**South Carolina General Assembly**

125th Session, 2023-2024

**S. 436**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams, Garrett, Stephens, Campsen and Young

Companion/Similar bill(s): 3903

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Introduced in the Senate on January 24, 2023

Introduced in the House on March 9, 2023

Last Amended on March 2, 2023

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

Summary: Heirsâ€™ Property Commission

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/24/2023 Senate Introduced and read first time (Senate Journal‑page 6)

 1/24/2023 Senate Referred to Committee on **Labor, Commerce and Industry** (Senate Journal‑page 6)

 2/10/2023 Scrivener's error corrected

 2/28/2023 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** (Senate Journal‑page 9)

 3/1/2023 Scrivener's error corrected

 3/2/2023 Senate Committee Amendment Adopted (Senate Journal‑page 26)

 3/2/2023 Senate Amended (Senate Journal‑page 26)

 3/2/2023 Senate Read second time (Senate Journal‑page 26)

 3/2/2023 Senate Roll call Ayes-40 Nays-0 (Senate Journal‑page 26)

 3/3/2023 Scrivener's error corrected

 3/8/2023 Senate Read third time and sent to House (Senate Journal‑page 16)

 3/9/2023 House Introduced and read first time (House Journal‑page 18)

 3/9/2023 House Referred to Committee on **Judiciary** (House Journal‑page 18)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=436&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/24/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/436_20230124.docx)

[02/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/436_20230210.docx)

[02/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/436_20230228.docx)

[03/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/436_20230301.docx)

[03/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/436_20230302.docx)

[03/03/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/436_20230303.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted and Amended

March 2, 2023

S. 436

Introduced by Senators Scott, Jackson, Sabb, Malloy, Allen, Hutto, Adams, McElveen, McLeod, K. Johnson, M. Johnson, Kimbrell, Davis, Rice, Williams, Garrett, Stephens and Campsen

S. Printed 03/02/23--S. [SEC 3/3/2023 12:23 PM]

Read the first time January 24, 2023

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 31‑1‑900, SO AS TO ESTABLISH THE HEIRS’ PROPERTY COMMISSION TO ADDRESS THE LEGAL AND ECONOMIC ISSUES ASSOCIATED WITH HEIRS’ PROPERTY, TO PROVIDE FOR MEMBERSHIP OF THE COMMISSION, TO PROVIDE FOR REPORTING REQUIREMENTS OF THE COMMISSION, AND TO PROVIDE FOR THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY TO CHAIR THE COMMISSION AND FOR THE AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION.

 Amend Title To Conform

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

SECTION 1. Article 9, Chapter 1, Title 31 of the S.C. Code is amended by adding:

 Section 31‑1‑900. (A) There is established the “Heirs’ Property Commission”, which is created to address the legal and economic issues associated with heirs’ property. The commission shall be comprised of:

 (1) a member of the Real Estate Practices Section of the South Carolina Bar or his designee, appointed by the Governor, who shall serve as chairman;

 (2) a representative of the Center for Heirs’ Property Preservation, appointed by the Governor;

 (3) the Secretary of Transportation or his designee;

 (4) a Master‑in-Equity, appointed by the Governor;

 (5) a member representing county government, appointed by the Governor;

 (6) a member representing municipal government, appointed by the Governor;

 (7) a member representing the Coastal Conservation League, appointed by the Governor;

 (8) a member representing Habitat for Humanity South Carolina, appointed by the Governor;

 (9) a member representing the Lowcountry Gullah Foundation, appointed by the Governor;

 (10) a member of the Real Estate Practices Section of the South Carolina Bar appointed by the President of the Senate; and

 (11) a member of the Real Estate Practices Section of the South Carolina Bar appointed by the Speaker of the House.

 (B) The commission shall review issues related to heirs’ property in South Carolina and their impact on the families and the economic development opportunities for South Carolina.

 (C)(1) The commission shall report to the Governor and the General Assembly within four years of the effective date of this section, setting forth its activities, the state of heirs’ property in the State, data collected, and any recommendations for policy or legislative changes to help families with heirs’ property clear title, to improve economic development opportunities for South Carolina, and to prevent new occurrences of heirs’ property.

 (2) Data collected by the commission shall include:

 (a) information regarding the number and total acreage of lots that are designated as heirs’ property in each county;

 (b) information regarding the number and total acreage of heirs’ property land sold at tax sales and whether the purchaser is an heir;

 (c) information regarding the economic impact of heirs’ property, including loss of economic development due to issues with land designated as heirs’ property;

 (d) information regarding non‑profit groups in South Carolina that provide services to owners of heirs’ property; and

 (e) information regarding resources available to assist families to clear title of the heirs’ property and to prevent further occurrences of heirs’ property.

 (3) The commission shall collect information from state agencies and local governments for its report. State agencies and local governments shall provide the commission with information that the commission requests and requires in the performance of its duties.

 (D) The President of the Senate and the Speaker of the House of Representatives shall designate staff from the Senate and the House, in equal number from each chamber, to provide administrative support to the commission as the commission requests and requires in the performance of its duties.

 (E) A member of the commission may not receive compensation but may receive the usual subsistence, mileage, and per diem as provided by law for state boards, commissions, and committees.

SECTION 2. The commission shall review the Heirs’ Property Study Committee Report issued to the General Assembly on December 30, 2022, and identify suggestions and steps for implementation for policy changes, and report recommendations for legislative changes to the General Assembly.

SECTION 3. The commission shall provide an annual progress report providing preliminary findings or recommendations to the General Assembly. The commission shall provide the first annual progress report on December 30, 2024. Thereafter, the commission shall provide the report required pursuant to Section 31-1-900(C)(1) on December 30, 2026, to the General Assembly.

SECTION 4. This act takes effect upon approval by the Governor.

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