**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑8‑85 SO AS TO REQUIRE A PERSON EMPOWERED BY LAW TO CONDEMN REAL PROPERTY MUST CONSIDER PRUDENT AND FEASIBLE ALTERNATIVES TO CONDEMNING PROPERTY SUBJECT TO A CONSERVATION EASEMENT REGISTERED WITH THE NATIONAL CONSERVATION EASEMENT DATABASE BY THE HOLDER OF A CONSERVATION EASEMENT OR OWNER OF LAND SUBJECT TO A CONSERVATION EASEMENT.

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

SECTION 1. Chapter 8, Title 27 of the 1976 Code is amended by adding:

“Section 27‑8‑85. (A) A person or entity empowered to condemn real property must use reasonable efforts to consider prudent and feasible alternatives to the condemnation of property subject to a conservation easement and reasonable mitigation measures to minimize the impact to the property prior to the filing of the condemnation action if the holder of a conservation easement or the owner of land subject to a conservation easement submits the necessary information so that the specific location and presence of the conservation easement are publicly viewable on the online National Conservation Easement Database (NCED) and geographic information system maps.

(B) The holder of the conservation easement or the owner of the land subject to a conservation easement is solely responsible for adding the easement to the online NCED if they elect to do so. Nothing in this section may be construed to require that a conservation easement be added to the online NCED.

(C) A condemnor’s obligations only apply to the condemnation of property subject to conservation easements which are included in the online NCED and geographic information systems maps at the time that the condemnor begins the project for which the property is being condemned. The condemnor is responsible for maintaining records of the date that it accessed the online NCED and the results of the search showing the presence or lack of a conservation easement on the property.

(D) Nothing in this section may be construed as imposing an additional duty or obligation on a condemnor in order to condemn property which is subject to a conservation easement that is not included in the online NCED. Furthermore, a condemnor may not bear any responsibility regarding the accuracy of the information on the online database and is not required to comply with the provisions of this section if the online NCED becomes unavailable.”

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

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