

1 HOUSE BILL NO. 85
2 INTRODUCED BY M. MALONE
3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE LAND BOARD AND THE DEPARTMENT OF
6 NATURAL RESOURCES AND CONSERVATION FROM ENVIRONMENTAL REVIEW FOR CERTAIN
7 IMPROVEMENTS RELATED TO AGRICULTURE AND GRAZING LEASES ON STATE TRUST LANDS;
8 AMENDING SECTION 77-1-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 **Section 1.** Section 77-1-121, MCA, is amended to read:

13 **"77-1-121. Environmental review compliance -- exemptions.** (1) Except as provided in 77-1-122,
14 77-1-1112, and subsection (2) of this section, the department and board are required to comply with the
15 provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within this title only if the
16 department is actively proposing a sale or exchange or to issue a right-of-way, easement, placement of
17 improvement, lease, license, or permit or is acting in response to an application for an authorization for a
18 proposal.

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

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

Amendment - 2nd Reading/2nd House-tan - Requested by: Shannon O'Brien - (S) Committee of Whole

- 2023

68th Legislature 2023

Drafter: Trevor Graff, 406-444-4975

HB0085.002.004

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

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

6 (b) development or adoption of zoning regulations;

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

8 (d) actions related to annexation;

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

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

11 (5) The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2,
12 when authorizing the following actions related to AGRICULTURAL OR GRAZING leases under Title 77, chapter 6,
13 part 1:

14 (a) the repair, maintenance, or replacement of infrastructure *that is similar in size and impact;*

15 (b) water developments that have a de minimis impact on the environment, including but not
16 limited to placement of stockwater tanks and pipeline; and

17 (c) routine herbicide applications."

18

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

20

- END -