



2024 South Dakota Legislature
House Bill 1034
ENROLLED

AN ACT

ENTITLED An Act to require hydrogen pipelines to be permitted by the Public Utilities Commission.

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

Section 1. That § 49-41B-2.1 be AMENDED:

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 more than one hundred fifteen kilovolts. However, if the transmission line is less than two thousand six hundred forty feet, does not cross any public highway, and eminent domain is not used to obtain right of way, the transmission line is not a transmission facility for purposes of this chapter; or
- (2) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, hydrogen, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide, 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 that cannot be operated at a hoop stress of twenty percent or more of specified minimum yield strength as defined by 49 C.F.R. § 192.3 (January 1, 2024) or plastic pipe and associated facilities that cannot be operated at a design pressure of fifty percent or more as determined by the formula specified in 49 C.F.R. § 192.121 (January 1, 2024); or
 - (c) Pipe which has nominal diameter of less than four inches and not more than one mile of the entire line is constructed outside of public right-of-way.

Nothing in this section precludes a utility from applying to the commission for a permit for the construction of an electric transmission line and associated facilities with a

design of one hundred fifteen kilovolts or less. The transmission line and associated facilities is a transmission facility for the purposes of this chapter.

An Act to require hydrogen pipelines to be permitted by the Public Utilities Commission.

I certify that the attached Act originated in
the:
House as Bill No. 1034

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1034
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State