



## 2026 South Dakota Legislature

# House Bill 1198

Introduced by: **Representative Sjaarda**

1 **An Act to require that certain facilities obtain conditional use permits from adjacent**  
 2 **political subdivisions.**

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

4 **Section 1. That a NEW SECTION be added to chapter 11-2:**

5 The operator of a proposed high energy use facility must apply for a conditional  
 6 use permit from a county adjacent to the political subdivision in which the facility is located  
 7 if:

8 (1) The facility is located within one mile of the boundary of the adjacent county; and

9 (2) The adjacent county has adopted zoning ordinances or a special zoning area.

10 For purposes of this section, "high energy use facility" means one or more buildings  
 11 located on a single parcel, or multiple contiguous parcels, with an anticipated combined  
 12 utility demand plus facility generated power of twenty megawatts or more of average  
 13 electrical power.

14 **Section 2. That a NEW SECTION be added to chapter 11-4:**

15 The operator of a proposed high energy use facility, as defined in section 1 of this  
 16 Act, must apply for a conditional use permit from a municipality adjacent to the political  
 17 subdivision in which the facility is located if:

18 (1) The facility is located within one mile of the boundary of the adjacent municipality;

19 and

20 (2) The adjacent municipality has adopted zoning ordinances.