



2025 South Dakota Legislature

House Bill 1251

Introduced by: **Representative** Randolph

1 **An Act to establish the minimum compensation for an easement obtained through**
 2 **the exercise of eminent domain for a project affecting multiple landowners.**

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

4 **Section 1. That § 21-35-15 be AMENDED:**

5 **21-35-15.** The only issue ~~that shall~~ to be tried by the jury upon the petition ~~shall~~
 6 ~~be~~ is the amount of compensation to be paid for the property taken or damaged.

7 Compensation for an easement acquired through the exercise of eminent domain,
 8 as part of a project requiring easements from multiple landowners, must be determined
 9 as set forth in section 3 of this Act.

10 **Section 2. That § 21-35-18 be AMENDED:**

11 **21-35-18.** If the compensation for all the property taken or damaged is
 12 ascertained by the jury upon one trial, ~~they shall~~ the jury must ascertain and return in
 13 ~~their~~ the verdict the compensation to be paid for each distinct lot or parcel of land or
 14 property taken or damaged.

15 This section does not apply to an easement acquired through the exercise of
 16 eminent domain, as part of a project requiring easements from multiple landowners, the
 17 compensation for which taking must be determined pursuant to section 3 of this Act.

18 **Section 3. That a NEW SECTION be added to chapter 21-35:**

19 If an easement is acquired through the exercise of eminent domain, as part of a
 20 project requiring easements from multiple landowners, including for any development,
 21 infrastructure, pipeline, roadway, transmission line, or utility, the minimum compensation
 22 paid to each landowner must be equivalent to the highest per-unit price negotiated for a
 23 comparable easement acquired for the same project, whether obtained voluntarily or
 24 through eminent domain.

1 For purposes of this section, "comparable easement" means an easement for land
2 of similar productivity, use, and value based on factors related to fair market value,
3 including access, existing land use, soil quality, and zoning.