



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

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

**Section 1.** Section 90-4-402, MCA, is amended to read:

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

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

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

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

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

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

(6) When making an appointment in accordance with subsection (1), the governor shall consider a potential candidate's previous experience, training, and education related to the duties and functions of the council and the priorities contained in Public Law 96-501.

(7) (a) The governor shall appoint members with experience or education in one or more of the following matters:

- (i) economic, legal, social, and political aspects of energy production and distribution;
- (ii) fish and wildlife management; or
- (iii) the use, distribution, and protection of watersheds located in the Pacific Northwest.

(b) The governor shall consider potential members with an understanding of and familiarity with the impacts of members' actions on the electricity rates of Montana utilities and residents receiving their power supply from the Bonneville power administration.

(8) At least one member appointed to the council must be a resident in a county served in whole or in part by a Montana utility, as defined in 69-5-102, receiving at least one-third of its power supply from the Bonneville power administration.

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

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

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

(1) undertake the functions and duties prescribed by Public Law 96-501 and in applicable state law, including engaging with utilities receiving their power supply from the Bonneville power administration to promote an adequate, economical, and reliable power supply; and

(2) serve on a full- ~~full-time or part-time~~ basis as determined by the governor ~~basis~~; and

(3) prepare and provide an annual report to the governor and to the legislature, as required by 5-11-210, and to each utility located in Montana receiving its power supply from the Bonneville power administration. The report must be completed by December 1 of each year and must detail council actions during the previous 12 months and the impacts of those actions on Montana utilities and residents receiving their power supply from the Bonneville power administration."

**Section 3. Effective date.** [This act] is effective on passage and approval.

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

act].

- END -

I hereby certify that the within bill,  
SB 0164, originated in the Senate.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

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Secretary of the Senate

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

SENATE BILL NO. 164  
INTRODUCED BY K. REGIER

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