

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0361

SENATE BILL NO. 14

Introduced by: The Committee on Commerce and Energy at the request of the Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to define solar energy facilities and to establish certain
2 provisions regarding solar energy permits.

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

4 Section 1. That § 49-41B-2 be amended to read:

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 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 the
15 environment of the site for each land or rights of way upon or over which a facility



1 may be constructed or modified, but not including activities incident to preliminary
2 engineering or environmental studies. This term includes modifications to facilities
3 as defined in § 49-41B-2.2;

4 (6) "Energy conversion facility," any new facility, or facility expansion, designed for or
5 capable of generation of one hundred megawatts or more of electricity, but does not
6 include any wind or solar energy facilities;

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

9 (8) "Permit," the permit issued by the commission under this chapter required for the
10 construction and operation of a facility;

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

15 (10) "Siting area," that area within ten miles in any direction of a proposed energy
16 conversion facility, AC/DC conversion facility, or which is determined by the
17 commission to be affected by a proposed energy conversion facility;

18 (11) "Trans-state transmission facility," an electric transmission line and its associated
19 facilities which originates outside the State of South Dakota, crosses this state and
20 terminates outside the State of South Dakota; and which transmission line and
21 associated facilities delivers electric power and energy of twenty-five percent or less
22 of the design capacity of such line and facilities for use in the State of South Dakota;

23 (12) "Utility," any person engaged in and controlling the generation or transmission of
24 electric energy and gas or liquid transmission facilities as defined by § 49-41B-2.1;

1 (13) "Wind energy facility," a new facility, or facility expansion, consisting of a
2 commonly managed integrated system of towers, wind turbine generators with
3 blades, power collection systems, and electric interconnection systems, that converts
4 wind movement into electricity and that is designed for or capable of generation of
5 one hundred megawatts or more of electricity. A wind energy facility expansion
6 includes the addition of new wind turbines, designed for or capable of generating
7 twenty-five megawatts or more of electricity, which are to be managed in common
8 and integrated with existing turbines and the combined megawatt capability of the
9 existing and new turbines is one hundred megawatts or more of electricity. The
10 number of megawatts generated by a wind energy facility is determined by adding the
11 nameplate power generation capability of each wind turbine;

12 (14) "Solar energy facility," a new facility, or facility expansion consisting of a commonly
13 managed integrated system of solar panels, power collection systems, electric
14 interconnection systems, and associated facilities, that converts solar energy into
15 electricity and that is designed for or capable of generation of one hundred megawatts
16 AC or more of electricity.

17 Section 2. That § 49-41B-24 be amended to read:

18 49-41B-24. Within twelve months of receipt of the initial application for a permit for the
19 construction of energy conversion facilities, AC/DC conversion facilities, solar energy facilities,
20 or transmission facilities, the commission shall make complete findings in rendering a decision
21 regarding whether a permit should be granted, denied, or granted upon such terms, conditions
22 or modifications of the construction, operation, or maintenance as the commission deems
23 appropriate.