

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

327Q0339

HOUSE BILL NO. 1113

Introduced by: Representatives Hunhoff (Bernie), Fargen, Kirkeby, and Solberg and Senators Heidepriem, Fryslie, and Maher

1 FOR AN ACT ENTITLED, An Act to require the filing of the complete contents of wind
2 easement agreements with the register of deeds.

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~~. A complete copy of the easement agreement, including all accompanying exhibits,
8 attachments, provisions, and documents that contractually bind the parties shall be filed, and the
9 easement duly recorded; and indexed, in the office of the register of deeds of the county in
10 which the easement is granted. Any such easement runs with the land or lands benefited and
11 burdened and terminates upon the conditions stated in the easement, except that the term of any
12 such easement may not exceed fifty years. Any such easement is void if no development of the
13 potential to produce energy from wind power associated with the easement has occurred within
14 five years after the easement began. Any payments associated with the granting or continuance
15 of any such easement shall be made on an annual basis to the owner of record of the real



1 property at the time the payment is made.