

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

March 19, 1979

The twenty-seventh meeting of the Natural Resources Committee was called to order by Senator George F. Roskie, Chairman, at 1:10 P.M., in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present with the exception of Senators Dover, Story, and Thiessen.

Mr. Jim Lear, Staff Attorney from the Legislative Council was also present.

DISPOSITION OF HB 742: There was some discussion on the intent of HB 742. Senator Brown said he felt the legislature should decide once and for all if they want MEPA to be a land use bill. He then proposed several amendments to HB 742 (see attachment). Chairman Roskie summarized the history of HB 742 and compared it to SB 506.

Senator Brown then moved that the amendments he had presented be adopted. The motion carried unanimously.

Senator Brown then moved that HB 742 BE CONCURRED IN as Amended. Chairman Roskie called for a roll call vote and the motion failed (see attachment). Senator Lockrem then made a substitute motion that HB 742 BE NOT CONCURRED IN As Amended and to reverse the vote of the previous motion. The motion carried (see attachment).

DISPOSITION OF HJR 6: Senator Manley moved to amend HJR 6 on page 3, line 24, by striking "REVIEW" and re-inserting "approval" and by re-inserting all the stricken language on page 4, lines 1-5 and lines 11-19 which would then require the stricken language in the title to be re-inserted. All those present voted in favor of the motion except Senators Brown and Roskie. Senator Manley then moved that HJR 6 BE CONCURRED IN as Amended. All those present voted in favor of the motion except Senator Brown.

After the meeting was adjourned, the Committee decided to reconsider their action on HJR 6 and to recommend that HJR 6 BE CONCURRED IN as it had been received from the House of Representatives (see attachment).

DISPOSITION OF HJR 37: Chairman Roskie presented a re-drafted copy of HJR 37 to the Committee which had the proposed amendments by Representative Azzara incorporated in it. Senator Lockrem moved to amend the original bill on page 6 by striking lines 22, 23, 24, 25 in their entirety and also lines 1 through

through 9 on page 7.

Chairman Roskie summarized the history of HJR 37. Senator Etchart then made a substitute motion that the amendments incorporated in the re-drafted copy of HJR 37 be adopted. All those present voted in favor of the motion with the exception of Senator Lockrem. Senator Brown then moved that HJR 37 BE CONCURRED IN as Amended. All those present voted in favor of the motion except Senator Lockrem.

DISPOSITION OF HB 716: Senator Etchart moved the adoption of the amendments to HB 716 proposed by Mr. Robert Holding in the hearing on March 14. Chairman Roskie called for a roll call vote on the motion and the motion carried (see attachment). There was further discussion on the other proposed amendments to HB 716. Senator Brown moved that the first amendments proposed by Representative Kemmis in the hearing on March 14 amending page 14, line 16 not be adopted. The motion passed unanimously. Senator Brown then moved that the other two amendments proposed by Representative Kemmis on March 14 amending page 15, line 15 and page 15, line 17, be adopted. The motion carried with Senator Lockrem and Manley voting no. Senator Etchart moved to further amend HB 716 by adopting the final amendment proposed by Representative Kemmis amending page 22, line 18 to change the fine from \$25,000 to \$10,000. Chairman Roskie called for a roll call vote on the motion and the motion carried (see attachment). Senator Etchart then moved to further amend HB 716 on page 22, line 17 by inserting "and after notice thereof has been given by the department" following "thereto". The motion carried with Senators Brown and Jergeson voting against the motion.

Representative Kemmis submitted further amendments to HB 716 for the Committee's consideration (see attachment), but they were rendered mute by the adoption of Mr. Holding's amendments.

Senator Jergeson then moved to amend the statement of intent on HB 716. The motion carried with Senator Lockrem voting against the motion.

Senator Lockrem then moved to adopt the first amendment proposed by Mr. Jim Mockler in the hearing on March 14 to amend HB 716 by inserting "to the applicant" following "fees" on page 5, line 7.

Senator Brown then moved that Jim Lear draft the appropriate language in the statement of intent to comply with page 15, lines 22 through 24. All those present voted in favor of the motion.

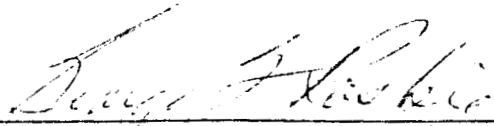
Natural Resources Committee Minutes
March 19, 1979
Page 3

Senator Brown moved that HB 716 BE CONCURRED IN as Amended. All those present voted in favor of HB 716 except Senators Lockrem and Manley.

Chairman Roskie then asked the Committee if they wished to re-consider their action on HB 733. Senator Jergeson moved to re-consider the Committee's action on HB 733. Chairman Roskie called for a roll call vote and the motion carried (see attachment). Senator Jergeson then moved that HB 733 BE CONCURRED IN as Amended. After some discussion Senator Lowe decided to change his vote on the motion to re-consider the Committee's action on HB 733 which overturned the original motion to re-consider.

DISPOSITION OF HB 313: Senator Lowe moved that HB 313 BE NOT CONCURRED IN. Senator Jergeson objected to the motion made by Senator Lowe. Chairman Roskie called for a roll call vote on Senator Lowe's motion and the motion carried (see attachment).

ADJOURNMENT: There being no further business the meeting adjourned at 2:50 P.M.



SENATOR GEORGE F. ROSKIE, Chairman

Jan 2/14/79

ROLL CALL

Natural Resources COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
ROSKIE, George F., Chairman	✓		
DOVER, Harold L., Vice-Chairman			✓
BROWN, Steve	✓		
ETCHART, Mark	✓		
JERGESON, Greg	✓		
LOCKREM, Lloyd C., Jr.	✓		
LOWE, William R.	✓		
MANLEY, John E.	✓		
STORY, Pete		✓	
THIESSEN, Cornie R.		✓	

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

March 19, 1979

MR. President

We, your committee on Natural Resources

having had under consideration House Joint Resolution Bill No. 6

Hand

Respectfully report as follows: That House Joint Resolution Bill No. 6

BE CONCURRED IN
BY PASS

STANDING COMMITTEE REPORT

March 19, 1979

19

MR. President

We, your committee on Natural Resources

having had under consideration House

Bill No. 313

Respectfully report as follows: That House

Bill No. 313

BE NOT CONCURRED IN
ADAMS

STANDING COMMITTEE REPORT

March 20, 1979

MR. President

We, your committee on Natural Resources

having had under consideration House Joint Resolution Bill No. 37

Azzara (Roskie)

Respectfully report as follows: That House Joint Resolution Bill No. 37,
third reading bill, be amended as follows:

1. Title, line 9.

Following: "IMPLEMENTING"

Strike: "MONTANA'S"

Insert: "THE MONTANA LEGISLATURE'S"

2. Page 2.

Following: line 9

Insert: "WHEREAS, the Pacific Northwest has a unique electrical generating system which has in the past been dependent upon private and public hydroelectric facilities; and

WHEREAS, implementation of a comprehensive energy conservation program combined with generation of expensive thermal electric power will both be required to insure adequate energy in the future; and

WHEREAS, the region's power facilities are linked in a delivery system administered primarily by the Bonneville Power Administration, the United States Army Corps of Engineers, and the Bureau of Reclamation; and"

XXXXXX

(Continued)

3. Page 2, line 20.

Following: "AND"

Insert: "its"

4. Page 2.

Following: line 20

Strike: "JURISDICTION"

Insert: "marketing area"

5. Page 2, line 24.

Following: "CITIZENS"

Insert: "through their legislature"

6. Page 3.

Following: line 3

Insert: "WHEREAS, the legislature, the citizens, and the Congressional delegation of the state of Montana desire to insure that federal legislation relating to Pacific Northwest Regional Energy Planning will not preempt the Montana Major Facility Siting Act and environmental laws relating to electric utilities or the ratemaking power of the Montana Public Service Commission; and"

7. Page 3, lines 16 through 19.

Strike: lines 16 through 19 in their entirety.

Insert: "WHEREAS, Montana state government representatives and Montana citizens in testimony on this legislation have reaffirmed Montana's commitment to energy conservation and have stated their concern that those ultimately responsible for regional energy are accountable to the public; and"

8. Page 4, line 1.

Following: "Collectively"

Strike: "."

Insert: "and; WHEREAS, the proposed legislation should permit the unique use of Bonneville Power Administration power revenues to finance cost-effective investments in energy conservation and renewable energy sources and should establish a more open planning process."

9. Page 6, line 12.

Following: "TO"

Strike: "PASS"

Insert: "consider the following if"

10. Page 6, line 15 through line 3, page 7.

Following: line 14 on page 6

Strike: lines 15, page 6 through line 3, page 7, in their entirety.

Insert: "is considered or enacted:

(1) the development of guidelines by the Bonneville Power

(Continued)

Administration for forecasting regional needs and resources. Individual states should be allowed to determine their own needs and this will become an integral part of the regional forecast. However, should the states be incapable of providing such a forecast, the Bonneville Power Administration should offer this service;

(2) provisions allowing states to keep their rights in power plant siting and retail rate-making;

(3) a mechanism to allocate federal power within the Pacific Northwest that would clarify the intent of the preference clause of the Bonneville Project Act, 16 U. S. C. 832, to give preference to legitimate public utilities while minimizing the electrical price difference between consumers of the region."

11. Page 7, line 9.

Following: "IDAHO"

Insert: "and the ad hoc committee that the Western Conference of the Council of State Governments has established"

And, as so amended,
BE CONCURRED IN

George F. Boskie

Chairman.

STANDING COMMITTEE REPORT

March 20, 1979

MR. President

We, your committee on Natural Resources

having had under consideration House Bill No. 742,

Shelden (Roskie)

Respectfully report as follows: That House Bill No. 742,
third reading bill, be amended as follows:

1. Title, line 5.

Following: "CLARIFY THE"

Insert: "DECISION-MAKING"

2. Title, lines 6 through 8.

Following: "COMMISSIONS"

Strike: remainder of line 6 through "GOALS OF" on line 8

Insert: "UNDER"

3. Page 1, lines 15 through 21.

Following: "state." on line 15

Strike: remainder of line 15 through line 21

Insert: "However, nothing in the chapter expands the substantive decision-making authority of an agency to issue, deny, modify, or otherwise act upon an application for a lease, permit, contract, license, or certificate except where agency-initiated or agency-financed action is involved."

~~DO PASS~~

And, as so amended,
BE NOT CONCURRED IN

STANDING COMMITTEE REPORT

March 20, 1979

MR. President

We, your committee on Natural Resources

having had under consideration Statement of Intent, House Bill No. 716

Respectfully report as follows: That Statement of Intent, House Bill No. 716
be amended as follows:

1. Page 1, lines 6 through 8.
Following: "schedule" on line 6
Strike: remainder of line 6 through "schedule" on line 8
Insert: ", and to adopt a schedule of penalty assessments for
noncompliance with respect to any source under sections 7
through 15 of this act."

And, as so amended,

~~BEING~~
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 20, 1979

MR. President

We, your committee on Natural Resources

having had under consideration House Bill No. 716,

Kennis (Brown)

Respectfully report as follows: That House Bill No. 716,
third reading bill, be amended as follows:

1. Title, lines 20 through 22.
Following: "MAIL;" on line 20
Strike: remainder of line 20 through "CONTAMINATION;" on line 22
2. Page 5, line 7.
Following: "fees"
Insert: "to the applicant"
3. Page 6, lines 15 through 17
Following: "to" on line 15
Strike: remainder of line 15 through "to" on line 16
Following: "department"
Strike: "if such local authority is not exercised"
4. Page 6, line 25.
Following: "department"
Strike: "OR SAID LOCAL GOVERNMENT"

YVWVY
DO PASS

(Continued)

5. Page 9, line 3.
Following: "75-2-203"
Strike: "75-2-204, 75-2-211,"

6. Page 10, line 25.
Following: "level"
Insert: "or may be more efficiently and economically performed
at the state level"

7. Page 10, line 25 through line 2 on page 11.
Following: "level"
Strike: remainder of line 25 through "source" on line 2

8. Page 11, line 18 through line 11 on page 12.
Strike: "subsection (3) in its entirety"

9. Page 14, lines 9 and 10.
Following: "(2)"
Strike: " and subject to collection by a local government pur-
suant to 75-2-301(9),"

10. Page 15, line 15.
Following: "duration"
Strike: "or"
Insert: "(b) is caused by conditions beyond the reasonable con-
trol of the source and is of no demonstrable advantage to the
source; or"
Renumber: subsequent subsection

11. Page 15.
Following: line 17
Insert: "(3) Any person who is jointly or severally adversely
affected by the department's decision may request, within 15
days after the department renders its decision, upon affidavit
setting forth the grounds therefor, a hearing before the board.
A hearing shall be held under the provisions of the Montana
Administrative Procedure Act."

12. Page 22, line 17.
Following: "thereto"
Insert: "and after notice thereof has been given by the depart-
ment"

13. Page 22, line 18.
Following: "exceed"
Strike: "\$25,000"
Insert: "\$10,000"

And, as so amended,
BE CONCURRED IN

George F. Roskie

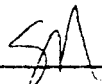
Chairman.

SENATE COMMITTEE NATURAL RESOURCES

Date March 19, 1979 House Bill No. 716 Time

NAME	YES	NO
ROSKIE, George F., Chairman	✓	
DOVER, Harold L., Vice-Chairman		
BROWN, Steve	✓	
ETCHART, Mark	✓	
JERGESON, Greg	✓	
LOCKREM, Lloyd C., Jr.		✓
LOWE, William R.	✓	
MANLEY, John E.		✓
STORY, Pete		
THIESSEN, Cornie R.		

SHARON NASON
Secretary



GEORGE F. ROSKIE
Chairman



Motion: By Senator Etchart that HB 716 be amended on page 22,
line 18 to change the fine from \$25,000 to \$10,000.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE NATURAL RESOURCES

Date March 19, 1979 House _____ Bill No. 733 Time _____

NAME	YES	NO
ROSKIE, George F., Chairman	✓	
DOVER, Harold L., Vice-Chairman		
BROWN, Steve	✓	
ETCHART, Mark		✓
JERGESON, Greg	✓	
LOCKREM, Lloyd C., Jr.		✓
LOWE, William R.	W	✓
MANLEY, John E.		✓
STORY, Pete		
THIESSEN, Cornie R.		

SHARON NASON
Secretary

SN

GEORGE F. ROSKIE
Chairman

GR

Motion: By Senator Jergeson that the Committee re-consider their
action on HB 733.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE NATURAL RESOURCES

Date March 19, 1979 House Bill No. 313 Time

NAME	YES	NO
ROSKIE, George F., Chairman	✓	
DOVER, Harold L., Vice-Chairman		
BROWN, Steve		✓
ETCHART, Mark	✓	
JERGESON, Greg		✓
LOCKREM, Lloyd C., Jr.	✓	
LOWE, William R.	✓	
MANLEY, John E.	✓	
STORY, Pete		
THIESSEN, Cornie R.		

SHARON NASON
Secretary

SN

GEORGE F. ROSKIE
Chairman

GR

Motion: By Senator Lowe that HB 313 BE NOT CONCURRED IN.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE NATURAL RESOURCES

Date March 19, 1979 House Bill No. 716 Time

NAME	YES	NO
ROSKIE, George F., Chairman	✓	
DOVER, Harold L., Vice-Chairman		
BROWN, Steve		✓
ETCHART, Mark	✓	
JERGESON, Greg		✓
LOCKREM, Lloyd C., Jr.		✓
LOWE, William R.	✓	
MANLEY, John E.	✓	
STORY, Pete		
THIESSEN, Cornie R.		

SHARON NASON *SN*
Secretary

GEORGE F. ROSKIE *GFR*
Chairman

Motion: By Senator Etchart that the amendments proposed by Mr.
Robert Holding for HB 716 in the hearing on March 14 be
adopted.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE NATURAL RESOURCES

Date March 19, 1979 House _____ Bill No. 742 Time _____

NAME	YES	NO
ROSKIE, George F., Chairman		✓
DOVER, Harold L., Vice-Chairman		
BROWN, Steve		✓
ETCHART, Mark	✓	
JERGESON, Greg		✓
LOCKREM, Lloyd C., Jr.	✓	
LOWE, William R.	✓	
MANLEY, John E.	✓	
STORY, Pete		
THIESSEN, Cornie R.		

SHARON NASON
Secretary

GEORGE F. ROSKIE
Chairman

Motion: By Senator Lockrem that HB 742 BE NOT CONCURRED IN as
Amended

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE NATURAL RESOURCES

Date March 19, 1979 House Bill No. 742 Time

NAME	YES	NO
ROSKIE, George F., Chairman	✓	
DOVER, Harold L., Vice-Chairman		
BROWN, Steve	✓	
ETCHART, Mark		✓
JERGESON, Greg	✓	
LOCKREM, Lloyd C., Jr.		✓
LOWE, William R.		✓
MANLEY, John E.		✓
STORY, Pete		
THIESSEN, Cornie R.		

SHARON NASON gna
Secretary

GEORGE F. ROSKIE GR
Chairman

Motion: By Senator Brown that HB 742 BE CONCURRED IN as Amended.

(include enough information on motion--put with yellow copy of committee report.)

COMMITTEE

VISITORS' REGISTER

DATE _____

Please note bill no.

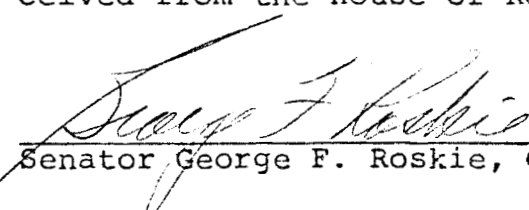
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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

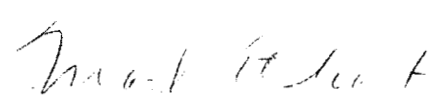
March 19, 1979

We herewith re-consider our action in amending House Joint Resolution 6 and recommend that it BE CONCURRED IN as received from the House of Representatives.



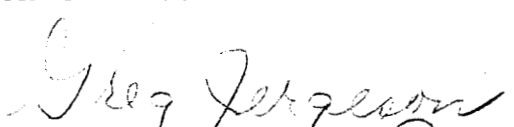
Senator George F. Roskie, Chairman

Senator Harold Dover, Vice-Chairman

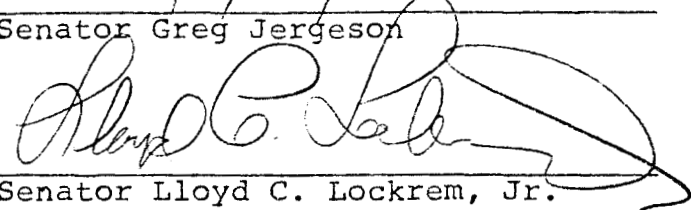


Senator Mark Etchart

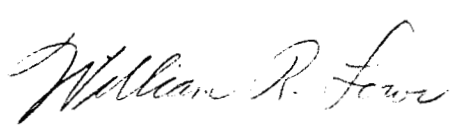
Senator Steve Brown



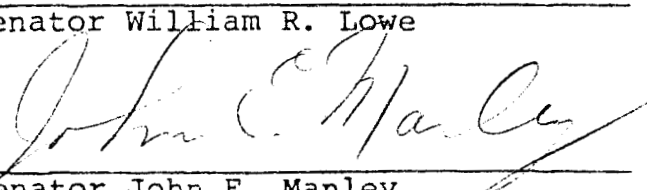
Senator Greg Jergeson




Senator Lloyd C. Lockrem, Jr.



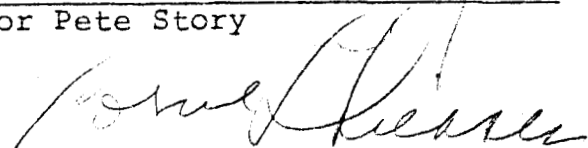
Senator William R. Lowe



Senator John E. Manley



Senator Pete Story



Senator Cornie Thiessen

PROPOSED AMENDMENTS TO HOUSE BILL 716

Third reading copy, be amended as follows:

1. Page 11, line 23.

Following: "jurisdiction."

Insert: "The municipality or county shall be subject to the notice and hearing requirements of [sections 11 and 12]."

2. Page 12, line 11.

Following: "75-2-211."

Insert: "The municipality or county shall not assess fees in excess of the schedule adopted by the board pursuant to 75-2-211."

Representative Kemmis

HSP:yb
3-16-79

Proposed Amendments to HB 742

1. Page 1, line 5.

Following: "CLARIFY THE"

Insert: "DECISION-MAKING"

2. Page 1, lines 6 through 8.

Strike: TO USE INFORMATION GAINED IN PREPARING ENVIRONMENTAL
IMPACT STATEMENTS TO IMPLEMENT THE POLICIES AND GOALS OF"

3. Page 1, line 8.

Following: the stricken material

Insert: "UNDER"

4. Page 1, lines 15 through 21.

Following: "state."

Strike: "It" and all of lines 16 through 21

Insert: "However, nothing in the chapter expands the substan-
tive decision-making authority of an agency to issue, deny,
modify, or otherwise act upon an application for a lease,
permit, contract, license or certificate except where agency-
initiated or agency financed action is involved."

HOUSE JOINT RESOLUTION NO. 37

INTRODUCED BY AZZARA, KENNIS, VINCENT,

KEYSER, WATT, HURWITZ

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OUTLINING TO THE CONGRESS OF THE UNITED STATES AND THE LEGISLATURES OF MONTANA, WASHINGTON, OREGON, AND IDAHO A--PLAN--FOR IMPLEMENTING MONTANA'S THE MONTANA LEGISLATURE'S POSITION WITH REGARD TO THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT.

WHEREAS, the Pacific Northwest has a unique electrical generating system which has in the past been dependent upon private and public hydroelectric facilities and

WHEREAS, implementation of a comprehensive energy conservation program combined with generation of expensive thermal electric power will both be required to insure adequate energy in the future; and

WHEREAS, the region's power facilities are linked in a delivery system administered primarily by the Bonneville Power Administration, the United States Army Corps of Engineers, and the Bureau of Reclamation; and

WHEREAS, the role of these federal agencies in the present and future production, distribution, and use of

1 electricity-in-the-Pacific-northwest-will-have-a-major
2 impact-on-the-future-of-the-states-involved; and

3 WHEREAS, the-coordination-of-electrical-energy-policy
4 is-a-major-concern-of-the-Pacific-Northwest-States--and--the
5 federal-government-and-will-require-that-decisions-affecting
6 the-supply-and-price-of-electricity-in-the-region-be-reached
7 collectively; and

8 WHEREAS, the-effects-felt-by-the-states-of-these
9 electrical-generation-and-delivery-systems-will-be-different
10 but-equal-regardless-of-size-or-population;

11 WHEREAS, THE PACIFIC NORTHWEST HAS A UNIQUE ELECTRICAL
12 GENERATING SYSTEM WHICH HAS IN THE PAST BEEN DEPENDENT UPON
13 PRIVATE AND PUBLIC HYDROELECTRIC FACILITIES; AND

14 WHEREAS, IMPLEMENTATION OF A COMPREHENSIVE ENERGY
15 CONSERVATION PROGRAM COMBINED WITH GENERATION OF EXPENSIVE
16 THERMAL ELECTRIC POWER WILL BOTH BE REQUIRED TO INSURE
17 ADEQUATE ENERGY IN THE FUTURE; AND

18 WHEREAS, THE REGION'S POWER FACILITIES ARE LINKED IN A
19 DELIVERY SYSTEM ADMINISTERED PRIMARILY BY THE BONNEVILLE
20 POWER ADMINISTRATION, THE UNITED STATES ARMY CORPS OF
21 ENGINEERS, AND THE BUREAU OF RECLAMATION; AND

22 WHEREAS, CONGRESS HAS CONSIDERED AND WILL CONSIDER
23 SEVERAL BILLS DEALING WITH REGIONAL ENERGY PLANNING IN THE
24 PACIFIC NORTHWEST, INCLUDING THE PACIFIC NORTHWEST ELECTRIC
25 POWER PLANNING AND CONSERVATION ACT, WHICH WILL BE

1 INTRODUCTION IN THE CURRENT SESSION OF CONGRESS; AND

2 WHEREAS, SOME OF THE PROPOSALS, INCLUDING THE ACT,
3 WOULD GRANT SIGNIFICANT POWERS TO THE BONNEVILLE POWER
4 ADMINISTRATION IN THE AREAS OF REGIONAL POWER PLANNING AND
5 RESOURCE ACQUISITION; AND

6 WHEREAS, BECAUSE OF MONTANA'S ABUNDANT ENERGY RESOURCES
7 AND ITS INCLUSION IN THE BONNEVILLE POWER ADMINISTRATION
8 JURISDICTION MARKETING AREA, MONTANA WILL BE SIGNIFICANTLY
9 AFFECTED BY ANY REGIONAL ENERGY PLAN WHICH IS IMPLEMENTED;
10 AND

11 WHEREAS, MONTANA HAS ENACTED NUMEROUS STATUTES ENABLING
12 ITS CITIZENS THROUGH THEIR LEGISLATURE TO CONTROL ENERGY AND
13 RESOURCE DEVELOPMENT IN THIS STATE, INCLUDING THE MONTANA
14 MAJOR FACILITIES SITING ACT, THE MONTANA STRIP MINE AND
15 UNDERGROUND MINE RECLAMATION ACT, AND THE STRIP AND
16 UNDERGROUND MINE SITING ACT, AMONG OTHERS; AND

17 WHEREAS, THE LEGISLATURE, THE CITIZENS, AND THE
18 CONGRESSIONAL DELEGATION OF THE STATE OF MONTANA DESIRE TO
19 INSURE THAT FEDERAL LEGISLATION RELATING TO PACIFIC
20 NORTHWEST REGIONAL ENERGY PLANNING WILL NOT PREEMPT THE
21 MONTANA MAJOR FACILITY SITING ACT AND ENVIRONMENTAL LAWS
22 RELATING TO ELECTRIC UTILITIES OR THE RATEMAKING POWER OF
23 THE MONTANA PUBLIC SERVICE COMMISSION; AND

24 WHEREAS, MONTANA REAFFIRMED ITS COMMITMENT TO CONTROL
25 ENERGY DEVELOPMENT WHEN ITS CITIZENS OVERWHELMINGLY APPROVED

1 A BALLOT INITIATIVE REQUIRING PUBLIC APPROVAL ON THE SITING
2 OF NUCLEAR FACILITIES; AND

3 WHEREAS, THE ADMINISTRATION AND THE CONGRESSIONAL
4 DELEGATION OF THE STATE OF MONTANA, AS REFLECTED IN THE
5 TESTIMONY OF THE GOVERNOR ON THE PACIFIC NORTHWEST ELECTRIC
6 POWER PLANNING AND CONSERVATION ACT, ARE CONCERNED THAT SOME
7 OF THE PROPOSALS FOR PACIFIC NORTHWEST REGIONAL ENERGY
8 PLANNING, INCLUDING THE ACT, MAY PREEMPT THOSE STATUTES AND
9 THE RATEMAKING POWER OF THE MONTANA PUBLIC SERVICE
10 COMMISSION; AND

11 WHEREAS, THE GOVERNOR OF MONTANA, IN HIS TESTIMONY ON
12 THE ACT, HAS REAFFIRMED MONTANA'S COMMITMENT TO ENERGY
13 CONSERVATION AND HAS STATED HIS CONCERN THAT REGIONAL ENERGY
14 PLANNING BODIES BE HELD ACCOUNTABLE TO THE PUBLIC; AND

15 WHEREAS, MONTANA STATE GOVERNMENT REPRESENTATIVES AND
16 MONTANA CITIZENS IN TESTIMONY ON THIS LEGISLATION HAVE
17 REAFFIRMED MONTANA'S COMMITMENT TO ENERGY CONSERVATION AND
18 HAVE STATED THEIR CONCERN THAT THOSE ULTIMATELY RESPONSIBLE
19 FOR REGIONAL ENERGY ARE ACCOUNTABLE TO THE PUBLIC; AND

20 WHEREAS, SIMILAR PROGRAMS FOR CITIZEN CONTROL OF
21 DEVELOPMENT OF RESOURCES, OF ENERGY CONSERVATION, AND OF
22 RATEMAKING EXIST IN THE OTHER PACIFIC NORTHWEST STATES; AND

23 WHEREAS, THE COORDINATION OF REGIONAL ENERGY POLICY IS
24 A MAJOR CONCERN OF THE PACIFIC NORTHWEST STATES AND THE
25 FEDERAL GOVERNMENT, AND WILL REQUIRE THAT DECISIONS ABOUT

1 THE REGION'S ENERGY POLICY BE REACHED COLLECTIVELY; AND

2 WHEREAS, THE PROPOSED LEGISLATION SHOULD PERMIT THE
3 UNIQUE USE OF BONNEVILLE POWER ADMINISTRATION POWER REVENUES
4 TO FINANCE COST-EFFECTIVE INVESTMENTS IN ENERGY CONSERVATION
5 AND RENEWABLE ENERGY SOURCES AND SHOULD ESTABLISH A MORE
6 OPEN PLANNING PROCESS.

7
8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
9 OF REPRESENTATIVES OF THE STATE OF MONTANA:

10 That the Legislature of the state of Montana call upon
11 the United States Congress to pass regional energy planning
12 legislation for the Pacific Northwest that would include:

13 (1) a Bonneville Consumer Council with membership from
14 each state consisting of the Governor or his designated
15 representative, two legislators who have been appointed by
16 the leadership of both houses, and one local elected
17 official who has been appointed by the Governor; this
18 council's expense should be a line item in Bonneville Power
19 Administration's budget; Their authority should be more than
20 only advisory.

21 (2) a Utility Council of 13 members who should be
22 appointed by the Pacific Northwest utilities.

23 (3) a strong conservation program developed and funded
24 by Bonneville Power Administration but administered by the
25 individual states. Before implementing this conservation

1 program--it-should-have-the-approval-of-both-the--Bonneville
 2 Consumer-Council-and-the-Utility-Council--in-the-development
 3 of--this-conservation-program--the-differences-of-individual
 4 states-should-be-taken-into-consideration.

5 (4)--the-development-of-guidelines--by--the--Bonneville
 6 Power--Administration--for--forecasting--regional--needs-and
 7 resources--individual-states-should-be-allowed-to--determine
 8 their-own-needs-and-this-will-become-an-integral-part-of-the
 9 regional--forecasts--However--should-the-states-be-incapable
 10 of--providing--such--a--forecast--then--Bonneville--Power
 11 Administration-should-offer-this-service.

12 (5)--provisions--prohibiting--the--Bonneville--Power
 13 administration-from-constructing-or--approving--conventional
 14 power-plants--but-giving-limited-authority-with-the-approval
 15 of--the--Bonneville-Consumer-Council-to-assist-the-utilities
 16 in-the-construction-of-a-plant-dealing-with--new--technology
 17 that--might--result--in--the--more--economical-generation-of
 18 power.

19 (6)--provisions-allowing-states-to-keep-their-rights-in
 20 power-plant-siting-and-retail-ratemaking.

21 (7)--a-mechanism-to-allocate-federal-power--within--the
 22 Pacific--Northwest--that--would--clarify--the--intent-of-the
 23 preference-clause-of-the-Bonneville-Project-Act--16--U.S.C.
 24 832--to-give-preference-to-legitimate-public-utilities-while
 25 minimizing-the-electrical-price-difference-between-consumers.

1 of-the-region*

2 BE--IF--FURTHER--RESOLVED--that--Congress-not-pass-any
3 legislation-dealing-with-the--Pacific--Northwest--electrical
4 generation---and---delivery---system---until--such--proposed
5 legislation-has-had-ample-review-and-input--by--the--ad-hoc
6 committee--that--the--western--Conference--of-the-Council-of
7 State-Governments-has-established*

8 BE-IF-FURTHER-RESOLVED--that--the--Secretary--of--State
9 send--copies-of-this-resolution-to-the-Speaker-of-the-United
10 States-House-of-Representatives--the-President-of-the-United
11 States-Senate--the-Chairman-of-the-United-States--House--and
12 Senate--Energy--Committees--the--Secretary--of--Energy--the
13 Congressional-Delegations-of--Montana--Washington--Oregon
14 and--Idaho--and--the--Legislative--assemblies-of-Washington
15 Oregon--and--Idaho*

16 THAT THE LEGISLATURE OF THE STATE OF MONTANA CALL UPON
17 THE UNITED STATES CONGRESS TO PASS CONSIDER THE FOLLOWING IF
18 THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND
19 CONSERVATION ACT OR ANY ACT REGARDING REGIONAL ENERGY POLICY
20 IN THE PACIFIC NORTHWEST ONLY IF SUCH LEGISLATION WOULD NOT
21 PREEMPT--STATE--CONTRIBUT--RE-ENERGY-AND-RESOURCE-DEVELOPMENT
22 WOULD--NOT--WEAKEN--STATE--POLICYMAKING--POWERS--WOULD--NOT
23 INTERFERE--WITH--STATE--CONSERVATION--OR--RENEWABLE-RESOURCE
24 PROGRAMS--AND--WOULD--NOT--CREATE--AN--ENERGY--POLICYMAKING--AND
25 PLANNING--BODY--WHICH--WAS--NOT--ACCOUNTABLE--TO--THE--CITIZENS--OF

1 THE PACIFIC NORTHWEST STATES:

2 BE IT FURTHER RESOLVED, THAT THE LEGISLATURE OF THE
3 STATE OF MONTANA CALL UPON THE UNITED STATES CONGRESS TO
4 PASS REGIONAL ENERGY PLANNING LEGISLATION FOR THE PACIFIC
5 NORTHWEST THAT WOULD INCLUDE A REAFFIRMATION OF THE PRIORITY
6 OF MONTANA IN THE ALLOCATIONAL POWER UNDER THE HUNGRY HORSE
7 AUTHORIZATION AND PREFERENCE ACT AND THE AUTHORIZATIONS AND
8 APPROPRIATIONS FOR THE LIBBY DAM PROJECT, IS CONSIDERED OR
9 ENACTED:

10 (1) THE DEVELOPMENT OF GUIDELINES BY THE BONNEVILLE
11 POWER ADMINISTRATION FOR FORECASTING REGIONAL NEEDS AND
12 RESOURCES. INDIVIDUAL STATES SHOULD BE ALLOWED TO DETERMINE
13 THEIR OWN NEEDS AND THIS WILL BECOME AN INTEGRAL PART OF THE
14 REGIONAL FORECAST. HOWEVER, SHOULD THE STATES BE INCAPABLE
15 OF PROVIDING SUCH A FORECAST, THE BONNEVILLE POWER
16 ADMINISTRATION SHOULD OFFER THIS SERVICE.

17 (2) PROVISIONS ALLOWING STATES TO KEEP THEIR RIGHTS IN
18 POWER PLANT SITING AND RETAIL RATEMAKING;

19 (3) A MECHANISM TO ALLOCATE FEDERAL POWER WITHIN THE
20 PACIFIC NORTHWEST THAT WOULD CLARIFY THE INTENT OF THE
21 PREFERENCE CLAUSE OF THE BONNEVILLE PROJECT ACT, 16 U.S.C.
22 832, TO GIVE PREFERENCE TO LEGITIMATE PUBLIC UTILITIES WHILE
23 MINIMIZING THE ELECTRICAL PRICE DIFFERENCE BETWEEN CONSUMERS
24 OF THE REGION.

25 BE IT FURTHER RESOLVED, THAT MONTANA CALL UPON THE

1 UNITED STATES CONGRESS TO PASS LEGISLATION REGARDING PACIFIC
2 NORTHWEST REGIONAL ENERGY POLICY ONLY IF SUCH PROPOSED
3 LEGISLATION HAS THE SUPPORT OF THE GOVERNORS AND
4 CONGRESSIONAL DELEGATIONS OF MONTANA, WASHINGTON, OREGON,
5 AND IDAHO AND THE AD HOC COMMITTEE THAT THE WESTERN
6 CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS HAS
7 ESTABLISHED.

8 BE IT FURTHER RESOLVED, THAT THE SECRETARY OF STATE
9 SEND COPIES OF THIS RESOLUTION TO THE PRESIDENT OF THE
10 UNITED STATES, THE SPEAKER OF THE UNITED STATES HOUSE OF
11 REPRESENTATIVES, THE PRESIDENT OF THE UNITED STATES SENATE,
12 THE CHAIRMEN OF THE UNITED STATES HOUSE AND SENATE ENERGY
13 COMMITTEES, THE CHAIRMAN OF THE UNITED STATES HOUSE INTERIOR
14 AND INSULAR AFFAIRS COMMITTEE, THE SECRETARY OF ENERGY, THE
15 CONGRESSIONAL DELEGATIONS OF WASHINGTON, IDAHO, OREGON, AND
16 MONTANA, AND THE LEGISLATIVE ASSEMBLIES OF WASHINGTON,
17 IDAHO, AND OREGON.

-End-