



2024 South Dakota Legislature

House Bill 1193

Introduced by: **Representative Blare**

1 **An Act to provide that required siting permits be filed with condemnation petitions.**

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

3 **Section 1. That § 21-35-1 be AMENDED:**

4 **21-35-1.** ~~In all cases where~~If any person, group, or corporation, public or private,
 5 including the owners of water rights, ditches, flumes, reservoirs, and mining property
 6 under the provisions of the laws of Congress, invested with the privilege of taking or
 7 damaging private property for public use, in making, constructing, repairing, or using any
 8 work or improvement allowed by law, ~~shall determine~~determines to exercise ~~such that~~
 9 privilege, ~~it shall~~the person must first file a petition in the circuit court for the county in
 10 which the property to be taken or damaged is situated, praying that the just compensation
 11 to be made for ~~such~~the property may be ascertained by a jury.

12 If the person invested with the privilege of taking or damaging private property for
 13 public use is required, pursuant to chapter 49-41B, to obtain, from the Public Utilities
 14 Commission, a permit for the construction and operation of a facility, the petition required
 15 by this section must include a copy of that permit.