

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE BILL NO. 1180

Introduced by: Representatives McCleerey, Bolin, Bordeaux, Brunner, Campbell, Craig, Haugaard, Holmes, Klumb, Marty, May, Novstrup (Al), Qualm, Russell, Schaefer, Schrempp, Verchio, Werner, Wiik, and Zikmund and Senators Olson, Bradford, Holien, Jensen (Phil), and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to limit the terms of certain conservation easements.

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

3 Section 1. That § 1-19B-57 be amended to read:

4 1-19B-57. A conservation easement may be created, conveyed, recorded, assigned, released,
5 modified, terminated, or otherwise altered or affected in the same manner as other easements.

6 The term of the conservation easement shall be established by the parties to the easement.

7 However, no conservation easement created after July 1, 2016, may be for a period of more than
8 one hundred years. No right or duty in favor of or against a holder and no right in favor of a

9 person having a third-party right of enforcement arises under a conservation easement before
10 its acceptance by the holder and recording the acceptance. An interest in real property in

11 existence at the time a conservation easement is created is not impaired by it unless the owner
12 of the interest is a party to the conservation easement or consents to it.

