

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1449
(Representative DeKrey)

AN ACT to amend and reenact section 49-02-27 and subdivision a of subsection 5 of section 49-22-03 of the North Dakota Century Code, relating to the decommissioning of wind energy conversion facilities and to the definition of energy conversion facility; and to provide for a legislative council study of the development of wind and other natural resources.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-02-27 of the North Dakota Century Code is amended and reenacted as follows:

49-02-27. ~~Power of commission to establish rules to decommission~~ Decommissioning of wind energy conversion facilities.

1. The commission ~~may~~ shall adopt rules governing the decommissioning of commercial wind energy conversion facilities. The rules ~~may~~ must address:
 - ~~1-~~ a. The anticipated life of the project;
 - ~~2-~~ b. The estimated decommissioning costs in current dollars;
 - ~~3-~~ c. The method and schedule for updating the costs of the decommissioning and restoration;
 - ~~4-~~ d. The method of ensuring that funds will be available for decommissioning and restoration; ~~and~~
 - ~~5-~~ e. The anticipated manner in which the project will be decommissioned and the site restored; and
 - f. Present and future natural resource development.
2. The facility owner or operator of a commercial wind energy facility shall record the location of any portion of underground foundation not removed during decommissioning with the county recorder in the county in which any such underground foundation is located.

SECTION 2. AMENDMENT. Subdivision a of subsection 5 of section 49-22-03 of the North Dakota Century Code is amended and reenacted as follows:

- a. Generation ~~of one hundred thousand kilowatts or more~~ exceeding sixty megawatts of electricity;

SECTION 3. LEGISLATIVE COUNCIL STUDY - DEVELOPMENT OF WIND AND OTHER NATURAL RESOURCES. During the 2009-10 interim, the legislative council shall study the development of wind resources and other natural resources in the same location. The study must include a review of laws relating to the siting and decommissioning of wind energy conversion facilities, the desirability of an environmental assessment as a condition of siting, and the desirability of regulation to address the effects of wind energy conversion facilities on water, soil, cultural resources, and future development of other natural resources. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.