

2023 South Dakota Legislature

Senate Bill 174**AMENDMENT 174C
FOR THE SENATE LOCAL GOVERNMENT ENGROSSED BILL**

1 **An Act to prohibit the enactment or implementation of an ordinance, resolution, or**
2 **policy that prohibits the use of an energy utility service.**

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

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5 **~~Section 1. That chapter 9-35 be amended with a NEW SECTION:~~**

6 ~~No municipality may enact or implement any ordinance, resolution, or policy that prohibits or~~
7 ~~has the effect of prohibiting the use of electric, natural gas, propane, or any other energy~~
8 ~~utility service as a type or class of energy service. This section does not apply to a generally~~
9 ~~applicable zoning ordinance, building regulation, or fire code if the ordinance, regulation, or~~
10 ~~code is not used to affect a prohibition on the use of electric, natural gas, propane, or any~~
11 ~~other energy utility service as a type or class.~~

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13 **~~Section 2. That chapter 7-18 be amended with a NEW SECTION:~~**

14 ~~No county may enact or implement any ordinance, resolution, or policy that prohibits or has~~
15 ~~the effect of prohibiting the use of electric, natural gas, propane, or any other energy utility~~
16 ~~service as a type or class of energy service. This section does not apply to a generally~~
17 ~~applicable zoning ordinance, building regulation, or fire code if the ordinance, regulation, or~~
18 ~~code is not used to affect a prohibition on the use of electric, natural gas, propane, or any~~
19 ~~other energy utility service as a type or class.~~

20 **Section 1. That chapter 6-1 be amended with a NEW SECTION:**

21 No local governmental unit, as defined in § 6-1-12, may enact or implement any
22 ordinance, resolution, or policy that prohibits or has the effect of prohibiting the use,

1 production, or transportation of natural gas, propane, or any other fuel gas service as a
2 type or class of service. This section does not apply to a generally applicable zoning
3 ordinance, building regulation, or fire code if the ordinance, regulation, or code is not used
4 to affect a prohibition on the use, production, or transportation of natural gas, propane,
5 or any other fuel gas service as a type or class of service.

AMENDED