



## 2023 South Dakota Legislature

# House Bill 1136

Introduced by: **Representative Sjaarda**

1 **An Act to prohibit the condemnation of private land for certain non-public purposes.**

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

3 **Section 1. That § 49-7-11 be AMENDED:**

4 **49-7-11.** All pipelines ~~A company~~ holding themselves out to the general public  
 5 as being engaged in the business of transporting commodities for hire, by pipeline, ~~are is~~  
 6 a common carriers carrier and ~~are is~~ not subject to the ~~provisions of Title 49~~ this title,  
 7 except as otherwise provided by this chapter, and chapter 49-41B.

8 **Section 2. That chapter 49-7 be amended with a NEW SECTION:**

9 Notwithstanding any other law, a company that is deemed to be a common carrier,  
 10 as provided for in § 49-7-11, is not entitled to exercise the power of eminent domain for  
 11 the condemnation of land under chapter 21-35, if the reason for the condemnation is the  
 12 placement and operation of a privately owned pipeline for the principal purpose of  
 13 transporting carbon dioxide.

14 Nothing in this section precludes any common carrier from negotiating in good faith  
 15 with the owner of land and, upon payment of an agreed upon amount, obtaining a  
 16 temporary or permanent right to use the land for a lawful purpose and in a lawful manner,  
 17 as permitted by chapter 43-13.