

SENATE BILL NO. 357

INTRODUCED BY S. HINEBAUCH

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE TERM OF CERTAIN CONSERVATION EASEMENTS ESTABLISHED USING STATE FUNDS; DEFINING "STATE FUNDS"; AMENDING SECTION 76-6-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-6-202, MCA, is amended to read:

"76-6-202. Duration of conservation easements. ~~Conservation~~ (1) Except as provided in subsection (2), conservation easements may be granted either in perpetuity or for a term of years. If granted for a term of years, that term may not be less than 15 years. An easement granted for a term of years may be renewed for a term of 15 or more years upon on the execution of a new granting instrument by the parties.

(2) (a) If the establishment of a conservation easement includes state funds, the term of the easement may not exceed 40 years. The limits of this subsection (2)(a) do not apply to conservation easements that:

(i) are less than 1,500 acres;

(ii) are acquired using forest legacy program funds granted by the United States forest service;

(iii) include area described as core habitat as defined by the United States fish and wildlife service;

or

(iv) are granted pursuant to Title 87, chapter 5, part 9; or

(v) are on land where more than half of the acreage is eligible for valuation as agricultural pursuant to 15-7-202(1)(a).

(b) Easements subject to term limits under subsection (2)(a) may be renewed for a term of up to 40 years on the execution of a new granting instrument by the parties.

(c) For the purposes of subsection (2)(a), the term "state funds" includes federal funds transferred to the state."

Amendment - 1st Reading-white - Requested by: Pat Flowers - (S) Fish and Game

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

SB0357.001.002

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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4 NEW SECTION. **Section 3. Applicability.** [This act] applies to easements whose negotiations began
5 on or after [the effective date of this act].

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