

**FIRST ENGROSSMENT
with Senate Amendments**

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. The record title owner of the real property subject to the
17 easement to a nonprofit organization may repurchase the easement by paying a
18 penalty plus the remaining value of the easement. For purposes of this provision,
19 the penalty is thirty percent of the original easement value which must remain
20 constant for the first one-fifth of the life of the easement and then decline uniformly
21 to zero to the midpoint of the term of the easement. The easement value is the
22 purchase price of the easement which is the original purchase price of the
23 easement for the first half of the term of the easement and then declines uniformly
24 to zero by the end of the term of the easement. If an easement is terminated

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- 1 before the expiration of its stated term, the holder of the easement shall furnish a
- 2 release of the easement suitable for recording to the record title owner of the real
- 3 property subject to the easement.