



2024 South Dakota Legislature
House Bill 1200
ENROLLED

AN ACT

ENTITLED An Act to increase the minimum fee required with an application for construction of an energy conversion and transmission facility.

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

Section 1. That § 49-41B-12 be AMENDED:

49-41B-12. At the time of filing an application as required in § 49-41B-11, an applicant must deposit the minimum fee with the commission. If required by the commission, an applicant must remit an amount to be determined by the commission based upon the actual cost of investigating, reviewing, processing, and serving notice of an application. The amount must be deposited with the state treasurer and credited to a subfund within the designated revenue fund and may only be disbursed on vouchers approved by the commission for the actual cost of investigating, reviewing, processing, and serving notice of the application. Except as otherwise agreed to by an applicant, the maximum fee chargeable may not exceed one-quarter of one percent of the first one hundred million dollars of estimated construction cost plus one-twentieth of one percent of all additional estimated construction costs of the facility. To exceed the maximum fee when the applicant has not agreed to a fee higher than the maximum amount, the commission must make a finding upon a motion from the commission staff that all costs incurred were reasonably necessary to investigate, review, process, and serve notice of the application. In these circumstances, the commission must seek reimbursement for those costs, during the next regular legislative session. However, the minimum total fee chargeable may not be less than twenty thousand dollars. The minimum fee is nonrefundable unless ordered by the commission.

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

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

Section 2. That § 49-41B-26 be AMENDED:

49-41B-26. The commission must provide the applicant with a full financial accounting relating to the expenditures of the amount received pursuant to § 49-41B-12. Except for the twenty thousand dollar minimum fee required pursuant to § 49-41B-12, unused moneys must be refunded to the applicant within thirty days of the commission's decision on the application.

An Act to increase the minimum fee required with an application for construction of an energy conversion and transmission facility.

I certify that the attached Act originated in
the:
House as Bill No. 1200

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1200
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State