

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

390Q0695

SENATE ENGROSSED NO. **SB 169** - 2/24/2009

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to wind easements.

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

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

4 43-13-17. Any property owner may grant a wind easement in the same manner and with the
5 same effect as a conveyance of an interest in real property. The easement shall be created in
6 writing and shall be ~~filed~~, duly recorded; and indexed in the office of the register of deeds of the
7 county in which the easement is granted. Any wind easement not recorded within six months
8 from the date of execution is void. Any ~~such~~ wind easement runs with the land or lands
9 benefited and burdened and terminates upon the conditions stated in the easement, except that
10 the term of any such easement may not exceed fifty years. Any ~~such~~ wind easement is void if
11 no development of the potential to produce energy from wind power associated with the
12 easement has occurred within five years after the easement began. Any payments associated
13 with the granting or continuance of any ~~such~~ wind easement shall be made on an annual basis
14 to the owner of record of the real property at the time the payment is made.

