

AN ACT

ENTITLED, An Act to provide that the beneficial interest in any wind easement shall follow the surface estate.

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

Section 1. That chapter 43-13 be amended by adding thereto a NEW SECTION to read as follows:

No person may grant an easement pursuant to § 43-13-19 to produce energy from wind power unless such person also owns the surface estate to which the easement pertains. If the lessor of any wind easement subsequently alienates the surface estate to which the easement pertains, the successor to the surface estate also succeeds to the rights of the lessor of the wind easement as a matter of law.

An Act to provide that the beneficial interest in any wind easement shall follow the surface estate.

=====

I certify that the attached Act
originated in the

SENATE as Bill No. 127

Secretary of the Senate

=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 127

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
SS.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State