

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

445I0703

SENATE ENGROSSED NO. **HB 1232** - 03/06/2003

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

Introduced by: Representatives Madsen, Michels, and Teupel and Senator Apa

1 FOR AN ACT ENTITLED, An Act to require that the annual payment of wind easements be
2 made to the landowner..

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, duly recorded, and indexed in the office of the register of deeds of the
8 county in which the easement is granted. Any such easement runs with the land or lands benefited
9 and burdened and terminates upon the conditions stated in the easement, except that the term
10 of any such easement may not exceed fifty years. Any such easement is void if no development
11 of the potential to produce energy from wind power associated with the easement has occurred
12 within five years after the easement began. Any payments associated with the granting or
13 continuance of any such easement shall be made on an annual basis to the owner of record of the
14 real property at the time the payment is made.

