

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

390Q0695

SENATE BILL NO. 169

Introduced by: Senators Peterson and Hunhoff (Jean) and Representatives Hunhoff (Bernie)
and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to require the submission of certain materials relating to
2 wind easement agreements to the register of deeds.

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

4 Section 1. That § 43-13-17 be amended to read as follows:

5 43-13-17. Any property owner may grant a wind easement in the same manner and with the
6 same effect as a conveyance of an interest in real property. The easement shall be created in
7 writing ~~and shall be filed.~~ The easement agreement, including all accompanying exhibits,
8 attachments, provisions, and documents, shall be duly recorded; and indexed in the office of the
9 register of deeds of the county in which the easement is granted. Any such easement runs with
10 the land or lands benefited and burdened and terminates upon the conditions stated in the
11 easement, except that the term of any such easement may not exceed fifty years. Any such
12 easement is void if no development of the potential to produce energy from wind power
13 associated with the easement has occurred within five years after the easement began. Any
14 payments associated with the granting or continuance of any such easement shall be made on
15 an annual basis to the owner of record of the real property at the time the payment is made.

