

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

*Senate* BILL NO. 334  
Grasfield

INTRODUCED BY \_\_\_\_\_

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING ARTICLE IX, SECTION 1, OF THE MONTANA CONSTITUTION BY PROVIDING FOR THE MAINTENANCE AND IMPROVEMENT OF A CLEAN AND HEALTHFUL ENVIRONMENT IN THE ADMINISTRATION AND ENFORCEMENT OF MONTANA'S LAWS PROVIDING ADEQUATE REMEDIES FOR THE PROTECTION OF THE ENVIRONMENTAL LIFE SUPPORT SYSTEM FROM DEGRADATION AND PREVENTING UNREASONABLE DEPLETION OR DEGRADATION OF NATURAL RESOURCES; PROVIDING BALANCING CRITERIA FOR AN AGENCY TO DETERMINE MITIGATION OF SIGNIFICANT IMPACTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Protection and improvement.** (1) In order to implement Article IX, section 1, subsections (1) through (3), of the Montana constitution, the state of Montana shall continue to provide laws and comply with those laws that maintain and improve a clean and healthful environment for present and future generations. The legislature has implemented the three directives of Article IX, section 1, through statutes and programs administering and enforcing the duty to maintain and improve a clean and healthful environment, through statutes and programs providing adequate remedies for the protection of the environmental life support system, and through statutes and programs providing adequate remedies to prevent unreasonable depletion and degradation of natural resources. In providing these three directives, the legislature finds that the delegates of the 1972 constitutional convention meant to create a strong constitutional provision regarding Montana's environment and did not intend that the environmental life support system be applied on a literal, site-specific basis, but rather as a general concept that applies to the environmental life support system of the state of Montana as a whole.

(2) The state shall continue to administer and enforce Article IX, section 1, by complying with the following statutes and programs, among others:

- (a) Title 15, chapter 32;
- (b) Title 17, chapter 5, part 7;
- (c) Title 17, chapter 6, part 3;



- 1 (d) Title 75, chapter 1;
- 2 (e) Title 75, chapter 2;
- 3 (f) Title 75, chapter 3;
- 4 (g) Title 75, chapter 5;
- 5 (h) Title 75, chapter 6;
- 6 (i) Title 75, chapter 7, part 1;
- 7 (j) Title 75, chapter 7, part 2;
- 8 (k) Title 75, chapter 10, part 1;
- 9 (l) Title 75, chapter 10, part 2;
- 10 (m) Title 75, chapter 10, part 3;
- 11 (n) Title 75, chapter 10, part 4;
- 12 (o) Title 75, chapter 10, part 5;
- 13 (p) Title 75, chapter 10, part 6;
- 14 (q) Title 75, chapter 10, part 7;
- 15 (r) Title 75, chapter 10, part 8;
- 16 (s) Title 75, chapter 10, part 9;
- 17 (t) Title 75, chapter 10, part 10;
- 18 (u) Title 75, chapter 11, part 2;
- 19 (v) Title 75, chapter 11, part 3;
- 20 (w) Title 75, chapter 15, part 1;
- 21 (x) Title 75, chapter 15, part 2;
- 22 (y) Title 75, chapter 16, part 1;
- 23 (z) Title 75, chapter 20;
- 24 (aa) Title 76, chapter 1;
- 25 (bb) Title 76, chapter 2;
- 26 (cc) Title 76, chapter 3;
- 27 (dd) Title 76, chapter 4;
- 28 (ee) Title 76, chapter 5;
- 29 (ff) Title 76, chapter 6;
- 30 (gg) Title 76, chapter 11, part 1;

- 1 (hh) Title 76, chapter 11, part 2;
- 2 (ii) Title 76, chapter 12;
- 3 (jj) Title 76, chapter 13;
- 4 (kk) Title 76, chapter 14;
- 5 (ll) Title 76, chapter 15;
- 6 (mm) Title 76, chapter 16;
- 7 (nn) Title 80, chapter 1, part 1;
- 8 (oo) Title 80, chapter 7;
- 9 (pp) Title 80, chapter 15;
- 10 (qq) Title 81, chapter 2, part 5;
- 11 (rr) Title 81, chapter 4;
- 12 (ss) Title 81, chapter 7;
- 13 (tt) Title 81, chapter 9;
- 14 (uu) Title 81, chapter 30;
- 15 (vv) Title 82, chapter 4, part 1;
- 16 (ww) Title 82, chapter 4, part 2;
- 17 (xx) Title 82, chapter 4, part 3;
- 18 (yy) Title 82, chapter 4, part 4;
- 19 (zz) Title 82, chapter 10, part 4;
- 20 (aaa) Title 82, chapter 11, part 1;
- 21 (bbb) Title 82, chapter 15, part 1;
- 22 (ccc) Title 85, chapter 1;
- 23 (ddd) Title 85, chapter 2;
- 24 (eee) Title 85, chapter 3;
- 25 (fff) Title 85, chapter 5;
- 26 (ggg) Title 85, chapter 7;
- 27 (hhh) Title 85, chapter 8;
- 28 (iii) Title 85, chapter 9;
- 29 (jjj) Title 85, chapter 15;
- 30 (kkk) Title 85, chapter 20;

- 1 (lll) Title 87, chapter 1;  
 2 (mmm) Title 87, chapter 2;  
 3 (nnn) Title 87, chapter 3;  
 4 (ooo) Title 87, chapter 4;  
 5 (ppp) Title 87, chapter 5;  
 6 (qqq) Title 90, chapter 1;  
 7 (rrr) Title 90, chapter 2;  
 8 (sss) Title 90, chapter 4;  
 9 (ttt) Title 90, chapter 6;  
 10 (uuu) Title 90, chapter 9; and  
 11 (vvv) Title 90, chapter 14.

12 (3) Amendments to existing laws and enactments of new law affecting the quality of the  
 13 environment must be consistent with and further implement subsection (1).

14  
 15 **NEW SECTION. Section 2. Determination of mitigation of significant impacts.** In making a  
 16 determination of whether to mitigate an environmental impact that significantly affects the quality of the  
 17 environment that is not required to be mitigated by the statutes listed in [section 1], each agency of state  
 18 government shall balance the provisions of Article IX, section 1, of the Montana constitution with the  
 19 following:

- 20 (1) the right of pursuing life's basic necessities;  
 21 (2) the right of enjoying and defending life and liberty;  
 22 (3) the right of acquiring, possessing, and protecting property; and  
 23 (4) the right of seeking safety, health, and happiness in all lawful ways.

24  
 25 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as  
 26 an integral part of Title 75, and the provisions of Title 75 apply to [section 1].

27 (2) [Section 2] is intended to be codified as an integral part of Title 75, chapter 1, part 2, and the  
 28 provisions of Title 75, chapter 1, part 2, apply to [section 2].

29  
 30 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

-END-

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

INTRODUCED BY Grosfeld <sup>Senate</sup> BILL NO. 334

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING ARTICLE IX, SECTION 1, OF THE MONTANA CONSTITUTION BY PROVIDING FOR THE MAINTENANCE AND IMPROVEMENT OF A CLEAN AND HEALTHFUL ENVIRONMENT IN THE ADMINISTRATION AND ENFORCEMENT OF MONTANA'S LAWS PROVIDING ADEQUATE REMEDIES FOR THE PROTECTION OF THE ENVIRONMENTAL LIFE SUPPORT SYSTEM FROM DEGRADATION AND PREVENTING UNREASONABLE DEPLETION OR DEGRADATION OF NATURAL RESOURCES; PROVIDING BALANCING CRITERIA FOR AN AGENCY TO DETERMINE MITIGATION OF SIGNIFICANT IMPACTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Protection and improvement.** (1) In order to implement Article IX, section 1, subsections (1) through (3), of the Montana constitution, the state of Montana shall continue to provide laws and comply with those laws that maintain and improve a clean and healthful environment for present and future generations. The legislature has implemented the three directives of Article IX, section 1, through statutes and programs administering and enforcing the duty to maintain and improve a clean and healthful environment, through statutes and programs providing adequate remedies for the protection of the environmental life support system, and through statutes and programs providing adequate remedies to prevent unreasonable depletion and degradation of natural resources. In providing these three directives, the legislature finds that the delegates of the 1972 constitutional convention meant to create a strong constitutional provision regarding Montana's environment and did not intend that the environmental life support system be applied on a literal, site-specific basis, but rather as a general concept that applies to the environmental life support system of the state of Montana as a whole.

(2) The state shall continue to administer and enforce Article IX, section 1, by complying with the following statutes and programs, among others:

(a) Title 15, chapter 32;

(b) Title 17, chapter 5, part 7;

(c) Title 17, chapter 6, part 3;

- 1 (d) Title 75, chapter 1;
- 2 (e) Title 75, chapter 2;
- 3 (f) Title 75, chapter 3;
- 4 (g) Title 75, chapter 5;
- 5 (h) Title 75, chapter 6;
- 6 (i) Title 75, chapter 7, part 1;
- 7 (j) Title 75, chapter 7, part 2;
- 8 (k) Title 75, chapter 10, part 1;
- 9 (l) Title 75, chapter 10, part 2;
- 10 (m) Title 75, chapter 10, part 3;
- 11 (n) Title 75, chapter 10, part 4;
- 12 (o) Title 75, chapter 10, part 5;
- 13 (p) Title 75, chapter 10, part 6;
- 14 (q) Title 75, chapter 10, part 7;
- 15 (r) Title 75, chapter 10, part 8;
- 16 (s) Title 75, chapter 10, part 9;
- 17 (t) Title 75, chapter 10, part 10;
- 18 (u) Title 75, chapter 11, part 2;
- 19 (v) Title 75, chapter 11, part 3;
- 20 (w) Title 75, chapter 15, part 1;
- 21 (x) Title 75, chapter 15, part 2;
- 22 (y) Title 75, chapter 16, part 1;
- 23 (z) Title 75, chapter 20;
- 24 (aa) Title 76, chapter 1;
- 25 (bb) Title 76, chapter 2;
- 26 (cc) Title 76, chapter 3;
- 27 (dd) Title 76, chapter 4;
- 28 (ee) Title 76, chapter 5;
- 29 (ff) Title 76, chapter 6;
- 30 (gg) Title 76, chapter 11, part 1;

- 1 (hh) Title 76, chapter 11, part 2;
- 2 (ii) Title 76, chapter 12;
- 3 (jj) Title 76, chapter 13;
- 4 (kk) Title 76, chapter 14;
- 5 (ll) Title 76, chapter 15;
- 6 (mm) Title 76, chapter 16;
- 7 (nn) Title 80, chapter 1, part 1;
- 8 (oo) Title 80, chapter 7;
- 9 (pp) Title 80, chapter 15;
- 10 (qq) Title 81, chapter 2, part 5;
- 11 (rr) Title 81, chapter 4;
- 12 (ss) Title 81, chapter 7;
- 13 (tt) Title 81, chapter 9;
- 14 (uu) Title 81, chapter 30;
- 15 (vv) Title 82, chapter 4, part 1;
- 16 (ww) Title 82, chapter 4, part 2;
- 17 (xx) Title 82, chapter 4, part 3;
- 18 (yy) Title 82, chapter 4, part 4;
- 19 (zz) Title 82, chapter 10, part 4;
- 20 (aaa) Title 82, chapter 11, part 1;
- 21 (bbb) Title 82, chapter 15, part 1;
- 22 (ccc) Title 85, chapter 1;
- 23 (ddd) Title 85, chapter 2;
- 24 (eee) Title 85, chapter 3;
- 25 (fff) Title 85, chapter 5;
- 26 (ggg) Title 85, chapter 7;
- 27 (hhh) Title 85, chapter 8;
- 28 (iii) Title 85, chapter 9;
- 29 (jjj) Title 85, chapter 15;
- 30 (kkk) Title 85, chapter 20;

1 (lll) Title 87, chapter 1;  
2 (mmm) Title 87, chapter 2;  
3 (nnn) Title 87, chapter 3;  
4 (ooo) Title 87, chapter 4;  
5 (ppp) Title 87, chapter 5;  
6 (qqq) Title 90, chapter 1;  
7 (rrr) Title 90, chapter 2;  
8 (sss) Title 90, chapter 4;  
9 (ttt) Title 90, chapter 6;  
10 (uuu) Title 90, chapter 9; and  
11 (vvv) Title 90, chapter 14.

12 (3) Amendments to existing laws and enactments of new law affecting the quality of the  
13 environment must be consistent with and further implement subsection (1).

14

15 **NEW SECTION. Section 2. Determination of mitigation of significant impacts.** In making a  
16 determination of whether to mitigate an environmental impact that significantly affects the quality of the  
17 environment that is not required to be mitigated by the statutes listed in [section 1], each agency of state  
18 government shall balance the provisions of Article IX, section 1, of the Montana constitution with the  
19 following:

- 20 (1) the right of pursuing life's basic necessities;  
21 (2) the right of enjoying and defending life and liberty;  
22 (3) the right of acquiring, possessing, and protecting property; and  
23 (4) the right of seeking safety, health, and happiness in all lawful ways.

24

25 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as  
26 an integral part of Title 75, and the provisions of Title 75 apply to [section 1].

27 (2) [Section 2] is intended to be codified as an integral part of Title 75, chapter 1, part 2, and the  
28 provisions of Title 75, chapter 1, part 2, apply to [section 2].

29

30 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

-END-



1 INTRODUCTION BY Grasfield Senate BILL NO. 334

2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING ARTICLE IX, SECTION 1, OF THE MONTANA  
5 CONSTITUTION BY PROVIDING FOR THE MAINTENANCE AND IMPROVEMENT OF A CLEAN AND  
6 HEALTHFUL ENVIRONMENT IN THE ADMINISTRATION AND ENFORCEMENT OF MONTANA'S LAWS  
7 PROVIDING ADEQUATE REMEDIES FOR THE PROTECTION OF THE ENVIRONMENTAL LIFE SUPPORT  
8 SYSTEM FROM DEGRADATION AND PREVENTING UNREASONABLE DEPLETION OR DEGRADATION OF  
9 NATURAL RESOURCES; PROVIDING BALANCING CRITERIA FOR AN AGENCY TO DETERMINE MITIGATION  
10 OF SIGNIFICANT IMPACTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
14 **NEW SECTION. Section 1. Protection and improvement.** (1) In order to implement Article IX,  
15 section 1, subsections (1) through (3), of the Montana constitution, the state of Montana shall continue  
16 to provide laws and comply with those laws that maintain and improve a clean and healthful environment  
17 for present and future generations. The legislature has implemented the three directives of Article IX,  
18 section 1, through statutes and programs administering and enforcing the duty to maintain and improve a  
19 clean and healthful environment, through statutes and programs providing adequate remedies for the  
20 protection of the environmental life support system, and through statutes and programs providing adequate  
21 remedies to prevent unreasonable depletion and degradation of natural resources. In providing these three  
22 directives, the legislature finds that the delegates of the 1972 constitutional convention meant to create  
23 a strong constitutional provision regarding Montana's environment and did not intend that the  
24 environmental life support system be applied on a literal, site-specific basis, but rather as a general concept  
25 that applies to the environmental life support system of the state of Montana as a whole.

26 (2) The state shall continue to administer and enforce Article IX, section 1, by complying with the  
27 following statutes and programs, among others:

- 28 (a) Title 15, chapter 32;  
29 (b) Title 17, chapter 5, part 7;  
30 (c) Title 17, chapter 6, part 3;

- 1 (d) Title 75, chapter 1;
- 2 (e) Title 75, chapter 2;
- 3 (f) Title 75, chapter 3;
- 4 (g) Title 75, chapter 5;
- 5 (h) Title 75, chapter 6;
- 6 (i) Title 75, chapter 7, part 1;
- 7 (j) Title 75, chapter 7, part 2;
- 8 (k) Title 75, chapter 10, part 1;
- 9 (l) Title 75, chapter 10, part 2;
- 10 (m) Title 75, chapter 10, part 3;
- 11 (n) Title 75, chapter 10, part 4;
- 12 (o) Title 75, chapter 10, part 5;
- 13 (p) Title 75, chapter 10, part 6;
- 14 (q) Title 75, chapter 10, part 7;
- 15 (r) Title 75, chapter 10, part 8;
- 16 (s) Title 75, chapter 10, part 9;
- 17 (t) Title 75, chapter 10, part 10;
- 18 (u) Title 75, chapter 11, part 2;
- 19 (v) Title 75, chapter 11, part 3;
- 20 (w) Title 75, chapter 15, part 1;
- 21 (x) Title 75, chapter 15, part 2;
- 22 (y) Title 75, chapter 16, part 1;
- 23 (z) Title 75, chapter 20;
- 24 (aa) Title 76, chapter 1;
- 25 (bb) Title 76, chapter 2;
- 26 (cc) Title 76, chapter 3;
- 27 (dd) Title 76, chapter 4;
- 28 (ee) Title 76, chapter 5;
- 29 (ff) Title 76, chapter 6;
- 30 (gg) Title 76, chapter 11, part 1;

- 1 (hh) Title 76, chapter 11, part 2;
- 2 (ii) Title 76, chapter 12;
- 3 (jj) Title 76, chapter 13;
- 4 (kk) Title 76, chapter 14;
- 5 (ll) Title 76, chapter 15;
- 6 (mm) Title 76, chapter 16;
- 7 (nn) Title 80, chapter 1, part 1;
- 8 (oo) Title 80, chapter 7;
- 9 (pp) Title 80, chapter 15;
- 10 (qq) Title 81, chapter 2, part 5;
- 11 (rr) Title 81, chapter 4;
- 12 (ss) Title 81, chapter 7;
- 13 (tt) Title 81, chapter 9;
- 14 (uu) Title 81, chapter 30;
- 15 (vv) Title 82, chapter 4, part 1;
- 16 (ww) Title 82, chapter 4, part 2;
- 17 (xx) Title 82, chapter 4, part 3;
- 18 (yy) Title 82, chapter 4, part 4;
- 19 (zz) Title 82, chapter 10, part 4;
- 20 (aaa) Title 82, chapter 11, part 1;
- 21 (bbb) Title 82, chapter 15, part 1;
- 22 (ccc) Title 85, chapter 1;
- 23 (ddd) Title 85, chapter 2;
- 24 (eee) Title 85, chapter 3;
- 25 (fff) Title 85, chapter 5;
- 26 (ggg) Title 85, chapter 7;
- 27 (hhh) Title 85, chapter 8;
- 28 (iii) Title 85, chapter 9;
- 29 (jjj) Title 85, chapter 15;
- 30 (kkk) Title 85, chapter 20;

1 (lll) Title 87, chapter 1;  
 2 (mmm) Title 87, chapter 2;  
 3 (nnn) Title 87, chapter 3;  
 4 (ooo) Title 87, chapter 4;  
 5 (ppp) Title 87, chapter 5;  
 6 (qqq) Title 90, chapter 1;  
 7 (rrr) Title 90, chapter 2;  
 8 (sss) Title 90, chapter 4;  
 9 (ttt) Title 90, chapter 6;  
 10 (uuu) Title 90, chapter 9; and  
 11 (vvv) Title 90, chapter 14.

12 (3) Amendments to existing laws and enactments of new law affecting the quality of the  
 13 environment must be consistent with and further implement subsection (1).

14

15 **NEW SECTION. Section 2. Determination of mitigation of significant impacts.** In making a  
 16 determination of whether to mitigate an environmental impact that significantly affects the quality of the  
 17 environment that is not required to be mitigated by the statutes listed in [section 1], each agency of state  
 18 government shall balance the provisions of Article IX, section 1, of the Montana constitution with the  
 19 following:

- 20 (1) the right of pursuing life's basic necessities;  
 21 (2) the right of enjoying and defending life and liberty;  
 22 (3) the right of acquiring, possessing, and protecting property; and  
 23 (4) the right of seeking safety, health, and happiness in all lawful ways.

24

25 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as  
 26 an integral part of Title 75, and the provisions of Title 75 apply to [section 1].

27 (2) [Section 2] is intended to be codified as an integral part of Title 75, chapter 1, part 2, and the  
 28 provisions of Title 75, chapter 1, part 2, apply to [section 2].

29

30 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

-END-