

ORIGINAL

FILED

12/11/2018

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 18-0599

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 18-0599

FILED

DEC 11 2018

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

STEVE BULLOCK, IN HIS OFFICIAL CAPACITY
AS GOVERNOR OF MONTANA; MARTHA
WILLIAMS, IN HER OFFICIAL CAPACITY AS
DIRECTOR OF THE DEPARTMENT OF FISH,
WILDLIFE, AND PARKS,

Petitioners,

ORDER

v.

TIMOTHY C. FOX, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF MONTANA,

Respondent.

On October 15, 2018, Timothy C. Fox, in his official capacity as Attorney General of Montana, issued an Attorney General Opinion precluding the Department of Fish, Wildlife, and Parks (FWP) from finalizing conservation easement transactions of more than 100 acres, or \$100,000 in value, without the Board of Land Commissioners' (Land Board) approval, pursuant to § 87-1-209(1), MCA. Mont. Att'y Gen. Op. 57-04, 2018 Mont. AG LEXIS 2, at *1-2 (October 15, 2018).

On October 22, 2018, Steve Bullock, in his official capacity as Governor, and Martha Williams, in her official capacity as Director of the FWP, petitioned this Court to assume original jurisdiction and determine whether § 87-1-209, MCA, requires Land Board approval for FWP conservation easements.

The Court heard oral argument on this matter December 5, 2018.

After argument and review of the briefs submitted by the parties and amici,

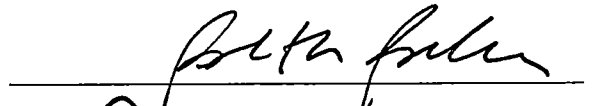

IT IS HEREBY ORDERED that the Petition for Declaratory Relief on Original Jurisdiction is ACCEPTED, and the Attorney General Opinion is OVERRULED.

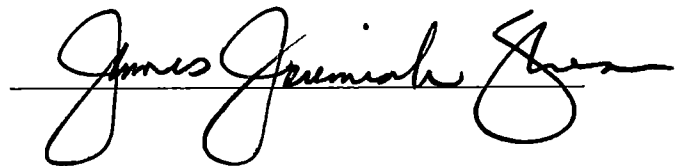
A full opinion will be issued in due course.

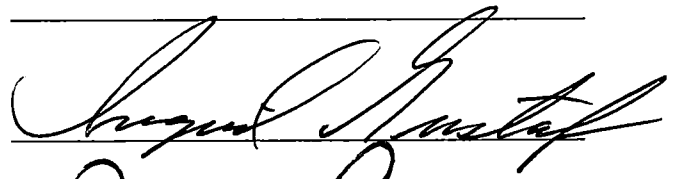
The Clerk is directed to provide a copy of this Order to all counsel of record.

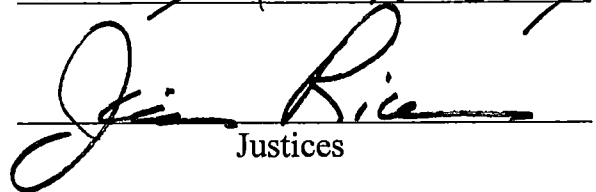
DATED this 11th day of December, 2018.


Chief Justice






Justices