

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1340

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Halliwell  
Operator's Signature

10/3/03  
Date

2003 HOUSE NATURAL RESOURCES

HB 1340

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Demetrius Hall  
Operator's Signature

10/3/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1340

House Natural Resources Committee

Conference Committee

Hearing Date February 7, 2003

Tape Number	Side A	Side B	Meter #
1	XX		0-1860
Committee Clerk Signature			

Minutes:

**Chair Nelson** called the meeting on HB 1340 relating to termination of leases to order.

**Rep. Kempenich:** Introduced HB 1340 and added an amendment. This is to open up land that was held up from speculation. This can kill a project. This bill would change the law so that after 5 years the leases would be terminated.

**Rep. Porter:** Why wouldn't the parties set that up themselves.

**Rep. Kempenich:** That is the standard in the oil industry. This industry is too new.

**Rep. Nottestad:** Is the five year plan based on any other states like Iowa or Minnesota.

**Rep. Kempenich:** I did not look into other states plans.

**Rep. Keiser:** Does this program create a hurdle for development in the long term?

**Rep. Kempenich:** I do not think so. They can always lease the land again.

**Rep. Keiser:** I understand that, however as an investor I do not know how long it will take me to develop the project. I need to have a long term lease to fit in a business plan.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth  
Operator's Signature

10/3/03  
Date

Page 2  
House Natural Resources Committee  
Bill/Resolution Number 1340  
Hearing Date February 7, 2003

**Rep. Drovdal:** What kind of dollars go to a landowner?

**Rep. Kempenich:** It varies from tower to tower. 2,500 to 3,000 per tower.

**Rep. Drovdal:** What is it on a speculative lease.

**Rep. Kempenich:** I did not get to it.

**Mike Brandenburg:** No one expected this situation. There are some who are tied down for 20 years. This would only last for 5 years if you develop it.

**Chair Nelson:** What are the termination leases in South Dakota?

**Mike Brandenburg:** I am not aware of anything like this.

**Ron Ness:** Testified Neutral on HB 1340. Explained the unintended impact this bill would have on the oil and gas industry and recommended the bill be enacted with a new section in the century code instead of the oil and gas statute.

**Rep. Drovdal:** We will check with legislative council on this issue.

**Chair Nelson** closes the hearing.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall  
Operator's Signature

10/3/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1340

House Natural Resources Committee

Conference Committee

Hearing Date February 13, 2003

Tape Number	Side A	Side B	Meter #
1		xx	2640-3330
Committee Clerk Signature <i>Eric Meyer</i>			

Minutes:

**Chair Nelson** called the meeting to order.

**Rep. Drovdal:** The amendment does two things. Fixes the problem of kv to kw. Creates it's own section of the code. Moves the Adoption of the amendment. Seconded by **Rep. Porter**.

**Chair Nelson:** Pointed out that South Dakota does have a similar law.

Passed by voice vote.

**Rep. Norland** moves a **Do Pass with Amendment** seconded by **Rep. Klein**.

Motion Carries by a vote of 9-1-4. **Rep. Drovdal** will carry.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Hall*  
Operator's Signature

10/3/03  
Date

30481.0102  
Title.0200

Prepared by the Legislative Council staff for  
Representative Kempenich  
February 7, 2003

VR  
2/13/03  
1082

HOUSE AMENDMENTS TO HOUSE BILL NO. 1340 NAT 2-13-03

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the termination of wind energy development leases.

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

**SECTION 1. Duty of lessee to have terminated or forfeited wind energy development leases released - Publication notice - Satisfaction of lease to be recorded - Notice to real property owner - Remedies.** When a wind energy development lease given on real property situated and recorded in a county in this state terminates or is forfeited, the lessee or the lessee's successors or assigns, within fifteen days after the date of the termination or forfeiture, shall have the lease surrendered in writing. The surrender must be signed by the party surrendering the lease, acknowledged, and placed on record in the county where the leased real property is situated without cost to the property owner. If the lessee or the lessee's successors or assigns fails or neglects to execute and record the surrender within the time required, the property owner may serve upon the lessee or the lessee's successors or assigns of record, in person or by registered mail, at the lessee's last-known address, or if the post-office address is not shown of record then by publication once a week for three consecutive weeks in a newspaper of general circulation in the county where the real property is situated, a written notice in substantially the following form:

To \_\_\_\_\_: I, the undersigned, owner of the following described land situated in \_\_\_\_\_ County, North Dakota: (description of land) upon which a lease dated \_\_\_\_\_, \_\_\_\_\_, was given to \_\_\_\_\_ notify you that the lease has terminated or become forfeited by breach of its terms, that I declare the lease forfeited and void and that, unless you, within twenty days from this date, notify the recorder of the county as provided by law that the lease has not been forfeited, I will file with the recorder a satisfaction of lease as provided by law, and I demand that you execute or have executed a proper surrender of the lease and that you put the same of record in the office of the recorder of the county within twenty days from this date.  
Dated \_\_\_\_\_, \_\_\_\_\_.

After twenty days from the date of service, registration, or first publication of the notice, the owner of the real property may file with the recorder of the county where the property is situated a satisfaction of lease setting forth that the affiant is the owner of the property, that the lease has terminated or that the lessee or the lessee's successors or assigns has failed or neglected to comply with the terms of the lease, reciting the facts constituting the failure and that the lease has been forfeited and is void, and setting out in satisfaction of lease a copy of the notice served and time of the service. If the lessee or the lessee's successors or assigns gives written notice within twenty days after service to the recorder of the county where the property is located that the lease has not been forfeited and that the lessee or the lessee's successors or assigns still claim that the lease is in full force and effect, the satisfaction of lease may not be recorded but the recorder shall notify the owner of the property of the action of the lessee or the lessee's successors or assigns and the owner of the property is entitled to the remedies provided by law for the cancellation of the disputed lease. If the lessee or the lessee's successors or assigns fails to notify the recorder, the recorder shall record the satisfaction of lease and thereafter the record of the lease is not notice to the public of the existence of the lease or of any interest therein, or rights thereunder, and the record may not be received in evidence in a court of the state on behalf of the lessee or the

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallmark 10/3/03  
Operator's Signature Date

lessee's successors or assigns, against the lessor or the lessor's successors or assigns.

**SECTION 2. Surrender of wind energy development lease by lessee.** A wind energy development lease that has been or may hereafter be recorded in the office of the recorder of a county may be discharged and canceled of record by the recording of a certificate of cancellation signed by the lessee or the lessee's assigns of record, or the lessee's duly authorized attorney in fact or personal representative, including a foreign executor or administrator, or a corporation or limited liability company by its duly authorized officers or managers surrendering all of the lessee's right, title, and interest in and to the lease, which certificate must be acknowledged as prescribed by law.

**SECTION 3. Wind energy development leases - Termination.** Notwithstanding any other law, a lease for a wind energy development project or wind turbine terminates five years after the date of the lease unless at least one hundred kilowatts of electricity is produced from a wind turbine located on the leasehold."

Renumber accordingly

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth  
Operator's Signature

10/3/03  
Date

Date: 2/6/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1370

House House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass w Amend.

Motion Made By Norland Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	✓				
Vice-Chairman Todd Porter		✓			
Rep. Byron Clark	✓				
Rep. Duane DeKrey					
Rep. David Drovdal	✓				
Rep. Lyle Hanson	✓				
Rep. Bob Hunsakor					
Rep. Dennis Johnson	✓				
Rep. George Keiser					
Rep. Scott Kelsh					
Rep. Frank Klein	✓				
Rep. Mike Norland	✓				
Rep. Darrell Nottestad	✓				
Rep. Dorvan Solberg	✓				

Total (Yes) 9 No 1

Absent 4

Floor Assignment Drovdal

If the vote is on an amendment, briefly indicate intent:

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dennis Johnson  
Operator's Signature

10/3/03  
Date



