

CHAPTER NO. 391

HOUSE BILL NO. 815

INTRODUCED BY NATHE, KEYSER, MANUEL, MANNING,
BARDANOUVE, RAMIREZ, HURWITZ, ROTH, MENAHAN,
BERTELSEN, SOUTH, CONROY

IN THE HOUSE

February 14, 1979	Introduced and referred to Committee on Business and Industry.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Business and Industry.
March 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 16, 1979	Returned from second house. Concurred in as amended.
March 17, 1979	Second reading, amendments adopted.

March 19, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

House BILL NO. *815*

INTRODUCED BY *Dennis WATHE - House - Manuel*
Monking Barbara Ramon Hurwitz Both
Menard Bertalan South Conard

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE DEPARTMENT OF PUBLIC SERVICE REGULATION, IN THE EXERCISE OF ITS REGULATORY AUTHORITY OVER RATES, FROM THE REQUIREMENTS OF THE MONTANA ENVIRONMENTAL POLICY ACT; AMENDING SECTION 75-1-201, MCA."

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

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

(1) the policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in this chapter;

(2) all agencies of the state, except as provided in subsection (4), shall:

(a) 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 decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures which

will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) 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, a detailed statement on:

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(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;

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

(e) recognize the national and long-range character of environmental problems and, where consistent with the

1 policies of the state, lend appropriate support to
 2 initiatives, resolutions, and programs designed to maximize
 3 national cooperation in anticipating and preventing a
 4 decline in the quality of mankind's world environment;

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

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

11 (h) assist the environmental quality council
 12 established by 5-16-101; and

13 (3) prior to making any detailed statement as provided
 14 in subsection (2)(c), the responsible state official shall
 15 consult with and obtain the comments of any state agency
 16 which has jurisdiction by law or special expertise with
 17 respect to any environmental impact involved. Copies of such
 18 statement and the comments and views of the appropriate
 19 state, federal, and local agencies which are authorized to
 20 develop and enforce environmental standards shall be made
 21 available to the governor, the environmental quality
 22 council, and the public and shall accompany the proposal
 23 through the existing agency review processes.

24 (4) The department of public service regulations in
 25 the exercise of its regulatory authority over rates and

1 charges of railroads, motor carriers, and public utilities,
 2 is exempt from the provisions of this chapter."

-End-

1 *House* BILL NO. *815*
 2 INTRODUCED BY *Dennis NATHE - Hansen - Manuel*
 3 *Memphong* *Barbaret* *Ramirez* *Thurwitz* *Both*
 4 *Memphong* *Barbaret* *Ramirez* *Thurwitz* *Both*
 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE

5 DEPARTMENT OF PUBLIC SERVICE REGULATION, IN THE EXERCISE OF
 6 ITS REGULATORY AUTHORITY OVER RATES, FROM THE REQUIREMENTS
 7 OF THE MONTANA ENVIRONMENTAL POLICY ACT; AMENDING SECTION
 8 75-1-201, MCA."

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

11 Section 1. Section 75-1-201, MCA, is amended to read:
 12 "75-1-201. General directions -- environmental impact
 13 statements. The legislature authorizes and directs that, to
 14 the fullest extent possible:

15 (1) the policies, regulations, and laws of the state
 16 shall be interpreted and administered in accordance with the
 17 policies set forth in this chapter;

18 (2) all agencies of the state, except as provided in
 19 subsection (4), shall:

20 (a) utilize a systematic, interdisciplinary approach
 21 which will insure the integrated use of the natural and
 22 social sciences and the environmental design arts in
 23 planning and in decisionmaking which may have an impact on
 24 man's environment;

25 (b) identify and develop methods and procedures which

1 will insure that presently unquantified environmental
 2 amenities and values may be given appropriate consideration
 3 in decisionmaking along with economic and technical
 4 considerations;

5 (c) include in every recommendation or report on
 6 proposals for projects, programs, legislation, and other
 7 major actions of state government significantly affecting
 8 the quality of the human environment, a detailed statement
 9 on:

10 (i) the environmental impact of the proposed action;

11 (ii) any adverse environmental effects which cannot be
 12 avoided should the proposal be implemented;

13 (iii) alternatives to the proposed action;

14 (iv) the relationship between local short-term uses of
 15 man's environment and the maintenance and enhancement of
 16 long-term productivity; and

17 (v) any irreversible and irretrievable commitments of
 18 resources which would be involved in the proposed action
 19 should it be implemented;

20 (d) study, develop, and describe appropriate
 21 alternatives to recommend courses of action in any proposal
 22 which involves unresolved conflicts concerning alternative
 23 uses of available resources;

24 (e) recognize the national and long-range character of
 25 environmental problems and, where consistent with the

1 policies of the state, lend appropriate support to
 2 initiatives, resolutions, and programs designed to maximize
 3 national cooperation in anticipating and preventing a
 4 decline in the quality of mankind's world environment;

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

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

11 (h) assist the environmental quality council
 12 established by 5-16-101; and

13 (3) prior to making any detailed statement as provided
 14 in subsection (2)(c), the responsible state official shall
 15 consult with and obtain the comments of any state agency
 16 which has jurisdiction by law or special expertise with
 17 respect to any environmental impact involved. Copies of such
 18 statement and the comments and views of the appropriate
 19 state, federal, and local agencies which are authorized to
 20 develop and enforce environmental standards shall be made
 21 available to the governor, the environmental quality
 22 council, and the public and shall accompany the proposal
 23 through the existing agency review processes.

24 (4) The department of public service regulation, in
 25 the exercise of its regulatory authority over rates and

1 charges of railroads, motor carriers, and public utilities,
 2 is exempt from the provisions of this chapter."

-End-

HOUSE BILL NO. 815

INTRODUCED BY NATHE, KEYSER, MANUEL, MANNING,
BARDANOUVE, RAMIREZ, HURWITZ, ROTH, MENAHAN,
BERTELSEN, SOUTH, CONROY

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE
DEPARTMENT OF PUBLIC SERVICE REGULATION, IN THE EXERCISE OF
ITS REGULATORY AUTHORITY OVER RATES, FROM THE REQUIREMENTS
OF THE MONTANA ENVIRONMENTAL POLICY ACT; AMENDING SECTION
75-1-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

(1) the policies, regulations, and laws of the state
shall be interpreted and administered in accordance with the
policies set forth in this chapter;

(2) all agencies of the state, except as provided in
subsection (4), shall:

(a) 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 decisionmaking which may have an impact on

man's environment;

(b) identify and develop methods and procedures which
will insure that presently unquantified environmental
amenities and values may be given appropriate consideration
in decisionmaking along with economic and technical
considerations;

(c) 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, a detailed statement
on:

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be
avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(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;

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

1 (e) recognize the national and long-range character of
 2 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 cooperation in anticipating and preventing a
 6 decline in the quality of mankind's world environment;

7 (f) 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 (g) initiate and utilize ecological information in the
 12 planning and development of resource-oriented projects; and

13 (h) assist the environmental quality council
 14 established by 5-16-101; and

15 (3) prior to making any detailed statement as provided
 16 in subsection (2)(c), the responsible state official shall
 17 consult with and obtain the comments of any state agency
 18 which has jurisdiction by law or special expertise with
 19 respect to any environmental impact involved. Copies of such
 20 statement and the comments and views of the appropriate
 21 state, federal, and local agencies which are authorized to
 22 develop and enforce environmental standards shall be made
 23 available to the governor, the environmental quality
 24 council, and the public and shall accompany the proposal
 25 through the existing agency review processes.

1 ~~(4) The department of public service regulation, in~~
 2 ~~the exercise of its regulatory authority over rates and~~
 3 ~~charges of railroads, motor carriers, and public utilities,~~
 4 ~~is exempt from the provisions of this chapter."~~

5 ~~SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON~~
 6 ~~PASSAGE AND APPROVAL.~~

-End-

March 9, 1979

SENATE STANDING COMMITTEE REPORT
(Business & Industry)

That House Bill No. 815 be amended as follows:

1. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4, line 3.

Following: line 2

Insert: "Section 2. Effective date. This act is effective on
passage and approval."