

1 SENATE BILL NO. 357

2 INTRODUCED BY S. HINEBAUCH

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE TERM OF CERTAIN CONSERVATION  
5 EASEMENTS ESTABLISHED USING STATE FUNDS; DEFINING "STATE FUNDS"; AMENDING SECTION  
6 76-6-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 Section 1. Section 76-6-202, MCA, is amended to read:

11 **"76-6-202. Duration of conservation easements.** ~~Conservation~~ (1) Except as provided in subsection  
12 (2), conservation easements may be granted either in perpetuity or for a term of years. If granted for a term of  
13 years, that term may not be less than 15 years. An easement granted for a term of years may be renewed for a  
14 term of 15 or more years upon on the execution of a new granting instrument by the parties.

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

- 18 (i) are less than 1,500 acres;
- 19 (ii) are acquired using forest legacy program funds granted by the United States forest service;
- 20 (iii) include area described as core habitat as defined by the United States fish and wildlife service;

21 or  
22 (iv) are granted pursuant to Title 87, chapter 5, part 9; or  
23 (v) are on land where more than half of the acreage is eligible for valuation as agricultural pursuant  
24 to 15-7-202(1)(a).

25 (b) Easements subject to term limits under subsection (2)(a) may be renewed for a term of up to  
26 40 years on the execution of a new granting instrument by the parties.

27 (c) For the purposes of subsection (2)(a), the term "state funds" includes federal funds transferred  
28 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

1  
2  
3  
4  
5  
6

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

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

- END -

AMENDED