



IN THE HOUSE

APRIL 24, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Amuse* JOINT RESOLUTION NO. *42* *Raney*  
 2 INTRODUCED BY *Chris J. Burt* *Steve Singsaas*  
 3 *Eric S. Smith* *By Statute* *Harbo*  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
 6 OPPOSITION OF THE LEGISLATURE TO THE USE OF MONTANA WATER  
 7 FOR THE TRANSPORTATION OF COAL UNTIL MONTANA'S WATER RIGHTS  
 8 ADJUDICATION PROCESS IS COMPLETE.

9  
 10 WHEREAS, Montana's water is a precious resource that is  
 11 necessary and claimed for agricultural, domestic,  
 12 recreational, and industrial beneficial uses; and

13 WHEREAS, Montana's Yellowstone, Missouri, and Powder  
 14 River Basins have suffered from a drastic drought that has  
 15 depleted the supply of water in mountain watersheds and  
 16 Pick-Sloan and other storage projects all along the mainstem  
 17 of the Missouri River; and

18 WHEREAS, the water rights of Montanans in these basins  
 19 have not been fully adjudicated and may be preempted by  
 20 President Bush's proposed energy policy now pending before  
 21 Congress that would authorize the use of Montana water to  
 22 transport coal by means of slurry pipeline; and

23 WHEREAS, President Bush's proposed energy policy would  
 24 permit coal slurry pipeline consortiums the right of eminent  
 25 domain to use Montana water for the transportation of

1 Montana coal to distant utilities; and  
 2 WHEREAS, unit coal trains would be eliminated, causing  
 3 the loss of Montana railroad jobs.

4  
 5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 6 OF REPRESENTATIVES OF THE STATE OF MONTANA:

7 (1) That, until Montana's water rights adjudication  
 8 process is completed, the Montana Legislature oppose  
 9 President Bush's proposed energy policy pending before  
 10 Congress that would authorize the right of eminent domain  
 11 for coal slurry pipeline consortiums to use Montana water  
 12 for the transportation of Montana coal to distant utilities.

13 (2) That the Secretary of State send copies of this  
 14 resolution to the United States Department of  
 15 Transportation, the United States Department of the  
 16 Interior, each member of Montana's Congressional Delegation,  
 17 and the appropriate committees of the United States Congress  
 18 that will consider the energy policy legislation.

-End-



APPROVED BY COMM. ON NATURAL RESOURCES

1 *HOUSE* JOINT RESOLUTION NO. *42* *Raney*  
 2 INTRODUCED BY *Robert J. Berg* *Hayden* *Swafford*  
 3 *William Spradell* *Blaylock* *Narke*  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
 6 OPPOSITION OF THE LEGISLATURE TO THE USE OF MONTANA WATER  
 7 FOR THE TRANSPORTATION OF COAL UNTIL MONTANA'S WATER RIGHTS  
 8 ADJUDICATION PROCESS IS COMPLETE.

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 11 necessary and claimed for agricultural, domestic,  
 12 recreational, and industrial beneficial uses; and

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 14 River Basins have suffered from a drastic drought that has  
 15 depleted the supply of water in mountain watersheds and  
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-End-

*HOUSE* JOINT RESOLUTION NO. *42* *Raney*

INTRODUCED BY *Robert J. Berg* *Hayden Suggs*  
*William G. Smith* *Blaylock* *Marko*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE OPPOSITION OF THE LEGISLATURE TO THE USE OF MONTANA WATER FOR THE TRANSPORTATION OF COAL UNTIL MONTANA'S WATER RIGHTS ADJUDICATION PROCESS IS COMPLETE.

WHEREAS, Montana's water is a precious resource that is necessary and claimed for agricultural, domestic, recreational, and industrial beneficial uses; and

WHEREAS, Montana's Yellowstone, Missouri, and Powder River Basins have suffered from a drastic drought that has depleted the supply of water in mountain watersheds and Pick-Sloan and other storage projects all along the mainstem of the Missouri River; and

WHEREAS, the water rights of Montanans in these basins have not been fully adjudicated and may be preempted by President Bush's proposed energy policy now pending before Congress that would authorize the use of Montana water to transport coal by means of slurry pipeline; and

WHEREAS, President Bush's proposed energy policy would permit coal slurry pipeline consortiums the right of eminent domain to use Montana water for the transportation of

Montana coal to distant utilities; and

WHEREAS, unit coal trains would be eliminated, causing the loss of Montana railroad jobs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That, until Montana's water rights adjudication process is completed, the Montana Legislature oppose President Bush's proposed energy policy pending before Congress that would authorize the right of eminent domain for coal slurry pipeline consortiums to use Montana water for the transportation of Montana coal to distant utilities.

(2) That the Secretary of State send copies of this resolution to the United States Department of Transportation, the United States Department of the Interior, each member of Montana's Congressional Delegation, and the appropriate committees of the United States Congress that will consider the energy policy legislation.

-End-



THIRD READING  
*HJR 42*

## 1 HOUSE JOINT RESOLUTION NO. 42

2 INTRODUCED BY O'KEEFE, T. BECK, HARPER, RANEY, SWYSGOOD,

3 ELLISON, SVRCEK, THOFT, BLAYLOCK, DARKO

4  
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
6 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
7 OPPOSITION OF THE LEGISLATURE TO THE USE OF MONTANA WATER  
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