



2024 South Dakota Legislature

House Bill 1052

Introduced by: The Chair of the Committee on State Affairs at the request of the Public Utilities Commission

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

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 ~~or as~~
 6 ~~subsequently required by the commission,~~ an applicant ~~shall~~ must deposit the minimum
 7 fee with the commission. ~~If required by the commission, an applicant must remit initial an~~
 8 ~~amount to be determined by the commission based upon the estimated~~ actual cost of
 9 investigating, reviewing, processing, and serving notice of an application. The amount
 10 ~~shall~~ must be deposited with the state treasurer and credited to a subfund within the
 11 designated revenue fund and ~~shall~~ must be disbursed on vouchers approved by the
 12 commission for the actual cost of investigating, reviewing, processing, and serving notice
 13 of the application. ~~The maximum fee chargeable may not exceed one quarter of one~~
 14 ~~percent of the first one hundred million dollars of estimated construction cost plus one~~
 15 ~~twentieth of one percent of all additional estimated construction costs of the facility.~~
 16 ~~However, the~~ The minimum total fee chargeable may not be less than ~~eight~~ twenty
 17 thousand dollars. The minimum fee is nonrefundable unless ordered by the commission.

18 If the commission determines that an environmental impact statement should be
 19 prepared, ~~as provided under chapter 34A-9,~~ before taking final action on an application
 20 under this chapter, ~~the maximum fee chargeable above may be increased to an amount~~
 21 ~~not to exceed one half of one percent of the first one hundred million dollars of estimated~~
 22 ~~construction cost plus one twentieth of one percent of all additional estimated construction~~
 23 ~~costs of the facility~~ the applicant must pay the actual costs of preparation and review of
 24 the environmental impact statement. However, the provisions of this paragraph do not
 25 apply in cases in which a detailed environment impact study has been completed pursuant
 26 to the requirements of the National Environmental Policy Act of 1969 as amended to

1 January 1, 2009, and implementing regulations thereto if ~~such~~ a statement is available to
2 the commission at least thirty days prior to the time the commission is required to render
3 a decision under § 49-41B-24 or 49-41B-25. The provisions of this section apply to all
4 pending permit applications and future permit applications before the commission.

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

6 **49-41B-26.** The commission ~~shall~~ must provide the applicant with a full financial
7 accounting relating to the expenditures of the amount received pursuant to § 49-41B-12.
8 Except for the ~~eight~~ twenty thousand dollar minimum fee required pursuant to § 49-41B-
9 12, unused moneys ~~shall~~ must be refunded to the applicant within thirty days of the
10 commission's decision on the application.