



2026 South Dakota Legislature

Senate Bill 193

Introduced by: **Senator Crabtree**

1 **An Act to clarify the definition of backup electric generation.**

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

3 **Section 1. That § 49-41B-2 be AMENDED:**

4 **49-41B-2.** Terms as used in this chapter mean:

- 5 (1) "AC/DC conversion facility," an asynchronous AC to DC to AC tie that is directly
6 connected to a transmission facility or a facility that connects an AC transmission
7 facility with a DC transmission facility, or vice versa;
- 8 (2) "Associated facilities," aqueducts, cooling ponds, diversion dams, reservoirs,
9 storage ponds, or transmission substations, ~~storage ponds, reservoirs, or cooling~~
10 ~~ponds~~;
- 11 (3) "Backup electric generation," electric generation that is not interconnected with the
12 grid and is generated on a temporary basis to replace primary source electric
13 generation when the primary source is unavailable;
- 14 (4) "Carbon dioxide," a fluid that consists of more than ninety percent carbon dioxide
15 molecules compressed in a supercritical state;
- 16 ~~(4)~~(5) "Commission," the Public Utilities Commission of the State of South Dakota;
- 17 ~~(5)~~(6) "Construction," any clearing of land, excavation, or other action that would affect
18 the environment of the site for ~~each~~ any land or ~~rights-of-way~~ right-of-way upon
19 or over which a facility may be constructed or modified, ~~but not including activities~~
20 ~~incident to preliminary engineering or environmental studies. This term includes~~
21 ~~modifications to~~ including the modification of facilities as defined described in § 49-
22 41B-2.2, but not including any activity incident to preliminary engineering or an
23 environmental study;
- 24 ~~(6)~~(7) "Energy conversion facility," any new facility, or facility expansion, designed for or
25 capable of generation of one hundred megawatts or more of electricity, ~~but does~~
26 ~~not include any wind or solar energy facilities that are designed for or capable of~~

- 1 ~~generating one hundred megawatts or more of electricity. This term includes~~
 2 ~~including~~ a hybrid facility capable of injecting one hundred megawatts or more of
 3 electricity into the transmission or distribution system, but not including:
 4 ~~(a)~~ Any solar or wind energy facility that is designed for or capable of
 5 generating one hundred megawatts or more of electricity; or
 6 ~~(b)~~ Backup electric generation;
 7 ~~(7)(8)~~ "Facility," any AC/DC conversion facility, energy conversion facility, solar energy
 8 facility, transmission facility, or wind energy facility, and associated facilities;
 9 ~~(8)(9)~~ "Facility expansion," the addition of twenty-five megawatts AC or more of
 10 generation capacity to an existing generation source resulting in a combined
 11 megawatt capability of the new and existing generation of one hundred megawatts
 12 AC or more of electricity;
 13 ~~(9)(10)~~ "Hybrid facility," a new facility, or a facility expansion, comprised of more than
 14 one type of generation source and having a single point of interconnection to the
 15 distribution or transmission system;
 16 ~~(10)(11)~~ "Permit," ~~the a~~ permit, issued by the commission ~~under~~ pursuant to this
 17 chapter, which is required for the construction and operation of a facility;
 18 ~~(11)(12)~~ "Person," ~~an individual, partnership, limited liability company, joint venture,~~
 19 ~~private or public corporation,~~ association, cooperative, firm, government agency,
 20 individual, joint venture, limited liability company, municipal corporation,
 21 partnership, political subdivision, private or public corporation, public service
 22 company, ~~cooperative, political subdivision, municipal corporation, government~~
 23 ~~agency,~~ public utility district, or any other public or private entity, however
 24 organized;
 25 ~~(12)(13)~~ "Siting area," ~~that the~~ area within ten miles, in any direction, of a proposed
 26 ~~energy conversion facility,~~ AC/DC conversion facility, energy conversion facility, or
 27 any other area determined by the commission to be affected by a proposed energy
 28 conversion facility;
 29 ~~(13)(14)~~ "Solar energy facility," a new facility, or facility expansion, consisting of a
 30 commonly managed integrated system of solar panels, power collection systems,
 31 electric interconnection systems, and associated facilities, ~~that~~ which converts solar
 32 energy into electricity and is designed for or capable of generating one hundred
 33 megawatts AC or more of electricity;
 34 ~~(14)(15)~~ "Trans-state transmission facility," an electric transmission line, and ~~its~~
 35 associated facilities ~~that,~~ which:

- 1 (a) Originates outside of this state, crosses this state, and terminates outside
- 2 of this state; and
- 3 (b) Delivers electric power and energy of twenty-five percent or less of the
- 4 design capacity of the line and facilities for use in this state;
- 5 ~~(15)~~(16) "Utility," any person engaged in and controlling the generation or transmission
- 6 of electric energy and gas or liquid transmission facilities, ~~as defined by~~ described
- 7 in § 49-41B-2.1; and
- 8 ~~(16)~~(17) "Wind energy facility," a new facility, or facility expansion, consisting of a
- 9 commonly managed integrated system of towers, wind turbine generators with
- 10 blades, power collection systems, and electric interconnection systems, ~~that~~ which
- 11 converts wind movement into electricity and ~~that~~ is designed for or capable of
- 12 generation of one hundred megawatts or more of electricity.