

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED 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
2 North 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 to~~
10 ~~produce energy from wind power has not occurred on the property that is the subject of the~~
11 ~~agreement within five years after the wind option agreement commences~~ the following have not
12 occurred with respect to the property that is the subject of the wind option agreement within five
13 years after the wind option agreement commences:

- 14 1. A certificate of site compatibility or conditional use permit has been issued, if
15 required; and
16 2. A transmission interconnection request is in process and not under suspension.

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

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

1 with respect to the property that is the subject of the easement within five years after the
2 easement commences:

- 3 1. A certificate of site compatibility or conditional use permit has been issued, if
4 required; and
- 5 2. A transmission interconnection request is in process and not under suspension.

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

8 **17-04-05. Wind energy leases - Termination.** A lease for wind energy purposes is
9 void and terminates if ~~development to produce energy from wind power has not occurred on~~
10 ~~the leasehold within five years after the lease commences~~ the following have not occurred with
11 respect to the property that is the subject of the lease within five years after the lease
12 commences:

- 13 1. A certificate of site compatibility or conditional use permit has been issued, if
14 required; and
- 15 2. A transmission interconnection request is in process and not under suspension.