

2023 South Dakota Legislature

House Bill 1224**AMENDMENT 1224A
FOR THE INTRODUCED BILL**

1 **An Act to require verification of landowner permission prior to certain pipeline**
2 **permitting actions.**

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

4 **Section 1. That § 21-35-2 be AMENDED:**

5 **21-35-2.** A petition filed pursuant to § 21-35-1 ~~shall name must:~~

6 (1) Name the person, group, or corporation desiring to take or damage private
7 property as plaintiff, and all persons having interest in or liens upon the property
8 affected by the proceeding as defendants, so far as they ~~shall be are~~ known at the
9 time of the filing ~~the same. It shall contain;~~

10 (2) Contain a description of the property to be taken or damaged. ~~The;~~

11 (3) Set forth the purpose for which the property is to be taken or damaged ~~shall be~~
12 ~~clearly set forth in the petition. It shall not be; and~~

13 (4) Be accompanied by a verification of possession of a siting permit from the Public
14 Utilities Commission, if required by § 49-7-13.

15 It is not necessary to specify the interests or claims of the several defendants in
16 the land or property affected by the proceeding.

17 **Section 2. That § 49-7-13 be AMENDED:**

18 **49-7-13.** Any pipeline companies owning a pipeline which is a common carrier as
19 defined by § 49-7-11 may exercise the right of eminent domain in acquiring right-of-way
20 as prescribed by statute.

21 However, in the case of school and public lands, no right-of-way for the purpose of
22 carriage of property by pipeline shall exceed ten feet in width but the pipeline company
23 shall have the right to secure such land as may be reasonably required for pumps, stations,
24 substations, tanks, or buildings necessary for the carriage of the type or kinds of property
25 the pipeline company intends its pipeline to carry.

1 Any pipeline company seeking a permit from the Public Utilities Commission,
 2 pursuant to chapter 49-41B, shall, prior to filing the application, acquire the written
 3 consent of ~~the owners of~~ at least ninety percent of the ~~landowners whose property parcels~~
 4 that may be subject to an easement for the proposed pipeline, and shall file a verified
 5 statement of the required landowner consent with the application for a permit.

6 The commission may not conduct a contested case hearing until the pipeline
 7 company satisfies the landowner consent requirement set forth in this section.

8 A pipeline company subject to this chapter may not exercise eminent domain until
 9 it has an approved permit for construction of its proposed facilities from the commission.

10 **Section 3. That § 49-41B-11 be AMENDED:**

11 ~~49-41B-11.~~ All applications for a permit shall ~~must~~ be filed with the Public Utilities
 12 Commission, not less than six months prior to the planned date of commencement of
 13 construction of a facility, in such form as prescribed by rules promulgated in accordance
 14 with chapter 1-26, and shall contain, but not be limited to, the following information ~~must~~
 15 include:

- 16 (1) The name and address of the applicant;
- 17 (2) ~~Description~~ A description of the nature and location of the facility;
- 18 (3) ~~Estimated~~ The estimated date of commencement of on which construction will
 19 commence and the duration of construction;
- 20 (4) ~~Estimated~~ The estimated number of employees persons employed at the site of the
 21 facility during the construction phase and during the operating life of the facility.
 22 ~~Estimates shall,~~ provided the estimates include the number of employees persons
 23 who are to be utilized, but who do not currently reside within the area to be affected
 24 by the facility;
- 25 (5) Future additions and modifications to the facility, which the applicant may wish to
 26 be approved in the permit;
- 27 (6) A statement of the reasons for the selection of the proposed location;
- 28 (7) ~~Person~~ A description of each parcel of property likely to be impacted by the
 29 proposed location and the name of the principal owner;
- 30 (8) The signed consent from at least ninety percent of the principal landowners whose
 31 property is needed for the project, if required by § 49-7-13;
- 32 (9) The name of the person owning the proposed facility and the name of the person
 33 managing the proposed facility;
- 34 ~~(8)~~ (10) The purpose of the facility;

- 1 ~~(9)~~(11) ~~Estimated~~ The estimated consumer demand and the estimated future energy
2 needs of those consumers to be directly served by the facility;
- 3 ~~(10)~~(12) The potential short-range and long-range demands on any estimated tax
4 revenues generated by the facility for the extension or expansion of public services
5 within the affected areas;
- 6 ~~(11)~~(13) Environmental studies prepared relative to the facility; and
- 7 ~~(12)~~(14) ~~Estimated construction~~ The estimated cost of constructing the facility.

AMENDMENT