

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

904X0504

## SENATE COMMERCE AND ENERGY ENGROSSED NO. **HB 1134** - 03/03/2016

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 The provisions of this section only apply to a project which requires a siting permit pursuant  
6 to chapter 49-41B. Each person vested with authority to take private property for public use may  
7 cause an examination and survey to be made as necessary for its proposed facilities. The person  
8 or the person's agents and officers may enter the private property for the purpose of the  
9 examination and survey. Any person seeking to cause an examination or survey, where  
10 permission for examination or survey has been denied, shall:

- 11 (1) Have filed a siting permit application with the public utilities commission pursuant  
12 to § 49-41B-11;
- 13 (2) Give thirty days written notice, including the filing and expected dates of entry, to the  
14 owner and any tenant in possession of the private property; and
- 15 (3) Make a payment to the owner, or provide sufficient security for the payment, for any



1           actual damage done to the property by the entry.

2           This section does not apply to the state or its political subdivisions. This section is in

3           addition to and not in derogation of other existing law.