

SENATE BILL NO. 356

INTRODUCED BY MOHAR, McBRIDE, SCHYE, METCALF,
FULLER, LYNCH, B. BROWN, MARBUT, ECK

BY REQUEST OF THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION

IN THE SENATE

February 4, 1983	Introduced and referred to Committee on Natural Resources.
February 15, 1983	Committee recommend bill do pass. Report adopted. Statement of Intent attached.
February 16, 1983	Bill printed and placed on members' desks.
February 17, 1983	Second reading, do pass.
February 18, 1983	Correctly engrossed.
February 19, 1983	Third reading, passed. Ayes, 40; Noes, 8. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Natural Resources.
March 7, 1983	Committee recommend bill be concurred in. Report adopted.
March 8, 1983	Second reading, concurred in.
March 9, 1983	Third reading, concurred in.

IN THE SENATE

March 9, 1983

Returned to Senate.

March 10, 1983

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 356
 2 INTRODUCED BY Michael McBride John Nuttall
 3 Bob Brown
 4 BY REQUEST OF THE DEPARTMENT OF Natural Resources and Conservation
 5 Maht

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY PROJECT
 7 ELIGIBILITY FOR GRANTS AND LOANS FROM THE ALTERNATIVE ENERGY
 8 RESEARCH DEVELOPMENT AND DEMONSTRATION ACCOUNT; TO PROVIDE
 9 FOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION OF ENERGY
 10 CONSERVATION; TO REMOVE THE PROHIBITION ON PRIVATE OWNERSHIP
 11 AND CONTROL OF RESEARCH INFORMATION; AMENDING SECTIONS
 12 90-4-101 THROUGH 90-4-106, MCA; AND PROVIDING AN IMMEDIATE
 13 EFFECTIVE DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 90-4-101, MCA, is amended to read:

17 "90-4-101. Purpose. The purposes of this part are to
 18 stimulate research, development, and demonstration--and
 19 ~~commercialization of energy conservation and~~ of energy
 20 sources which are harmonious with ecological stability by
 21 virtue of being renewable, thereby to lessen that reliance
 22 on nonrenewable energy sources which conflicts with the goal
 23 of long-range ecological stability and to provide for the
 24 funding and administration of such research. Furthermore it
 25 is the purpose of this part ~~to stimulate the~~

1 ~~commercialization of alternative renewable energy and to~~
 2 allow the department to make loans through financial
 3 institutions in Montana for ~~commercialization of alternative~~
 4 ~~renewable energy this purpose."~~

5 Section 2. Section 90-4-102, MCA, is amended to read:
 6 "90-4-102. Definitions. As used in this part, the
 7 following definitions apply:

8 (1) "Alternative renewable energy source" means a form
 9 of energy or matter, such as solar energy, wind energy, or
 10 methane from solid waste, capable of being converted into
 11 forms of energy useful to mankind, and the technology
 12 necessary to make this conversion, when the source is not
 13 exhaustible in terms of this planet and when the source or
 14 the technology are not in general commercial use.

15 (2) ~~"Energy conservation" means reducing waste or~~
 16 ~~dissipation of energy or reducing the amount of energy~~
 17 ~~required to accomplish a given quantity of work through~~
 18 ~~increases in efficiency of energy use, production, or~~
 19 ~~distribution.~~

20 (3) (1) "Person" means a natural person, corporation,
 21 partnership, or other business entity, association, trust,
 22 foundation, any educational or scientific institution, or
 23 any governmental unit.

24 (3) (1) "Department" means the Montana department of
 25 natural resources and conservation."

-2- INTRODUCED BILL
 SB 356

Section 3. Section 90-4-103, MCA, is amended to read:

"90-4-103. Alternative energy ~~and energy conservation~~ research development and demonstration account established. There is within the earmarked revenue fund an alternative energy ~~and energy conservation~~ research development and demonstration account. Moneys are paid into this account under 15-35-108. The state treasurer shall draw warrants payable from this account upon order of the department."

Section 4. Section 90-4-104, MCA, is amended to read:

"90-4-104. General powers of department. The department may:

(1) employ a staff adequate to administer this part;
(2) retain professional consultants and advisors;
(3) adopt rules governing applications and granting of funds;

(4) adopt rules governing applications for and administration and awarding of loans;

(5) consider applications and award grants or loans, subject to the availability of funds and to the appropriation of such funds by the legislature, from the alternative energy ~~and energy conservation~~ research development and demonstration funds for projects that will further the purposes of this part;

(5) appoint an alternative energy advisory committee composed of representatives of state agencies and citizen

members with expertise in alternative energy ~~and energy conservation~~ matters. The appointment of any such advisory committee shall be in keeping with 2-15-122."

Section 5. Section 90-4-105, MCA, is amended to read:

"90-4-105. Applications for grants or loans. Any person may apply for a grant ~~or loan~~ to enable him to research, develop, ~~or demonstrate or commercialize energy conservation or~~ alternative renewable energy sources. ~~Any person may apply for a loan to commercialize alternative renewable energy sources.~~ The department shall prescribe the form for applications. Applicants shall describe the nature of their proposed investigations, including practical applications of the possible results and time requirements."

Section 6. Section 90-4-106, MCA, is amended to read:

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

(1) A grant may cover a period ~~not exceeding 1 year, and the department may not commit itself to spending funds anticipated to be available more than 1 year after the grant period begins.~~ The department may give an applicant a statement of intent to renew its support of his work, subject to the availability of funds and such other conditions as the department may express provided that all funds for the grant must be encumbered or accrued from the

~~program appropriation for the year the grant is authorized.~~

(2) The department may give preference to projects which are also supported by funding from the federal government or other persons provided the projects are consistent with the other objectives of the department. The purpose of this preference is to use the alternative energy ~~and energy conservation~~ research development and demonstration account for matching moneys in order to support more substantial research or commercialization.

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

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

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

(6) The department may expend or commit available

alternative energy ~~and energy conservation~~ research, development, and demonstration funds. The department may commit funds for demonstration purposes only when in its judgment such expenditures or commitments have good potential for producing savings of nonrenewable energy sources. The department may not commit funds for demonstration purposes when any of the following conditions are present:

(a) previous commitments of a similar nature were not productive;

(b) a similar demonstration has been conducted within close geographic proximity of the geographic location of the proposed demonstration project;

(c) the proposed demonstration project would not further the purpose of this part."

~~NEW SECTION.~~ Section 7. Effective date. This act is effective on passage and approval.

-End-

1 *Amended* BILL NO. *357*
2 INTRODUCED BY *J. Jacobson*
3 *Hampton*
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A RIVER
5 LITTER CLEAN-UP PROGRAM IN THE DEPARTMENT OF FISH, WILDLIFE,
6 AND PARKS; REQUIRING RIVER USERS TO BE LICENSED; SETTING
7 FEES; AND PROVIDING PENALTIES."

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

10 Section 1. Definitions. (1) "Boat" has the meaning
11 commonly ascribed to it and includes a canoe, kayak,
12 rowboat, inflatable boat, or any other boat, with or without
13 a motor. The term does not include a personal flotation
14 device or an inner tube.

15 (2) "River" means a natural, perennial, flowing river
16 or stream. The term does not include natural or artificial
17 lakes or any waters within a national park or national
18 monument.

19 Section 2. River litter clean-up program. (1) The
20 department shall conduct a river litter clean-up program
21 with money appropriated for that purpose from the river
22 users' litter clean-up account established in [section 4].

23 (2) The purpose of the program is to clean up rivers
24 and their banks between the ordinary high-water marks and
25 recreational access areas on those rivers in order to

1 minimize the impact of litter that may result from the
2 recreational, commercial, and sporting use of Montana
3 rivers.

4 (3) The department shall establish clean-up priorities
5 in order to maximize the effect of the program in heavy use
6 or problem areas.

7 (4) To the maximum extent possible, in pursuing this
8 program, the department shall employ the aid of youth
9 conservation or similar youth employment programs or
10 establish comparable youth employment practices of its own.

11 Section 3. River users' license -- fee -- exception.

12 (1) No person who is 15 years of age or older may launch or
13 operate a boat or ride as a passenger in a boat or engage in
14 picnicking, camping, fishing, or other recreational activity
15 in connection with being transported by boat upon a river in
16 Montana unless licensed to do so as provided in this
17 section.

18 (2) A person must be licensed upon paying a fee of
19 \$1.75 to the department. A license is valid only for the
20 calendar year in which it is issued and for the person for
21 whom it is issued. A license may be purchased from the
22 department through any license agent of the department.

23 (3) This section does not apply in the case of a
24 person being transported in connection with an emergency.

25 (4) Proceeds from the fees collected under [this act]

1 must be deposited in the river users' litter clean-up
2 account established in [section 4].

3 Section 4. River users' litter clean-up account. There
4 is a river users' litter clean-up account in the earmarked
5 revenue fund. Money in the account may be used by the
6 department to carry out the provisions of [this act].

7 Section 5. Violation -- penalties. A person convicted
8 of violating the provisions of [section 3] is subject to a
9 fine not to exceed \$30. [This act] may be enforced by any
10 law enforcement officer or fish and game warden. Proceeds
11 of any fine imposed under this section must, after
12 assessment of court costs, be deposited in the river users'
13 litter clean-up account established in [section 4].

14 Section 6. Codification instruction. Sections 1
15 through 5 are intended to be codified as an integral part of
16 Title 87, and the provisions of Title 87 apply to sections 1
17 through 5.

-End-

STATEMENT OF INTENT

SENATE BILL 356

Senate Natural Resources Committee

It is the intent of this bill to allow the Department of Natural Resources to provide grants for projects concerned with energy conservation. The grant of rulemaking authority includes the power to establish criteria to be used in determining when a grant should be granted under the limitations of this act.

SECOND READING

SB 356

Approved by Committee
on Natural Resources

SENATE BILL NO. 356

INTRODUCED BY MDHAR, MCBRIDE, SCHYE, METCALF,

FULLER, LYNCH, B. BROWN, MARBUT, ECK

BY REQUEST OF THE DEPARTMENT OF

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on nonrenewable energy sources which conflicts with the goal
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exhaustible in terms of this planet and when the source or
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~~dissipation of energy or reducing the amount of energy~~
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~~(3)~~(1) "Person" means a natural person, corporation,
partnership, or other business entity, association, trust,
foundation, any educational or scientific institution, or
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22 alternative energy and energy conservation research
23 development and demonstration funds for projects that will
24 further the purposes of this part;

25 (6) appoint an alternative energy advisory committee

1 composed of representatives of state agencies and citizen
2 members with expertise in alternative energy and energy
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~~NEW SECTION.~~ Section 7. Effective date. This act is effective on passage and approval.

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1 STATEMENT OF INTENT

2 SENATE BILL 356

3 Senate Natural Resources Committee

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5 It is the intent of this bill to allow the Department
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10 limitations of this act.

SENATE BILL NO. 356

INTRODUCED BY MDHAR, MCBRIDE, SCHYE, METCALF,

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BY REQUEST OF THE DEPARTMENT OF

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REFERENCE BILL

SB 356

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23 ~~statement of intent to renew its support of his work,~~
24 ~~subject to the availability of funds and such other~~
25 ~~conditions as the department may express provided that all~~

~~funds for the grant must be encumbered or accrued from the program appropriation for the year the grant is authorized.~~

(2) The department may give preference to projects which are also supported by funding from the federal government or other persons provided the projects are consistent with the other objectives of the department. The purpose of this preference is to use the alternative energy ~~and energy conservation~~ research development and demonstration account for matching moneys in order to support more substantial research or commercialization.

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

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

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

(6) The department may expend or commit available alternative energy ~~and energy conservation~~ research, development, and demonstration funds. The department may commit funds for demonstration purposes only when in its judgment such expenditures or commitments have good potential for producing savings of nonrenewable energy sources. The department may not commit funds for demonstration purposes when any of the following conditions are present:

(a) previous commitments of a similar nature were not productive;

(b) a similar demonstration has been conducted within close geographic proximity of the geographic location of the proposed demonstration project;

(c) the proposed demonstration project would not further the purpose of this part."

~~NEW SECTION.~~ Section 7. Effective date. This act is effective on passage and approval.

-End-