

## Montana Environmental Policy Act (MEPA) Legislative History 1971-2013

Date	Bill Number	Bill Sponsor	Bill Title/Description	MEPA amended section(s)	Passed or Failed
<b>42ND LEGISLATURE</b>					
1971	<a href="#">HB 66</a>	George Darrow (R)	Establish a state policy for the environment and establish an Environmental Quality Council (EQC) and set forth its powers and duties.	Enacts sections 69-6501 to 69-6517 RCM 1947	Passed
1971	<a href="#">HB 600</a>	George Darrow (R)	Provide funding for the EQC.		Passed
<b>EXTRAORDINARY SESSION</b>					
1971	HB 35	George Darrow (R)	Appropriate \$7,500 to the EQC for the remainder of the biennium to implement the provisions of MEPA.		Failed
1971	HB 36	George Darrow (R)	Appropriate \$87,500 for the operation of the EQC.		Failed
<b>43RD LEGISLATURE</b>					
1974	HB 632	Lloyd Lockrem (R)	Provide for economic impact statements for certain proposed legislation and other state actions.		Failed
1974	HB 882	Arthur Shelden (D)	Amend MEPA to require state agencies to adopt fees for EISs.		Failed
1974	HJR 73	Bob Brown (R)	Provide for adequate representation of economic aspects of the total human environment.		Passed
<b>44TH LEGISLATURE</b>					
1975	HB 340	Arthur Shelden (D)	Authorize state agencies to adopt rules imposing a fee to be paid by an applicant for a lease, permit, contract license, or certificate when an agency is required to compile an EIS.	Enacts section 69-6518 RCM 1947	Passed
1975	HB 401	Tom Hager (R)	Revise EQC members' terms, make Governor's representative nonvoting. Public members appointed by the Legislature rather than the Governor.	Amends sections 69-6508 and 69-6509 RCM 1947	Passed
1975	SB 332	Carroll Graham (D)	Repeal MEPA.		Failed
<b>45 TH LEGISLATURE</b>					
1977	HB 57	Robert Marks (R)	Make consistent the statutes on the compensation and expenses paid to legislators.	Amends section 69-6510 RCM 1947	Passed
1977	HB 592	Peter Michael Meloy (D)	Amend MEPA, specify the duties of the Governor concerning environmental affairs; expand MEPA authority similar to that of NEPA..		Failed
1977	HB 662	Dennis Nathe (R)	Environmental Policy Planning and Legislation Study; redefine role of the EQC and coordinate environmental planning.		Failed
1977	SB 82	Frank Dunkle (R)	Revise EQC membership; remove public members.		Failed

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1977	SB 247	Harold Dover (R)	Delete the option of state agencies to charge fees for EISs.		Failed
1977	SB 302	George Roskie (R)	Specify that MEPA does not expand the decisionmaking authority of state agencies.		Failed
1977	SB 314	Tom Hager (R)	Change method of filling vacancies on the EQC; have vacancy filled in same manner as original appointment instead of by Governor.		Failed
1977	SB 388	Tom Hager (R)	Amend MEPA to clarify state agency duties in environmental decision-making and provide judicial review.		Failed
1977	SJR 14	Peter Story (R)	Reduce the cost and duplication in the EIS process.		Passed
Revised Codes of Montana (RCMs) changed to Montana Code Annotated (MCAs)					
46TH LEGISLATURE					
1979	HB 680	Oscar Kvaalen (R)	Retain MEPA; abolish the EQC.		Failed
1979	HB 815	Dennis Nathe (R)	Exempt the Department of Public Service Regulation, in the exercise of its regulatory authority over rates, from the requirements of MEPA.	Amends section 75-1-201, MCA	Passed
1979	SB 246	Tom Hager (R)	Remove public members and Governor from the EQC. Change name.		Failed
1979	SB 506	George Roskie (R)	Prohibit expansion of agency decision-making authority; authorize the EQC to review legislation for potential impacts.		Failed
47TH LEGISLATURE					
1981	HB 682	Dan Kemmis (D)	Abolish the EQC.		Failed
1981	SB 282	Harold Dover (R)	Establish a legislative energy and natural resources policy review committee; expand role of the EQC as adjudicator of complaints on resource issues.		Failed
48TH LEGISLATURE					
1983	HB 489	Francis Bardanouve (D)	Revise existing code language to conform to Treasury Fund structure terminology.	Amends section 75-1-205, MCA	Passed
1983	SB 368	Gary Lee (R)	Amend MEPA to explicitly state that it does not expand agency authority beyond existing authorizations otherwise possessed by boards, commissions, and agencies of the state.		Failed
1983	SB 406	Delwyn Gage (R)	Exempt the DHES from MEPA in its review of subdivisions; require the department to consider the EAs submitted to local governments by developers under the Montana Subdivision and Platting Act.		Failed
1983	SJR 20	Gary Lee (R)	Request the EQC to conduct an interim study of MEPA; focus primarily on whether or not MEPA should expand agency authority to deny or condition permits because of adverse environmental impacts.		Failed

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49TH LEGISLATURE					
1985	SB 410	Thomas Keating (R)	Declare that the issuance of a permit to drill an oil or gas well is not a major action under the provisions of MEPA.		Failed
50TH LEGISLATURE					
1987	HB 830	Nancy Keenan (D)	Exempt environmental reviews from small miner confidentiality provision.		Failed
1987	HB 879	John Cobb (R)	Appropriation for a programmatic review of the environmental impacts of oil and gas drilling.		Failed
1987	SB 184	Larry Tveit (R)	Exempt the issuance of oil and gas drilling permits from MEPA until a programmatic environmental statement is adopted.	Amends section 75-1-201, MCA	Passed
51ST LEGISLATURE					
1989	SB 201	Thomas Keating (R)	Extend the exemption of oil and gas drilling permits from MEPA until December 31, 1989, the date by which the board must adopt a programmatic EIS.	Amends section 75-1-201, MCA	Passed
1989	SB 327	Thomas Keating (R)	Exempt certain state actions from MEPA; allow agencies to find on a case-by-case basis that an exempted action or combination of actions is a major action significantly affecting the quality of the human environment; require agencies to adopt this finding as a declaratory ruling pursuant to the MAPA.		Failed
52ND LEGISLATURE					
1991	HB 231	John Cobb (R)	Establish a process for delivering reports to the Legislature.	Amends section 75-1-203, MCA.	Passed
1991	HB 576	Hal Harper (D)	Require an environmental review prior to the transplation or introduction of a fish species.		Passed
53RD LEGISLATURE					
1993	HB 599	Duane Grimes (R)	Clarify that the Department of State Lands may not prepare an EIS for an operating permit that will not, as modified by mitigation requirements agreed to by an applicant, significantly affect the quality of the environment.		Failed
1993	SB 253	Delwyn Gage (R)	Abolish the EQC and transfer some of its duties to Legislative Services.		Failed
1993	SB 320	Henry McClerman (R)	Exempt certain actions from MEPA that involve an amendment to a hard-rock mine operating permit.		Passed
1993	SB 384	J.D. Lynch (D)	Revise statutes governing reports to the Legislature; remove the requirement for the EQC to transmit a state of the environment report to the Legislature, the Governor, and the public.	Amends sections 75-1-203 and 75-1-324, MCA	Passed

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54TH LEGISLATURE					
1995	HB 274	Douglas Wagner (R)	Exempt certain emergency and limited access opportunity timber sales from MEPA.		Passed
1995	SB 231	Ken Mesaros (R)	Revise the purpose and policy of MEPA to include private property right considerations and the impacts of state government actions.	Amends sections 75-1-102, 75-1-103, and 75-1-201, MCA	Passed
1995	SB 234	Lorents Grosfield (R)	Reorganize the state's natural resource agencies.	Amends section 75-1-201, MCA	Passed
1995	SB 288	Thomas Keating (R)	Clarify the burden of proof for actions in which an agency determines not to conduct an EIS; exempt the Legislature from the provisions of MEPA.	Amends section 75-1-201, MCA	Passed
1995	SB 347	William Crismore (R)	Authorize the DSL (now DNRC) to negotiate reciprocal access to facilitate the management of isolated state forest lands.		Passed
1995	SB 398	Delwyn Gage (R)	Generally revise the laws governing the Legislative Branch; eliminate the position of Executive Director and create the position of Legislative Environmental Analyst within the Legislative Services Division; move the duties of the staff to the Council.	Amends sections 75-1-201, 75-1-323, and 75-1-324, MCA. Repeals sections 75-1-321 and 75-1-322, MCA	Passed
55TH LEGISLATURE					
1997	HB 132	Dick Knox (R)	Require the Departments of Environmental Quality, Agriculture, and Natural Resources and Conservation to report specific compliance and enforcement information to the EQC.	Enacts section 75-1-314, MCA	Passed
1997	HB 344	Ray Peck (D)	Revise the procedures for University System land transactions and clarify that proposed transactions must comply with MEPA and the Montana antiquities laws.		Passed
1997	HB 475	John Cobb (R)	Require the DEQ to assess the use of microbes in EISs for metal mines.		Failed
1997	HB 607	Larry Grinde (R)	Provide for the issuance of historic right-of-way deeds by the DNRC.		Passed
1997	SB 334	Lorents Grosfield (R)	Implement Article IX, section I of the Montana Constitution and provide balancing criteria for an agency to determine mitigation of significant impacts.		Failed
56TH LEGISLATURE					
1999	<a href="#">HB 142</a>	Shiell Anderson (R)	Clarify the treatment of a transfer of ownership under MEPA; limit a court's scope of review for an action or challenge that an environmental statement or review is not required or is inadequate.	Amends section 75-1-201, MCA	Passed

Date	Bill Number	Bill Sponsor	Bill Title/Description	MEPA amended section(s)	Passed or Failed
1999	<a href="#">HB 346</a>	Bob Raney (D)	Require that state agencies with the responsibility of issuing a permit, lease, license, contract, or certificate for which an EIS is required provide an annual summary of compliance with mitigation measures, etc.		Failed
1999	<a href="#">SB 11</a>	Mike Halligan (D)	Generally revise the functions of interim committees. Add new EQC duty to "perform the administrative rule review, program evaluation, and monitoring functions " for the DEQ, DNRC and DFWP.	Amends section 75-1-324, MCA	Passed
1999	<a href="#">SB 64</a>	Arnie Mohl (R)	Exempt the transfer of permits for portable emission sources from MEPA.		Passed
1999	<a href="#">SB 413</a>	Duane Grimes (R)	Revise various aspects of MEPA; provide definitions; clarify the requirement that state agencies identify and develop methods and procedures that ensure that presently quantified environmental amenities and values may be given appropriate consideration in decisionmaking; require the director of a state agency commenting on a proposed action to determine the significance of the proposed action; clarify the treatment of a transfer of ownership; limit a court's scope of review for an action or challenge that an environmental statement or review is not required or that the statement or review is inadequate; require an EIS contractor to post a performance bond.		Failed
1999	<a href="#">SJR 18</a>	Bea McCarthy (D)	Request that the EQC conduct a study on MEPA.		Passed
57TH LEGISLATURE					
2001	<a href="#">HB 147</a>	Rick Dale (R)	Require the DEQ to complete and publish a final EIS at least 15 days prior to the date of issuance of the written findings on a permit application.		Passed
2001	<a href="#">HB 459</a>	Doug Mood (R)	Revise MEPA; provide criteria for the analysis of project alternatives; and provide definitions.	Amends section 75-1-201, MCA	Passed
2001	<a href="#">HB 473</a>	Cindy Younkin (R)	Clarify that actions subject to MEPA may not be conditioned beyond statutory or regulatory requirements.	Amends section 75-1-201, MCA	Passed
2001	<a href="#">HB 477</a>	Dave Kasten (R)	Prohibit the use of an applicant's property or assets in the calculation of fees assessed for the production of an environmental impact statement.	Amends section 75-1-203, MCA	Passed
2001	<a href="#">HB 591</a>	Dennis Himmelberger (R)	Revise MFSA and qualify the use of related MEPA documents.		Failed
2001	<a href="#">SB 33</a>	Bea McCarthy (D)	Clarify existing law to require that new issues not first presented to a state agency in a action challenging a decision under MEPA must be remanded by the District Court to the agency for its consideration.	Amends section 75-1-201, MCA	Passed

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2001	<a href="#">SB 376</a>	Bob Depratu (R)	Exempt certain actions of the DNRC and the Board of Land Commissioners from MEPA environmental review requirements.		Passed
2001	<a href="#">SB 377</a>	Duane Grimes (R)	Revise MEPA; provide time limits and procedures for conducting environmental reviews; provide definitions; provide that legal challenges to actions under MEPA may only be brought in district court or federal court within 60 days of a final agency action; and provide an exception to the permitting time limits if board review of certain agency decisions is requested.	Amends sections 75-1-201, 75-2-211, and 75-2-218, MCA	Passed
2001	<a href="#">SB 408</a>	Bea McCarthy (D)	Agency director endorsement and project sponsor review of significance determination under MEPA.	Amends section 75-1-201, MCA	Passed
2001	<a href="#">SJR 3</a>	Bea McCarthy (D)	Request that the EQC conduct an interim study of MEPA.		Failed
<b>58TH LEGISLATURE</b>					
2003	<a href="#">HB 142</a>	Ronald Devlin (R)	Require the state official responsible for the preparation of an EIS to consult with any local government that may be directly impacted by a project	Amends sections 75-1-104 and 75-1-201, MCA	Passed
2003	<a href="#">HB 175</a>	Paul Clark (D)	Clarify the executive branch oversight duties of the EQC.	Amends section 75-1-324, MCA	Passed
2003	<a href="#">HB 427</a>	Gail Gutsche (D)	Revise air quality laws and related MEPA requirements.		Passed
2003	<a href="#">HB 436</a>	Alan Olson (R)	Exempt certain leases subject to permitting from MEPA review.		Passed
2003	<a href="#">HB 437</a>	Alan Olson (R)	Revise laws governing the environment; and provide that the enactment of certain legislation (including MEPA) is the legislative implementation of Article II, section 3 and Article IX of the Montana Constitution.	Amends sections 75-1-102 and 75-1-103, MCA	Passed
2003	<a href="#">HB 443</a>	Michael Lange (R)	Revise MFSA and related MEPA requirements.		Passed
2003	<a href="#">SB 78</a>	Bea McCarthy (D)	Clarify that a Board of Land Commissioners or a DNRC action under Title 77, MCA, becomes a final agency action under MEPA.	Amends section 75-1-201, MCA	Passed
2003	<a href="#">SB 392</a>	Keith Bales (R)	Clarify that FWP management plans are subject to the provisions of MEPA.		Passed
<b>59TH LEGISLATURE</b>					
2005	<a href="#">HB 51</a>	Alan Olson (R)	Clarify the definition of cumulative impacts as it relates to consideration of future actions under MEPA.		Failed
2005	<a href="#">HB 394</a>	Paul Clark (D)	Create Fish and Wildlife Protection Act; condition permits if significant impacts are documented in an environmental review.		Failed

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2005	<a href="#">HB 470</a>	Paul Clark (D)	Require applicants to pay costs and fees for preparation of EISs.	Amends sections 75-1-202, 75-1-205, 75-1-207, and 75-1-208, MCA	Passed
2005	<a href="#">SB 281</a>	Carol Williams (D)	Provide that an agency may impose conditions on a permit, project, or other authority to act based on the impacts identified in an environmental review.		Failed
60TH LEGISLATURE					
2007	<a href="#">HB 610</a>	Jim Keane (D)	Identify environmental reviews as planning documents only and not subject to an action or proceeding challenging the action.		Failed
2007	<a href="#">HB 754</a>	Debby Barrett (R)	Revise MEPA, require a project sponsor to conduct the environmental review, prohibit certain court actions and eliminate fees.		Failed
2007	<a href="#">SB 111</a>	Lane Larson (D)	Exempt DNRC fire suppression activity from MEPA review.		Failed
2007	<a href="#">SB 448</a>	Dave Wanzenried (D)	Add customer fiscal impact analysis to items that may be required in and EIS.	Amends 75-1-201 and 75-1-205, MCA.	Passed
61ST LEGISLATURE					
2009	<a href="#">HB 37</a>	Margarett Campbell (D)	Modernize Montana Code Annotated.	Amends 75-1-312, MCA	Passed
2009	<a href="#">HB 75</a>	Kendall Van Dyk (D)	Revise environmental rehabilitation and response account use.	Amends 75-1-110, MCA	Passed
2009	<a href="#">HB 418</a>	Edward Butcher (R)	Authorize equine slaughter facilities and prohibits challenges based on environmental laws.	Amends 75-1-201, MCA	Passed
2009	<a href="#">HB 529</a>	Llew Jones (R)	Revise environmental review laws related to energy development projects.		Passed
2009	<a href="#">HB 566</a>	Llew Jones (R)	Limit remedy for an agency's failure to comply with MEPA.		Failed
2009	<a href="#">HB 593</a>	Dan Villa (D)	Provide requirements for mine and smelter waste remediation projects.	Amends 75-1-110, MCA	Passed
2009	<a href="#">SB 7</a>	Kelly Gebhardt (R)	Code Commissioner bill.	Amends 75-1-110 and 75-1-220, MCA	Passed
2009	<a href="#">SB 417</a>	Jim Keane (D)	Revise environmental impact laws to provide that an analysis is a planning document only and prohibiting certain challenges		Failed
2009	<a href="#">SB 440</a>	Kelly Gebhardt (R)	Exempt air quality permits from MEPA review.		Failed
2009	<a href="#">SB 451</a>	Dave Wanzenried (D)	Repeal megalandfill siting laws.	Amends 75-1-208, MCA	Passed



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2009	<a href="#">SB 473</a>	Aubyn Curtiss (R)	Revise conservation easement laws and authorize review of conservation easements by the EQC.		Failed
2009	<a href="#">SB 481</a>	Greg Barkus (R)	Exempt economic stimulus projects from MEPA		Failed
2009	<a href="#">SB 502</a>	Jim Keane (D)	Environmental impact ombudsman		Failed
2009	<a href="#">SB 507</a>	Bob Story (R)	Exempt certain DNRC leases, licenses or easements for navigable rivers from MEPA (lawsuit)		Passed
62ND LEGISLATURE					
2011	<a href="#">HB 225</a>	Jeffrey Welborn (R)	Provide a qualified exemption from MEPA when DFWP acts as a snowmobile area operator or awards funding to snowmobile area operators if the action or award has been previously subject to MEPA.		Passed
2011	<a href="#">HB 232</a>	Pat Connell (R)	Revise MEPA for local government consult		Failed
2011	<a href="#">HB 541</a>	Jeffrey Welborn (R)	Prohibit DFWP from regulating domestic livestock trailing as a commercial activity and exempts domestic livestock trailing from MEPA.		Passed
2011	<a href="#">SB 35</a>	Bradley Hamlett (D)	Exempts an authorization for a lease, license or easement for the historic use of a navigable river bed.		Passed
2011	<a href="#">SB 206</a>	Llew Jones (R)	Revise MFSA to require the DEQ to examine a 1-mile-wide facility siting corridor along the facility route when conducting a review in accordance with MEPA. Exempt siting modifications within the facility siting corridor from MEPA and require facilities to be sited in federally designated energy corridors when compatible with other siting and reliability requirements.		Passed
2011	<a href="#">SB 233</a>	Jim Keane (D)	Revise the intent of an environmental impact analysis and environmental assessments under MEPA and clarify that alternatives included in an alternatives analysis are discretionary. Outline requirements for state-sponsored and private projects in an environmental review. Require that the scope of an environmental review is only within Montana's borders and limits the procedures for legal challenges under MEPA to remand, with additional legal contingencies.		Passed
2011	<a href="#">SB 312</a>	Chas Vincent (R)	Revise metal mine reclamation laws to require draft permits be issued for complete and compliant applications. Change time lines for mine permitting under MEPA.		Passed
2011	<a href="#">SB 317</a>	Chas Vincent (R)	Generally revise MEPA; clarify provisions are procedural only.		Failed
2011	<a href="#">SB 416</a>	Carol Williams (D)	Restore the balance and protections under MEPA; revise challenge procedure.		Failed



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63RD LEGISLATURE					
2013	<a href="#">HB 24</a>	Duane Ankney (R)	Create a State Parks and Recreation Board to set policies for management of state parks, primitive parks, state recreational areas, public camping groups, state historic sties, state monuments, and other heritage and recreational resources.	Amends 75-1-220, MCA	Passed
2013	<a href="#">HB 256</a>	Brian Hoven (R)	Require the DEQ to provide a written notice of the availability of a draft environmental review to property owners within the 1-mile-wide facility siting corridor identified as the department's preferred alternative for certain facilities (transmission lines and pipelines) under the MFSA.		Passed
2013	<a href="#">HB 513</a>	Bill McChesney (D)	Exempt over size loads from MEPA review when existing roads through existing rights-of-way are used.		Passed
2013	<a href="#">SB 155</a>	Chas Vincent (R)	Require EIS for certain DFWP land acquisitions.		Failed
2013	<a href="#">SB 214</a>	Mike Phillips (D)	Revise environmental review process to include analysis of impact beyond Montana.		Failed
2013	<a href="#">SB 249</a>	Debby Barrett (R)	Require the Fish and Wildlife Commission to comply with and ensure that the DFWP implements the provisions of state wildlife management plans that are adopted following an environmental review.		Passed
2013	<a href="#">SB 321</a>	Fred Thomas (R)	Revise laws related to the initiative process. Require EQC to conduct public hearings.		Failed
2013	<a href="#">SB 344</a>	Chas Vincent (R)	Public scoping process for certain DFWP land acquisitions.		Failed
2013	<a href="#">SB 369</a>	Tom Facey (D)	Revise laws related to state land cabin and home sites. Exempt sale of cabin or home site lots from MEPA.		Passed

## Acronyms

DEQ Montana Department of Environmental Quality  
 DFWP Montana Department of Fish, Wildlife and Parks  
 DHES Montana Department of Health and Environmental Sciences  
 DNRC Montana Department of Natural Resources and Conservation  
 DSL Montana Department of State Lands

EA Environmental Assessment  
 EIS Environmental Impact Statement  
 EQC Environmental Quality Council  
 FEIS Final Environmental Impact Statement

MAPA Montana Administrative Procedures Act  
 MFSA Montana Major Facility Siting Act

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