

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

619U0068

HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1004** - 01/22/2013

Introduced by: Representatives Hoffman, Hawley, Magstadt, Olson (Betty), Rozum, Schrempp, and Solum and Senators Maher, Rampelberg, Rhoden, and Sutton at the request of the Interim Oil and Gas Study Committee

1 FOR AN ACT ENTITLED, An Act to provide for the award of treble damages in certain
2 surface depredation cases.

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

4 Section 1. That chapter 45-5A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If any mineral developer fails or refuses to conduct good faith negotiations with the surface
7 owner to determine damages pursuant to § 45-5A-4, whether or not arising out of an existing
8 contract or lease, the court, in any subsequent litigation arising out of the mineral developer's
9 failure or refusal to negotiate in good faith, may, at its discretion, award treble damages on all
10 or part of any recovery by the surface owner.

