

2025 South Dakota Legislature

House Bill 1007**AMENDMENT 1007A
FOR THE INTRODUCED BILL**

1 **An Act to ~~permit~~ prohibit use of the South Dakota public utilities commission gross**
2 **receipts tax fund for reimbursement of costs incurred by the Public Utilities**
3 **Commission ~~to recover reimbursement costs from an applicant in a timely~~**
4 **manner.**

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

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

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

1 Moneys from the South Dakota public utilities commission gross receipts tax fund,
2 as established in § 49-1A-2, may not be used to reimburse the commission for any
3 additional costs incurred.

4 If the commission determines that an environmental impact statement should be
5 prepared as provided under chapter 34A-9 before taking final action on an application
6 under this chapter, the maximum fee chargeable above may be increased to an amount
7 not to exceed one-half of one percent of the first one hundred million dollars of estimated
8 construction cost plus one-twentieth of one percent of all additional estimated construction
9 costs of the facility. However, the provisions of this paragraph do not apply in cases in
10 which a detailed environment impact study has been completed pursuant to the
11 requirements of the National Environmental Policy Act of 1969 as amended to January 1,
12 2009, and implementing regulations thereto if such a statement is available to the
13 commission at least thirty days prior to the time the commission is required to render a
14 decision under § 49-41B-24 or 49-41B-25. The provisions of this section apply to all
15 pending permit applications and future permit applications before the commission.