

2023 South Dakota Legislature

House Bill 1178**AMENDMENT 1178A
FOR THE INTRODUCED BILL**

1 **An Act to establish a timeline and conditions for consideration of an application to**
2 **construct a carbon dioxide transmission facility.**

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

4 **Section 1. That § 49-41B-24 be AMENDED:**

5 **49-41B-24.** ~~Within~~ Except as otherwise provided in section 2 of this Act, within
6 twelve months of receipt of the initial application for a permit for the construction of energy
7 conversion facilities, AC/DC conversion facilities, or transmission facilities, the commission
8 shall make complete findings in rendering a decision regarding whether a permit should
9 be granted, denied, or granted upon such terms, conditions or modifications of the
10 construction, operation, or maintenance as the commission deems appropriate.

11 **Section 2. That chapter 49-41B be amended with a NEW SECTION:**

12 Except as otherwise provided in this section, within twenty-four months of receipt
13 of the initial application for a permit for the construction of a carbon dioxide transmission
14 facility, the commission shall make complete findings in rendering a decision regarding
15 whether a permit should be granted, denied, or granted upon such terms, conditions or
16 modifications of the construction, operation, or maintenance, as the commission deems
17 appropriate.

18 The commission shall extend the timeline set forth in this section to provide for a
19 hearing after:

20 ~~(1) The applicant has submitted verification that the applicant obtained voluntary~~
21 ~~easements from the landowners of ninety percent of the parcels necessary for placement~~
22 ~~of the transmission facility; and~~

23 ~~(2) —~~ The the attorney general certifies to the commission that the United States
24 Department of Transportation Pipeline and Hazardous Materials Safety
25 Administration has completed the rulemaking process and issued a final rule to

1 amend 49 C.F.R. § 190 et seq., regarding the safe transportation of carbon dioxide
2 by pipelines.

3 Before the commission may issue a decision to permit the construction of the
4 facility, the commission must find that the construction meets all requirements of this
5 chapter.

6 The commission shall give notice of its decision to the applicant and to parties to
7 the hearing, within ten days following the decision.

AMENDED