

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

487Y0397

SENATE BILL NO. 88

Introduced by: Senators Wiik, Greenfield (Brock), Kennedy, Klumb, Kolbeck, Nelson, Netherton, Novstrup, Stalzer, and Tidemann and Representatives Kettwig, Haggar, Hawley, Mills, Reed, Rounds, Steinhauer, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise the definition of an electric transmission facility.

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:

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 more than one
6 hundred fifteen kilovolts. However, if such a transmission line is less than two
7 thousand six hundred forty feet, does not cross any public highway, and eminent
8 domain is not used to obtain right of way, the transmission line is not a transmission
9 facility for purposes of this chapter; or

10 (2) A gas or liquid transmission line and associated facilities designed for or capable of
11 transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon
12 dioxide, excluding any gas or liquid transmission lines or associated facilities which
13 meet any of the following criteria:

14 (a) Lines or facilities that are used exclusively for distribution or gathering;



1 (b) Steel pipe and associated facilities that cannot be operated at a hoop stress of
2 twenty percent or more of specified minimum yield strength as defined by 49
3 CFR 192.3 as of January 1, 2013, or plastic pipe and associated facilities that
4 cannot be operated at a design pressure of fifty percent or more as determined
5 by the formula specified in 49 CFR 192.121 as of January 1, 2013; or

6 (c) Pipe which has nominal diameter of less than four inches and not more than
7 one mile of the entire line is constructed outside of public right-of-way.

8 Nothing in this section precludes a utility from applying to the commission for a permit for
9 the construction of an electric transmission line and associated facilities with a design of one
10 hundred fifteen kilovolts or less. For the purposes of this chapter such electric transmission line
11 and associated facilities is a transmission facility.