



## 2025 South Dakota Legislature

# Senate Bill 211

Introduced by: **Senator Hohn**

1 **An Act to revise and clarify notice and hearing procedures of the Public Utilities**  
 2 **Commission.**

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

4 **Section 1. That § 49-41B-5.2 be AMENDED:**

5 **49-41B-5.2.** Within ~~thirty~~ ten days following the filing of an application for permit,  
 6 the applicant shall notify, in writing, the owner of record of any land that is located within  
 7 one-half mile of the proposed site where the facility is to be constructed. For purposes of  
 8 this section, the owner of record is limited to the owner designated to receive the property  
 9 tax bill sent by the county treasurer. The notice ~~shall~~ must be mailed by certified mail.  
 10 The notice ~~shall~~ must contain a description of the nature and location of the facility and,  
 11 for any property upon which the applicant intends to locate a facility, a color aerial map  
 12 showing the intended location of the facility. Any notification required by this section ~~shall~~  
 13 must state the date, time, and location of the public input meeting. The applicant shall  
 14 also file a copy of the application with the auditor of each county in which the proposed  
 15 facility will be located.

16 **Section 2. That § 49-41B-13 be AMENDED:**

17 **49-41B-13.** An application may be denied, returned, or amended at the discretion  
 18 of the ~~Public Utilities Commission~~ commission for:  
 19 (1) Any deliberate misstatement of a material fact in the application or in  
 20 accompanying statements or studies required of the applicant;  
 21 (2) Failure to file an application generally in the form and content, or with sufficient  
 22 information, required by this chapter and the rules promulgated thereunder; ~~or~~  
 23 (3) Good cause, due to noncompliance with this chapter, following a hearing upon a  
 24 motion made by the commission or any party; or

1 (4) Failure to deposit the initial amount with the application as required by § 49-41B-  
2 12.

3 The commission shall, upon denying or returning an application, provide the  
4 applicant with reasons for ~~such the~~ action and ~~shall~~ allow the applicant to make changes  
5 in the application ~~in order~~ to comply with the requirements of this chapter.

6 **Section 3. That § 49-41B-14 be AMENDED:**

7 **49-41B-14.** ~~The Public Utilities Commission~~ commission may require that further  
8 data be provided prior to the public hearings. The commission ~~or applicant may also~~ may  
9 require or any party may request that a prehearing conference be held prior to a public  
10 hearing, ~~which request shall~~ must be granted.

11 **Section 4. That § 49-41B-24 be AMENDED:**

12 **49-41B-24.** ~~Within~~ In uncontested cases, within twelve months of receipt of the  
13 initial application for a permit for the construction of an energy conversion ~~facilities~~ facility,  
14 AC/DC conversion ~~facilities~~ facility, or transmission ~~facilities~~ facility, the commission shall  
15 make complete findings in rendering a decision regarding whether a permit should be  
16 granted, denied, or granted upon such terms, conditions, ~~or~~ modifications of the  
17 construction, operation, or maintenance of the facility as the commission deems  
18 appropriate.

19 In contested cases, the commission shall commence an evidentiary hearing not  
20 later than twelve months after the final public input meeting following receipt of the initial  
21 application for a facility permit, and the commission shall render a final decision on the  
22 application within one hundred twenty days following the last day of the evidentiary  
23 hearing.

24 **Section 5. That § 49-41B-24.1 be AMENDED:**

25 **49-41B-24.1.** Upon request of ~~the applicant~~ any party, or by the commission on  
26 its own motion, the commission may extend the deadlines for commission action  
27 established in §§ 49-41B-24 and 49-41B-25.

28 **Section 6. That § 49-41B-28 be AMENDED:**

29 **49-41B-28.** A permit for the construction of a transmission facility within a  
30 designated area may supersede or preempt any county or municipal land use, zoning, or

1 building rules, regulations, or ordinances upon a finding, by clear and convincing evidence,  
2 ~~by the Public Utilities Commission~~ commission, ~~that such the~~ rules, or regulation, or  
3 ordinances, as applied to the proposed route, are unreasonably restrictive in view of  
4 existing technology, factors of cost, or economics, or needs of parties where located in or  
5 out of the county or municipality. Without ~~such a~~ the finding by the commission, ~~no a~~  
6 ~~route shall be designated which~~ that violates local land-use zoning, or building rules, ~~or~~  
7 regulations, or ordinances may not be designated.