



## 2026 South Dakota Legislature

### Senate Bill 25

SENATE COMMERCE AND ENERGY ENGROSSED

*Introduced by: The Chair of the Committee on Commerce and Energy at the request of the Public Utilities Commission of the State of South Dakota*

1 **An Act to update provisions related to the permit application process for proposed  
2 energy and transmission facilities.**

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

4 **Section 1. That § 49-41B-5.1 be AMENDED:**

5 **49-41B-5.1.** ~~The utility shall post signs on the area where the~~ Within thirty days  
6 ~~after the filing of an application for a permit for the construction of a proposed energy~~  
7 ~~conversion facility or AC/DC conversion facility is proposed to be sited to notify the~~  
8 ~~public. The signs shall be posted on, the applicant shall provide notice to the public by~~  
9 ~~posting signs:~~

10 (1) ~~On areas that of the proposed facility site, which~~ are clearly visible to an ordinarily  
11 ~~observant person and shall be posted within thirty days after the filing of the~~  
12 ~~notification of intent to apply for a permit for the construction of a proposed energy~~  
13 ~~conversion facility or AC/DC conversion facility. The signs shall; and~~  
14 (2) ~~That include the name and contact information of the utility and a brief description~~  
15 ~~of the proposed energy conversion facility or AC/DC conversion facility.~~

16 **Section 2. That § 49-41B-6 be AMENDED:**

17 **49-41B-6.** ~~Within thirty days after the filing of the notification of intent to apply~~  
18 ~~an application for a permit for the construction of an energy conversion facility or AC/DC~~  
19 ~~conversion facility, the Public Utilities Commission~~ commission shall designate the affected  
20 area and a local review committee composed of:

21 (1) The chair of the tribal council of each affected reservation;  
22 (2) The president of the board ~~of education~~ of each affected school district;  
23 (3) The chair of the ~~board of~~ county commissioners of each affected county;  
24 (4) The mayor of each affected municipality; and

1       (5)   A representative of the applicant utility designated by the ~~utilities~~ utility.

2           Within ten days of the commission's designation pursuant to this chapter, the  
3           commission shall provide notice of the designation to each member of the committee.

4           If a member elects to participate in the committee process, the member must  
5           provide written notice of the election to the commission within sixty days after the filing  
6           of the application. Unless at least three members elect to participate, the requirements of  
7           §§ 49-41B-7, 49-41B-8, 49-41B-10, and 49-41B-20 are waived, and the committee  
8           ceases to exist.

9       **Section 3. That § 49-41B-7 be AMENDED:**

10           **49-41B-7.** The local review committee shall meet to assess ~~the extent of the~~ potential social and economic ~~effect to be generated by~~ effects of the proposed facility, ~~to~~ assess and the affected area's capacity to absorb those effects at various stages of construction, ~~and to~~ formulate mitigation measures. ~~The assessment of the local review committee shall~~ committee's assessment must also include consideration of the temporary and permanent alternatives in the following areas:

- 16       (1)   Housing supplies;
- 17       (2)   Educational facilities and manpower;
- 18       (3)   Water supply and distribution;
- 19       (4)   Waste water treatment and collection;
- 20       (5)   Solid waste disposal and collection;
- 21       (6)   Law enforcement;
- 22       (7)   Transportation;
- 23       (8)   Fire protection;
- 24       (9)   Health;
- 25       (10)   Recreation;
- 26       (11)   Government; and
- 27       (12)   Energy.

28           The applicant shall provide to the members of the committee copies of the  
29           application and any other information the commission determines necessary for the  
30           committee's assessment pursuant to this section.

31       **Section 4. That § 49-41B-8 be AMENDED:**

32           **49-41B-8.** ~~The~~ A local review committee may employ ~~such persons as determined~~  
33           ~~by the Public Utilities Commission which may be required~~ any personnel the committee

1       determines necessary to carry out the provisions of § 49-41B-7 and the expenses of said  
2 staff shall be paid from the initial filing fee. The commission shall furnish copies of the  
3 application to the members of the local review committee and all other information which  
4 the commission determines that the committee should receive, subject to the approval of  
5 the commission. The applicant shall pay the expenses of the personnel.

6 **Section 5. That § 49-41B-5 be REPEALED.**

7       A notification of intent to apply for a permit for construction of an energy  
8 conversion facility or AC/DC conversion facility shall be filed with the Public Utilities  
9 Commission at least six months before filing an application as required in § 49-41B-11. A  
10 prefilings conference may be requested by the applicant and such request shall be granted  
11 by the commission.

12 **Section 6. That § 49-41B-14 be REPEALED.**

13       The Public Utilities Commission may require that further data be provided prior to  
14 the public hearings. The commission or applicant may also request that a prehearing  
15 conference be held prior to a public hearing which request shall be granted.