



2026 South Dakota Legislature  
**House Bill 1027**  
**ENROLLED**

AN ACT

**ENTITLED An Act to update certain citations to federal regulations regarding pipeline safety inspections.**

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

**Section 1. That § 49-34B-1 be AMENDED:**

**49-34B-1.** Terms used in this chapter mean:

- (1) "Commission," the Public Utilities Commission of the State of South Dakota;
- (2) "Emergency release," a release of a quantity of gas that is great enough to:
  - (a) Pose a clear and immediate danger to life, health, or the environment; or
  - (b) Threaten a significant loss of property;
- (3) "Gas," natural gas, liquefied natural gas, flammable gas, gas that is toxic or corrosive, or liquefied petroleum gas in a distribution system;
- (4) "Gas pipeline," all parts of the physical facilities through which gas moves in transportation, including compressor units, delivery stations, fabricated assemblies, holders, metering stations, pipes, regulator stations, valves, and other appurtenances attached to the facilities;
- (5) "Gas pipeline facilities," new and existing pipelines and rights-of-way, within this state, which transport gas from an interstate gas pipeline to a direct sales customer, within this state, purchasing gas for the customer's own consumption, and any building, equipment, or facility used in the transportation of gas, or in the treatment of gas during the course of transportation, within this state;
- (6) "Inspection fee," any fee assessed to pipeline operators based on the expenses and obligations incurred by the commission in implementing and administering this chapter;
- (7) "Interstate pipeline," pipeline facilities used in the transportation of gas, which are subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. §§ 717 to 717z, inclusive (January 1, 2026), except any

pipeline facility, within this state, transporting gas from an interstate gas pipeline to a direct sales customer, within this state, purchasing gas for the customer's own consumption;

- (8) "Intrastate pipeline," any pipeline or part of a pipeline to which this chapter applies, but which is not an interstate pipeline;
- (9) "Liquefied natural gas," natural gas or synthetic gas having methane (CH<sub>4</sub>) as its major constituent, which has been changed to a liquid or semisolid;
- (10) "Master meter system," any pipeline system for distributing gas within an apartment complex, housing project, mobile home park, or other definable area, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system and the gas distribution pipeline system supplies the ultimate consumer who purchases the gas directly through a meter or by rents or other means;
- (11) "Pipeline operator," any person who owns or operates a pipeline;
- (12) "Release," any discharging, disposing, dumping, emitting, emptying, flowing, injecting, leaching, leaking, pouring, pumping, spilling, or uncontrolled escaping of a gas from a pipeline; and
- (13) "Transportation of gas," the distribution, gathering, or transmission of gas by pipeline, or the storage of gas.

**Section 2. That § 49-34B-3 be AMENDED:**

**49-34B-3.** The federal safety standards as set forth in 49 C.F.R. parts 191 to 193, inclusive, 199, and appendices to parts 191 and 192 (January 1, 2026), are adopted as safety standards for this chapter. The commission shall establish and implement a pipeline safety inspection program to enforce these safety standards in a manner that fully complies with requirements for state certification pursuant to 49 U.S.C. § 60105 (January 1, 2026).

**Section 3. That § 49-34B-4 be AMENDED:**

**49-34B-4.** The commission may, by rules promulgated pursuant to chapter 1-26, establish safety standards that are not more stringent than federal safety standards, as set forth in § 49-34B-3, for the intrastate transportation of gas and gas pipeline facilities. The standards may apply to the construction, design, extension, inspection, installation, maintenance, operation, replacement, and testing of gas pipeline facilities. Standards affecting the construction, design, initial inspection, initial testing, and installation do not

apply to pipeline facilities in existence on the date the standards are adopted by either this state or the federal government. The safety standards must be practicable and designed to meet the need for pipeline safety. In prescribing the standards, the commission shall consider:

- (1) Relevant available pipeline safety data;
- (2) Whether the standards are appropriate for the particular type of pipeline transportation of gas;
- (3) The reasonableness of any proposed standards;
- (4) The extent to which each standard will contribute to public safety; and
- (5) The existing standards established by the secretary of the United States Department of Transportation pursuant to 49 U.S.C. §§ 60101 to 60143, inclusive (January 1, 2026).

**Section 4. That § 49-34B-13 be AMENDED:**

**49-34B-13.** A person is not subject to civil penalties under this chapter if prior civil penalties have been imposed pursuant to 49 U.S.C. §§ 60101 to 60143, inclusive (January 1, 2026), for conduct that may give rise to a violation of both acts. Nothing in this chapter limits the powers of the commission or precludes the pursuit of any other administrative, civil, criminal, or injunctive remedy by the commission or any other person. Administrative remedies need not be exhausted to proceed under this chapter. The remedies provided by this chapter are in addition to those provided under existing statutory or common law.

**Section 5. That § 49-34B-14 be AMENDED:**

**49-34B-14.** The commission may, to the extent authorized by agreement with the secretary of the United States Department of Transportation, act as agent for the secretary of transportation to implement the provisions of 49 U.S.C. §§ 60101 to 60143, inclusive (January 1, 2026), and any federal pipeline safety regulations promulgated with respect to interstate gas pipelines located within this state, as necessary to obtain annual federal certification. If the commission agrees to serve as an agent for the Department of Transportation, the commission must, to the extent authorized by federal law, inspect pipelines in the state as authorized by § 49-34B-3 and other applicable provisions of this chapter.

**Section 6. That § 49-34B-15 be AMENDED:**

**49-34B-15.** The commission may seek and accept federal designation of the commission's pipeline inspectors as federal agents for the purposes of inspection pursuant to 49 U.S.C. §§ 60101 to 60143, inclusive (January 1, 2026), and federal rules adopted to implement those statutes. If the Department of Transportation delegates inspection authority to the state as provided in this section, the commission must carry out its delegated federal authority.

**Section 7. That § 49-34B-19 be AMENDED:**

**49-34B-19.** The commission may promulgate pipeline inspection and safety rules, pursuant to chapter 1-26, to the extent necessary to enable the state to qualify for annual federal certification to operate the federal pipeline inspection program of intrastate and interstate gas pipelines as authorized by 49 U.S.C. §§ 60101 to 60143, inclusive (January 1, 2026).

**Section 8. That § 49-34B-22 be AMENDED:**

**49-34B-22.** All information granted to, reported to, or obtained by the commission under this chapter, which is a trade secret, as defined in § 37-29-1, is confidential, except that the information may be disclosed to the commission or its agent responsible for enforcing this chapter. Nothing in this section authorizes the withholding of information by the commission from a committee of the Legislature.

An Act to update certain citations to federal regulations regarding pipeline safety inspections.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1027

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2026 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk of the House  
\_\_\_\_\_

By \_\_\_\_\_  
for the Governor  
\_\_\_\_\_

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2026

Attest:

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Governor  
\_\_\_\_\_

**STATE OF SOUTH DAKOTA,**

Office of the Secretary of State

ss.

\_\_\_\_\_  
President of the Senate

Filed \_\_\_\_\_, 2026  
at \_\_\_\_\_ o'clock \_\_ M.

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1027  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State