

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, 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, by rules promulgated pursuant to chapter 1-26, provide for the establishment of additional types of subsidiary leases on school and public lands. The additional leases may be for commercial or forestry purposes and shall be both economical and consistent with the stewardship of the school and public lands.

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

Rules authorized by this section may provide for all necessary considerations, including the creation, marketing, administration, and termination of 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.

An Act to authorize certain wind and solar easements and leases by the commissioner of School and Public Lands.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1031

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1031
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State