



2023 South Dakota Legislature

House Bill 1178

Introduced by: **Representative Sjaarda**

1 **An Act to establish a timeline and conditions for consideration of an application to**
 2 **construct a carbon dioxide transmission facility.**

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

4 **Section 1. That § 49-41B-24 be AMENDED:**

5 **49-41B-24.** ~~Within~~ Except as otherwise provided in section 2 of this Act, within
 6 twelve months of receipt of the initial application for a permit for the construction of energy
 7 conversion facilities, AC/DC conversion facilities, or transmission facilities, the commission
 8 shall make complete findings in rendering a decision regarding whether a permit should
 9 be granted, denied, or granted upon such terms, conditions or modifications of the
 10 construction, operation, or maintenance as the commission deems appropriate.

11 **Section 2. That chapter 49-41B be amended with a NEW SECTION:**

12 Except as otherwise provided in this section, within twenty-four months of receipt
 13 of the initial application for a permit for the construction of a carbon dioxide transmission
 14 facility, the commission shall make complete findings in rendering a decision regarding
 15 whether a permit should be granted, denied, or granted upon such terms, conditions or
 16 modifications of the construction, operation, or maintenance, as the commission deems
 17 appropriate.

18 The commission shall extend the timeline set forth in this section to provide for a
 19 hearing after:

20 (1) The applicant has submitted verification that the applicant obtained voluntary
 21 easements from the landowners of ninety percent of the parcels necessary for
 22 placement of the transmission facility; and

23 (2) The attorney general certifies to the commission that the United States Department
 24 of Transportation Pipeline and Hazardous Materials Safety Administration has

1 completed the rulemaking process and issued a final rule to amend 49 C.F.R. § 190
2 et seq., regarding the safe transportation of carbon dioxide by pipelines.

3 Before the commission may issue a decision to permit the construction of the
4 facility, the commission must find that the construction meets all requirements of this
5 chapter.

6 The commission shall give notice of its decision to the applicant and to parties to
7 the hearing, within ten days following the decision.