

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

923M0633

## HOUSE BILL NO. 1201

Introduced by: Representatives Gillespie and Dykstra and Senator Broderick

1 FOR AN ACT ENTITLED, An Act to establish certain requirements regarding the acquisition  
2 of real property by eminent domain.

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

4 Section 1. Any person who is seeking to acquire title to any real property, which is subject  
5 to condemnation under power of eminent domain shall, at the initial meeting with the owner of  
6 each such parcel of real property, provide the landowner with the following statement in printed  
7 form:

8 SUMMARY OF THE RIGHTS OF LANDOWNERS IN CONDEMNATION PROCEEDINGS:

- 9 1. The right to negotiate with the condemnor before condemnation proceedings begin.
- 10 2. The right to ask for a copy of any appraisal done by the condemnor or a written  
11 statement and summary showing the basis of the original offer by the condemnor.
- 12 3. The right to have a court decide whether the proposed use of the property being taken  
13 is a legitimate public use which entitles the condemnor to use its power of eminent  
14 domain.
- 15 4. The right to have a court decide whether the property sought to be taken by the  
16 condemnor is actually necessary for the proposed use.



- 1        5.     The right to have a court decide how much just compensation the property owner  
2                should receive because of the condemnation.
- 3        6.     The right to appeal any court decision regarding public use, necessity, or just  
4                compensation.
- 5        7.     The right to ask the court for reimbursement of attorney's fees and costs, although the  
6                court is not required to order the condemnor to pay the landowner's court costs.
- 7        8.     The right to retain legal counsel to represent the landowner at any stage of the  
8                negotiations or condemnation proceedings.