

SENATE BILL NO. 347

INTRODUCED BY J. SHOCKLEY

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ATTORNEY GENERAL TO INITIATE, JOIN, OR INTERVENE IN A CONSERVATION EASEMENT ENFORCEMENT ACTION; AMENDING SECTION 76-6-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 76-6-211, MCA, is amended to read:

**"76-6-211. Who may enforce easement.** (1) The owner of any estate in a dominant tenement or the occupant of ~~such that~~ tenement may maintain an action for the enforcement of an easement attached ~~thereto to~~ the tenement.

(2) Public bodies holding conservation easements shall enforce the provisions of ~~these~~ those easements.

(3) The attorney general may initiate, join, or intervene in a conservation easement enforcement action if the attorney general REASONABLY determines that:

(a) there is a violation or threatened violation of specific conservation easement terms; and

(b) the easement holder is not protecting the public interest by failing to enforce the terms of a conservation easement; AND

(c) THE EASEMENT HOLDER FAILS TO FULFILL THE PROVISIONS OF TITLE 76, CHAPTER 6."

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

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