

2026 South Dakota Legislature

Senate Bill 193**AMENDMENT 193A
FOR THE INTRODUCED BILL**

1 **An Act to clarify the definition of backup electric generation and prohibit**
 2 **interconnection by a backup electric generation facility.**

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

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

5 **49-41B-2.** Terms as used in this chapter mean:

6 (1) "AC/DC conversion facility," an asynchronous AC to DC to AC tie that is directly
 7 connected to a transmission facility or a facility that connects an AC transmission
 8 facility with a DC transmission facility, or vice versa;

9 (2) "Associated facilities," aqueducts, cooling ponds, diversion dams, reservoirs,
 10 storage ponds, or transmission substations, ~~storage ponds, reservoirs, or cooling~~
 11 ~~ponds~~;

12 (3) "Backup electric generation," electric generation that is not interconnected with the
 13 grid and is generated on a temporary basis to replace primary source electric
 14 generation when the primary source is unavailable;

15 (4) "Carbon dioxide," a fluid that consists of more than ninety percent carbon dioxide
 16 molecules compressed in a supercritical state;

17 ~~(4)~~(5) "Commission," the Public Utilities Commission of the State of South Dakota;

18 ~~(5)~~(6) "Construction," any clearing of land, excavation, or other action that would affect
 19 the environment of the site for ~~each~~ any land or ~~rights-of-way~~ right-of-way upon
 20 or over which a facility may be constructed or modified, ~~but not including activities~~
 21 ~~incident to preliminary engineering or environmental studies. This term includes~~
 22 ~~modifications to~~ including the modification of facilities as defined described in § 49-
 23 41B-2.2, but not including any activity incident to preliminary engineering or an
 24 environmental study;

25 ~~(6)~~(7) "Energy conversion facility," any new facility, or facility expansion, designed for or
 26 capable of generation of one hundred megawatts or more of electricity, ~~but does~~

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

1 ~~(14)~~(15) "Trans-state transmission facility," an electric transmission line, and its
2 associated facilities ~~that, which~~:

3 (a) Originates outside of this state, crosses this state, and terminates outside
4 of this state; and

5 (b) Delivers electric power and energy of twenty-five percent or less of the
6 design capacity of the line and facilities for use in this state;

7 ~~(15)~~(16) "Utility," any person engaged in and controlling the generation or transmission
8 of electric energy and gas or liquid transmission facilities, as ~~defined by~~ described
9 in § 49-41B-2.1; and

10 ~~(16)~~(17) "Wind energy facility," a new facility, or facility expansion, consisting of a
11 commonly managed integrated system of towers, wind turbine generators with
12 blades, power collection systems, and electric interconnection systems, ~~that which~~
13 converts wind movement into electricity and ~~that~~ is designed for or capable of
14 generation of one hundred megawatts or more of electricity.

15 **Section 2. That a NEW SECTION be added to chapter 49-41B:**

16 A backup electric generation facility may not be connected or provide electric
17 generation to the grid through an interconnect.