



2025 South Dakota Legislature

House Bill 1007

ENROLLED

AN ACT

ENTITLED An Act to prohibit use of the South Dakota public utilities commission gross receipts tax fund for reimbursement of costs incurred by the Public Utilities Commission.

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. The minimum total fee chargeable may not be less than twenty thousand dollars. The minimum fee is nonrefundable unless ordered by the commission.

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

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.

An Act to prohibit use of the South Dakota public utilities commission gross receipts tax fund for reimbursement of costs incurred by the Public Utilities Commission.

I certify that the attached Act originated in the:

House as Bill No. 1007

Received at this Executive Office
this ____ day of _____,

2025 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2025

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Filed _____, 2025
at _____ o'clock ____ M.

Attest:

Secretary of the Senate

Secretary of State

House Bill No. 1007
File No. ____
Chapter No. ____

By _____
Asst. Secretary of State