



2023 South Dakota Legislature

House Bill 1230

Introduced by: **Representative** Overweg

1 **An Act to clarify references to the court in a condemnation action.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 21-35-23 be AMENDED:**

4 **21-35-23.** If the amount of compensation awarded to the defendant by final
 5 judgment in proceedings pursuant to this chapter is twenty percent greater than the
 6 plaintiff's final offer, which shall~~must~~ be filed with the court having jurisdiction over the
 7 action at the time ~~trial~~the action is commenced, and if that total award exceeds seven
 8 hundred dollars, the court shall, in addition to such taxable costs as are allowed by law,
 9 allow reasonable attorney fees, and compensation for not more than two expert witnesses,
 10 ~~all~~ as determined by the court.