

FIFTY-SIXTH ASSEMBLY SESSION

PRESENT: Homer, Ronzone, Swackhamer, Lowman, Dini, Getto, Olsen, Bryan and Fry

ABSENT: None

OTHERS: Senator Wilson; Mr. Clark and Mr. Granada of the Public Service Commission; Mr. Clark Guild, Jr., an attorney and member of the Board of Directors of the Southwest Power Association

Chairman Homer called the meeting to order at 8:15 A.M. for the purpose of discussing A.B. 543 and S.B. 287. He commented on the similarity of these two bills.

Senator Wilson spoke on these bills. He said all S.B. 287 does is broaden the jurisdiction of the Public Service Commission. When a plant site is applied for, a copy of that application is also sent to the Governor's Environmental Counsel under this bill and they can make any recommendations they see necessary. He said the feeling was to have the responsibility remain centralized and that it made sense to run this by a board with a knowledgeable staff who can make recommendations. Mr. Getto then commented that this board or counsel is made up of heads of departments appointed by the Governor. He wondered if this wasn't giving the Governor a lot of power and perhaps a lay staff would be better. Mr. Wilson agreed with him but added that the problem is one of money to afford a lay staff. He said this was the reason another board being created was avoided because it would be encumbering. He felt this will take a few years to really develop. Mr. Lowman then commented. He said the Public Service Commission has always handled every facet of the public utilities' life and now all of a sudden, you are telling them they are responsible to an environmental board. And Mr. Dini wondered if this bill was even needed if the air and water bills are passed. Mr. Wilson went on to say that the situation is getting to a point where there are gas and power lines criss-crossing all over the State. There should be some kind of review of where these things are located and the prevention of unnecessary obstruction of the land. Mr. Lowman commented that you surely don't need two boards to decide this. Mr. Wilson replied that application is made to only one place - the Public Service Commission - but the Governor's Environmental Counsel can make recommendations and come in if they think it is necessary, i.e. if there is a pollution problem. Then Mr. Lowman commented that in this case, they would have to appear before two boards - one under S.B. 287 and another under A.B. 275*. Mr. Wilson said they would not unless there was an air pollution problem. He said he didn't think the air board should have to review anything that has nothing to do with air pollution such as reviewing plant sites. Mr. Swackhamer commented that the thought was to have a board to handle all environmental problems - air, water and solid waste. He asked Mr. Wilson his feelings on having a member of the public utilities to sit on that board. Mr. Wilson felt a representative of the Commission would have to comment on that. Ideally, he said, we do want a centralized staff but right now we don't have the money. He went on to say that a multiplicity of boards is not wanted and the bill does not change the jurisdiction of the Public Utilities' Board, it makes the Governor's Environmental Counsel an advocate before this board. We don't want a concurrent jurisdiction, the fewer boards we have, the simpler things are. One authority is a good idea.

Mr. Clark of the Public Service Commission then spoke. In reference to air and water pollution, he felt this was broader than to be in the Commission's jurisdiction. But, if it were given a part, it could get the expertise. He said the siting of plants was a very important thing. He said the Commission was a quasi-judicial board which can hold hearings. He said procedures must be set up or things will really get out of hand. He felt a large board made up of many heads of government

*S.B. 275

would be very cumbersome. He said the Commission strongly recommends S.B. 287. It is a starting point and would be a very useful tool to work with. In regard to expense, he commented that there has to be a balance between cost and the ecology.

Mr. Clark then commented on A.B. 543. He said there are a number of references to and requests for the Commission to prepare an environmental report. He was not quite sure who this would go to or where it would go or what good it would do. As to motor carriers, for the Commission to set down and write an environmental report on this, he really didn't know where it would start. He said the Commission is not prepared to determine levels of air pollution - that is for someone who has more expertise in the matter. He felt all these things could be taken care of in S.B. 287.

Mr. Granada, also from the Public Service Commission, spoke. In reference to the double boards, right now we have them in fields of water. The Commission depends on the Department of Health to test water because it doesn't have the expertise itself. Mr. Lowman added, however, that the Commission makes the final decision. He went on to say that if there is going to be an environmental review at the time an application is made, there is no need for a review again later.

Mr. Clark Guild, Jr. then spoke. He said he subscribed to the comments made by Mr. Clark on A.B. 523. It is a very difficult bill to understand. S.B. 287 does have the theory of A.B. 543 incorporated in it. A.B. 543 is not legislation that is necessary at this time.

Mr. Guild proposed an amendment to S.B. 287, Section 10, Line 33. He suggested deleting the "." and adding the following language, "when constructed outside any incorporated city;". He said he had spoken to Commissioner Clark and Commissioner Granada as well as to Senator Wilson and he said they had all agreed with this. He felt that gas and electricity in so far as their transmission lines should be treated equally. Mr. Dini commented that gas lines are already underground. Mr. Guild agreed but said they should have the same things afforded to gas as to electricity.

Mr. Lowman wondered if the Governor's Environmental Counsel had a statutory status and upon discovering that it did not, wondered if it could be put in the statutes without defining it. Mr. Wilson said he didn't want to start locking things up until we know where we are in this matter. He went on to say if they only made recommendations on this board, he didn't think this would have to be done. It might, however, if the Counsel was going to make rules. Mr. Getto moved to indefinitely postpone A.B. 543. Mr. Ronzone seconded. Motion carried.

Meeting adjourned at 9:10 A.M.

