

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

249X0065

HOUSE TAXATION ENGROSSED NO. **HB 1106** - 02/18/2016

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

Introduced by: Representatives Hunt, Haugaard, and Langer and Senators Haggard (Jenna) and Monroe

1 FOR AN ACT ENTITLED, An Act to revise certain codes and standards regarding wind energy
2 system set back requirements.

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

4 Section 1. That § 43-13-24 be amended to read:

5 43-13-24. Each wind turbine tower of a large wind energy system shall be set back at least
6 five hundred feet or 1.1 times the height of the tower, whichever distance is greater, from any
7 surrounding property line. Each wind turbine tower shall also be set back one thousand feet
8 from an occupied structure. However, if the owner of the wind turbine tower has a written
9 agreement with an adjacent land owner allowing the placement of the tower closer to the
10 property line, the tower may be placed closer to the property line shared with that adjacent land
11 owner. The exclusive remedy against any entity that erects a wind turbine tower in violation of
12 this section is to pay the adjacent landowner three times the fair market value of the land falling
13 within the setbacks imposed by this section.

