



## 2025 South Dakota Legislature

# House Bill 1249

HOUSE COMMERCE AND ENERGY ENGROSSED

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 or**  
 3 **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 person owning or proposing  
 8 a facility carrying carbon oxide, may not use any deception, fraud, harassment,  
 9 intimidation, misrepresentation, or threat, to induce a landowner to grant an easement or  
 10 easement option.

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

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

18 (1) Order any compensation paid for the executed easement or easement option  
 19 returned to the offending party;

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

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

25 (4) Issue an injunction against the offending party; and

1       (5) Prohibit the individual who engaged in deception, fraud, harassment, intimidation,  
2       misrepresentation, or threat from participating in a negotiation or transaction to  
3       acquire an easement or easement option for a specified period of time or  
4       permanently.

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

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

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 oxide must be a pipeline facility employee, a resident of this state, or a  
12       real estate agent licensed in this state.

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

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