

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

573S0566

SENATE BILL NO. 132

Introduced by: Senators Rave, Cutler, Hansen (Tom), Johnston, Krebs, Lederman, Olson (Russell), Schlekeway, and Tidemann and Representatives Willadsen, Bolin, Fargen, Greenfield, Hawley, Juhnke, Miller, Nelson (Stace), Rausch, and Street

1 FOR AN ACT ENTITLED, An Act to provide the right of first refusal to construct and own
2 electric transmission lines to incumbent electric utilities.

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

4 Section 1. For the purposes of this Act, the term, electric transmission line, means any line
5 connecting to existing electric transmission network facilities for conducting electric energy at
6 a design voltage of one hundred fifteen kilovolts or greater phase to phase, other than a line
7 solely for connecting an electric generation facility to facilities owned by an electric utility.

8 Section 2. For the purposes of this Act, the term, incumbent electric transmission owner,
9 means an electric utility or public utility furnishing electric service in this state or wholesale
10 rural electric cooperative whose owners furnish electric service in this state or a consumers
11 power district organized pursuant to chapter 49-35.

12 Section 3. Any incumbent electric transmission owner may construct, own, and maintain an
13 electric transmission line that connects to facilities owned by the incumbent electric
14 transmission owner. The right to construct, own, and maintain an electric transmission line that



1 connects to facilities owned by two or more incumbent electric transmission owners belongs
2 equally to each incumbent electric transmission owner, unless the incumbent electric
3 transmission owner otherwise agrees in writing. If an electric transmission line has been
4 approved for construction in a federally registered planning authority transmission plan, an
5 incumbent electric transmission owner may give notice to the commission, in writing, of its
6 intent to construct, own, and maintain the electric transmission line. If an incumbent electric
7 transmission owner has not given notice, a person other than an incumbent electric transmission
8 owner may inquire in writing whether the incumbent electric transmission owner intends to
9 construct, own, and maintain the electric transmission line or lines and shall provide a copy of
10 the inquiry to the commission. Within ninety days of receipt of the inquiry, the incumbent
11 electric transmission owner shall give notice, in writing, of its intent regarding the electric
12 transmission line to the person and the commission.