

Introduced by

Representatives Magrum, Fegley, Johnston, Karls, Satrom, Simons

1 A concurrent resolution directing the Legislative Management to consider studying the feasibility
2 and desirability of establishing a wind reclamation fund and whether the statutorily required
3 minimum wind turbine setback distances provide adequate protections to nonparticipating
4 landowners and their property.

5 **WHEREAS**, wind power is the fastest-growing source of electricity in the world and North
6 Dakota is a leading state within wind power generation, with 21.5 percent of all in-state
7 generated electricity in 2016 powered by wind; and

8 **WHEREAS**, wind energy can be a very environmentally, economically, and socially
9 sustainable source of energy when careful decommissioning planning is undertaken to ensure
10 the costs and benefits are shared equitably and there are no lasting impacts on the physical
11 and cultural landscape; and

12 **WHEREAS**, the type of land used for wind energy generation often is agriculture, grazing,
13 recreation, open space, scenic areas, wildlife habitat, and forest management and is typically
14 suitable to areas of grazing or agricultural uses; and

15 **WHEREAS**, the agricultural and grazing land uses are disturbed by the construction of a
16 wind turbine, and some intensive agriculture may be adversely impacted during operation; and

17 **WHEREAS**, without additional financial assurance requirements, property owners would be
18 burdened with the financial responsibility of restoring land to the original condition after the
19 decommissioning of a wind turbine; and

20 **WHEREAS**, establishing a wind reclamation fund would assist property owners with the
21 excess costs associated with removal of a wind turbine, foundation and road removal, site
22 remediation, abandonment, and repairing damage caused during decommissioning; and

23 **WHEREAS**, minimum wind turbine setback distance requirements are codified safety
24 measures enacted to protect the land, property, and health of nonparticipating landowners; and

1 **WHEREAS**, noise, shadow flickering, ice fall, and turbine failure, produce risks to a
2 nonparticipating landowner's land, property, and health which can be reasonably mitigated,
3 minimized, or eliminated by requiring effective and feasible setback distances;

4 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**
5 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

6 That the Legislative Management shall consider studying the feasibility and desirability of
7 establishing a wind reclamation fund and whether the statutorily required minimum wind turbine
8 setback distances provide adequate protections to nonparticipating landowners and their
9 property; and

10 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and
11 recommendations, together with any legislation required to implement the recommendations, to
12 the Sixty-seventh Legislative Assembly.