

SENATE BILL NO. 2388

Introduced by

Senators Traynor, G. Nelson

Representatives Belter, D. Johnson, Porter

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 duration of 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 any
8 interest in real property regulated by this section exceed ninety-nine years. The
9 duration of an easement for a waterfowl production area acquired by the federal
10 government, and consented to by the governor or the appropriate state agency
11 after July 1, 1985, may not exceed fifty years. The duration of a wetlands reserve
12 program easement acquired by the federal government pursuant to the Food,
13 Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not
14 exceed thirty years. This subsection does not apply to an easement acquired by
15 an organization if:
16 a. The directorate of the organization consists of agricultural producers;
17 b. The organization was incorporated in this state before January 1, 2001; and
18 c. The organization is exempt from taxation under section 501(c)(5) of the
19 Internal Revenue Code [26 U.S.C. 501(c)(5)].