

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

684B0724

SENATE BILL NO. 184

Introduced by: Senators Foster, Heinert, Kennedy, Maher, Nesiba, Wismer, and Youngberg
and Representatives Bordeaux, Poirier, Rasmussen, Saba, St John, and
Sullivan

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding certification of utility
2 permits.

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

4 Section 1. That § 49-41B-27 be amended to read:

5 49-41B-27. Utilities ~~which~~ that have acquired a permit in accordance with the provisions
6 of this chapter may proceed to improve, expand, or construct the facility for the intended
7 purposes at any time, subject to the provisions of this chapter; provided, ~~however,~~ that if ~~such~~
8 construction, expansion and improvement commences more than four years after a permit has
9 been issued, then the utility must certify to the Public Utilities Commission that ~~such~~ the facility
10 continues to meet the conditions ~~upon which the permit was issued~~ under the original issuance
11 of the permit.

12 Upon receipt of a request for certification under this section, the commission shall follow
13 the procedures for a contested case set forth in chapter 1-26. For certification to be granted, the
14 applicant shall present substantial evidence of its history of compliance with all prior



1 commission permit conditions. The commission shall consider the prior performance of the
2 applicant on similar projects, including past violations of applicable state, federal, and tribal
3 laws or regulations. A certification by the commission under this section shall be subject to
4 judicial review in the circuit court under the provisions of chapter 1-26.