

2025 South Dakota Legislature

House Bill 1249**AMENDMENT 1249B
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 owning or proposing a facility carrying carbon oxide, or an individual who
7 is acting as an agent of, is contracted with, or is employed by~~a public utility or by any~~
8 private entity attempting to acquire easements an easement or easement options for
9 linear infrastructure option, pursuant to this chapter, a person owning or proposing a
10 facility carrying carbon oxide, may not use any deception, fraud, harassment, intimidation,
11 misrepresentation, or threat, to induce a landowner to grant an easement or easement
12 option for the linear infrastructure.

13 An aggrieved landowner may bring an action in circuit court against any person
14 alleged to have violated this section no later than twelve months after the date the
15 violation allegedly occurred.

16 If the court determines~~that the person used~~ deception, fraud, harassment,
17 intimidation, misrepresentation, or threat,~~was used~~ to acquire or attempt to acquire an
18 easement or easement option~~from the landowner,~~ the court must declare the executed
19 easement or easement option void and may:

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

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

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

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

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

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

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

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

25 The aggrieved landowner shall file a copy of the court's decision with the Public
 26 Utilities Commission.

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

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

31 **Section 3. That a NEW SECTION be added to chapter 49-41B:**

1 Upon receipt of a copy of the court's decision pursuant to section 1 of this Act, the
2 commission may refuse to issue a permit for the proposed facility carrying carbon oxide
3 as to the affected portion of the aggrieved landowner's property.

AMENDMENT