

Sixty-second  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2206

Introduced by

Senators Miller, Olafson, Murphy

Representatives Belter, Boe, Schmidt

1 A BILL ~~for an Act to create and enact two new sections to chapter 2-05 of the North Dakota~~  
 2 ~~Century Code, relating to rules regarding anemometer towers and to an anemometer database;~~  
 3 ~~and to declare an emergency.~~for an Act to create and enact a new section to chapter 2-05 of the  
 4 North Dakota Century Code, relating to anemometer towers; to provide a penalty; to provide an  
 5 appropriation; to provide for application; and to declare an emergency.

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

7 ~~— SECTION 1. A new section to chapter 2-05 of the North Dakota Century Code is created~~  
8 ~~and enacted as follows:~~

9 ~~— Anemometer tower rules.~~

10 ~~— The aeronautics commission shall adopt rules to become effective by May 1, 2012, which~~  
11 ~~require anemometer towers to be marked to be visible to aircraft and require the location of the~~  
12 ~~towers be reported to the commission in the manner determined by the commission.~~

13 ~~— SECTION 2. A new section to chapter 2-05 of the North Dakota Century Code is created~~  
14 ~~and enacted as follows:~~

15 ~~— Anemometer database.~~

16 ~~— By January 1, 2012, the aeronautics commission shall establish and maintain a database to~~  
17 ~~identify the locations of all existing anemometer towers. Within one hundred eighty days after~~  
18 ~~the effective date of this Act, each person with an anemometer tower erected in the state shall~~  
19 ~~provide the commission with the global positioning coordinates of the center of each~~  
20 ~~anemometer tower. Each person intending to erect an anemometer tower shall provide to the~~  
21 ~~commission the global positioning coordinates of the center of the tower at least fifteen days~~  
22 ~~before the erection of the tower.~~

23 ~~— SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.~~

1       **SECTION 1.** A new section to chapter 2-05 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Anemometer towers - Definitions - Penalty.**

4       1. As used in this section, unless the context otherwise requires:

5           a. "Anemometer" means an instrument for measuring and recording the speed of  
6           wind.

7           b. "Anemometer tower" means a structure, including all guy wires and accessory  
8           facilities, on which an anemometer is mounted for the purposes of documenting  
9           wind resources for the operation of a wind turbine generator.

10          c. "Commission" means the North Dakota aeronautics commission.

11       2. An anemometer tower that is fifty feet [15.24 meters] in height above the ground or  
12       higher, is located outside the zoning jurisdiction of a city, and the appearance of which  
13       is not otherwise regulated by state or federal law must be marked, painted, flagged, or  
14       otherwise constructed to be recognizable in clear air during daylight hours and:

15           a. Must be painted in equal, alternating bands of orange and white, beginning with  
16           orange at the top of the tower and ending with orange at the bottom of the tower;

17           b. One or more seven-foot [2.13-meter] safety sleeves must be placed at each  
18           anchor point and must extend from the anchor point along each guy wire  
19           attached to the anchor point; and

20           c. At least one marker ball must be attached to each guy wire in the highest set of  
21           guy wires which does not affect the stability of the tower and the measurement of  
22           wind speed.

23       3. The commission may establish and maintain a database that contains locations of all  
24       existing anemometer towers by January 1, 2012. The commission may contract with a  
25       governmental entity or a private entity to create and maintain the database.

26           a. Within sixty days after the effective date of this Act, an owner of any anemometer  
27           tower erected in the state shall provide the commission with global positioning  
28           system coordinates of the center of the anemometer tower.

29           b. At least ten days before the erection of an anemometer tower, an owner of the  
30           tower shall provide coordinates to the commission.

1           c. Within ten days after the removal of an anemometer tower, an owner of the tower  
2           shall notify the commission.

3           4. The commission may enforce this section. A violation of this section is an infraction.

4           **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general  
5 fund in the state treasury, not otherwise appropriated, the sum of \$4,500, or so much of the sum  
6 as may be necessary, to the aeronautics commission for the purpose of establishing a database  
7 for anemometer towers, for the biennium beginning July 1, 2011, and ending June 30, 2013.

8           **SECTION 3. APPLICATION.** Any anemometer tower that was erected before August 1,  
9 2011, must be marked as required in this Act before August 1, 2014. Any anemometer tower  
10 that is erected after July 31, 2011, must be marked as required in this Act at the time the tower  
11 is erected. An anemometer tower that has been erected in an existing wind energy generating  
12 facility on the effective date of this Act is exempt from the provisions of this Act.

13           **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.