**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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