

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

457V0131

HOUSE BILL NO. 1083

Introduced by: Representatives Olson (Betty), Greenfield, Kaiser, Kopp, May, and Russell
and Senators Maher, Begalka, Jensen, and Monroe

1 FOR AN ACT ENTITLED, An Act to restrict the term of conservation easements.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. Terms used in this Act mean:

4 (1) "Conservation easement," any nonpossessory interest in real property which is
5 executed by or on behalf of the owner of the land and is binding upon successive
6 owners of the land, imposing limitations or affirmative obligations for conservation
7 purposes or to preserve the historical, architectural, archaeological, or cultural aspects
8 of real property;

9 (2) "Conservation purposes," any of the following activities:

10 (a) Preserving land areas for outdoor recreation by, or the education of, the
11 general public; or

12 (b) Protecting a relatively natural habitat of fish, wildlife, or plants or similar
13 ecosystem; or

14 (c) Preserving open space, including farmland and forest land.

15 Section 2. No conservation easement, as defined by section 1 of this Act, created after



1 July 1, 2014, may be for a period of more than ninety-nine years.