~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 24, 2013

**H. 3894**

Introduced by Reps. Clemmons and Horne

S. Printed 4/24/13--H.

Read the first time April 9, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3894) to amend Section 28‑2‑370, Code of Laws of South Carolina, 1976, relating to factors that may be considered when determining just compensation in condemnation actions regarding, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ TO AMEND SECTION 28‑2‑370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FACTORS THAT MAY BE CONSIDERED WHEN DETERMINING JUST COMPENSATION IN CONDEMNATION ACTIONS REGARDING EMINENT DOMAIN, SO AS TO INCLUDE DIMINUTION IN VALUE OF THE LANDOWNER’S REMAINING PROPERTY CAUSED BY RECONFIGURATION OF ROADWAYS, RESTRICTION OF ACCESS, AND CIRCUITOUS ACCESS.

Whereas, the General Assembly has intended since the passage of the Eminent Domain Procedure Act that just compensation would include all the effects that an exercise of the state’s eminent domain authority has on the value and usefulness of the landowner’s property; and

Whereas, roadway reconfiguration, restriction of access, and circuitous access caused by an exercise of the state’s eminent domain authority may in some instances cause a diminution in value to the landowner’s remaining property; and

Whereas, the General Assembly desires to make clear that its intent is that any such diminution in value to a landowner’s remaining property is an essential consideration in determining just compensation. Now, therefore,

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

SECTION 1. Section 28‑2‑370 of the 1976 Code is amended to read:

“Section 28‑2‑370. In determining just compensation, only the value of the property to be taken, any diminution in the value of the landowner’s remaining property including, but not limited to, diminution caused by reconfiguration of roadways, restriction of access, and circuitous access, and any benefits as provided in Section 28‑2‑360 may be considered.”

SECTION 2. This act takes effect upon approval by the Governor and applies to all matters currently pending before a court of competent jurisdiction whether in that court’s original or appellate jurisdiction. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 28‑2‑370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FACTORS THAT MAY BE CONSIDERED WHEN DETERMINING JUST COMPENSATION IN CONDEMNATION ACTIONS REGARDING EMINENT DOMAIN, SO AS TO INCLUDE DIMINUTION IN VALUE OF THE LANDOWNER’S REMAINING PROPERTY CAUSED BY RECONFIGURATION OF ROADWAYS AND CIRCUITOUS ACCESS.

Whereas, the General Assembly has intended since the passage of the Eminent Domain Procedure Act that just compensation would include all the effects that an exercise of the state’s eminent domain authority has on the value and usefulness of the landowner’s property; and

Whereas, roadway reconfiguration and circuitous access caused by an exercise of the state’s eminent domain authority may in some instances cause a diminution in value to the landowner’s remaining property; and

Whereas, the General Assembly desires to make clear that its intent is that any such diminution in value to a landowner’s remaining property is an essential consideration in determining just compensation. Now, therefore,

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

SECTION 1. Section 28‑2‑370 of the 1976 Code is amended to read:

“Section 28‑2‑370. In determining just compensation, only the value of the property to be taken, any diminution in the value of the landowner’s remaining property including, but not limited to, diminution caused by reconfiguration of roadways and circuitous access, and any benefits as provided in Section 28‑2‑360 may be considered.”

SECTION 2. This act takes effect upon approval by the Governor and applies to all matters currently pending before a court of competent jurisdiction whether in that court’s original or appellate jurisdiction.

‑‑‑‑XX‑‑‑‑