



MONTANA ASSOCIATION OF LAND TRUSTS

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Hearing on HB 246

Madam Chair, members of the committee, my name is Glenn Marx, and I am with the Montana Association of Land Trusts. Land trusts work with landowners to create private property based voluntary agreements called conservation easements. Conservation easements limit residential growth to keep land available for agriculture, and help keep forestlands intact and healthy.

My comments here will be brief, and will serve to set the stage for the significant opposition to House Bill 246 that will follow.

Since the Montana Open-Space Land and Voluntary Conservation Easement law was passed in 1975 and the first Montana conservation easement was created in 1976, landowners have worked with land trusts, agencies and counties to conserve open land. These conserved lands help landowners, the landscape, communities, our economy and our quality of life. Since 1976 the process to create an easement has been fairly consistent: a landowner contacts a land trust, the landowner and land trust privately reach an agreement on the easement document, submit that document for local government review and response, possibly adjust that document based on that review and response, and file the finalized easement document in the courthouse.

That process, and these agreements, have made Montana a national model of effective, cooperative and voluntary land conservation.

House Bill 246 undermines all that. The people who will follow me to his podium will explain how and why that's the case.

You are going to hear from farmers and ranchers who reject this bill's proposed threat to private property rights. You are going to hear from landowners and local government officials who reject this bill's proposed confusing, vague, counterproductive and burdensome imposition of new regulations. You are also going to hear from members of the land trust community who reject this bill's intrusion into the longstanding constructive, respectful, and positive relationships that land trusts have built with landowners and local governments during the past four decades.

But before you hear all that, I'd like to make three quick points. One, this bill undeniably and absolutely seeks to diminish a Montana private property right. House Bill 246 takes away a right a landowner currently has and bestows that right to government. That is not only an example of a diminished property right, it is the definition of a diminished property right. Worse, according to this bill, local government could for any reason...or for political reasons...or for personal reasons...or for no reason at all...deny a landowner the opportunity to exercise that property right to establish a conservation easement.

Second, this bill subjects personal private property right decisions to a broad menu of zoning regulations, capital improvement plans and "any other" county regulations that taken together represent overregulation and unwarranted governmental intrusion at its worst.

Third, this bill abandons an agreement and the understanding that a growth policy is a nonregulatory guidance policy document, and instead what House Bill 246 does is point blank exploit and manipulate growth policies to do the dirty work of prohibiting conservation easements.

Madame Chair, thank you for the opportunity to comment. The opponents to this bill truly welcome the opportunity to let you know what they think.