



## 2023 South Dakota Legislature

# Senate Bill 174

### SENATE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Senator Herman Otten**

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:

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

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

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

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