

## Session 117 - (2007-2008)

### S 0130 General Bill, By Campsen and Ryberg

#### *Similar (H 3067)*

#### **Summary:** Private Property Rights Protection Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REFORM CERTAIN EMINENT DOMAIN PROCEDURES BY ADDING SECTION 4-9-32 SO AS TO PROVIDE FOR PROCEDURES REQUIRED OF A COUNTY BEFORE IT MAY EXERCISE EMINENT DOMAIN; BY ADDING CHAPTER 1 TO TITLE 28 SO AS TO ENACT THE SOUTH CAROLINA PRIVATE PROPERTY RIGHTS PROTECTION ACT PROVIDING REQUIREMENTS FOR THE EXERCISE OF EMINENT DOMAIN INCLUDING THAT THE CONDEMNED PROPERTY BE TAKEN FOR A PUBLIC USE, THAT PUBLIC AND PERSONAL NOTICES MUST BE OFFERED, THAT THERE ARE EXCEPTIONS IN CERTAIN EXPRESS INSTANCES, THAT THE PROPERTY MAY BE REACQUIRED BY THE CONDEMNEE IN CERTAIN INSTANCES AT GIVEN PRICES, AND THAT THE CONDEMNEE HAS THE RIGHT OF FIRST REFUSAL TO REPURCHASE THE PROPERTY IN CERTAIN INSTANCES; BY ADDING SECTION 28-2-35 SO AS TO SET FORTH PREREQUISITES TO THE EXERCISE OF EMINENT DOMAIN; BY ADDING SECTION 28-3-25 SO AS TO REQUIRE WRITTEN APPROVAL BEFORE CERTAIN PUBLIC BODIES MAY EXERCISE EMINENT DOMAIN; TO AMEND SECTION 4-9-30, RELATING TO A COUNTY'S AUTHORITY TO EXERCISE EMINENT DOMAIN, SO AS TO PROVIDE FOR THE EXERCISE OF EMINENT DOMAIN FOR SLUM CLEARANCE AND REDEVELOPMENT OF A BLIGHTED AREA BY A COUNTY; TO AMEND SECTION 5-7-50, RELATING TO A MUNICIPALITY'S AUTHORITY TO EXERCISE EMINENT DOMAIN, SO AS TO PROVIDE FOR THE EXERCISE OF EMINENT DOMAIN FOR SLUM CLEARANCE AND REDEVELOPMENT OF A BLIGHTED AREA AND TO PROVIDE REQUIRED PROCEDURES BEFORE THE EXERCISE; TO AMEND SECTION 6-33-30, RELATING TO TIF FOR MUNICIPALITIES, SO AS TO REDEFINE "AGRICULTURAL REAL PROPERTY" AND "BLIGHTED"; TO AMEND SECTION 28-2-20, RELATING TO THE INTENT OF THE GENERAL ASSEMBLY IN CONNECTION WITH THE EMINENT DOMAIN PROCEDURE ACT, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 28-2-30, RELATING TO DEFINITIONS FOR PURPOSES OF EXERCISING EMINENT DOMAIN, SO AS TO DEFINE "BLIGHTED" AND "PUBLIC USE"; TO AMEND SECTIONS 28-2-60 AND 28-2-210, BOTH RELATING TO THE INSTITUTION OF A CONDEMNATION ACTION, BOTH SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 28-2-510, RELATING TO LITIGATION IN CONNECTION WITH A CHALLENGE TO THE EXERCISE OF EMINENT DOMAIN, SO AS TO PROVIDE THAT THE LANDOWNER IS ENTITLED TO AN ATTORNEY AND COSTS AND ATTORNEY'S FEES; TO AMEND SECTIONS 28-3-20 AND 28-3-30, BOTH RELATING TO STATE AUTHORITIES WITH EMINENT DOMAIN POWER, SO AS TO SPECIFY PUBLIC ENTITIES OTHER THAN COUNTIES AND MUNICIPALITIES WHICH MAY EXERCISE THAT POWER WITHOUT APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 28-11-30, RELATING TO REIMBURSEMENT TO PROPERTY OWNERS FOR CERTAIN EXPENSES, SO AS TO PROVIDE FOR REESTABLISHMENT EXPENSES UP TO FIFTY THOUSAND DOLLARS; TO AMEND SECTION 31-6-30, AS AMENDED, RELATING TO TIF FOR REDEVELOPMENT PROJECTS, SO AS TO REDEFINE "AGRICULTURAL REAL PROPERTY" AND "BLIGHTED" AREAS; AND TO AMEND SECTION 31-7-30, AS AMENDED, RELATING TO TIF FOR COUNTIES, SO AS TO REDEFINE "AGRICULTURAL REAL PROPERTY" AND "BLIGHTED".

**12/06/06 Senate Prefiled**

**12/06/06 Senate Referred to Committee on Judiciary**

**01/09/07 Senate Introduced and read first time SJ-81**

**01/09/07 Senate Referred to Committee on Judiciary SJ-81**