**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4020**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Johnson and Hardee

Document Path: l:\council\bills\cc\15116vr17.docx

Introduced in the House on March 22, 2017

Introduced in the Senate on March 27, 2018

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

Summary: Condemned property

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/22/2017 House Introduced and read first time ([House Journal‑page 8](file:///h:\hj\20170322.docx))

3/22/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 8](file:///h:\hj\20170322.docx))

3/21/2018 House Committee report: Favorable **Judiciary** ([House Journal‑page 57](file:///h:\hj\20180321.docx))

3/22/2018 House Read second time ([House Journal‑page 26](file:///h:\hj\20180322.docx))

3/22/2018 House Roll call Yeas‑110 Nays‑0 ([House Journal‑page 27](file:///h:\hj\20180322.docx))

3/22/2018 House Unanimous consent for third reading on next legislative day ([House Journal‑page 28](file:///h:\hj\20180322.docx))

3/23/2018 House Read third time and sent to Senate ([House Journal‑page 3](file:///h:\hj\20180323.docx))

3/27/2018 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj\20180327.docx))

3/27/2018 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\sj\20180327.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4020&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/22/2017](file:///p:\pprever\2017-18\4020_20170322.docx)

[3/21/2018](file:///p:\pprever\2017-18\4020_20180321.docx)

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Indicates New Matter

COMMITTEE REPORT

March 21, 2018

**H. 4020**

Introduced by Reps. Johnson and Hardee

S. Printed 3/21/18--H.

Read the first time March 22, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4020) to amend Section 28‑2‑70, Code of Laws of South Carolina, 1976, relating in part to a condemnor’s right to enter on real property subject to condemnation, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 28‑2‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO A CONDEMNOR’S RIGHT TO ENTER ON REAL PROPERTY SUBJECT TO CONDEMNATION FOR CERTAIN PURPOSES, SO AS TO REQUIRE THE CONDEMNOR TO PROVIDE NOTICE TO THE LANDOWNER OF APPLICATION FOR AN EX PARTE ORDER TO GAIN ENTRY.

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

SECTION 1. Section 28‑2‑70 of the 1976 Code is amended to read:

“Section 28‑2‑70. (A) Before initiating a condemnation action, the condemnor shall cause the property to be appraised to determine the amount that would constitute just compensation for its taking and shall make the appraisal available to the landowner.

(B) The condemnor and landowner shall make reasonable and diligent efforts to negotiate an agreement upon the amount of compensation to be paid. The condemnor shall certify to the court that a negotiated resolution of the conflict was attempted prior to the institution of the condemnation action. A failure of any party to comply with this subsection is not a defense to a condemnation action.

(C) The condemnor shall have the authority, after reasonable notice to the landowner, to enter upon the real property in which an interest is proposed to be acquired for the purpose of making a survey, determining the location of proposed improvements, or making an appraisal. In the event a landowner refuses to allow entry, the circuit court may issue an ex parte order enforcing this section. The condemnor shall mail, by first class mail, notice of its application for an ex parte order to the landowner at least five days’ prior to the execution of the ex parte order. A landowner shall have no cause of action for trespass arising out of the exercise of authority pursuant to this section.”

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

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