



## 2020 South Dakota Legislature

# Senate Bill 126

Introduced by: **Senator Heinert**

1 **An Act to provide civil remedies for certain construction permits issued by the Public**  
 2 **Utilities Commission.**

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

4 **Section 1.** That § 49-41B-30 be AMENDED:

5 **49-41B-30. Judicial Review--Final Decision--Procedures.**

6 Any party to a certification of continuing suitability proceeding under § 49-41B-4.9  
 7 or 49-41B-27 or a permit issuance proceeding aggrieved by the final decision of the Public  
 8 Utilities Commission on an application for a permit or review of certification of continuing  
 9 suitability, may obtain judicial review of that decision by filing a notice of appeal in circuit  
 10 court. The review procedures shall be the same as that for contested cases under chapter  
 11 1-26.

12 **Section 2.** That a NEW SECTION be added:

13 **49-41B-4.9. Petition--Review--Permit--Procedures.**

14 An interested party may petition the commission for review of any permit issued  
 15 under § 49-41B-4, if the facility has not been substantially completed within ten years of  
 16 the initial permit being issued. The commission shall follow the procedures outlined in  
 17 § 49-41B-15 and shall consider all factors listed in § 49-41B-22, including any changed  
 18 circumstances from the date of the permit's issuance. The commission may either reissue  
 19 the permit as-is, modify the conditions for issuance of the permit, or revoke the permit.

20 Any party to this review process aggrieved by the final decision of the commission  
 21 may obtain judicial review of that decision by filing a notice of appeal in circuit court. The  
 22 review procedures shall be the same as that for contested cases under chapter 1-26.

23 **Section 3.** Any decision for certification of continuing suitability that has occurred after  
 24 January 1, 2015, is eligible for judicial review under § 49-41B-30.