

## SENATE BILL NO. 164

INTRODUCED BY K. REGIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE APPOINTMENT, DUTIES, AND QUALIFICATIONS  
5 OF MEMBERS OF THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING  
6 COUNCIL; ESTABLISHING DUTIES AND REPORTING REQUIREMENTS; AMENDING SECTIONS 90-4-402  
7 AND 90-4-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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11 **Section 1.** Section 90-4-402, MCA, is amended to read:  
12 **"90-4-402. Appointment of council members by governor.** (1) ~~The~~ In accordance with subsections  
13 (6) through (8), the governor shall appoint at the beginning of each gubernatorial term two persons to serve as  
14 members of the council as provided in Public Law 96-501.

15 (2) (a) An appointment of a council member by the governor is subject to the confirmation of the senate,  
16 except that the governor may appoint a council member to assume office before the senate meets in its next  
17 regular session to consider the appointment. A member ~~se~~ appointed by the governor is vested with all the  
18 functions of the office upon assuming the office and is a de jure officer, notwithstanding the fact that the senate  
19 has not yet confirmed the appointment.

20 (b) If the senate does not confirm the appointment of a member in accordance with subsection (2)(a),  
21 the governor shall make a new appointment who is subject to confirmation by the senate.

22 (3) A council member serves at the pleasure of the governor. The governor may remove a council  
23 member at any time and appoint a new member to the office. If the governor removes a council member and  
24 appoints a new member to the office, the new member is subject to confirmation by the senate.

25 (4) If a vacancy occurs in the office of a council member, the governor shall appoint, as soon as  
26 reasonably possible, a new member to serve at the pleasure of the governor. If a vacancy occurs and the  
27 governor appoints a member to the office, the new member is subject to confirmation by the senate.

28 (5) If an appointment is made by the governor in accordance with subsections (2) through (4) when the  
29 senate is not in regular session, confirmation must occur during the next regular session.

30 (6) When making an appointment in accordance with subsection (1), the governor shall consider a

1 potential candidate's previous experience, training, and education related to the duties and functions of the  
 2 council and the priorities contained in Public Law 96-501.

3 ~~(7) The governor shall appoint members with:~~

4 ~~—— (a) experience and education in matters pertaining to the economic, legal, social, and political aspects~~  
 5 ~~of energy production and distribution, fish and wildlife management, and the use, distribution, and protection of~~  
 6 ~~watersheds located in the Pacific Northwest region; and~~

7 ~~—— (b) an understanding and familiarity with the impact of a member's actions on the electricity rates of~~  
 8 ~~Montana residents and utilities receiving electric power supply from the Bonneville power administration.~~

9 (7) (A) THE GOVERNOR SHALL APPOINT MEMBERS WITH EXPERIENCE OR EDUCATION IN ONE OR MORE OF THE  
 10 FOLLOWING MATTERS:

11 (I) ECONOMIC, LEGAL, SOCIAL, AND POLITICAL ASPECTS OF ENERGY PRODUCTION AND DISTRIBUTION;

12 (II) FISH AND WILDLIFE MANAGEMENT; OR

13 (III) THE USE, DISTRIBUTION, AND PROTECTION OF WATERSHEDS LOCATED IN THE PACIFIC NORTHWEST.

14 (B) THE GOVERNOR SHALL CONSIDER POTENTIAL MEMBERS WITH AN UNDERSTANDING OF AND FAMILIARITY WITH  
 15 THE IMPACTS OF MEMBERS' ACTIONS ON THE ELECTRICITY RATES OF MONTANA UTILITIES AND RESIDENTS RECEIVING THEIR  
 16 POWER SUPPLY FROM THE BONNEVILLE POWER ADMINISTRATION.

17 (8) At least one member appointed to the council must reside in an area of Montana served by a BE A  
 18 CUSTOMER IN A COUNTY SERVED BY A MONTANA utility, as defined in 69-5-102, receiving at least one-third of its  
 19 power supply from the Bonneville power administration.

20 ~~(5) The governor shall appoint the initial members within 30 days of March 12, 1981."~~

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22 **Section 2.** Section 90-4-403, MCA, is amended to read:

23 **"90-4-403. Duties of council members.** The council members shall:

24 (1) undertake the functions and duties prescribed by Public Law 96-501 and in applicable state law,  
 25 INCLUDING ENGAGING WITH UTILITIES RECEIVING THEIR POWER SUPPLY FROM THE BONNEVILLE POWER ADMINISTRATION  
 26 TO PROMOTE AN ADEQUATE, ECONOMICAL, AND RELIABLE POWER SUPPLY; and

27 (2) serve on a full- full-time or part-time basis as determined by the governor BASIS; AND

28 ~~(3) ensure, through active engagement with utilities receiving their power supply from the Bonneville~~  
 29 ~~power administration, an affordable and reliable energy system; and~~

30 ~~(4)(3) prepare and provide an annual report to the governor and to the legislature, as required by~~

1 5-11-210, and to each utility located in Montana receiving its power supply from the Bonneville power  
2 administration. The report must be completed by December 1 of each year and must detail council actions during  
3 the previous 12 months and the impacts of those actions on Montana utilities and residents receiving their power  
4 supply from the Bonneville power administration."

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6 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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8 NEW SECTION. Section 4. Applicability. [This act] applies to appointments made on or after [the  
9 effective date of this act].

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