



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 3090	Introduced on January 8, 2019
Author:	D.C. Moss	
Subject:	Conservation Easement	
Requestor:	House Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	April 4, 2019	

Fiscal Impact Summary

This bill enables the holder of a conservation easement to contest a condemnation action within a 30-day period if he disagrees with the amount tendered by the governing body. The Judicial Department anticipates that any expenditure impact to the General Fund, Other Funds, or Federal Funds from the increased caseload would be managed within existing resources.

Explanation of Fiscal Impact

Introduced on January 8, 2019

State Expenditure

This bill enables the holder of a conservation easement to contest a condemnation action within a 30-day period if he disagrees with the amount tendered by the governing body. Upon such time a conservation easement owner contests a condemnation action, the action is stayed until a circuit court hearing may be held. The court must consider prudent and feasible alternatives to the condemnation of the property, and the burden is on the condemnor if the condemnee has provided evidence of at least one alternative. Should the court find the alternative not prudent and feasible, the condemnation action may proceed. However, if the court determines the alternative to be prudent and feasible, it will dismiss the action and award the condemnee applicable costs and litigation expenses minus attorney's fees.

These provisions do not apply to a condemnation action brought by the South Carolina Department of Transportation, a condemnation action that included a prior property review wherein alternatives were already identified, or a condemnation action where a review was conducted pursuant to the National Environmental Policy Act. In the instance a condemnee has received a condemnation notice enabling the condemnor to enter the landowner's property, the condemnee may notify the condemnor that since the property is subject to a conservation easement, prudent and feasible alternatives must be considered during the condemnor's appraisal of the property.

Judicial Department. This bill requires an additional hearing in condemnation actions involving land subject to a conservation easement. The department anticipates that any expenditure impact to the General Fund, Other Funds, or Federal Funds from the increased caseload would be managed within existing resources.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director