



2026 South Dakota Legislature
Senate Bill 25
ENROLLED

AN ACT

ENTITLED An Act to update provisions related to the permit application process for proposed energy and transmission facilities.

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

Section 1. That § 49-41B-5 be AMENDED:

49-41B-5. If the proposed site for an energy conversion facility or AC/DC conversion facility is located in a county that does not have a comprehensive plan or has not adopted zoning ordinances, the applicant must provide written notice of intent to apply for a permit for the construction of the facility, by certified mail, to each adjacent property owner, at least three months before filing the application as required in § 49-41B-11.

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

49-41B-5.1. Within thirty days after the filing of an application for a permit for the construction of a proposed energy conversion facility or AC/DC conversion facility, the applicant shall provide notice to the public by posting signs:

- (1) On areas of the proposed facility site, which are clearly visible to an ordinarily observant person; and
- (2) That include the name and contact information of the utility and a brief description of the proposed facility.

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

49-41B-6. Within thirty days after the filing of an application for a permit for the construction of an energy conversion facility or AC/DC conversion facility, the commission shall designate the affected area and a local review committee composed of:

- (1) The chair of the tribal council of each affected reservation;
- (2) The president of the board of each affected school district;
- (3) The chair of the board of county commissioners of each affected county;

- (4) The mayor of each affected municipality; and
- (5) A representative of the applicant utility designated by the utility.

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

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

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

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

- (1) Housing supplies;
- (2) Educational facilities and manpower;
- (3) Water supply and distribution;
- (4) Waste water treatment and collection;
- (5) Solid waste disposal and collection;
- (6) Law enforcement;
- (7) Transportation;
- (8) Fire protection;
- (9) Health;
- (10) Recreation;
- (11) Government; and
- (12) Energy.

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

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

49-41B-8. A local review committee may employ any personnel the committee determines necessary to carry out the provisions of § 49-41B-7, subject to the approval of the commission. The applicant shall pay the expenses of the personnel.

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

An Act to update provisions related to the permit application process for proposed energy and transmission facilities.

I certify that the attached Act originated in
the:
Senate as Bill No. 25

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this _____ day of
_____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 25
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State