**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3894**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Hardwick, Quinn, White, Rutherford, Harrell, Sandifer, Delleney, Lucas, Owens and H.L. Ott

Document Path: l:\council\bills\ms\7173ahb13.docx

Companion/Similar bill(s): 656

Introduced in the House on April 9, 2013

Introduced in the Senate on May 7, 2013

Last Amended on May 1, 2013

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

Summary: Eminent domain

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/9/2013 House Introduced and read first time ([House Journal‑page 21](file:///H:\HJ%20Archive\2013\04-09-13.docx))

4/9/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 21](file:///H:\HJ%20Archive\2013\04-09-13.docx))

4/24/2013 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 63](file:///H:\HJ%20Archive\2013\04-24-13.docx))

4/30/2013 House Member(s) request name added as sponsor: Hardwick, Quinn, White, Rutherford, Harrell, Sandifer, Delleney, Lucas, Owens, H.L.Ott

4/30/2013 House Debate adjourned until Wed., 5‑1‑13 ([House Journal‑page 91](file:///H:\HJ%20Archive\2013\04-30-13.docx))

5/1/2013 House Member(s) request name removed as sponsor: Horne

5/1/2013 House Amended ([House Journal‑page 140](file:///H:\HJ%20Archive\2013\05-01-13.docx))

5/1/2013 House Read second time ([House Journal‑page 140](file:///H:\HJ%20Archive\2013\05-01-13.docx))

5/1/2013 House Roll call Yeas‑96 Nays‑11 ([House Journal‑page 142](file:///H:\HJ%20Archive\2013\05-01-13.docx))

5/2/2013 House Read third time and sent to Senate ([House Journal‑page 25](file:///H:\HJ%20Archive\2013\05-02-13.docx))

5/7/2013 Senate Introduced and read first time ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2013\05-07-13.docx))

5/7/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2013\05-07-13.docx))

4/4/2014 Senate Referred to Subcommittee: Rankin (ch), Young, Kimpson

**VERSIONS OF THIS BILL**

[4/9/2013](file:///p:\pprever\2013-14\3894_20130409.docx)

[4/24/2013](file:///p:\pprever\2013-14\3894_20130424.docx)

[5/1/2013](file:///p:\pprever\2013-14\3894_20130501.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 1, 2013

**H. 3894**

Introduced by Reps. Clemmons, Hardwick, Quinn, White, Rutherford, Harrell, Sandifer, Delleney, Lucas, Owens and Ott

S. Printed 5/1/13--H.

Read the first time April 9, 2013.

**A** **BILL**

TO AMEND SECTION 28‑2‑370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FACTORS THAT MAY BE CONSIDERED WHEN DETERMINING JUST COMPENSATION IN CONDEMNATION ACTIONS REGARDING EMINENT DOMAIN, SO AS TO INCLUDE DIMINUTION IN VALUE OF THE LANDOWNER’S REMAINING PROPERTY CAUSED BY RECONFIGURATION OF ROADWAYS, RESTRICTION OF ACCESS, AND CIRCUITOUS ACCESS.

Whereas, the General Assembly has intended since the passage of the Eminent Domain Procedure Act that just compensation would include all the effects that an exercise of the state’s eminent domain authority has on the value and usefulness of the landowner’s property; and

Whereas, roadway reconfiguration, restriction of access, and circuitous access caused by an exercise of the state’s eminent domain authority may in some instances cause a diminution in value to the landowner’s remaining property; and

Whereas, the General Assembly desires to make clear that its intent is that any such diminution in value to a landowner’s remaining property is an essential consideration in determining just compensation. Now, therefore,

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

SECTION 1. Section 28‑2‑370 of the 1976 Code is amended to read:

“Section 28‑2‑370. In determining just compensation, only the value of the property to be taken, any diminution in the value of the landowner’s remaining property including, but not limited to, diminution caused by reconfiguration of roadways, restriction of access, and circuitous access, and any benefits as provided in Section 28‑2‑360 may be considered.”

SECTION 2. This act takes effect upon approval by the Governor and applies to all matters currently pending before a court of competent jurisdiction whether in that court’s original or appellate jurisdiction.

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