



1 (a) the names and addresses of the parties to the wind energy agreement;

2 (b) a legal description of the real property subject to the wind easement and contained in the wind  
3 energy agreement;

4 (c) the obligations of the owner of the real property to ensure the undisturbed flow of wind on and  
5 over the real property, including restrictions placed upon vegetation, structures, and other objects that would  
6 impair or obstruct the wind flow on and over the real property. Structures do not include equipment necessary  
7 to access minerals as they relate to the rights belonging to or the dominance of the mineral estate pursuant to  
8 70-17-408.

9 (d) a specified term including the date on which the wind energy agreement or wind easement  
10 terminates;

11 (e) provisions to compensate the owner of the real property for the wind easement;

12 (f) provisions ensuring that the owner of the real property is not liable for any property tax  
13 associated with the wind energy project or other equipment related to the development of the wind energy  
14 project during the term of the wind energy agreement;

15 (g) provisions addressing property owner and wind energy developer liability during the  
16 construction and operation of the wind energy project and equipment;

17 (h) provisions obligating the wind energy developer to comply with federal, state, and local laws  
18 and regulations; and

19 (i) conditions upon which the wind energy agreement may be terminated prior to its termination  
20 date.

21 (2) A wind energy agreement must be notarized.

22 (3) If the terms of the wind energy agreement do not contain the requirements listed in subsection  
23 (1), a court may void the wind energy agreement or order any relief allowed by law.

24 (4) (a) Within 30 days after the agreement has been notarized and prior to construction, a wind  
25 energy agreement and a micrositing map must be filed with the department of environmental quality, along with  
26 a \$100 filing fee, for energy development tracking purposes.

27 (b) A wind energy agreement and a micrositing map filed with the department of environmental  
28 quality may be amended prior to or after the completion of the wind turbine generator construction."

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2            NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified  
3 as an integral part of Title 75, chapter 26, and the provisions of Title 75, chapter 26, apply to [sections 1 and 2].

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5            NEW SECTION. **Section 5. Effective date.** [This act] is effective January 1, 2026.

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