HOUSE BILL NO. 228

INTRODUCED BY QUILICI, KITSELMAN, PAVLOVICH, TOWE, LYNCH, MENAHAN, KEENAN, VINCENT, HAFFEY

BY REQUEST OF THE JOINT SUBCOMMITTEE ON BUSINESS

IN THE HOUSE

January 13, 1983	Introduced and referred to Committee on Natural Resources.
February 18, 1983	Committee recommand bill do pass as amended. Report adopted.
February 19, 1983	Bill printed and placed on members' desks.
February 21, 1983	Second reading, do pass.
February 22, 1983	Considered correctly engrossed.
	Third reading, passed. Transmitted to Senate.
1	IN THE SENATE
March 1, 1983	Introduced and referred to Committee on Natural Resources.
March 18, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in Ayes, 49; Noes, 1.

IN THE HOUSE

Narch	23, 1983		Returned to House with amendments.
March	30, 1983		Second reading, amendments concurred in.
March	31, 1983		Third reading, amondments concurred in.
			Sent to enrolling.
April	5, 1983		Correctly enrolled.
April	6, 1983		Signed by Speaker.
April	8, 1983		Signed by President.
April	11, 1983		Delivered to Governor.
April	15, 1983		Returned from Governor with recommanded amendments.
April	18, 1983		Second reading, Governor's amendments concurred in.
			Third reading, Governor's amendments concurred in.
		IN THE SEN	ATE
April	19, 1983		Governor's amendments transmitted to Senate.
April	20, 1983		Second reading, Governor's amendments concurred in.
April	21, 1983		Third reading, Governor's amendments concurred in.
		IN THE HOU	SE
April	21, 1983		Returned to House. Sent to enrolling.
		·	Reported correctly enrolled.

-2-

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LC 0103/01

Le BILL NO. 228 / 1 in Kitselmin Lalma INTRODUCED BY 2 BY REQUEST OF THE JOINT SUBCOMMITTEE ON BUSINESS NUM 3 Vincent Hollow Keenan -5 A BILL FOR AN ACT ENTITLED: "AN ACT PROMOTING CONSISTENCY CONTINUITY IN THE ADOPTION AND APPLICATION OF 6 AND

8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 90-1-101, MCA, is amended to read: 11 "90-1-101. Declaration of necessity and public policy. (1) It is hereby declared to be a necessity and the public 12 13 policy of the state to promote, stimulate, and encourage the 14 planning and development of the economy of the state in order to provide for the social and economic prosperity of 15 its citizens. Such promotion and development of industry, 16 17 commerce, agriculture, labor, and natural resources of the 18 state require that cognizance be taken of the continuing migration of people to the urban areas in search of job 19 opportunities and the fact that Montana is making a needed 20 21 transition to a diversified economy. Community planning, greater diversification of industry and attraction of 22 23 additional industry, accelerated development of natural 24 resources, expansion of existing industry, creation of new agricultural products, greater emphasis on 25 uses for

ENVIRONMENTAL RULES; AMENDING SECTION 90-1-101, MCA."

scientific research, development of new markets for the 1 products of the state, and the attainment of a proper 2 balance in the overall economic base are all necessary in з. order to create additional employment opportunities, increase personal income, and promote the general welfare of 5 the people of this state. * 7 12) The legislature recognizes that consistency and a continuity in the adoption and application of environmental 9 rules and other government regulations are essential to the 10 protection and enhancement of Montana's economic well-being, 11 that consistency and continuity are particularly important 12 to those persons who have made commitments based on the 13 existence of certain environmental rules and other government regulations, and that those persons are entitled 14 15 to a reasonable expectation that rules will not be changed 16 to their detriment. Therefore, it is the policy of the 17 state to protect those persons who have made financial 18 commitments based on existing administrative rules and not 19 to change those rules to their detriment unless there is an 20 overwhelming showing of need. 21 f2+131 The department of commerce shall be recarded as 22 performing a governmental function in carrying out the

-End-

-2-

INTRODUCED BILL

23

provisions of this part.*

HB 0228/02

Approved by Committee on <u>Natural Resources</u>

ł	HOUSE BILL NO. 228
Z	INTRODUCED BY QUILICI. KITSELMAN. PAVLOVICH.
3	TOWE, LYNCH, MENAHAN, KEENAN, VINCENT, HAFFEY
4	BY REQUEST OF THE JOINT SUBCOMMITTEE ON BUSINESS
5	
6	A BIL, FOR AN ACT ENTITLED: MAN ACT PROMOTING CONSISTENCY
7	AND CONTINUITY IN THE ADOPTION AND APPLICATION OF
8	ENVIRONMENTAL RULES; AMENDING SECTION 90-1-101, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Saction 1. Section 90-1-101, MCA, is amended to read:
12	<pre>M90-1-101. Declaration of necessity and public policy.</pre>
13	(1) It is hereby declared to be a necessity and the public
14	policy of the state to promote, stimulate, and encourage the
15	planning and development of the economy of the state in
16	order to provide for the social and economic prosperity of
17	its citizens. Such promotion and development of industry.
18	commerces agricultures labors and natural resources of the
10	state require that cognizance be taken of the continuing
20	migration of people to the urban areas in search of job
21	opportunities and the fact that Montana is making a needed
22	transition to a diversified economy. Community planning,
23	greater diversification of industry and attraction of
24	additional industry, accelerated development of natural
25	resources, expansion of existing industry, creation of new

uses for agricultural products, greater emphasis on
 scientific research, development of new markets for the
 products of the state, and the attainment of a proper
 balance in the overall economic base are all necessary in
 order to create additional employment opportunities,
 increase personal income, and promote the general welfare of
 the people of this state.

8 (2) The legislature recognizes that consistency and 9 continuity_in_the_adoption_and_application_of_environmental 10 rules and other severanchi-regulations are essential to the 11 protection_and_enhancement_of_Montana's_economic_well-being. 12 that__consistency_and_continuity_are_particularly_important 13 to those persons who have made commitments based on the 14 existance of certain environmental rules ond-other 15 government-regulations, and that those persons are entitled 16 to a reasonable expectation that rules will not be changed 17 to_their_detriment. Thereforex_it_is_the_policy_of_the_state 18 te-orgiest-those-persons-who-have-made-financial-commitments 19 based:op:existing-odministrative=rules:=ond==not==to==change 20 21 everybelging_spewing_of_needy 22 $\frac{12}{(3)}$ The department of commerce shall be regarded as 23 performing a governmental function in carrying out the

24 provisions of this-part 20-1-102_IHBOUGH_20-1-109."

-End-

-2- HB 228 SECOND READING

HP	0228/02	
M.C.	0220/02	

HOUSE BILL NO. 228 1 uses for agricultural products, greater emphasis on Ł scientific research, development of new markets for the INTRODUCED BY QUILICI, KITSELMAN, PAVLOVICH, 2 2 TOWE, LYNCH, MENAHAN, KEENAN, VINCENT, HAFFEY 3 products of the state, and the attainment of a proper-3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON BUSINESS balance in the overall economic base are all necessary in 4 4 order to create additional employment opportunities, 5 5 A BIL. FOR AN ACT ENTITLED: "AN ACT PROMOTING CONSISTENCY 6 6 incresse personal income, and promote the general welfare of CONTINUITY IN THE ADOPTION AND APPLICATION OF 7 7 the people of this state. AND ENVIRONMENTAL RULES; AMENDING SECTION 90-1-101, MCA." 8 (2) The legislature recognizes that consistency and 8 q continuity__in_the_adoption_and_application_of_environmental Q BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 rules and other government regulations are essential to the 10 Section 1. Section 90-1-101, MCA, is amended to read: 11 protection_and_enhancement_of_Montanass_economic_well=being. 11 #90-1-101. Neclaration of necessity and public policy. that consistency and continuity are particularly important 12 12 (1) It is hereby declared to be a necessity and the public to those persons who have made commitments based on the 13 13 14 existence___of___certain___environmental___rules and==other policy of the state to promote, stimulate, and encourage the 14 planning and development of the economy of the state in 15 government:regulations, and that those persons are __entitled 15 order to provide for the social and economic prosperity of 16 to a reasonable expectation that rules will not be changed 16 its cirizens. Such promotion and development of industry. to_their_detriment. Thereforex_it_is_the=policy_of_the=state 17 17 commerce, agriculture, labor, and natural resources of the 18 te_protect_those_persons_who=boxe_made=fingneicl_commitments 19 state require that cognizance be taken of the continuing 19 based_on_existing_odministrative_rules_cond__not__tence 10 migration of people to the urban areas in search of job 20 20 opportunities and the fact that Montana is making a needed 21 overwhelming_showing_of_needs 21 transition to a diversified economy. Community planning. (2)[3] The department of commerce shall be regarded as 22 22 greater diversification of industry and attraction of 23 performing a governmental function in carrying out the 23 additional industry, accelerated development of natural provisions of this-mart 90-1-102_THEOUGH_30-1-109.* 24 24 resources, expansion of existing industry, creation of new -End-25

> -2- нв 228 THIRD READING

SENATE STANDING COMMITTEE REPORT (Natural Resources)

That House Bill No. 228 be amended as follows:

1. Title, line 8.
Following: "RULES"
Insert: "AFTER AN APPLICATION FOR AN ENVIRONMENTAL PERMIT HAS
BEEN COMPLETED"

2. Page 2, line 13.
Following: "made"
Strike: "commitments"
Insert: "a financial commitment after completing an application for
 an environmental permit"

3. Page 2, line 16. Strike: "rules" Insert: "requirements in such a permit"

4. Page 2, line 17.

Following: "detriment."

Insert: "Therefore, when a person makes a financial commitment after completing an application for an environmental permit it is the policy of the state not to change the requirements in such a permit to the detriment of such persons except upon a showing of clear and convincing evidence of a need to protect public health, the environment or comply with federal regulations."

25

1	HOUSE BILL NO. 228
2	INTRODUCED BY QUILICI, KITSELMAN, PAVLDVICH,
3	TOWE, LYNCH, MENAHAN, KEENAN, VINCENT, HAFFEY
4	BY REQUEST OF THE JOINT SUBCOMMITTEE ON BUSINESS
5	
6	A BILL FOR AN ACT ENTITLED: #AN ACT PRONOTING CONSISTENCY
7	AND CONTINUITY IN THE ADOPTION AND APPLICATION OF
8	ENVIRTHMENTAL RULES AFTER AN APPLICATION FOR AN
9	ENVIRONMENTAL_PERMIT_HAS_BEEN_COMPLETED; AMENDING SECTION
10	90-1-101, MCA."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 90-1-101, MCA, is amended to read:
14	<pre>#90-1-101. Declaration of necessity and public policy.</pre>
15	(1) It is hereby declared to be a necessity and the public
16	policy of the state to promote, stimulate, and encourage the
17	planning and development of the economy of the state in
18	order to provide for the social and economic prosperity of
19	its citizens. Such promotion and development of industry,
20	commerce, agriculture, labor, and natural resources of the
21	state require that cognizance be taken of the continuing
22	migration of people to the urban areas in search of job
23	opportunities and the fact that Montana is making a needed
24	transition to a diversified economy. Community planning,

greater diversification of industry and attraction of

1 additional industry, accelerated development of natural 2 resources, expansion of existing industry, creation of new uses for agricultural products, greater emphasis on 3 scientific research, development of new markets for the 4 5 products of the state, and the attainment of a proper 6 balance in the overall economic base are all necessary in 7 order to create additional employment opportunities, я increase personal income, and promote the general welfare of 9 the people of this state.

10 [2] The legislature recognizes that consistency and 11 contiguity__in_the_adoption_and_application_of_environmental 12 rules and other soverneest resultions are essential to the 13 protection and enhancement of Montanals economic well-being, 14 that__consistency_and_continuity_are_particularly_important 15 to those persons who have made consituents A EINANCIAL 16 COMMITMENT___AFTER___COMPLETING___AN___APPLICATION___EOR__AN 17 ENVIRONMENIAL PERMII based on the existence of certain environmental_rules end-other-povernment-requisitions.and 18 that those persons are entitled to a reasonable expectation 19 that rules REQUIREMENTS IN SUCH & PERMIT will not be changed 20 to_their_detriment. IHERSEORE._.WHEN_A_REBSON_MAKES_A 21 EINANCIAL_COMMITMENT_AETER_COMPLETING_AN_APPLICATION_FOR__AN 22 ENVIRONMENTAL PERMITA IT IS THE POLICY OF THE STATE NOT TO 23 24 CHANGE_THE_REQUIREMENTS_IN_SUCH_A_PERMIT_TO_THE_DETRIMENT_DE SUCH PERSONS EXCEPT UPON A SHOWING DE CLEAR AND CONVINCING 25

HB 228

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7	ofineede
8	<pre>{2}(3) The department of commerce shall be regarded as</pre>
9	performing a governmental function in carrying out the
10	provisions of this-part <u>90-1-102</u> THROUGH 90-1-109 ."

-End-

-3-

PROPOSED AMENDMENT TO HOUSE BILL NO. 228 REFERENCE COPY

Page 2, line 21 through page 3, line 2.

Following: "THEREFORE," on page 2, line 21

Strike:

1.

line 21 on page 2 through line 2 on page 3

Insert:

"when a person makes a financial commitment after having completed an application for an environmental permit, it is the policy of the state not to change the requirements for such permit to the detriment of the applicant or permittee without having first taken into account and given consideration to previous expenditures made by the applicant or permittee."

Governor

HE 0228/04

HOUSE BILL NO. 228 1 2 INTREDUCED BY QUILICI, KITSELMAN, PAVLOVICH, TOWE, LYNC : MENAHAN, KEENAN, VINCENT, HAFFEY 3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON BUSINESS. 4 5 A BELL FOR AN ACT ENT FLED: "AN ACT PROMOTING CONSISTENCY 4 THE ADOPTION AND APPLICATION OF 7 CONTINUITY IN AND ENVIRONMENTAL RULES AFTER AN APPLICATION FOR AN 8 ENVIRONMENTAL PERMIT HAS BEEN COMPLETED; AMENDING SECTION 9 90-1-101. MCA.* 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 90-1-101, MCA, is amended to read: 13

"90-1-101. Declaration of necessity and public policy. 14 (1) It is hereby declared to be a necessity and the public 15 policy of the state to promote, stimulate, and encourage the 16 planning and development of the economy of the state in 17 order to provide for the social and economic prosperity of 18 19 its citizens. Such promotion and development of industry, commerce, agriculture, labor, and natural resources of the 20 21 state require that cognizance be taken of the continuing migration of people to the urban areas in search of job 22 opportunities and the fact that Montana is making a needed 23 24 transition to a diversified economy. Community planning, greater diversification of industry and attraction of 25

HB 0228/04

additional industry, accelerated development of natural 1 2 resources, expansion of existing industry, creation of new 3 uses for agricultural products, greater emphasis on scientific research, development of new markets for the 4 5 products of the state, and the attainment of a proper balance in the overall economic base are all necessary in 6 7 order to create additional employment opportunities, increase personal income, and promote the general welfare of 8 the people of this state. o

10 121_The legislature recognizes_that_consistency and 11 continuity_in_the adoption_and application of environmental 12 rules and-other-government-regulations are essential to the protection and enhancement of Montana's economic well-being. 13 14 that consistency and continuity are particularly important to those persons who have made commitments A FINANCIAL 15 16 COMMITMENT__AETER__COMPLETING__AN__APPLICATION__FOR_AN 17 ENVIRONMENTAL PERMIT based on the existence of certain 19 environmental_rules and other government regulations, and 19 that those persons are entitled to a reasonable expectation 20 that rules REQUIREMENTS IN SUCH A PERMIT will not be changed 21 to__their__detriment. IMEREEORE: MMEN_A-PERSON-MAKES-A 22 EIMANCIAL_COMMITMENT_AFTER_COMPLETING_AN_APPLICATION_FOR__AN 23 ENVIRONMENTAL___EEBMITv~~IT_IS~THE~POLICY_DE~THE_STATE~HOT~TO 24 CHANGE THE REQUIREMENTS IN SUCH A PERMIT TO THE DETRIMENT OF 2 5 SUEW_PERSONS-EXCEPT_UPDN-A-SHOWING-DE-ELLAR--AND--CONVINCING

> -2- H8 228 REFERENCE BILL: INCLUDES GOVERNOR'S AMENDMENTS DATED 4-15-83



AP-1

HB 228

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3	PERSONMAKESA_FINANCIAL_COMMITMENT_AETEK_HAVING_COMPLETED
4	AN APPLICATION FOR AN ENVIRONMENTAL PERMIT: IT IS THE POLICY
5	DE_IHE_STATE_NOT_TO_CHANGE_THE_REQUIREMENTS_FOR_SUCHPERMIT
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7	HAVING_EIRST_TAKEN_INTO_ACCOUNT_AND_GIVENCONSIDERATIONTO
8	PREVIDUS_EXPENDITURES_MADE_BY_THE_APPLICANT_OB_PERMITTEE.
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10	personazzzwhozzhovezzmodezzfinanciałzzcowaitmentezzbasedzzon
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13	<u>qf=nsqt</u>
14	<pre>f2)[3] The department of commerce shall be regarded as</pre>
15	performing a governmental function in carrying out the

16 provisions of this-part 20-1-102 THROUGH 50-1-102."

-End-

-3-