

HOUSE BILL 680

IN THE HOUSE

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| February 9, 1979 | Introduced and referred to Committee on State Administration. |
| February 20, 1979 | Committee recommend bill, do not pass. |
| February 21, 1979 | Report adopted. |

1 House BILL NO. 680
 2 INTRODUCED BY Kvaalen

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE
 5 ENVIRONMENTAL QUALITY COUNCIL; AMENDING SECTIONS 75-1-102,
 6 75-1-201, 75-10-111, AND 75-20-501, MCA; AND REPEALING
 7 SECTIONS 5-16-101 THROUGH 5-16-105 AND 75-1-301 THROUGH
 8 75-1-324, MCA."

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

11 Section 1. Section 75-1-102, MCA, is amended to read:
 12 "75-1-102. Purpose. The purpose of this chapter is to
 13 declare a state policy which will encourage productive and
 14 enjoyable harmony between man and his environment, to
 15 promote efforts which will prevent or eliminate damage to
 16 the environment and biosphere and stimulate the health and
 17 welfare of man, and to enrich the understanding of the
 18 ecological systems and natural resources important to the
 19 state ~~and to establish an environmental quality council.~~"

20 Section 2. Section 75-1-201, MCA, is amended to read:
 21 "75-1-201. General directions -- environmental impact
 22 statements. The legislature authorizes and directs that, to
 23 the fullest extent possible:

24 (1) the policies, regulations, and laws of the state
 25 shall be interpreted and administered in accordance with the

1 policies set forth in this chapter;
 2 (2) all agencies of the state shall:
 3 (a) utilize a systematic, interdisciplinary approach
 4 which will insure the integrated use of the natural and
 5 social sciences and the environmental design arts in
 6 planning and in decisionmaking which may have an impact on
 7 man's environment;
 8 (b) identify and develop methods and procedures which
 9 will insure that presently unquantified environmental
 10 amenities and values may be given appropriate consideration
 11 in decisionmaking along with economic and technical
 12 considerations;
 13 (c) include in every recommendation or report on
 14 proposals for projects, programs, legislation, and other
 15 major actions of state government significantly affecting
 16 the quality of the human environment, a detailed statement
 17 on:
 18 (i) the environmental impact of the proposed action;
 19 (ii) any adverse environmental effects which cannot be
 20 avoided should the proposal be implemented;
 21 (iii) alternatives to the proposed action;
 22 (iv) the relationship between local short-term uses of
 23 man's environment and the maintenance and enhancement of
 24 long-term productivity; and
 25 (v) any irreversible and irretrievable commitments of

1 resources which would be involved in the proposed action
2 should it be implemented;

3 (d) study, develop, and describe appropriate
4 alternatives to recommend courses of action in any proposal
5 which involves unresolved conflicts concerning alternative
6 uses of available resources;

7 (e) recognize the national and long-range character of
8 environmental problems and, where consistent with the
9 policies of the state, lend appropriate support to
10 initiatives, resolutions, and programs designed to maximize
11 national cooperation in anticipating and preventing a
12 decline in the quality of mankind's world environment;

13 (f) make available to counties, municipalities,
14 institutions, and individuals advice and information useful
15 in restoring, maintaining, and enhancing the quality of the
16 environment;

17 (g) initiate and utilize ecological information in the
18 planning and development of resource-oriented projects; and

19 ~~(h) assist the environmental quality council~~
20 ~~established by 5-16-1981; end~~

21 (3) prior to making any detailed statement as provided
22 in subsection (2)(c), the responsible state official shall
23 consult with and obtain the comments of any state agency
24 which has jurisdiction by law or special expertise with
25 respect to any environmental impact involved. Copies of such

1 statement and the comments and views of the appropriate
2 state, federal, and local agencies which are authorized to
3 develop and enforce environmental standards shall be made
4 available to the governor--the--environmental--quality
5 council, and the public and shall accompany the proposal
6 through the existing agency review processes."

7 Section 3. Section 75-10-111, MCA, is amended to read:

8 "75-10-111. State solid waste management plan --
9 hearings and action. (1) A proposed solid waste management
10 plan shall be prepared by the department in conjunction with
11 local governments in the state and any other interested
12 person. After a draft of a proposed solid waste management
13 plan has been prepared, the department shall circulate a
14 copy of the proposed plan to the board of county
15 commissioners in each county in the state, the governing
16 body of every incorporated city or town in the state, any
17 person responsible for the operation of a solid waste
18 management system under the provisions of parts 1 and 2,
19 chapter 10 of this title, the governor, the environmental
20 quality council, and any other interested person for at
21 least 90 days prior to submission of a final proposed solid
22 waste management plan to the board. During the 90-day period
23 for receipt of comments on the draft plan, the department
24 shall hold at least three public hearings around the state
25 on the draft plan.

1 (2) A final proposed plan shall be prepared based on
 2 the comments and objections received at the public hearings
 3 and from the persons who have submitted comments on the
 4 draft solid waste management plan. The final plan submitted
 5 to the board shall include a discussion of all comments and
 6 objections received and the reasons why recommendations for
 7 changes or amendments to the proposed plan were accepted or
 8 rejected. The board shall consider the final proposed solid
 9 waste management plan after giving notice and holding at
 10 least one public hearing pursuant to the rulemaking
 11 procedures outlined in the Montana Administrative Procedure
 12 Act."

13 Section 4. Section 75-20-501, MCA, is amended to read:
 14 "75-20-501. Annual long-range plan submitted --
 15 contents -- available to public. (1) Each utility and each
 16 person contemplating the construction of a facility within
 17 this state in the ensuing 10 years shall furnish annually to
 18 the department for its review a long-range plan for the
 19 construction and operation of facilities.

20 (2) The plan shall be submitted on April 1 of each
 21 year and shall include the following:

22 (a) the general location, size, and type of all
 23 facilities to be owned and operated by the utility or person
 24 whose construction is projected to commence during the
 25 ensuing 10 years, as well as those facilities to be removed

1 from service during the planning period;

2 (b) in the case of utility facilities, a description
 3 of efforts by the utility or person to coordinate the plan
 4 with other utilities or persons so as to provide a
 5 coordinated regional plan for meeting the energy needs of
 6 the region;

7 (c) a description of the efforts to involve
 8 environmental protection and land use planning agencies in
 9 the planning process, as well as other efforts to identify
 10 and minimize environmental problems at the earliest possible
 11 stage in the planning process;

12 (d) projections of the demand for the service rendered
 13 by the utility or person and explanation of the basis for
 14 those projections and a description of the manner and extent
 15 to which the proposed facilities will meet the projected
 16 demand; and

17 (e) additional information that the board by rule or
 18 the department on its own initiative or upon the advice of
 19 interested state agencies might request in order to carry
 20 out the purposes of this chapter.

21 (3) The plan shall be made available to the public by
 22 the department. The utility or person shall give public
 23 notice throughout the state of its plan by filing the plan
 24 with ~~the--environmental--quality--council~~, the department of
 25 health and environmental sciences, the department of

1 highways, the department of public service regulation, the
2 department of state lands, and the department of community
3 affairs. Citizen environmental protection and resource
4 planning groups and other interested persons may obtain a
5 plan by written request and payment therefor to the
6 department."

7 Section 5. Repealer. Sections 5-16-101 through
8 5-16-105 and 75-1-301 through 75-1-324, MCA, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 346-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note for HB 680 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:

An act to abolish the Environmental Quality Council.

ASSUMPTION:

1. The proposed legislation will do away with the entire operation of the Environmental Quality Council, to include Council and staff.
2. The Executive Budget will be adopted by the 1979 Legislature.

FISCAL IMPACT:

| Cost reduction due to proposed legislation: | <u>FY80</u> | <u>FY81</u> |
|---|------------------|------------------|
| Personal services | \$116,510 | \$120,100 |
| Operating expenses | 44,250 | 46,900 |
| Equipment | <u>1,500</u> | <u>1,500</u> |
| | <u>\$162,260</u> | <u>\$168,500</u> |

The above costs are currently funded from the State General Fund.

Richard L. Franke
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3/17/79