



2025 South Dakota Legislature

Senate Bill 108

Introduced by: **Senator Nelson**

1 **An Act to reduce the megawattage requirement for energy conversion facilities**
 2 **governed by chapter 49-41B.**

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," facilities ~~which~~ that include aqueducts, diversion dams,
 10 transmission substations, storage ponds, reservoirs, or cooling ponds;
- 11 (3) "Carbon dioxide," a fluid that consists of more than ninety percent carbon dioxide
 12 molecules compressed in a supercritical state;
- 13 (4) "Commission," the Public Utilities Commission;
- 14 (5) "Construction," any clearing of land, excavation, or other action that would affect
 15 the environment of the site for each land or rights of way upon or over which a
 16 facility may be constructed or modified, but not including activities incident to
 17 preliminary engineering or environmental studies. This term includes modifications
 18 to facilities as defined in § 49-41B-2.2;
- 19 (6) "Energy conversion facility," any new facility, or facility expansion, designed for or
 20 capable of generation of ~~one hundred~~ fifty megawatts or more of electricity, but
 21 does not include any wind or solar energy facilities;
- 22 (7) "Facility," any energy conversion facility, AC/DC conversion facility, transmission
 23 facility, solar energy facility, or wind energy facility, and associated facilities;
- 24 (8) "Permit," the permit issued by the commission under this chapter required for the
 25 construction and operation of a facility;

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

1 existing solar panels, and the combined megawatt capability of the existing and
2 new solar panels is ~~one hundred~~ fifty megawatts AC or more of electricity.

3 **Section 2. That § 49-41B-2.2 be AMENDED:**

4 **49-41B-2.2.** For the purposes of this chapter, a facility is considered to be
5 modified if:

- 6 (1) A gas or liquid transmission line that did not meet the definition of a transmission
7 facility prior to building the line is to be modified in such a way that the line will
8 meet the definition of a transmission facility after the modification is complete. No
9 permit is required for steel pipe and associated facilities, as described in subsection
10 49-41B-2.1(2)(b), operating on July 1, 2010, that have been historically calculated
11 at an ongoing constant pressure of less than twenty percent of specified minimum
12 yield strength unless the pipeline operator intends to increase the ongoing constant
13 pressure to twenty percent or more. No permit is required for plastic pipe and
14 associated facilities, as described in subsection 49-41B-2.1(2)(b), operating on
15 July 1, 2010, that have been historically calculated at an ongoing constant pressure
16 of less than fifty percent of the design pressure unless the pipeline operator intends
17 to increase the ongoing constant pressure to fifty percent or more;
- 18 (2) An electric transmission line that does not meet the definition of a transmission
19 facility prior to building the line is to be modified in such a way that the line will
20 meet the definition of a transmission facility after the modification is complete or
21 the nameplate carrying capacity of an electric transmission facility is to be
22 increased by an additional twenty kilovolts or greater; or
- 23 (3) The nameplate generating capacity of an energy conversion facility is to be
24 increased by a net additional ~~one hundred~~ fifty megawatts or greater.