

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

637I0647

SENATE BILL NO. 127

Introduced by: Senators Symens, Brown, Diedrich (Larry), and Moore and Representatives
Hanson, Burg, Peterson (Bill), Putnam, Rhoden, and Sigdestad

1 FOR AN ACT ENTITLED, An Act to provide that the beneficial interest in any wind easement
2 shall follow the surface estate.

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

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

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

