

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

617J0190

## HOUSE BILL NO. 1194

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, may be for a period of more than

7 thirty years. No right or duty in favor of or against a holder and no right in favor of a person

8 having a third-party right of enforcement arises under a conservation easement before its

9 acceptance by the holder and recording the acceptance. An interest in real property in existence

10 at the time a conservation easement is created is not impaired by it unless the owner of the

11 interest is a party to the conservation easement or consents to it.

