

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

294S0452

## HOUSE TAXATION ENGROSSED NO. **HB 1128** - 2/17/2011

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

Introduced by: Representatives Rausch, Bolin, Kirkeby, and Street and Senators Begalka, Frerichs, Fryslie, and Hansen (Tom)

1 FOR AN ACT ENTITLED, An Act to modify the registration of certain anemometer towers  
2 used for wind energy testing purposes.

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

4 Section 1. That § 50-9-13 be amended to read as follows:

5 50-9-13. Any anemometer tower that is fifty feet in height above the ground or higher, that  
6 is located outside the exterior boundaries of any municipality, and whose appearance is not  
7 otherwise mandated by state or federal law shall be marked, painted, flagged, or otherwise  
8 constructed to be recognizable in clear air during daylight hours. ~~Any anemometer tower that~~  
9 ~~was erected before July 1, 2010 shall be marked as required in this section within one year after~~  
10 ~~July 1, 2010.~~ Any anemometer tower that is erected on or after July 1, 2010 shall be marked as  
11 required in this section at the time it is erected. Marking required under this section includes  
12 marking the anemometer tower, guy wires, and accessory facilities as follows:

13 (1) The top one-third of the anemometer tower shall be painted in equal, alternating  
14 bands of aviation orange and white, beginning with orange at the top of the tower and



1 ending with orange at the bottom of the marked portion of the tower;

2 (2) Two marker balls shall be attached to and evenly spaced on each of the outside guy  
3 wires;

4 (3) The area surrounding each point where a guy wire is anchored to the ground shall  
5 have a contrasting appearance with any surrounding vegetation. If the adjacent land  
6 is grazed, the area surrounding the anchor point shall be fenced. For purposes of this  
7 section, the term, area surrounding the anchor point, means an area not less than  
8 sixty-four square feet whose outer boundary is at least four feet from the anchor  
9 point; and

10 (4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall  
11 extend from the anchor point along each guy wire attached to the anchor point.

12 A violation of this section is a Class 2 misdemeanor.

13 Section 2. That chapter 50-9 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 The Aeronautics Commission shall establish and maintain a database to identify the  
16 locations of each existing anemometer tower. By January 1, 2012, each person with an  
17 anemometer tower erected in the state shall provide the commission with the global positioning  
18 coordinates of the center of each anemometer tower. Each person proposing to erect an  
19 anemometer tower shall provide to the commission the global positioning coordinates of the  
20 center of the tower at least fifteen days before the erection of the tower.

21 Section 3. That chapter 50-9 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23 Any anemometer tower that was erected before July 1, 2010, is required to meet the  
24 provisions of section 2 of this Act but is not required to meet the provisions of § 50-9-13.