HOUSE BILL NO. 66

INTRODUCED BY DARROW, LUCAS, LUNDGREN, MATHER,
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A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A STATE
POLICY FOR THE ENVIRONMENT AND TO ESTABLISH AN ENVIRON-
MENTAL QUALITY COUNCIL AND SETTING FORTH ITS POWERS AND
DUTIES AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF
MONTANA:

Section 1. This act may be cited as the "Montana
Environmental Policy Act."

Section 2. The purpose of this act is to declare a
state policy which will encourage productive and enjoyable
harmony between man and his environment; to promote
efforts which will prevent or eliminate damage to the
environment and biosphere and stimulate the health and
welfare of man; to enrich the understanding of the
ecological systems and natural resources important to the
state; and to establish an environmental quality council.

Section 3. The legislative assembly, recognizing the
profound impact of man's activity on the interrelations of
all components of the natural environment, particularly
the profound influences of population growth, high-density
urbanization, industrial expansion, resource exploitation,
and new and expanding technological advances and recog-
nizing further the critical importance of restoring and
maintaining environmental quality to the overall welfare
and development of man, declares that it is the continuing
policy of the state of Montana, in cooperation with the
federal government and local governments, and other
concerned public and private organizations, to use all
practicable means and measures, including financial and
technical assistance, in a manner calculated to foster
and promote the general welfare, to create and maintain
conditions under which man and nature can co-exist in
productive harmony, and fulfill the social, economic,
and other requirements of present and future generations
of Montanans.

(a) In order to carry out the policy set forth in
this act, it is the continuing responsibility of the state
of Montana to use all practicable means, consistent with
other essential considerations of state policy, to improve
and coordinate state plans, functions, programs, and
resources to the end that the state may--

(1) fulfill the responsibilities of each generation
as trustee of the environment for succeeding generations;

(2) assure for all Montanans safe, healthful,
productive, and esthetically and culturally pleasing
surroundings;

(3) attain the widest range of beneficial uses of
the environment without degradation, risk to health or
safety, or other undesirable and unintended consequences;

(4) preserve important historic cultural, and
natural aspects of our unique heritage, and maintain,
wherever possible, an environment which supports diversity
and variety of individual choice;
(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The legislative assembly recognizes that each person shall be entitled to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Section 4. The legislative assembly authorizes and directs that, to the fullest extent possible.

(a) The policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in this act, and

(b) all agencies of the state shall

(1) utilize systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

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

(3) 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.

Prior to making any detailed statement, the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the environmental quality council and to the public, and shall accompany the proposal through the existing agency review processes.

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

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

(6) make available to counties, municipalities,
institutions, and individuals, advice and information
useful in restoring, maintaining, and enhancing the
quality of the environment:

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

(8) assist the environmental quality council
established by section 8 of this act.

Section 5. All agencies of the state shall review
their present statutory authority, administrative
regulations, and current policies and procedures for the
purpose of determining whether there are any deficiencies
or inconsistencies therein which prohibit full compliance
with the purposes and provisions of this act and shall
propose to the governor and the environmental quality
council not later than July 1, 1972, such measures as may
be necessary to bring their authority and policies into
conformity with the intent, purposes, and procedures set
forth in this act.

Section 6. Nothing in section 3 or 4 shall in any
way affect the specific statutory obligations of any
agency of the state

(a) to comply with criteria or standards of
environmental quality,

(b) to coordinate or consult with any other state
or federal agency, or

(c) to act, or refrain from acting contingent upon
the recommendations or certification of any other state
or federal agency.

Section 7. The policies and goals set forth in this
act are supplementary to those set forth in existing
authorizations of all boards, commissions, and agencies
of the state.

Section 8. Environmental Quality Council. The
environmental quality council shall consist of thirteen
(13) members to be as follows:

(a) The governor or his designated representative
shall be an ex officio member of the council and shall
participate in council meetings as a regular member.

(b) Four (4) members of the senate and four (4)
members of the house of representatives appointed before
the sixtieth legislative day in the same manner as
standing committees of the respective houses are
appointed. A vacancy on the council occurring when the
legislative assembly is not in session shall be filled
by the selection of a member of the legislative assembly
by the remaining members of the council. No more than
two (2) of the appointees of each house shall be members
of the same political party.

(c) Four (4) members of the general public to be
appointed by the governor with the consent of the
senate.

In considering the appointments of (b) and (c)
above, consideration shall be given to their qualifi-
cations to analyze and interpret environmental trends
and information of all kinds; to appraise programs and
activities of the state government in the light of the
policy set forth in section 3 of this act; to be conscious and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the state; and to formulate and recommend state policies to promote the improvement of the quality of the environment.

Section 9. Term of office. The four (4) council members from the house of representatives shall serve for two years and may be reappointed. Two (2) council members from the senate, one from each political party, and two (2) council members from the general public shall serve for four (4) years, and these members may be reappointed for a two (2) year term. Two (2) council members from the senate, one from each political party, and two (2) council members from the general public shall serve for two (2) years and these members may be reappointed for a four (4) year term. In no case shall a member of the council serve more than six years.

The council shall elect one of its members as chairman and such other officers as it deems necessary. Such officer shall be elected for a term of two (2) years.

Section 10. Meetings. The council may determine the time and place of its meetings but shall meet at least once each quarter. Each member of the council shall, unless he is a full-time salaried officer or employee of this state, be paid twenty-five dollars ($25) for each day in which he is actually and necessarily engaged in the performance of council duties, and shall also be reimbursed for actual and necessary expenses
incurred while in the performance of council duties.
Members who are full-time salaried officers or employees
of this state may not be compensated for their service
as members, but shall be reimbursed for their expenses.

Section 11. Appointment and qualifications of
an executive director. The council shall appoint the
executive director and set his salary. The executive
director shall hold a degree from an accredited college
or university with a major in one of the several environ-
mental sciences and shall have at least three (3) years
of responsible experience in the field of environmental
management.

He shall be a person who, as a result of his
training, experience, and attainments, is exceptionally
well qualified to analyze and interpret environmental
trends and information of all kinds; to appraise
programs and activities of the state government in the
light of the policy set forth in section 3 of this
act; to be conscious of and responsive to the scientific,
economic, social, esthetic, and cultural needs and
interests of the state; and to formulate and recommend
state policies to promote the improvement of the quality
of the environment.

Section 12. Appointment of employees. The
executive director, subject to the approval of the
council may appoint whatever employees are necessary to
carry out the provisions of this act, within the limi-
tations of legislative appropriations.

Section 13. Term and removal of the executive
director. The executive director is solely responsible
to the environmental quality council. He shall hold
office for a term of two (2) years beginning with July
1 of each odd-numbered year. The council may remove
him for misfeasance, malfeasance or nonfeasance in
office at any time after notice and hearing.

Section 14. It shall be the duty and function of
the executive director and his staff

(a) to gather timely and authoritative information
concerning the conditions and trends in the quality
of the environment both current and prospective,
to analyze and interpret such information for the
purpose of determining whether such conditions and
trends are interfering, or are likely to interfere,
with the achievement of the policy set forth in section
3 of this act, and to compile and submit to the governor
and the legislative assembly studies relating to such
conditions and trends;

(b) to review and appraise the various programs
and activities of the state agencies in the light of
the policy set forth in section 3 of this act for the
purpose of determining the extent to which such programs
and activities are contributing to the achievement of
such policy, and to make recommendations to the governor
and the legislative assembly with respect thereto;

(c) to develop and recommend to the governor and
the legislative assembly, state policies to foster and
promote the improvement of environmental quality to meet
the conservation, social, economic, health, and other
requirements and goals of the state;

(d) to conduct investigations, studies, surveys,
research, and analyses relating to ecological systems and environmental quality;

(e) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(f) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the legislative assembly requests;

(g) to analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences, and assist in preparation of reports for use by legislative committees, administrative agencies, and the public.

(h) to consult with, and assist legislators who are preparing environmental legislation, to clarify any deficiencies or potential conflicts with an overall ecologic plan.

(i) to review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities, and with a general ecologic perspective, and to suggest legislation to remedy such situations.

(j) to transmit to the governor and the legislative assembly annually, and make available to the general public annually, beginning July 1, 1972, an environmental quality report concerning the state of the environment which shall contain
(1) the status and condition of the major natural, man-made, or altered environmental classes of the state, including, but not limited to, the air, the aquatic, including surface and ground water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment;

(2) the adequacy of available natural resources for fulfilling human and economic requirements of the state in the light of expected population pressures;

(3) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the state in the light of expected population pressures;

(4) a review of the programs and activities (including regulatory activities) of the state and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and

(5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Section 15. The environmental quality council shall have the authority to investigate, examine and inspect all records, books and files of any department, agency, commission, board or institution of the state of Montana.

Section 16. In the discharge of its duties the environmental quality council shall have authority to
hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses, and the production of any papers, books, accounts, documents and testimony, and to cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court. In case of disobedience on the part of any person to comply with any subpoena issued on behalf of the council, or any committee thereof, or of the refusal of any witness to testify on any matters regarding which he may be lawfully interrogated, it shall be the duty of the district court of any county or the judge thereof, on application of the environmental quality council to compel obedience by proceedings for contempt as the case of disobedience of the requirements of a subpoena issued from such court on a refusal to testify therein.

Section 17. In exercising its powers, functions, and duties under this act, the council shall

(a) consult with such representatives of science, industry, agriculture, labor, conservation organizations, educational institutions, local governments and other groups, as it deems advisable; and

(b) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the commission's activities will not unnecessarily overlap or conflict with similar activities.
authorized by law and performed by established agencies.

Section 18. This act is effective on its passage and approval.