

2025 South Dakota Legislature

House Bill 1085**AMENDMENT 1085B
FOR THE HOUSE COMMERCE AND ENERGY ENGROSSED
BILL**

1 **An Act to establish a moratorium on the construction of carbon dioxide pipelines in**
2 **this state and to declare an emergency.**

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

4 **Section 1. That a NEW SECTION be added to chapter 49-41B:**

5 The commission may not issue a permit to an applicant for a transmission facility
6 intended to transport carbon dioxide unless:

7 (1) The Pipeline and Hazardous Materials Safety Administration has adopted final
8 pipeline safety rules consistent with its proposed rulemaking designated Pipeline
9 Safety: Safety of Carbon Dioxide and Hazardous Liquid Pipelines, Notice of
10 Proposed Rulemaking, RIN 2137-AF60 (January 10, 2025);

11 (2) The commission has verified that the submitted application complies with the
12 finalized rules described in subdivision (1) of this section; and

13 (3) The application complies with any other condition or requirement imposed by the
14 commission, as necessary to preserve public safety.

15 ~~**Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,~~
16 ~~health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force~~
17 ~~and effect from and after its passage and approval.~~

18 ~~**Section 2.** Section 1 of this Act is repealed upon certification by the attorney general to the~~
19 ~~South Dakota Code Commission that the proposed rules described in subdivision (1) of section~~
20 ~~1 of this Act have been finalized and adopted by the Pipeline and Hazardous Materials Safety~~
21 ~~Administration.~~