

Brief on Assembly Bill 429

As the demand for conservation easements gained popularity in the late 1970s to early 1980s, it became apparent the common law of property prohibited such restrictions, so a statute was necessary to ensure conservation easements are legally enforceable.¹ States began enacting statutes to explicitly authorize conservation easements and Nevada, along with twenty-four other states, adopted the Uniform Conservation Easement Act (UCEA) in some form. As stated by the Uniform Law Commission, “[w]ith the UCEA in force, a landowner can create a conservation easement...preserving undeveloped or historic property for future generations.”² In 1983, Nevada adopted Senate Bill 189 now codified in NRS 111.390 through .440.

Currently, NRS 111.420(1) provides “an easement for conservation may be created, conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other easements.” While this has been interpreted to apply to any person or entity owning real property, including government entities of the state, the Act does not explicitly state a government entity is able to be the grantor or the seller of the easement.³

AB 429 is needed to ensure current and future conservation easements have certainty and durability and are not at risk based on ambiguous statutory language related to government entities.

¹ See <https://www.americanbar.org/content/dam/aba-cms-dotorg/products/inv/book/215328/Introduction.pdf>

² <https://www.uniformlaws.org/committees/community-home?CommunityKey=4297dc67-1a90-4e43-b704-7b277c4a11bd>

³ A government entity may be a conservation easement holder (NRS 111.410(2)(a)).