

2026 South Dakota Legislature

Senate Bill 127**AMENDMENT 127A
FOR THE INTRODUCED BILL**

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, which has an anticipated peak electrical~~
15 ~~demand of ten megawatts or greater; and~~

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

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

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

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

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

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

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