

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

528Q0383

SENATE STATE AFFAIRS ENGROSSED NO. **HB 1177** - 2/25/2009

Introduced by: Representatives Brunner, Dennert, Faehn, Juhnke, Kirkeby, Lange, Novstrup (David), Olson (Ryan), and Rounds and Senators Garnos, Abdallah, Bartling, Hansen (Tom), Howie, Kloucek, Maher, and Olson (Russell)

1 FOR AN ACT ENTITLED, An Act to revise the definition of transmission facilities.

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

3 Section 1. That § 49-41B-2.1 be amended to read as follows:

4 49-41B-2.1. For the purposes of this chapter, a transmission facility is:

5 (1) An electric transmission line and associated facilities with a design of ~~two hundred~~
6 fifty more than one hundred fifteen kilovolts ~~or more; or~~ or

7 (2) ~~An electric transmission line and associated facilities with a design of one hundred~~
8 ~~fifteen to two hundred fifty kilovolts, if more than one mile in length of the~~
9 ~~transmission line does not follow section lines, property lines, roads, highways or~~
10 ~~railroads, or is not reconstruction or modification of existing transmission lines and~~
11 ~~existing associated facilities located on abandoned railroad rights-of-way; or~~

12 ~~—(3)—~~ A gas or liquid transmission line and associated facilities designed for or capable of
13 transporting coal, gas, liquid hydrocarbons, or liquid hydrocarbon products,
14 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 operated at a hoop stress of less than twenty percent of specified minimum yield strength as defined by 49 CFR 192.3 as of January 1, 2007, or plastic pipe and associated facilities which operate at less than fifty percent of the design pressure as determined by the formula specified in 49 CFR 192.121 as of January 1, 2007; or

(c) Pipe which has nominal diameter under 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. For the purposes of this chapter such electric transmission line and associated facilities is a transmission facility.