**A** **BILL**

TO AMEND SECTION 27‑8‑80 OF THE 1976 CODE, RELATING TO CONDEMNATION OF CONSERVATION EASEMENTS, TO PROVIDE THAT THERE MUST BE NO PRUDENT AND FEASIBLE ALTERNATIVE TO CONDEMNATION IN ORDER TO PROCEED WITH CONDEMNATION, AND TO PROVIDE FOR THE PROCESS TO DETERMINE WHETHER A PRUDENT AND FEASIBLE ALTERNATIVE EXISTS.

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

SECTION 1. Section 27‑8‑80 of the 1976 Code is amended to read:

“Section 27‑8‑80. (A) A person or entity empowered to condemn may condemn a conservation easement for other public purposes pursuant to applicable provisions of the 1976 Code or federal law. Holders of the conservation easement must be parties to the proceedings along with the owner of the land.

(B) Any person or entity who seeks to condemn a conservation easement must state in the condemnation notice required by Section 28‑2‑280 that there is no prudent and feasible alternative to condemnation of the property encumbered by the conservation easement.

(C) If within thirty days after receiving a condemnation notice, a holder of a conservation easement or the owner of the land rejects the amount tendered to condemn property encumbered by a conservation easement on the basis that the condemnor failed to sufficiently consider alternatives to the action or that a prudent and feasible alternative exists to the action, then the condemnor may file the condemnation notice with the clerk of court pursuant to Section 28‑2‑230(A). The condemnor may not take possession of the property unless the court finds that no prudent or feasible alternative exists.

(D) If the holder of a conservation easement or the owner of the land contests condemnation pursuant to this section, the case shall proceed under the provisions of Section 28‑2‑240.

SECTION 2. This act takes effect upon approval by the Governor and shall apply to condemnation litigation filed on or after that date.

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