

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative DeKrey

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 49-22-08 of
2 the North Dakota Century Code, relating to an application for sighting a conversion or
3 transmission facility; and to amend and reenact section 49-02-07 of the North Dakota Century
4 Code, relating to the decommissioning of wind energy conversion facilities.

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

6 **SECTION 1. AMENDMENT.** Section 49-02-27 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **~~49-02-27. Power of commission to establish rules to decommission~~**
9 **Decommissioning of wind energy conversion facilities.**

- 10 1. The commission may adopt rules governing the decommissioning of commercial
11 wind energy conversion facilities. The rules may address:
- 12 ~~4-~~ a. The anticipated life of the project;
- 13 ~~2-~~ b. The estimated decommissioning costs in current dollars;
- 14 ~~3-~~ c. The method and schedule for updating the costs of the decommissioning and
15 restoration;
- 16 ~~4-~~ d. The method of ensuring that funds will be available for decommissioning and
17 restoration; and
- 18 ~~5-~~ e. The anticipated manner in which the project will be decommissioned and the
19 site restored.
- 20 2. The facility owner or operator of a commercial wind energy facility shall record the
21 location of any portion of the facility remaining after decommissioning with the
22 county recorder in the county in which any remaining portion of the facility is
23 located. The facility includes any cables, foundations, buildings, or other ancillary
24 equipment associated with the facility.

- 1 **SECTION 2.** A new subdivision to subsection 1 of section 49-22-08 of the North Dakota
2 Century Code is created and enacted as follows:
3 A statement explaining the manner in which an energy conversion facility will
4 inform affected subsurface mineral owners.