

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

318V0757

HOUSE BILL NO. 1234

Introduced by: Representatives Nelson, Campbell, Greenfield, Kaiser, Kopp, Latterell, Olson (Betty), and Russell and Senators Maher, Bradford, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to require notice to property owners in certain eminent
2 domain cases.

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

4 Section 1. That § 21-35-2 be amended to read as follows:

5 21-35-2. A petition filed pursuant to § 21-35-1 shall name the person, group, or corporation
6 desiring to take or damage private property as plaintiff, and all persons having interest in or liens
7 upon the property affected by the proceeding as defendants, so far as they shall be known at the
8 time of filing the same. It shall contain a description of the property to be taken or damaged. The
9 purpose for which the property is to be taken or damaged shall be clearly set forth in the
10 petition. It shall not be necessary to specify the interests or claims of the several defendants in
11 the land or property affected by the proceeding. The defendant shall be notified not less than six
12 months before the petition is filed of the plaintiff's intention to file the petition and the specific
13 nature of the petition, including a description of the property to be taken or damaged and the
14 purpose for which the property is to be taken or damaged.

