

2025 South Dakota Legislature

House Bill 1249**AMENDMENT 1249A
FOR THE INTRODUCED BILL**

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 or easement options.**

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 an easement~~ or easement ~~options for linear infrastructure option,~~ pursuant to
8 this chapter, may not use any deception, fraud, harassment, intimidation,
9 misrepresentation, or threat, to induce a landowner to grant an easement or easement
10 option ~~for the linear infrastructure.~~

11 An aggrieved landowner may bring an action in circuit court against any person
12 alleged to have violated this section.

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

17 (1) Order any compensation paid for ~~the any executed~~ easement or easement option
18 returned to the offending ~~utility or non-public entity party;~~

19 (2) Order that the landowner may retain ~~some or all of the compensation~~ paid for any
20 ~~executed easement or easement option;~~ ~~or~~

21 (3) Award the landowner up to three times the amount of the ~~greatest~~ compensation
22 ~~involved offered or the amount paid for the easement or easement option as~~
23 damages, punitive or compensatory;

24 (4) Issue an injunction against the offending party;

25 (5) In all subsequent negotiations for an easement or easement option;

- 1 (a) Require that the offending party communicate with the landowner through
2 counsel;
3 (b) Appoint counsel to represent the landowner, if necessary; and
4 (c) Order the offending party to pay the landowner's legal fees; and
5 (6) Prohibit the person who engaged in deception, fraud, harassment, intimidation,
6 misrepresentation, or threat from engaging with any third party in a negotiation or
7 transaction to acquire an easement or easement option for a specified period of
8 time or permanently.

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

11 If the court determines a ~~public~~ utility, as defined in § 49-41B-2, or an employee
12 or agent of the utility knowingly allowed, encouraged, engaged, or participated with the
13 person using deception, fraud, harassment, intimidation, misrepresentation, or threat
14 against the landowner, the court must order a copy of its decision to be filed with the
15 Public Utilities Commission.

16 Upon receipt of the court's decision pursuant to this section, the commission may
17 revoke or suspend any permit issued for the portion of the route affecting the aggrieved
18 landowner. If a permit has not been issued with respect to a site or route affecting the
19 aggrieved landowner, the commission may refuse to issue a permit for the portion of the
20 route affecting the aggrieved landowner.

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

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

25 A land agent acting on behalf of a person operating or planning a pipeline facility
26 carrying carbon dioxide must be a pipeline facility employee, a resident of ~~the this~~ state,
27 or a real estate agent licensed in ~~the this~~ state.