



## 2024 South Dakota Legislature

# House Bill 1203

Introduced by: **Representative Lems**

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

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~~ must, in addition to ~~such~~ taxable costs ~~as are~~ allowed by  
 9 law, ~~allow~~ order the plaintiff to reimburse the defendant for reasonable attorney fees and  
 10 compensation for ~~not~~ no more than two expert witnesses, ~~all as determined by the court.~~