

House Bill 682

In The House

February 7, 1981	Introduced and referred to Committee on State Administration.
February 10, 1981	Fiscal note requested.
February 13, 1981	Fiscal note returned.
April 23, 1981	Died in Committee.

1 HOUSE BILL NO. 682
 2 INTRODUCED BY Kenneth Mike Anderson Etchart
 3 Russauis

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, 75-20-211, AND 75-20-501, MCA; AND
 7 REPEALING SECTIONS 5-16-101 THROUGH 5-16-105, 75-1-301
 8 THROUGH 75-1-313, AND 75-1-322 THROUGH 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, except as provided in
 3 subsection (4), shall:

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

9 (b) 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 decisionmaking along with economic and technical
 13 considerations;

14 (c) 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, a detailed statement
 18 on:

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

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

22 (iii) alternatives to the proposed action;

23 (iv) the relationship between local short-term uses of
 24 man's environment and the maintenance and enhancement of
 25 long-term productivity; and

1 (v) any irreversible and irretrievable commitments of
2 resources which would be involved in the proposed action
3 should it be implemented;

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

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

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

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

20 ~~(h) assist the environmental quality council~~
21 ~~established by 5-16-1017 and~~

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

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

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

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

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

1 least 90 days prior to submission of a final proposed solid
 2 waste management plan to the board. During the 90-day period
 3 for receipt of comments on the draft plan, the department
 4 shall hold at least three public hearings around the state
 5 on the draft plan.

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

18 Section 4. Section 75-20-211, MCA, is amended to read:
 19 "75-20-211. Application -- filing and contents --
 20 proof of service and notice. (1) (a) An applicant shall file
 21 with the department and department of health a joint
 22 application for a certificate under this chapter and for the
 23 permits required by state air and water quality laws in such
 24 form as the board requires under applicable rules,
 25 containing the following information:

- 1 (i) a description of the location and of the facility
 2 to be built thereon;
 3 (ii) a summary of any studies which have been made of
 4 the environmental impact of the facility;
 5 (iii) a statement explaining the need for the facility;
 6 (iv) a description of reasonable alternate locations
 7 for the proposed facility, a general description of the
 8 comparative merits and detriments of each location
 9 submitted, and a statement of the reasons why the primary
 10 proposed location is best suited for the facility;
 11 (v) baseline data for the primary and reasonable
 12 alternate locations;
 13 (vi) at the applicant's option, an environmental study
 14 plan to satisfy the requirements of this chapter; and
 15 (vii) such other information as the applicant considers
 16 relevant or as the board and board of health by rule or the
 17 department and department of health by order require.
- 18 (b) A copy or copies of the studies referred to in
 19 subsection (1)(a)(ii) above shall be filed with the
 20 department, if ordered, and shall be available for public
 21 inspection.
- 22 (2) An application may consist of an application for
 23 two or more facilities in combination which are physically
 24 and directly attached to each other and are operationally a
 25 single operating entity.

1 (3) An application shall be accompanied by proof of
 2 service of a copy of the application on the chief executive
 3 officer of each unit of local government, county
 4 commissioner, city or county planning boards, and federal
 5 agencies charged with the duty of protecting the environment
 6 or of planning land use in the area in which any portion of
 7 the proposed facility may be located, both as primarily and
 8 as alternatively proposed and on the following state
 9 government agencies:

10 ~~(a) environmental quality council;~~

11 ~~(b)(a)~~ department of public service regulation;

12 ~~(c)(b)~~ department of fish, wildlife, and parks;

13 ~~(d)(c)~~ department of state lands;

14 ~~(e)(d)~~ department of community affairs;

15 ~~(f)(e)~~ department of highways;

16 ~~(g)(f)~~ department of revenue.

17 (4) The copy of the application shall be accompanied
 18 by a notice specifying the date on or about which the
 19 application is to be filed.

20 (5) An application shall also be accompanied by proof
 21 that public notice thereof was given to persons residing in
 22 the area or alternative areas in which any portion of the
 23 proposed facility may be located, by publication of a
 24 summary of the application in those newspapers that will
 25 substantially inform those persons of the application."

1 Section 5. Section 75-20-501, MCA, is amended to read:
 2 "75-20-501. Annual long-range plan submitted --
 3 contents -- available to public. (1) Each utility and each
 4 person contemplating the construction of a facility within
 5 this state in the ensuing 10 years shall furnish annually to
 6 the department for its review a long-range plan for the
 7 construction and operation of facilities.

8 (2) The plan shall be submitted by April 1 of each
 9 year and must include the following:

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

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

20 (c) a description of the efforts to involve
 21 environmental protection and land use planning agencies in
 22 the planning process, as well as other efforts to identify
 23 and minimize environmental problems at the earliest possible
 24 stage in the planning process;

25 (d) projections of the demand for the service rendered

1 by the utility or person and explanation of the basis for
 2 those projections and a description of the manner and extent
 3 to which the proposed facilities will meet the projected
 4 demand; and

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

9 (3) The plan shall be furnished to the governing body
 10 of each county in which any facility included in the plan
 11 under (2)(a) of this section is proposed to be located and
 12 made available to the public by the department. The utility
 13 or person shall give public notice throughout the state of
 14 its plan by filing the plan with ~~the environmental quality~~
 15 ~~council~~, the department of health and environmental
 16 sciences, the department of highways, the department of
 17 public service regulation, the department of state lands,
 18 the department of fish, wildlife, and parks, and the
 19 department of community affairs. Citizen environmental
 20 protection and resource planning groups and other interested
 21 persons may obtain a plan by written request and payment
 22 therefor to the department.

23 (4) A rural electric cooperative may furnish the
 24 department with a copy of the long-range plan and 2-year
 25 work plan required to be completed under federal rural

1 electrification requirements in lieu of the long-range plan
 2 required in subsection (1).

3 (5) No person may file an application for a facility
 4 unless the facility had been adequately identified in a
 5 long-range plan at least 2 years prior to acceptance of an
 6 application by the department."

7 Section 6. Repealer. Sections 5-16-101 through
 8 5-16-105, 75-1-301 through 75-1-313, and 75-1-322 through
 9 75-1-324, MCA, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 349-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 81, there is hereby submitted a Fiscal Note for House Bill 682 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

A bill for an act entitled, "An Act to Abolish the Environmental Quality Council".

<u>Revenue and Expenditure Impact</u>	<u>FY 1982</u>	<u>FY 1983</u>	<u>Biennium</u>
Revenue:	\$ 0	\$ 0	\$ 0
Expenditures:			
Personal Services	\$111,173	\$121,690	\$232,863
Operating Expenses	38,684	41,834	80,518
Capital Outlay	<u>500</u>	<u>500</u>	<u>1,000</u>
Net Decrease	(\$50,357)	(\$164,024)	

The bill will decrease demand on the General Fund by \$314,381 over the biennium



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-12-81