State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0354

SENATE COMMERCE AND ENERGY

ENGROSSED NO. HB 1031 - 1/22/2019

Introduced by: The Committee on Commerce and Energy at the request of the Office of School and Public Lands

FOR AN ACT ENTITLED, An Act to authorize certain wind and solar easements and leases by the commissioner of School and Public Lands.

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

Section 1. That § 5-1-7.2 be amended to read:

5-1-7.2. In addition to agricultural and grazing leases pursuant to chapter 5-5 ~~and~~, mineral leases pursuant to chapter 5-7, and wind and solar easements and leases pursuant to section 2 of this Act, the commissioner of school and public lands may, ~~from time to time, as circumstances warrant, provide,~~ by rules promulgated pursuant to chapter 1-26, provide for the establishment of additional types of subsidiary leases on school and public lands. ~~Such~~ The additional leases may be for commercial or forestry purposes and shall be both economical and consistent with the stewardship of the ~~schools~~ school and public lands.

~~In addition, leases~~ Leases may also be established to authorize the use of such lands for military purposes by state or federal military units.

Rules ~~promulgated pursuant to~~ authorized by this section may provide for all necessary

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

considerations, including the creation, marketing, administration, and termination of ~~such~~ the leases.

Section 2. That chapter 5-4 be amended by adding a NEW SECTION to read:

The commissioner of school and public lands may grant to any person a wind easement, as defined in § 43-13-16, or a solar easement, as defined in § 43-13-16.1. The commissioner of school and public lands may also provide for wind leases and solar leases.

The grant of an easement or a lease under this section is subject to the terms and conditions set forth in §§ 43-13-17 to 43-13-24, inclusive, together with any terms and conditions that are customary and proper for the protection of the state, including the right to enter upon land, construct roads, and erect structures, transmission lines, common carrier lines, and other necessary improvements.

The provisions of chapter 49-7 do not apply to easements and leases authorized by this section.