

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

384H0038

## HOUSE BILL NO. 1212

Introduced by: Representatives Garnos, Klaudt, Lintz, McCoy, Pederson (Gordon), and Rhoden and Senator Vitter

1 FOR AN ACT ENTITLED, An Act to provide for the recovery of certain expenses in an action  
2 brought by any person whose land, property, or material is being purchased by the  
3 Department of Transportation.

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

5 Section 1. That chapter 31-19 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 The Department of Transportation shall reimburse a person for reasonable attorneys' fees  
8 relative to the condemnation of land, property, or material, if the Department of Transportation  
9 initial offer of compensation for such land, property, or material is less than half of the final  
10 compensation paid by the Department of Transportation.

11 Section 2. That chapter 31-19 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The circuit court may award disbursements, including reasonable attorneys' fees, in an action  
14 brought to circuit court pursuant to this chapter by any person relative to the condemnation of  
15 land, property, or material, if the Department of Transportation initial offer of compensation for



1 such land, property, or material is less than half of the final compensation paid by the Department  
2 of Transportation.

3 Section 3. That chapter 31-19 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 On motion, the Supreme Court may award reasonable attorneys' fees in an action brought  
6 to the Supreme Court pursuant to this chapter by any person relative to the condemnation of  
7 land, property, or material, if the Department of Transportation initial offer of compensation for  
8 such land, property, or material is less than half of the final compensation paid by the Department  
9 of Transportation. The motion shall be accompanied by counsel's verified itemized statement of  
10 costs incurred and legal services rendered.