

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.
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March 30, 1979

Second reading, amendments  
adopted.

March 31, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

House JOINT RESOLUTION NO. 37

INTRODUCED BY Azzaria Hammig VINCENT

Yester Watt Kewete

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.

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, 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.

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

1 HOUSE JOINT RESOLUTION NO. 37

INTRODUCED BY AZZARA, KEMMIS, VINCENT,

KEYSER, WATT, HURWITZ

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.

12 WHEREAS, the Pacific Northwest has a unique electric power  
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--with--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--rate--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 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-cott--upon  
 6 the--United-States-Congress-to-pass-regional-energy-planning  
 7 legislation-for-the-Pacific-Northwest-that-would--includes  
 8 fit--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-budget--their-authority-should-be-more-than  
 15 only-advisory--  
 16 t2--a--Utility--Council--of--t8--members-who-should-be  
 17 appointed-by-the-Pacific-Northwest-utilities  
 18 t3--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 t4--the-development-of-guidelines--by--the--Bonneville

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

7 t5)--provisions---prohibiting---the---Bonneville--Power  
 8 Administration-from-constructing-or--approving--conventionat  
 9 power-plants--but-giving-limited-authority-with-the-approvet  
 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 t6)--provisions-allowing-states-to-keep-their-rights-in  
 15 power-plant-siting-and-retail-ratemaking

16 t7)--a-mechanism-to-allocate-federal-power--within--the  
 17 Pacific--Northwest--that--would--etify--the--intent-of-the  
 18 preference-clause-of-the-Bonneville-Project-Act--16-U.S.64  
 19 832--to-give-preference-to-legitimate-public-utilities-while  
 20 minimizing-the-electrical-price-difference-between-consumers  
 21 of-the-regions

22 BE--IT--FURTHER--RESOLVED--that--Congress-not-pass-any  
 23 legislation-dealing-with-the--Pacific--Northwest--electrical  
 24 generation---and---delvery---system---unit--such--proposed  
 25 legislation-has-had-empty-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-Chairmen-of-the-United-States--House--and  
 7 Senate--Energy--Committees--the--Secretary--of--Energy--the  
 8 Congressional-Betegations-of--Montana--Washington--Oregon  
 9 and--Idaho--and--the--legistative--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  
ELECTRIC POWER PLANNING AND CONSERVATION ACT OR ANY ACT  
REGARDING REGIONAL ENERGY POLICY IN THE PACIFIC NORTHWEST  
ONLY IF SUCH LEGISLATION WOULD NOT PREEMPT STATE CONTROL OF  
ENERGY AND RESOURCE DEVELOPMENT; WOULD NOT WEAKEN STATE  
RATEMAKING POWERS; WOULD NOT INTERFERE WITH STATE  
CONSERVATION OR RENEWABLE RESOURCE PROGRAMS; AND WOULD NOT  
CREATE AN ENERGY POLICYMAKING AND PLANNING BODY WHICH WAS  
NOT ACCOUNTABLE TO THE CITIZENS OF THE PACIFIC NORTHWEST  
STATES.

22 BE IT FURTHER RESOLVED, THAT THE LEGISLATURE OF THE  
STATE OF MONTANA CALL UPON THE UNITED STATES CONGRESS TO  
PASS REGIONAL ENERGY PLANNING LEGISLATION FOR THE PACIFIC  
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, HURWITZ4  
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 electric  
13                  generating system which has in the past been dependent upon  
14                  private and public hydroelectric facilities; and15                  WHEREAS, implementation of a comprehensive energy  
16                  conservation program combined with generation of expensive  
17                  thermal electric power will be required to insure  
18                  adequate energy in the future; and19  
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; and24  
25                  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 major1                  impact on the future of the states involved; and  
2                  WHEREAS, the coordination of electric 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                  electric 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  
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8 WHEREAS, THE ADMINISTRATION AND THE CONGRESSIONAL  
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 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 POWERS OF THE MONTANA PUBLIC SERVICE  
 15 COMMISSION; AND

16 WHEREAS, THE GOVERNOR OF MONTANA, IN HIS TESTIMONY ON  
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 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  
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 25 FEDERAL GOVERNMENT, AND WILL REQUIRE THAT DECISIONS ABOUT

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 3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
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5 ~~That-the-legislature-of-the-state-of-Montana-call--upon~~  
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 7 ~~legislation-for-the-Pacific-Northwest-that-would-include~~  
 8 ~~the--a-Bonneville-Consumer-Council-with-membership-from~~  
 9 ~~each-state-consisting-of--the--Governor--or--his--designated~~  
 10 ~~representatives--two--legislators-who-have-been-appointed-by~~  
 11 ~~the--leadership--of--both--houses--and--one--to-be--elected~~  
 12 ~~official--who--has--been--appointed--by--the--Governor--This~~  
 13 ~~council--expenses-should-be-a-fine-item--in--Bonneville--Power~~  
 14 ~~Administration's-budget--Their-authority-should-be-more-than~~  
 15 ~~only-advisory~~

16 ~~(2)--a--Utility--Council--of--18--members-who-should-be~~  
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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-Council--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--forecast--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  
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 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  
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14 (6)--provisions--allowing--states--to--keep--their--rights--in  
 15 power--plant--siting--and--rate--makings

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--in--1968  
 19 832--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--delivers--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  
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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, REMMIS, VINCENT,

3                   KEYSER, HATT, 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--electric  
14                  generating--system--which--has--in--the--past--been--dependent--upon  
15                  private-and-public-hydroelectric-facilities--and16  
17                  WHEREAS--implementation--of--a--comprehensive--energy  
18                  conservation--program--combined--with--generation--of--expensive  
19                  thermat-electric-power--will--both--be--required--to--insure  
20                  adequate--energy--in--the--future--and21  
22                  WHEREAS--the-region's-power-facilities-are-linked-in-a  
23                  delivery-system-administered--primarily--by--the--Bonneville  
24                  Power--Administration--the--United--States--Army--Corps--of  
25                  Engineers--and--the--Bureau--of--Reclamation--and26  
27                  WHEREAS--the-role-of--these--federal--agencies--in--the  
28                  present--and--future--production--distribution--and--use--of1                   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                  INTERNAL 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     SUBSCRIPTION 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 BOBBIES 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 DE  
 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 fine item in Bonneville Power  
 19    Administration's budget. Their authority should be more than  
 20    only advisory.

21    (2) a Utility Council of 18 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 forecast. However, should the states be incapable  
 10    of providing such a forecast, then the 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 rate making.  
 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 USE  
 24    832 -- to give preference to legitimate public utilities while  
 25    minimizing the electrical price difference between consumers.

1       of-the-regions

2       BE--IT--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-complete-review-and-input--by--the-ad-hoc  
 6       committee--that--the--Western--Conference--of-the-Council--of  
 7       State-Governments-has-established:

8       BE--IT--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--Chairmen--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 IN  
 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 BE

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       11) 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       12) PROVISIONS ALLOWING STATES TO KEEP THEIR RIGHTS IN  
 18      POWER PLANT SITING AND RETAIL RATEMAKING;

19       13) 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       14) 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"

. 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"