

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

SENATE BILL NO. 2245  
(Senators Pomeroy, Anderson, Erbele, Warner)  
(Representatives Mueller, Myxter)

AN ACT to amend and reenact sections 17-04-01, 17-04-03, and 17-04-05 of the North Dakota Century Code, relating to the development of wind power.

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

**SECTION 1. AMENDMENT.** Section 17-04-01 of the North Dakota Century Code is amended and reenacted as follows:

**17-04-01. Wind option agreement - Definition - Termination.** A wind option agreement is a contract in which the owner of property gives another the right to produce energy from wind power on that property at a fixed price within a time period not to exceed five years on agreed terms. A wind option agreement is void and terminates if ~~development to produce energy from wind power has not occurred on the property that is the subject of the agreement within five years after the wind option agreement commences~~ the following have not occurred with respect to the property that is the subject of the wind option agreement within five years after the wind option agreement commences:

1. A certificate of site compatibility or conditional use permit has been issued, if required; and
2. A transmission interconnection request is in process and not under suspension.

**SECTION 2. AMENDMENT.** Section 17-04-03 of the North Dakota Century Code is amended and reenacted as follows:

**17-04-03. Wind easements - Creation - Term - Development required.** A property owner may grant a wind easement in the same manner and with the same effect as the conveyance of an interest in real property. The easement runs with the land benefited and burdened and terminates upon the conditions stated in the easement. However, the easement is void if ~~no development to produce energy from wind power associated with the easement has occurred within five years after the easement is created~~ the following have not occurred with respect to the property that is the subject of the easement within five years after the easement commences:

1. A certificate of site compatibility or conditional use permit has been issued, if required; and
2. A transmission interconnection request is in process and not under suspension.

**SECTION 3. AMENDMENT.** Section 17-04-05 of the North Dakota Century Code is amended and reenacted as follows:

**17-04-05. Wind energy leases - Termination.** A lease for wind energy purposes is void and terminates if ~~development to produce energy from wind power has not occurred on the leasehold within five years after the lease commences~~ the following have not occurred with respect to the property that is the subject of the lease within five years after the lease commences:

1. A certificate of site compatibility or conditional use permit has been issued, if required; and
2. A transmission interconnection request is in process and not under suspension.

\_\_\_\_\_  
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-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2245.

Senate Vote:    Yeas    45        Nays    1        Absent    1

House Vote:    Yeas    93        Nays    0        Absent    1

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State