

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

837W0534

HOUSE BILL NO. 1173

Introduced by: Representatives Qualm, Anderson, Feickert, Haggar (Don), Klumb, May, Mickelson, Rasmussen, Schoenfish, Stevens, Verchio, and Zikmund and Senators Cammack, Brown, Ewing, Monroe, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to deter certain frivolous appeals of land zoning decisions.

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

3 Section 1. That chapter 11-2 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If the court determines an appeal is frivolous, made in bad faith, or brought solely to
6 unreasonably hinder or delay a land use approved by the board of adjustment, the court shall
7 award costs and expenses reasonably incurred in connection with the defense of the action, with
8 a reasonable amount for attorney's fees.

9 Section 2. That chapter 7-8 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 If the court determines an appeal is frivolous, made in bad faith, or brought solely to
12 unreasonably hinder or delay a land use approved by the county commissioners, the court shall
13 award costs and expenses reasonably incurred in connection with the defense of the action, with
14 a reasonable amount for attorney's fees.

