

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

573S0566

SENATE ENGROSSED NO. **SB 132** - 2/14/2011

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
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 individually and proportionally to each incumbent electric transmission owner, unless otherwise
3 agreed in writing. If an electric transmission line has been approved for construction in a
4 federally registered planning authority transmission plan, the incumbent electric transmission
5 owner may give notice to the commission, in writing, within ninety days of approval, of its
6 intent to construct, own, and maintain the electric transmission line. If no notice is provided, the
7 incumbent electric transmission owner shall surrender its first right to construct, own, and
8 maintain the electric transmission line. Within eighteen months after the notice, the incumbent
9 electric transmission owner shall file an application for a permit in accordance with chapter 49-
10 41B.