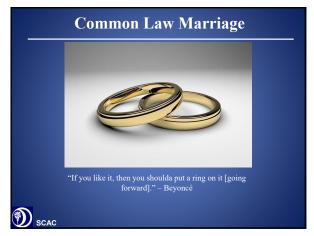
Case Law & Legislative Update Daina M. Riley SCAC Staff Attorney South Carolina Association of Counties

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Stone v. Thompson 428, S.C. 79, 833 S.E.2d 266 (2019), reh'g denied (Oct. 16, 2019) Prospectively abolishes common law marriage in South Carolina. Parties may no longer enter into a valid marriage in South Carolina without obtaining a lawful marriage license. A party seeking to prove common law marriage exists must now demonstrate mutual assent by clear and convincing evidence.

Citizens for Quality Rural Living, Inc. v. **Greenville County Planning Commission**

- Citizens for Quality Rural Living, a citizens' organization, is a person whose rights, status, or other legal relations were affected by the
- Section 6-29-1150 regarding the submission of plans or plats to the planning commission gives the organization standing to appeal the commission's approval of a project.



Citizens for Quality Rural Living, Inc. cont'd

(C) Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the planning commission by anv party in interest. The planning commission must act on the appeal within sixty days, and the action of the planning commission is final.

(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-lifigation mediation in accordance with Section 6-29-1155.

A notice of appeal and request for pre-lifigation 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) 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.

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Mold Abatement

Act 112 of 2019

- Creates the Mold Abatement and Remediation Study Committee

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 Examines the health effects of mold in public areas, including government buildings, and the best method of mold abatement.

 3 House appointees; 3 Senate appointees

 The members of the study committee shall seek assistance from state agencies and members of the private sector including, but not limited to:

 the Department of Health and Environmental Control

 the State Department of Education

 the Association of Counties

 the Municipal Association

 the University of South Carolina Arnold School of Public Health

 the Associations of General Contractors

 Realtors
- Home Builders.
 October 9, October 17, and November 4 meetings



Internet Sales Tax

Act 21 of 2019

- DOR estimated uncollected state and local sales tax for one three-month period is approximately \$12million or \$48million/year
- Addresses the confusion over the applicability of our state tax code on internet sales
- Clarifies that "market place facilitators" are required to remit sale and use tax on all retail sales of tangible personal property not otherwise excluded or exempt

amazon



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Cell Phones in Jails cont'd

Senate Bill 156

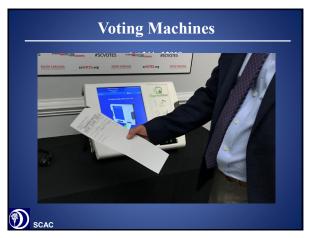
- Prohibits the introduction or possession of a telecommunication device, such as a cell phone, in a jail or prison facility unless authorized by the facility.
- The introduction or possession of a cell phone in a jail would be a misdemeanor with a sentence of up to three years and the forfeiture of all earned work credits, education credits, and good conduct credits for those already incarcerated.
- · Current amendment allows an exception for vehicles on the premises
- Status: on the House calendar, positioned well for passage in 2020



Slide 8

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Daina Riley, 11/19/2019



Poll Workers Act 54 of 2019 • Allows all registered voters in this state to serve as poll workers outside of their resident county. • The chairman and clerk of a polling place must be a resident of the county or adjoining county for the polling place.



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Questions?	-
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SCAC	