

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2176
(Senators J. Lee, Fischer, Flakoll)
(Representatives Hawken, Keiser, Potter)

AN ACT to amend and reenact section 47-16-18 of the North Dakota Century Code, relating to the termination of a lease by death.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-16-18 of the North Dakota Century Code is amended and reenacted as follows:

47-16-18. When lease of real property is terminated by death. Only ~~when the~~ a lease of real property which is terminable at the pleasure of one of the parties to the contract is ~~it~~ terminated by the notice to one party of the death or incapacity of the other party to contract. Upon the death of a lessee of real property for residential purposes, however, and at the option of any surviving lessee or of the estate of the decedent, the lease terminates on the last day of the month in the month following the death of the lessee unless the lease term expires before that time.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2176.

Senate Vote: Yeas 44 Nays 0 Absent 3

House Vote: Yeas 85 Nays 0 Absent 9

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State