

AN ACT

ENTITLED, An Act to revise the requirements regarding the siting of energy facilities.

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

Section 1. That § 49-41B-5.2 be amended to read as follows:

49-41B-5.2. The applicant shall notify, in writing, the owner of record of any land that is located within one-half mile of the proposed site where the facility is to be constructed. For purposes of this section, the owner of record is limited to the owner designated to receive the property tax bill sent by the county treasurer. The notice shall be mailed by certified mail. The applicant shall also publish a notice of the proposed facility. Notification shall be published in the official newspaper of each county in which the proposed site is located. The notice shall be published at least once each week for at least two consecutive weeks. The notice shall contain a description of the nature and location of the facility. Any notification required by this section shall state the date, time, and location of the public hearing and shall be made no later than thirty days prior to the date of the public hearing.

Section 2. That § 49-41B-15 be amended to read as follows:

49-41B-15. Within thirty days following receipt of an application for a permit, the commission shall:

- (1) Schedule a public hearing;
- (2) Notify the applicant of the hearing;
- (3) Serve notice of the application and hearing upon the governing bodies of the counties and municipalities totally or partially within the area of the proposed facility;
- (4) Publish a notice of the time, place, and purpose of the public hearing in at least one newspaper of general circulation in counties totally or partially within the area of the proposed facility; and
- (5) File a copy of the application with the auditor of the county or counties in which the

proposed facility will be constructed.

Section 3. That § 49-41B-17.1 be amended to read as follows:

49-41B-17.1. The county auditor of each county where a facility is proposed to be sited is the agent for service of process upon a party. For energy conversion facilities, all counties in the designated siting area are included. Any party may receive all material filed in the matter by making a specific request to the commission for personal service of the material.

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I certify that the attached Act
originated in the

SENATE as Bill No. 43

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 43

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State