

HOUSE JOINT RESOLUTION NO. 7
INTRODUCED BY D. BARRETT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO CRITICALLY EVALUATE THE LAWS GOVERNING CONSERVATION EASEMENTS IN MONTANA, THE IMPLEMENTATION OF THESE LAWS, AND THE PROPRIETY OF GOVERNMENT PROCUREMENT OF CONSERVATION EASEMENTS; AND REQUESTING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 59TH LEGISLATURE.

WHEREAS, Article XIII, section 6, of the Montana Constitution provides that no perpetuities shall be allowed except for charitable purposes; and

WHEREAS, each member of the 58th Montana Legislature has sworn to uphold the Montana Constitution; and

WHEREAS, more than 1.1 million acres of land in Montana are subject to conservation easements; and

WHEREAS, Montana law authorizes certain entities to acquire conservation easements in perpetuity; and

WHEREAS, the State of Montana through the Department of Fish, Wildlife, and Parks has acquired conservation easements in perpetuity and the Montana Agricultural Heritage Commission has approved the acquisition of agricultural easements in perpetuity; and

WHEREAS, conservation easements restrict the use of land indefinitely; and

WHEREAS, conservation easements affect the economic prosperity of the State of Montana by restricting the use of land and by changing the value of property and the amount of property tax collections.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to critically evaluate the laws governing conservation easements in Montana and the implementation of these laws in Montana, including:

- (1) the advantages and disadvantages of conservation easements;
- (2) whether or not the acquisition of conservation easements by the State of Montana or its political subdivisions is in the best interest of the current and future citizens of Montana; and

(3) whether or not Montana's statutes that authorize the granting of easements in perpetuity conform to the provisions of the Montana Constitution.

BE IT FURTHER RESOLVED, that the study be conducted using the results of similar studies or research in other western states, if available.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

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