



## 2023 South Dakota Legislature

# House Bill 1224

Introduced by: **Representative Lems**

1 **An Act to require verification of landowner permission prior to certain pipeline**  
2 **permitting actions.**

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

4 **Section 1. That § 49-7-13 be AMENDED:**

5 **49-7-13.** Any pipeline companies owning a pipeline which is a common carrier as  
6 defined by § 49-7-11 may exercise the right of eminent domain in acquiring right-of-way  
7 as prescribed by statute.

8 However, in the case of school and public lands, no right-of-way for the purpose of  
9 carriage of property by pipeline shall exceed ten feet in width but the pipeline company  
10 shall have the right to secure such land as may be reasonably required for pumps, stations,  
11 substations, tanks, or buildings necessary for the carriage of the type or kinds of property  
12 the pipeline company intends its pipeline to carry.

13 Any pipeline company seeking a permit from the Public Utilities Commission,  
14 pursuant to chapter 49-41B, shall, prior to filing the application, acquire the written  
15 consent of at least ninety percent of the landowners whose property may be subject to an  
16 easement for the proposed pipeline, and shall file a verified statement of the required  
17 landowner consent with the application for a permit.

18 The commission may not conduct a contested case hearing until the pipeline  
19 company satisfies the landowner consent requirement set forth in this section.

20 A pipeline company subject to this chapter may not exercise eminent domain until  
21 it has an approved permit for construction of its proposed facilities from the commission.