

SENATE BILL NO. 357

INTRODUCED BY S. HINEBAUCH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

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

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

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

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

or

(iv) are granted pursuant to Title 87, chapter 5, part 9.

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

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

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

