

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## SENATE BILL NO. 134

Introduced by: Senator Heinert and Representatives Killer, Bordeaux, Gibson, Hawks, and Soli

1 FOR AN ACT ENTITLED, An Act to prohibit the Public Utilities Commission from granting  
2 certain permits until federal approval is granted.

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

4 Section 1. That § 49-41B-24 be amended to read:

5 49-41B-24. Within twelve months of receipt of the initial application for a permit for the  
6 construction of energy conversion facilities, AC/DC conversion facilities, or transmission  
7 facilities, the commission shall make complete findings in rendering a decision regarding  
8 whether a permit should be granted, denied, or granted upon such terms, conditions or  
9 modifications of the construction, operation, or maintenance as the commission deems  
10 appropriate. If, however, the construction requires a Presidential Permit, which the President of  
11 the United States has the constitutional authority to require and the United States Secretary of  
12 State has the authority to approve under the provisions of Executive Order 13337, the  
13 commission may not grant a permit for the construction under this section until the Presidential  
14 Permit is approved.

