



## 2026 South Dakota Legislature

# Senate Bill 127

Introduced by: **Senator Howard**

1 **An Act to limit nuisances caused by data centers.**

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

3 **Section 1. That a NEW SECTION be added to chapter 21-10:**

4 Terms used in sections 1 to 4, inclusive, of this Act mean:

5 (1) "Data center," a centralized repository for the dissemination, management,  
6 processing, and storage of electronic data and information, including:

7 (a) Application, cloud, or web hosting;

8 (b) Cloud computing;

9 (c) Colocation services;

10 (d) Cryptocurrency mining;

11 (e) Media streaming support;

12 (f) Platform as a service;

13 (g) Software as a service; and

14 (h) Any other comparable digital service; and

15 (2) "Residential area," any area designated or zoned for residential use pursuant to  
16 local law or zoning ordinance.

17 **Section 2. That a NEW SECTION be added to chapter 21-10:**

18 Effective July 1, 2026, a facility housing a data center may not be established within  
19 one mile of any residential area, but a county, municipality, or township may adopt more  
20 restrictive data center siting requirements.

21 **Section 3. That a NEW SECTION be added to chapter 21-10:**

22 A data center may not exceed a continuous noise level of forty-five decibels,  
23 measured according to federal or local environmental standards, at the nearest property  
24 line of a residential area.

1 **Section 4. That a NEW SECTION be added to chapter 21-10:**

2 A data center in violation of section 2 or 3 of this Act is declared a nuisance. The  
3 state's attorney or any affected citizen may maintain an action against the operator of the  
4 data center, and against the owner of the building in which or ground upon which the  
5 nuisance exists, to enjoin the nuisance.