



## 2025 South Dakota Legislature

# House Bill 1007

*Introduced by: The Chair of the Committee on Commerce and Energy at the request of the Public Utilities Commission of the State of South Dakota*

1 **An Act to permit the Public Utilities Commission to recover reimbursement costs**  
 2 **from an applicant in a timely manner.**

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

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

5 **49-41B-12.** At the time of filing an application as required in § 49-41B-11, an  
 6 applicant must deposit the minimum fee with the commission. If required by the  
 7 commission, an applicant must remit an amount to be determined by the commission  
 8 based upon the actual cost of investigating, reviewing, processing, and serving notice of  
 9 an application. The amount must be deposited with the state treasurer and credited to a  
 10 subfund within the designated revenue fund and may only be disbursed on vouchers  
 11 approved by the commission for the actual cost of investigating, reviewing, processing,  
 12 and serving notice of the application. Except as otherwise agreed to by an applicant, the  
 13 maximum fee chargeable may not exceed one-quarter of one percent of the first one  
 14 hundred million dollars of estimated construction cost plus one-twentieth of one percent  
 15 of all additional estimated construction costs of the facility. To exceed the maximum fee  
 16 when the applicant has not agreed to a fee higher than the maximum amount, the  
 17 commission must make a finding upon a motion from the commission staff that all costs  
 18 incurred were reasonably necessary to investigate, review, process, and serve notice of  
 19 the application. ~~In these circumstances, the commission must seek reimbursement for~~  
 20 ~~these costs, during the next regular legislative session.~~ However, the minimum total fee  
 21 chargeable may not be less than twenty thousand dollars. The minimum fee is  
 22 nonrefundable unless ordered by the commission.

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

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