



2026 South Dakota Legislature

House Bill 1038

HOUSE 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 allow the Public Utilities Commission to assess actual costs to data**
 2 **centers.**

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

4 **Section 1. That a NEW SECTION be added to chapter 49-34A:**

5 The commission may assess a customer the actual costs associated with processing
 6 a request for approval of a contract with deviations, or other electric service agreement,
 7 related to the provision of electric service to a customer that is a data center with a peak
 8 demand of ten megawatts or greater.

9 The commission shall forward any moneys collected under this section to the state
 10 treasurer, for deposit in the South Dakota Public Utilities Commission gross receipts tax
 11 fund established in § 49-1A-2.

12 For the purposes of this section, "data center" means a centralized repository for
 13 the storage, management, dissemination, and processing of electronic data and
 14 information, including the mining of digital currency.