



2025 South Dakota Legislature

Senate Bill 212

Introduced by: **Senator Hohn**

1 **An Act to require that pipeline applicants acquire county permits prior to submission**
 2 **of a permit application to the Public Utilities Commission.**

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

4 **Section 1. That § 49-41B-11 be AMENDED:**

5 **49-41B-11.** ~~All applications~~An application for a permit ~~shall~~ must be filed with the
 6 ~~Public Utilities Commission~~ commission, not less than six months prior to the planned date
 7 of the commencement of construction of a facility, ~~in such~~ the form ~~as~~ prescribed by rules
 8 promulgated by the commission pursuant to chapter 1-26, and ~~shall~~ must contain, ~~but not~~
 9 ~~be limited to~~, the following information:

- 10 (1) The name and address of the applicant;
- 11 (2) ~~Description~~A description of the nature and location of the facility;
- 12 (3) ~~Estimated~~The estimated date of commencement of construction and duration of
 13 construction;
- 14 (4) ~~Estimated~~The estimated number of employees employed at the site of the facility
 15 during the construction phase and during the operating life of the facility. Estimates
 16 ~~shall~~ must include the number of employees who are to be utilized but who do not
 17 currently reside within the area to be affected by the facility;
- 18 (5) ~~Future~~Any future additions and modifications to the facility, ~~which~~ the applicant
 19 may wish to be approved in the permit;
- 20 (6) A statement of the reasons for the selection of the proposed location;
- 21 (7) ~~Person~~The name of the person owning the proposed facility and person managing
 22 the proposed facility;
- 23 (8) The purpose of the facility;
- 24 (9) ~~Estimated~~The estimated consumer demand and estimated future energy needs of
 25 those consumers to be directly served by the facility;

- 1 (10) The potential ~~short and long range~~ short-range and long-range demands on any
2 estimated tax revenues generated by the facility for the extension or expansion of
3 public services within the affected areas;
- 4 (11) ~~Environmental~~Any environmental studies prepared relative to the facility;
- 5 (12) ~~Estimated~~For an applicant proposing construction or operation of a facility or
6 pipeline carrying carbon oxide, a model emergency management plan:
- 7 (a) Providing emergency pipeline information to each political subdivision, as
8 defined in § 34-48A-1, which may be affected by a rupture of the pipeline;
- 9 (b) For the development of emergency plans for emergency management
10 required pursuant to § 34-48A-39; and
- 11 (c) For preparation of the comprehensive plan and program required by the
12 secretary of the Department of Public Safety pursuant to § 34-48A-11;
- 13 (13) The estimated construction cost of the facility; and
- 14 (14) Any county or municipal land use, zoning, or building rules, regulations,
15 ordinances, or resolutions applicable to the facility, together with all required
16 zoning and land use permits issued by a county or municipality in which the
17 proposed facility is to be located.