

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

573R0030

HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1214** - 2/4/2010

Introduced by: Representatives Lederman, Cronin, Rounds, and Wink and Senators Gray,
Brown, Dempster, Maher, and Rhoden

1 FOR AN ACT ENTITLED, An Act to allow for the acquisition of the fee ownership of highway
2 right-of way land for certain local governments.

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

4 Section 1. That § 31-19-42 be amended to read as follows:

5 31-19-42. Any first or second class municipality, county, township, or other governmental
6 agency may acquire by gift, devise, or purchase, a fee ownership in real estate, ~~other than~~
7 including right-of-way, for the construction and maintenance of the ~~municipality or county~~
8 municipal, county, or township highway system, for the functional operation of the municipality
9 ~~or county, county, or township~~, and where, in relation to right-of-way acquisition, uneconomic
10 remnants of land would be left to the original owner or where severance damages to a remainder
11 make the acquisition of the entire tract or parcel more economical to the municipality or county.
12 The Department of Transportation may acquire by gift, devise, or purchase, a fee ownership in
13 real estate including right-of-way, for the construction and maintenance of the state highway
14 system, for the functional operation of the department, and where, in relation to right-of-way



1 acquisition, uneconomic remnants of land would be left to the original owner or where
2 severance damages to a remainder make the acquisition of the entire tract or parcel more
3 economical to the state. The department may not acquire fee ownership in right-of-way taken
4 by condemnation proceedings.