

2026 South Dakota Legislature

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

An Act to clarify the definition of backup electric generation and require a permit for interconnection by a backup electric generation facility.

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

Section 1. 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," aqueducts, cooling ponds, diversion dams, reservoirs, storage ponds, or transmission substations, ~~storage ponds, reservoirs, or cooling ponds~~;
- (3) "Backup electric generation," electric generation that is not interconnected with the grid and is generated on a temporary basis to replace primary source electric generation when the primary source is unavailable;
- (4) "Carbon dioxide," a fluid that consists of more than ninety percent carbon dioxide molecules compressed in a supercritical state;
- ~~(4)~~(5) "Commission," the Public Utilities Commission of the State of South Dakota;
- ~~(5)~~(6) "Construction," any clearing of land, excavation, or other action that would affect the environment of the site for ~~each~~ any land or ~~rights-of-way~~ right-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~~ including the modification of facilities as ~~defined~~ described in § 49-41B-2.2, but not including any activity incident to preliminary engineering or an environmental study;
- ~~(6)~~(7) "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 that are designed for or capable of generating one hundred megawatts or more of electricity. This term includes including a hybrid facility capable of injecting one hundred megawatts or more of electricity into the transmission or distribution system, but not including:

(a) Any solar or wind energy facility that is designed for or capable of generating one hundred megawatts or more of electricity; or

(b) Backup electric generation;

~~(7)~~(8) "Facility," any AC/DC conversion facility, energy conversion facility, solar energy facility, transmission facility, or wind energy facility, and associated facilities;

~~(8)~~(9) "Facility expansion," the addition of twenty-five megawatts AC or more of generation capacity to an existing generation source resulting in a combined megawatt capability of the new and existing generation of one hundred megawatts AC or more of electricity;

~~(9)~~(10) "Hybrid facility," a new facility, or a facility expansion, comprised of more than one type of generation source and having a single point of interconnection to the distribution or transmission system;

~~(10)~~(11) "Permit," the a permit, issued by the commission under pursuant to this chapter, which is required for the construction and operation of a facility;

~~(11)~~(12) "Person," an individual, partnership, limited liability company, joint venture, private or public corporation, association, cooperative, firm, government agency, individual, joint venture, limited liability company, municipal corporation, partnership, political subdivision, private or public corporation, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other public or private entity, however organized;

~~(12)~~(13) "Siting area," that the area within ten miles, in any direction, of a proposed energy conversion facility, AC/DC conversion facility, energy conversion facility, or any other area determined by the commission to be affected by a proposed energy conversion facility;

~~(13)~~(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 which converts solar energy into electricity and is designed for or capable of generating one hundred 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 interconnected to the bulk electric
17 system without first obtaining a permit under this chapter as an energy conversion facility.