

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

664I0708

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1258 - 02/07/2003

Introduced by: Representatives Cutler, Craddock, Gillespie, O'Brien, and Williamson and
Senators Olson (Ed), Dempster, Duxbury, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding attorney fees and
2 costs in Public Utilities Commission proceeding and appeals.

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

4 Section 1. That § 49-13-26 be amended to read as follows:

5 49-13-26. The plaintiff complainant in a complaint to the commission pursuant to § 49-13-1
6 or 49-13-1.1 or a suit pursuant to § 49-13-24 is not liable for the costs at any stage of the
7 proceedings unless or the costs that accrue on appeal to the circuit court or the Supreme Court;
8 and. However, if the plaintiff eventually complainant prevails before the commission or the court
9 or Supreme Court on appeal, he shall the complainant may be allowed reasonable attorney fees
10 to be taxed and collected by the commission, the court, or the Supreme Court as a part of the
11 costs of the suit.

