

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2245**

Introduced by

Senators Pomeroy, Anderson, Erbele, Warner

Representatives Mueller, Myxter

1 A BILL for an Act to amend and reenact sections 17-04-01, 17-04-03, and 17-04-05 of the North  
2 Dakota Century Code, relating to the development of wind power.

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

4 **SECTION 1. AMENDMENT.** Section 17-04-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **17-04-01. Wind option agreement - Definition - Termination.** A wind option  
7 agreement is a contract in which the owner of property gives another the right to produce  
8 energy from wind power on that property at a fixed price within a time period not to exceed five  
9 years on agreed terms. A wind option agreement is void and terminates if ~~development~~  
10 construction of a tower to produce energy from wind power has not occurred on the property  
11 that is the subject of the agreement within five years after the wind option agreement  
12 commences.

13 **SECTION 2. AMENDMENT.** Section 17-04-03 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **17-04-03. Wind easements - Creation - Term - Development required.** A property  
16 owner may grant a wind easement in the same manner and with the same effect as the  
17 conveyance of an interest in real property. The easement runs with the land benefited and  
18 burdened and terminates upon the conditions stated in the easement. However, the easement  
19 is void if ~~no development~~ construction of a tower to produce energy from wind power  
20 associated with the easement has not occurred within five years after the easement is created.

21 **SECTION 3. AMENDMENT.** Section 17-04-05 of the North Dakota Century Code is  
22 amended and reenacted as follows:

- 1           **17-04-05. Wind energy leases - Termination.** A lease for wind energy purposes is
- 2 void and terminates if ~~development~~ construction of a tower to produce energy from wind power
- 3 has not occurred on the leasehold within five years after the lease commences.