTABLISH THAT THE DEPARTMENT WILL NOT ISSUE A PERMIT IF THE APPLICANT FAILED TO GIVE NOTICE AND ALLOW FOR DUE PROCESS FOR THE POTENTIALLY AFFECTED PROPERTY OWNERS, TO ESTABLISH THAT THE DEPARTMENT WILL NOT ISSUE A PERMIT THAT WOULD IMPACT PUBLIC TRUST PROPERTY WITHOUT PROVIDING NOTICE AND DUE PROCESS FOR THE PUBLIC, AND TO PROVIDE STANDING FOR AN APPLICANT, PERMITTEE, LICENSEE, OR AFFECTED PROPERTY OWNER WHEN A REQUEST FOR FINAL REVIEW HAS BEEN FILED.

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

SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑65. (A) An applicant who applies for a permit, license, or other action of the Department of Health and Environmental Control which may give rise to a contested case shall provide personal notice to all adjacent, adjoining, and affected landowners.

(B) No applicant may trespass on private property for surveying or any other purpose without the express consent of the property owner. The consent must be for a specific time and place and the applicant must be under the supervision of the department.

(C) The department shall not issue a permit, license, or take other action that may have an impact on private property belonging to someone other than the applicant without providing notice and due process for the potentially affected property owners.

(D) The department shall not issue a permit, license, or take other action that may have an impact on public trust property without providing notice and due process for the public. Public trust property includes air, water, navigable waters of the State and lands held in trust for the people pursuant to Article XIV of the South Carolina Constitution and the common law public trust doctrine.

(E) The filing of a request for final review pursuant to Section 44‑1‑60(E) confers statutory standing upon the applicant, permittee, licensee, or affected property owner.”

SECTION 2. This act takes effect upon approval by the Governor.

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