**A** **BILL**

TO AMEND SECTION 11‑43‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF “ELIGIBLE COST” FOR PURPOSES OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO ALLOW COMPENSATION TO LANDOWNERS WHOSE PROPERTY VALUE DECREASES DUE TO A RIGHT OF WAY ACQUISITION UNDER CERTAIN CIRCUMSTANCES, INCLUDING THE LOCATION OF THE PROPERTY AND LOCAL GOVERNMENT APPROVAL; AND TO AMEND SECTION 28‑11‑40, RELATING TO CONTRACTS BETWEEN GOVERNMENTAL AGENCIES REGARDING EMINENT DOMAIN, SO AS TO PROVIDE THAT ANY SUCH CONTRACT MUST INCLUDE ANY APPLICABLE PROVISIONS REGARDING COMPENSATION TO LANDOWNERS.

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

SECTION 1. Section 11‑43‑130(5) of the 1976 Code is amended to read:

“(5) ‘Eligible cost’ means as applied to a qualified project to be financed from the federal accounts, the costs that are permitted under applicable federal laws, requirements, procedures, and guidelines in regard to establishing, operating, and providing assistance from the bank. As applied to a qualified project to be financed from the state highway account, these costs include the costs of preliminary engineering, traffic and revenue studies, environmental studies, ~~right‑of‑way~~ right of way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, and other costs necessary for the qualified project. Right of way acquisition costs include compensation to landowners located within one thousand feet of the right of way whose property decreased in value due to the location of the right of way, if a government unit has provided at least one‑fourth of the funding for the qualified project and has approved, by ordinance, a policy to provide and limit such compensation. As applied to any qualified project to be financed from the state transit account, eligible project costs are limited to capital expenditures for transit equipment and facilities.”

SECTION 2. Section 28‑11‑40 of the 1976 Code is amended to read:

“Section 28‑11‑40. Any such state or local government agency or instrumentality or political subdivision of the State may contract with any other state or local government agency or instrumentality or political subdivision of the State to carry out its functions under this chapter but none shall be required to do so. However, the provisions of an ordinance adopted by a government unit pursuant to Section 11‑43‑130(5) regarding compensation to landowners must be made a part of any such contract.”

SECTION 3. This act takes effect upon approval by the Governor.

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