



2024 South Dakota Legislature

House Bill 1034

Introduced by: The Committee on Commerce and Energy at the request of the Public Utilities Commission

1 **An Act to require hydrogen pipelines to be permitted by the Public Utilities**
 2 **Commission.**

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

4 **Section 1. That § 49-41B-2.1 be AMENDED:**

5 **49-41B-2.1.** For the purposes of this chapter, a transmission facility is:

- 6 (1) An electric transmission line and associated facilities with a design of more than
 7 one hundred fifteen kilovolts. However, if ~~such a~~ the transmission line is less than
 8 two thousand six hundred forty feet, does not cross any public highway, and
 9 eminent domain is not used to obtain right of way, the transmission line is not a
 10 transmission facility for purposes of this chapter; or
- 11 (2) A gas or liquid transmission line and associated facilities designed for or capable of
 12 transporting coal, gas, hydrogen, liquid hydrocarbons, liquid hydrocarbon
 13 products, or carbon dioxide, excluding any gas or liquid transmission lines or
 14 associated facilities which meet any of the following criteria:
- 15 (a) Lines or facilities that are used exclusively for distribution or gathering;
 16 (b) Steel pipe and associated facilities that cannot be operated at a hoop stress
 17 of twenty percent or more of specified minimum yield strength as defined
 18 by 49 C.F.R. § 192.3 ~~as of (January 1, 2013 2024,)~~ or plastic pipe and
 19 associated facilities that cannot be operated at a design pressure of fifty
 20 percent or more as determined by the formula specified in 49 C.F.R. §
 21 192.121 ~~as of (January 1, 2013 2024);~~ or
 22 (c) Pipe which has nominal diameter of less than four inches and not more than
 23 one mile of the entire line is constructed outside of public right-of-way.

24 Nothing in this section precludes a utility from applying to the commission for a
 25 permit for the construction of an electric transmission line and associated facilities with a
 26 design of one hundred fifteen kilovolts or less. ~~For the purposes of this chapter such~~

- 1 ~~electric~~ The transmission line and associated facilities is a transmission facility for the
- 2 purposes of this chapter.