

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

573R0030

HOUSE BILL NO. 1214

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



- 1 acquisition of the entire tract or parcel more economical to the state. The department may not
- 2 acquire fee ownership in right-of-way taken by condemnation proceedings.