

## 2024 South Dakota Legislature Senate Bill 218

Introduced by: Senator Nesiba

## 1 An Act to restrict the power of eminent domain to a utility used for a public purpose.

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

## 3 Section 1. That § 21-35-1.1 be AMENDED:

21-35-1.1. A utility constructing a transmission line in this state that has obtained
a permit pursuant to chapter 49-41B and approval by legislative enactment as required
pursuant to § 49-41B-4.1, is entitled to the power of eminent domain as provided by this
chapter. However, such action shall not be construed to constitute approval of the use of
federal eminent domain. Only a public utility is entitled to the power of eminent domain
under this section.