

## 2023 South Dakota Legislature

**Senate Bill 11****AMENDMENT 11A FOR THE INTRODUCED BILL**

1 **An Act to to update certain application fees for actions related to energy**  
2 **transactions in utility chargeback dockets.**

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

4  
5 **~~Section 1. That § 49-41B-12 be AMENDED:~~**

6 ~~**49-41B-12.** At the time of filing an application as required in § 49-41B-11 or as subsequently~~  
7 ~~required by the commission, an applicant shall deposit with the commission an initial amount~~  
8 ~~to be determined by the commission based upon the estimated cost of processing,~~  
9 ~~investigating, and reviewing, processing, an application and serving notice of an application for~~  
10 ~~the estimated cost of litigating and enforcing a permit if issued under this chapter. The amount~~  
11 ~~shall be deposited with the state treasurer and credited to a subfund within the designated~~  
12 ~~revenue fund and shall be disbursed on vouchers approved by the commission for the actual~~  
13 ~~cost of processing, investigating, and reviewing, processing, and serving notice of the~~  
14 ~~application, an application and for the actual cost of litigating and enforcing a permit if issued~~  
15 ~~under this chapter. The maximum fee chargeable may not exceed one-quarter of one percent~~  
16 ~~of the first one hundred million dollars of estimated construction cost plus one-twentieth of~~  
17 ~~one percent of all additional estimated construction costs of the facility. five hundred thousand~~  
18 ~~dollars, unless the commission, after hearing from the applicant and parties, finds that a~~  
19 ~~higher fee is necessary to complete its review under this chapter. However, the minimum~~  
20 ~~total fee chargeable may not be less than eight thousand dollars.~~

21 ~~If the commission determines that an environmental impact statement should be prepared as~~  
22 ~~provided under chapter 34A-9 before taking final action on an application under this chapter,~~  
23 ~~the maximum fee chargeable above may be increased to an amount not to exceed one-half~~  
24 ~~of one percent of the first one hundred million dollars of estimated construction cost plus one-~~

1 ~~twentieth of one percent of all additional estimated construction costs of the facility. However,~~  
2 ~~the provisions of this paragraph do not apply in cases in which a detailed environment impact~~  
3 ~~study has been completed pursuant to the requirements of the National Environmental Policy~~  
4 ~~Act of 1969 as amended to January 1, 2009, and implementing regulations thereto if such a~~  
5 ~~statement is available to the commission at least thirty days prior to the time the commission~~  
6 ~~is required to render a decision under § 49-41B-24 or 49-41B-25. The provisions of this~~  
7 ~~section apply to all pending permit applications and future permit applications before the~~  
8 ~~commission.~~

9 **Section 1. That § 49-1A-8 be AMENDED:**

10 **49-1A-8.** There is created a special fund within the state treasury to be known as  
11 the South Dakota Public Utilities Commission Regulatory Assessment Fee fund. The Public  
12 Utilities Commission may require a public utility as defined in ~~subdivision 49-34A-1(12)~~ §  
13 49-34A-1 to make a deposit of up to ~~two hundred fifty~~ five hundred thousand dollars when  
14 it files for approval of a general rate case, regardless of the number of issues involved.  
15 The commission may require a deposit of up to fifty thousand dollars for the filing of a  
16 tariff for approval under the provisions of §§ 49-34A-4 and §§ 49-34A-25.1 to 49-34A-  
17 25.4, inclusive, or makes a filing pursuant to §§ 49-34A-97 to 49-34A-100, inclusive. The  
18 deposits shall be made to the South Dakota Public Utilities Commission Regulatory  
19 Assessment Fee fund, the amount to be designated by commission order. ~~The fund shall~~  
20 ~~be invested as provided by law, and the interest earned shall~~ on monies in the fund are  
21 to be credited to the fund.