

# FEDERAL LAND MANAGEMENT

## LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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## Background Materials and Research

**Topic Summary:** More than 29% of the land within Montana, about 27.4 million acres, is managed by federal agencies. Many of the nation's natural resources occur on these federally managed lands, including timber, grazing, forage, minerals, coal, oil and gas, water, and wildlife. Management of these lands can affect local economies, tax base, employment opportunities, public safety, the surrounding environment, and recreational opportunities. The Forest Service manages about 17 million acres in Montana. The Bureau of Land Management oversees 8 million acres of surface land and 37.8 million acres of subsurface minerals. Federal lands are not subject to local or state taxes. Congress has provided some ways to compensate state and local governments for tax revenue that the federal land would have generated in taxes.

In addition to management of the land, roads on federal land are often a topic of interest. Thousands of miles of roads provide access to natural resources, wildlife, and recreation.

Leaders and residents in many western states are often concerned with federal land management. States and local entities may influence decisions in several ways. Many land management decisions are subject to the National Environmental Policy Act, which requires federal agencies to integrate environmental considerations into the planning and decision-making process. Federal agencies required to comply with NEPA must do so in "in cooperation with State and local governments, and other concerned public and private organizations."

### Legislative Services Division Materials:

[Roads, Land, & Big Game Harvest, 2016](#)

[Evaluating Federal Land Management in Montana: An identification of significant risks, concerns, and solutions, 2014](#)

### Other Materials:

[PILT \(Payments in Lieu of Taxes\): Somewhat Simplified](#), Congressional Research Service, 2012

[Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention](#), Congressional Research Service, 2007

[Federal Land Management Agencies: Background on Land and Resource Management](#), Congressional Research Service, 2001

## Introduced Legislation

\*Chapter number assigned means bill was passed and approved.

### 2017

[HB 491](#) (S) Died in Standing Committee. AN ACT CREATING A PUBLIC LANDS DAY TO BE RECOGNIZED ON THE FIRST DAY OF MARCH.

[HJ 9](#) (H) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO RELEASE CERTAIN WILDERNESS STUDY AREAS IN MONTANA FROM CONSIDERATION FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

[HJ 11](#) (H) Died in Standing Committee. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EMPHASIZING THE VALUE OF PUBLIC LANDS IN MONTANA TO THE STATE'S ECONOMY, RECREATION, HERITAGE, AND QUALITY OF LIFE; AND OPPOSING ANY EFFORT TO CLAIM, TAKE OVER, CONVEY, OR SELL OFF FEDERAL LANDS WITHIN THE STATE OF MONTANA.

[HJ 13](#) (H) Died in Standing Committee. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE DEPARTMENT OF THE INTERIOR AND THE NATIONAL PARK SERVICE REQUIRE THAT NATIONAL PARK CONCESSIONAIRES PROVIDE HIRING PREFERENCES FOR LOCAL WORKERS.

[SB 342](#) Chapter Number Assigned. AN ACT ESTABLISHING GOOD NEIGHBOR FORESTRY ACCOUNTS; REQUIRING FEDERAL AND STATE FUNDS IN THE ACCOUNTS TO BE USED FOR FOREST MANAGEMENT ACTIVITIES PURSUANT TO THE GOOD NEIGHBOR POLICY ESTABLISHED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTION 76-13-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SJ 17](#) (S) Died in Standing Committee. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EMPHASIZING THE VALUE OF PUBLIC LANDS IN MONTANA TO THE STATE'S ECONOMY, RECREATION, HERITAGE, AND QUALITY OF LIFE; AND OPPOSING ANY EFFORT TO CLAIM, TAKE OVER, LITIGATE FOR, OR SELL OFF FEDERAL LANDS WITHIN THE STATE OF MONTANA.

### 2015

[HB 340](#) (H) Missed Deadline for Revenue Bill Transmittal. AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO FINE THE FEDERAL GOVERNMENT FOR FIRES ON CERTAIN FEDERAL LANDS THAT CONTRIBUTE TO EXCEEDANCE OF AIR QUALITY STANDARDS.

[HB 357](#) (H) Missed Deadline for General Bill Transmittal. AN ACT REQUIRING A STATE AGENCY TO ESTABLISH A COORDINATING RELATIONSHIP WITH A COUNTY GOVERNING BODY IF THE STATE AGENCY IS COORDINATING, COLLABORATING, OR COOPERATING WITH THE FEDERAL GOVERNMENT ON A PROPOSED LAND USE PLAN, POLICY, OR ACTION WITHIN A COUNTY.

[HB 496 \(H\) Vetoed by Governor](#). AN ACT ESTABLISHING THE PUBLIC LAND TASK FORCE TO STUDY THE MANAGEMENT RESPONSIBILITY FOR PUBLIC LAND CURRENTLY ADMINISTERED BY THE STATE OF MONTANA OR THE UNITED STATES, EXCEPT FOR CONGRESSIONALLY DESIGNATED WILDERNESS AREAS AND NATIONAL PARKS; REQUIRING A FINAL REPORT; APPROPRIATING FUNDS; PROVIDING EFFECTIVE DATES; AND PROVIDING A TERMINATION DATE.

[HB 510](#) Chapter Number Assigned. AN ACT FACILITATING IMPROVED LAND AND RESOURCE MANAGEMENT ON PUBLIC LANDS IN MONTANA TO AID LOCAL GOVERNMENTS IN REDUCING WILDFIRE RISK AND IMPROVING FOREST HEALTH ON FEDERAL LANDS; ESTABLISHING DUTIES FOR THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; PROVIDING STATE ASSISTANCE TO LOCAL GOVERNMENTS; GRANTING RULEMAKING AUTHORITY; ESTABLISHING A LOCAL GOVERNMENT FOREST ADVISOR; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

[HB 541](#) (H) Missed Deadline for General Bill Transmittal. AN ACT GENERALLY REVISING LAWS RELATED TO PROPERTY RIGHTS; REQUIRING A MAJORITY VOTE OF EACH HOUSE OF THE LEGISLATURE TO SELL SURFACE, MINERAL, OR WATER RIGHTS TO THE UNITED STATES, ANOTHER STATE, OR A FOREIGN GOVERNMENT; AMENDING SECTIONS 2-1-210, 2-1-211, 85-2-403, AND 87-1-711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[HJ 13](#) (H) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ROADS ON FEDERAL LAND, FEDERAL LAND PARCELS THAT ARE SURROUNDED BY PRIVATE LAND, AND THE EFFECTS OF DIMINISHED ACCESS ON RECREATIONAL OPPORTUNITIES.

[HJ 19](#) (H) Missed Deadline for General Bill Transmittal. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EMPHASIZING THE VALUE OF PUBLIC LANDS IN MONTANA TO THE STATE'S ECONOMY, RECREATION, HERITAGE, AND QUALITY OF LIFE; AND OPPOSING ANY EFFORT TO CLAIM, TAKE OVER, LITIGATE FOR, OR SELL OFF FEDERAL LANDS WITHIN THE STATE OF MONTANA.

[SB 215](#) (S) Missed Deadline for General Bill Transmittal. AN ACT PROHIBITING FUTURE SALES OF LAND GRANTED OR TRANSFERRED TO THE STATE; AMENDING SECTION 77-2-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 274](#) (S) Missed Deadline for General Bill Transmittal. AN ACT PROHIBITING THE SALE OF FEDERAL LAND IN MONTANA; REPEALING SECTIONS 77-2-401, 77-2-402, AND 77-2-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 298](#) Chapter Number Assigned. AN ACT REQUIRING THE ATTORNEY GENERAL TO PURSUE REIMBURSEMENT OF MONEY OWED TO MONTANA PURSUANT TO THE ENABLING ACT;

DEPOSITING RECOVERED FUNDS IN THE PERMANENT FUND FOR THE SUPPORT OF COMMON SCHOOLS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 323](#) (S) Missed Deadline for General Bill Transmittal. AN ACT REQUIRING STATE INTERVENTION IN LITIGATION THAT DELAYS FEDERAL FOREST MANAGEMENT PROJECTS WHERE THE DELAY CAUSES ECONOMIC HARM, ENDANGERS INFRASTRUCTURE, OR THREATENS THE HEALTH, SAFETY, AND WELFARE OF CITIZENS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-501, 76-13-104, 76-13-154, AND 76-13-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 348](#) (S) Missed Deadline for General Bill Transmittal. AN ACT REVISING STATE CONSENT FOR THE PURCHASE OF LAND FOR NATIONAL FOREST PURPOSES; REQUIRING COUNTY AND LEGISLATIVE APPROVAL; AMENDING SECTION 2-1-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

## 2013

[HB 169](#) Chapter Number Assigned. AN ACT ALLOWING A LOCAL GOVERNING BODY TO USE OR MODIFY A GROWTH POLICY FOR THE PURPOSES OF COORDINATING AND COOPERATING WITH FEDERAL LAND MANAGEMENT AGENCIES; AND AMENDING SECTION 76-1-601, MCA.

[HJ 8](#) (H) Died in Standing Committee. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE FEDERAL FOREST JOBS AND RECREATION ACT OF 2011.

[SB 217](#) Chapter Number Assigned. AN ACT REVISING LAWS RELATED TO WATERSHEDS AND CATASTROPHIC FIRES; FINDING THAT WATERSHEDS AND THE DRINKING WATER SUPPLIES OF MANY MONTANA COMMUNITIES ARE AT RISK FROM CATASTROPHIC FIRES IN FEDERALLY MANAGED WATERSHEDS; DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ANALYZE FOREST LAND FOR POTENTIAL ZONES OF INFESTATION AND ADVOCATE FOR AUTHORITY TO CONDUCT WATERSHED RESTORATION AND PROTECTION SERVICES ON FEDERAL LAND; AUTHORIZING THE ATTORNEY GENERAL TO INTERVENE IN LITIGATION OF FEDERAL FOREST MANAGEMENT PROJECTS; AND AMENDING SECTIONS 76-13-301, 76-13-303, 76-13-701, AND 76-13-702, MCA.

[SJ 15](#) (S) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY EVALUATING THE MANAGEMENT OF CERTAIN FEDERAL LANDS, ASSESSING RISKS, AND IDENTIFYING SOLUTIONS.

## 2011

[HB 506](#) (H) Died in Standing Committee. AN ACT REQUIRING COMPLIANCE WITH THE UNITED STATES CONSTITUTION REGARDING FEDERALLY OWNED LANDS IN MONTANA; DIRECTING THE BOARD OF LAND COMMISSIONERS TO ACQUIRE FEDERAL LANDS NOT LEGALLY OBTAINED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HJ 4](#) (H) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE DESIGNATION OF NATIONAL

MONUMENTS IN MONTANA WITHOUT THE CONSENT OF THE MONTANA LEGISLATURE AND THE GOVERNOR.

[SJ 6](#) (S) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO EXPEDITE THE FEDERAL LAND USE DECISION PROCESSES IN MONTANA, TO RECOGNIZE THE IMPORTANCE OF TRADITIONAL MULTIPLE RESOURCE USES ON FEDERAL LANDS, NOT TO IMPOSE RESTRICTIONS ON ADDITIONAL FEDERAL LAND OR MINERALS THAT WOULD PRECLUDE DEVELOPMENT, AND TO SUPPORT FEDERAL LEGISLATION PLACING CHECKS AND BALANCES ON THE PRESIDENT'S POWERS TO DECLARE NATIONAL MONUMENTS.

## 2009

[HB 43](#) (H) Died in Standing Committee. AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR PARTICIPATION IN FEDERAL FOREST MANAGEMENT PLANNING ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.

[HB 44](#) Chapter Number Assigned. AN ACT REVISING THE REQUIREMENTS FOR THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION'S PARTICIPATION IN FEDERAL FOREST MANAGEMENT PLANNING; AMENDING SECTION 76-13-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 45](#) Chapter Number Assigned. AN ACT REVISING THE LAWS GOVERNING THE DISTRIBUTION OF FEDERAL FOREST RESERVE FUNDS TO COMPLY WITH FEDERAL LAW; AMENDING SECTIONS 17-3-211, 17-3-212, AND 17-3-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 139](#) Chapter Number Assigned. ACT ALLOWING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO INTERVENE IN LITIGATION OR APPEALS ON FEDERAL FOREST MANAGEMENT PROJECTS IF THE DEPARTMENT DETERMINES THERE IS A SIGNIFICANT THREAT TO PUBLIC HEALTH AND SAFETY; AMENDING SECTION 76-13-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 600](#) (H) Died in Standing Committee. AN ACT PROVIDING FOR THE ACCEPTANCE OF RIGHTS-OF-WAY GRANTED BY THE FEDERAL GOVERNMENT; PROVIDING FOR ACCEPTANCE BY STATUTORY ACKNOWLEDGMENT OR BY USE; PROVIDING FOR PROOF OF USE OF RIGHTS-OF-WAY; CREATING A PRIVATE RIGHT OF ACTION FOR THE PROOF OR PROTECTION OF ACCEPTED RIGHTS-OF-WAY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HJ 7](#) (H) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE IMMEDIATE MODIFICATION OF INEFFECTIVE FEDERAL LAND MANAGEMENT AND WILDFIRE POLICIES IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF MONTANA'S COMMUNITIES.

[SB 111](#) Chapter Number Assigned. AN ACT CLARIFYING THAT THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION MAY ENGAGE IN WILDFIRE INITIAL ATTACK; AMENDING SECTION 76-13-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SJ 13](#) (S) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA COMMEMORATING THE CENTENNIAL OF GLACIER NATIONAL PARK.

[SJ 19](#) (S) Filed with Secretary of State. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE U.S. FISH AND WILDLIFE SERVICE TO MANAGE THE CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE IN A MANNER THAT IS CONSISTENT WITH THE ENABLING LEGISLATION AND WITH LOCAL MONTANA NEEDS AND VALUES; AND REQUESTING BETTER COMMUNICATION WITH SURROUNDING CONSERVATION DISTRICTS.

[SJ 21](#) (H) Died in Standing Committee. A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RELATING TO THE U.S. FOREST SERVICE GALTON STUDY AREA.

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