

Session 116 - (2005-2006)

H 4503 General Bill, By Edge, Harrison, Harrell, Merrill, Bingham, Young, Loftis, Perry, Haskins, Witherspoon, Bailey, Cato, Vaughn, Altman, Sandifer, G.R. Smith, Walker, Jefferson, Mack, Vick, Hardwick, Clemmons, Bales, Neilson, Mahaffey, Clark, Simrill, Viers, Duncan, Thompson, G.M. Smith, Lucas, M.A. Pitts, Rice, Hinson and Davenport

Summary: Just Compensation for Land Use Restrictions Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REFORM CERTAIN EMINENT DOMAIN PROCEDURES BY ADDING SECTION 4-9-32 SO AS TO PROVIDE FOR PROCEDURES REQUIRED OF A COUNTY BEFORE IT MAY EXERCISE EMINENT DOMAIN; BY ADDING SECTIONS 28-2-65 AND 28-2-67 SO AS TO PROVIDE THAT THE OWNER OF CONDEMNED PROPERTY HAS THE RIGHT OF FIRST REFUSAL TO REDEEM HIS PROPERTY IF THE CONDEMNING ENTITY DOES NOT USE THE PROPERTY FOR THE INTENDED PUBLIC USE OR IT CONTEMPLATES A SALE TO ANOTHER PARTY; BY ADDING SECTION 28-3-25 SO AS TO REQUIRE WRITTEN APPROVAL BEFORE CERTAIN PUBLIC BODIES MAY EXERCISE EMINENT DOMAIN; BY ADDING CHAPTER 4 TO TITLE 28 SO AS TO ENACT THE "JUST COMPENSATION FOR LAND USE RESTRICTIONS ACT" PROVIDING A PROCESS FOR CALCULATING AND OBTAINING JUST COMPENSATION WHEN A LAND USE REGULATION AFFECTS A LAND'S VALUE; BY ADDING SECTION 31-7-26 SO AS TO PROVIDE THAT THE TAX INCREMENT FINANCING ACT (TIF) FOR COUNTIES DOES NOT APPLY TO AGRICULTURAL REAL PROPERTY; TO AMEND SECTION 4-9-30, RELATING TO A COUNTY'S AUTHORITY TO EXERCISE EMINENT DOMAIN, SO AS TO LIMIT THE EXERCISE OF EMINENT DOMAIN FOR SLUM CLEARANCE AND REDEVELOPMENT OF A BLIGHTED AREA BY A COUNTY; TO AMEND SECTION 5-7-50, RELATING TO A MUNICIPALITY'S AUTHORITY TO EXERCISE EMINENT DOMAIN, SO AS TO LIMIT THE EXERCISE OF EMINENT DOMAIN FOR SLUM CLEARANCE AND REDEVELOPMENT OF A BLIGHTED AREA AND TO PROVIDE REQUIRED PROCEDURES BEFORE THE EXERCISE; TO AMEND SECTION 28-2-30, RELATING TO DEFINITIONS FOR PURPOSES OF EXERCISING EMINENT DOMAIN, SO AS TO DEFINE "BLIGHTED", "JUST COMPENSATION", AND "PUBLIC USE"; TO AMEND SECTIONS 28-3-20 AND 28-3-30, BOTH RELATING TO STATE AUTHORITIES WITH EMINENT DOMAIN POWER, SO AS TO SPECIFY PUBLIC ENTITIES OTHER THAN COUNTIES AND MUNICIPALITIES INCLUDING CERTAIN INSTITUTIONS OF HIGHER LEARNING, THE STATE PORTS AUTHORITY, AND THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 31-7-30, AS AMENDED, RELATING TO TIF FOR COUNTIES, SO AS TO DEFINE "AGRICULTURAL REAL PROPERTY" AND "BLIGHTED"; BY ADDING SECTION 6-33-25, RELATING TO TIF FOR MUNICIPALITIES, SO AS TO EXCLUDE AGRICULTURAL PROPERTY FROM ITS PROVISIONS; TO AMEND SECTION 6-33-30, RELATING TO TIF FOR MUNICIPALITIES, SO AS TO DEFINE "AGRICULTURAL REAL PROPERTY" AND "BLIGHTED"; BY ADDING SECTION 31-6-25, RELATING TO TIF FOR REDEVELOPMENT PROJECTS, SO AS TO EXCLUDE AGRICULTURAL PROPERTY FROM ITS PROVISIONS; AND TO AMEND SECTION 31-6-30, AS AMENDED, RELATING TO TIF FOR REDEVELOPMENT PROJECTS, SO AS TO REDEFINE "AGRICULTURAL REAL PROPERTY" AND "BLIGHTED" AREAS.

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| 01/24/06 | House | Introduced and read first time HJ-30 |
| 01/24/06 | House | Referred to Committee on Judiciary HJ-32 |
| 01/25/06 | House | Member(s) request name added as sponsor: Jefferson |
| 01/25/06 | House | Member(s) request name removed as sponsor: Umphlett, Haley, Limehouse |
| 01/31/06 | House | Member(s) request name added as sponsor: Mack, Ott |
| 02/01/06 | House | Member(s) request name added as sponsor: Vick, Hardwick |
| 02/09/06 | House | Member(s) request name removed as sponsor: Ott |
| 02/15/06 | House | Committee report: Favorable with amendment Judiciary HJ-6 |
| 02/16/06 | House | Member(s) request name added as sponsor: Clemmons, Bales, Neilson |
| 02/16/06 | | Scrivener's error corrected |
| 02/21/06 | House | Member(s) request name added as sponsor: Mahaffey, Clark |
| 02/21/06 | House | Requests for debate-Rep(s). Harrison, Edge, JE Smith, Funderburk, JH Neal, McLeod, Ballentine, Hosey, Jefferson, Clyburn, Umphlett, Pinson, Rivers, Emory, Cotty, Merrill, Duncan, Altman, Scarborough, R Brown, Davenport, Perry, Vaughn, Battle, Thompson, and Hodges HJ-105 |
| 02/22/06 | House | Member(s) request name added as sponsor: Simrill, Viers |
| 02/22/06 | House | Debate adjourned until Thursday, February 23, 2006 HJ-50 |
| 02/23/06 | House | Debate adjourned until Tuesday, February 28, 2006 HJ-29 |
| 02/28/06 | House | Debate adjourned until Wednesday, March 1, 2006 HJ-17 |
| 03/01/06 | House | Member(s) request name added as sponsor: Duncan |
| 03/01/06 | House | Debate adjourned until Tuesday, March 7, 2006 HJ-13 |

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| 03/07/06 | House | Member(s) request name added as sponsor: Thompson, G.M.Smith, Lucas |
| 03/08/06 | House | Member(s) request name added as sponsor: M.A.Pitts, Rice |
| 03/08/06 | House | Debate adjourned until Tuesday, March 14, 2006 HJ-35 |
| 03/14/06 | House | Member(s) request name added as sponsor: Hinson, Davenport |
| 03/14/06 | House | Debate adjourned until Wednesday, March 15, 2006 HJ-38 |
| 03/15/06 | House | Amended HJ-56 |
| 03/15/06 | House | Read second time HJ-94 |
| 03/15/06 | House | Roll call Yeas-105 Nays-8 HJ-94 |
| 03/16/06 | House | Read third time and sent to Senate HJ-30 |
| 03/16/06 | | Scrivener's error corrected |
| 03/21/06 | Senate | Introduced and read first time SJ-8 |
| 03/21/06 | Senate | Referred to Committee on Judiciary SJ-8 |
| 03/21/06 | Senate | Referred to Subcommittee: Gregory (ch), Ford, Elliott, Rankin, Sheheen, Campsen |
| 05/18/06 | Senate | Recalled from Committee on Judiciary SJ-78 |
| 05/25/06 | Senate | Amended SJ-194 |
| 05/25/06 | Senate | Read second time SJ-194 |
| 05/25/06 | Senate | Unanimous consent for third reading on next legislative day SJ-194 |
| 05/26/06 | | Scrivener's error corrected |
| 05/26/06 | Senate | Read third time and returned to House with amendments SJ-2 |
| 05/31/06 | House | Senate amendment amended HJ-44 |
| 05/31/06 | House | Returned to Senate with amendments HJ-44 |
| 05/31/06 | Senate | Non-concurrence in House amendment SJ-309 |
| 06/01/06 | House | House insists upon amendment and conference committee appointed Reps. Harrison, Edge, and Coleman HJ-51 |
| 06/01/06 | Senate | Conference committee appointed Gregory, Sheheen, and Campsen SJ-89 |
| 06/14/06 | Senate | Free conference powers granted SJ-188 |
| 06/14/06 | Senate | Free conference committee appointed Gregory, Sheheen, and Campsen SJ-188 |
| 06/14/06 | Senate | Free conference report adopted SJ-188 |
| 06/14/06 | House | Free conference powers rejected HJ-236 |
| 06/14/06 | House | Free conference powers rejected HJ-244 |