State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, **2017**

265Y0291

SENATE BILL NO. 60

Introduced by: Senators Maher, Jensen (Phil), Langer, Solano, and Youngberg and Representatives Wollmann, Haggar, Hawley, Heinemann, Mickelson, Rounds, Willadsen, and Zikmund

1   FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the sale of consumers

2   power district assets.

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

4   Section 1. That § 49-40-3 be amended to read:

5   49-40-3. Any consumers power district may sell ~~to another district, rural electrification~~

6   ~~association, or cooperative, municipality, political subdivision and municipal corporation or~~

7   ~~public corporation located within or without the state,~~ any power plant, electric generating plant,

8   electric transmission, or distribution system, or any part thereof, for ~~such sums~~ <u>any sum</u> and

9   upon ~~such~~ <u>any</u> terms ~~as~~ <u>that</u> the board of directors of the district may consider fair and

10   reasonable.

11   Section 2. That § 49-40-7 be repealed.

12   ~~49-40-7. The governing body of a consumers power district may never lease nor alienate the~~

13   ~~franchises, plant, or physical equipment of the district to any private person, firm, association,~~

14   ~~or corporation except a political subdivision or public corporation, another consumers power~~

1   ~~district, or nonprofit cooperative financed in whole or in part by the Rural Electrification~~

2   ~~Administration or any other federal agency for operating, or for any other purpose.~~

3   Section 3. That § 49-40-8 be amended to read:

4   49-40-8. ~~Notwithstanding § 49-40-7, where~~ <u>If</u> a consumers power district is comprised of

5   territory wholly within the corporate limits of a first or second class municipality then ~~such~~ <u>the</u>

6   district shall have power to lease or alienate the franchises, plant or physical equipment of the

7   district to any private person, firm, association or corporation in accordance with the provisions

8   of §§ 9-39-37 and 9-39-38.