

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1399

Introduced by

Representatives Headland, Belter, Brandenburg, Damschen

Senators Dotzenrod, Erbele, Wanzek

1 A BILL ~~for an Act to require the attorney general to consider bringing legal action against the~~
2 ~~United States fish and wildlife service.~~for an Act to amend and reenact subsection 2 of section
3 47-05-02.1 of the North Dakota Century Code, relating to duration of waterfowl production area
4 easements; and to provide an effective date.

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

6 ~~SECTION 1.~~

7 ~~Suit against United States fish and wildlife service.~~

8 ~~The attorney general shall consider bringing legal action against the United States fish and~~
9 ~~wildlife service to have the United States fish and wildlife service delineate and properly~~
10 ~~describe every wetland easement that has been acquired by the United States fish and wildlife~~
11 ~~service in this state.~~

12 **SECTION 1. AMENDMENT.** Subsection 2 of section 47-05-02.1 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 2. The duration of the easement, servitude, or nonappurtenant restriction on the use of
15 real property must be specifically set out, and in no case may the duration of any
16 interest in real property regulated by this section exceed ninety-nine years. The
17 duration of an easement for a waterfowl production area acquired by the federal
18 government, and consented to by the governor or the appropriate state agency after
19 July 1, 1985, may not exceed fifty years. A waterfowl production area easement that
20 exceeds fifty years or which purports to be perpetual may be extended by negotiation
21 between the owner of the easement and the owner of the serviant tenement. A
22 waterfowl production area easement that exceeds fifty years or which purports to be
23 permanent and is not extended by negotiation is void. The duration of a wetlands
24 reserve program easement acquired by the federal government pursuant to the Food,

1 Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not exceed
2 thirty years.

3 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on June 30, 2017.