



## 2026 South Dakota Legislature

# House Bill 1038

SENATE 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 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.