

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.580 Name of Bill: Conservation Easements, Recording and Liens

Agency/ Dept: FPR Author of Bill Review: Meghan Purvee

Date of Bill Review: 4/29/16 Related Bills and Key Players: _____

Status of Bill: (check one): _____ Upon Introduction _____ As passed by 1st body XX As passed by both


Recommended Position:

XX Support _____ Oppose _____ Remain Neutral _____ Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.* This bill proposes to amend 10 V.S.A. chapter 155 by adding a new §6311 which provides that a tax lien shall not affect conservation rights and interests if the lien attaches after the recording of the conservation rights and interests. This bill also proposes to 1) amend 10 V.S.A. §823 to make it clear that a conservation and preservation right or interest shall not be subject to the requirement to file a notice of claim within the 40 year marketable title period under 27 V.S.A. 603-605, or in other words, the owner will not be required to re-record the easement to maintain a valid property interest, and 2) to amend 27 V.S.A. §604 to refer to conservation interests created pursuant to chapters 34 and 155 of title 10 regarding the filing of such notices.
2. **Is there a need for this bill?** *Please explain why or why not.* Yes this bill protects conservation rights and interests that are acquired in the public interest and most often with the use of public funds and removes the burden of having to re-record the easement every 40 years to ensure protection of the conservation and preservation rights and interests.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**
None
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** None
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*
None
6. **Other Stakeholders:**
 - 6.1 **Who else is likely to support the proposal and why?** Conservation organizations, land trusts, VHCB
 - 6.2 **Who else is likely to oppose the proposal and why?** Unknown

7. **Rationale for recommendation:** *Justify recommendation stated above.* This removes unnecessary repetitive recording requirements and provides additional protections for conservation easements against liens filed after the conservation easement right/interest has been property recorded in the land records.
8. **Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*
None
9. **Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** No

Commissioner has reviewed this document:  Date: 4/29/16

Secretary has reviewed this document: _____ Date: _____