



2024 South Dakota Legislature

Senate Bill 218

Introduced by: **Senator Nesiba**

1 **An Act to restrict the power of eminent domain to a utility used for a public purpose.**

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

3 **Section 1. That § 21-35-1.1 be AMENDED:**

4 **21-35-1.1.** A utility constructing a transmission line in this state that has obtained
5 a permit pursuant to chapter 49-41B and approval by legislative enactment as required
6 pursuant to § 49-41B-4.1, is entitled to the power of eminent domain as provided by this
7 chapter. However, such action shall not be construed to constitute approval of the use of
8 federal eminent domain. Only a public utility is entitled to the power of eminent domain
9 under this section.