

1 HOUSE BILL NO. 971
2 INTRODUCED BY J. KASSMIER, M. REGIER, M. BINKLEY, T. SMITH, G. PARRY, P. GREEN
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE ENVIRONMENTAL POLICY ACT;
5 CLARIFYING AND EXCLUDING THE USE OF GREENHOUSE GAS EVALUATIONS; PROVIDING AN
6 APPROPRIATION; AMENDING SECTION 75-1-201, MCA; AND PROVIDING AN IMMEDIATE ~~EFFECTIVE~~
7 ~~DATE~~ DATES AN IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 NEW SECTION. Section 1. Exemption from environmental review. ~~In conformance with 75-2-102,~~
12 ~~the department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when authorizing permits,~~
13 ~~amendments, revisions, modifications, or any other proposed actions pursuant to this chapter.~~

14
15 NEW SECTION. Section 2. Exemption from environmental review. ~~In conformance with 82-4-102,~~
16 ~~the department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when authorizing permits,~~
17 ~~amendments, revisions, modifications, or any other proposed actions pursuant to this part.~~

18
19 NEW SECTION. Section 3. Exemption from environmental review. ~~In conformance with 82-4-202,~~
20 ~~the department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when authorizing permits,~~
21 ~~amendments, revisions, modifications, or any other proposed actions pursuant to this part.~~

22
23 NEW SECTION. Section 4. Exemption from environmental review. ~~In conformance with 82-4-301,~~
24 ~~the department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when authorizing permits,~~
25 ~~amendments, revisions, modifications, or any other proposed actions pursuant to this part.~~

26
27 NEW SECTION. Section 5. Exemption from environmental review. ~~In conformance with 82-4-402,~~

Amendment - 2nd Reading-yellow - Requested by: Joshua Kassmier - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

HB0971.002.001

1 ~~the department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when authorizing permits,~~
2 ~~amendments, revisions, modifications, or any other proposed actions pursuant to this part.~~

3

4 **Section 1.** Section 75-1-201, MCA, is amended to read:

5 **"75-1-201. General directions -- environmental impact statements.** (1) The legislature authorizes
6 and directs that, to the fullest extent possible:

7 (a) the policies, regulations, and laws of the state must be interpreted and administered in
8 accordance with the policies set forth in parts 1 through 3;

9 (b) under this part, all agencies of the state, except the legislature and except as provided in
10 subsections (2) and (3), shall:

11 (i) use a systematic, interdisciplinary approach that will ensure:

12 (A) the integrated use of the natural and social sciences and the environmental design arts in
13 planning and in decisionmaking for a state-sponsored project that may have an impact on the Montana human
14 environment by projects in Montana; and

15 (B) that in any environmental review that is not subject to subsection (1)(b)(iv), when an agency
16 considers alternatives, the alternative analysis will be in compliance with the provisions of subsections
17 (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(II) and, if requested by the project sponsor or if determined by the agency to be
18 necessary, subsection (1)(b)(iv)(C)(III);

19 (ii) identify and develop methods and procedures that will ensure that presently unquantified
20 environmental amenities and values may be given appropriate consideration in decisionmaking for state-
21 sponsored projects, along with economic and technical considerations;

22 (iii) identify and develop methods and procedures that will ensure that state government actions
23 that may impact the human environment in Montana are evaluated for regulatory restrictions on private
24 property, as provided in subsection (1)(b)(iv)(D);

25 (iv) include in each recommendation or report on proposals for projects, programs, and other major
26 actions of state government significantly affecting the quality of the human environment in Montana a detailed
27 statement on:

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1 made under subsection (8) by the appropriate board, if any. The appropriate board may, at its discretion, submit
2 an advisory recommendation to the agency regarding the issue. The period of time between the request for a
3 review and completion of a review under this subsection may not be included for the purposes of determining
4 compliance with the time limits established for environmental review in 75-1-208."
5

6 NEW SECTION. Section 2. Appropriation. There is appropriated \$500 from the general fund to the
7 department of environmental quality for the biennium beginning July 1, 2023, to update guidance documents
8 related to 75-1-201.
9

10 NEW SECTION. Section 8. Codification instruction. (1) [Section 1] is intended to be codified as an
11 integral part of Title 75, chapter 2, part 1, and the provisions of Title 75, chapter 2, part 1, apply to [section 1].

12 (2) [Section 2] is intended to be codified as an integral part of Title 82, chapter 4, part 1, and the
13 provisions of Title 82, chapter 4, part 1, apply to [section 2].

14 (3) [Section 3] is intended to be codified as an integral part of Title 82, chapter 4, part 2, and the
15 provisions of Title 82, chapter 4, part 2, apply to [section 3].

16 (4) [Section 4] is intended to be codified as an integral part of Title 82, chapter 4, part 3, and the
17 provisions of Title 82, chapter 4, part 3, apply to [section 4].

18 (5) [Section 5] is intended to be codified as an integral part of Title 82, chapter 4, part 4, and the
19 provisions of Title 82, chapter 4, part 4, apply to [section 5].
20

21 NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are
22 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
23 the part remains in effect in all valid applications that are severable from the invalid applications.
24

25 COORDINATION SECTION. SECTION 4. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 641 AND
26 [THIS ACT] ARE PASSED AND APPROVED, THEN HOUSE BILL NO. 641 IS VOID.
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