~~Indicates Matter Stricken~~

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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