

## 2023 South Dakota Legislature

**Senate Bill 174****AMENDMENT 174A  
FOR THE INTRODUCED BILL**

1 **An Act to prohibit ~~counties or municipalities from enacting or implementing the~~**  
2 **enactment or implementation of an ordinance, resolution, or policy that**  
3 **prohibits the ~~connection or reconnection~~ use of an energy or utility service.**

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

5 **Section 1. That chapter 9-35 be amended with a NEW SECTION:**

6 No municipality may enact or implement any ordinance, resolution, or policy that  
7 prohibits, or has the effect of prohibiting, ~~the connection or reconnection of an the use of~~  
8 electric, natural gas, propane, or any other energy or utility service ~~provided by a public~~  
9 ~~utility, municipality, or cooperative utility or propane service as a type or class of energy~~  
10 ~~service~~. This section does not apply to a generally applicable zoning ordinance, building  
11 regulation, or fire code if the ordinance, regulation, or code is not used to ~~prohibit an~~  
12 ~~affect a prohibition on the use of~~ electric, natural gas, propane, or any other energy or  
13 utility service as a type or class.

14 **Section 2. That chapter 7-18 be amended with a NEW SECTION:**

15 No county may enact or implement any ordinance, resolution, or policy that  
16 prohibits, or has the effect of prohibiting, ~~the connection or reconnection of an the use of~~  
17 electric, natural gas, propane, or any other energy or utility service ~~provided by a public~~  
18 ~~utility, municipality, or cooperative utility or propane service as a type or class of energy~~  
19 ~~service~~. This section does not apply to a generally applicable zoning ordinance, building  
20 regulation, or fire code if the ordinance, regulation, or code is not used to ~~prohibit an~~  
21 ~~affect a prohibition on the use of~~ electric, natural gas, propane, or any other energy or  
22 utility service as a type or class.