

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

400B0354

## HOUSE BILL NO. 1031

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

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

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

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

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

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

14 Rules ~~promulgated pursuant to~~ authorized by this section may provide for all necessary  
15 considerations, including the creation, marketing, administration, and termination of ~~such~~ the



1 leases.

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

3 The commissioner of school and public lands may grant to any person a wind easement, as  
4 defined in § 43-13-16, or a solar easement, as defined in § 43-13-16.2. The commissioner of  
5 school and public lands may also provide for wind leases and solar leases.

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

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