

Chapter 185
(House Bill 1038)

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

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

Section 1. That a NEW SECTION be added to chapter 49-34A:

The commission may assess a customer of a public utility the actual costs associated with processing a request for approval of a contract with deviations, or other electric service agreement with a public utility, related to the provision of electric service to a customer that is a data center with a peak demand of ten megawatts or greater.

The commission shall forward any moneys collected under this section to the state treasurer, for deposit in the South Dakota Public Utilities Commission gross receipts tax fund established in § 49-1A-2.

For the purposes of this section, "data center" means a centralized repository for the primary purpose of storage, management, dissemination, and processing of electronic data and information, including the mining of digital currency.

Signed March 24, 2026
