

South Carolina General Assembly

116th Session, 2005-2006

A403, R453, S1031

STATUS INFORMATION

Joint Resolution

Sponsors: Senators Campsen, McConnell, Martin, Peeler, Bryant, Mescher, Grooms, Hayes, Ryberg, Richardson, Fair, Leatherman, Alexander, Scott, Gregory, Thomas, Courson, O'Dell, Ritchie, Verdin, Leventis, Ford and Drummond

Document Path: I:\council\bill\swb\6638mm06.doc

Companion/Similar bill(s): 980, 4502

Introduced in the Senate on January 10, 2006

Introduced in the House on February 14, 2006

Last Amended on June 14, 2006

Passed by the General Assembly on June 14, 2006

Governor's Action: No signature required

Summary: Slum clearance and redevelopment

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/10/2006	Senate	Introduced and read first time SJ-48
1/10/2006	Senate	Referred to Committee on Judiciary SJ-48
1/11/2006	Senate	Referred to Subcommittee: Gregory (ch), Ford, Elliott, Campsen, Sheheen, Rankin
2/1/2006	Senate	Committee report: Favorable with amendment Judiciary SJ-41
2/2/2006	Senate	Debate interrupted SJ-19
2/2/2006		Scrivener's error corrected
2/7/2006	Senate	Amended SJ-22
2/7/2006	Senate	Debate interrupted SJ-22
2/8/2006		Scrivener's error corrected
2/8/2006	Senate	Amended SJ-25
2/8/2006	Senate	Read second time SJ-27
2/9/2006	Senate	Read third time and sent to House SJ-12
2/9/2006		Scrivener's error corrected
2/14/2006	House	Introduced and read first time HJ-3
2/14/2006	House	Referred to Committee on Judiciary HJ-4
5/17/2006	House	Committee report: Favorable with amendment Judiciary HJ-5
5/19/2006		Scrivener's error corrected
5/24/2006	House	Requests for debate-Rep(s). Edge, Tripp, Loftis, MA Pitts, Hagood, Duncan, Skelton, Bailey, R Brown, Mitchell, Cato, Mahaffey, Moody-Lawrence, Leach, Pinson, Toole, Hardwick, and Weeks HJ-22
5/25/2006	House	Debate adjourned until Tuesday, May 30, 2006 HJ-59
5/30/2006	House	Amended HJ-53
5/30/2006	House	Read second time HJ-80
5/30/2006	House	Roll call Yeas-100 Nays-11 HJ-80
5/31/2006	House	Read third time and returned to Senate with amendments HJ-769
5/31/2006		Scrivener's error corrected
5/31/2006	Senate	House amendment amended SJ-265
5/31/2006	Senate	Returned to House with amendments SJ-265

5/31/2006	House	Non-concurrence in Senate amendment HJ-226
5/31/2006	Senate	Senate insists upon amendment and conference committee appointed Gregory, Sheheen, and Campsen
6/14/2006	House	Conference committee appointed Reps. Harrison, Edge, and Coleman HJ-56
6/14/2006	House	Free conference powers granted HJ-224
6/14/2006	House	Free conference committee appointed Reps. Harrison, Edge, and Coleman HJ-225
6/14/2006	House	Free conference report received and adopted HJ-226
6/14/2006	Senate	Free conference powers granted SJ-105
6/14/2006	Senate	Free conference committee appointed Gregory, Sheheen, and Campsen SJ-105
6/14/2006	Senate	Free conference report adopted SJ-107
6/14/2006	House	Ordered enrolled for ratification HJ-233
6/14/2006		Ratified R 453
6/14/2006		No signature required
6/21/2006		Copies available
6/21/2006		Effective date 06/14/06
10/17/2006		Act No. 403

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VERSIONS OF THIS BILL

1/10/2006
2/1/2006
2/2/2006
2/7/2006
2/8/2006
2/8/2006-A
2/9/2006
5/17/2006
5/19/2006
5/30/2006
5/31/2006
5/31/2006-A
6/14/2006

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(A403, R453, S1031)

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 13, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE TAKING OF PRIVATE PROPERTY, SO AS TO PROVIDE THAT PRIVATE PROPERTY MUST NOT BE CONDEMNED BY EMINENT DOMAIN FOR ANY PURPOSE OR BENEFIT INCLUDING, BUT NOT LIMITED TO, THE PURPOSE OR BENEFIT OF ECONOMIC DEVELOPMENT, UNLESS THE CONDEMNATION IS FOR PUBLIC USE; EXCEPT THAT IN THE INSTANCE OF THE EXERCISE OF EMINENT DOMAIN FOR THE LIMITED PURPOSE OF REMEDYING BLIGHT, THE GENERAL ASSEMBLY MAY PROVIDE FOR THE PRIVATE USE OF CONDEMNED PROPERTY UNDER CERTAIN CONDITIONS; AND PROPOSING AMENDMENTS TO ARTICLE I, SECTION 17, AND ARTICLE XIV, SECTION 5, RELATING TO TREASON AND THE EXERCISE OF THE POWERS OF EMINENT DOMAIN BY OR WITHIN SUMTER, CHEROKEE, SPARTANBURG, YORK, FLORENCE, GREENVILLE, CHARLESTON, RICHLAND, AND LAURENS COUNTIES, SO AS TO DELETE THOSE PROVISIONS.

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

Eminent domain amendments

SECTION 1. A. It is proposed that Section 13, Article I of the Constitution of this State be amended to read:

“Section 13. (A) Except as otherwise provided in this Constitution, private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made for the property. Private property must not be condemned by eminent domain for any purpose or benefit including,

but not limited to, the purpose or benefit of economic development, unless the condemnation is for public use.

(B) For the limited purpose of the remedy of blight, the General Assembly may provide by law that private property constituting a danger to the safety and health of the community by reason of lack of ventilation, light, and sanitary facilities, dilapidation, deleterious land use, or any combination of these factors may be condemned by eminent domain without the consent of the owner and put to a public use or private use if just compensation is first made for the property.”

B.It is proposed that Section 17, Article I of the Constitution of this State be amended to read:

“Section 17. Treason against the State shall consist alone in levying war or in giving aid and comfort to enemies against the State. No person shall be held guilty of treason, except upon testimony of at least two witnesses to the same overt act, or upon confession in open court.

C.It is proposed that Section 5, Article XIV of the Constitution of this State be amended to read:

“Section 5. Reserved.”

Question

SECTION 2. The proposed amendments in SECTION 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 13, Article I of the Constitution of this State be amended so as to provide that except as otherwise provided in the Constitution, private property shall not be condemned by eminent domain for any purpose or benefit, including, but not limited to, the purpose or benefit of economic development, unless the condemnation is for public use; and to further provide that for the limited purpose of the remedy of blight, the General Assembly may provide by law that private property, if it meets certain conditions, may be condemned by eminent domain without the consent of the owner and put to a public use or private use if just compensation is first made for the property; and must Section 17, Article I of the Constitution of this State be amended to delete undesignated paragraphs that give slum clearance and redevelopment power to municipalities and housing or

redevelopment authorities in Sumter and Cherokee Counties; and must the Constitution of this State be amended to delete Section 5, Article XIV, which provides slum clearance and redevelopment power over blighted properties to municipalities and housing or redevelopment authorities in Spartanburg, York, Florence, Greenville, Charleston, Richland, and Laurens Counties?"

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word 'Yes', and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word 'No'."

Ratified the 14th day of June, 2006.
