

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

381L0522

HOUSE BILL NO. 1098

Introduced by: Representative Hunt and Senators Koskan and Lintz

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions related to the terms of
2 conservation easements.

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

4 Section 1. That § 1-19B-57 be amended to read as follows:

5 1-19B-57. A conservation easement may be created, conveyed, recorded, assigned, released,
6 modified, terminated, or otherwise altered or affected in the same manner as other easements.
7 The term of the conservation easement shall be established by the parties to the easement. No
8 right or duty in favor of or against a holder and no right in favor of a person having a third-party
9 right of enforcement arises under a conservation easement before its acceptance by the holder
10 and recording the acceptance. An interest in real property in existence at the time a conservation
11 easement is created is not impaired by it unless the owner of the interest is a party to the
12 conservation easement or consents to it.

