

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

507R0325

## HOUSE BILL NO. 1155

Introduced by: Representatives Frerichs, Brunner, Fargen, Kirkeby, Kirschman, Peters, and Van Gerpen and Senators Novstrup (Al), Fryslie, Gant, Hanson (Gary), Kloucek, Maher, and Peterson

1 FOR AN ACT ENTITLED, An Act to require the registration of certain anemometer towers  
2 used for wind energy testing purposes and to declare an emergency.

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

4 Section 1. For purposes of this Act, the term, anemometer, means an instrument for  
5 measuring and recording the speed of the wind. For purposes of this Act, the term, anemometer  
6 tower, means a structure, including all accessory facilities, temporarily erected, on which an  
7 anemometer is mounted for the purposes of documenting whether a site has wind resources  
8 sufficient for the operation of a wind turbine generator.

9 Section 2. Any person who installs an anemometer tower shall, at least ten days before the  
10 tower is installed, register the tower with the Public Utilities Commission. Any tower that was  
11 installed earlier than ten days after the effective date of this Act shall be registered not more than  
12 sixty days after the effective date of this Act. The registration shall include the following  
13 information:

14 (1) The location of the anemometer tower using global positioning system (GPS)



1 technology;

2 (2) The purpose of the anemometer tower, including any uses in addition to those  
3 specified in section 1 of this Act;

4 (3) The owner of the anemometer tower;

5 (4) The expected date the anemometer tower will become operational;

6 (5) The height of the anemometer tower;

7 (6) Other characteristics of the anemometer tower, including type of construction and  
8 type and specifications of the anemometer and associated equipment;

9 (7) The estimated amount of time that the anemometer tower will be in operation and an  
10 estimate of when it will be dismantled.

11 The owner of the anemometer tower shall notify the Public Utilities Commission if the  
12 tower ceases operation and if the tower is dismantled. Any person who fails to register or to  
13 notify the Public Utilities Commission pursuant to this section is guilty of a Class 2  
14 misdemeanor.

15 Section 3. The Public Utilities Commission shall establish a registry of all anemometer  
16 towers that have been registered pursuant to section 2 of this Act. The registry shall list each  
17 registered anemometer tower and include the information required in section 2 of this Act. The  
18 commission shall establish an internet site that includes the information contained in the  
19 registry.

20 Section 4. The Public Utilities Commission shall notify the Department of Transportation  
21 and the South Dakota Aeronautics Commission of each anemometer tower that is registered  
22 pursuant to this Act. The notification shall include any information required in section 2 of this  
23 Act that pertains to aircraft safety, air transportation, and other potential transportation impacts.  
24 The Public Utilities Commission shall revise and update the notification if new information is

1 obtained.

2 Section 5. Whereas, this Act is necessary for the immediate preservation of the public peace,  
3 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
4 effect from and after its passage and approval.