

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1460

Introduced by

Representatives J. Nelson, Keiser, Mueller

Senators Andrist, Triplett

1 A BILL for an Act to create and enact a new section to chapter 17-04 of the North Dakota
2 Century Code, relating to allocation of wind rights.

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

4 **SECTION 1.** A new section to chapter 17-04 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Allocation of wind rights.**

7 The public service commission shall adopt a unitization formula to proportionately
8 compensate property owners whose wind resources are affected by the siting of a commercial
9 wind energy conversion facility. The formula must provide for a base payment to the owner of
10 the property on which is located a wind turbine. The total amount of compensation for a wind
11 turbine may only be determined by private negotiations between the owner of the property on
12 which the wind turbine is located and the wind developer or wind turbine owner. Under the
13 formula, any owner of property near the wind turbine whose wind resources are more than
14 minimally impacted by the wind turbine must share in the compensation above the base
15 payment. An owner of property without a wind turbine does not have any rights as to the
16 location of the turbine or the overall compensation for the wind turbine unless otherwise
17 provided by law. An owner of property used as a residence in which the owner does not have a
18 wind turbine that is part of a commercial wind energy conversion facility must receive
19 compensation for each wind turbine that is part of that commercial wind energy conversion
20 facility within one-half mile [.80 kilometer] of that owner's residence, in addition to any wind
21 resource compensation, for audio, visual, and other perceptible impacts.