

SENATE BILL 246

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Natural Resources.
February 13, 1979	Committee recommend bill, as amended.
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 17, 1979	Considered correctly engrossed.
February 19, 1979	Third reading, passed.

IN THE HOUSE

February 20, 1979	Introduced and referred to Committee on Natural Resources.
March 2, 1979	Committee recommend bill, not concurred.
March 3, 1979	Objection.
March 5, 1979	Second reading, as amended, not concurred.

IN THE SENATE

March 6, 1979	Returned from House, not concurred, as amended.
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1 Senate BILL NO. 246
 2 INTRODUCED BY Hagan Bob Brown Raskin
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE
 5 COMPOSITION OF THE ENVIRONMENTAL QUALITY COUNCIL AND RENAME
 6 IT THE LEGISLATIVE ENVIRONMENTAL COUNCIL; AMENDING SECTIONS
 7 5-16-101, 5-16-102, 5-16-104, 75-1-102, 75-1-201, 75-1-301,
 8 75-10-111, AND 75-20-501, MCA."
 9

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

11 Section 1. Section 5-16-101, MCA, is amended to read:

12 "5-16-101. Appointment and composition. The
 13 legislative environmental quality council shall consist of
 14 ~~13~~ 12 members, ~~to be as follows:~~

15 ~~(1) the governor or his designated representative~~
 16 ~~shall be an ex-officio member of the council and shall~~
 17 ~~participate in council meetings as a nonvoting member;~~

18 ~~(2) four~~ six members of the senate and ~~four~~ six
 19 members of the house of representatives shall be appointed
 20 before the 50th legislative day in the same manner as
 21 standing committees of the respective houses are appointed.
 22 No more than ~~two~~ three of the appointees of each house shall
 23 be members of the same political party.

24 ~~(3) four members of the general public, two public~~
 25 ~~members shall be appointed by the speaker of the house with~~

1 ~~the consent of the house minority leaders and two shall be~~
 2 ~~appointed by the president of the senate with the consent of~~
 3 ~~the senate minority leaders."~~

4 Section 2. Section 5-16-102, MCA, is amended to read:
 5 "5-16-102. Qualifications. In considering the
 6 appointments under ~~subsections (2) and (3) of~~ 5-16-101,
 7 consideration shall be given to their qualifications to:

8 (1) analyze and interpret environmental trends and
 9 information of all kinds;

10 (2) appraise programs and activities of the state
 11 government in the light of the policy set forth in 75-1-103;

12 (3) be conscious of and responsive to the scientific,
 13 economic, social, aesthetic, and cultural needs and
 14 interests of the state; and

15 (4) formulate and recommend state policies to promote
 16 the improvement of the quality of the environment."

17 Section 3. Section 5-16-104, MCA, is amended to read:

18 "5-16-104. Vacancies. A vacancy on the council of a
 19 ~~member appointed under 5-16-101(2)~~ occurring when the
 20 legislature is not in session shall be filled by the
 21 selection of a member of the legislature by the same method
 22 as the original appointment."

23 Section 4. Section 75-1-102, MCA, is amended to read:

24 "75-1-102. Purpose. The purpose of this chapter is to
 25 declare a state policy which will encourage productive and

1 enjoyable harmony between man and his environment, to
 2 promote efforts which will prevent or eliminate damage to
 3 the environment and biosphere and stimulate the health and
 4 welfare of man, to enrich the understanding of the
 5 ecological systems and natural resources important to the
 6 state, and to establish on a legislative environmental
 7 quality council."

8 Section 5. Section 75-1-201, MCA, is amended to read:

9 "75-1-201. General directions -- environmental impact
 10 statements. The legislature authorizes and directs that, to
 11 the fullest extent possible:

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

15 (2) all agencies of the state shall:

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

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

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

6 (i) the environmental impact of the proposed action;
 7 (ii) any adverse environmental effects which cannot be
 8 avoided should the proposal be implemented;

9 (iii) alternatives to the proposed action;

10 (iv) the relationship between local short-term uses of
 11 man's environment and the maintenance and enhancement of
 12 long-term productivity; and

13 (v) any irreversible and irretrievable commitments of
 14 resources which would be involved in the proposed action
 15 should it be implemented;

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

20 (e) recognize the national and long-range character of
 21 environmental problems and, where consistent with the
 22 policies of the state, lend appropriate support to
 23 initiatives, resolutions, and programs designed to maximize
 24 national cooperation in anticipating and preventing a
 25 decline in the quality of mankind's world environment;

1 (f) make available to counties, municipalities,
2 institutions, and individuals advice and information useful
3 in restoring, maintaining, and enhancing the quality of the
4 environment;

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

7 (h) assist the legislative environmental quality
8 council established by 5-16-101; and

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

20 Section 6. Section 75-1-301, MCA, is amended to read:
21 "75-1-301. Definition of council. In this part
22 "council" means the legislative environmental quality
23 council provided for in 5-16-101."

24 Section 7. Section 75-10-111, MCA, is amended to read:
25 "75-10-111. State solid waste management plan --

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

18 (2) A final proposed plan shall be prepared based on
19 the comments and objections received at the public hearings
20 and from the persons who have submitted comments on the
21 draft solid waste management plan. The final plan submitted
22 to the board shall include a discussion of all comments and
23 objections received and the reasons why recommendations for
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25 rejected. The board shall consider the final proposed solid

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1 waste management plan after giving notice and holding at
 2 least one public hearing pursuant to the rulemaking
 3 procedures outlined in the Montana Administrative Procedure
 4 Act."

5 Section 8. Section 75-20-501, MCA, is amended to read:
 6 "75-20-501. Annual long-range plan submitted --
 7 contents -- available to public. (1) Each utility and each
 8 person contemplating the construction of a facility within
 9 this state in the ensuing 10 years shall furnish annually to
 10 the department for its review a long-range plan for the
 11 construction and operation of facilities.

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

14 (a) the general location, size, and type of all
 15 facilities to be owned and operated by the utility or person
 16 whose construction is projected to commence during the
 17 ensuing 10 years, as well as those facilities to be removed
 18 from service during the planning period;

19 (b) in the case of utility facilities, a description
 20 of efforts by the utility or person to coordinate the plan
 21 with other utilities or persons so as to provide a
 22 coordinated regional plan for meeting the energy needs of
 23 the region;

24 (c) a description of the efforts to involve
 25 environmental protection and land use planning agencies in

1 the planning process, as well as other efforts to identify
 2 and minimize environmental problems at the earliest possible
 3 stage in the planning process;

4 (d) projections of the demand for the service rendered
 5 by the utility or person and explanation of the basis for
 6 those projections and a description of the manner and extent
 7 to which the proposed facilities will meet the projected
 8 demand; and

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

13 (3) The plan shall be made available to the public by
 14 the department. The utility or person shall give public
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 17 department of health and environmental sciences, the
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 22 persons may obtain a plan by written request and payment
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-End-

Approved by Committee
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~~before the 50th legislative day in the same manner as standing committees of the respective houses are appointed.~~

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3 institutions, and individuals advice and information useful

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