

HOUSE JOINT RESOLUTION NO. 37

INTRODUCED BY AZZARA, KEMMIS, VINCENT,
KEYSER, WATT, HURWITZ

IN THE HOUSE

February 13, 1979	Introduced and referred to Committee on Natural Resources. Rereferred to Committee on Business and Industry.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 20, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do pass.
February 23, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Natural Resources.
March 20, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 22, 1979	Second reading, pass consideration.
March 23, 1979	Second reading, concurred in as amended.
March 26, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 27, 1979	Returned from second house. Concurred in as amended.
----------------	---

March 30, 1979

Second reading, amendments
adopted.

March 31, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 House JOINT RESOLUTION NO. 37
 2 INTRODUCED BY AZZAR A. Kemmis, VINCENT
 3 Rayson Watt, Stewart
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA OUTLINING TO THE
 6 CONGRESS OF THE UNITED STATES AND THE LEGISLATURES OF
 7 MONTANA, WASHINGTON, OREGON, AND IDAHO A PLAN FOR
 8 IMPLEMENTING THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING
 9 AND CONSERVATION ACT.

10
 11 WHEREAS, the Pacific Northwest has a unique electrical
 12 generating system which has in the past been dependant 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, the role of these federal agencies in the
 23 present and future production, distribution, and use of
 24 electricity in the Pacific Northwest will have a major
 25 impact on the future of the states involved; and

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

6 WHEREAS, the effects felt by the states of these
 7 electrical generation and delivery systems will be different
 8 but equal regardless of size or population.

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

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

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

23 (2) a Utility Council of 18 members who should be
 24 appointed by the Pacific Northwest utilities;

25 (3) a strong conservation program developed and funded

1 by Bonneville Power Administration but administered by the
 2 individual states. Before implementing this conservation
 3 program, it should have the approval of both the Bonneville
 4 Consumer Council and the Utility Council. In the development
 5 of this conservation program, the differences of individual
 6 states should be taken into consideration.

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

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

21 (6) provisions allowing states to keep their rights in
 22 power plant siting and retail ratemaking;

23 (7) a mechanism to allocate federal power within the
 24 Pacific Northwest that would clarify the intent of the
 25 preference clause of the Bonneville Project Act, 16 U.S.C.

1 832, to give preference to legitimate public utilities while
 2 minimizing the electrical price difference between consumers
 3 of the region.

4 BE IT FURTHER RESOLVED, that Congress not pass any
 5 legislation dealing with the Pacific Northwest electrical
 6 generation and delivery system until such proposed
 7 legislation has had ample review and input by the ad hoc
 8 committee that the Western Conference of the Council of
 9 State Governments has established.

10 BE IT FURTHER RESOLVED, that the Secretary of State
 11 send copies of this resolution to the Speaker of the United
 12 States House of Representatives, the President of the United
 13 States Senate, the Chairman of the United States House and
 14 Senate Energy Committees, the Secretary of Energy, the
 15 Congressional Delegations of Montana, Washington, Oregon,
 16 and Idaho and the Legislative assemblies of Washington,
 17 Oregon, and Idaho.

-End-

Approved by Committee
on Business and Industry

HOUSE JOINT RESOLUTION NO. 37

INTRODUCED BY AZZARA, KEMMIS, VINCENT,

KEYSER, WATT, MURWITZ

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 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 electricity in the Pacific Northwest will have a major

impact on the future of the states involved and

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

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

WHEREAS, CONGRESS HAS CONSIDERED AND WILL CONSIDER SEVERAL BILLS DEALING WITH REGIONAL ENERGY PLANNING IN THE PACIFIC NORTHWEST, INCLUDING THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT, WHICH WILL BE INTRODUCED IN THE CURRENT SESSION OF CONGRESS; AND

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

WHEREAS, BECAUSE OF MONTANA'S ABUNDANT ENERGY RESOURCES AND INCLUSION IN THE BONNEVILLE POWER ADMINISTRATION JURISDICTION, MONTANA WILL BE SIGNIFICANTLY AFFECTED BY ANY REGIONAL ENERGY PLAN WHICH IS IMPLEMENTED; AND

WHEREAS, MONTANA HAS ENACTED NUMEROUS STATUTES ENABLING ITS CITIZENS TO CONTROL ENERGY AND RESOURCE DEVELOPMENT IN THIS STATE, INCLUDING THE MONTANA MAJOR FACILITIES SITING

1 ACT, THE MONTANA STRIP MINE AND UNDERGROUND MINE RECLAMATION
 2 ACT, AND THE STRIP AND UNDERGROUND MINE SITING ACT, AMONG
 3 OTHERS; AND

4 WHEREAS, MONTANA REAFFIRMED ITS COMMITMENT TO CONTROL
 5 ENERGY DEVELOPMENT WHEN ITS CITIZENS OVERWHELMINGLY APPROVED
 6 A BALLOT INITIATIVE REQUIRING PUBLIC APPROVAL ON THE SITING
 7 OF NUCLEAR FACILITIES; AND

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

16 WHEREAS, THE GOVERNOR OF MONTANA, IN HIS TESTIMONY ON
 17 THE ACT, HAS REAFFIRMED MONTANA'S COMMITMENT TO ENERGY
 18 CONSERVATION AND HAS STATED HIS CONCERN THAT REGIONAL ENERGY
 19 PLANNING BODIES BE HELD 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.

2
 3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 4 OF REPRESENTATIVES OF THE STATE OF MONTANA:

5 ~~That the Legislature of the state of Montana call upon~~
 6 ~~the United States Congress to pass regional energy planning~~
 7 ~~legislation for the Pacific Northwest that would include~~

8 ~~(1) a Bonneville Consumer Council with membership from~~
 9 ~~each state consisting of the Governor or his designated~~
 10 ~~representative, two legislators who have been appointed by~~
 11 ~~the leadership of both houses, and one local elected~~
 12 ~~official who has been appointed by the Governor. This~~
 13 ~~council expense should be a line item in Bonneville Power~~
 14 ~~Administration's budgets. Their authority should be more than~~
 15 ~~only advisory.~~

16 ~~(2) a Utility Council of 18 members who should be~~
 17 ~~appointed by the Pacific Northwest utilities.~~

18 ~~(3) a strong conservation program developed and funded~~
 19 ~~by Bonneville Power Administration but administered by the~~
 20 ~~individual states. Before implementing this conservation~~
 21 ~~program it should have the approval of both the Bonneville~~
 22 ~~Consumer Council and the Utility Councils in the development~~
 23 ~~of this conservation program, the differences of individual~~
 24 ~~states should be taken into consideration.~~

25 ~~(4) the development of guidelines by the Bonneville~~

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

7 (5) provisions prohibiting the Bonneville Power
 8 Administration from constructing or approving conventional
 9 power plants but giving limited authority with the approval
 10 of the Bonneville Consumer Council to assist the utilities
 11 in the construction of a plant dealing with new technology
 12 that might result in the more economical generation of
 13 power.

14 (6) provisions allowing states to keep their rights in
 15 power plant siting and retail ratemaking.

16 (7) a mechanism to allocate federal power within the
 17 Pacific Northwest that would clarify the intent of the
 18 preference clause of the Bonneville Project Act, 16 U.S.C.
 19 832v to give preference to legitimate public utilities while
 20 minimizing the electrical price difference between consumers
 21 of the region.

22 BE IT FURTHER RESOLVED, that Congress not pass any
 23 legislation dealing with the Pacific Northwest electrical
 24 generation and delivery system until such proposed
 25 legislation has had ample review and input by the ad-hoc

1 committee that the Western Conference of the Council of
 2 State Governments has established.

3 BE IT FURTHER RESOLVED, that the Secretary of State
 4 send copies of this resolution to the Speaker of the United
 5 States House of Representatives, the President of the United
 6 States Senate, the Chairman of the United States House and
 7 Senate Energy Committees, the Secretary of Energy, the
 8 Congressional Delegations of Montana, Washington, Oregon
 9 and Idaho and the legislative assemblies of Washington,
 10 Oregon and Idaho.

11 THAT THE LEGISLATURE OF THE STATE OF MONTANA CALL UPON
 12 THE UNITED STATES CONGRESS TO PASS THE PACIFIC NORTHWEST
 13 ELECTRIC POWER PLANNING AND CONSERVATION ACT OR ANY ACT
 14 REGARDING REGIONAL ENERGY POLICY IN THE PACIFIC NORTHWEST
 15 ONLY IF SUCH LEGISLATION WOULD NOT PREEMPT STATE CONTROL OF
 16 ENERGY AND RESOURCE DEVELOPMENT; WOULD NOT WEAKEN STATE
 17 RATEMAKING POWERS; WOULD NOT INTERFERE WITH STATE
 18 CONSERVATION OR RENEWABLE RESOURCE PROGRAMS; AND WOULD NOT
 19 CREATE AN ENERGY POLICYMAKING AND PLANNING BODY WHICH WAS
 20 NOT ACCOUNTABLE TO THE CITIZENS OF THE PACIFIC NORTHWEST
 21 STATES.

22 BE IT FURTHER RESOLVED, THAT THE LEGISLATURE OF THE
 23 STATE OF MONTANA CALL UPON THE UNITED STATES CONGRESS TO
 24 PASS REGIONAL ENERGY PLANNING LEGISLATION FOR THE PACIFIC
 25 NORTHWEST THAT WOULD INCLUDE A REAFFIRMATION OF THE PRIORITY

1 OF MONTANA IN THE ALLOCATIONAL POWER UNDER THE HUNGRY HORSE
2 AUTHORIZATION AND PREFERENCE ACT AND THE AUTHORIZATIONS AND
3 APPROPRIATIONS FOR THE LIBBY DAM PROJECT.

4 BE IT FURTHER RESOLVED, THAT MONTANA CALL UPON THE
5 UNITED STATES CONGRESS TO PASS LEGISLATION REGARDING PACIFIC
6 NORTHWEST REGIONAL ENERGY POLICY ONLY IF SUCH PROPOSED
7 LEGISLATION HAS THE SUPPORT OF THE GOVERNORS AND
8 CONGRESSIONAL DELEGATIONS OF MONTANA, WASHINGTON, OREGON,
9 AND IDAHO.

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

-End-

1 HOUSE JOINT RESOLUTION NO. 37
 2 INTRODUCED BY AZZARA, KEMMIS, VINCENT,
 3 KEYSER, WATT, HURWITZ
 4

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

11
 12 WHEREAS, the Pacific Northwest has a unique electrical
 13 generating system which has in the past been dependent upon
 14 private and public hydroelectric facilities; and

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

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

23 WHEREAS, the role of these federal agencies in the
 24 present and future production, distribution, and use of
 25 electricity in the Pacific Northwest will have a major

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

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

10 WHEREAS, CONGRESS HAS CONSIDERED AND WILL CONSIDER
 11 SEVERAL BILLS DEALING WITH REGIONAL ENERGY PLANNING IN THE
 12 PACIFIC NORTHWEST, INCLUDING THE PACIFIC NORTHWEST ELECTRIC
 13 POWER PLANNING AND CONSERVATION ACT, WHICH WILL BE
 14 INTRODUCED IN THE CURRENT SESSION OF CONGRESS; AND

15 WHEREAS, SOME OF THE PROPOSALS, INCLUDING THE ACT,
 16 WOULD GRANT SIGNIFICANT POWERS TO THE BONNEVILLE POWER
 17 ADMINISTRATION IN THE AREAS OF REGIONAL POWER PLANNING AND
 18 RESOURCE ACQUISITION; AND

19 WHEREAS, BECAUSE OF MONTANA'S ABUNDANT ENERGY RESOURCES
 20 AND INCLUSION IN THE BONNEVILLE POWER ADMINISTRATION
 21 JURISDICTION, MONTANA WILL BE SIGNIFICANTLY AFFECTED BY ANY
 22 REGIONAL ENERGY PLAN WHICH IS IMPLEMENTED; AND

23 WHEREAS, MONTANA HAS ENACTED NUMEROUS STATUTES ENABLING
 24 ITS CITIZENS TO CONTROL ENERGY AND RESOURCE DEVELOPMENT IN
 25 THIS STATE, INCLUDING THE MONTANA MAJOR FACILITIES SITING

1 ACT, THE MONTANA STRIP MINE AND UNDERGROUND MINE RECLAMATION
 2 ACT, AND THE STRIP AND UNDERGROUND MINE SITING ACT, AMONG
 3 OTHERS; AND

4 WHEREAS, MONTANA REAFFIRMED ITS COMMITMENT TO CONTROL
 5 ENERGY DEVELOPMENT WHEN ITS CITIZENS OVERWHELMINGLY APPROVED
 6 A BALLOT INITIATIVE REQUIRING PUBLIC APPROVAL ON THE SITING
 7 OF NUCLEAR FACILITIES; AND

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

16 WHEREAS, THE GOVERNOR OF MONTANA, IN HIS TESTIMONY ON
 17 THE ACT, HAS REAFFIRMED MONTANA'S COMMITMENT TO ENERGY
 18 CONSERVATION AND HAS STATED HIS CONCERN THAT REGIONAL ENERGY
 19 PLANNING BODIES BE HELD 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,

2
 3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 4 OF REPRESENTATIVES OF THE STATE OF MONTANA:

5 ~~That the Legislature of the state of Montana call upon~~
 6 ~~the United States Congress to pass regional energy planning~~
 7 ~~legislation for the Pacific Northwest that would include~~

8 ~~{1} a Bonneville Consumer Council with membership from~~
 9 ~~each state consisting of the Governor or his designated~~
 10 ~~representative two legislators who have been appointed by~~
 11 ~~the leadership of both houses and one local elected~~
 12 ~~official who has been appointed by the Governor. This~~
 13 ~~council expense should be a line item in Bonneville Power~~
 14 ~~Administration's budgets. Their authority should be more than~~
 15 ~~only advisory~~

16 ~~{2} a Utility Council of 18 members who should be~~
 17 ~~appointed by the Pacific Northwest utilities~~

18 ~~{3} a strong conservation program developed and funded~~
 19 ~~by Bonneville Power Administration but administered by the~~
 20 ~~individual states. Before implementing this conservation~~
 21 ~~program it should have the approval of both the Bonneville~~
 22 ~~Consumer Council and the Utility Councils in the development~~
 23 ~~of this conservation program the differences of individual~~
 24 ~~states should be taken into consideration~~

25 ~~{4} the development of guidelines by the Bonneville~~

1 Power--Administration--for--forecasting--regions--needs-and
 2 resources--individual--states--should--be--allowed--to--determine
 3 their--own--needs--and--this--will--become--an--integral--part--of--the
 4 regional--forecasts--However--should--the--states--be--incapable
 5 of--providing--such--a--forecast--then--Bonneville--Power
 6 Administration--should--offer--this--service

7 (5)--provisions--prohibiting--the--Bonneville--Power
 8 Administration--from--constructing--or--approving--conventional
 9 power--plants--but--giving--limited--authority--with--the--approval
 10 of--the--Bonneville--Consumer--Council--to--assist--the--utilities
 11 in--the--construction--of--a--plant--dealing--with--new--technology
 12 that--might--result--in--the--more--economical--generation--of
 13 power

14 (6)--provisions--allowing--states--to--keep--their--rights--in
 15 power--plant--siting--and--retail--ratemaking

16 (7)--a--mechanism--to--allocate--federal--power--within--the
 17 Pacific--Northwest--that--would--clarify--the--intent--of--the
 18 preference--clause--of--the--Bonneville--Project--Act--to--U.S.C.
 19 832--to--give--preference--to--legitimate--public--utilities--while
 20 minimizing--the--electrical--price--difference--between--consumers
 21 of--the--region

22 BE--IF--FURTHER--RESOLVED--that--Congress--not--pass--any
 23 legislation--dealing--with--the--Pacific--Northwest--electrical
 24 generation--and--delivery--system--until--such--proposed
 25 legislation--has--had--ample--review--and--input--by--the--ad--hoc

1 committee--that--the--Western--Conference--of--the--Council--of
 2 State--Governments--has--established

3 BE--IF--FURTHER--RESOLVED--that--the--Secretary--of--State
 4 send--copies--of--this--resolution--to--the--Speaker--of--the--United
 5 States--House--of--Representatives--the--President--of--the--United
 6 States--Senate--the--Chairmen--of--the--United--States--House--and
 7 Senate--Energy--Committees--the--Secretary--of--Energy--the
 8 Congressional--Delegations--of--Montana--Washington--Oregon
 9 and--Idaho--and--the--Legislative--assemblies--of--Washington
 10 Oregon--and--Idaho

11 THAT THE LEGISLATURE OF THE STATE OF MONTANA CALL UPON
 12 THE UNITED STATES CONGRESS TO PASS THE PACIFIC NORTHWEST
 13 ELECTRIC POWER PLANNING AND CONSERVATION ACT OR ANY ACT
 14 REGARDING REGIONAL ENERGY POLICY IN THE PACIFIC NORTHWEST
 15 ONLY IF SUCH LEGISLATION WOULD NOT PREEMPT STATE CONTROL OF
 16 ENERGY AND RESOURCE DEVELOPMENT; WOULD NOT WEAKEN STATE
 17 RATEMAKING POWERS; WOULD NOT INTERFERE WITH STATE
 18 CONSERVATION OR RENEWABLE RESOURCE PROGRAMS; AND WOULD NOT
 19 CREATE AN ENERGY POLICYMAKING AND PLANNING BODY WHICH WAS
 20 NOT ACCOUNTABLE TO THE CITIZENS OF THE PACIFIC NORTHWEST
 21 STATES.

22 BE IT FURTHER RESOLVED, THAT THE LEGISLATURE OF THE
 23 STATE OF MONTANA CALL UPON THE UNITED STATES CONGRESS TO
 24 PASS REGIONAL ENERGY PLANNING LEGISLATION FOR THE PACIFIC
 25 NORTHWEST THAT WOULD INCLUDE A REAFFIRMATION OF THE PRIORITY

1 OF MONTANA IN THE ALLOCATIONAL POWER UNDER THE HUNGRY HORSE
2 AUTHORIZATION AND PREFERENCE ACT AND THE AUTHORIZATIONS AND
3 APPROPRIATIONS FOR THE LIBBY DAM PROJECT.

4 BE IT FURTHER RESOLVED, THAT MONTANA CALL UPON THE
5 UNITED STATES CONGRESS TO PASS LEGISLATION REGARDING PACIFIC
6 NORTHWEST REGIONAL ENERGY POLICY ONLY IF SUCH PROPOSED
7 LEGISLATION HAS THE SUPPORT OF THE GOVERNORS AND
8 CONGRESSIONAL DELEGATIONS OF MONTANA, WASHINGTON, OREGON,
9 AND IDAHO.

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

-End-

1 HOUSE JOINT RESOLUTION NO. 37

2 INTRODUCED BY AZZARA, KEMMIS, VINCENT,

3 KEYSER, WATT, HURWITZ

4
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6 REPRESENTATIVES OF THE STATE OF MONTANA OUTLINING TO THE
7 CONGRESS OF THE UNITED STATES AND THE LEGISLATURES OF
8 MONTANA, WASHINGTON, OREGON, AND IDAHO A PLAN FOR
9 IMPLEMENTING MONTANA'S THE MONTANA LEGISLATURE'S POSITION
10 WITH REGARD TO THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING
11 AND CONSERVATION ACT.

12
13 WHEREAS, the Pacific Northwest has a unique electrical
14 generating system which has in the past been dependent upon
15 private and public hydroelectric facilities; and

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

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

24 WHEREAS, the role of these federal agencies in the
25 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 INTRODUCED 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 expense should be a line item in Bonneville Power
 19 Administration's budgets. Their authority should be more than
 20 only advisory.

21 (2) a Utility Council of 10 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 832v to give preference to legitimate public utilities while
 25 minimizing the electrical price difference between consumers.

1 of-the-regions

2 BE--IF--FURTHER--RESOLVED,--that--Congress-not-pass-any

3 legislation-dealing-with-the--Pacific--Northwest--electric

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 IE

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--CONTROL--OF--ENERGY--AND--RESOURCE--DEVELOPMENT,

22 WOULD--NOT--WEAKEN--STATE--RATEMAKING--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-IF-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--ALLOCATION--OF--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 REAFFIRMATION OF THE PRIORITY OF MONTANA IN THE

20 ALLOCATION OF POWER UNDER THE HUNGRY HORSE AUTHORIZATION AND

21 PREFERENCE ACT AND THE AUTHORIZATIONS AND APPROPRIATIONS FOR

22 THE LIBBY DAM PROJECT;

23 (4) A MECHANISM TO ALLOCATE FEDERAL POWER WITHIN

24 THE PACIFIC NORTHWEST THAT WOULD CLARIFY THE INTENT OF THE

25 PREFERENCE CLAUSE OF THE BONNEVILLE PROJECT ACT, 16 U.S.C.

1 832. TO GIVE PREFERENCE TO LEGITIMATE PUBLIC UTILITIES WHILE
2 MINIMIZING THE ELECTRICAL PRICE DIFFERENCE BETWEEN CONSUMERS
3 OF THE REGION.

4 BE IT FURTHER RESOLVED, THAT MONTANA CALL UPON THE
5 UNITED STATES CONGRESS TO PASS LEGISLATION REGARDING PACIFIC
6 NORTHWEST REGIONAL ENERGY POLICY ONLY IF SUCH PROPOSED
7 LEGISLATION HAS THE SUPPORT OF THE GOVERNORS AND
8 CONGRESSIONAL DELEGATIONS OF MONTANA, WASHINGTON, OREGON,
9 AND IDAHO AND THE AD HOC COMMITTEE THAT THE WESTERN
10 CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS HAS
11 ESTABLISHED.

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

-End-

March 23, 1979

SENATE COMMITTEE OF THE WHOLE

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

1. Page 8, line 19.

Following: "RATEMAKING;" in line 18

Insert: a new subsection (3) which reads as follows:

"(3) A REAFFIRMATION OF THE PRIORITY OF MONTANA IN THE ALLOCATION OF POWER UNDER THE HUNGRY HORSE AUTHORIZATION AND PREFERENCE ACT AND THE AUTHORIZATIONS AND APPROPRIATIONS FOR THE LIBBY DAM PROJECT;"

Renumber: subsequent subsection

SENATE STANDING COMMITTEE REPORT
(Natural Resources)

That House Joint Resolution 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"

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

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 ratemaking;

(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"