

## 2026 South Dakota Legislature

**House Bill 1038****AMENDMENT 1038C  
FOR THE HOUSE COMMERCE AND ENERGY ENGROSSED  
BILL**

1 **An Act to allow the Public Utilities Commission to assess actual costs to data centers**  
2 **that are customers of public utilities.**

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 ~~of a public utility~~ the actual costs  
6 associated with processing a request for approval of a contract with deviations, or other  
7 electric service agreement ~~with a public utility~~, related to the provision of electric service  
8 to a customer that is a data center with a peak 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 ~~primary purpose of~~ storage, management, dissemination, and processing of electronic  
14 data and information, including the mining of digital currency.