

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0210

## SENATE BILL NO. 43

Introduced by: The Committee on Commerce at the request of the Public Utilities  
Commission

1 FOR AN ACT ENTITLED, An Act to revise the requirements regarding the siting of energy  
2 facilities.

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

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

5 49-41B-5.2. ~~Before a utility may begin construction of an energy conversion facility or an~~  
6 ~~AC/DC conversion facility, the utility~~ The applicant shall notify, in writing, the owner of record  
7 of any land that is located within one-half mile of the proposed site where the ~~energy conversion~~  
8 ~~facility or AC/DC conversion~~ facility is to be constructed. For purposes of this section, the  
9 owner of record is limited to the owner designated to receive the property tax bill sent by the  
10 county treasurer. The notice shall be mailed by certified mail. The ~~utility~~ applicant shall also  
11 publish a notice of the proposed facility. Notification shall be published in the official  
12 newspaper of ~~the~~ each county in which the proposed site is located. The notice shall be  
13 published at least once each week for at least two consecutive weeks. The notice shall contain  
14 a description of the nature and location of the ~~energy conversion facility or AC/DC conversion~~  
15 ~~facility. Notification shall be made at least thirty days prior to the date of the public hearing.~~



1 Any notification required by this section shall state the date, time, and location of the public  
2 hearing and shall be made no later than two weeks prior to the date of the public hearing.

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

4 49-41B-15. Within thirty days following receipt of an application for a permit, the ~~Public~~  
5 ~~Utilities Commission~~ commission shall:

6 (1) Schedule a public hearing;

7 (2) Notify the applicant of the hearing;

8 (3) Serve notice of the application and hearing upon the governing bodies of the counties  
9 and municipalities totally or partially within the area of the proposed facility ~~and~~  
10 ~~upon the owner of record of any land that is located within one-half mile of the~~  
11 ~~proposed facility;~~

12 (4) Publish a notice of the time, place, and purpose of the public hearing in at least one  
13 newspaper of general circulation in counties totally or partially within the area of the  
14 proposed facility; and

15 (5) File a copy of the application with the auditor of the county or counties in which the  
16 proposed facility will be constructed.

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

18 49-41B-17.1. The county auditor of ~~the each~~ county ~~of residence of a party to a permit~~  
19 ~~proceeding residing in the area~~ where a facility is proposed to be sited, ~~as provided in § 49-41B-~~  
20 ~~17,~~ is the agent for service of process upon ~~such~~ a party. For energy conversion facilities, all  
21 counties in the designated siting area are included. Any ~~such~~ party may receive all material filed  
22 in the matter by making a specific request to the ~~Public Utilities Commission~~ commission for  
23 personal service of the material.