

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE CONCURRENT RESOLUTION NO. 3048
(Representatives Magrum, Fegley, Johnston, Karls, Satrom, Simons)

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

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

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

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

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

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

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

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

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

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2019,
at _____ o'clock _____ M.

Secretary of State