



2025 South Dakota Legislature

House Bill 1249

Introduced by: **Representative Nolz**

1 **An Act to protect landowners from the use of deception, fraud, harassment,**
 2 **intimidation, misrepresentation, or threat, in acquiring easements for linear**
 3 **infrastructure.**

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

5 **Section 1. That a NEW SECTION be added to chapter 21-35:**

6 A person employed by a public utility or by any private entity attempting to acquire
 7 easements or easement options for linear infrastructure, pursuant to this chapter, may
 8 not use any deception, fraud, harassment, intimidation, misrepresentation, or threat, to
 9 induce a landowner to grant an easement or easement option for the linear infrastructure.
 10 An aggrieved landowner may bring an action in circuit court against any person alleged to
 11 have violated this section.

12 If the court determines that the person used deception, fraud, harassment,
 13 intimidation, misrepresentation, or threat, to acquire or attempt to acquire an easement
 14 from the landowner, the court must declare the executed easement or easement option
 15 void and may:

- 16 (1) Order any compensation paid for the easement or easement option returned to the
 17 offending utility or non-public entity;
 18 (2) Order that the landowner may retain the compensation; or
 19 (3) Award the landowner up to three times the amount of the compensation involved
 20 as damages, punitive or compensatory.

21 If the court rules in favor of the landowner, the court must award costs and
 22 reasonable attorney fees to the landowner.

23 If the court determines a public utility knowingly allowed, encouraged, or
 24 participated with the person using deception, fraud, harassment, intimidation,
 25 misrepresentation, or threat against the landowner, the court must order a copy of its
 26 decision to be filed with the Public Utilities Commission.

1 Upon receipt of the court's decision pursuant to this section, the commission may
2 revoke or suspend any permit issued for the portion of the route affecting the aggrieved
3 landowner. If a permit has not been issued with respect to a site or route affecting the
4 aggrieved landowner, the commission may refuse to issue a permit for the portion of the
5 route affecting the aggrieved landowner.

6 For purposes of this section, "linear infrastructure" means man-made structures
7 that extend linearly across the landscape, including pipelines, railways, roads, and
8 transmission lines.

9 **Section 2. That a NEW SECTION be added to chapter 49-41B:**

10 A land agent acting on behalf of a person operating or planning a pipeline facility
11 carrying carbon dioxide must be a pipeline facility employee, a resident of the state, or a
12 real estate agent licensed in the state.