



EXHIBIT 10
DATE 2.18.05
HB 675

Oppose HB 675 Amending Montana's Open-Space Land and Voluntary Conservation Easement Act

HB 675 proposes to amend Montana's "Open-Space Land and Voluntary Conservation Easement Act" (Section 76-6-101 et seq., M.C.A.) (the "Act"). The Act provides the statutory authority under which public agencies and qualified, tax-exempt, private organizations ("land trusts") acquire and hold conservation easements. HB 675 proposes to amend the act in a manner which would strip the ability of land trusts to enforce the terms of conservation easements.

- **HB 675 will eliminate the rights of land trusts to enforce the conservation easements.** Land trusts in Montana would be summarily stripped of the property and contract rights they hold, without recourse.
- **HB 675 interferes with private property rights.** Montana landowners who want to donate conservation easements to private land trusts would be unable to do so in the future because land trusts would lose their tax-exempt status and could no longer operate in Montana.
- **Landowners will be unable to participate in various federal programs.** Montana landowners would lose eligibility to enroll their lands in numerous federal agricultural land and habitat conservation programs.
- **Montana land trusts will lose federal tax status.** Montana land trusts will not be able to enforce the conservation easement terms and will lose their tax-exempt status. Land trusts will no longer operate in Montana.
- **Montana courts will be prevented from interpreting Montana law consistently and fairly.** HB 675 seeks to radically change a law that has worked well for thirty years throwing legal confusion onto the Montana judicial system.

Oppose HB 675 Amending Montana's Open-Space Land and Voluntary Conservation Easement Act

Thank you, Minda Jaramila

GLACIER FLATHEAD OFFICE

470 Electric Ave. • PO Box 460
Bigfork, Montana 59911-0460
406/837-2178 • Fax 406/837-4980
email mlrnw@mtlandreliance.org

MAIN OFFICE

324 Fuller Ave. • PO Box 355
Helena, Montana 59624-0355
406/443-7027 • Fax 406/443-7061
email info@mtlandreliance.org

EASTERN OFFICE

2320 Third Ave. N. • PO Box 171
Billings, Montana 59103-0171
406/259-1328 • Fax 406/259-1437
email mlrb@mtlandreliance.org