



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0206

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1013** -

01/21/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to enter into  
2 mutual aid agreements with other fire suppression organizations.

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

4 Section 1. That chapter 41-20 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The Department of Agriculture may enter into mutual aid agreements with other fire  
7 suppression organizations and determine what costs these organizations would assume during  
8 an initial fire attack for a period not to exceed twelve hours.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

544I0532

SENATE APPROPRIATIONS COMMITTEE  
ENGROSSED NO. **HB 1231** - 02/14/2003

Introduced by: Representative Putnam and Senator Apa

1 FOR AN ACT ENTITLED, An Act to stabilize the annual balance of the South Dakota Public

2 Utilities Commission gross receipts tax fund.

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

4 Section 1. That § 49-1A-3 be amended to read as follows:

5 49-1A-3. There is hereby levied on each public utility as defined in subdivision 49-34A-1(12),  
6 which is subject to the rate regulation of the commission, and all telecommunications companies  
7 as defined in subdivision 49-31-1(26), a tax of not more than .0015 or two hundred fifty dollars,  
8 whichever is greater upon the annual intrastate gross receipts derived by the public utility or  
9 telecommunications company from its customers within the State of South Dakota during the  
10 preceding calendar year. The two hundred fifty dollar minimum gross receipt tax does not apply  
11 to telecommunications companies providing local exchange service as defined in subdivision  
12 ~~49-31-1(12)~~ 49-31-1(13) or to radio common carriers.

13 Section 2. That § 49-1A-3.1 be repealed.

14 ~~49-1A-3.1. Any funds collected from the tax levied by § 49-1A-3 may not be expended for~~  
15 ~~operation of the public utilities commission's transportation division.~~



1 Section 3. That § 49-1A-4 be amended to read as follows:

2 49-1A-4. On ~~June~~ April first of each year, each company shall file with the Public Utilities  
3 Commission, on forms prescribed by the commission, the amount of its gross receipts derived  
4 from the company's customers within the State of South Dakota during the preceding calendar  
5 year. Such report shall be sworn to and verified by an officer of the company. On May first of  
6 each year the commission shall, by order, establish the rate and assess the tax authorized in § 49-  
7 1A-3 which, together with any funds remaining from the current fiscal year and the two hundred  
8 fifty dollar minimum gross receipt tax, will fund the commission's budget for the next fiscal year  
9 and provide a contingency reserve in an amount not to exceed the prior year's budget.

10 Section 4. That § 49-1A-5 be amended to read as follows:

11 49-1A-5. The tax levied by this chapter is due and payable to the state treasurer on ~~June first~~  
12 July fifteenth of each year ~~at the same time as the filing of the report of such gross receipts.~~

13 Section 5. That § 49-1A-7 be amended to read as follows:

14 49-1A-7. All amounts deposited in the South Dakota Public Utilities Commission gross  
15 receipts tax fund are appropriated to the use of the Public Utilities Commission for its expenses  
16 in regulating public utilities as defined in chapter 49-34A and telecommunications companies as  
17 defined in subdivision 49-31-1(26). Such expenses may be paid out of the fund on warrants  
18 drawn by the state auditor upon duly itemized vouchers. The funds necessary for such expenses  
19 are hereby authorized to be expended. The funds may not be expended for any other operations  
20 of state government.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

77110019

SENATE TAXATION COMMITTEE ENGROSSED NO.

**SB 131** - 02/14/2003

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

Introduced by: Senators Dennert, Kleven, Koetzle, Moore, Napoli, Reedy, Sutton (Duane),  
and Symens and Representatives Hundstad, Elliott, Frost, Hargens, and  
Novstrup

1 FOR AN ACT ENTITLED, An Act to provide for a legislative study of certain property tax  
2 exemptions.

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

4 Section 1. The Executive Board of the Legislative Research Council shall appoint an interim  
5 legislative committee to study the property tax exemptions provided to nonprofit organizations  
6 and the criteria required to receive such property tax exemptions. The interim legislative  
7 committee shall also consider the criteria required for congregate housing facilities to receive  
8 property tax exemptions. The committee shall make a report of its findings and its  
9 recommendations to the Executive Board of the Legislative Research Council.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

980I0659

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 166** - 02/14/2003

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

Introduced by: Senator Diedrich (Larry) and Representative Begalka

1 FOR AN ACT ENTITLED, An Act to require the notification of certain telecommunication  
2 companies of the development of a wind collector system and to provide for a planning  
3 meeting.

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

5 Section 1. As used in this Act, the term, wind collector system, means all power lines and  
6 associated equipment located between the first substation and the wind turbines that collect  
7 electricity and transmit it from the wind turbines to the first substation.

8 Section 2. Any person, any political subdivision of this state, or any other public or private  
9 entity, however organized, that constructs, maintains, or operates a wind collector system for  
10 the purpose of producing electric energy shall, prior to the conclusion of planning for  
11 construction of any such project, notify in writing any telecommunications company having  
12 telecommunications facilities located within one mile of the proposed site, according to the  
13 records of the one-call notification system established by chapter 49-7A, of the intent to  
14 construct and the proposed location of the wind collector system. The telecommunications  
15 company shall contact the developer of the wind collector system at the address given in the



1 notice required by this section within thirty days of the notice required by this Act and request  
2 a planning meeting to be held within thirty days of the request with the developer of the wind  
3 collector system at a location mutually convenient to both parties. A planning meeting, once  
4 properly requested, shall be held and attended by knowledgeable representatives of the parties.  
5 If no request for a planning meeting is made, the developer is not required to meet with the  
6 telecommunications company. At the meeting the parties may discuss any concerns with the  
7 location or engineering design of the wind collector system, including the avoidance of inductive  
8 interference associated with the project.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

78110577

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 179** - 02/12/2003

Introduced by: Senators Symens, Abdallah, Bogue, Duenwald, McCracken, and Moore and  
Representatives Hanson, Burg, Olson (Mel), and Peterson (Bill)

1 FOR AN ACT ENTITLED, An Act to revise and expand certain provisions relating to wind  
2 energy development.

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

4 Section 1. That § 43-13-19 be amended to read as follows:

5 43-13-19. No interest in any resource located on a tract of land and associated with the  
6 production or potential production of energy from wind power on the tract of land may be  
7 severed from the surface estate as defined in § 45-5A-3, ~~except that~~ in fee, remainder, or  
8 permanent easement. However, such rights may be leased as a wind easement for a period not  
9 to exceed fifty years. Any such wind easement lease is void if no development of the potential  
10 to produce energy from wind power has occurred on the land within five years after the lease  
11 began. The payment of any such wind easement lease shall be on an annual basis.

12 Section 2. That § 43-13-18 be amended to read as follows:

13 43-13-18. Any deed, will, or other instrument that creates a wind easement shall include:

14 (1) A description of the real property subject to the easement and a description of the real  
15 property benefiting from the wind easement;



1 (2) A description of the vertical and horizontal angles, expressed in degrees, and distances  
2 from the site of the wind power system in which an obstruction to the wind is  
3 prohibited or limited;

4 (3) Any terms or conditions under which the easement is granted or may be terminated;

5 (4) Any provisions for compensation of the owner of the real property benefiting from the  
6 easement in the event of interference with the enjoyment of the easement, or  
7 compensation of the owner of the real property subject to the easement for  
8 maintaining the easement; and

9 (5) Any other provisions necessary or desirable to execute the instrument.

10 No instrument creating a wind easement may bind any of the parties to confidentiality  
11 concerning the terms of the easement. Any such confidentiality provision is void.

12 Section 3. That chapter 43-13 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 No wind power turbine may be erected within a distance to an adjoining property of less than  
15 three times the total swept rotorblade diameter of the installed turbine unless the adjoining  
16 landowner has consented in writing for compensation received.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

177I0718

SENATE TAXATION COMMITTEE ENGROSSED NO.

**SB 217** - 02/14/2003

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

Introduced by: Senators Brown and Olson (Ed) and Representatives Smidt, O'Brien, Olson (Mel), and Sebert

1 FOR AN ACT ENTITLED, An Act to exempt materials used in certain projects outside of the  
2 state from the use tax.

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

4 Section 1. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the provisions of § 10-46-5, the use in this state of tangible personal  
7 property that becomes an integral and component part of a final product manufactured by a  
8 business classified in signs and advertising specialties, (industry no. 3993) in the Standard  
9 Industrial Classification Manual, 1987, as prepared by the Statistical Policy Division of the Office  
10 of Management and Budget, Office of the President, that is installed by such manufacturer  
11 outside of this state is exempt from the tax imposed by this chapter.

