**South Carolina General Assembly**

126th Session, 2025-2026

**S. 526**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Goldfinch

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Introduced in the Senate on April 1, 2025

Currently residing in the Senate

Summary: Appeals of Agency Determinations

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/1/2025 Senate Introduced and read first time (Senate Journal‑page 7)

 4/1/2025 Senate Referred to Committee on **Agriculture and Natural Resources** (Senate Journal‑page 7)

 4/2/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[04/01/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/526_20250401.docx)

[04/02/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/526_20250402.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 48‑39‑280, RELATING TO BEACH PRESERVATION APPEALS POLICIES AND PROCEDURES, SO AS TO STAY ANY ENFORCEMENT ACTION DURING THE PENDENCY OF THE APPEAL AND TO PROVIDE THAT THE AGENCY WILL BE RESPONSIBLE FOR ATTORNEY’S FEES AND COSTS TO THE APPELLANT IF THE ADMINISTRATIVE LAW JUDGE REVERSES THE DECISION OF THE AGENCY.

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

SECTION 1. Section 48‑39‑280(F) of the S.C. Code is amended to read:

 Section 48‑39‑280. (F)(1) A landowner claiming ownership of property adversely affected by the establishment of a baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline or setback line. Alternatively, the municipality or county in which the property is situated, acting on behalf of the landowner with his written authorization, or an organization acting on behalf of the landowner with his written authorization, upon submittal of substantiating evidence, must be granted a review of the baseline and setback line. A review is initiated by filing a request for a review conference with the department board via certified mail within one year of the establishment of the baseline or setback line and must include a one hundred‑dollar‑review fee per property.

 (2) The initial decision to establish a baseline or setback line must be a department staff decision.

 (3) No later than sixty calendar days after the receipt of a request for review, the board must:

 (a) decline to schedule a review conference in writing; or

 (b) conduct a review conference in accordance with the provisions of item (4).

 (4) A review conference may be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. The board shall set the place, date, and time for the conference; give twenty calendar days' written notice of the conference; and advise the landowner or the county, municipality, or organization acting on behalf of the landowner that evidence may be presented at the conference. The review conference must be held as follows:

 (a) Review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the landowner or the county, municipality, or organization acting on behalf of the landowner. During the course of the review conference, the staff must explain the staff decision and the materials relied upon to support its decision. The landowner or the county, municipality, or organization acting on behalf of the landowner shall state the reasons for contesting the staff decision and may provide evidence to support amending the staff decision. The staff may rebut information and arguments presented by the landowner or the county, municipality, or organization acting on behalf of the landowner, and the landowner or the county, municipality, or organization acting on behalf of the landowner may rebut information and arguments presented by the staff. Any review conference officer may request additional information and may question the landowner or the county, municipality, or organization acting on behalf of the landowner and the staff.

 (b) After the review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue, based upon the evidence presented, a written decision to the landowner or the county, municipality, or organization acting on behalf of the landowner via certified mail no later than thirty calendar days after the date of the review conference. The written decision must explain the basis for the decision and inform the landowner or the county, municipality, or organization acting on behalf of the landowner of the right to request a contested case hearing before the Administrative Law Court.

 (5) The landowner or the county, municipality, or organization acting on behalf of the landowner may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1, for a contested case hearing within thirty calendar days after:

 (a) written notice is received by the landowner or the county, municipality, or organization acting on behalf of the landowner that the board declines to hold a review conference;

 (b) the sixty‑calendar‑day deadline to hold the review conference has lapsed and no conference has been held; or

 (c) the final agency decision resulting from the review conference is received by the landowner or the county, municipality, or organization acting on behalf of the landowner.”

 (6) The appellant shall issue a notice of appeal within thirty days, which shall stay any enforcement action during the pendency of the action.

 (7) If the administrative law judge issues an order reversing the decision of the agency, then the Administrative Law Judge shall issue attorney’s fees and costs to the appellant. The agency may be solely responsible for the attorney’s fees and costs, and any third‑party litigants relying on such claims may be responsible for a portion of those fees at the discretion of the Administrative Law Judge.

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

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