

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

780X0495

## SENATE BILL NO. 145

Introduced by: Senators Frerichs and Peterson (Jim) and Representatives Schrempp,  
Feickert, and McCleerey

1 FOR AN ACT ENTITLED, An Act to require certain provisions to be met before allowing  
2 public utilities or carriers to exercise eminent domain procedures.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 If the Public Utilities Commission is required to approve a permit for a project proposed by  
6 a public utility or carrier and the permit has not been granted, the public utility or carrier may  
7 not exercise the power of eminent domain for the project until the permit has been approved.

8 Section 2. That the code be amended by adding a NEW SECTION to read:

9 No public utility or carrier may exercise the power of eminent domain for a project unless  
10 at least eighty percent of the landowners voluntarily allow an easement for the project.

