

## 1 HOUSE BILL NO. 436

2 INTRODUCED BY A. OLSON, ANDERSEN, BALES, BARRETT, HURWITZ, JACKSON, KEANE, LAIBLE,  
3 LAKE, LAMBERT, LANGE, LASZLOFFY, LEHMAN, LINDEEN, MAEDJE, MATTHEWS, MCNUTT,  
4 B. OLSON, RICE, RIPLEY, ROBERTS, ROME, ROSS, STEINBEISSER, STOKER, B. THOMAS, WAGMAN,  
5 FORRESTER, GILLAN  
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING COMPLIANCE WITH THE MONTANA  
8 ENVIRONMENTAL POLICY ACT FOR STATE LAND LEASES THAT ARE SUBJECT TO FURTHER  
9 PERMITTING REQUIREMENTS; AMENDING SECTION 77-1-121, MCA; AND PROVIDING AN IMMEDIATE  
10 EFFECTIVE DATE."  
11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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14 **Section 1.** Section 77-1-121, MCA, is amended to read:

15 **"77-1-121. Environmental review -- exemptions.** (1) (a) The Except as provided in subsection (1)(b),  
16 the department and board are required to comply with the provisions of Title 75, chapter 1, parts 1 and 2, when  
17 implementing provisions within Title 77 only if the department is actively proposing to issue a sale, exchange,  
18 right-of-way, easement, placement of improvement, lease, license, or permit, or is acting in response to an  
19 application for an authorization for such a proposal.

20 (b) The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when  
21 issuing any lease that expressly states that the lease is subject to further permitting under any of the provisions  
22 of Titles TITLE 75 and OR 82.

23 (2) Except for rulemaking and as provided in subsection (1), the department and board are otherwise  
24 exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within Title 77,  
25 including but not limited to the issuance of lease renewals. The department and board do not have an obligation  
26 to comply with the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within Title 77  
27 if the department or board chooses not to take any action, even though either may have the authority to take an  
28 action.

29 (3) The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when  
30 taking actions, including preparing plans or proposals, in relation to and in compliance with the following local

1 government actions:

2 (a) development or adoption of a growth policy or a neighborhood plan pursuant to Title 76, chapter 1;

3 (b) development or adoption of zoning regulations;

4 (c) review of a proposed subdivision pursuant to Title 76, chapter 3;

5 (d) actions related to annexation;

6 (e) development or adoption of plans or reports on extension of services; and

7 (f) other actions that are related to local planning."

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

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