

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.

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I certify that the attached Act
originated in the

SENATE as Bill No. 132

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 132
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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