

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

904X0504

HOUSE JUDICIARY ENGROSSED NO. **HB 1134** 02/22/2016

Introduced by: Representatives Johns, Duvall, Solum, and Wiik and Senator Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to provide for access to certain property for the purpose of
2 making surveys.

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

4 Section 1. That chapter 21-35 be amended by adding a NEW SECTION to read:

5 Each person vested with authority to take private property for public use may cause an
6 examination and survey to be made as necessary for its proposed facilities. The person or the
7 person's agents and officers may enter the private property for the purpose of the examination
8 and survey. Any person seeking to cause an examination or survey, where permission for
9 examination or survey has been denied, shall:

- 10 (1) Make a filing with the public utilities commission, whether for a permit under
11 chapter 49-41B or an informational filing regarding the project;
- 12 (2) Give thirty days written notice, including the filing and expected dates of entry, to the
13 owner and any tenant in possession of the private property; and
- 14 (3) Make a payment to the owner, or provide sufficient security for the payment, for any
15 actual damage done to the property by the entry.



1 This section does not apply to the state or its political subdivisions. This section is in
2 addition to and not in derogation of other existing law.