

HOUSE BILL NO. 398

INTRODUCED BY QUILICI, DAILY, MENAHAN, FABREGA

IN THE HOUSE

January 21, 1981	Introduced and referred to Committee on Natural Resources.
February 3, 1981	Committee recommend bill do pass as amended. Report adopted.
February 4, 1981	Bill printed and placed on members' desks.
February 6, 1981	Second reading, do pass.
February 7, 1981	Correctly engrossed.
February 9, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 10, 1981	Introduced and referred to Committee on Natural Resources.
March 21, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 24, 1981	Motion pass consideration.
March 25, 1981	Second reading, concurred in.
March 27, 1981	Third reading, concurred in as amended. Ayes, 50; Noes, 0.

IN THE HOUSE

March 28, 1981	Returned from Senate with amendments.
----------------	---------------------------------------

April 8, 1981

Second reading, amendments  
concurred in.

April 9, 1981

Third reading, amendments  
concurred in. Ayes, 96; Noes, 0.  
Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 398  
2 INTRODUCED BY *Julian Daily Menahan*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 ALTERNATIVE ENERGY GRANT PROGRAM; AMENDING SECTIONS 90-4-106  
6 AND 90-4-107, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 90-4-106, MCA, is amended to read:  
10 "90-4-106. Criteria for grant awards. The department  
11 may award grants to applicants under 90-4-105 in accordance  
12 with the following criteria:

13 (1) A grant may cover a period not exceeding 1 year,  
14 and the department may not commit itself to spending funds  
15 anticipated to be available more than 1 year after the grant  
16 period begins. The department may give an applicant a  
17 statement of intent to renew its support of his work,  
18 subject to the availability of funds and such other  
19 conditions as the department may express.

20 (2) The department may give preference to projects  
21 which are also supported by grants from the federal  
22 government or other persons provided the grants are  
23 consistent with the other objectives of the department. The  
24 purpose of this preference is to use the alternative energy  
25 research development and demonstration account for matching

1 moneys in order to support more substantial research.

2 (3) The department may give preference to research  
3 centers unattached to existing educational institutions  
4 where several investigators can share supporting services.  
5 However, this shall not be interpreted to prohibit the  
6 department from awarding grants to existing educational  
7 institutions.

8 (4) The department may give preference to research  
9 centers which make information available to individuals,  
10 small businesses, and small communities seeking the use of  
11 renewable energy sources in their homes, plants, places of  
12 business, and small communities.

13 (5) All information resulting from such research shall  
14 be made available to the public and shall not become the  
15 private property of or under the exclusive control of any  
16 one company or person.

17 (6) The department ~~is under no requirement to~~ may  
18 expend or commit available alternative energy research,  
19 development, and demonstration funds only when in its  
20 judgment such expenditures or commitments ~~would be~~  
21 unproductive have very good potential for producing  
22 significant savings of nonrenewable energy sources."

23 Section 2. Section 90-4-107, MCA, is amended to read:  
24 "90-4-107. Biennial report. The department ~~shall~~  
25 monitor the grants awarded and shall report its expenditures

LC 0060/01

1 and other activities information concerning the  
2 implementation and effectiveness of specific projects or  
3 programs for which grants were awarded under this part to  
4 the legislature at the beginning of each regular legislative  
5 session."

6 NEW SECTION. Section 3. Oversight function of  
7 environmental quality council. The environmental quality  
8 council provided for in 5-16-101 shall oversee the  
9 administration of the alternative energy grant program and  
10 shall make such recommendations as it considers necessary to  
11 assure the greatest possible benefit of the program to the  
12 people of the state as a whole. Such recommendations may  
13 include proposals for legislation.

-End-

Approved by Committee  
on Natural Resources

1 HOUSE BILL NO. 398  
 2 INTRODUCED BY QUILICI, DAILY, MENAHAN, FABREGA  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 ALTERNATIVE ENERGY GRANT PROGRAM; AMENDING SECTIONS 90-4-106  
 6 AND 90-4-107, MCA."  
 7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 9 Section 1. Section 90-4-106, MCA, is amended to read:  
 10 "90-4-106. Criteria for grant awards. The department  
 11 may award grants to applicants under 90-4-105 in accordance  
 12 with the following criteria:  
 13 (1) A grant may cover a period not exceeding 1 year,  
 14 and the department may not commit itself to spending funds  
 15 anticipated to be available more than 1 year after the grant  
 16 period begins. The department may give an applicant a  
 17 statement of intent to renew its support of his work,  
 18 subject to the availability of funds and such other  
 19 conditions as the department may express.  
 20 (2) The department may give preference to projects  
 21 which are also supported by grants from the federal  
 22 government or other persons provided the grants are  
 23 consistent with the other objectives of the department. The  
 24 purpose of this preference is to use the alternative energy  
 25 research development and demonstration account for matching

1 moneys in order to support more substantial research.  
 2 (3) The department may give preference to research  
 3 centers unattached to existing educational institutions  
 4 where several investigators can share supporting services.  
 5 However, this shall not be interpreted to prohibit the  
 6 department from awarding grants to existing educational  
 7 institutions.  
 8 (4) The department may give preference to research  
 9 centers which make information available to individuals,  
 10 small businesses, and small communities seeking the use of  
 11 renewable energy sources in their homes, plants, places of  
 12 business, and small communities.  
 13 (5) All information resulting from such research shall  
 14 be made available to the public and shall not become the  
 15 private property of or under the exclusive control of any  
 16 one company or person.  
 17 (6) The department ~~is--under--no--requirement--to~~ may  
 18 expend or commit available alternative energy research,  
 19 development, and demonstration funds. THE DEPARTMENT MAY  
 20 COMMIT FUNDS FOR DEMONSTRATION PURPOSES only when in its  
 21 judgment such expenditures or commitments ~~would--be~~  
 22 unproductive have very good potential for producing  
 23 significant savings of nonrenewable energy sources. THE  
 24 DEPARTMENT MAY NOT COMMIT FUNDS FOR DEMONSTRATION PURPOSES  
 25 WHEN ANY OF THE FOLLOWING CONDITIONS ARE PRESENT:

1 (A) PREVIOUS COMMITMENTS OF A SIMILAR NATURE WERE NOT  
2 PRODUCTIVE;

3 (B) A SIMILAR DEMONSTRATION HAS BEEN CONDUCTED WITHIN  
4 CLOSE GEOGRAPHIC PROXIMITY OF THE GEOGRAPHIC LOCATION OF THE  
5 PROPOSED DEMONSTRATION PROJECT;

6 (C) THE PROPOSED DEMONSTRATION PROJECT WOULD NOT  
7 FURTHER THE PURPOSE OF THIS PART."

8 Section 2. Section 90-4-107, MCA, is amended to read:  
9 "90-4-107. Biennial report. The department shall  
10 monitor the grants awarded and shall report its expenditures  
11 and other activities information concerning the  
12 implementation and effectiveness of specific projects or  
13 programs for which grants were awarded under this part to  
14 the legislature at the beginning of each regular legislative  
15 session."

16 NEW SECTION. Section 3. Oversight function of  
17 environmental quality council. The environmental quality  
18 ~~council--provided--for--in--5-16-101---shall---oversee---the~~  
19 ~~administration--of--the--alternative--energy--grant--program--and~~  
20 DEPARTMENT SHALL SUBMIT PERIODIC REPORTS TO THE  
21 ENVIRONMENTAL QUALITY COUNCIL ESTABLISHED IN 5-16-101 FOR  
22 REVIEW AND EVALUATION. THE ENVIRONMENTAL QUALITY COUNCIL  
23 shall make such recommendations as it considers necessary to  
24 assure the greatest possible benefit of the program to the  
25 people of the state as a whole. Such recommendations may

1 include proposals for legislation.

-End-

## 1 HOUSE BILL NO. 398

2 INTRODUCED BY QUILICI, DAILY, MENAHAN, FABREGA

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 ALTERNATIVE ENERGY GRANT PROGRAM; AMENDING SECTIONS 90-4-106  
6 AND 90-4-107, MCA."  
7

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

9 Section 1. Section 90-4-106, MCA, is amended to read:

10 "90-4-106. Criteria for grant awards. The department  
11 may award grants to applicants under 90-4-105 in accordance  
12 with the following criteria:13 (1) A grant may cover a period not exceeding 1 year,  
14 and the department may not commit itself to spending funds  
15 anticipated to be available more than 1 year after the grant  
16 period begins. The department may give an applicant a  
17 statement of intent to renew its support of his work,  
18 subject to the availability of funds and such other  
19 conditions as the department may express.20 (2) The department may give preference to projects  
21 which are also supported by grants from the federal  
22 government or other persons provided the grants are  
23 consistent with the other objectives of the department. The  
24 purpose of this preference is to use the alternative energy  
25 research development and demonstration account for matching

1 moneys in order to support more substantial research.

2 (3) The department may give preference to research  
3 centers unattached to existing educational institutions  
4 where several investigators can share supporting services.  
5 However, this shall not be interpreted to prohibit the  
6 department from awarding grants to existing educational  
7 institutions.8 (4) The department may give preference to research  
9 centers which make information available to individuals,  
10 small businesses, and small communities seeking the use of  
11 renewable energy sources in their homes, plants, places of  
12 business, and small communities.13 (5) All information resulting from such research shall  
14 be made available to the public and shall not become the  
15 private property of or under the exclusive control of any  
16 one company or person.17 (6) The department ~~is--under--no--requirement--to~~ may  
18 expend or commit available alternative energy research,  
19 development, and demonstration funds. THE DEPARTMENT MAY  
20 COMMIT FUNDS FOR DEMONSTRATION PURPOSES only when in its  
21 judgment such expenditures or commitments ~~would--be~~  
22 unproductive have very good potential for producing  
23 significant savings of nonrenewable energy sources. THE  
24 DEPARTMENT MAY NOT COMMIT FUNDS FOR DEMONSTRATION PURPOSES  
25 WHEN ANY OF THE FOLLOWING CONDITIONS ARE PRESENT:

1 (A) PREVIOUS COMMITMENTS OF A SIMILAR NATURE WERE NOT  
2 PRODUCTIVE;

3 (B) A SIMILAR DEMONSTRATION HAS BEEN CONDUCTED WITHIN  
4 CLOSE GEOGRAPHIC PROXIMITY OF THE GEOGRAPHIC LOCATION OF THE  
5 PROPOSED DEMONSTRATION PROJECT;

6 (C) THE PROPOSED DEMONSTRATION PROJECT WOULD NOT  
7 FURTHER THE PURPOSE OF THIS PART."

8 Section 2. Section 90-4-107, MCA, is amended to read:  
9 "90-4-107. Biennial report. The department shall  
10 monitor the grants awarded and shall report its expenditures  
11 and other activities information concerning the  
12 implementation and effectiveness of specific projects or  
13 programs for which grants were awarded under this part to  
14 the legislature at the beginning of each regular legislative  
15 session."

16 NEW SECTION. Section 3. Oversight function of  
17 environmental quality council. The environmental quality  
18 ~~council provided for in 5-16-101 shall oversee the~~  
19 ~~administration of the alternative energy grant program and~~  
20 DEPARTMENT SHALL SUBMIT PERIODIC REPORTS TO THE  
21 ENVIRONMENTAL QUALITY COUNCIL ESTABLISHED IN 5-16-101 FOR  
22 REVIEW AND EVALUATION. THE ENVIRONMENTAL QUALITY COUNCIL  
23 shall make such recommendations as it considers necessary to  
24 assure the greatest possible benefit of the program to the  
25 people of the state as a whole. Such recommendations may

1 include proposals for legislation.  
-End-



## 1 HOUSE BILL NO. 398

2 INTRODUCED BY QUILICI, DAILY, MENAHAN, FABREGA

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 ALTERNATIVE ENERGY GRANT PROGRAM; AMENDING SECTIONS 90-4-106  
6 AND 90-4-107, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 90-4-106, MCA, is amended to read:

10 "90-4-106. Criteria for grant awards. The department  
11 may award grants to applicants under 90-4-105 in accordance  
12 with the following criteria:

13 (1) A grant may cover a period not exceeding 1 year,  
14 and the department may not commit itself to spending funds  
15 anticipated to be available more than 1 year after the grant  
16 period begins. The department may give an applicant a  
17 statement of intent to renew its support of his work,  
18 subject to the availability of funds and such other  
19 conditions as the department may express.

20 (2) The department may give preference to projects  
21 which are also supported by grants from the federal  
22 government or other persons provided the grants are  
23 consistent with the other objectives of the department. The  
24 purpose of this preference is to use the alternative energy  
25 research development and demonstration account for matching

1 moneys in order to support more substantial research.

2 (3) The department may give preference to research  
3 centers unattached to existing educational institutions  
4 where several investigators can share supporting services.  
5 However, this shall not be interpreted to prohibit the  
6 department from awarding grants to existing educational  
7 institutions.

8 (4) The department may give preference to research  
9 centers which make information available to individuals,  
10 small businesses, and small communities seeking the use of  
11 renewable energy sources in their homes, plants, places of  
12 business, and small communities.

13 (5) All information resulting from such research shall  
14 be made available to the public and shall not become the  
15 private property of or under the exclusive control of any  
16 one company or person.

17 (6) The department ~~is--under--no--requirement--to~~ may  
18 expend or commit available alternative energy research,  
19 development, and demonstration funds. THE DEPARTMENT MAY  
20 COMMIT FUNDS FOR DEMONSTRATION PURPOSES only when in its  
21 judgment such expenditures or commitments ~~would--be~~  
22 unproductive have very good potential for producing  
23 significant savings of nonrenewable energy sources. THE  
24 DEPARTMENT MAY NOT COMMIT FUNDS FOR DEMONSTRATION PURPOSES  
25 WHEN ANY OF THE FOLLOWING CONDITIONS ARE PRESENT:

1        (A) PREVIOUS COMMITMENTS OF A SIMILAR NATURE WERE NOT  
 2 PRODUCTIVE;

3        (B) A SIMILAR DEMONSTRATION HAS BEEN CONDUCTED WITHIN  
 4 CLOSE GEOGRAPHIC PROXIMITY OF THE GEOGRAPHIC LOCATION OF THE  
 5 PROPOSED DEMONSTRATION PROJECT;

6        (C) THE PROPOSED DEMONSTRATION PROJECT WOULD NOT  
 7 FURTHER THE PURPOSE OF THIS PART."

8        Section 2. Section 90-4-107, MCA, is amended to read:  
 9        "90-4-107. Biennial report. The department shall  
 10 monitor the grants awarded and shall report its expenditures  
 11 and other activities information concerning the  
 12 implementation and effectiveness of specific projects or  
 13 programs for which grants were awarded under this part to  
 14 the legislature at the beginning of each regular legislative  
 15 session."

16        NEW SECTION. Section 3. Oversight function of  
 17 environmental quality council. The environmental quality  
 18 ~~council--provided--for--in--5-16-101--shall--oversee--the~~  
 19 ~~administration--of--the--alternative-energy-grant-program--and~~  
 20 DEPARTMENT SHALL SUBMIT PERIODIC REPORTS TO THE  
 21 ENVIRONMENTAL QUALITY COUNCIL ESTABLISHED IN 5-16-101 FOR  
 22 REVIEW AND EVALUATION. THE ENVIRONMENTAL QUALITY COUNCIL  
 23 shall make such recommendations as it considers necessary to  
 24 assure the greatest possible benefit of the program to the  
 25 people of the state as a whole. Such recommendations may

1 include proposals for legislation.

2        SECTION 4. COORDINATION INSTRUCTION. IF SENATE BILL  
 3 141 IS PASSED AND APPROVED, SECTION 4 OF SENATE BILL 141  
 4 PERTAINING TO THE AWARDED OF LOANS UNDER 90-4-106, SHALL BE  
 5 SUBJECT TO THE PROVISIONS OF HOUSE BILL 398.

-End-

March 21, 1981

SENATE STANDING COMMITTEE REPORT  
(Natural Resources)

That House Bill No. 398 be amended as follows:

1. Page 4.

Following: line 1.

Insert: "Section 4. Coordination instruction. If senate bill 141 is passed and approved, section 4 of senate bill 141 pertaining to the awarding of loans under 90-4-106, shall be subject to the provisions of house bill 398."