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2 INTRODUCED BY POSSES TO THE ADMINISTRATIVE CODE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA ENVIRONMENTAL POLICY ACT TO SPECIFY THAT THE ACT DOES NOT EXPAND THE SUBSTANTIVE DECISION—MAKING AUTHORITY OF STATE AGENCIES; DELETING THE REQUIREMENT THAT AN ENVIRONMENTAL IMPACT STATEMENT BE PREPARED ON RULES AND LEGISLATION; AUTHORIZING THE ENVIRONMENTAL QUALITY COUNCIL TO REVIEW LEGISLATION AND ADVISE THE LEGISLATURE OF POTENTIAL ENVIRONMENTAL IMPACTS; REQUIRING STATE AGENCIES TO BOLD A PUBLIC BEARING ON A PROPOSED RULE UNDER THE MONTANA ADMINISTRATIVE PROCEDURE ACT WHEN IT HAS BEEN DETERMINED THAT THE PROPOSED RULE WOULD CONSTITUTE A MAJOR STATE ACTION HAVING A SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT; AND AMENDING SECTION 69-6504. R.C.H. 1947."

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 Section 1. Section 69-6504, R.C. M. 1947, is amended to

21 read as follows:

meg-6504. General directions to state agencies. The legislative assembly authorizes and directs that, to the fullest extent possible.

(a) The policies, regulations, and laws of the state

shall be interpreted and administered in accordance with the policies set forth in this act, and

- (b) all agencies of the state shall
- (1) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment:
- 9 (2) identify and develop methods and procedures, which
  10 will insure that presently unquantified environmental
  11 amenities and values may be given appropriate consideration
  12 in decision making along with economic and technical
  13 considerations:
- 14 (3) include in every recommendation or report on
  15 proposals for projects, programs, legislation and other
  16 major actions of state government significantly affecting
  17 the quality of the human environment, excluding legislation
  18 and rules adopted under the Montana Administrative Procedure
  19 Act, a detailed statement on—
- 20 (i) the environmental impact of the proposed action<sub>y</sub>
  21 as it relates to the authority of an agency to make a final
  22 decision under the express provisions of the statute
  23 administered by the agency;
- 24 (ii) any adverse environmental effects which cannot be 25 avoided should the proposal be implemented.

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1	(iii) alternatives to the proposed action, that the
2	agency has been given the express authority to consider
3	under the law administered by the agency;

- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity,: and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
- 10 (vi) the economic costs and benefits:

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- 11 (vii) the effects on local and state services;
- 12 (viii) the effects on agriculture; and
- 13 (ix) the effects on public health and safety.
  - Prior to making any detailed statement, the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the environmental quality council and to the public, and shall accompany the proposal through the existing agency review processes.
  - 14) adopt procedural rules concerning the circulation,

    content, review, and receipt of comments on environmental

- 1 impact statements prepared under this act:
- 2 (5) make a final decision on an action for which an
  3 environmental impact statement has been prepared, based only
  4 on the express decision-making authority granted to the
  5 agency under the specific statute administered by the
  6 agency:
- 7 (4)(6) study, develop, and describe appropriate
  8 alternatives to recommend courses of action in any proposal
  9 which involves unresolved conflicts concerning alternative
  10 uses of available resources:
- 11 (5)-(7) recognize the national and long-range character
  12 of environmental problems and, where consistent with the
  13 policies of the state, lend appropriate support to
  14 initiatives, resolutions, and programs designed to maximize
  15 national co-operation in anticipating and preventing a
  16 decline in the quality of mankind's world environment;
- 17 (6) (6) make available to counties, municipalities,
  18 institutions, and individuals, advice and information useful
  19 in restoring, maintaining, and enhancing the quality of the
  20 environment;
- 21 (7) (9) initiate and utilize ecological information in 22 the planning and development of resource-oriented projects;
- 23 and
- 24 (8) (10) assist the environmental quality council
- 25 established by section 8 [69-6508] of this act.

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(c) Nothing in this act requires an agency to prepar
an environmental impact statement on rules proposed for
adoption under the Montana Administrative Procedure Act.
However, where a proposed rule does, in the opinion of the
agency, constitute a major state action having a significan
impact on the human environment, the agency shall schedule
public hearing on the proposed rule under the provisions of
the Montana Administrative Procedure Act. In scheduling
hearing, the agency shall prepare a written description and
justification for the proposed rule and make this
information available to the governor, the environmenta
quality council, persons who have requested an opportunit
to comment on environmental impact statements, cther
affected state and federal agencies as described in this
act, the administrative code committee, and any other
interested person.
(d) Nothing in this act requires a state agency to
prepare an environmental impact statement on legislation
proposed by an agency. The environmental quality counci.
shall review all legislation introduced and make
recommendations consistent with the policies established in
this act to the committees of the legislature."

-End-

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Approved by Committee on Natural Resources

INTRODUCED BY REQUEST OF THE ADMINISTRATIVE CODE CONSISTS

A BILL FOR AN ACT ENTITIED: "AN ACT TO AMEND THE MONTANA ENTIRONMENTAL POLICY ACT TO SPECIFY THAT THE ACT DOES NOT EXPAND THE SUBSTANTIVE DECISION—MAKING AUTHORITY OF STATE AGENCIES; DELETING THE BEQUIREMENT THAT AN ENVIRONMENTAL IMPACT STATEMENT BE PREPARED ON RULES AND LEGISLATION; AUTHORIZING THE ENVIRONMENTAL QUALITY COUNCIL TO REVIEW LEGISLATION AND ADVISE THE LEGISLATURE OF POTENTIAL ENVIRONMENTAL IMPACTS; REQUIRING STATE AGENCIES TO BOLD A PUBLIC REARING ON A PROPOSED RULE UNDER THE MONTANA ADMINISTRATIVE PROCEDURE ACT WHEN IT HAS BEEN DETERMINED THAT THE PROPOSED RULE WOULD CONSTITUTE A HAJOR STATE ACTION HAVING A SIGNIFICANT IMPACT ON THE BUMBA ENVIRONMENT;

17 AND AMENDING SECTION 69-6504, R.C.H. 1947. M

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MOSTABA:

20 Section 1. Section 69-6504, R.C.E. 1947, is amended to

21 read as follows:

#69-6504. General directions to state agencies. The legislative assembly authorizes and directs that, to the fullest extent possible.

(a) The policies, regulations, and laws of the state

shall be interpreted and administered in accordance with the policies set forth in this act, and

- (b) all agencies of the state shall
- 4 (1) utilize a systematic, interdisciplinary approach
  5 which will insure the integrated use of the natural and
  6 social sciences and the environmental design arts in
  7 planning and in decision making which may have an impact on
  8 man's environment:
- 9 (2) identify and develop methods and procedures, which
  10 will insure that presently unquantified environmental
  11 amenities and values may be given appropriate consideration
  12 in decision making along with economic and technical
  13 considerations:
- 14 (3) include in every recommendation or report on
  15 proposals for projects, programs, legislation and other
  16 major actions of state government significantly affecting
  17 the quality of the human environment, excluding legislation
  18 and rules adopted under the Montana Administrative Procedure
  19 Act, a detailed statement on—
- 20 (i) the environmental impact of the proposed action,
  21 as it relates to the authority of an agency to make a final
  22 decision under the express provisions of the statute
  23 administered by the agency:
- 24 (ii) any adverse environmental effects which cannot be 25 avoided should the proposal be implemented.

!	(iii)	alte	rnative	s to	the	pro	posed	act	ion <b>,</b>	that t	<u>ie</u>
?	agency has	been	qiven	the	expre	5 <u>5</u>	author	ity	to	conside	3 E
ı	under the	lav a	deinist	ered	by the	age	BACY:				

- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;; and
- 7 (v) any irreversible and irretrievable commitments of 8 resources which would be involved in the proposed action 9 should it be implemented.

### 10 (vi) the economic costs and benefits:

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# 11 (vii) the effects on local and state services:

#### (viii) the effects on agriculture; and

#### (ix) the effects on public health and safety.

Prior to making any detailed statement, the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the environmental quality council and to the public, and shall accompany the proposal through the existing agency review processes.

(4) adopt procedural rules concerning the circulation.

content, review, and receipt of comments on environmental

# impact statements prepared under this act:

2 (5) make a final decision on an action for which an
3 environmental impact statement has been prepared, based only
4 on the express decision making authority granted to the
5 agency under the specific statute administered by the
6 agency:

7 (4) (6) study, develop, and describe appropriate
8 alternatives to recommend courses of action in any proposal
9 which involves unresolved conflicts concerning alternative
10 uses of available resources:

11 (5)-(7) recognize the national and long-range character
12 of environmental problems and, where consistent with the
13 policies of the state, lend appropriate support to
14 initiatives, resolutions, and programs designed to maximize
15 national co-operation in anticipating and preventing a
16 decline in the quality of mankind's world environment;

17 (6) (8) make available to counties, municipalities,
18 institutions, and individuals, advice and information useful
19 in restoring, maintaining, and enhancing the quality of the
20 environment;

21 (7) (9) initiate and utilize ecological information in 22 the planning and development of resource-oriented projects;

23 and

24 (8) (10) assist the environmental quality council
25 established by section 0 [69-6500] of this act.

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1	(c) Nothing in this act requires an agency to prepar
2	an environmental impact statement on rules proposed for
3	adoption under the Bontana Administrative Procedure Act
4	However, where a proposed rule does, in the opinion of the
5	agency, constitute a major state action having a significan
6	impact on the human environment, the agency shall schedule
7	public hearing on the proposed rule under the provisions o
8	the Bontana Administrative Procedure Act. In scheduling
9	hearing, the agency shall prepare a written description an
10	justification for the proposed rule and make this
11	information available to the governor, the environmenta
12	quality council, persons who have requested an opportunit
13	to comment on environmental impact statements, other
14	affected state and federal agencies as described in thi
15	act, the administrative code committee, and any other
16	interested person.
17	(d) Nothing in this act requires a state agency t
18	prepare an environmental impact statement on legislatio
19	proposed by an agency. The environmental quality counci
20	shall review all legislation introduced and make
21	recommendations consistent with the policies established is
22	this act to the committees of the legislature,"

-End-

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1 Senate BILL NO. 302
2 INTRODUCED BY PROJECT OF THE ADMINISTRATIVE CODE CONSTITUTE
3 BY REQUEST OF THE ADMINISTRATIVE CODE CONSTITUTE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA ENVIRONMENTAL POLICY ACT TO SPECIFY THAT THE ACT DOES NOT EXPAND THE SUBSTANTIVE DECISION—MAKING AUTHORITY OF STATE AGENCIES; DELETING THE REQUIREMENT THAT AN ENVIRONMENTAL IMPACT STATEMENT BE PREPARED ON RULES AND LEGISLATION; AUTHORIZING THE ENVIRONMENTAL QUALITY COUNCIL TO REVIEW LEGISLATION AND ADVISE THE LEGISLATURE OF POTENTIAL ENVIRONMENTAL IMPACTS; REQUIRING STATE AGENCIES TO HOLD A PUBLIC HEARING ON A PROPOSED RULE UNDER THE MONTANA ADMINISTRATIVE PROCEDURE ACT WHEN IT HAS BEEN DETERMINED THAT THE PROPOSED RULE WOULD CONSTITUTE A MAJOR STATE ACTION HAVING A SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT;

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

AND AMENDING SECTION 69-6504, R.C.B. 1947."

20 Section 1. Section 69-6504, R.C.M. 1947, is amended to 21 read as follows:

m69-6504. General directions to state agencies. The legislative assembly authorizes and directs that, to the fullest extent possible.

(a) The policies, regulations, and laws of the state

shall be interpreted and administered in accordance with the policies set forth in this act, and

(b) all agencies of the state shall

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- (1) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;
- (2) identify and develop methods and procedures, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations:
- (3) include in every recommendation or report on proposals for projects, programs, legislation and other major actions of state government significantly affecting the quality of the human environment, excluding legislation and rules adopted under the Montana Administrative Procedure act, a detailed statement on—
- 20 (i) the environmental impact of the proposed action<sub>y</sub>
  21 as it relates to the authority of an agency to make a final
  22 decision under the express provisions of the statute
  23 administered by the agency;
- 24 (ii) any adverse environmental effects which cannot be 25 avoided should the proposal be implemented;

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(iii) alternatives to the proposed action- that the agency has been given the express authority to consider under the law administered by the agency:

- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity-: and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented -:
- 10 (vi) the economic costs and benefits:

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- 11 (vii) the effects on local and state services;
- 12 (viii) the effects on agriculture; and
- 13 (ix) the effects on public health and safety.
  - Prior to making any detailed statement, the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the environmental quality council and to the public, and shall accompany the proposal through the existing agency review processes.
  - [4] adopt procedural rules concerning the circulation. content, review, and receipt of comments on environmental

- 1 impact statements prepared under this act:
- 2 (5) make a final decision on an action for which am 3 environmental impact statement has been prepared, based only on the express decision-making authority granted to the agency upder the specific statute administered by the agency:
- 7 (4) (6) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative 10 uses of available resources:
- 11 454 (7) recognize the national and long-range character 12 of environmental problems and, where consistent with the 13 policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize 14 national co-operation in anticipating and preventing a 15 16 decline in the quality of mankind's world environment;
- 17 (6) (8) make available to counties, municipalities, 18 institutions, and individuals, advice and information useful 19 in restoring, maintaining, and enhancing the quality of the 20 environment:
- 21 47) (9) initiate and utilize ecological information in the planning and development of resource-oriented projects; 22 23
- 24 (8) (10) assist the environmental quality council
- 25 established by section 8 [69-6508] of this act.

and

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'	TCL Bothing In this der ledning an adency to bishots
2	an environmental impact statement on rules proposed for
3	adoption under the Montana Administrative Procedure Act.
ti.	However, where a proposed rule does, in the opinion of the
5	agency, constitute a major state action having a significant
6	impact on the human environment, the agency shall schedule a
7	public hearing on the proposed rule under the provisions of
8	the Montana Administrative Procedure Act. In scheduling a
9	hearing, the agency shall prepare a written description and
10	justification for the proposed rule and make this
11	information available to the governor, the environmental
12	quality council, persons who have requested an opportunity
13	to comment on environmental impact statements, other
14	affected state and federal agencies as described in this
15	act, the administrative code committee, and any other
16	interested person.
17	(d) Nothing in this act requires a state agency to
18	prepare an environmental impact statement on legislation
19	proposed by an agency. The environmental quality council
20	shall review all legislation introduced and make
21	recommendations consistent with the policies established in

-End-

this act to the committees of the legislature."

## HOUSE OF REPRESENTATIVES

April 6, 1977

HOUSE COMMITTEE ON NATURAL RESOURCES AMENDMENTS TO SENATE BILL 302

1. Amend page 1, title, line 6.

Following: "ENVIRONMENTAL POLICY ACT"

Strike: "TO SPECIFY THAT THE ACT DOES NOT EXPAND THE SUBSTANTIVE DECISION-MAKING AUTHORITY OF STATE AGENCIES;"

2. Amend page 2, section 1, subsection (3) (i), line 20.

Following: "action"

Strike: "7 as it relates to the authority of an agency to make a final decision under the express provisions of the statute administered by the agency"

3. Amend page 3, section 1, subsection (3) (iii), line 1.

Following: "action"

Strike: "7 that the agency has been given the express authority to consider under the law administered by the agency"

4. Amend page 3, section 1, subsection (3) (ix), line 23.

Following: line 23

Insert: "A consultive agency or agency with special expertise participating in an environmental impact statement may not make findings or recommendations beyond the express provisions of the statutes administered by the agency."

5. Amend page 4, section 1, subsection (5).

Strike: subsection (5) in its entirety

Renumber: subsequent sections.

6. Amend page 4, section 1, line 25.

Following: line 25

Insert: "(c) On any action for which an environmental impact statement has been prepared, the lead agency shall make a final decision based only on the specific statutes administered by the agency, the findings and recommendations of the consulted agencies, and the policies and goals of the Montana Environmental Policy Act. If the lead agency's final decision on the proposal is in conflict with the recommendations of the consulted agencies, the burden shall be on the lead agency to justify its decision based on some other essential consideration of state policy."

Renumber: subsequent sections

7. Amend page 5, section 1, subsection (c), line 4. Following: "does"

Strike: ", in the opinion of the agency,"

8. Amend page 5, section 1, subsection (c), line 8.

Following: "Act."

Strike: "In"

Insert: "Prior to"

page-2 Committee on Natural Resources Amendments to Senate Bill 302

April 6, 1977

9. Amend page 5, section 1, subsection (d), line 20.

Following: "all"

Insert: "environmentally significant"

AS AMENDED BE CONCURRED IN HOUSE OF REPRESENTATIVES

April 6, 1977

HOUSE COMMITTEE ON NATURAL RESOURCES AMENDMENTS TO SB 302

1. Amend page 1, title, line 6.

Following: "ENVIRONMENTAL POLICY ACT"

Strike: "TO SPECIFY THAT THE ACT DOES NOT EXPAND THE SUBSTANTIVE

DECISION-MAKING AUTHORITY OF STATE AGENCIES"

Amend page 2, section 1, subsection (3)(i), line 20.

Following: "action"

Strike: " , as it relates to the authority of an agency to make a final decision under the express provisions of the statute administered by the agency"

Amend page 3, section 1, subsection (3)(iii), line 1.

Following: "action"
Strike: "7, that the agency has been given the express authority to consider under the law administered by the agency"

Amend page 3, section 1, subsection (3)(vi), line 10.

Following: "costs"

Insert: ","

Following: "benefits"

Insert: ", and effect on employment"

Amend page 3, section 1, subsection (3)(ix), line 23.

Following: line 23

Insert: "A consultive agency or agency with special expertise participating in an environmental impact statement may not make findings or recommendations beyond the express provisions of the statutes administered by the agency."

Amend page 4, section 1, subsection (5), lines 2 through 6.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

Amend page 4, secion 1, line 25.

Following: line 25

Insert: (c) On any action for which an environmental impact statement has been prepared, the lead agency shall make a final decision based only on the specific statutes administered by the agency, the findings and recommendations of the consulted agencies, and the policies and goals of the Montana Environmental Policy Act. If the lead agency's final decision on the proposal is in conflict with the recommendations of the consulted agencies, the burden shall be on the lead agency to justify its decision based on some other essential consideration of state policy." Renumber: subsequent subsections

Amend page 5, section 1, subsection (c), line 4.

Following: "does"

Strike: " , in the opinion of the agency,"

Amend page 5, section 1, subsection (c), line 8

Following: "Act.

Strike: "In"

Insert: "Prior to"

Amend page 5, section 1, subsection (d), line 20.

Following: "all"

Insert: "environmentally significant"

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1	SENATE BILL NO. 302
2	INTRODUCED BY ROSKIE, TURNAGE, MANLEY, DEVINE
3	BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE HONTANA
6	ENVIRONMENTAL POLICY ACT TO-SPECIFY-THAT-THE-ACT-DOCS-NOT
7	EXPAND-THE-SUBSTANTIVE-DECISION-MAKING-AUTHORITYOFSTATE
8	AGENCIES; DELETING THE REQUIREMENT THAT AN ENVIRONMENTAL
9	IMPACT STATEMENT BE PREPARED ON RULES AND LEGISLATION;
10	AUTHORIZING THE ENVIRONMENTAL QUALITY COUNCIL TO REVIEW
11	LEGISLATION AND ADVISE THE LEGISLATURE OF POTENTIAL
12	ENVIRONMENTAL IMPACTS; REQUIRING STATE AGENCIES TO HOLD A
13	PUBLIC HEARING ON A PROPOSED RULE UNDER THE MONTANA
14	ADMINISTRATIVE PROCEDURE ACT WHEN IT HAS BEEN DETERMINED
15	THAT THE PROPOSED RULE WOULD CONSTITUTE A MAJOR STATE
16	ACTION HAVING A SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT;
17	AND AMENDING SECTION 69-6504, R.C.N. 1947."
18	
19	BE 1T ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
20	Section 1. Section 69-6504, R.C.M. 1947, is amended to
21	read as follows:
22	"69-6504. General directions to state agencies. The
23	legislative assembly authorizes and directs that, to the
24	fullest extent possible.
25	(a) The policies, regulations, and laws of the state

- 1 shall be interpreted and administered in accordance with the 2 policies set forth in this act, and
  - (b) all agencies of the state shall
- 4 (1) utilize a systematic, interdisciplinary approach
  5 which will insure the integrated use of the natural and
  6 social sciences and the environmental design arts in
  7 planning and in decision making which may have an impact on
  8 man\*s environment:
- 9 (2) identify and develop methods and procedures, which
  10 will insure that presently unquantified environmental
  11 amenities and values may be given appropriate consideration
  12 in decision making along with economic and technical
  13 considerations;
  - (3) include in every recommendation or report on proposals for projects, programs, legislation and other major actions of state government significantly affecting the quality of the human environment, excluding legislation and rules adopted under the Montana Administrative Procedure Acts a detailed statement on—
- 24 (ii) any adverse environmental effects which cannot be 25 avoided should the proposal be implemented;

SB 0302/02 SB 0302/02

(iii) alternatives	to	the	proposed	action▼	tnot_the
opency has been given i	he	SEPTE	aa euthor	ity-to-	consider
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- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity: and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implementedw:
- 10 (vi) the economic costs, and benefits, AND EFFECT ON
  11 EMPLOYMENT:
- 12 (VII) THE EFFECTS ON LOCAL AND STATE SERVICES:
- 13 (VIII) THE EFFECTS ON AGRICULTURE: AND

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- 14 (IX) THE EFFECTS ON PUBLIC HEALTH AND SAFETY.
  - Prior to making any detailed statement, the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the environmental quality council and to the public, and shall accompany the proposal through the existing agency review processes. A CONSULTIVE AGENCY OR AGENCY WITH SPECIAL EXPERTISE

1	PARTICIPATING IN AN ENVIRONMENTAL IMPACT STATEMENT MAY NOT
2	MAKE FINDINGS OR RECOMMENDATIONS BEYOND THE EXPRESS
3	PROVISIONS OF THE STATUTES ADMINISTERED BY THE AGENCY.
4	(4) agopt procedural rules concerning the circulation.
5	content, review, and receipt of comments on environmental
6	impact statements prepared under this act:
7	15) makea-fineldecision on en-action for which an
8	environmental impact statement has been prepared based only
9	on the express decision making outhority granted to the
10	agency under the specific statute administered by the
11	egencyt .
12	(4)(6)(5) study, develop, and describe appropriate
13	alternatives to recommend courses of action in any proposal
14	which involves unresolved conflicts concerning alternative
15	uses of available resources;
16	t5†fff(6) recognize the national and long-range
17	character of environmental problems and, where consistent
18	with the policies of the state, lend appropriate support to
19	initiatives, resolutions, and programs designed to maximize
20	national co-operation in anticipating and preventing a
21	decline in the quality of mankind's world environment;
22	(6)(8)(7) make available to counties, municipalities,
23	institutions, and individuals, advice and information useful

in restoring, maintaining, and enhancing the quality of the

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environment;

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SB 0302/02 SB 0302/02

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2	in the planning and development of resource—oriented
3	projects; and
4	t0):::01(9) assist the environmental quality council
5	established by section 8 [69-6508] of this act.
6	1C) ON ANY ACTION FOR WHICH AN ENVIRONMENTAL IMPACT
7	STATEMENT HAS BEEN PREPARED. THE LEAD AGENCY SHALL MAKE A
8	FINAL DECISION BASED ONLY ON THE SPECIFIC STATUTES
9	ADMINISTERED BY THE AGENCY: THE FINDINGS AND RECOMMENDATIONS
10	OF THE CONSULTED AGENCIES. AND THE POLICIES AND GOALS OF THE
11	MONTANA ENVIRONMENTAL POLICY ACT. IF THE LEAD AGENCY'S FINAL
12	DECISION ON THE PROPOSAL IS IN CONFLICT WITH THE
13	RECOMMENDATIONS OF THE CONSULTED AGENCIES. THE BURDEN SHALL
14	BE ON THE LEAD AGENCY TO JUSTIFY ITS DECISION BASED ON SOME
15	OTHER ESSENTIAL CONSIDERATION OF STATE POLICY.
16	fer(D) Nothing in this act requires an agency to
17	prepare an environmental impact statement on rules proposed
18	for adoption under the Montana Administrative Procedure Act.
19	However, where a proposed rule doesy-in-the-opinion-of-the

energy constitute a major state action having a significant

impact on the human environment, the agency shall schedule a

public hearing on the proposed rule under the provisions of

the Montana Administrative Procedure Act. In PRIOR IU

scheduling a hearing, the agency shall prepare a written description and justification for the proposed rule and make

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(7)191(8) initiate and utilize ecological information

environmental quality councils persons who have requested an opportunity to comment on environmental impact statements. other affected state and federal agencies as described in 5 this act: the administrative code committee, and any other interested person. 7 fdf(E) Nothing in this act requires a state agency to 8 prepare an environmental impact statement on legislation proposed by an agency. The environmental quality council 10 shall review all ENVIRONMENTALLY SIGNIFICANT legislation 11 introduced and make recommendations consistent with the 12 policies established in this act to the committees of the legislature."

this information available to the governor, the

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2	INTRODUCED BY ROSKIE. TURNAGE, MANLEY, DEVING
3	BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
6	ENVIRONMENTAL POLICY ACT <del>TO SPECIFY-THAT-THE-ACT-BOES-NOT</del>
7	EXPAND-THE-SUBSTANTIVE-DECISION-MAKINGAUTHORITYOFSTATE
8	AGENCIES: DELETING THE REQUIREMENT THAT AN ENVIRONMENTAL
9	IMPACT STATEMENT BE PREPARED ON RULES AND LEGISLATION;
10	AUTHORIZING THE ENVIRONMENTAL QUALITY COUNCIL TO REVIEW
11	LEGISLATION AND ADVISE THE LEGISLATURE OF POTENTIAL
12	ENVIRONMENTAL IMPACTS; REQUIRING STATE AGENCIES TO HULD A
13	PUBLIC HEARING ON A PROPOSED RULE UNDER THE MONTANA
14	ADMINISTRATIVE PROCEDURE ACT WHEN IT HAS BEEN DETERMINED
15	THAT THE PROPOSED RULE WOULD CONSTITUTE A MAJOR STATE
16	ACTION HAVING A SIGNIFICANT IMPACT UN THE HUMAN ENVIRONMENT;
17	AND AMENDING SECTION 69-3504, R.C.M. 1947.
16	
19	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
20	Section 1. Section 69-6504; R.C.N. 1947; is amended to
21	read as follows:
22	"69-6504. General directions to state agencies. The
23	legislative assembly authorizes and directs that, to the
24	fullest extent possible.
25	(a) The policies, regulations, and laws of the state

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1	shall be interpreted and administered in accordance with the
2	policies set forth in this act, and
3	(b) all agencies of the state shall
4	(1) utilize a systematic, interdisciplinary approach
5	which will insure the integrated use of the natural and
6	social sciences and the environmental design arts in
7	planning and in decision making which may have an impact on
8	man's environment;
9	(2) identify and develop methods and procedures, which
10	will insure that presently unquantified environmental
11	amenities and values may be given appropriate consideration
12	in decision making along with economic and technical
13	considerations;
14	(3) include in every recommendation or report on
15	proposals for projects, programs, <del>legislation</del> and other
16	major actions of state government significantly affecting
17	the quality of the human environment, excluding legislation
18	and rules adopted under the Montana Administrative Procedure
19	Act a detailed statement on
20	(i) the environmental impact of the proposed actions
21	os it relates to the authority of an agency to make a final
22	decision under the express provisions of the statute
23	administered-by-the-agency;

25

Le a detailed statement on--(i) the environmental impact of the proposed actiony it relates to the authority of an agency to make a final tision under the express provisions of the statute ministered by the agency;

24 (ii) any adverse environmental effects which cannot be avoided should the proposal be implementedwi

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ì	(iii) alternatives to the proposed action <del>y <u>that</u> the</del>
2	agency has been given the express authority to consider
3	under the law odministered by the ogency:
4	(iv) the relationship between local short-term uses of
5	man's environment and the maintenance and enhancement of
6	long-term productivity+: end
7	(v) any irreversible and irretrievable commutments of
8	resources which would be involved in the proposed action
9	should it be implemented.
10	(vi) the economic costs. and benefits. AND EFFECT ON
11	EMPLOYMENT:
12	IVILL THE EFFECTS ON LOCAL AND STATE SERVICES:
13	(VIII) THE EFFECTS ON AGRICULTURE: AND
14	(IX) THE EFFECTS ON PUBLIC HEALTH AND SAFETY.
15	Prior to making any detailed statement, the responsible

Prior to making any detailed statement, the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the environmental quality council and to the public, and shall accompany the proposal through the existing agency review processes. A CONSULTIVE AGENCY OR AGENCY WITH SPECIAL EXPERTISE

1	PARTICIPATING IN AN ENVIRONMENTAL IMPACT STATEMENT MAY NOT
2	MAKE FINDINGS OR RECOMMENDATIONS BEYOND THE EXPRESS
3	PROVISIONS OF THE STATUTES ADMINISTERED BY THE AGENCY.
4	141 adopt procedural rules concerning the circulation.
5	content: review: and receipt of comments on environmental
6	impact statements prepared under this act:
7	151 make a final decision on an action for which on
8	environmental impact statement has been preparedy based only
9	on the express-decision making authority granted to the
10	agency under the apecific statute administered by the
11	agenicyt
12	(4)(6)(5) study, develop, and describe appropriate
13	alternatives to recommend courses of action in any proposal
14	which involves unresolved conflicts concerning alternative
15	uses of available resources;
16	(5)(7)(6) recognize the national and long-range
17	character of environmental problems and, where consistent
18	with the policies of the state, lend appropriate support to
19	initiatives, resolutions, and programs designed to maximize
20	national co-operation in anticipating and preventing a
21	decline in the quality of mankind's world environment;
22	(6)181(7) make available to counties, municipalities,
23	institutions, and individuals, advice and information useful
24	in restoring, maintaining, and enhancing the quality of the
25	environment;

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1	(7)191(8) initiate and utilize ecological information
2	in the planning and development of resource-oriented
3	projects; and
4	(8)(19)(9) assist the environmental quality council
5	established by section 8 [69-6508] of this act.
6	16) - OH ANY ACTION FOR WHICH AN ENVIRONMENTAL IMPACT
7	STATEMENT HAS BEEN PREPARED. THE LEAD AGENCY SHALL MAKE A
8	FINAL DECISION BASED ONLY ON THE SPECIFIC STATUTES
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11	MONTANA ENVERGNMENTAL POLICY ACT - IF THE LEAD AGENCY S-FINAL
12	DECISION ON THE PROPOSAL IS IN CONFLICT WITH THE
13	RECOMMENDATIONS - OF THE CONSULTED AGENCIES. THE DURBEN SHALL
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20	OF THE CONSULTED AGENCIES AND THE POLICIES AND GOALS OF THE
21	MONTANA ENVIRONMENTAL POLICY ACT SHALL BE CONSIDERED. BUT
22	SHALL NOT EXPAND THE SPECIFIC STATUTORY AUTHORITY WHICH
23	AUTHORIZES THE AGENCY TO MAKE THE FINAL DECISION. IF THE
24	LEAD AGENCY'S FINAL DECISION ON THE PROPOSAL IS IN CONFLICT
25	WITH THE RECOMMENDATIONS OF THE CONSULTED AGENCIES. THE

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