

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1509

That the Senate recede from its amendments as printed on pages 1219 and 1220 of the House Journal and pages 1014 and 1015 of the Senate Journal and that Engrossed House Bill No. 1509 be amended as follows:

Page 1, line 2, after "leases" insert "; and to provide for a legislative council study of wind easement and wind energy leases"

Page 1, line 8, remove "Must be written in a clear and coherent manner using words with common"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "b."

Page 1, line 23, replace "c. Must" with "b. May not", after "executed" insert "by the parties until", replace "five" with "ten", and after "the" insert "first proposed"

Page 2, line 1, replace "d." with "c.", replace "contain a" with "require either party to maintain the", replace "clause keeping" with "of any negotiations or", and replace "agreement or" with "any proposed lease or easement except that the parties may agree to a mutual confidentiality agreement in the final executed lease or easement"

Page 2, line 2, remove "related negotiations confidential"

Page 2, line 3, replace "e." with "d."

Page 2, line 4, after the underscored period insert "When a wind energy facility is being constructed and when it is completed, the property owner must make accommodations to the developer, owner, or operator of the facility for the facility's business operations to allow the construction and operation of the wind energy facility."

Page 2, line 5, replace "f." with "e."

Page 2, line 6, after the second "wind" insert "energy"

Page 2, line 7, replace "g." with "f." and after "wind" insert "energy"

Page 2, line 11, replace "h." with "g."

Page 2, remove lines 14 through 16

Page 2, line 17, replace "i." with "h."

Page 2, line 18, replace "generating" with "energy" and after "years" insert "unless the property owner receives the normal minimum lease payments that would have occurred if the wind energy facility had been operating during that time. For the purposes of this subdivision, the term 'normal minimum lease payments' means a payment in the lease or easement called a 'base amount' or 'minimum payment', or similar language, or if this language is not provided for in the lease or easement, payments at least equal to the periodic payments received by the property owner in the last calendar year that the wind energy facility was in full operation"

Page 2, line 19, replace "k." with "i."

Page 2, remove lines 22 through 24

Page 2, line 25, replace "generating" with "energy", replace "property" with "general liability", and replace "on the" with "relating to claims for property damage or bodily injury arising out of the construction or operation of the wind energy facility project site and may"

Page 2, line 26, remove "facility and" and replace the second "and" with an underscored period

Page 2, remove line 27

Page 2, line 29, remove "or the owner of the facility does not carry property insurance as"

Page 2, line 30, remove "required under subsection 2 as determined by a court as a matter of law"

Page 3, line 1, replace "offer the relief as is requested by the property owner" with "order any relief allowed by law" and replace "The" with:

"SECTION 2. LEGISLATIVE COUNCIL STUDY - WIND EASEMENTS AND WIND ENERGY LEASES. During the 2009-2010 interim, the legislative council shall consider studying wind easements and wind energy leases. The study must include consideration of confidentiality clauses, the liability of each party for damages and taxes, instrument provisions relating to insurance and the need for insurance, and the concerns of property owners and wind developers. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Page 3, remove lines 2 through 7

Renumber accordingly