

HCS HB 597 -- PRIVATE LANDOWNER PROTECTION ACT (Pollock)

COMMITTEE OF ORIGIN: Committee on Tourism and Natural Resources

This substitute establishes the Private Landowner Protection Act which allows for the creation and enforcement of conservation easements designed to protect the environment and preserve certain historical or cultural aspects of real property. An easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements; and a court may modify or terminate an easement based on the principles of law and equity.

An existing real property interest is not impaired by an easement unless the owner is a party to the conservation easement or consents to it. A conservation easement will be valid in a number of situations that are specified in the substitute which are not recognized by common law. Retroactive application is mandated to the extent allowed by state and federal law but cannot place any additional burden or obligation on any grantor or grantee, or their successors, of a conservation easement.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.