

SENATE BILL NO. 111

INTRODUCED BY L. LARSON

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FIRE SUPPRESSION ACTIVITIES FROM REVIEW UNDER THE MONTANA ENVIRONMENTAL POLICY ACT; AMENDING SECTION 75-1-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Department exempt from Montana Environmental Policy Act review when suppressing fire. (1) The department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when engaging in fire suppression pursuant to part 2 and this part.

(2) For the purposes of this section, "fire suppression" means work and activities connected with control and fire-extinguishing operations, beginning with discovery of the fire and continuing until the fire is completely extinguished.

Section 2. Section 75-1-104, MCA, is amended to read:

"75-1-104. Specific statutory obligations unimpaired -- exemption from act. (1) Sections 75-1-103 and 75-1-201 do not affect the specific statutory obligations of any agency of the state to:

(1)(a) comply with criteria or standards of environmental quality;
(2)(b) coordinate or consult with any local government, other state agency, or federal agency; or
(3)(c) act or refrain from acting contingent upon the recommendations or certification of any other state or federal agency.

(2) The provisions of part 2 and this part do not apply to the department of natural resources and conservation when the department is engaging in fire suppression, as provided in [section 1].

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 1].

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2 NEW SECTION. **Section 4. Effective date.** [This act] is effective June 1, 2007.

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