

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

617J0190

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1194** -

02/05/2004

Introduced by: Representatives Lintz, Burg, Deadrick (Thomas), Gassman, Hanson, Hargens, Hundstad, Juhnke, Olson (Mel), Olson (Ryan), Pederson (Gordon), Peterson (Jim), Sigdestad, and Teupel and Senators Duenwald, Bogue, Koskan, and Symens

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 as follows:

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 However, no conservation easement created after July 1, 2004, except for a wetlands easement,

7 may be for a period of more than thirty years. No right or duty in favor of or against a holder and

8 no right in favor of a person having a third-party right of enforcement arises under a

9 conservation easement before its acceptance by the holder and recording the acceptance. An

10 interest in real property in existence at the time a conservation easement is created is not

11 impaired by it unless the owner of the interest is a party to the conservation easement or

12 consents to it.

