

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 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 formula must provide for a base~~  
10 ~~payment to the owner of the property on which is located a wind turbine.~~ The total  
11 amount of compensation ~~under the formula~~ for a wind turbine may only be determined  
12 by private negotiations between the owner of the property on which the wind turbine is  
13 located and the wind developer or wind turbine owner. ~~Under the formula~~Of that total  
14 amount, the formula must provide for a base payment to the owner of the property on  
15 which is located a wind turbine. Of that total amount, any owner of property near the  
16 wind turbine whose wind resources are more than minimally impacted by the wind  
17 turbine must share in the compensation above the base payment. An owner of  
18 property without a wind turbine does not have any rights as to the location of the  
19 turbine or the overall compensation for the wind turbine unless otherwise provided by  
20 law. An

21 2. In addition to compensation under subsection 1, the public service commission shall  
22 provide for compensation to an owner of property used as a residence in which the  
23 owner does not have a wind turbine that is part of a commercial wind energy  
24 conversion facility must receive compensation for each wind turbine that is part of that

- 1           commercial wind energy conversion facility within one-half mile [.80 kilometer] of that
- 2           owner's residence, in addition to any wind resource compensation, for audio, visual,
- 3           and other perceptible impacts.