

Amendment - 1st Reading/2nd House-blue - Requested by: Willis Curdy - (S) Natural Resources

- 2025

69th Legislature 2025

Drafter: Toni Henneman,

HB0285.001.002

1 HOUSE BILL NO. 285

2 INTRODUCED BY B. LER, W. GALT, C. SCHOMER, D. LOGE, S. FITZPATRICK, G. OBLANDER, K.

3 ZOLNIKOV, G. KMETZ, B. MITCHELL, K. BOGNER, J. HINKLE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ENVIRONMENTAL LAWS RELATED TO
6 THE POLICY, PURPOSE, INTENT, VENUE, PROCEDURES, AND CONSTITUTIONAL CONSIDERATIONS
7 OF THE MONTANA ENVIRONMENTAL POLICY ACT; ELIMINATING CERTAIN LAWS ON POLICIES,
8 GOALS, CONSTITUTIONAL DETERMINATIONS, AND VENUES OF THE MONTANA ENVIRONMENTAL
9 POLICY ACT; ESTABLISHING THE REVISED POLICY, PURPOSE, AND INTENT OF THE ACT AND THE
10 PURPOSE OF ENVIRONMENTAL ANALYSIS; REAFFIRMING EXISTING LAW THAT THE MONTANA
11 ENVIRONMENTAL POLICY ACT IS PROCEDURAL; PROVIDING THAT A PLAINTIFF HAS THE BURDEN OF
12 ESTABLISHING THE UNCONSTITUTIONALITY OF THE UNDERLYING STATUTE FOR LICENSING OR
13 PERMITTING DECISIONS OR ACTIVITIES UNDER TITLES 75 OR 82; PROVIDING THAT VENUE IN
14 DISTRICT COURT MUST BE IN THE COUNTY WHERE THE ACTIVITY SUBJECT TO THE PROCEEDING IS
15 PROPOSED TO OCCUR OR WILL OCCUR; AMENDING SECTIONS 5-16-102, 75-1-102, 75-1-104, 75-1-106,
16 75-1-201, 75-1-208, AND 75-1-324, MCA; REPEALING SECTIONS 75-1-103, 75-1-105, 75-1-107, AND 75-1-
17 108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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19 WHEREAS, the Department of Environmental Quality convened a multidisciplinary work group to
20 review and recommend updates to the Montana Environmental Policy Act (MEPA) during the summer of 2024.
21 That work group recommended that the Legislature confirm the importance of MEPA as a valuable data
22 gathering and analytical tool intended to provide sound and objective information to the public, agency
23 decisionmakers, and lawmakers as each strives to make fully informed decisions; and

24 WHEREAS, Article II, section 3, of the Montana Constitution enumerates inalienable rights, including
25 the right to a clean and healthful environment, rights to pursue life's basic necessities, rights to enjoy and
26 defend their lives and liberties, rights to acquire, possess, and protect property, and rights to seek safety,
27 health, and happiness in all lawful ways, and neither the Constitution nor the Legislature through the passage of

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1 [sections 1 and 2].

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3 COORDINATION SECTION. **Section 12. Coordination instruction.** If Senate Bill No. 221 and [this
4 act] are both passed and approved, then [this act] is void.

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6 NEW SECTION. **Section 13. Effective date.** [This act] is effective on passage and approval.

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