

**FIRST ENGROSSMENT
with House Amendments
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 a new section to chapter 2-05 of the North Dakota Century
2 Code, relating to anemometer towers; to provide a penalty; to provide an appropriation; to
3 provide for application; and to declare an emergency.

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

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

7 **Anemometer towers - Definitions - Penalty.**

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

9 a. "Anemometer" means an instrument for measuring and recording the speed of
10 wind.

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

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

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

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

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

- 1 c. At least one marker ball must be attached to each guy wire in the highest set of
2 guy wires which does not affect the stability of the tower and the measurement of
3 wind speed.
- 4 3. The commission may establish and maintain a database that contains locations of all
5 existing anemometer towers by January 1, 2012. The commission may contract with a
6 governmental entity or a private entity to create and maintain the database.
- 7 a. Within sixty days after the effective date of this Act, an owner of any anemometer
8 tower erected in the state shall provide the commission with global positioning
9 system coordinates of the center of the anemometer tower.
- 10 b. At least ten days before the erection of an anemometer tower, an owner of the
11 tower shall provide coordinates to the commission.
- 12 c. Within ten days after the removal of an anemometer tower, an owner of the tower
13 shall notify the commission.
- 14 4. The commission may enforce this section. A violation of this section is an infraction.

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

19 **SECTION 3. APPLICATION.** Any anemometer tower that was erected before August 1,
20 2011, must be marked as required in this Act before August 1, 2014. Any anemometer tower
21 that is erected after July 31, 2011, must be marked as required in this Act at the time the tower
22 is erected. An anemometer tower that has been erected in an existing wind energy generating
23 facility on the effective date of this Act is exempt from the provisions of this Act.

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