

Introduced by

1 A Bill to require a study concerning the impact of wind energy development on land and
2 landowners.

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

4 **SECTION 1.** A new section to the North Dakota Century Code is created and enacted as
5 follows:

6 1. During the 2023-24 interim, the legislative management shall study the impact of wind
7 energy development, address and research issues common to North Dakota
8 landowners, and identify potential issues for legislation. The legislative management
9 shall report its findings and recommendations, together with any legislation required to
10 implement the recommendations, to the Sixty-ninth Legislative Assembly. The study
11 shall include consideration of:

- 12 a. The impact of wind energy development on the environment including aesthetic
13 impacts;
- 14 b. The impact of wind energy development on property values;
- 15 c. The impact of wind energy development on agriculture;
- 16 d. The issue of “wind wake” and the overall impact on the wind resources of
17 nonparticipating landowners when the North Dakota Public Service
18 Commission sites a wind facility with islands of nonparticipating land in the
19 middle of the project area; and
- 20 e. The advantages and disadvantages to implementing legislation for pooling or
21 unitization of wind resources similar to that of oil and gas resources in chapter

1 38-08 of the North Dakota Century Code, or of a similar regulatory structure to
2 ensure that the nonparticipating owners in a wind project receive their just and
3 equitable share of the wind resource being captured; and

4 f. The advantages and disadvantages of requiring compensation for
5 nonparticipating landowners who are within a project area and siting boundary
6 set by the North Dakota Public Service Commission for the impact to and loss
7 of their own wind resources; and

8 g. The necessity of including local control and input from local governments when
9 wind facilities are sited by the North Dakota Public Service Commission; and

10 h. The necessary processes for the decommissioning of a wind energy project and
11 the success of prior decommissioning efforts.

12 2. In this study, legislative management may consult the relevant departments of the
13 University of North Dakota, North Dakota State University, the North Dakota Public
14 Service Commission, and the North Dakota Department of Health, as well as other
15 stakeholders, including local governments and landowner organizations.

16 **SECTION 2. EXPIRATION DATE.** Section 1 of this Act is effective through
17 December 31, 2024, and after that date is ineffective.