

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2092

Introduced by

Education Committee

(At the request of State Board of Higher Education)

1 A BILL for an Act to amend and reenact section 54-01-17.1 of the North Dakota Century Code,
2 relating to execution of easements to state-owned land.

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

4 **SECTION 1. AMENDMENT.** Section 54-01-17.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-01-17.1. Granting easements to state-owned land - Procedure.**

7 A state agency may, when it deems such action to be in the best interest of the state, grant
8 utility and transmission easements, road and transportation easements, and waterway
9 easements upon or across any real property which it administers and which is owned by the
10 state for the use or benefit of a state institution under its jurisdiction. A state agency may not
11 grant a conservation easement under this section. The duration of an easement granted under
12 this section may not exceed forty years.

13 Any property rights transferred under the authority of this section must be transferred and
14 conveyed by quitclaim instrument or easement executed in the name of the state of North
15 Dakota by the governor and attested by the secretary of state or, for institutions governed by the
16 state board of higher education, by the institution president or other officer delegated such
17 authority by the board or institution president. Such quitclaim instrument or easement must
18 contain specific legal descriptions of the property right transferred and the location thereof.

19 Upon the granting of an easement under the authority of this section any proceeds must be
20 used in the following manner:

- 21 1. If the property is the subject of a devise, legacy, bequest, or gift to the institution the
22 proceeds of the easement are subject to the provisions of sections 1-08-02 and
23 1-08-04.

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- 1 2. If the property is not subject to sections 1-08-02 and 1-08-04, the proceeds of the
- 2 easement must be deposited in the special operating fund of the institution or, if no
- 3 such operating fund then exists, such proceeds must be deposited in the general fund
- 4 in the state treasury.