

On page 1, line 1, of the Introduced bill, delete "restrict the power" and insert "permit, with legislative approval, the use"

On page 1, line 1, of the Introduced bill, delete " to a utility used for a public purpose" and insert " by a trans-state transmission facility transporting carbon dioxide"

On page 1, line 4, of the Introduced bill, after "a " insert "trans-state "

On page 1, line 4, of the Introduced bill, delete " line in this state" and insert " facility, as defined in § 49-41B-2,"

On page 1, line 7, of the Introduced bill, delete "However, such action shall" and insert " The entitlement to the power of eminent domain as provided by this chapter may"

On page 1, line 7, of the Introduced bill, delete " of" and insert " for"

On page 1, line 8, of the Introduced bill, delete ". Only a public utility is entitled to the power of eminent domain under this section" and insert " authority"

On page 1, after line 9, of the Introduced bill, insert: "

**Section 2. That § 49-41B-2 be AMENDED:**

**49-41B-2.** Terms as used in this chapter mean:

- (1) "AC/DC conversion facility," an asynchronous AC to DC to AC tie that is directly connected to a transmission facility or a facility that connects an AC transmission facility with a DC transmission facility or vice versa;
- (2) "Associated facilities," facilities which include aqueducts, diversion dams, transmission substations, storage ponds, reservoirs, or cooling ponds;
- (3) "Carbon dioxide," a fluid that consists of more than ninety percent carbon dioxide molecules compressed in a supercritical state;
- (4) "Commission," the Public Utilities Commission;
- (5) "Construction," any clearing of land, excavation, or other action that would affect the environment of the site for each land or rights of way upon or over which a facility may be constructed or modified, but not including activities incident to preliminary engineering or environmental studies. This term includes modifications to facilities as defined in § 49-41B-2.2;
- (6) "Energy conversion facility," any new facility, or facility expansion, designed for or capable of generation of one hundred megawatts or more of electricity, but does not include any wind or solar energy facilities;
- (7) "Facility," any energy conversion facility, AC/DC conversion facility, transmission facility, solar energy facility, or wind energy facility, and associated facilities;
- (8) "Permit," the permit issued by the commission under this chapter required for the construction and operation of a facility;

- (9) "Person," an individual, partnership, limited liability company, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other public or private entity, however organized;
- (10) "Siting area," that area within ten miles in any direction of a proposed energy conversion facility, AC/DC conversion facility, or which is determined by the commission to be affected by a proposed energy conversion facility;
- (11) "Trans-state transmission facility," ~~an electric~~ a transmission line and its associated facilities which facility that ~~originates outside the State of South Dakota of this state,~~ crosses through this state, and terminates outside ~~the State of South Dakota; of this state,~~ and which transmission line and associated facilities either delivers electric power and energy of twenty-five percent or less of the design capacity of such line and facilities for use in ~~the State of South Dakota~~ this state or transports carbon dioxide;
- (12) "Utility," any person engaged in and controlling the generation or transmission of electric energy and gas or liquid transmission facilities as defined by § 49-41B-2.1;
- (13) "Wind energy facility," a new facility, or facility expansion, consisting of a commonly managed integrated system of towers, wind turbine generators with blades, power collection systems, and electric interconnection systems, that converts wind movement into electricity and that is designed for or capable of generation of one hundred megawatts or more of electricity. A wind energy facility expansion includes the addition of new wind turbines, designed for or capable of generating twenty-five megawatts or more of electricity, which are to be managed in common and integrated with existing turbines and the combined megawatt capability of the existing and new turbines is one hundred megawatts or more of electricity. The number of megawatts generated by a wind energy facility is determined by adding the nameplate power generation capability of each wind turbine;
- (14) "Solar energy facility," a new facility, or facility expansion, consisting of a commonly managed integrated system of solar panels, power collection systems, electric interconnection systems, and associated facilities, that converts solar energy into electricity and is designed for or capable of generating one hundred megawatts AC or more of electricity. A facility expansion includes the addition of new solar panels, designed for or capable of generating twenty-five megawatts AC or more of electricity, that are to be managed in common and integrated with existing solar panels, and the combined megawatt capability of the existing and new solar panels is one hundred megawatts AC or more of electricity."

On page 1, after line 9, of the Introduced bill, insert: "

**Section 3. That § 49-41B-4.2 be AMENDED:**

**49-41B-4.2.** The South Dakota Legislature before approving a proposed trans-state transmission-~~line~~ facility shall find that each of the following criteria has been met:

- (1) That the proposed trans-state transmission-~~line~~ facility and route will comply with all applicable laws and rules;
- (2) That the proposed trans-state transmission-~~line~~ facility and route will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or anticipated inhabitants in the siting area;
- (3) That the proposed trans-state transmission-~~line~~ facility and route will not substantially impair the health, safety or welfare of the inhabitants;
- (4) That the proposed trans-state transmission-~~line~~ facility and route will not unduly interfere with the orderly development of the region with due consideration having been given to views of the governing bodies of effective local units of government;
- (5) That the proposed trans-state transmission facility, if it delivers electric power, will be consistent with the public convenience and necessity in any area or areas which will receive electrical service, either direct or indirect, from the facility, regardless of the state or states in which area or areas are located."