

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1276

Introduced by

Representatives DeKrey, Kerzman, Weisz

1 A BILL for an Act to amend and reenact subsection 2 of section 47-05-02.1 of the North Dakota
2 Century Code, relating to conservation easements.

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

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 47-05-02.1 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. The duration of the easement, servitude, or nonappurtenant restriction on the use
7 of real property must be specifically set out, and in no case may the duration of
8 any interest in real property regulated by this section exceed ninety-nine years.
9 The duration of an easement for a waterfowl production area acquired by the
10 federal government, and consented to by the governor or the appropriate state
11 agency after July 1, 1985, may not exceed fifty years. The duration of a wetlands
12 reserve program easement acquired by the federal government pursuant to the
13 Food, Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not
14 exceed ~~thirty~~ fifty years. The duration of an easement for conserving natural areas
15 and habitats for biota acquired by a nonprofit organization after July 31, 2001, may
16 not exceed fifty years. An individual granting an easement to a nonprofit
17 organization may repurchase the easement by paying a penalty plus the remaining
18 value of the easement. For purposes of this provision, the penalty is thirty percent
19 of the original easement value which must remain constant for the first one-fifth of
20 the life of the easement and then decline uniformly to zero to the midpoint of the
21 term of the easement. The easement value is the purchase price of the easement
22 which is the original purchase price of the easement for the first half of the term of
23 the easement and then declines uniformly to zero by the end of the term of the
24 easement.