

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED 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 1. 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
9 commercial wind energy conversion facility. The total amount of compensation under
10 the formula for a wind turbine may only be determined by private negotiations between
11 the owner of the property on which the wind turbine is located and the wind developer
12 or wind turbine owner. Of that total amount, the formula must provide for a base
13 payment to the owner of the property on which is located a wind turbine. Of that total
14 amount, any owner of property near the wind turbine whose wind resources are more
15 than minimally impacted by the wind turbine must share in the compensation above
16 the base payment. An owner of property without a wind turbine does not have any
17 rights as to the location of the turbine or the overall compensation for the wind turbine
18 unless otherwise provided by law.
- 19 2. In addition to compensation under subsection 1, the public service commission shall
20 provide for compensation to an owner of property used as a residence in which the
21 owner does not have a wind turbine that is part of a commercial wind energy
22 conversion facility must receive compensation for each wind turbine that is part of that
23 commercial wind energy conversion facility within one-half mile [.80 kilometer] of that

- 1 owner's residence, in addition to any wind resource compensation, for audio, visual,
- 2 and other perceptible impacts.