

Sixty-second  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2318**

Introduced by

Senators Warner, Nodland, Wardner

Representatives S. Meyer, Onstad

1 A BILL ~~for an Act to create and enact a new subsection to section 47-05-01 of the North Dakota~~  
2 ~~Century Code, relating to carbon dioxide storage easements; and to amend and reenact~~  
3 ~~subsection 2 of section 47-05-02.1 of the North Dakota Century Code, relating to duration of~~  
4 ~~carbon dioxide storage easements.~~ for an Act to provide for a legislative management study  
5 relating to carbon dioxide storage easements and to the duration of carbon dioxide storage  
6 easements.

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

8 ~~SECTION 1. A new subsection to section 47-05-01 of the North Dakota Century Code is~~  
9 ~~created and enacted as follows:~~

10 ~~The right of storing carbon dioxide in a geologic reservoir.~~

11 ~~SECTION 2. AMENDMENT.~~ Subsection 2 of section 47-05-02.1 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13 ~~2. The duration of the easement, servitude, or nonappurtenant restriction on the use of~~  
14 ~~real property must be specifically set out, and except as otherwise provided in this~~  
15 ~~subsection, in no case may the duration of any interest in real property regulated by~~  
16 ~~this section exceed ninety-nine years. The duration of an easement for a waterfowl-~~  
17 ~~production area acquired by the federal government, and consented to by the~~  
18 ~~governor or the appropriate state agency after July 1, 1985, may not exceed fifty~~  
19 ~~years. The duration of a wetlands reserve program easement acquired by the federal~~  
20 ~~government pursuant to the Food, Agriculture, Conservation, and Trade Act of 1990~~  
21 ~~after July 1, 1991, may not exceed thirty years. The duration of an easement to store~~  
22 ~~carbon dioxide in a geologic reservoir may be perpetual, and the easement runs with~~  
23 ~~the land.~~

- 1 |     **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CARBON DIOXIDE STORAGE**
- 2 | **EASEMENTS.** The legislative management shall consider studying, during the 2011-12 interim,
- 3 | carbon dioxide storage easements and the duration of carbon dioxide storage easements. The
- 4 | legislative management shall report its findings and recommendations, together with any
- 5 | legislation necessary to implement the recommendations, to the sixty-third legislative assembly.