

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

363T0689

HOUSE BILL NO. 1241

Introduced by: Representatives Sigdestad, Nelson (Stace), Russell, and Schrempp and
Senator Hundstad

1 FOR AN ACT ENTITLED, An Act to require township board approval for certain utility
2 facilities located near township roads.

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

4 Section 1. That § 31-26-1 be amended to read as follows:

5 31-26-1. The board of county commissioners, upon written application designating the
6 particular highway ~~the use of which is desired~~, may grant to any person engaged in the
7 manufacture or sale of electric light and power, or any municipality authorized by law to
8 purchase electric current, or any person authorized by law to purchase such current from ~~such~~
9 the municipality, or any person engaged in, ~~or about to engage in~~, the furnishing of telephone
10 service, the right to erect and maintain poles and wires or to bury underground cable for the
11 purpose of conducting electricity for lighting, heating, and power purposes, together with stay
12 wires and braces, and for the purpose of furnishing telephone service, in and along any public
13 highway in its county for a period not to exceed twenty years, ~~subject to the conditions set forth~~
14 ~~in this chapter and such further reasonable regulations as the Legislature may hereafter~~
15 ~~prescribe.~~



1 If the proposed utility facilities are adjacent to a road under the jurisdiction of a township,
2 the board of county commissioners shall coordinate and obtain approval of the utility facility
3 location from the board of supervisors of the affected township before granting such
4 authorization.