**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4637**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Lucas, Merrill, Delleney, Pope, G.M. Smith, Finlay, Simrill, Taylor, Henderson, Allison, Hixon, Atwater, Burns, Chumley, Clemmons, Corley, Crosby, Duckworth, Forrester, Fry, Gagnon, Goldfinch, Hamilton, Herbkersman, Hiott, Horne, Kennedy, Loftis, V.S. Moss, Newton, Rivers, Sandifer, G.R. Smith, Sottile, Southard, Spires, Toole, Whitmire and Yow

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Introduced in the House on January 12, 2016

Currently residing in the House Committee on **Judiciary**

Summary: Eminent domain

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/12/2016 House Introduced and read first time ([House Journal‑page 120](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 120](file:///h:\HJ%20Archive\2016\01-12-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4637&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/12/2016](file:///p:\pprever\2015-16\4637_20160112.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 28‑2‑35 SO AS TO ESTABLISH REQUIREMENTS FOR ENTITIES THAT EXERCISE EMINENT DOMAIN PURSUANT TO TITLE 33 OR TITLE 58.

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

SECTION 1. Article 1, Chapter 2, Title 28 of the 1976 Code is amended by adding:

“Section 28‑2‑35. (A) Notwithstanding another provision of law, in a proceeding that involves the acquisition of private property through condemnation, an entity that exercises eminent domain pursuant to Title 33 or Title 58 shall prove each of the following by clear and convincing evidence:

(1) the proposed condemnation is for a public use;

(2) the condemning entity will own, operate, or retain control over the condemned property, except as permitted by Section 13, Article I, of the Constitution of South Carolina, 1895; and

(3) the property that is the subject of the condemnation action provides a necessary and direct benefit to the public at large. A benefit to the public that is merely incidental, indirect, pretextual, or speculative is not a public use.

(B) All statutes relating to or involving eminent domain or condemnation must be strictly construed against the condemnor.”

SECTION 2. This act takes effect upon approval by the Governor.

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