

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

981B0745

## HOUSE BILL NO. 1240

Introduced by: Representatives Pourier, Bordeaux, Healy, McCleerey, Smith (Jamie), and Sullivan and Senators Foster, Heinert, and Wismer

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding water permits.

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

3 Section 1. That § 46-1-16 be amended to read:

4 46-1-16. The provisions of § 46-1-14 notwithstanding, the board may promulgate rules  
5 pursuant to chapter 1-26 to delegate the authority to issue permits to the chief engineer if the  
6 applicant does not contest the recommendation of the chief engineer and no person has filed a  
7 petition to oppose the application as provided in chapter 46-2A. Upon ~~such~~ this delegation, the  
8 recommendation of the chief engineer shall become the decision of the board, and the chief  
9 engineer shall issue the permit as recommended. ~~However, the~~ The chief engineer may schedule  
10 an application, even if uncontested, for hearing by the board pursuant to chapter 46-2A upon  
11 finding that an application presents important issues of public policy or public interest that  
12 should be heard by the board. Upon request of the affected county or municipality, the board  
13 shall hold a public hearing in the requesting county or municipality in regard to the application  
14 for a water permit that may affect the amount or quality of county or municipal water supplies.

