

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

619U0068

HOUSE BILL NO. 1004

Introduced by: Representatives Hoffman, Hawley, Magstadt, Olson (Betty), Rozum, Schrempp, and Solum and Senators Maher, Rampelberg, Rhoden, and Sutton at the request of the Interim Oil and Gas Study Committee

1 FOR AN ACT ENTITLED, An Act to provide for the award of treble damages in certain
2 surface depredation cases.

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

4 Section 1. That chapter 45-5A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If any mineral developer fails or refuses to conduct good faith negotiations with the surface
7 owner to determine damages pursuant to § 45-5A-4 or if any surface owner fails or refuses to
8 conduct good faith negotiations with the mineral developer to determine damages pursuant to
9 § 45-5A-4, the court, in any subsequent litigation arising out of either party's failure or refusal
10 to negotiate in good faith, may, at its discretion, award treble damages on all or part of any
11 recovery by the aggrieved party.

