

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1399**

Introduced by

Representatives Headland, Belter, Brandenburg, Damschen

Senators Dotzenrod, Erbele, Wanzek

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 waterfowl production area easements; and to provide an  
3 effective date.

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

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

7 2. The duration of the easement, servitude, or nonappurtenant restriction on the use of  
8 real property must be specifically set out, and in no case may the duration of any  
9 interest in real property regulated by this section exceed ninety-nine years. The  
10 duration of an easement for a waterfowl production area acquired by the federal  
11 government, and consented to by the governor or the appropriate state agency after  
12 July 1, 1985, may not exceed fifty years. A waterfowl production area easement that  
13 exceeds fifty years or which purports to be perpetual may be extended by negotiation  
14 between the owner of the easement and the owner of the servient tenement. A  
15 waterfowl production area easement that exceeds fifty years or which purports to be  
16 permanent and is not extended by negotiation is void. The duration of a wetlands  
17 reserve program easement acquired by the federal government pursuant to the Food,  
18 Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not exceed  
19 thirty years.

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