

SENATE BILL NO. 2261
with Conference Committee Amendments
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Introduced by

Senators Kannianen, Kreun, Rust

Representatives B. Anderson, Fegley, Longmuir

1 A BILL for an Act to amend and reenact sections 17-04-07 and 35-27-13 of the North Dakota
2 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 section in the statement of the lien does not
- 5 invalidate a lien on the leasehold or electric energy conversion facility.