

HOUSE JOINT RESOLUTION NO. 57
INTRODUCED BY M. JOPEK

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROVIDING FOR AN INTERIM STUDY OF CONSERVATION EASEMENTS ON STATE TRUST LANDS.

WHEREAS, citizens of the State of Montana value the preservation of traditional uses on school trust lands of grazing, farming, timber harvest, and general recreation; and

WHEREAS, if a conservation easement was purchased on school trust land, the public would get to examine and comment on that agreement to see how traditional uses are affected before the easement was finalized; and

WHEREAS, if valuable school trust lands are sold, the traditional uses on these lands could be lost; and

WHEREAS, the Department of Natural Resources and Conservation is charged with managing the state's school trust lands in a manner that derives revenue for the support of the common schools, the University System, and other state institutions; and

WHEREAS, the Department of Natural Resources and Conservation is currently working to increase the revenue earned from school trust lands by diversifying existing uses on school trust lands; and

WHEREAS, conservation easements are an effective tool available to protect these traditional uses while preserving the long-term value of trust lands and retaining the trust land base; and

WHEREAS, the money raised from the purchase of conservation easements on school trust lands is deposited in a nondistributable permanent trust, the interest of which can be used to benefit schools and other trust beneficiaries; and

WHEREAS, the money invested from the purchase of a conservation easement plus the money derived from annual leases or licenses for traditional uses can make traditional uses more financially lucrative for the schools and other trust beneficiaries.

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:

- (1) evaluate the benefits to the various trusts of granting easements in terms of years and in perpetuity;
- (2) assess the alternatives with regard to appropriate entities to hold conservation easements on state trust land;
- (3) analyze how or if conservation easements can ensure that multiple use management occurs;
- (4) evaluate the effectiveness and cost or benefit to the various trusts of continuing traditional classified uses as part of the terms of a conservation easement; ~~and~~
- (5) determine options and alternatives for providing the continuance of recreational uses that were in place prior to an easement being granted; AND

(6) EVALUATE OPPORTUNITIES FOR THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO PARTNER WITH OTHER ORGANIZATIONS TO ACQUIRE STATE TRUST LANDS THAT HAVE RESTRICTED DEVELOPMENT RIGHTS, WHICH WOULD LOWER LAND ACQUISITION COSTS WHILE ALSO PERPETUATING TRADITIONAL USES OF THE LAND.

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, 2008.

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 61st Legislature.

- END -