

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.

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

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

8 The right of storing carbon dioxide in a geologic reservoir.

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

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