

1 H BILL NO. 592
2 INTRODUCED BY Abel

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
5 ENVIRONMENTAL POLICY ACT; SPECIFYING THE DUTIES OF THE
6 GOVERNOR CONCERNING ENVIRONMENTAL AFFAIRS; AMENDING SECTION
7 69-6504, R.C.M. 1947.*

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

10 Section 1. Environmental affairs -- duties of
11 governor. The governor shall:

12 (1) cooperate with the environmental quality council
13 in reviewing the implementation of the environmental policy
14 of the state;

15 (2) coordinate systematic, interagency analyses and
16 reviews of the policies, programs, and activities of state
17 government for the purpose of coordinating, integrating, and
18 implementing a comprehensive and consistent environmental
19 policy designed to accomplish the goals set forth in the
20 Montana Environmental Policy Act;

21 (3) be responsible for coordinating the environmental
22 review of state agency decisions.

23 Section 2. Environmental impact statements. (1) All
24 agencies of the state shall include in every recommendation
25 or report on proposals for projects, programs, and other

1 major actions of state government significantly affecting
2 the quality of the human environment, a detailed
3 environmental impact statement discussing:

- 4 (a) the environmental impact of the proposed action;
- 5 (b) any adverse environmental effects which cannot be
6 avoided should the proposal be implemented;
- 7 (c) alternatives to the proposed action;
- 8 (d) the relationship between local short-term uses of
9 man's environment and the maintenance and enhancement of
10 long-term productivity; and

11 (e) any irreversible and irretrievable commitments of
12 resources which would be involved in the proposed action
13 should it be implemented.

14 (2) Prior to making any detailed environmental impact
15 statement, the responsible state official shall send a
16 preliminary report to the governor and may include in this
17 report a request for technical and other assistance in
18 conducting the environmental review.

19 (3) The governor shall determine the need for
20 interagency review of the proposal and shall coordinate the
21 participation of the appropriate agencies having
22 jurisdiction by law or special expertise over the
23 environmental factors affected by the proposal.

24 (4) Each such consulted agency shall report to the
25 governor its findings on the impacts, if any, which the

1 proposed action may have on those factors over which the
2 agency has jurisdiction and shall make recommendations based
3 on those findings.

4 (5) The governor shall compile these reports and
5 findings and shall make his own finding whether the proposal
6 is compatible with the policies and goals of the Montana
7 Environmental Policy Act. If the proposal is found to be
8 incompatible therewith, the governor shall recommend for or
9 against the proposal or shall recommend a modification of
10 the proposal. This recommendation shall be based upon a
11 consideration of the statutory authorizations and duties of
12 the lead agency, the findings and recommendations of the
13 consulted agencies, and the policies and goals of the
14 Montana Environmental Policy Act. The governor shall then
15 transmit these reports, findings, and recommendations to the
16 lead agency.

17 (6) Upon receipt of these reports, findings, and
18 recommendations the responsible official shall compile a
19 final environmental impact statement which shall include the
20 findings made by the governor and the consulted agencies.
21 Copies of such statement and the comments and views of the
22 appropriate state, federal, and local agencies and of
23 interested members of the public shall be made available to
24 the environmental quality council, the governor, and the
25 public and shall accompany the proposal through the existing

1 agency review process.

2 (7) If the agency's final decision on the proposal is
3 in conflict with the recommendation of the governor, the
4 burden shall be on the agency to justify its decision based
5 on some other essential consideration of state policy.

6 (8) If the proposal involves an application for a
7 permit, license, or other entitlement from the lead agency
8 and a consulted agency determines that the proposal will
9 involve or lead to activities or impacts over which that
10 agency has regulatory authority, the report submitted to the
11 governor by the consulted agency shall include that finding
12 and a copy of all permit application forms which the
13 consulted agency will require the applicant to complete. The
14 governor shall report the findings to the applicant and
15 transmit the appropriate application forms to him. It is the
16 responsibility of the applicant to contact the consulted
17 agency and to apply for the necessary permits or licenses.
18 Any environmental review which is found to be necessary for
19 the granting of such additional permits and licenses shall
20 be coordinated with the lead agency's environmental review
21 and the governor shall send his reports, findings, and
22 recommendations to all consulted agencies with permit
23 responsibilities. All such agencies shall jointly prepare
24 and circulate the final environmental impact statement, and
25 each such agency shall bear the burden of justifying any

1 final decision which conflicts with the recommendations of
2 the governor.

3 Section 3. Section 69-6504, R.C.M. 1947, is amended to
4 read as follows:

5 "69-6504. General directions to state agencies. The
6 legislative assembly legislature authorizes and directs
7 that, to the fullest extent possible;

8 (a) The policies, regulations, and laws of the state
9 shall be interpreted and administered in accordance with the
10 policies set forth in this act, and

11 (b) all agencies of the state shall;

12 (1) utilize a systematic, interdisciplinary approach
13 which will insure the integrated use of the natural and
14 social sciences and the environmental design arts in
15 planning and in decision making which may have an impact on
16 man's environment;

17 (2) identify and develop methods and procedures, which
18 will insure that presently unquantified environmental
19 amenities and values may be given appropriate consideration
20 in decision making along with economic and technical
21 considerations;

22 ~~(3) include in every recommendation or report on~~
23 ~~proposals for projects, programs, legislation and other~~
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16 ~~Copies of such statement and the consents and views of the~~
17 ~~appropriate state, federal, and local agencies, which are~~
18 ~~authorized to develop and enforce environmental standards,~~
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20 ~~quality council and to the public, and shall accompany the~~
21 ~~proposal through the existing agency review processes.~~

22 (4) [3] study, develop, and describe appropriate
23 alternatives to recommend courses of action in any proposal
24 which involves unresolved conflicts concerning alternative
25 uses of available resources;

1 ~~(5)~~ (4) recognize the national and long-range character
2 of environmental problems and, where consistent with the
3 policies of the state, lend appropriate support to
4 initiatives, resolutions, and programs designed to maximize
5 national co-operation in anticipating and preventing a
6 decline in the quality of mankind's world environment;

7 ~~(6)~~ (5) make available to counties, municipalities,
8 institutions, and individuals, advice and information useful
9 in restoring, maintaining, and enhancing the quality of the
10 environment;

11 ~~(7)~~ (6) initiate and utilize ecological information in
12 the planning and development of resource-oriented projects;
13 and

14 ~~(8)~~ (7) assist the environmental quality council
15 established by ~~section 8 [69-6508] of this act.~~"

-End-

STATE OF MONTANA

REQUEST NO. 411-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note for House Bill 592 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 592 amends the Environmental Policy Act to specify the duties of the Governor concerning environmental affairs.

ASSUMPTIONS:

1. Prior to making any detailed environmental impact statement, agencies will send a preliminary report to the Governor for review and the Governor shall coordinate the participation of agencies having jurisdiction over the environmental factors affected by the proposal.
2. The Governor will review all these reports and findings to make sure they are compatible with the policies and goals of the Montana Environmental Policy Act. These findings will then be transmitted to the lead agency.
3. The lead agency will write the impact statement and the Governor's Office will coordinate all permits and applications required, and accompany the proposal through the review process.
4. State agencies prepared 35 environmental impact statements in FY 76 and reviewed approximately 130 proposals. If the Governor's Office were to have to review and make recommendations on all proposals and statements, at least five (5) additional full-time staff would be necessary.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Personal services	\$ 82,490	\$ 84,428
Operating expenses	20,000	20,000
Equipment	<u>5,000</u>	<u>0</u>
Total additional cost of proposed legislation	<u>\$107,490</u>	<u>\$104,428</u>

Richard L. Deary for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-14-77

Approved by Committee
on Natural Resources

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