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**SCCRC 1966-1969 Document 31: Robert H. Stoudemire, Staff
Consultant, to Members of the Constitutional Revision
Committee, April 21, 1969**

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April 21, 1969.

TO: Members of the Constitutional Revision Committee

FROM: Robert H. Stoudemire, Staff Consultant.

1. At the last meeting it was agreed that members would not file minority reports in the usual sense of the term. Some members, however, expressed the feeling that they may like to file one or more explanatory-type statements concerning their position on some issues.

If any member would like to present such a statement, we would like to receive these as soon as possible. Please mail them to me at the Bureau of Governmental Research, University of South Carolina, Columbia, S. C. 29208.

2. At the last meeting, the members present voted to change the constitutional statement on property taxation. Committee members adopted the position that the Constitution should direct the General Assembly to provide for a fair and equitable system of property taxation. It was suggested that the Editing Committee should prepare the new provision and give members the opportunity to comment on it.

The Editing Committee submits the provision which is listed below. The Committee felt that a statement permitting classification should be included because this would be a clear reversal of present constitutional law.

The proposed provision for Section A, Article VI - Taxation, Finance, and Bonded Indebtedness is as follows:

All property, whether real or personal, shall be subject to ad valorem taxation unless exempted by this Constitution or by general law. The General Assembly shall provide for the assessment of taxable property at actual value or according to such classification as may be prescribed by general law. In all cases, assessment rates or ratios shall apply uniformly throughout the state to properties within any specific classification.

All real property and all personal property shall be subject to ad
valorem taxes unless exempted by this Constitution or by law. The
General Assembly may provide by general laws for all property to be
assessed at actual value or may provide for the classification of
property that is subject to taxation. The ratio or rate that is
applied to the actual value of such classes that may be established
may vary among the classes of property provided that each class of
property is treated uniformly throughout the State.

Slum Clearance As A Public Purpose.

Any political subdivision possessing the powers of urban renewal and slum clearance, including the right to resale or dispose of slum areas to private enterprise for private uses, by prior constitutional or statutory provisions may continue to exercise such authority.

This section is necessary to protect such rights for Spartanburg and York. If the General Assembly fails to act under the proposed constitutional provision on slum clearance, Spartanburg and York may lose the powers previously granted by Constitutional Amendment.

Administrative Procedure. The editorial committee has reworked this provision so that it now reads:

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No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same official for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly.

This provision as originally proposed read as follows:

No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same official for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a prescribed mode of procedure; nor shall he be denied the benefit of technical assistance in preparing a defense.

"Section 12. All the net income to be derived by the State from the sale of license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go the counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth Section of this article, and if after said application there should be a surplus, it shall be devoted to public school purposes, and apportioned as the General Assembly may determine, but respect to any increase in license fees or taxes imposed after July 1, 1969, all or a portion of the additional net income derived therefrom may be applied to the treatment and rehabilitation of alcohol and drug addicts and for the prevention of alcohol and drug additction: PROVIDED, HOWEVER, That the said supplementary taxes shall only be levied when the net income aforesaid from the sale or license for the sale of alcoholic liquors or beverages are not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are being provided."

"Notwithstanding the provisions of Article I, Section 17, restricting the exercise of the power of eminent domain to the acquisition of property for public use, Spartanburg County, any incorporated municipality, political subdivision or authority in Spartanburg Couny may acquire air rights or sub-surface rights, both as hereinafter defined, by any means permitted by law for acquisition of real estate, including eminent domain, and may dispose of air rights and sub-surface rights regardless of how or for what purpose acquired, for private or public estates, rights and interests in the space above the surface of the ground or the surface of streets, roads or rights of way including access, support and other appurtenant rights required for the utilization thereof. Sub-surface rights shall mean estates, right and interests in the space below the surface of the ground or the surface of streets, roads or rights of way including access, support and other appurtenant rights required for the utilization thereof."