

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 12, 1979

The meeting of the Business and Industry Committee was called to order by Chairman Frank Hazelbaker on the above date in Room 404 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members were present.

HOUSE BILL 14: Representative Dennis Nathe, sponsor of HB 14, explained the bill to the Committee. This bill, by request of the Public Service Commission, exempts the transportation of materials solely for purposes of land excavation or fill from motor carrier regulation by that agency.

PROPOSERS OF HOUSE BILL 14: Mr. Wayne Budt, representing the Public Service Commission, stated they support HB 14. His comments are written on the testimony form.

Mr. Bill Opitz, of the Public Service Commission, stated they are in support of HB 14. The industry is getting along fine without regulation.

Mr. Larry Huss, lobbyist for the Montana Contractors Association and the Montana Motor Carriers Association, stated they are in support of HB 14. Mr. Huss offered two amendments to HB 14. These amendments are attached to the minutes.

There were no other proponents or opponents present at the hearing on House Bill 14.

There was a question and answer period after which Chairman Hazelbaker closed the hearing on HB 14.

DISPOSITION OF HOUSE BILL 14: Senator Dover moved the amendments proposed for HB 14 be adopted. The Committee voted unanimously to adopt the proposed amendments to HB 14.

Senator Dover moved that HB 14 Do Pass as amended. The Committee voted unanimously that HOUSE BILL 14 BE CONCURRED IN AS SO AMENDED.

Senator Dover will carry House Bill 14 on the floor.

HOUSE BILL 424: Representative Dan Yardley, sponsor of HB 424, explained the bill to the Committee. This bill generally revises the laws relating to television districts.

There were no other proponents or opponents of HB 424 present at the hearing.

Senator Dover suggested that HB 424 be checked with SB 73 to see if they mesh.

Chairman Hazelbaker appointed a subcommittee of Senators Hager, Blaylock, and Kolstad to work with Bob Pyfer on the bill.

Chairman Hazelbaker closed the hearing on House Bill 424.

HOUSE BILL 452: Representative Thomas Conroy, sponsor of HB 452, explained the bill to the Committee. This bill validates any certificate of environmental compatibility and public need issued under the Major Facility Siting Act 1) for an electric generating facility after an administrative hearing that was commenced prior to January 1, 1979, and 2) that has been declared invalid by the Montana Supreme Court due to procedural deficiencies.

Representative Conroy stated that the purpose of this bill is to find out why Colstrip 3 and 4 aren't being built. Representative Conroy distributed copies of second corrected third reading of House Bill 452. These are attached to the minutes.

PROPOSERS OF HOUSE BILL 452: Mr. John Ross from Butte, Montana, representing Colstrip 3 & 4 participants, explained the bill further to the Committee. Mr. Ross stated they are concerned with energy costs. They are doing everything they can to see that Colstrip 3 & 4 commences this spring. House Bill 452 is a bill to help see that this is being done. Mr. Ross stated that HB 452 focuses on procedural deficiencies. Mr. Ross further stated that Colstrip 3 & 4 would not be exempt from the Siting Act. He also told the Committee that some opponents have raised legal arguments to HB 452, but if they were to shy away from every legal threat they would never have filed for the project, and they are confident the bill is wholly proper and constitutional. Mr. Ross stated that HB 452 is a curative statute, and the courts have held that curative statutes are constitutional. Mr. Ross concluded his testimony by urging a Do Pass on House Bill 452.

Mr. Robert McColly from Hinsdale, Montana, representing Central Montana Electric G & T. He stated they are in support of HB 452. Mr. McColly's printed statement is attached to the minutes.

Mr. Joe Crosswhite from Columbia Falls, Montana, representing the Operating Engineers and WETA, stated they are in support of HB 452. Mr. Crosswhite told the Committee that HB 452 was a very important bill to them. They feel that Colstrip 3 & 4 are needed and there should not be a lot of litigation. They endorse a Do Pass on HB 452.

Mr. Gene Phillips from Kalispell, Montana, representing Pacific Power and Light, stated they are in support of HB 452. They feel the need for Colstrip 3 & 4 is critical. They have had a large energy growth and a big demand for energy, and it is important that they are able to meet the increasing load demand.

Mr. Phillips told the Committee that one of the causes of the large energy demand is that 91% of single family homes in the Kalispell area are electrically heated. New energy resources are essential if they are going to continue to meet the needs of their customers. He further stated that HB 452 does not invalidate the Siting Act, and he urged that the Committee would Concur In HB 452.

Mr. F. H. Boles of Helena, representing Montana Chamber of Commerce, spoke in support of HB 452.

Mr. Russell Williams of Butte, Montana, representing I.B.E.W., stated they are in support of HB 452.

Mr. Ray Wayrynen, Helena, Montana, representing the Montana State Council of Building and Construction Trades, stated they support HB 452. Mr. Wayrynen's testimony is attached to the minutes.

Mr. Ed Nelson, Helena, Montana, representing the Montana Taxpayers Association, stated they are in support of HB 452. Mr. Nelson told the Committee that without the energy base you can't have a strong economic base.

Mr. Mitch Mihailovich, representing the Montana State Building Trades, stated they support HB 452.

Mr. Ray Loveridge of Colstrip, Montana, representing Montana People for Progress, stated they support HB 452 and urged the bill's passage. Mr. Loveridge's testimony is attached to the minutes.

Mr. Wilbur Anderson from Dillon, Montana, representing Vigilante Electric Cooperative, stated they have experienced a great load growth of electricity used. Most of this growth is due to irrigation load on ranches and farms in the area. They feel that the most critical need they have is to supply an adequate power supply for their people. He further stated that plants and power are critically needed in Montana. These plants will not violate the state and federal laws which issued the licenses stated Mr. Anderson. He urged passage of HB 452.

Mr. Peter Jackson of Helena, Montana, representing WETA, stated they are in support of HB 452. They feel they can meet the standards for air and water quality. He stated that electricity is the only logical source of power in Montana, and Colstrip 3 and 4 would mean a great deal to Montana's economy. He referred to the magazine, "Irrigation Age" to stress the importance of electric power.

Mr. Darold Bauer from Billings, Montana, representing the Billings Area Chamber of Commerce, stated they are in support of HB 452.

Mr. William T. Nordeen from Sandpoint, Idaho, representing Northern Lights, Inc., stated they face power shortages and delays are costing money. They feel five or six years is enough time in which to study the project. They urge passage of HB 452.

Mr. Thomas Herzig of Helena, Montana, representing the Montana Chapter of the National Electrical Contractors Association, stated they support HB 452. Mr. Herzig's testimony is attached to the minutes.

OPPONENTS OF HOUSE BILL 452: Ms. Dawn North of Helena, representing the League of Women Voters, stated they are in opposition to HB 452. Ms. North's testimony is attached to the minutes.

Mr. Wallace D. McRae from Forsyth, Montana, representing Rosebud Protective Association and himself, stated they are in opposition to HB 452. He further stated they desire what is correct and fair. He told the Committee that this is an important piece of legislation for citizen groups. A citizens group cannot constantly be litigating these things as corporates are able to do. Mr. McRae told the Committee they have seen their area go from a rural area to an urban area. He does not recommend the passage of this piece of legislation. He feels it would deprive citizens of a judicial review.

Mr. Pat Smith of Helena, Montana, representing the Northern Plains Resource Council, stated they are in opposition to HB 452. Mr. Smith submitted printed testimony from Mr. Bill Mackay, Jr. from Roscoe, Montana, representing the Northern Plains Resource Council. This testimony is attached to the minutes.

Mr. Smith stated they feel that HB 452 is special interest legislation. They view Colstrip 3 and 4 as a threat to agricultural operations. They feel that HB 452 is the wrong way to resolve the issue.

Mr. Tom Schneider of Helena, representing himself, stated he is in opposition to HB 452.

Mr. Ted Doney of Helena, representing the Department of Natural Resources, stated they do not support nor oppose the bill, but the state executive branch does not agree that the energy from these plants is needed. They are opposing the construction of Colstrip 3 and 4. He views the bill as a result of frustration with the long delay in building Colstrip 3 and 4. He does feel there are some defects in the Siting Act which should be remedied. He feels that whatever form the bill passes in it will probably go to court. He feels the bill will be challenged. He further stated that this bill has the potential of delaying Colstrip 3 and 4. Mr. Doney stated there are some amendments which should be allowed, and he supports Representative Conroy's amendments. The amendments would probably put the bill in the best shape it can get in he told the Committee.

Mr. Mike Dahlem of Helena, representing the University of Montana, stated they oppose HB 452. They oppose any attempt to weaken the Siting Act or the process of judicial review.

Mr. Alan Sweetbaum from Great Falls, Montana, representing Montana's Power to the People, stated they are concerned with high utility costs. They urge a No Pass on HB 452.

Mr. Tom Berning from Great Falls, Montana, representing Montana's Power to the People, stated they are in opposition to HB 452.

Ms. Gail Stoltz of Helena, Montana, representing Montana Human Resources Development Councils Directors Association, stated they are in opposition to HB 452. Her statement is written on the testimony form and is attached to the minutes.

Representative Conroy made closing remarks to the Committee. He believes the Siting Act was a stoppage act--not a siting act. He does not feel HB 452 is a Montana Power play. He stated that if the bill goes to court, he is willing to take that chance.

There was a question and answer period from the Committee.

Senator Dover asked Tom Berning if they had any answers to the supply of energy. Mr. Berning stated they did not have the answers to this question.

Senator Goodover told the Committee they already have the research done for solar power, but costs would be too high. He stated it is too expensive to provide what the people need at this time.

Senator Blaylock asked Mr. McColly if plants were violating air-quality standards. Mr. McColly referred the question to Mr. Ross. Mr. Ross stated that Colstrip 3 and 4 would be monitored.

Senator Regan stated she does not believe the bill defines procedural deficiencies.

Chairman Hazelbaker closed the hearing on House Bill 452.

HOUSE BILL 570: Mr. Dick Disney from the Department of Business Regulation, explained the bill to the Committee for Representative Menahan, sponsor of HB 570. Representative Menahan was unable to be present at the hearing. This bill requires that new motor vehicle dealers be licensed also with the Department of Business Regulation.

PROPOSERS OF HOUSE BILL 570: Mr. Jerry Raunig of Helena, representing the Montana Automobile Dealers Association, stated they support HB 570. Mr. Raunig offered two amendments to HB 570. These proposed amendments are attached to the minutes. The amendments strike \$20 and insert \$15 on page 2, line 12 and page 3, line 2.

There was a question and answer period from the Committee.

Senator Goodover questioned the funding of the bill.

Mr. Disney stated that currently no funding was available. The \$15 goes into the general fund.

Chairman Hazelbaker closed the hearing on House Bill 570.

HOUSE BILL 599: Mr. John Northey from the Legislative Auditor's office explained the bill to the Committee in the absence of Representative Ellerd, sponsor of HB 599. This bill reestablishes for 6 years the office of Investment Commissioner in the State Auditor's office which would otherwise terminate on July 1, 1979, under the "sunset law".

PROPOSERS OF HOUSE BILL 599: Mr. R. G. Tucker from the State Auditor's Office stated they are in support of HB 599.

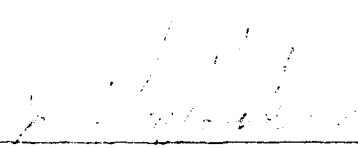
There were no other proponents or opponents to HB 599 present at the hearing.

There was a question and answer period from the Committee.

Senator Regan wondered if a statement of intent was necessary. Staff Attorney Bob Pyfer stated that a statement of intent would be necessary.

Chairman Hazelbaker asked Mr. Northey to prepare a statement of intent. Mr. Northey told the Committee he would have the statement of intent prepared for their executive session on Tuesday, March 13.

ADJOURN: There being no further business, the meeting adjourned at 12:30 p.m.



Senator Frank Hazelbaker, Chairman

BUSINESS & INDUSTRY COMMITTEE

Date 1 June 1972

[illegible]

STANDING COMMITTEE REPORT

March 12, 1972

MR. President:

We, your committee on Business and Industry

having had under consideration House Bill No. 14

Mathe (Dover)

Respectfully report as follows: That House Bill No. 14
third reading bill, be amended as follows:

1. Title, line 3.

Following: "CARRIERS"

Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 22.

Following: "aggregate,"

Strike: "bituminous"

Insert: "plant mix"

Following: "asphalt"

Insert: "pavement"

3. Page 3, line 5.

Following: line 4

Insert: "Section 2. Effective date. This act is effective on
passage and approval."

And, as so amended

BE CONCURRED IN

DO PASS

HOUSE BILL NO. 452

INTRODUCED BY CONROY, SCULLY, QUILICI, RAMIREZ,
SALES, FABREGA, KEYSER, MOORE, MARKS, ROTH,
BENGTSON, JOHNSTON, PISTORIA, KROPP, KVAALEN, MANNING,
WILLIAMS, DONALDSON, SEIFERT, HURWITZ, STAIGMILLER,
SIVERTSEN, SCHULTZ, THOFT, CURTISS, TROPILA, FAGG,
GOULD, WOOD, ELLISON, MANUEL, UNDERDAL, MEYER, BAETH,
VINGER, ELLIS, NORDTVEDT, PORTER, GERKE, LORY, HAYNE,
FEDA, STOBIE, LUND, ANDERSON, K. ROBBINS, GILLIGAN,
DASSINGER, GESEK, YARDLEY, O'CONNELL, HEMSTAD, KANDUCH,
NATHE, BURNETT, MAGONE, DAILY, ELLERD, LIEN, SMITH,
TEAGUE, ROSENTHAL, DOZIER, WYRICK, BENNETT, PAVLOVICH,
MENAHAH, HAND, ERNST, IVERSON, SPILKER, EUDAILY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
75-20-202, MCA, OF THE MONTANA MAJOR FACILITY SITING ACT BY
EXEMPTING CERTAIN PROVIDING LEGISLATIVE RATIFICATION OF ANY
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
WHICH HAS BEEN ISSUED BY THE BOARD OF NATURAL RESOURCES AND
CONSERVATION TO CURE ANY POSSIBLE PROCEDURAL DEFICIENCY IN THE
HEARING PROCESS FOR ELECTRIC GENERATING FACILITIES AND
ASSOCIATED FACILITIES THAT HAVE BEEN THE SUBJECT OF AN
ADMINISTRATIVE HEARING THAT COMMENCED PRIOR TO JANUARY 1,
1979, AND WHICH IS DECLARED INVALID BY THE MONTANA SUPREME
COURT DUE TO BY PROVIDING LEGISLATIVE RATIFICATION OF ANY

1 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
2 FOR SUCH FACILITIES AND ASSOCIATED FACILITIES ISSUED BY THE
3 BOARD OF NATURAL RESOURCES AND CONSERVATION WHICH MAY BE
4 AFFECTED BY ANY PROCEDURAL DEFICIENCIES DEFICIENCY IN THE
5 HEARING PROCESS; PROVIDING THE CONSTRUCTION AND OPERATION
6 OF SUCH FACILITIES AND ASSOCIATED FACILITIES SHALL COMPLY WITH
7 THE TERMS AND CONDITIONS OF SUCH CERTIFICATE AS ORIGINALLY ISSUED OR AS
8 THE TERMS AND CONDITIONS OF SUCH CERTIFICATE ARE AMENDED PURSUANT
9 TO THE AMENDMENT PROCEDURES OF THE MONTANA MAJOR FACILITY SITING
10 ACT; AND PROVIDING AN EFFECTIVE DATE."
11

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

13 SECTION 1. THERE IS A NEW MCA SECTION THAT READS:

14 Purpose. The legislature states that the purpose of
15 (this act) is to validate, ratify, and approve CURE ANY POSSIBLE
16 PROCEDURAL DEFICIENCY IN THE HEARING PROCESS FOR ELECTRIC GENERATING
17 FACILITIES AND ASSOCIATED FACILITIES THAT HAVE BEEN THE SUBJECT OF
18 AN ADMINISTRATIVE HEARING THAT COMMENCED PRIOR TO JANUARY 1, 1979
19 BY VALIDATING, RATIFYING, AND APPROVING any certificate of environmental
20 compatibility and public need WHICH-HAS-BEEN issued by the board
21 of natural resources and conservation for SUCH electric generating
22 facilities and associated facilities, that have been the subject of
23 an administrative hearing that commenced prior to January 1, 1979,
24 AND WHICH IS DECLARED INVALID BY THE MONTANA SUPREME COURT DUE TO
25 PROCEDURAL DEFICIENCIES IN THE HEARING PROCESS: so that no further

1 administrative or judicial proceedings before agencies or courts of the
2 state under the Montana Major Facility Siting Act are required
3 FOR PROCEDURAL REASONS prior to commencement of construction of such
4 facilities and associated facilities. It is also the purpose of
5 (this act) to require any applicant who has received a certificate of
6 environmental compatibility and public need issued by the board of
7 natural resources and conservation for electric generating facilities
8 and associated facilities that have been the subject of an administrative
9 hearing the commenced prior to January 1, 1979, to fully comply with
10 the terms and conditions of such certificate AS ISSUED OR AS AMENDED
11 PURSUANT TO THE AMENDMENT PROCEDURES OF THE MONTANA MAJOR FACILITY
12 SITING ACT.

13 Section 2. Section 75-20-202, MCA, is amended to read:

14 "75-20-202. Exemptions. (1) This chapter does not
15 apply to a facility over which an agency of the federal government
16 has exclusive jurisdiction.

17 (2) A certificate is not required under this chapter
18 for a facility under diligent onsite physical construction
19 or in operation on January 1, 1973.

20 (3) (a) Notwithstanding the provisions of this
21 chapter, as amended, and any other state law to the
22 contrary, a certificate of environmental compatibility and
23 public need under the provisions of this chapter; as amended
24 is not required for the construction of electric generating
25 facilities and associated facilities; including transmission

1 lines, which have been the subject of administrative hearings
2 commenced prior to January 1, 1979, under this chapter.
3 ANY CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR
4 ELECTRIC GENERATING FACILITIES AND ASSOCIATED FACILITIES WHICH HAS BEEN
5 ISSUED BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION FOLLOWING
6 AN ADMINISTRATIVE HEARING WHICH THAT COMMENCED PRIOR TO JANUARY 1, 1979,
7 UNDER THIS CHAPTER, IS AND WHICH MAY BE AFFECTED BY ANY IS DECLARED BY THE
8 MONTANA SUPREME COURT TO BE INVALID BY REASON OF PROCEDURAL DEFECTS DEFECT
9 IN THE HEARING PROCESS, IS VALIDATED, RATIFIED, AND APPROVED.

10 (b) The operation of such electric generating facilities
11 and associated facilities, including transmission lines, shall comply
12 with applicable state and federal laws, regulations, standards, and
13 implementation plans for air and water quality and permits issued
14 pursuant to them. THE OPERATION OF SUCH ELECTRIC GENERATING FACILITIES
15 AND ASSOCIATED FACILITIES SHALL COMPLY WITH APPLICABLE STATE AND
16 FEDERAL LAWS, REGULATIONS, STANDARDS, AND IMPLEMENTATION PLANS FOR
17 AIR AND WATER QUALITY AND PERMITS ISSUED PURSUANT TO THEM. THE
18 CONSTRUCTION AND OPERATION OF SUCH ELECTRIC GENERATING FACILITIES
19 AND ASSOCIATED FACILITIES SHALL COMPLY WITH THE TERMS AND
20 CONDITIONS OF SUCH CERTIFICATE AS ORIGINALLY ISSUED OR AS AMENDED PURSUANT
21 TO THE AMENDMENT PROCEDURES OF THE MONTANA MAJOR FACILITY SITING ACT.

22 {3} (4) The board may adopt reasonable rules establishing
23 exemptions from this chapter for the relocation, reconstruction, or
24 upgrading of a facility that would otherwise be covered by this
25 chapter and that is unlikely to have a significant environmental impact

1 by reason of length, size, location, available space or right-of way,
2 or construction methods."

3 Section 3. Effective date, This act if effective on passage
4 and approval.

5 -END-
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NAME: Wayne W Budt DATE: 3/12/79

ADDRESS: 1227 11th Ave

PHONE: 449-2549

REPRESENTING WHOM? Mont Public Service Comm

APPEARING ON WHICH PROPOSAL: HB 14

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Should be deregulated due to:
1. Short Construction Period
2. Availability of Trucks
3. High demand for equipment on a seasonal basis
4. Partly deregulated now - highway jobs

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HB-14

NAME: William J. Opitz DATE: 3/12/77

ADDRESS: 2 Wood Ct Helena, Mont.

PHONE: 443-3624

REPRESENTING WHOM? Mont. P.S.C.

APPEARING ON WHICH PROPOSAL: HB-14

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: (a.) The five members of the Commission support the passage & concurrence in HB-14.

(b.) This area of the trucking industry was never regulated until a court ruling said the PSC should & must regulate the sand & gravel haulers. It can & has operated successfully under the free enterprise system, and therefore should be exempt from the statutes & regulations which apply to the rest of the Trucking Industry.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jimmy Hines DATE: 3/7/68

ADDRESS: 107 7th

PHONE: 442-3072

REPRESENTING WHOM? Int. Committee of American People
Karl Marx Council House

APPEARING ON WHICH PROPOSAL: 14B 1st

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: ① The 1st Section, Para 1 line 10

Following "agreement"

Article 1 "between capital"

Text: "between capital and"

② 1st Section, Para 1 line 4

Following "agreement"

Text: "Enter a. Election Relo"

This act shall be subject to the

and approval."

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert McColl DATE: 3/12/79

ADDRESS: Hamdale, Mont.

PHONE: 364-2214

REPRESENTING WHOM? Central Mont. Electric L & T

APPEARING ON WHICH PROPOSAL: SB 452

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

I have a prepared statement.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



928 Broadwater • Billings, Montana 59101 • (406) 248-7936

Statement Favoring Passage of HB 452 to Allow
Construction of Colstrip Units 3 & 4. For
Presentation at Hearing to be Held March 12,
1979 in The Capital Building, Helena, Montana.

My name is Robert McColly, and I live at Hinsdale, Montana. I have been a cattle and wheat rancher in that area for the past 33 years. I am Vice President of Valley Electric Cooperative at Glasgow. I am also President of the Central Montana Electric Generation & Transmission Cooperative, a federation of 15 individual rural electric distribution cooperatives with an office at 928 Broadwater Avenue in Billings, and I present this statement on their behalf. Please accept my sincere thanks for allowing us to present our views on HB 452.

Central Montana Electric G & T, which I will hereafter refer to as the G & T, provides electricity to more than 42,000 Montana rural citizens sprawled across approximately 100,000 square miles of Central Montana.

The G & T's job is to find and contract for an adequate, assured, and long term supply of wholesale electric power to take care of the immediate and future needs of its member rural electric utilities. Individually, or collectively as a G & T, these rural electrics have never owned their own generation plants because of the huge amounts of capital needed to provide a plant large enough to produce low cost electricity.

Instead, these rural electrics have always bought their power from the Bureau of Reclamation, the Bonneville Power Administration, and the Montana Power Company, -- and they have always been a reliable source of adequate power. However, recent court decisions, and federal policy changes have converted our power supply picture into a jigsaw puzzle.

The Bureau of Reclamation has announced that they have no authority to build any additional power dams, nor can they buy firm power to fulfill the growing needs of our rural electric customers. The Bonneville Power Administration is in a similar situation and has advised all of their customers that delays which have occurred in the construction of regional generating projects will result in energy shortages for all rural electrics in western Montana.

So, we find ourselves in the peculiar situation where the Federal government who has been generating about 65 per cent of our total needs has told us that all increases in electric power must be generated by some one else! This leaves the G & T asking our 35% supplier, The Montana Power Company, to step in and provide generating capacity for 100% of our growth needs.

What are the growth needs of our members? Historically, our member's loads have doubled every ten years. We've heard lots of talk that this will level off, but the load growth forecasts made last year show that the doubling trend has modified only slightly. Irrigation pumps are consuming large amounts of power and energy. Conversions from propane and fuel oil to electricity are coming on every day within all classes of consumers. New homes, and light industry in rural areas are increasingly going all electric. Yellowstone Valley Electric Cooperative, serving rural areas around Billings, is doubling in load every FIVE years!

What does this mean to you and me? It means that every day the rural people of Montana are going to their electric meters and voting for more power.

Even if construction is started today, we are going to have shortages of power in 81, 82 & 83 due to delays already encountered. And when the shortage comes, it will be the family farmer and ranchers and other working class people who will get hurt. The affluent will still have power at whatever price.

STATEMENT FAVORING COLSTRIP UNITS 3 & 4.....

I've heard claims of being denied due process. When the shortage comes, so also will come rationing, and then who will get due process? There is no way that rationing can be totally fair - even for a few.


I like to compare the Colstrip 3 & 4 situation to the Alaska Pipeline. As you no doubt remember, construction of that critically needed facility was held up for a ridiculous number of years by innumerable studies, hearings, reviews, lawsuits, and injunctions, --- until the cost had more than doubled. Finally, -- disgusted with the never ending delays, and alarmed by our growing dependence on foreign oil, Congress passed a law saying build the Alaskan pipeline -- and they did!!!

Legislative authority to construct 3 & 4, will not give Montana Power Company a license to operate these plants below standards. During operations, they must meet all State and Federal emission standards. If they do not, they will be shut down!!

We have abundant coal in Montana. Are we going to blacken the snow and air in our towns, cities, and rural communities by burning coal in our basements to heat our homes? - or are we going to burn coal at Colstrip under controlled conditions, and convert it to electricity -- the cleanest, most useful and versatile fuel known to man?

We've had too many years of hearings and dialogue. Everyone's had their say, and the majority still vote yes -- "Lets build 3 & 4".

Thank you.



Robert McColly, President

NAME: John S. ... DATE: ...

ADDRESS: ...

PHONE: ...

REPRESENTING WHOM? ...

APPEARING ON WHICH PROPOSAL: ...

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: ...

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Chas. P. H. H. DATE: 4-1-68

ADDRESS: Kellogg M. H.

PHONE: 7-5-6644

REPRESENTING WHOM? Pacific Power & Light

APPEARING ON WHICH PROPOSAL: HR 452

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: F. H. BOLES DATE: May 12, 1979

ADDRESS: Box 1730 Helena Mt.

PHONE: 442-2405

REPRESENTING WHOM? MONTANA CHAMBER OF COMMERCE

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Samuel Williams DATE: 3-1-41

ADDRESS: 525 Thompson St. N. W.

PHONE: W-1578

REPRESENTING WHOM? S. B. Williams

APPEARING ON WHICH PROPOSAL: W-152

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Roy L. Wiprud

DATE:

Mar. 12, 79

ADDRESS:

3916 East Shore Drive, Helena.

PHONE:

475-3436

REPRESENTING WHOM?

Mt. State Building & Construction Trades

APPEARING ON WHICH PROPOSAL:

H. B. 452

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MONTANA BUILDING AND CONSTRUCTION TRADES COUNCIL

REMARKS PRESENTED BEFORE THE MONTANA SENATE BUSINESS AND INDUSTRY COMMITTEE
ON HOUSE BILL 452 , MARCH 12, 1979

presented by Ray Wayrynen

MR CHAIRMAN, AND MEMBERS OF THE COMMITTEE:

I AM RAY WAYRYNEN AND I APPEAR HERE TODAY ON BEHALF OF THE MONTANA STATE COUNCIL
OF BUILDING AND CONSTRUCTION TRADES AND IN SUPPORT OF HOUSE BILL 452., IF PASSAGE
OF THIS LEGISLATION WILL EXPEDITE THE CONSTRUCTION OF THE COLSTRIP 3 AND 4 GENER-
ATING UNITS THEN WE URGE YOUR PROMPT APPROVAL.

UNDERSTANDABLY WE ARE INTERESTED IN THE HUNDREDS OF CONSTRUCTION JOBS THIS
PROJECT WILL CREATE AS WELL AS THE SEVERAL HUNDRED PERMANENT JOBS THAT WILL
RESULT FROM THE COMPLETION OF COLSTRIP 3 AND 4.

PLEASE CONSIDER THAT WE ARE SPEAKING OF LONG TERM, YEAR AROUND EMPLOYMENT FOR
OUR CONSTRUCTION PEOPLE. WHENEVER A RESTART OF CONSTRUCTION COMMENCES THE
WORK WILL CONTINUE FOR POSSIBLY 5 YEARS. THIS IN THE CONSTRUCTION TRADES IS
CONSIDERED LONG TERM EMPLOYMENT AND IS EXTREMELY BENEFICIAL TO THE ENTIRE FIELD
OF HEAVY CONSTRUCTION.

BUT OURS IS NOT JUST A SELFISH INTEREST ONLY FROM THE STANDPOINT OF EMPLOYMENT
FOR OUR MEMBERS. WE RECOGNIZE THE ECONOMICALLY BENEFICIAL IMPACT ON THE CON-
STRUCTION AREA AND THE ENTIRE STATE. A PROJECT OF THIS MAGNITUDE MEANS THAT THE
AREA WILL BENEFIT FROM THE INFLUX OF FAMILIES MOVING INTO THE AREA. FAMILIES MEAN
CONCERN FOR THE COMMUNITIES IN WHICH THEY RESIDE, AND IT MEANS AN ADDITIONAL
TAX BOOST AND OTHER ECONOMIC BENEFITS FOR THE AREA.

WE OF THE BUILDING TRADES JOIN ALL MONTANANS IN THEIR DEEP CONCERN FOR OUR
ENVIRONMENT. BUT WE ARE SATISFIED THAT THE ENVIRONMENTAL PROTECTION LAWS ARE
ADEQUATE TO INSURE THAT POLLUTION WILL BE MINIMAL, AND THAT DISTURBED LANDS
WILL BE PROPERLY RECLAIMED.

WE ARE ALSO CONCERNED AND ALARMED OVER ANY POSSIBILITY OF ELECTRIC ENERGY SHORTAGE THAT MIGHT RESULT IN FREQUENT POWER OUTAGES. -- LIKE IT OR NOT -- OUR SOCIETY BECOME SO DEPENDENT ON ELECTRICAL ENERGY THAT WE CAN SCARCELY EXIST IN OUR PRESENT LIVING STANDARDS IF OUR ENERGY NEEDS REACH EMERGENCY STATUS.

WE ALL KNOW THE FEELING OF HELPLESSNESS AND DESPAIR WHEN A POWER OUTAGE OCCURS EVEN FOR A RELATIVELY SHORT TIME. THE NORMAL ROUTINE OF OUR LIVES ARE COMPLETELY DISRUPTED. PRACTICALLY EVERYTHING STOPS. - - - I'M SURE MANY PEOPLE LIVE AS I DO - - THAT IS, OUTSIDE OF A FULLY URBAN AREA. AND WHEN A POWER OUTAGE OCCURS, WE DON'T have heat because our FURNACE MOTORS DON'T WORK, WE CAN'T PREPARE FOOD AS WE NORMALLY DO BECAUSE OUR COOKING FACILITIES ARE ELECTRIC, AND WE DON'T EVEN HAVE WATER OR SANITARY FACILITIES BECAUSE OUR WELL PUMP IS INOPERABLE. THIS IS TO SAY NOTHING OF WHAT HAPPENS IN THE FIELD OF INDUSTRY AND COMMERCE WHEN ENERGY SUPPLIES ARE DISRUPTED. WE SIMPLY CANNOT AFFORD TO GAMBLE ON FUTURE ENERGY SUPPLIES. IF THERE IS THE REMOTEST POSSIBILITY OF SEVERE ENERGY SHORTAGES IN THE FUTURE WE SHOULD ACT NOW TO PREVENT THAT POSSIBILITY.

CONSIDER THEN THE BENEFICIAL EFFECTS THAT THIS LEGISLATION WILL PRODUCE.

CONSIDER THE INCREASED EMPLOYMENT - - - CONSIDER THE INCREASED TAX BASE, AND CONSIDER THE PROVIDING OF A SOURCE OF THE ESSENTIAL ENERGY MONTANA MUST HAVE FOR THE FUTURE OF OUR ECONOMY AND THE BENEFIT OF OUR RESIDENTS.

WE HOPE THAT YOUR CONSIDERATIONS AND DELIBERATIONS WILL LEAD TO A PROMPT APPROVAL OF HOUSE BILL 452. THANK YOU.

NAME: Ed Nelson DATE: 3-17-79

ADDRESS: 1706-9th. Ave. Helena

PHONE: 442-2130

REPRESENTING WHOM? Montana Taxpayers Assoc.

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Montana Needs A Strong economy,

Without a strong economy we cannot

have a strong Tax base. Our economic

growth needs more than services industry

jobs and increased government.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mark M. Hubbard DATE: 2-22-73

ADDRESS: 1909 E. 1st

PHONE: 792-1924

REPRESENTING WHOM? Wm. S. White, Treasurer

APPEARING ON WHICH PROPOSAL: 4th 152

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ray LOVEDGE DATE: Mar 12-1979

ADDRESS: Box 775 Colstrip Mont

PHONE: 748-2935

REPRESENTING WHOM? Montana People for Progress

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MONTANA PEOPLE FOR PROGRESS

P.O. Box 253
Colstrip, Montana 59323

3

PRESIDENT:
LOUIS HOWE
Colstrip
Phone 748-3431

VICE PRESIDENT:
DONALD S. WALLIS, SR.
Colstrip
Phone 748-2811

EXECUTIVE DIRECTOR
RAYMOND S. LOVERIDGE
Colstrip
Phone 748-2935

RECORDING SECRETARY-TREASURER:
ANN WAGNER
Colstrip
Phone 748-2074

BOARD OF DIRECTORS:
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Phone 356-7245
WARREN BECKER
Forsyth
Phone 356-2207
J. MICHAEL DORRIS
Forsyth
Phone 356-2626
MATTIE HAUGHEN
Colstrip
Phone 748-2659
JAY NANCE
Birney
Phone 784-2443
CLIFF POWELL
Billings
Phone 252-0905
LOUIS PULVER
Forsyth
Phone 356-7615

page 1

Mr. Chairman and Committee members,

My name is Ray Loveridge, Executive Director for Montana People For Progress.

I am an independent businessman and I reside at Colstrip, Montana.

The sponsor of Bill 452 indicated that it is taking longer to build these two (2) power plants than it did to fight World War II. This statement is not exaggerated and gets to the basic problem that faces us today whether or not we will have the energy availability at the time we will most desperately need it. During the delays of Colstrip 3 & 4, the energy problem becomes more serious day by day. I cannot express for myself, let alone the people I represent, the urgency in getting on with the job of Colstrip 3 & 4.

The environmental groups have attracted your attention in the past legislative sessions. You cannot be blamed for the action taken in the protection of our environment thru legislative law, however, bare in mind that you were listening to the voice of the loud minority and justified in reacting in the manner in which you did. No one questions the true value of a controlled environment.

The registration of lobbyists during this session indicates the awareness that the silent majority feels the need to be present and to be heard. We have neglected to participate in the past, in the manner in which we should have. We felt that the state of Montana, the legislators, and the senators would

MONTANA PEOPLE FOR PROGRESS

P.O. Box 253
Colstrip, Montana 59323

mk-200 3

PRESIDENT:
LOUIS HUWE
Colstrip
Phone 748-3431

VICE-PRESIDENT:
DONALD S. WALLIS, SR.
Colstrip
Phone 748-2811

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Forsyth
Phone 356-7615

page 2

protect our interest. You have not failed us, we did not fully participate in the system, there have been many articles in the paper on lobbyist activities, some critical, some constructive, but let us never fail to recognize the true value of the lobbying system. In all due respect, you are from all walks of life and it is humanly impossible to know all things at all times. I am proud to hold a lobbyist license in this great state, to be allowed to express the feelings of over 400 Montanans. I am not an energy expert, but the silent majority must be heard. I would state quite frankly that you and I have been misled from everything, from sulphur admission to reclamation vegetation. I will try to make my statement short, for it would take several pages of testimony, but I could verify the fact that you have been and are being misled by environmental groups thru inaccurate data and statements. Montana People For Progress does not question the possibility of legal involvement on Bill 452, but we do question our energy needs. According to the E.E.I statistical year book, Montana produced 13.5 billion kilowatt hours in 1977, we used 11 billion kilowatt hours. This appears to be a surplus of 2.5 billion kilowatt hours, however, if you subtract the 4 billion kilowatt^{hr} produced by hydro which is committed to out of state consumers, do to the fact that the dams were built for that purpose and the federal government dedicated that power. After subtraction, you will find Montana had a 1.5 billion kilowatt hour deficient in 1977, in other words we imported 1.5 billion kilowatt hours,

MONTANA PEOPLE FOR PROGRESS

P.O. Box 253
Colstrip, Montana 59323

page 3

PRESIDENT:
LOUIS HOWE
Colstrip
Phone 748-5431

VICE-PRESIDENT:
DONALD S. WALLIS, SR.
Colstrip
Phone 748-2811

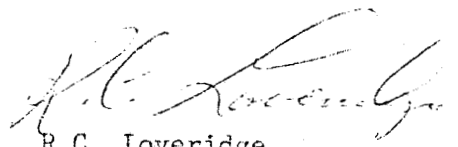
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LOUIS PULVER
Forsyth
Phone 356-7615

(we must of had a good neighbor somewhere). Should this deficient continue it will grow year by year and it is doubtful that we will be able to import power at the time that it is needed.

Committee members, lets get down to facts, we will not discuss vegetation, endangered species, sulfur emission, erosion, and etc, for we are speaking of Bill 452. Dam the regulations, Dam the legal implications, step forward and be recognized as a legislative session that recognizes the needs and the wishes of the silent majority, to accomplish this you must pass Bill 452.



R.C. Loveridge
Exe. Dir.
Montana People For Progress

NAME: William Anderson DATE: 7/1/52

ADDRESS: 225 E. Bismack St. D. C., 20004

PHONE: 453-2327

REPRESENTING WHOM? Wing. Route Fleet Group

APPEARING ON WHICH PROPOSAL: H. B. 4152

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: PETER JACKSON DATE: 3-12-79

ADDRESS: 1504 11TH AVE BILLING MT

PHONE: 443-5541

REPRESENTING WHOM? WETA-MONT

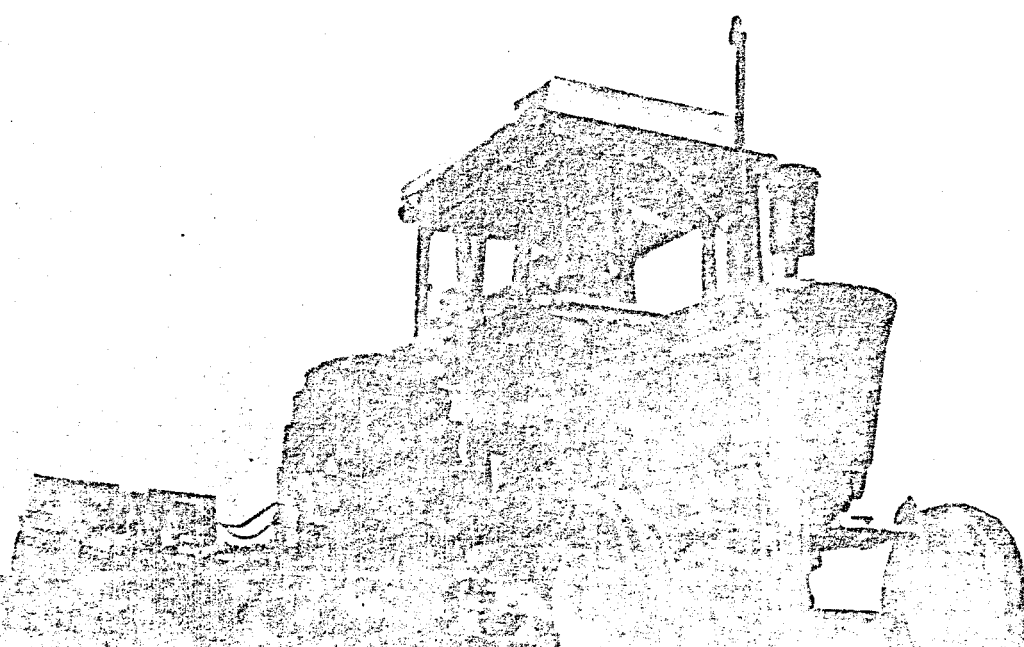
APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

REPORTS A WEBB PUBLICATION



Running steers
on alfalfa

Indigator's island paradise

ABC's of
PVC installation

Texans profit from
slurry

12 454223J 3 FEB 77 A131
PETER V JACKSON III
BX 86
HARRISON
MT 59735

NAME: Donald Bauer DATE: 3/12/79

ADDRESS: PO Box 2514, Billings 59103

PHONE: 745-4111

REPRESENTING WHOM? Billings Area Chamber of Commerce

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: WM T NORDEEN DATE: 3/2/59

ADDRESS: 338 So 4th Sandpoint, Idaho

PHONE: (208) 263 5141

REPRESENTING WHOM? Northern Lights Inc

APPEARING ON WHICH PROPOSAL: FB 452

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Thanks to the committee for
their courteous consideration.

NAME: Thomas L Herzig DATE: 12 Mar 79

ADDRESS: PO. Box 1249 Helena

PHONE: 442-8330

REPRESENTING WHOM? Montana Chapter - NECA

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: See testimony submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, LADIES AND GENTLEMEN,
I AM TOM HERZIG, REPRESENTING THE MONTANA CHAPTER OF THE
NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION. I AM SPEAKING IN FAVOR OF
HOUSE BILL #452 AND IN EFFECT COLSTRIP 3 & 4. WHILE WE CAN'T COMMENT ON
ALL ASPECTS OF THIS BILL, WE ARE ESSENTIALLY IN AGREEMENT WITH BUILD-
ING COLSTRIP 3 & 4. THERE IS ONE ASPECT HOWEVER, THAT WE CAN ADDRESS.
THAT IS THE COST FACTOR. THE COSTS IN THE ELECTRICAL CONTRACTING INDUSTRY
ARE INCREASING JUST AS THEY ARE FOR EVERYONE ELSE - LABOR, MATERIAL,
OVERHEAD ARE ALL INCREASING. THE LONGER THIS PROJECT IS DELAYED, THE
HIGHER THE PRICE WILL BE AND THESE INCREASED COSTS, AS WE ALL KNOW,
WILL EVENTUALLY BE PASSED ON TO THE CONSUMER. THIS IS SOMETHING NONE
OF US WANT TO SEE HAPPEN. WE THEREFORE URGE A SPEEDY RESOLUTION
OF ANY DIFFICULTIES ASSOCIATED WITH COLSTRIP 3 & 4.

NAME: Dawn A. Smith DATE: 5/12/79

ADDRESS: 914 Breckenridge Hkwy, Monticello 57851

PHONE: 443-4284

REPRESENTING WHOM? The League of Women Voters

APPEARING ON WHICH PROPOSAL: 452

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Will hand in written testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MONTANA LEAGUE OF WOMEN VOTERS

Testimony opposing HB 452
March 12, 1979

The League of Women Voters of Montana strongly supports Montana's Major Facilities Siting Act. The act gives strong environmental protections and assures that resource development will proceed in an orderly fashion.

We realize there are problems with the Major Facilities Siting Act. These problems are addressed by other bills before this legislature. HB 452, however, does not address these problems. Instead it seeks to have the legislature nullify part of a judicial decision before that decision has even been made. This goes against our long established American system of checks and balances of power between the various branches of government.

Passage of HB 452 would set a precedent of exemption. If the legislature interferes with the process this session, the possibility of legislative relief from siting act provisions will overshadow any future decisions made under the act.

We feel HB 452 will create many more problems than it will solve, and we urge you to kill the bill.

NAME: W. D. McFarland

DATE: 5/12/79

ADDRESS: Forsyth, Mo

PHONE: 347-5363

REPRESENTING WHOM? Rosebud Protection Assn. & N.Y.

APPEARING ON WHICH PROPOSAL: L.B. 457

DO YOU: SUPPORT? AMEND? OPPOSE? ☒

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sp1 Sp2 DATE: 1/15/14

ADDRESS: 60 AX 25 F

PHONE: _____

REPRESENTING WHOM? Robert M. La Follette

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NORTHERN PLAINS RESOURCE COUNCIL

Main Office
419 Stapleton Bldg
Billings, Mt. 59101
(406) 248-1154

Field Office
P.O. Box 886
Glendive, Mt. 59330
(406) 365-2525

Testimony of the Northern Plains Resource Council on
HB 452 presented by Bill Mackay, Jr., NPRC Chairman

March 12, 1979--Senate Business & Industry Committee

For the record my name is W. R. Mackay, Jr. I am a rancher from Roscoe, Montana, and I am chairman of the Northern Plains Resource Council, for whom I am speaking today.

From conversations I have had with various signers of this bill, the strongest feeling I got was the urge to end all the delay with the Colstrip project. We share that feeling; NPRC is made up of ranchers and farmers with limited budgets. We would likewise like to see this issue resolved as soon as possible.

I would like to point out, however, that the Colstrip issue is in the State Supreme Court today because the Montana Power Company and the four Pacific Northwest utilities wanted it there. District Court Judge Bennett issued his decision on March 3, 1978. The delay that has taken place since that time is a direct result of the utilities' litigation, not ours. NPRC did not appeal the Bennett decision, the Colstrip utilities did. I submit that if the utilities had taken Judge Bennett's advice and gone back to the Board and reheard those areas in which error was found, the issue may very well have been settled by now.

As much as we appreciate the need for an expeditious decision, we appreciate and respect even more the laws and judicial process of this state. From our point of view, HB 452 is a conspicuous attempt by the Montana Power Company and its associated utilities to by-pass the ~~laws and~~ judicial process of this state by special interest legislation. Although the Montana Supreme Court, at the request of the Colstrip utilities, is expected to rule any day on the Colstrip matter, the utilities have now decided they do not want to wait for the Supreme Court decision that they requested.

Our organization is made up of ranchers and farmers, many of whom live near the proposed power plants or transmission lines. We do view Colstrip 3 and 4 as a threat to our agricultural operations and for that reason have opposed the construction. But we are doing is legally. We are following the rules. We are exercising our legal and constitutional rights as citizens. And now we are here before this committee testifying against a bill that takes our legal rights away. We do not think it's right. We've worked hard, paid our dues, and are waiting for a decision from the Supreme Court. We don't know if the decision is going to be for or against us. Judge Bennett, in his decision, said that we were right. HB 452 says, in

effect, that neither we, nor the citizens of Montana, are entitled to a decision from the Montana Supreme Court. The net result is that no one will ever know if Judge Bennett was right or wrong. Our right to judicial review will be revoked.

In our opinion, the purpose of this hearing is not to debate the merits or demerits of Colstrip 3 and 4; instead, our purpose is to explain the reasons we believe HB 452 is the wrong way to resolve the issue. In addition to making a mockery of the Major Facility Siting Act, the bill establishes a dangerous precedent for Montana. Should this bill pass, it will open the door for every industrial concern that wants to build large industrial facilities in Montana to walk into the Legislature and also request an exemption from Montana's laws and judicial system.

With the Bonneville Power Administration and the Pacific Northwest states pushing hard for federal legislation to make Montana the electricity producer for their region, we feel it would be disastrous for Montana to establish a precedent that certain coal-fired power plants receive preferential treatment under the law. A recent BPA publication** identified the need for approximately 210,000 megawatts of electricity from Montana and Wyoming coal fields by the year 2020. That is the equivalent of 150 Colstrip Units 3 and 4. How many of these utilities will be requesting preferential treatment from the Siting Act or the judicial process? Are we to convene in Helena every two years to decide which power plants to grant preferential treatment to? How does one decide which ones should get preferential treatment and which ones should not?

We also point out that the reason Colstrip 3 and 4 are not under construction is not because of the lawsuit before the Montana Supreme Court, but because the power plants cannot meet the Class 1 air quality standards in the area. Passage of HB 452 does not insure immediate construction. Construction of the plants cannot begin until the federal air quality issue is settled.

In conclusion, we view HB 452 as a slap in the face to those who believe in the laws and judicial process that regulate development. Its effect would be to evade and negate the judicial review of the Colstrip project. It establishes a dangerous precedent for the future, and we fear it may represent a return to the days of Montana's past when the large corporate interests controlled the state. For these reasons we recommend that the committee give this bill a "do not pass."

**Pacific Northwest Long Range East-West Energy Corridor Study,
BPA (1977).

NAME: Tom Schneider DATE: 3/10/80

ADDRESS: 1737 4th Ave

PHONE: 444-3014

REPRESENTING WHOM? Self as a Union - NHA PSC

APPEARING ON WHICH PROPOSAL: HR 452

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Orally presented.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ted J. Dwyer DATE: 3/12/62

ADDRESS: 32 S. Ewing

PHONE: 449-3712

REPRESENTING WHOM? State DNR

APPEARING ON WHICH PROPOSAL: H.E. 482

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: Will create more litigation which may
actually further delay E.H.

NAME: Mike Dahlem DATE: 7.12

ADDRESS: Helen

PHONE: 442-0032

REPRESENTING WHOM? ASUM

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: The Constitutional Convention
run by HB 452 will most likely
delay and not expedite the
construction of Colstrip Units 3+4.
We oppose any attempt to weaken
the sitting act or the process of
judicial review

NAME: David Smith DATE: 11/1/68

ADDRESS: 538 12th St. N. Minneapolis, MN 55405

PHONE: 452-6756

REPRESENTING WHOM? Montana Dept. of the Fish

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: Once again, the Montana Dept. of the Fish

is a very poor organization.

90 members, all are unpaid, and

with high administrative costs.

Montana Air Service Commission has been

reformed, & after 10 years has been

reorganized with 10 full-time

employees, & is now doing a

very good job. The members of the Montana

Department of the Fish

should be reformed.

NAME: Tom B. ... DATE: ...

ADDRESS: ...

PHONE: ...

REPRESENTING WHOM? ...

APPEARING ON WHICH PROPOSAL: 11.3

DO YOU: SUPPORT? ... AMEND? ... OPPOSE? ...

COMMENTS: ...

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gail M. Stoltz DATE: 3/12/79

ADDRESS: 514-515 Power Block, Honolulu, Ht. 59601

PHONE: 443-7204

REPRESENTING WHOM? Mt. Hemon Resources
Development Committee Director (Hawaii)

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: The state wide low-income tax gone on
record opposed to HB 452. ^{The members} One concern of low
income and senior citizens is energy rates
and energy development. Their goal is long-term
solutions to the rising energy cost to the
consumer. The construction of Cooks Point 3+4 means
rising energy costs, by a huge increase in the
electrical rates to residential users. Low income and
seniors would suffer from energy solutions
come about by rate restructuring and conservation.
Additionally the impact considered by

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

The major facility siting act included social and economic. I areas of major concern to them are fixed and low income. Very seldom do low income sectors benefit from major development, they are only pushed further down the economic scale by inflation and the pressure as more people come in above them. The only way they can benefit or not lose ground is to have the major facility well planned, and ~~first~~ investigated under the facility siting act. We oppose any attempt to exempt any facility from that process.

NAME: Tom Silverthorn DATE: 3/12/79

ADDRESS: 226 Helterline Rd. Wains.

PHONE: 826 3056

REPRESENTING WHOM? MT. St. Bl. & Coal Co.

APPEARING ON WHICH PROPOSAL: H.B. 452

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

you have heard much testimony &
many opinions regarding the passage
of H.B. 452. - as you know H.B. 452 has
not solved the problem of the ordinance
it adds or removes some legal loopholes
that exasperate people & some times
causes the removal of good laws.
I urge you to pass H.B. 452

NAME: Robert L Johnson aly DATE: 12/2/61

ADDRESS: 307 Montana Bldg, Huntington

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: HB 452

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



COMMON CAUSE/MONTANA

P.O. Box 822

Helena, Montana 59601

Telephone (406) 442-6959

Senator Frank Hazelbaker, Chairman
Senate Business and Industry Committee
Montana State Senate
Hearing House Bill 452
March 12, 1979

Dear Senator Hazelbaker and Committee Members,

Common Cause/Montana, a citizens' lobby for open and accountable government has no official position on the construction of Colstrip Generating Units 3 and 4. We do try to encourage, however, general standards of legislative conduct which maximize public information and participation and which minimize abilities of certain special interests to dominate the legislative processes.

It is this issue which needs to be addressed when considering House Bill 452. In simple terms, House Bill 452 grants special privileges to one large and politically powerful corporation. It directly interferes with the Montana Major Facility Siting Act solely for the purpose of benefiting the Montana Power Company, a utility not unknown for its political dominance in certain state issues.

As this legislation was written to shortcircuit the Facility Siting Act to benefit one major corporation, it would be difficult to find a clearer and more definitive piece of special interest legislation. We urge you to consider House Bill 452 in this light and to give it the scrutiny it deserves.

Thank you for your consideration.

Paul Richards
State Director
Common Cause/Montana

NAME: S. L. D. D. DATE: 3/12/79

ADDRESS: Dept. Bureau Rec.

PHONE: _____

REPRESENTING WHOM? Consumer Affairs Div

APPEARING ON WHICH PROPOSAL: H.B. 570

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Jerry Rouno

7-1-74

MELBA

442 - 1233

Methodist Anti-Slavery Association

HB 57

X

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Presented by Jerry Kuning
3/12/79

Suggested Amendment for n8 570

Page 2, line 12

Strike - \$20.00
Insert - \$15.00

Page 3, line 2

Strike - \$20.00
Insert - \$15.00

NAME: Mr. Martin DATE: 7-2-67

ADDRESS: Leg. Auditor

PHONE: _____

REPRESENTING WHOM? Leg. Auditor

APPEARING ON WHICH PROPOSAL: H.B. 599

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: Report of the Auditor General

NAME:

R.G. Tucker

DATE:

3/12/79

ADDRESS:

Delmar

PHONE:

449-2040

REPRESENTING WHOM?

State Auditor "E.V. Sowers" Quigley

APPEARING ON WHICH PROPOSAL:

HB-599

DO YOU:

SUPPORT?

☒

AMEND?

☒

OPPOSE?

COMMENTS:

~~Amend page 1 line 24; delete "Sowers"~~
~~delete line 2-8-12~~
~~Amend page 10 lines 17, 18, 219; delete all~~
~~of Sowers (4)~~

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE Feb 12, 1979

COMMITTEE ON Bus. & Ind.

BILL NO. *HB-14*

VISITOR'S REGISTER

[illegible]

SENATE *Business & Finance* COMMITTEE

BILL 452

VISITORS' REGISTER

DATE 3/12/71

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

DATE MARCH 12, 1979

COMMITTEE ON BUSINESS + INDUSTRY

BILL NO. 452

VISITOR'S REGISTER

[illegible]