

SENATE BILL NO. 402

INTRODUCED BY YELLOWTAIL, DOHERTY,
HOCKETT, JERGSON, FRANKLIN, BLAYLOCK,
BRUSKI, WEEDING, TOWE, HAGER, MCCAFFREE,
RUSSELL, STEPPLER, NATHE, STICKNEY,
DEVLIN, SCOTT

IN THE SENATE

FEBRUARY 15, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON AGRICULTURE, LIVESTOCK, & IRRIGATION.

 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
 DO NOT PASS. REPORT ADOPTED.

 ON MOTION, ADOPTION OF ADVERSE
 COMMITTEE REPORT RECONSIDERED.

FEBRUARY 25, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 26, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 29; NOES, 21.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

MARCH 13, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
 AYES, 98; NOES, 0.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 23, 1991

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 25, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *402*
 2 INTRODUCED BY *William D. O'Connell and W. Ferguson*
 3 *Shirley Foy and Bush Ketchum for Hager*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE MONTANA
 5 MEMBERS OF THE PACIFIC NORTHWEST ELECTRIC POWER AND
 6 CONSERVATION PLANNING COUNCIL TO HOLD AT LEAST ONE PUBLIC
 7 HEARING IN A GEOGRAPHIC AREA AFFECTED BY THE PROPOSED
 8 ACQUISITION OF MAJOR RESOURCES FROM THAT AREA."

9
 10 WHEREAS, the State of Montana has agreed, through
 11 adoption of Title 90, chapter 4, part 4, MCA, and through
 12 appointment of members, to the formation of and
 13 participation in the Pacific Northwest Electric Power and
 14 Conservation Planning Council (Council) established in P.L.
 15 96-501 (16 U.S.C.A. 839); and

16 WHEREAS, the Council has authority over policy affecting
 17 operation of the Bonneville Power Administration, which
 18 includes in its service area the states of Oregon,
 19 Washington, Idaho, the portion of Montana west of the
 20 Continental Divide, and those portions of the states of
 21 Nevada, Utah, and Wyoming that are within the Columbia River
 22 drainage basin; and

23 WHEREAS, the draft 1991 Northwest Conservation and
 24 Electric Power Plan, volume 1, calls for the acquisition of
 25 major resources from eastern Montana coal reserves that

1 could significantly affect the physical, social, and
 2 economic environment of eastern Montana; and
 3 WHEREAS, although 16 U.S.C.A. 839b(d) requires that a
 4 public hearing be held in a state where major resources may
 5 be developed for acquisition by the Bonneville Power
 6 Administration, to date hearings have been held only in
 7 western Montana.

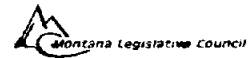
8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. **Section 1.** Council members to hold public
 11 hearings in areas affected by acquisition of major
 12 resources.

13 (1) Whenever the northwest conservation and electric
 14 power plan or any amendment to the plan calls for the
 15 acquisition of major resources, as defined in 16 U.S.C.A.
 16 839a, from an area of Montana east of the continental
 17 divide, the Montana council members shall hold at least one
 18 public hearing in the geographic area from which the major
 19 resources are proposed to be acquired and that will be
 20 affected by the proposed acquisition.

21 (2) The Montana council members shall request the
 22 participation of the other members of the council in
 23 conducting the public hearing required under subsection (1).

24 (3) The Montana council members shall give notice in a
 25 newspaper of general circulation in the area affected by the



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 INTRODUCED BILL
 SB 402

LC 1818/01

1 proposed acquisition of major resources at least 2 weeks
2 before the public hearing required by subsection (1). The
3 public hearing must be held at least 30 days before any
4 final decision is made to incorporate into the plan the
5 acquisition of major resources from the affected area.

6 NEW SECTION. Section 2. Codification instruction.
7 [Section 1] is intended to be codified as an integral part
8 of Title 90, chapter 4, part 4, and the provisions of Title
9 90, chapter 4, part 4, apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0402, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the Montana members of the Pacific Northwest Electric Power and Conservation Planning Council (referred to in this fiscal note as the Council) to hold at least one public hearing in a geographic area affected by the proposed acquisition of major resources from that area.

ASSUMPTIONS:


1. The Draft 1991 Power Plan will be updated in 1993, and will propose construction of coal resources in Eastern Montana.
2. One additional hearing on the proposal will be required in Eastern Montana, necessitating additional travel costs, room rental, court reporter, and advertising.
3. \$2,200 will be expended in FY93 only for the additional travel, meeting room rental, and advertising.

FISCAL IMPACT:Governor's Office-Northwest Regional Power Act

<u>Expenditures:</u>	<u>FY '92</u>			<u>FY '93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Operating Costs	142,000	142,000	0	142,366	144,566	2,200
<u>Funding:</u>						
Federal Special (03)	142,000	142,000	0	142,366	144,566	2,200

TECHNICAL NOTES:

1. The proposed bill incorrectly states that the draft 1991 Northwest Power Plan calls for the acquisition of major resources from eastern Montana coal reserves (page 1, lines 23-25). Discussion of coal resources in the Draft 1991 Power Plan, page 31, states "The Council is not recommending construction of large-scale, new, coalfired plants...However, there may be a need to develop proven energy resources such as coal by 1998...The region needs to determine whether anyone will sponsor pre-construction activities for coal plants." Thus the plan does not call for acquisition, and only proposes actions that are needed to address regulatory and licensing issues and impediments to the development of coal resources.
2. The proposed bill incorrectly interprets 16 U.S.C. section 839b(d) to require the Council to hold public hearings prior to the acquisition of resources by Bonneville. Section 839b(d) applies to the adoption by the Council of a power plan or power plan amendment, not to the acquisition of resources by Bonneville.
3. The proposed bill implies that section 839b(d) requires that hearing sites for the power plan or amendments to the power plan should be chosen based on the locations in which major resources are under consideration. This is also incorrect; the section requires only that at least one hearing be held in each affected state. A public hearing on the Draft 1991 Power Plan is scheduled for March 13, 1991, in Missoula.


 ROD SUNDSTED, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE

2-21-91


 BILL YELLOWTAIL, PRIMARY SPONSOR

DATE

2/22/91

Fiscal Note for SB0402, as introduced

SB 402

COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION
ADVERSE COMMITTEE REPORT
ON MOTION, PRINTED AND
PLACED ON SECOND READING

Senate BILL NO. *402*

INTRODUCED BY *William H. O'Donoghue and W. Ferguson*
Shirley W. Ray, Bob Smith, Velocidin & Tom Hagar
A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE MONTANA
Mr. Jock
MEMBERS OF THE PACIFIC NORTHWEST ELECTRIC POWER AND
CONSERVATION PLANNING COUNCIL TO HOLD AT LEAST ONE PUBLIC
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WHEREAS, the State of Montana has agreed, through adoption of Title 90, chapter 4, part 4, MCA, and through appointment of members, to the formation of and participation in the Pacific Northwest Electric Power and Conservation Planning Council (Council) established in P.L. 96-501 (16 U.S.C.A. 839); and

WHEREAS, the Council has authority over policy affecting operation of the Bonneville Power Administration, which includes in its service area the states of Oregon, Washington, Idaho, the portion of Montana west of the Continental Divide, and those portions of the states of Nevada, Utah, and Wyoming that are within the Columbia River drainage basin; and

WHEREAS, the draft 1991 Northwest Conservation and Electric Power Plan, volume 1, calls for the acquisition of major resources from eastern Montana coal reserves that

could significantly affect the physical, social, and economic environment of eastern Montana; and
WHEREAS, although 16 U.S.C.A. 839b(d) requires that a public hearing be held in a state where major resources may be developed for acquisition by the Bonneville Power Administration, to date hearings have been held only in western Montana.

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

NEW SECTION. **Section 1.** Council members to hold public hearings in areas affected by acquisition of major resources.

(1) Whenever the northwest conservation and electric power plan or any amendment to the plan calls for the acquisition of major resources, as defined in 16 U.S.C.A. 839a, from an area of Montana east of the continental divide, the Montana council members shall hold at least one public hearing in the geographic area from which the major resources are proposed to be acquired and that will be affected by the proposed acquisition.

(2) The Montana council members shall request the participation of the other members of the council in conducting the public hearing required under subsection (1).

(3) The Montana council members shall give notice in a newspaper of general circulation in the area affected by the



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6 NEW SECTION. **Section 2.** Codification instruction.
7 [Section 1] is intended to be codified as an integral part
8 of Title 90, chapter 4, part 4, and the provisions of Title
9 90, chapter 4, part 4, apply to [section 1].

-End-

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INTRODUCED BY *Hillemant/ Odumby* *PT Ferguson*
Shenkler *Hayes* *Bush* *Wetzel* *Tom Hogan*
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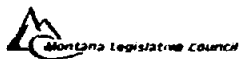
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-2-
THIRD READING
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-End-

7-13-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 13, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 402 (third reading copy -- blue) be concurred in as amended .

Signed: Bob Raney
Bob Raney, Chairman

And, that such amendments read:

- 1. Pages 1, line 10 through page 2, line 7.
Strike: "line 10 on page 1 through line 7 on page 2 in their entirety"

Carried by; Rep. Gilbert

HOUSE

SB 402

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HOCKETT, JERGSON, FRANKLIN, BLAYLOCK,
BRUSKI, WEEDING, TOWE, HAGER, MCCAFFREE,
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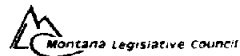
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