

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

400N0210

## SENATE BILL NO. 21

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for the siting of energy  
2 facilities.

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

4 Section 1. That § 49-41B-2.1 be amended to read as follows:

5 49-41B-2.1. For the purposes of this chapter, a transmission facility is:

- 6 (1) An electric transmission line and associated facilities with a design of two hundred  
7 fifty kilovolts or more;
- 8 (2) An electric transmission line and associated facilities with a design of one hundred  
9 fifteen to two hundred fifty kilovolts, if more than one mile in length of the  
10 transmission line does not follow section lines, property lines, roads, highways or  
11 railroads, or is not reconstruction or modification of existing transmission lines and  
12 existing associated facilities located on abandoned railroad rights-of-way; or
- 13 (3) A gas or liquid transmission line and associated facilities designed for or capable of  
14 transporting coal, gas, liquid hydrocarbons, or liquid hydrocarbon products,  
15 excluding any gas or liquid transmission lines or associated facilities which meet any



of the following criteria:

- (a) Lines or facilities that are used exclusively for distribution or gathering;
- (b) Steel pipe and associated facilities operated at a hoop stress of less than twenty percent of specified minimum yield strength as defined by 49 CFR 192.3 as of January 1, ~~1994~~ 2007, or plastic pipe and associated facilities which operate at less than fifty percent of the design pressure as determined by the formula specified in 49 CFR 192.121 as of January 1, ~~1994~~ 2007; or
- (c) Pipe which has nominal diameter under four inches and not more than one mile of the entire line is constructed outside of public right-of-way.

Section 2. That § 49-41B-21 be amended to read as follows:

49-41B-21. Prior to the issuance of a permit, the ~~Public Utilities Commission shall comply~~  
commission may prepare or require the preparation of an environmental impact statement that  
complies with the provisions of chapter 34A-9 ~~relating to an environmental impact statement.~~

Section 3. That § 49-41B-35 be amended to read as follows:

49-41B-35. To implement the provisions of this chapter regarding facilities, the commission shall promulgate rules pursuant to chapter 1-26. ~~The commission shall prepare, in consultation with other state agencies, a single application form which incorporates information requirements of those state agencies or their boards or commissions which have related permit issuing powers that must be exercised prior to construction of a facility.~~ Rules may be adopted by the commission:

- (1) To establish the information requirements and procedures that every utility must follow when filing plans with the commission regarding its proposed and existing facilities;
- (2) To establish procedures for utilities to follow when filing an application for a permit

- 1 to construct a facility, and the information required to be included in the application;
- 2 and
- 3 (3) To require bonds, guarantees, insurance, or other requirements to provide funding for
- 4 the decommissioning and removal of a wind energy facility.