

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

573S0566

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 132** - 2/8/2011

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 municipal
11 power agency or a consumers 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



1 transmission owner. The right to construct, own, and maintain an electric transmission line that
2 connects to facilities owned by two or more incumbent electric transmission owners belongs
3 individually and proportionally to each incumbent electric transmission owner, unless otherwise
4 agreed in writing. If an electric transmission line has been approved for construction in a
5 federally registered planning authority transmission plan, the incumbent electric transmission
6 owner may give notice to the commission, in writing, within ninety days of approval, of its
7 intent to construct, own, and maintain the electric transmission line. If no notice is provided, the
8 incumbent electric transmission owner shall surrender its first right to construct, own, and
9 maintain the electric transmission line.