

1 S.179

2 Introduced by Senator Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; conservation easements;  
6 modification

7 Statement of purpose: This bill proposes to amend the conservation easement  
8 statutes to permit modification of perpetual conservation easements. The bill  
9 establishes the criteria to be used to determine when an easement amendment  
10 would be allowed, creates a process for making that determination, and vests  
11 the holders of the easement with initial authority to make the determination.

12 Certain amendments and terminations are subject to review and approval by an  
13 easement amendment panel created for this purpose within the Vermont  
14 natural resources board.

15 An act relating to amending perpetual conservation easements

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 10 V.S.A. § 302 is amended to read:

18 § 302. POLICY, FINDINGS, AND PURPOSE

19 (a) The dual goals of creating affordable housing for Vermonters, and  
20 conserving and protecting Vermont's agricultural land, historic properties,

1 important natural areas, and recreational lands are of primary importance to the  
2 economic vitality and quality of life of the state.

3 (b) In the best interests of all of its citizens and in order to improve the  
4 quality of life for Vermonters and to maintain for the benefit of future  
5 generations the essential characteristics of the Vermont countryside, and to  
6 support farm, forest, and related enterprises, Vermont should encourage and  
7 assist in creating affordable housing and in preserving the state's agricultural  
8 land, historic properties, important natural areas and recreational lands, and in  
9 keeping conserved agricultural land in production and affordable for future  
10 generations of farmers.

11 (c) It is the purpose of this chapter to create the Vermont housing and  
12 conservation trust fund to be administered by the Vermont housing and  
13 conservation board to further the policies established by subsections (a) and (b)  
14 of this section.

15 Sec. 2. 10 V.S.A. § 6301 is amended to read:

16 § 6301. PURPOSE

17 It is the purpose of this chapter to encourage and assist the maintenance of  
18 the present uses of Vermont's agricultural, forest, and other undeveloped land  
19 and to prevent the accelerated residential and commercial development thereof;  
20 to preserve and to enhance Vermont's scenic natural resources; to strengthen  
21 the base of the recreation industry and to increase employment, income,

1 business, and investment; ~~and~~ to enable the citizens of Vermont to plan its  
2 orderly growth in the face of increasing development pressures in the interests  
3 of the public health, safety, and welfare; and to encourage the use of  
4 conservation and preservation tools to support farm, forest, and related  
5 enterprises, thereby strengthening Vermont's economy to improve the quality  
6 of life for Vermonters, and to maintain the historic settlement pattern of  
7 compact village and urban centers separated by rural countryside.

8 Sec. 3. DESIGNATION

9 10 V.S.A. §§ 6301–6309 are designated as 10 V.S.A. chapter 155,  
10 subchapter 1 to read:

11 Subchapter 1. General Provisions

12 Sec. 4. 10 V.S.A. § 6301a (4)–(10) are added to read:

13 (4) “Adjoining landowner” means a person who owns land in fee  
14 simple, if that land either:

15 (A) shares a property boundary with a tract of land where a proposed  
16 easement amendment is located; or

17 (B) is adjacent to a tract of land where a proposed easement  
18 amendment is located and the two properties are separated by only a river,  
19 stream, or public highway.

20 (5) “Amend” or “amendment” means a modification of an original or  
21 existing conservation easement, the substitution of a new easement for the

1 original or existing easement, or the whole or partial termination of the original  
2 or existing easement.

3 (6) “Conservation right or interest” means a right or interest described in  
4 section 6303 of this title.

5 (7) “Landowner” means an owner of the fee interest in land that is  
6 subject to conservation rights or interests, as authorized by this chapter.

7 (8) “Panel” means the easement amendment panel of the natural  
8 resources board established by section 6323 of this title.

9 (9) “Person” is as defined in 1 V.S.A. § 128.

10 (10) “Qualified holder” and “holder” are as defined in subsection 821(c)  
11 of this title.

12 Sec. 5. 10 V.S.A. § 6307 is amended to read:

13 § 6307. ENFORCEMENT

14 (a) Injunction. In any case where rights and interests in real property are  
15 held by a municipality, state agency<sub>2</sub> or qualified organization under the  
16 authority of this chapter, the legislative body of the municipality, the state  
17 agency<sub>2</sub> or the qualified organization may institute injunction proceedings to  
18 enforce the rights of the municipality, state agency<sub>2</sub> or qualified organization,  
19 in accordance with the provisions of this chapter, and may take all other  
20 proceedings as are available to an owner of real property under the laws of this  
21 state to protect and conserve its right or interest.

1 (b) Liquidated damages. Any contract or deed establishing or relating to  
2 the sale or transfer of rights or interests in real property under the authority of  
3 this chapter may provide for specified liquidated damages, actual damages,  
4 costs, and reasonable attorney fees in the event of a violation of the rights of  
5 the municipality, state agency, or qualified organization thereunder.

6 (c) Conservation rights. The holder of conservation rights and interests  
7 may seek injunctive relief and damages against any person who damages the  
8 holder's rights and interests, irrespective of whether the owner of the land is a  
9 party to the proceeding.

10 Sec. 6. 10 V.S.A. § 6308 is amended to read:

11 § 6308. ~~TERMINATION OF RIGHTS~~ RIGHTS IN PERPETUITY UNLESS  
12 LIMITED

13 ~~(a) If the legislative body of a municipality in the case of municipal rights~~  
14 ~~or interests, or a state agency, in the case of state-owned rights or interests,~~  
15 ~~finds that the retention of the rights or interests is no longer needed to carry out~~  
16 ~~the purposes of this chapter, the rights or interests may be released and~~  
17 ~~conveyed to the co-owner, to another public agency, to another party holding~~  
18 ~~other rights or interests in the land, or to a third party. Where the conveyance~~  
19 ~~is to a party other than another public agency or qualified organization, the~~  
20 ~~municipality or state agency shall receive adequate compensation from that~~  
21 ~~party for the conveyance of the rights or interests.~~

1       ~~(b) Wherever possible, in order to promote the interests of the state,~~  
2       ~~municipalities, qualified organizations, or private landowners involved,~~  
3       ~~agreements for the conveyance of rights or interests in real property less than~~  
4       ~~fee simple, entered into under the authority of this chapter, shall contain a~~  
5       ~~provision limiting the agreement to a specified number of years except where~~  
6       ~~both parties agree, such agreements may provide for the conveyance of rights~~  
7       ~~and interests in perpetuity.~~

8       The conveyance of rights or interests in real property less than fee simple  
9       made under the authority of this chapter shall be perpetual, except if the  
10       conveyance is limited by its terms to a specific period.

11       Sec. 7. 10 V.S.A. chapter 155, subchapter 2 is added to read:

12               Subchapter 2. Amendment or Termination of Perpetual Conservation

13                               Easements

14       § 6321. PURPOSE

15       It is the purpose of this subchapter to set forth a process and establish the  
16       criteria for determining if an amendment of a conservation easement may be  
17       appropriate and authorized; and provide that in all cases in which an  
18       amendment would materially alter the terms of the original easement, the  
19       determination of the holder is reviewed and approved by an independent state  
20       panel following public notice, disclosure of the circumstances and reasons for  
21       the amendment, and an opportunity for the public to comment.

1     § 6322. CONSERVATION RIGHTS AND INTERESTS; DURATION

2         (a) Conservation rights and interests shall be amended or only in  
3     accordance with this subchapter.

4         (b) If an easement holder is or becomes the owner in fee of property subject  
5     to a conservation easement, the easement shall continue in effect and shall not  
6     be extinguished.

7         (c) Conservation rights and interests shall not be affected by any tax lien  
8     filed or tax sale occurring subsequent to the recording of the rights and interest  
9     in the municipal land records.

10    § 6323. EASEMENT AMENDMENT PANEL

11         (a) An easement amendment panel is created as a third panel of the  
12     Vermont natural resources board established under section 6021 of this title.

13     The panel shall consist of the following members:

14         (1) The chair of the natural resources board.

15         (2) Two members of the land use panel of the natural resources board,  
16     chosen by the governor, whose terms on this panel shall be contemporaneous  
17     with their terms on the land use panel. Remaining land use panel members  
18     shall serve as alternates to the easement amendment panel.

19         (3) One member, and an alternate, appointed by the governor from a list  
20     of no fewer than five candidates submitted by qualified organizations as  
21     defined in section 6301a of this title. The Vermont housing and conservation

1 board shall provide a list of qualified organizations to the governor. Panel  
2 members appointed under this section shall serve a term of four years.

3 (4) One member and an alternate, appointed by the governor from a list  
4 of five candidates submitted by the Vermont housing and conservation board.  
5 Panel members appointed under this section shall serve for a term of four  
6 years.

7 (b) No person shall be eligible for appointment to this panel if that person  
8 has been employed as a staff member of or consultant to or has served on the  
9 governing board of a qualified holder or the Vermont housing and conservation  
10 board during the preceding 12 months.

11 (c) Other departments and agencies of state government shall cooperate  
12 with the panel and make available to it data, facilities, and personnel as may be  
13 needed to assist the panel in carrying out its duties and functions.

14 (d) A panel member shall not participate in a particular matter before the  
15 panel if he or she is interested in the event of the matter, or is related to the  
16 petitioner, if a natural person, within the fourth degree of consanguinity or  
17 affinity, or if a corporation, to any officer, director, trustee, or agent of the  
18 corporation within the same degree.

19 (e) Members of the panel shall receive per diem pay and all necessary and  
20 actual expenses in accordance with 32 V.S.A. § 1010.



1           (f) Powers:

2           (1) The panel shall have the power, with respect to any matter within its  
3 jurisdiction, to:

4                   (A) Allow members of the public to enter upon lands of other  
5 persons, at times designated by the panel, for the purposes of inspecting and  
6 investigating conditions related to the matter before the panel.

7                   (B) Enter upon lands for the purpose of conducting inspections,  
8 investigations, examinations, tests, and site evaluations as it deems necessary  
9 to verify information presented in any matter within its jurisdiction.

10                   (C) Adopt rules of procedure and adopt substantive rules, in  
11 accordance with the provisions of 3 V.S.A. chapter 25, that interpret and carry  
12 out the provisions of this subchapter that pertain to easement modifications.

13                   (D) Establish a schedule of filing fees to be paid by petitioners.

14           (2) The natural resources board may petition the environmental court for  
15 revocation of easement amendments issued under this chapter. Grounds for  
16 revocation are:

17                   (A) noncompliance with the panel's decision or any condition of the  
18 panel's decision under this subchapter;

19                   (B) failure to disclose all relevant and material facts in the  
20 application or during the review process;

21                   (C) misrepresentation of any relevant and material fact at any time.

1     § 6324. CATEGORY 1 AMENDMENTS; APPROVAL BY HOLDER

2             WITHOUT ADMINISTRATIVE REVIEW

3             (a) A Category 1 amendment is an amendment that has not more than a de  
4             minimis negative effect on the resource values protected by the easement. The  
5             easement holder may approve a Category 1 amendment without notice to or  
6             review by the attorney general or the panel. Category 1 amendments are  
7             limited to the following:

8                 (1) Placing additional land under the protection of the easement;

9                 (2) Adding, expanding, or enhancing the easement's protection of  
10                natural or cultural resources existing on the protected property;

11                (3) Including a right of first refusal, an option to purchase at agricultural  
12                value, or another right to acquire an ownership interest in the property in the  
13                future;

14                (4) Amending the easement to protect areas that were excluded from the  
15                easement or to further restrict rights and uses that were retained by the owner  
16                under the existing easement;

17                (5) Correcting typographical or clerical errors without altering the intent  
18                of or uses permitted under the easement;

19                (6) Modernizing or clarifying the language of the easement without  
20                changing the intent or uses permitted under the easement; or

1           (7) Merging the easements on two or more protected properties into a  
2           single easement, provided that the merger does not: reduce the area covered  
3           by the easement; add new uses not already permitted under the existing  
4           easements; or reduce the existing protections of the resource values on the  
5           property.

6           (b) No other easement amendment shall be approved or permitted without  
7           notice to and review by the attorney general and the panel, as set forth in  
8           sections 6325–6331 of this title. In the event the holder or the owner of a  
9           protected property seeks a recordable document establishing that an  
10           amendment satisfies the requirements of a Category 1 amendment, the holder  
11           shall follow the procedures for a Category 2 amendment, as set forth in section  
12           6325 of this title.

13           § 6325. CATEGORY 2 AMENDMENTS; CRITERIA; REVIEW

14           (a) A Category 2 amendment is an amendment which the holder reasonably  
15           believes will have not more than a de minimis negative effect on the resource  
16           values protected by the easement, but which does not clearly meet the  
17           definition of a Category 1 amendment. A holder seeking to approve a  
18           Category 2 amendment shall submit a request for review to the attorney  
19           general and the panel, together with a copy of the amendment, a description of  
20           the protected property and easement, and an explanation of the purpose and  
21           effect of the amendment. The request for review shall include the applicant's

1 name, address, and the address of the applicant's principal office in this state,  
2 and, if the applicant is not an individual, municipality, or state agency, a  
3 statement of its qualifications as a holder under subsection 821(c) of this title.

4 In addition, the holder shall certify that the amendment:

5 (1) clearly serves the public interest;

6 (2) is consistent with the conservation purpose and intent of the  
7 easement;

8 (3) is consistent with the documented intent of the donor, grantor, and  
9 all direct funding sources;

10 (4) does not result in private inurement or confer impermissible private  
11 benefit under 26 U.S.C. § 501(c)(3); and

12 (5) has a net beneficial or neutral effect on the relevant conservation  
13 values of the property protected by the original easement. In determining the  
14 net beneficial or neutral effect, the holder shall consider the degree to which  
15 the amendment will balance the stated goals and purposes of the easement and  
16 shall take into consideration whether these goals and purposes are ranked by  
17 the terms of the easement.

18 (b) Within a reasonable time of receipt of a request for review of a  
19 Category 2 amendment, the panel shall notify the holder that:

20 (1) no further review of the amendment is required;

1           (2) the holder must submit further information before a review can be  
2 completed; or

3           (3) the holder must seek the panel's approval of the amendment as a  
4 Category 3 amendment.

5           (c) In the event the panel determines that no further information or  
6 approval is required, the panel shall, upon the holder's request, send a notice of  
7 this determination in a recordable form to the holder.

8 § 6326. CATEGORY 3 AMENDMENTS; PETITION

9           (a) In the event an amendment does not constitute a Category 1  
10 amendment, or the holder has not received a notice from the panel that no  
11 further information or approval is required, as provided for in a Category 2  
12 amendment, the holder shall not amend an easement without first filing a  
13 petition for approval and obtaining the approval of the panel for a Category 3  
14 amendment in accordance with this section. The petition shall include a copy  
15 of the existing easement and proposed amendment, a map and description of  
16 the protected property and easement, an explanation of the purpose and effect  
17 of the amendment, and the certification required by subsection 6325(a) of this  
18 title. The petition also shall include the applicant's name, address, and the  
19 address of the applicant's principal office in this state, and, if the applicant is  
20 not a municipality or state agency, a statement of its qualifications as a holder

1 under subsection 821(c) of this title. In addition, the holder shall pay a filing  
2 fee in accordance with the schedule established by the panel.

3 (b) If there is more than one holder of the easement, all holders shall sign  
4 the petition. If another person holds an executory interest that in effect allows  
5 it to assume the ownership of the easement if the amendment is approved, that  
6 person shall also sign the petition.

7 (c) The petitioner shall send a copy of the petition to the Vermont attorney  
8 general, the Vermont housing and conservation board, the agency of natural  
9 resources, the agency of agriculture, food and markets, and to the clerk of the  
10 municipality and executive director of the regional planning commission of the  
11 region in which the property is located.

12 (d) In addition, if the easement was first conveyed not more than 25 years  
13 from the date of the petition, the petitioner shall send a copy of the petition to  
14 all persons who conveyed the conservation easement. The panel may waive  
15 this requirement if the panel determines that the addresses cannot be  
16 reasonably ascertained under the circumstances or that individual notification  
17 is otherwise impracticable.

18 § 6327. PUBLIC NOTICE; HEARING

19 (a) Upon receipt of a petition, the panel, at the expense of the petitioner,  
20 shall publish a notice in at least one area newspaper, reasonably calculated to  
21 reach adjoining landowners to the parcel which is the subject of the petition,

1 and shall publish the notice in appropriate electronic format, summarizing the  
2 nature of the petition. The notice shall set a date, time, and place for a  
3 proposed public hearing. The notice may also include a statement that the  
4 panel may waive the proposed public hearing, if no request for a hearing is  
5 received by the panel within 15 days of the published notice. The panel shall  
6 send copies of the hearing notice to the town selectboard, planning  
7 commission, and conservation commission, if any, of the town or towns in  
8 which the affected property is located, as well as to the regional planning  
9 commission. The panel shall send copies of the notice directly to adjoining  
10 landowners unless it determines that the number of adjoining landowners is so  
11 large that direct notification is not practicable.

12 (b) The panel shall conduct a public hearing on the petition if it determines  
13 that a hearing is necessary or if a request for a public hearing is timely filed.

14 § 6328. PETITION; PROCESS; PUBLIC HEARING

15 (a) Any petition and any hearing on a petition for amendment of an  
16 easement shall not be considered a contested case under 3 V.S.A. chapter 25.

17 (b) At any hearing on a petition for amendment of an easement, all  
18 members of the public may participate. There shall be no requirement to  
19 obtain party status, and a person need not have a vested interest to participate  
20 in the hearing. Any person wishing to speak in support of or opposition to the

1 petition shall have an opportunity to provide written and oral testimony to the  
2 panel.

3 (c) The panel shall have the authority to compel a petitioner to make  
4 available all relevant background documents pertaining to the easement and  
5 the proposed amendment. Any person who believes that additional  
6 information is needed from the easement holder before or during the hearing  
7 may direct a request to the panel, which may then require the petitioner to  
8 produce the requested information.

9 § 6329. APPROVAL OF CATEGORY 3 AMENDMENT BY PANEL;

10 CRITERIA

11 (a) The panel shall consider all circumstances and information that may  
12 reasonably bear upon the public interest in upholding or amending the  
13 conservation easement. These considerations shall include:

14 (1) Any material change in circumstances that has taken place since the  
15 easement was conveyed. Changes in circumstances may include changes in  
16 applicable laws or regulations, changes in the native flora or fauna, the  
17 development of new technologies, the development of new agricultural and  
18 forestry enterprises, and changes in community conditions and needs.

19 (2) An evaluation of whether the circumstances leading to the proposed  
20 amendment were anticipated at the time the easement was conveyed.



1           (3) The existence or lack of reasonable alternatives to address the  
2 changed circumstances.

3           (4) The certification requirements for Category 2 amendments listed in  
4 subdivisions 6325(a)(1)–(4) of this title.

5           (b) The panel may approve an amendment if it finds, by clear and  
6 convincing evidence, that the amendment:

7               (1) is clearly in the public interest;

8               (2) is consistent with the purposes stated in section 6301 of this title;

9               (3) will not result in private inurement or confer impermissible private  
10 benefit under 26 U.S.C. § 501(c)(3);

11               (4) will result in adequate compensation to the holder, if the amendment  
12 is a termination by a municipality or state agency; and

13               (5) meets one of the following goals:

14                   (A) The amendment promotes or enhances the conservation purposes  
15 of the easement, even though it may be inconsistent with a strict interpretation  
16 of the terms of the easement;

17                   (B) Enforcement of an easement term would result in significant  
18 financial burdens to the easement holder or landowner and result in minimal  
19 conservation benefit to the public; or

1           (C) The amendment clearly enhances the benefit to the public, even  
2 though it may allow the diminution of one or more conservation purposes on  
3 the property protected by the original easement.

4           (c) If the holder receives monetary compensation as a result of an  
5 amendment, the panel may require that the holder apply the compensation to  
6 achieve a conservation purpose similar to that stated in the easement.

7           § 6330. DECISION OF THE PANEL

8           (a) Following the hearing, or after a determination without a hearing, the  
9 panel shall issue a written decision approving, approving with conditions, or  
10 denying the amendment request and stating the reasons for the panel's  
11 conclusions. The panel shall distribute its written decision to all persons listed  
12 in subdivision (b)(1) of this section and to any additional participants in the  
13 hearing.

14           (b)(1) The following persons may appeal the decision of the panel to the  
15 supreme court within 30 days of issuance:

16                   (A) the easement holder;

17                   (B) the current landowner;

18                   (C) the affected town;

19                   (D) state agencies that participated in the hearing;

20                   (E) the attorney general; and

1           (F) in the case of a donated easement or easement sold for less than  
2 fair market value, the original donor.

3           (2) The supreme court may reverse the panel's decision only if there has  
4 been an abuse of discretion or clear error of law. The supreme court shall not  
5 reverse the panel's decision for harmless error.

6           (c) The panel's decision shall not affect any right of a person or  
7 organization that has personally or directly contributed to the holder's  
8 acquisition of the easement to seek restitution of the contribution based upon  
9 misrepresentation or breach of contract on the part of the easement holder.  
10 Such restitution shall be only for the amount contributed or granted, and shall  
11 not include interest, damages, attorney fees, or other costs, unless the court  
12 finds that the holder has acted in bad faith.

13       § 6331. AMENDMENT AND TERMINATION OF CONSERVATION

14           RIGHTS AND INTERESTS

15       This subchapter shall not apply to modifications or terminations that are the  
16 result of the exercise of a right of eminent domain granted under Chapter I,  
17 Article 2 of the Constitution of the State of Vermont.

18       Sec. 8. 10 V.S.A. § 6021(a) is amended to read:

19           (a) A natural resources board is created with a land use panel ~~and~~, a water  
20 resources panel, and an easement amendment panel as established by chapter  
21 155, subchapter 2 of this title. The board shall consist of nine members

1 appointed by the governor, with the advice and consent of the senate, so that  
2 one appointment on each panel expires in each odd numbered year. In making  
3 appointments, the governor and the senate shall give consideration to  
4 experience, expertise, or skills relating to the environment or land use. The  
5 governor shall appoint a chair of the board, a position that shall be a full-time  
6 position. The other eight members shall be appointed by the governor, four to  
7 the water resources panel of the board and four others to the land use panel of  
8 the board. The chair shall serve as chair on each panel of the board.  
9 Following initial appointments, the members, except for the chair, shall be  
10 appointed for terms of four years. The governor shall appoint up to five  
11 persons, with preference given to former environmental board, water resources  
12 board, natural resources board, or district commission members, with the  
13 advice and consent of the senate, to serve as alternates for board members.  
14 Alternates shall be appointed for terms of four years, with initial appointments  
15 being staggered. The board chair may assign alternates to sit on specific  
16 matters before the panels of the board, in situations where fewer than five  
17 panel members are available to serve. No person who receives or, during the  
18 previous two years, has received a significant portion of the person's income  
19 directly or indirectly from permit holders or applicants for one or more permits  
20 under chapter 47 of this title may be a member of the water resources panel.

1 Sec. 9. 10 V.S.A. § 823 is amended to read:

2 § 823. INTERESTS IN REAL PROPERTY

3 Conservation and preservation rights and interests shall be deemed to be  
4 interests in real property and shall run with the land. A document creating  
5 such a right or interest shall be deemed to be a conveyance of real property and  
6 shall be recorded under 27 V.S.A. chapter 5 of Title 27. ~~Such a right or~~  
7 ~~interest shall be subject to the requirement of filing a notice of claim within the~~  
8 ~~40-year period as provided in 27 V.S.A. § 603.~~ Such a right or interest shall  
9 be enforceable in law or in equity. Any subsequent transfer, mortgage, lease,  
10 or other conveyance of the property or an interest in the real property shall  
11 reference the grant of conservation rights and interests in the real property.

12 Sec. 10. 27 V.S.A. § 604(a) is amended to read:

13 (a) This subchapter shall not bar or extinguish any of the following  
14 interests, by reason of failure to file the notice provided for in section 605 of  
15 this title:

16 \* \* \*

17 (7) Any easement or interest in the nature of an easement, or any rights  
18 appurtenant thereto granted, excepted or reserved by a recorded instrument  
19 creating such easement or interest, ~~including any rights for future use, except~~  
20 ~~rights and interests created pursuant to chapter 34 of Title 10.~~





1       ~~(g)~~(h) The commissioner of taxes is authorized to disclose to any person  
2 any information appearing on a property transfer tax return, including  
3 statistical information derived therefrom, and such information derived from  
4 research into information appearing on property transfer tax returns as is  
5 necessary to determine if the property being transferred is subject to 10 V.S.A.  
6 chapter 151.

7       Sec. 14. EASEMENT AMENDMENT PANEL; INITIAL APPOINTMENTS

8       By October 1, 2012, the governor shall appoint the members of the  
9 easement amendment panel under Sec. 7 of this act, 10 V.S.A.  
10 § 6323(a)(2)–(4) (members; easement amendment panel). The initial term of  
11 the member appointed under 10 V.S.A. § 6323(a)(3) shall expire on  
12 February 1, 2017. The initial term of the member appointed under 10 V.S.A.  
13 § 6323(a)(4) shall expire on February 1, 2015.

14       Sec. 15. EFFECTIVE DATES

15       (a) This section and Sec. 9 (interests in real property) of this act shall take  
16 effect on passage.

17       (b) The remaining sections of this act shall take effect on January 1, 2013.