



## 2025 South Dakota Legislature

**House Bill 1007**

SENATE COMMERCE AND ENERGY ENGROSSED

*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 prohibit use of the South Dakota public utilities commission gross receipts**  
2 **tax fund for reimbursement of costs incurred by the Public Utilities**  
3 **Commission.**

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

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

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

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