

SENATE BILL NO. 2261

Introduced by

Senators Kannianen, Kreun, Rust

Representatives B. Anderson, Fegley, Longmuir

1 | A BILL for an Act to amend and reenact ~~section~~sections 17-04-07 and 35-27-13 of the North
2 | Dakota Century Code, relating to wind energy facility liens.

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

4 | **SECTION 1. AMENDMENT.** Section 17-04-07 of the North Dakota Century Code is
5 | amended and reenacted as follows:

6 | **17-04-07. Wind energy facility liens.**

7 | ~~Wind turbines~~For any wind turbine and associated facilities that are part of an electric
8 | energy conversion facility designed for or capable of generation by wind energy conversion
9 | exceeding one-half megawatt of electricity ~~may not be considered improvements for purposes~~
10 | ~~of chapter 35-27~~and for which a lien is provided under chapter 35-27, the lien is upon only the
11 | improvement and not upon the land.

12 | **SECTION 2. AMENDMENT.** Section 35-27-13 of the North Dakota Century Code is
13 | amended and reenacted as follows:

14 | **35-27-13. How lien perfected - Construction lien recorded.**

15 | Every person desiring to perfect the person's lien shall record with the recorder of the
16 | county in which the property to be charged with the lien is situated, within ninety days after all
17 | the person's contribution is done, and having complied with the provisions of this chapter, a lien
18 | describing the property and stating the amount due, the dates of the first and last contribution,
19 | and the person with which the claimant contracted. Unless the owner of the freehold estate also
20 | is the owner of the leasehold for wind turbines or an electric energy conversion facility for which
21 | the labor, materials, or services were supplied, if a recorded lien is for a wind turbine or
22 | associated facility under section 17-04-07, the recorded lien must contain the following
23 | statement in at least sixteen-point type:

1 The lien in this chapter attaches only to the leasehold for an electric energy conversion
2 facility or wind turbines for which labor, materials, or services were supplied. This lien
3 does not attach to or encumber the real property or freehold estate.
4 Failure to include the statement required under this subsection in the statement of the lien does
5 not invalidate a lien on the leasehold or electric energy conversion facility.