

1 HOUSE BILL NO. 364
 2 INTRODUCED BY A. CURTISS

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COUNCIL TO RESTORE, MAINTAIN, AND
 5 ADVANCE THE SOVEREIGNTY AND AUTHORITY OF THE STATE IN RELATION TO THE FEDERAL
 6 GOVERNMENT AND ISSUES THAT AFFECT THE STATE AND THE HEALTH, SAFETY, AND WELFARE OF
 7 ITS RESIDENTS; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES."

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

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 11 NEW SECTION. Section 1. Constitutional defense council -- powers -- members -- staff. (1) There
 12 is a constitutional defense council consisting of the governor, the attorney general, the secretary of state,
 13 THE PRESIDING OFFICER OF THE PUBLIC SERVICE COMMISSION, A MEMBER OF THE NORTHWEST POWER PLANNING COUNCIL
 14 DESIGNATED BY THE GOVERNOR, a private citizen designated by the president of the senate, and a private
 15 citizen designated by the speaker of the house. The private citizen members shall serve at the pleasure of
 16 and during the term or terms of the designating legislator. THE MEMBER OF THE NORTHWEST POWER PLANNING
 17 COUNCIL SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

18 (2) The purpose of the council is to restore, maintain, and advance the sovereignty and authority
 19 of the state relating to issues that affect the state and the health, safety, and welfare of its residents. The
 20 council may examine and challenge the following and similar matters by court action, proposed legislation,
 21 or any other legal means:

- 22 (a) federal mandates contained in statutes and rules;
 23 (b) federal court rulings; ~~and~~
 24 (c) actions taken by the federal government under court rulings, statutes, and administrative rules;

25 AND

26 (D) ACTIONS TAKEN BY A PUBLIC UTILITY, AS DEFINED IN 69-3-101, THAT HAS UNDERTAKEN LITIGATION
 27 AGAINST THE STATE THAT UNDERMINES THE STATE'S DUTY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF ITS
 28 CITIZENS WITH RESPECT TO RELIABLE AND AFFORDABLE SUPPLIES OF ELECTRICAL ENERGY.

29 (3) A meeting of the council may be called by any member. A decision of the council must be by
 30 majority vote. The council may call upon the staff and resources of any executive branch agency for

1 assistance and may contract for private sector services.

2 (4) The council may accept, and deposit in a state special revenue fund for use by the council,
3 gifts and grants of funds from any source.

4 (5) The private citizen members of the council must be compensated as provided in 2-15-122,
5 except that the governor shall determine the salary to be paid each member, not to exceed \$25 for each
6 day in which the member is actually and necessarily engaged in the performance of council duties.

7 (6) The council is attached for administrative purposes only to the office of the governor.

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9 NEW SECTION. Section 2. Appropriation. There is appropriated \$1 million from the general fund
10 to the constitutional defense council for the fiscal biennium ending June 30, 2003.

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12 NEW SECTION. Section 3. Effective dates. [This act] is effective July 1, 2001, except that for
13 purposes of appointment of THE MEMBER OF THE NORTHWEST POWER PLANNING COUNCIL AND the private citizen
14 members of the constitutional defense council, [this act] is effective on passage and approval.

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