



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