

SENATE BILL NO. 2388  
with House Amendments

Fifty-seventh  
Legislative Assembly  
of North Dakota

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. a. The duration of the easement, servitude, or nonappurtenant restriction on the  
7 use of real property must be specifically set out, and in no case may the  
8 duration of any interest in real property regulated by this section exceed  
9 ninety-nine years. The duration of an easement for a waterfowl production  
10 area acquired by the federal government, and consented to by the governor  
11 or the appropriate state agency after July 1, 1985, may not exceed fifty years.  
12 The duration of a wetlands reserve program easement acquired by the  
13 federal government pursuant to the Food, Agriculture, Conservation, and  
14 Trade Act of 1990 after July 1, 1991, may not exceed thirty years. This  
15 subsection does not apply to an easement acquired by an organization or its  
16 affiliates if:

- 17 (1) The board of directors of the organization consists of agricultural
- 18 producers;
- 19 (2) The organization was incorporated in this state before January 1, 2001;
- 20 and
- 21 (3) The organization is exempt from taxation under section 501(c)(5) of the
- 22 Internal Revenue Code [26 U.S.C. 501(c)(5)].

- 1                    b. A statement within the body of the easement that the grantee of the easement  
2                    meets the requirements of paragraphs 1, 2, and 3 is sufficient proof of  
3                    compliance with this subsection.