

SB 273 Handout

The massive dust storms of 1933 through 1936 shocked the nation with the economic repercussions of the Great Depression. Something had to be done. The universal appeal of, and support for, soil conservation was greater than it had ever been. It was believed that rather than just a federal presence on the land that a more localized organization would be necessary through which soil conservation could be achieved. Montana was one of the first states to respond to the call for a localized solution. In 1939, Montana enacted "The State Soil Conservation District Law" now codified as Mont. Code Ann. § 76-15-101, *et seq.* (2001). The 1939 law declared the necessity of creating governmental subdivisions of the state to engage in conserving soil resources and preventing and controlling soil erosion. Today there are 58 conservation districts in Montana carrying out these responsibilities.

Many of today's soil conservation programs and institutions are a legacy of the 1930's. However, since the 1930's, soil conservation programs have evolved to encompass many goals beyond the original ones of maintaining soil productivity and supporting farms and ranches. These goals include flood control, water quality improvement, cropland recovery, and general environmental protection.

As part of the 1939 Act, the legislature enacted three specific provisions calling for conservation districts to cooperate with municipalities and counties, state agencies, and with other districts. These three provisions are identified in SB273 in Section 1, subsection (2), on page 1, lines 16 and 17, as 76-15-316 (municipalities and counties), 76-15-317 (state agencies), and 76-15-318 (other conservation districts). The reference to 76-15-403 is to clarify the authority of conservation district supervisors to enter into intergovernmental agreements in the operation of conservation district projects and works.

There is not a specific provision in law calling for cooperation and coordination with federal land management agencies when actions affecting the district and within the district boundaries are being proposed by a federal land management agency.

It should be noted that in 1972 with the adoption of a new state constitution, Montana adopted a provision (Art. XI, Sec.7) not contained in the 1889 state constitution that allowed local governments to share services and functions with other units of local government, the state, and the United States. This bill at Section 2 adds the unaddressed component in the conservation district law that will meet the constitutional call for intergovernmental cooperation between the conservation districts and federal land management agencies.

Two resolutions were passed in the past five years directing MACD to work to encourage more communication and collaboration between conservation districts and federal agencies. This bill would aid in this effort.