

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

**HOUSE CONCURRENT RESOLUTION NO. 3044
(Representatives Mueller, DeKrey, Kaldor)
(Senators Horne, Triplett, Wardner)**

A concurrent resolution directing the Legislative Council to study the allocation of wind rights.

WHEREAS, defining wind rights and establishing a connection between wind rights and the surface estate would provide all stakeholders consistency and stability in the development of wind power; and

WHEREAS, noise and visual disturbances created by wind towers are issues that are best addressed at the beginning stages of a wind farm and in a consistent manner; and

WHEREAS, consistent spacing between wind turbines and from property boundaries provides for fair allocation of wind resources while respecting property rights; and

WHEREAS, other rights as to natural resources, for example, oil and gas, which are connected with real property, are allocated in relation to the surface rights and not on a first-come, first-served basis;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the allocation of wind rights; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-second Legislative Assembly.