Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011

SENATE BILL NO. 2206
(Senators Miller, Olafson, Murphy)
(Representatives Belter, Boe, Schmidt)

AN ACT to create and enact a new section to chapter 2-05 of the North Dakota Century Code, relating to anemometer towers; to provide a penalty; to provide an appropriation; to provide for application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 2-05 of the North Dakota Century Code is created and enacted as follows:

Anemometer towers - Definitions - Penalty.

1. As used in this section, unless the context otherwise requires:

   a. "Anemometer" means an instrument for measuring and recording the speed of wind.

   b. "Anemometer tower" means a structure, including all guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting wind resources for the operation of a wind turbine generator.

   c. "Commission" means the North Dakota aeronautics commission.

2. An anemometer tower that is fifty feet [15.24 meters] in height above the ground or higher, is located outside the zoning jurisdiction of a city, and the appearance of which is not otherwise regulated by state or federal law must be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours and:

   a. Must be painted in equal, alternating bands of orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the tower;

   b. One or more seven-foot [2.13-meter] safety sleeves must be placed at each anchor point and must extend from the anchor point along each guy wire attached to the anchor point; and

   c. At least one marker ball must be attached to each guy wire in the highest set of guy wires which does not affect the stability of the tower and the measurement of wind speed.

3. The commission may establish and maintain a database that contains locations of all existing anemometer towers by January 1, 2012. The commission may contract with a governmental entity or a private entity to create and maintain the database.

   a. Within sixty days after the effective date of this Act, an owner of any anemometer tower erected in the state shall provide the commission with global positioning system coordinates of the center of the anemometer tower.

   b. At least ten days before the erection of an anemometer tower, an owner of the tower shall provide coordinates to the commission.

   c. Within ten days after the removal of an anemometer tower, an owner of the tower shall notify the commission.

4. The commission may enforce this section. A violation of this section is an infraction.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $4,500, or so much of the sum as may be necessary, to the aeronautics commission for the purpose of establishing a database for anemometer towers, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 3. APPLICATION. Any anemometer tower that was erected before August 1, 2011, must be marked as required in this Act before August 1, 2014. Any anemometer tower that is erected after July 31, 2011, must be marked as required in this Act at the time the tower is erected. An anemometer tower that has been erected in an existing wind energy generating facility on the effective date of this Act is exempt from the provisions of this Act.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate	Speaker of the House
Secretary of the Senate	Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2206 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 1 Absent 0

President of the Senate	Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 91 Nays 1 Absent 2

Speaker of the House	Chief Clerk of the House

Received by the Governor at _____M. on _____, 2011.

Approved at _____M. on _____, 2011.

Governor

Filed in this office this _____day of _____, 2011,

at _____ o'clock _____M.

Secretary of State