



## 2023 South Dakota Legislature

# House Bill 1133

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representative Lems**

1 **An Act to define a commodity for the purpose of qualifying as a common carrier.**

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

3 **Section 1. That § 49-7-11 be AMENDED:**

4 **49-7-11.** All ~~pipelines-companies~~ holding themselves out to the general public as  
 5 being engaged in the business of transporting commodities for hire, by pipeline, are  
 6 common carriers and are not subject to ~~the provisions of Title 49 this title,~~ except as  
 7 provided by this chapter and chapter 49-41B.

8 For purposes of this section, the term, commodity, means a product that is  
 9 intended for commerce and is being transported to a point of distribution, consumption,  
 10 or processing, within or outside of this state. The term does not include a product that is  
 11 disposed of in geological storage or used in a manner that allows its owner, shipper, or  
 12 the shipper's customer to qualify for a tax credit or a direct payment, pursuant to 26  
 13 U.S.C. § 45Q.