

**FIRST ENGROSSMENT
with Conference Committee Amendments****ENGROSSED HOUSE BILL NO. 1317**

Introduced by

Representatives Brandenburg, Dahl, S. Kelsh, Kretschmar

Senators Erbele, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 49-02 of the North Dakota
2 Century Code, relating to authority of the public service commission to adopt rules relating to
3 decommissioning of commercial wind energy conversion facilities; to amend and reenact the
4 new section to chapter 57-06 of the North Dakota Century Code as created by section 2 of
5 House Bill No. 1072, as approved by the sixtieth legislative assembly, relating to centrally
6 assessed wind turbine electric generators; and to provide an effective date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1.** A new section to chapter 49-02 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Power of commission to establish rules to decommission wind energy**
11 **conversion facilities.** The commission may adopt rules governing the decommissioning of
12 commercial wind energy conversion facilities. The rules may address:

- 13 1. The anticipated life of the project;
- 14 2. The estimated decommissioning costs in current dollars;
- 15 3. The method and schedule for updating the costs of the decommissioning and
16 restoration;
- 17 4. The method of ensuring that funds will be available for decommissioning and
18 restoration; and
- 19 5. The anticipated manner in which the project will be decommissioned and the site
20 restored.

21 **SECTION 2. AMENDMENT.** The new section to chapter 57-06 of the North Dakota
22 Century Code as created by section 2 of House Bill No. 1072, as approved by the sixtieth
23 legislative assembly, is amended and reenacted as follows:

1 **Taxable valuation of centrally assessed wind turbine electric generators.** A
2 centrally assessed wind turbine electric generation unit with a nameplate generation capacity of
3 one hundred kilowatts or more on which construction is completed before July 1, 2007, must be
4 valued at the current assessed value to determine taxable valuation of the property. A centrally
5 assessed wind turbine electric generation unit with a nameplate generation capacity of one
6 hundred kilowatts or more, on which construction is completed after June 30, 2007, and before
7 January 1, 2011, must be valued at ~~three~~ one and one-half percent of assessed value to
8 determine taxable valuation of the property. However, a centrally assessed wind turbine
9 electric generation unit with a nameplate generation capacity of one hundred kilowatts or more,
10 for which ~~a purchased power agreement has been executed after April 30, 2005, and before~~
11 ~~January 1, 2006, and~~ construction is begun ~~after April 30, 2005,~~ July 1, 2007, and before
12 ~~July 1, 2006,~~ January 1, 2011, must be valued at one and one-half percent of assessed value
13 to determine taxable valuation of the property ~~and this reduced valuation applies for that~~
14 ~~property for the duration of the initial purchased power agreement for that generation unit.~~

15 **SECTION 3. EFFECTIVE DATE.** Section 2 of this Act is effective for taxable years
16 beginning after December 31, 2006.