



LEGISLATURE OF THE STATE OF IDAHO



Sixty-fifth Legislature

First Regular Session - 2019

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO CONSERVATION EASEMENTS; AMENDING SECTION 55-2102, IDAHO CODE, TO PROVIDE THAT THE DOCTRINE OF MERGER SHALL NOT APPLY TO TERMINATE OR EXTINGUISH CERTAIN CONSERVATION EASEMENTS AND TO PROVIDE FOR RETROACTIVE APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 55-2102, Idaho Code, be, and the same is hereby amended to read as follows:

55-2102. CONSERVATION EASEMENT CREATED -- CONVEYANCE -- ACCEPTANCE -- DURATION. (1) Except as otherwise provided in this chapter, a conservation easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements.

(2) No right or duty in favor of or against a holder and no right in favor of a person having a third-party right of enforcement arises under a conservation easement before its acceptance by the holder and a recordation of the acceptance.

(3) Except as provided in subsection (2) of section 55-2103, Idaho Code, a conservation easement is unlimited in duration unless the instrument creating it otherwise provides.

(4) An interest in real property in existence at the time a conservation easement is created is not impaired by it unless the owner of the interest is a party to the conservation easement or consents to it.

(5) The common law doctrine of merger shall not apply to terminate or extinguish a conservation easement if the state of Idaho or any agency or political subdivision thereof acquires both the fee title interest in the land subject to the conservation easement and an interest in the conservation easement as the holder of the conservation easement. This provision shall apply retroactively.