



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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**Bill Number:** S. 0457      Introduced on January 26, 2023  
**Author:** Martin  
**Subject:** Eminent Domain  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Griffith  
**Impact Date:** April 3, 2024

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### **Fiscal Impact Summary**

This bill requires a person or other entity, who is empowered to condemn real property and who either plans to modify the use of real property or purchases real property for a specific purpose that is likely to result in condemnation of surrounding real property, to first hold a public meeting to disclose the likelihood of condemnation, the expected extent of the condemnation, and to receive public input. The person or entity may not initiate the condemnation process or finalize its purchase of the real property until thirty days after the public hearing.

This bill will have no expenditure impact on the Department of Health and Environmental Control (DHEC) or the Public Service Commission (PSC) because neither agency is involved with eminent domain issues.

The Public Service Authority (PSA) indicates that they currently hold public meetings on projects related to eminent domain. The cost for each public meeting is approximately \$41,000, and PSA estimates six projects each year, for an approximate expense of \$250,000 per year. This bill will require PSA to continue to hold these public meetings.

The expenditure impact of the bill on the Department of Transportation (DOT), the Department of Administration (Admin), and the Ports Authority is pending, contingent upon responses from the agencies.

The Revenue and Fiscal Affairs Office (RFA) contacted all county governments and the Municipal Association of South Carolina (MASC) regarding the expenditure impact of this bill and received no responses. Therefore, the expenditure impact on local governments is undetermined.

### **Explanation of Fiscal Impact**

#### **Introduced on January 26, 2023**

#### **State Expenditure**

This bill requires a person or other entity, who is empowered to condemn real property and who either plans to modify the use of real property or purchases real property for a specific purpose that is likely to result in condemnation of surrounding real property, to first hold a public

meeting to disclose the likelihood of condemnation, the expected extent of the condemnation, and to receive public input. The person or entity may not initiate the condemnation process or finalize its purchase of the real property until thirty days after the public hearing.

**Department of Health and Environmental Control.** DHEC indicates that the agency is not typically involved in condemnation of real property. Therefore, there is no expenditure impact to DHEC.

**Public Service Commission.** PSC indicates that eminent domain issues are not within its jurisdiction. Therefore, there is no expenditure impact to PSC.

**Public Service Authority.** PSA indicates that they currently hold public meetings on projects related to eminent domain. The cost for each public meeting is approximately \$41,000, and PSA estimates six projects each year, for an approximate expense of \$250,000 per year. This bill will require PSA to continue to hold these public meetings.

**Department of Transportation.** The expenditure impact of this bill on DOT is pending, contingent upon a response from the agency.

**Department of Administration.** The expenditure impact of this bill on Admin is pending, contingent upon a response from the agency.

**Ports Authority.** The fiscal impact of this bill on the Ports Authority is pending, contingent upon a response from the agency.

#### **State Revenue**

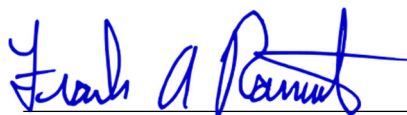
N/A

#### **Local Expenditure**

This bill requires a person or other entity, who is empowered to condemn real property and who either plans to modify the use of real property or purchases real property for a specific purpose that is likely to result in condemnation of surrounding real property, to first hold a public meeting to disclose the likelihood of condemnation, the expected extent of the condemnation, and to receive public input. The person or entity may not initiate the condemnation process or finalize its purchase of the real property until thirty days after the public hearing. RFA contacted all county governments and the MASC regarding the expenditure impact of this bill and received no responses. Therefore, the expenditure impact on local governments is undetermined.

#### **Local Revenue**

N/A



Frank A. Rainwater, Executive Director