

AN ACT

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

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

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

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

Section 3. Any incumbent electric transmission owner may construct, own, and maintain an electric transmission line that connects to facilities owned by the incumbent electric transmission owner. The right to construct, own, and maintain an electric transmission line that connects to facilities owned by two or more incumbent electric transmission owners belongs individually and proportionally to each incumbent electric transmission owner, unless otherwise agreed in writing. If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, the incumbent electric transmission owner may give notice to the commission, in writing, within ninety days of approval, of its intent to construct, own, and maintain the electric transmission line. If no notice is provided, the incumbent electric transmission owner shall surrender its first right to construct, own, and maintain the electric transmission line. Within eighteen months after the notice, the incumbent electric transmission owner shall file an application for a permit in accordance with chapter 49-41B.

An Act to provide the right of first refusal to construct and own electric transmission lines to incumbent electric utilities.

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I certify that the attached Act
originated in the
SENATE as Bill No. 132
Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 132
File No.
Chapter No.

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Received at this Executive Office
this ___ day of ___,
20___ at ___ M.
By ___
for the Governor
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The attached Act is hereby
approved this ___ day of
___, A.D., 20___

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed ___, 20___
at ___ o'clock __ M.

Secretary of State

By ___
Asst. Secretary of State