

AN ACT

ENTITLED, An Act to revise certain requirements for the siting of energy facilities.

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

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

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

- (1) An electric transmission line and associated facilities with a design of two hundred fifty kilovolts or more;
- (2) An electric transmission line and associated facilities with a design of one hundred fifteen to two hundred fifty kilovolts, if more than one mile in length of the transmission line does not follow section lines, property lines, roads, highways or railroads, or is not reconstruction or modification of existing transmission lines and existing associated facilities located on abandoned railroad rights-of-way; or
- (3) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, or liquid hydrocarbon products, 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, 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, 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 commission may prepare or require the preparation of an environmental impact statement that complies with the provisions of chapter 34A-9.

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

An Act to revise certain requirements for the siting of energy facilities.

I certify that the attached Act
originated in the

SENATE as Bill No. 21

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 21

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State