

**HOUSE BILL NO. 1438**

Introduced by

Representatives Kerzman, Cleary, Kretschmar

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