

2026 South Dakota Legislature

Senate Bill 25**AMENDMENT 25E
FOR THE SENATE COMMERCE AND ENERGY ENGROSSED
BILL**

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 be AMENDED:**

5 **49-41B-5. A notification of intent to apply for a permit for construction of an**If
6 the proposed site for an energy conversion facility or AC/DC conversion facilityshall be
7 filed with the Public Utilities Commission is located in a county that does not have a
8 comprehensive plan or has not adopted zoning ordinances, the applicant must provide
9 written notice of intent to apply for a permit for the construction of the facility, by certified
10 mail, to each adjacent property owner, at leastsix three months before filingan the
11 application as required in § 49-41B-11. A prefilng conference may be requested by the
12 applicant and such request shall be granted by the commission.

13 **Section 2. That § 49-41B-5.1 be AMENDED:**

14 **49-41B-5.1. The utility shall post signs on the area where the**Within thirty days
15 after the filing of an application for a permit for the construction of a proposed energy
16 conversion facility or AC/DC conversion facility is proposed to be sited to notify the
17 public. The signs shall be posted on, the applicant shall provide notice to the public by
18 posting signs:

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

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

2 **49-41B-6.** Within thirty days after the filing of the notification of intent to apply
3 an application for a permit for the construction of an energy conversion facility or AC/DC
4 conversion facility, the Public Utilities Commission commission shall designate the affected
5 area and a local review committee composed of:

6 (1) The chair of the tribal council of each affected reservation;
7 (2) The president of the board of education of each affected school district;
8 (3) The chair of the board of county commissioners of each affected county;
9 (4) The mayor of each affected municipality; and
10 (5) A representative of the applicant utility designated by the utilities utility.

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

13 If a member elects to participate in the committee process, the member must
14 provide written notice of the election to the commission within sixty days after the filing
15 of the application. Unless at least three members elect to participate, the requirements of
16 §§ 49-41B-7, 49-41B-8, 49-41B-10, and 49-41B-20 are waived, and the committee
17 ceases to exist.

18 **Section 4. That § 49-41B-7 be AMENDED:**

19 **49-41B-7.** The local review committee shall meet to assess the extent of the
20 potential social and economic effect to be generated by effects of the proposed facility, to
21 assess and the affected area's capacity to absorb those effects at various stages of
22 construction, and to formulate mitigation measures. The assessment of the local review
23 committee shall committee's assessment must also include consideration of the temporary
24 and permanent alternatives in the following areas:

25 (1) Housing supplies;
26 (2) Educational facilities and manpower;
27 (3) Water supply and distribution;
28 (4) Waste water treatment and collection;
29 (5) Solid waste disposal and collection;
30 (6) Law enforcement;
31 (7) Transportation;
32 (8) Fire protection;
33 (9) Health;

1 (10) Recreation;
2 (11) Government; and
3 (12) Energy.

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

7 **Section 5. That § 49-41B-8 be AMENDED:**

8 **49-41B-8.** ~~The local review committee may employ such persons as determined~~
9 ~~by the Public Utilities Commission which may be required any personnel the committee~~
10 ~~determines necessary~~ to carry out the provisions of § 49-41B-7 and the expenses of said
11 ~~staff shall be paid from the initial filing fee. The commission shall furnish copies of the~~
12 ~~application to the members of the local review committee and all other information which~~
13 ~~the commission determines that the committee should receive, subject to the approval of~~
14 ~~the commission. The applicant shall pay the expenses of the personnel.~~

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

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

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

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