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Montana State Legislature (2)

Max S. Baucus

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STATEMENT OF MAX BAUCUS BEFORE THE MONTANA STATE LEGISLATURE
FRIDAY, JANUARY 16, 1981

MR. PRESIDENT, MR. SPEAKER, DISTINGUISHED MEMBERS OF THE
SENATE - (HOUSE), LADIES AND GENTLEMEN, I WANT TO THANK THE SENATE
(HOUSE) BI-PARTISAN LEADERSHIP FOR THIS OPPORTUNITY TO ADDRESS YOU THIS
AFTERNOON.
I. INTRODUCTION

I AM HERE TODAY BECAUSE WE MONTANANS FACE AN OLD PROBLEM THAT
DEMANDS OUR RENEWED ATTENTION. I AM CONVINCED THAT, IN THE YEARS AHEAD,
WE MUST WORK HARDER TO STRUCTURE A NEW RELATIONSHIP BETWEEN MONTANA
AND THE FEDERAL GOVERNMENT. FOR THE DECISIONS THAT ARE MADE HERE IN
HELENA -- AND THOSE THAT ARE MADE IN WASHINGTON, D.C., OVER THE NEXT
FEW YEARS -- WILL DICTATE WHETHER THE FEDERAL GOVERNMENT CAN SERVE AS
A CONSTRUCTIVE OR DESTRUCTIVE FORCE IN THIS STATE FOR DECADES TO COME.
AND THOSE DECISIONS WILL SURELY DETERMINE THE QUALITY OF LIFE IN MONTANA
FOR THE REMAINDER OF THIS CENTURY.

IN THE WAKE OF THE 1980 ELECTION UPHEAVAL, IT IS TEMPTING TO
ADOPT A "WAIT AND SEE" ATTITUDE. IT IS SOMETIMES SUGGESTED THAT WE OUGHT
TO RELAX AND WATCH MATTERS DEVELOP IN WASHINGTON -- THAT WE SHOULD LET
THE DUST SETTLE A BIT. IT IS URGED THAT AN ANGERED ELECTORATE HAS
DELIVERED ITS MESSAGE, THAT A NEW ADMINISTRATION WILL REVOLUTIONIZE THE
FEDERAL GOVERNMENT, THAT UNWARRANTED FEDERAL INTERFERENCE WILL BE
ELIMINATED.
NO ONE DOUBTS THAT THE STRONG WINDS OF POLITICAL CHANGE HAVE
ONCE AGAIN SWEPT THIS LAND. INDEED, VOTERS HAVE EXPRESSED OLD FRUSTRATIONS
WITH A NEW URGENCY; AND WASHINGTON WILL NEVER BE THE SAME AGAIN.

BUT THOSE OF US WHO ARE CONCERNED ABOUT MONTANA'S FUTURE WOULD
DO WELL TO HEED THE MAXIM THAT REMINDS US: THE VOTERS DO NOT ALWAYS
OBTAIN WHAT THEY SEEK. WE WOULD BE WELL SERVED TO RECALL THE SLOGAN:
"THE MORE THINGS CHANGE, THE MORE THEY REMAIN THE SAME." WE WOULD, IN
SHORT, BEST PAUSE TO REMEMBER THAT, AS THE 96TH CONGRESS OF THE UNITED
STATES CAME TO AN END, MONTANA'S ABILITY TO CONTROL ITS OWN DESTINY LAY
THREATENED BY A RASH OF ILL-ADVISED PROPOSALS -- PROPOSALS WHICH WILL
LIVE ON AND WHICH, ONCE ADOPTED, WOULD CRIPPLE OUR ABILITY TO SHAPE OUR
OWN ECONOMIC AND POLITICAL FUTURE.

TO DATE, WE IN THE CONGRESSIONAL DELEGATION HAVE SUCCEEDED --
WITH THE HELP OF MONTANA OFFICIALS AND CONCERNED CITIZENS -- IN DEFEATING
THE UNWARRANTED FEDERAL INTRUSIONS I WILL DISCUSS TODAY. BUT THE SIGNS
ARE BECOMING INCREASINGLY CLEAR THAT AN ELECTORATE WHICH SOUGHT LESS
FEDERAL BADGERING MAY BE DISAPPOINTED ONCE AGAIN. WASHINGTON STILL
ABOUNDS WITH THE PROPOSALS THAT MONTANANS RIGHTLY FEAR. WASHINGTON IS,
IN SHORT, PREPARED TO REMAIN THE SAME.

IT SEEMS CLEAR THAT THE CHALLENGES OF MONTANA'S PAST ARE ALSO
THE TESTS OF OUR PRESENT, THE TASKS OF OUR FUTURE. BUT IT SEEMS EQUALLY
CERTAIN FROM THE RECORD THAT MONTANA IS WELL-PREPARED TO MEET THESE
CHALLENGES.
II. THE MONTANA RECORD

As the decade of the 1970's opened, Montanans faced that energy crisis squarely. We did not waste the years that followed.

The state reorganized its executive branch to focus more responsibility with the governor and to provide more accessibility for the public.
THE STATE ADOPTED A STRONG, INNOVATIVE CONSTITUTION TO REPLACE
THE 80 YEAR OLD DOCUMENT WRITTEN BY THE COPPER BARONS OF ANOTHER AGE.

THE STATE LEGISLATURE DRAFTED, DEBATED, AND PASSED A RESPONSIBLE
FACILITY SITING LAW TO ENSURE THAT ENERGY PLANTS WOULD BE BUILT ONLY
AS NEEDED AND ENVIRONMENTALLY COMPATIBLE.

THE LEGISLATURE ADOPTED AND REFINED A TOUGH STRIP MINE RECLAMATION
LAW THAT HAS SERVED AS A MODEL FOR OTHER STATES AND FOR THE FEDERAL
GOVERNMENT.

WE ENACTED A WATER LAW DESIGNED TO ENSURE AN ORGANIZED, EVEN-HANDED
DETERMINATION OF WATER RIGHTS AND BENEFICIAL USES.

AND WE ADOPTED A REASONABLE COAL SEVERANCE TAX TO PAY THE COAL
DEVELOPMENT COSTS WE WILL BEAR DURING AND LONG AFTER THAT ONE-TIME
HARVEST OF AN IRREPLACEABLE RESOURCE.

IN SUM, WE HAVE A STATE RECORD ON ENERGY MATTERS THAT IS
UNPARALLELED. WE HAVE INDICATED CLEARLY THAT WE WILL CONTRIBUTE TO
NATIONAL ENERGY NEEDS IN A RESPONSIBLE AND TIMELY FASHION. WE SEEK NO
ESCAPE FROM THAT OBLIGATION. WE WILL NOT HAMSTRING NEEDED ENERGY
DEVELOPMENT WITH DELAYS, CUMBERSOME PROCEDURES, OR UNREALISTIC REQUIREMENTS.
NOR DO WE PROPOSE TO PROFITEER FROM THE NATION'S DISTURBING ENERGY
PREDICAMENT.

UNFORTUNATELY, MONTANA'S RECORD ON THESE MATTERS HAS NOT ENDED
THE FEDERAL ATTEMPTS TO UNDERMINE OUR RIGHT TO SHAPE OUR OWN FUTURE. OUR
WILLINGNESS TO COOPERATE HAS GONE LARGELY UNHEEDED.
BUT WE ALSO INTEND TO MAKE CLEAR THAT MONTANA IS NO LONGER AND WILL NOT AGAIN BECOME A RESOURCE COLONY. IN DOING SO, WE INTEND TO DEMAND AND HELP STRUCTURE A NEW PARTNERSHIP WITH THE FEDERAL GOVERNMENT.

MONTANA'S HISTORY IS LITTERED WITH THE WRECKAGE OF A SHORT-SIGHTEDNESS THAT DESTROYED COMMUNITIES, NEIGHBORHOODS, AND FAMILIES. ALL TOO RECENTLY, DESPITE OUR BEST EFFORTS, WE HAVE FELT AGAIN THE TRAGEDY OF COMMERCE UPROOTED — OF ECONOMIC ACTIVITY HALTED BY FORCES BEYOND OUR CONTROL AND HELD TO NO ACCOUNT.

IT IS AGAINST THIS BACKGROUND THAT THE FEDERAL ATTACKS ON OUR ENERGY PROGRAM APPEAR SO DISHEARTENING. FOR WE HAVE LABORED LONG AND TIRELESSLY TO CONVINCE THE FEDERAL GOVERNMENT THAT OUR APPROACH TO THE ENERGY CRISIS IS REASONABLE AND DESERVING OF SUPPORT. WE HAVE TRIED HARD, HEEDING THE WORDS OF THOMAS JEFFERSON WHO WROTE NEARLY TWO HUNDRED YEARS AGO THAT THE ONLY WAY STATES CAN AVOID THE ABUSE OF NATIONAL POWER IS TO STRENGTHEN STATE GOVERNMENTS... AND THIS MUST BE DONE BY THE STATES THEMSELVES.... THE RECENT PAST MAKES IT CLEAR THAT THE TASK OF STRENGTHENING STATE GOVERNMENT IS ONE WITHOUT END.
III. THE CURRENT CHALLENGES

IN THE 96TH CONGRESS, SOME MEMBERS OF THE U.S. SENATE AND HOUSE DECIDED THEY DID NOT APPROVE OF MONTANA'S SEVERANCE TAX ON COAL. THEY SUGGESTED THAT MONTANA AND OTHER WESTERN STATES WERE LIKE A LITTLE OPEC -- EXACTING EXORBITANT TRIBUTE AT THE EXPENSE OF ENERGY CONSUMERS. A NUMBER OF BILLS WERE DRAFTED, INTRODUCED, AND CONSIDERED ON THE SUBJECT. THE MEASURES PROPOSED A FEDERAL CAP THAT WOULD HAVE SLASHED OUR COAL TAX AND WOULD HAVE RUINED OUR BALANCED BUDGET.

IN A HAIL STORM OF BAD NUMBERS AND FAULTY ARGUMENTS, THE ADVOCATES OF THIS SERIOUS FEDERAL INTRUSION FORCED THE PACE -- SLOWED ONLY BY THE WELL-MADE ARGUMENTS OF MONTANANS AT. THE END OF THE LEGISLATIVE SESSION.

OF COURSE, THEY WERE NOT PLEASED TO LEARN THAT MONTANA'S SEVERANCE TAX GENERATES A SCANT 1/20TH THE REVENUE PRODUCED BY A TEXAS SEVERANCE TAX; THAT MONTANA'S TAX ADDS ON THE AVERAGE ONLY ABOUT ONE PERCENT TO THE UTILITY BILL OF A TYPICAL MIDWEST CONSUMER; AND THAT THE OIL SEVERANCE TAXES IN LOUISIANA, OKLAHOMA, AND NEW MEXICO ARE MUCH HIGHER PER UNIT OF HEAT THAN MONTANA'S COAL TAX. THEY WERE NOT PLEASED TO HEAR, BUT WE WERE HEARD.

A SECOND MAJOR CHALLENGE TO MONTANA'S FUTURE WAS MOUNTED IN THE PROPOSAL TO CREATE THE ENERGY MOBILIZATION BOARD. THE IDEA SEEMED STRAIGHTFORWARD ENOUGH. IT EVEN HAD SOME APPEAL.
EMB, WE WERE TOLD, WOULD CUT RED TAPE, CLEAR OUT THE BUREAUCRATIC COBWEBS, EXPEDITE AGENCY DECISIONS ON ENERGY PROJECTS. WHY? BECAUSE THE UNITED STATES MUST END ITS DEPENDENCE ON FOREIGN SOURCES OF OIL. UNFORTUNATELY, LIKE THE RUSHING BUT DECEPTIVE VIGOR OF A DYING TREE, IT WAS ALL TOO EASY TO BELIEVE AND TOO GOOD TO BE TRUE.

THE EMB AS PROPOSED WOULD ACCOMPLISH ITS WORTHY OBJECTIVE IN A WHOLLY UNACCEPTABLE FASHION. IT WOULD NOT FOSTER FEDERAL/STATE COOPERATION, BECAUSE IT WOULD TREAT THE STATE OF MONTANA AS IF WE WERE MERELY A NUISANCE OR AN OBSTACLE. THIS NEW SUPER BUREAUCRACY WOULD HAVE THE POWER TO IGNORE AND OVERRIDE STATE LAWS AND LOCAL ORDINANCES.

EMB COULD BLACKMAIL STATES WITH FEDERALLY ESTABLISHED DEADLINES. AND IF THE DEADLINES WERE NOT MET -- FOR WHATEVER REASONS -- THE EMB COULD SIMPLY SUBSTITUTE ITS DECISION FOR THAT OF THE STATE. NOR WOULD MONTANA COURTS BE AVAILABLE TO CHALLENGE THESE AWESOME POWERS OF THE EMB.

IN SHORT, THE STATES WOULD BE THE VICTIMS, NOT THE PARTNERS OF AMERICAN ENERGY POLICY. THEY WOULD BE SWEPT FROM THE PATH AS THE FEDERAL GOVERNMENT RUSHED TO ITS BELATED RENDEZVOUS WITH THE NATION’S ENERGY CRISIS.

IV. MONTANA’S RESPONSE

MONTANA’S RESPONSE TO THESE FEDERAL INTRUSIONS MUST BE BOTH MEASURED AND DIRECT. THIS IS NO TIME TO STOP THE FLOW OF INNOVATIVE LEGISLATION AND PROGRAMS THAT HAVE HIGHLIGHTED MONTANA’S INTENTION TO EXERCISE THOSE POWERS RESERVED TO OUR STATE BY THE U.S. CONSTITUTION.
WE AS MONTANANS, TOGETHER WITH OUR FRIENDS THROUGHOUT THE COUNTRY, CAN LEAD THE WAY TO A NEW, PROGRESSIVE STATES' RIGHTS. IN DOING SO, WE MUST ACKNOWLEDGE THE SIMPLE FACT THAT THERE IS A LEGITIMATE ROLE FOR THE FEDERAL GOVERNMENT IN OUR POLITICAL SYSTEM. THOSE WHO FAIL TO ADMIT THIS TRUTH ARE SLUMBERING AWAY FROM THE MODERN WORLD.

SAGEBRUSH REBELLION

RECOGNIZING THIS, WE MUST AVOID POSTURING AND RHETORIC THAT WILL ONLY MAKE US APPEAR PAROCHIAL, NARROW, AND SELFISH. WE MUST AVOID UNWORKABLE AND UNREALISTIC COUNTER PROPOSALS LIKE THE "SAGEBRUSH REBELLION" -- A MOVEMENT WHICH WILL ACTUALLY WEAKEN OUR ATTEMPT TO FORGE A NEW PARTNERSHIP WITH THE FEDERAL GOVERNMENT AND TO PROTECT THE STATES ROLE IN RESOURCE DEVELOPMENT DECISIONS.

IT IS VERY UNLIKELY THAT THE AVOWED GOAL OF THE REBELLION -- THE TRANSFER OF VAST ACERAGES OF FEDERAL LAND TO THE STATE -- IS POLITICALLY REALISTIC. HOWEVER, EVEN IF IT WERE ATTAINABLE, THAT TRANSFER WOULD FORCE THE STATE TO EMPLOY HUNDREDS OF LAND MANAGERS AT A COST IN THE MILLIONS TO HANDLE OVER 20 MILLION ACRES IN THIS STATE ALONE.

IT WOULD ALSO END THE PAYMENT OF MILLIONS OF DOLLARS TO LOCAL GOVERNMENTS AND STATES LIKE MONTANA WHICH HAVE FEDERAL LANDS WITHIN THEIR BOUNDARIES. WHETHER MONTANA COULD EVER REPLACE THOSE REVENUES IS AT BEST UNCERTAIN.
AS I WATCHED THE CONFIRMATION HEARING OF INTERIOR SECRETARY NOMINEE JAMES WATT EARLIER THIS MONTH, I WAS IMPRESSED BY HIS MEASURED RESTRAINT ON THIS ISSUE. A STAUNCH ADVOCATE OF AN INCREASED STATE ROLE IN RESOURCE DECISIONS, HE MADE IT CLEAR THAT HE WOULD NOT FAVOR A MASSIVE TRANSFER OF FEDERAL LAND AT THIS TIME. INSTEAD, HE ADVOCATED A "GOOD NEIGHBOR" POLICY -- CHARACTERIZED BY A MUCH CLOSER COOPERATION AND CONSULTATION WITH THE PEOPLE MOST DIRECTLY AFFECTED BY PUBLIC LAND MANAGEMENT DECISIONS.

WE SHOULD WELCOME HIS APPROACH. WE MUST NOT BE DIVERTED BY THE SABRE RATTLING OF AN ILL-CONCEIVED REBELLION.

WE MUST FOCUS ON THE REAL POINTS OF FEDERAL ATTACH ON STATES' RIGHTS AND MOUNT A FORCEFUL, EFFECTIVE DEFENSE. WHAT WE STARTED IN THE 1970'S, WE MUST CONTINUE THROUGHOUT THE 1980'S.

CONSTRUCTIVE RESPONSES

WE IN THE CONGRESS MUST WORK CLOSELY AND IN A BIPARTISAN FASHION WITH YOU IN STATE GOVERNMENT AS WE CONTINUE THIS CRITICAL TASK. IT IS IMPOSSIBLE FOR THOSE OF US IN CONGRESS TO STOP THE EMB AND SAVE THE COAL TAX ON OUR OWN. WE MUST HAVE YOUR HELP IN DEMONSTRATING AGAIN AND AGAIN THAT MONTANA INTENDS TO BEHAVE RESPONSIBLY IN DETERMINING OUR FUTURE WHILE CONTRIBUTING TO THE RESOLUTION OF SERIOUS NATIONAL DIFFICULTIES.

IF THE REST OF THE COUNTRY IS CONVINCED THAT MONTANA'S FACILITY SITING ACT IS REASONABLE AND IS BEING IMPLEMENTED REASONABLY, THEN THE ENACTMENT OF AN EMB BECOMES LESS LIKELY.
IF WE WISH TO IMPROVE OUR CHANCES OF STOPPING THE EMB, WE SHOULD ENSURE THAT OUR REVIEW OF PROPOSED ENERGY FACILITIES IS CONDUCTED IN A TIMELY, CONSISTENT MANNER. WE MAY BE ABLE TO STREAMLINE OUR REVIEW PROCEDURES SO THAT THEY OPERATE ON A ONE-STOP BASIS -- WITH JOINT HEARINGS, JOINT STUDIES, AND A UNIFIED DECISION TIMETABLE AGREED UPON AND BINDING UPON ALL STATE AND FEDERAL AGENCIES INVOLVED.

IF WE WISH TO IMPROVE OUR CHANCES OF DEFEATING THIS COAL TAX CAP PROPOSAL, WE SHOULD RENEW OUR EFFORT TO ESTABLISH THAT THE TAX IS CAREFULLY STRUCTURED SO AS TO COVER THE LEGITIMATE COSTS OF COAL DEVELOPMENT. WE WILL NEED TO EXPAND OUR ATTEMPT TO EDUCATE FEDERAL OFFICIALS IN THIS REGARD.

IF IT BECOMES CLEAR TO THE REST OF THE COUNTRY THAT MONTANANS ARE INTERESTED IN DOING THEIR SHARE TO INCREASE OUR NATION'S ENERGY PRODUCTION, THEN IT IS MORE LIKELY THAT MONTANA WILL BE PERMITTED TO MAKE THOSE DECISIONS.

MONTANA SHOULD CONTINUE TO SERVE AS A MODEL AND A CONSCIENCE FOR THE NATION.

CONCLUSION

MONTANA'S BEST CHANCE, THEN, IS TO PERSEvere. MONTANA'S CONGRESSIONAL DELEGATION MUST FEND OFF FEDERAL INTRUSIONS INTO BASIC STATE DECISION MAKING.

THE STATE LEGISLATURE MUST CONSTANTLY IMPROVE MONTANA STATE GOVERNMENT AND ITS IMAGE NATIONWIDE.
WE HAVE NO ALTERNATIVE. I WANT TO JOIN YOU IN THAT CRITICAL ENDEAVOR BECAUSE OUR ABILITY TO CONTROL THE DESTINY OF MONTANA DEPENDS UPON IT. WORKING TOGETHER, WE WILL HASTEN THE DAY WHEN THE STATES CAN ONCE AGAIN FULFILL THE ROLE JEFFERSON SAW AS THE TRUE BARRIERS PROTECTING OUR LIBERTIES.

THANK YOU VERY MUCH.