

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

555C0047

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB1003** - 2/22/99

Introduced by: Representatives McNenny, Broderick, Chicoine, Cutler, Diedrich (Larry),
Monroe, Napoli, Pummel, Smidt, and Waltman and Senators Dennert, Brosz,
Madden, and Olson at the request of the Interim Taxation Committee

1 FOR AN ACT ENTITLED, An Act to provide for the recovery of certain expenses in an action
2 brought to court by any governmental subdivision relative to the assessment of property.

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

4 Section 1. That chapter 10-11 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The circuit court may award disbursements, including reasonable attorneys' fees, in an action
7 brought to circuit court pursuant to chapter 10-11 by any appellant relative to the assessment of
8 property, if the appellant does not prevail in its appeal of the property assessment.

9 Section 2. That chapter 10-11 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 On motion, the Supreme Court may award reasonable attorneys' fees in an action brought
12 to the Supreme Court pursuant to chapter 10-11 against any appellant relative to the assessment
13 of property, if the appellant does not prevail in its appeal of the property assessment. The motion
14 shall be accompanied by counsel's verified itemized statement of costs incurred and legal services
15 rendered.

1 Section 3. That chapter 10-38 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The sixth judicial circuit court may award reasonable attorneys' fees, in an action brought to
4 court pursuant to chapter 10-38 against any appellant relative to the assessment, allocation,
5 equalization, or distribution of property if the appellant does not prevail in its appeal of the
6 property assessment, allocation, equalization, or distribution.

7 Section 4. That chapter 10-38 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 On motion, the Supreme Court may award reasonable attorneys' fees in an action brought
10 to the Supreme Court pursuant to chapter 10-38 against any appellant relative to the assessment,
11 allocation, equalization, or distribution of property if the appellant does not prevail in its appeal
12 of the property assessment, allocation, equalization, or distribution. The motion shall be
13 accompanied by counsel's verified itemized statement of costs incurred and legal services
14 rendered. No award for attorney's fees may be made for or against the State of South Dakota
15 in the Supreme Court.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Judiciary. H.J. 32

3 1/22/99 Scheduled for Committee hearing on this date.

4 1/22/99 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 122

5 1/26/99 Motion to Amend, Passed, AYES 45, NAYS 23. H.J. 199

6 1/26/99 House of Representatives Do Pass Amended, Passed, AYES 46, NAYS 22. H.J. 199

7 1/27/99 First read in Senate and referred to Judiciary. S.J. 222

8 2/10/99 Scheduled for Committee hearing on this date.

9 2/12/99 Scheduled for Committee hearing on this date.

10 2/17/99 Scheduled for Committee hearing on this date.

11 2/19/99 Scheduled for Committee hearing on this date.

12 2/19/99 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 582