

1 House BILL NO. 762
 2 INTRODUCED BY Bradley South
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH NECESSARY
 5 ENERGY EMERGENCY POWERS FOR THE GOVERNOR; DEFINING
 6 CONDITIONS UNDER WHICH SUCH POWERS ARE TO BE EXERCISED;
 7 PROVIDING PENALTIES; AND AMENDING SECTION 79-2501, R.C.M.
 8 1947."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Legislative findings and intent. (1) The
 12 legislature finds that energy in various forms is
 13 increasingly subject to possible shortages and supply
 14 disruptions, to the point that there may be foreseen an
 15 emergency situation, and that without the ability to
 16 institute appropriate emergency measures to reduce or
 17 allocate the usage of energy through a program of mandatory
 18 usage curtailment or allocation, a severe impact on the
 19 health, safety, and general welfare of our state's citizens
 20 may occur. The prevention or mitigation of the effects of
 21 such energy shortages or disruptions is necessary for
 22 preservation of the public health and welfare of the
 23 citizens of this state.

24 (2) It is the intent of this act to:
 25 (a) establish necessary energy emergency powers for

1 the governor and define the conditions under which such
 2 powers are to be exercised;

3 (b) provide penalties for violations of this act.
 4 Section 2. Definitions. As used in this act, the

5 following definitions apply:

6 (1) "Energy facility" means a facility which produces,
 7 extracts, converts, transports, or stores energy.

8 (2) "Energy" means petroleum or other liquid fuels,
 9 natural or synthetic fuel gas, solid carbonaceous fuels, or
 10 electricity.

11 (3) "Person" means an individual, partnership, joint
 12 venture, private or public corporation, association, firm,
 13 public service company, political subdivision, municipal
 14 corporation, government agency, joint operating agency, or
 15 any other entity, public or private, however organized.

16 (4) "Council" means the Montana energy advisory
 17 council.

18 (5) "Distributor" means any person, private
 19 corporation, partnership, individual proprietorship,
 20 utility, joint operating agency, or cooperative which
 21 engages in or is authorized to engage in the activity of
 22 generating, transmitting, or distributing energy in this
 23 state.

24 Section 3. Supply of vital public services during
 25 energy emergency. It is the intent of the legislature that

1 the governor and the council, in developing provisions for
 2 the allocation, conservation, and consumption of energy,
 3 give due consideration to supplying vital public services
 4 such as essential governmental operations, health and safety
 5 functions, emergency services, public mass transportation
 6 systems, food production and processing facilities, and
 7 energy supply facilities during conditions of an energy
 8 supply alert or energy emergency. In developing any energy
 9 allocation programs, provisions should be made for the
 10 equitable distribution of energy among the geographic areas
 11 of the state.

12 Section 4. Emergency energy powers of governors. In
 13 addition to his existing powers and duties, the governor
 14 shall have the following duties and special energy emergency
 15 powers subject to the definitions and limitations in this
 16 act:

17 (1) The governor may, upon finding that a situation
 18 exists which threatens to seriously disrupt or diminish
 19 energy supplies to the extent that life, health, or property
 20 may be jeopardized, declare a condition or state of energy
 21 supply alert, at which time all of the general and specific
 22 emergency powers further enumerated in this section shall
 23 become effective. Concurrently with the declaration, the
 24 governor shall convene the council which shall then meet
 25 within 5 days of the declaration of the alert, if it is not

1 already in session.

2 (2) The condition of energy supply alert terminates
 3 after 60 consecutive days unless a continuing condition of
 4 energy supply alert exists, which is defined as the
 5 occurrence of either of the following:

6 (a) extension by the governor based on a declaration
 7 by the president of the United States of a national state of
 8 emergency in regard to energy supply; or

9 (b) declaration of the legislature by joint resolution
 10 of a continuing condition of energy supply alert.

11 (3) The conditions of an energy supply alert
 12 alternatively cease to exist upon a declaration to that
 13 effect by either of the following:

14 (a) the governor; or

15 (b) the legislature, by joint resolution, if in
 16 regular or extraordinary session.

17 (4) In a declared state of energy supply alert, the
 18 governor may, upon recommendation or approval of the energy
 19 advisory council:

20 (a) implement such programs, controls, standards,
 21 priorities, and quotas for the production, allocation,
 22 conservation, and consumption of energy;

23 (b) suspend and modify existing pollution control
 24 standards and requirements or any other standards or
 25 requirements affecting or affected by the use of energy,

1 including those relating to air or water quality control;
2 and

3 (c) establish and implement regional programs and
4 agreements for the purposes of coordinating the energy
5 programs and actions of the state with those of the federal
6 government and of other states and localities.

7 (5) Nothing in this act means that any program,
8 control, standard, priority quota, or other policy created
9 under the authority of the emergency powers authorized by
10 this act has any continuing legal effect after the cessation
11 of a declared state of energy supply alert.

12 (6) If any provision of this act is in conflict with
13 any other provision, limitation, or restriction which is now
14 in effect under any other law of this state, this act shall
15 govern and control and such other law or rule promulgated
16 thereunder is superseded for the purposes of this act.

17 (7) Because of the emergency nature of this act, all
18 actions authorized or required hereunder or taken pursuant
19 to any order issued by the governor is exempted from all
20 requirements and provisions of the Montana Environmental
21 Policy Act of 1971, including but not limited to the
22 requirement for environmental impact statements.

23 (8) Except as provided in this section, nothing in
24 this act exempts a person from compliance with the
25 provisions of any other law, rule, or directive unless

1 specifically ordered by the governor.

2 Section 5. Obligations of state and local executives.
3 To protect the public welfare during conditions of energy
4 alerts or emergencies, the chief executive of each political
5 subdivision of the state and each state agency shall carry
6 out in his jurisdiction such energy supply alert or energy
7 emergency measures as may be ordered by the governor.

8 Section 6. Coordination with federal provisions. In
9 order to attain uniformity, as far as is practicable
10 throughout the country in measures taken to aid in energy
11 crisis management, all action taken under this act and all
12 orders and rules made pursuant to it shall be taken or made
13 with due consideration for and consistent when practicable
14 with the orders, rules, actions, recommendations, and
15 requests of federal authorities.

16 Section 7. Immediate compliance. Notwithstanding any
17 provision of law or contract to the contrary, all persons
18 who are affected by an order issued or action taken pursuant
19 to this act shall comply immediately.

20 Section 8. Orders to distributors. The governor may
21 order any distributor to take such action on his behalf as
22 may be required to implement orders issued pursuant to this
23 act and no distributor is liable for actions taken in
24 accordance with such order; provided, that orders to
25 regulated distributors shall be issued by the Montana public

1 service commission in conformance with orders of the
2 governor.

3 Section 9. Remedies. (1) Any person aggrieved by an
4 order issued pursuant to this act may petition the governor
5 and request an exception from or modification of the order.
6 The governor may grant, modify, or deny the petition as the
7 public interest may require.

8 (2) An appeal from any order issued or action taken
9 under this act may be made to the state supreme court. Such
10 an appeal shall be in the form of an application for a writ
11 of mandamus or prohibition under Title 93, chapter 91 or 92.
12 The supreme court has exclusive jurisdiction to hear and act
13 upon such an appeal. The district courts of this state have
14 no jurisdiction to entertain any action or suit relating to
15 any order issued or action taken pursuant to this act or to
16 hear and determine any appeal from any such order.

17 Section 10. Penalties. A person convicted of violating
18 this act is guilty of a misdemeanor.

19 Section 11. Section 79-2501, R.C.M. 1947, is amended
20 to read as follows:

21 "79-2501. Governor may authorize expenditure in case
22 of emergency or disaster. The governor may authorize the
23 incurring of liabilities and expenses to be paid as other
24 claims against the state from the general fund, in the
25 amount necessary, when an emergency or disaster justifies

1 the expenditure and is declared by the governor, to meet
2 contingencies and emergencies arising from hostile attacks,
3 riots or insurrections, epidemics of disease, plagues of
4 insects, fires, floods, energy emergencies or other acts of
5 God resulting in damage or disaster to the works, building
6 or property of the state or any political subdivision
7 thereof, or which menace the health, welfare, safety, lives
8 or property of any considerable number of persons in any
9 county or community of the state, upon demonstration by the
10 political jurisdiction that such political jurisdiction has
11 exhausted all available emergency levies, that the emergency
12 is beyond the financial capability of the political
13 jurisdiction to respond, and for which no appropriation is
14 available in sufficient amount to meet the emergency or
15 disaster, or that federal funds available for such emergency
16 or disaster require either matching state funds or specific
17 expenditures prior to eligibility for assistance under
18 federal laws."

-End-

FISCAL NOTE

Form: BFD-15

In compliance with a written request received March 22, 19 77, there is hereby submitted a Fiscal Note for House Bill 762 pursuant to Chapter 50, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to establish necessary energy supply alert and emergency powers for the Governor; defining conditions under which such powers are to be exercised.

ASSUMPTIONS:

1. All public utilities or corporations engaged in the sale or resale of energy resources in this state will be required to file a plan for curtailment of such sale or resale in the event of an energy resource emergency or disaster.
2. One (1) resource planner and one (1) secretary will be necessary to implement the act.
3. General Fund monies will be required.
4. No emergencies or disasters as defined will occur.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Personal Services	\$23,247	\$23,775
Operating costs	20,000	20,000
Equipment	<u>2,000</u>	<u>500</u>
Additional cost of proposed legislation	<u>\$45,247</u>	<u>\$44,275</u>

LONG-RANGE IMPACT:

Once the required plan has been prepared and approved, it is possible that less staff will be required.

Richard L. Zwarg
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 3-22-77

STATE OF MONTANA

REQUEST NO. 630-77

FISCAL NOTE

Form BD-15

In compliance with a written request received April 5, 19 77, there is hereby submitted a Fiscal Note for HB 762 as amended pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to establish necessary energy supply alert and emergency energy powers for the Governor; establishing an Energy Policy Committee and an Energy Emergency Advisory Council; defining conditions under which energy emergency powers may be exercised; providing penalties; and providing a period of effectiveness.

ASSUMPTIONS:

1. No condition will arise in the 1979 Biennium which will necessitate the use of the energy supply alert and emergency energy powers provided.
2. One full-time staff member (Grade 13) is necessary, to include related operating costs.
3. The eight member Legislative Energy Policy Council will meet 12 times each year. Each meeting will be for one day.
4. The twelve member Energy Emergency Advisory Council will meet 4 times each year. Each meeting will be for one day.
5. General Fund monies will be required.
6. A fully funded Energy and Resource Policy Office will be available to assist in the collection of information and preparation of curtailment plans contemplated in the proposed legislation.

FISCAL IMPACT:

	<u>FY78</u>	<u>FY79</u>
Operating expenses (includes 1.00 FTE employee)	\$18,801	\$18,697
Legislative Energy Policy Council cost	11,468	11,468
Energy Emergency Advisory Council cost	<u>4,320</u>	<u>4,320</u>
Total additional cost of proposed legislation	<u>\$34,589</u>	<u>\$34,485</u>

Richard L. Drury
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 4-7-77

Approved by Committee
on Natural Resources

1 HOUSE BILL NO. 762

2 INTRODUCED BY BRADLEY, SOUTH

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5 ENERGY SUPPLY ALERT AND EMERGENCY POWERS FOR THE GOVERNOR;
6 DEFINING CONDITIONS UNDER WHICH SUCH POWERS ARE TO BE
7 EXERCISED; PROVIDING PENALTIES; AND AMENDING SECTION
8 79-2501, R.C.M. 1947."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Legislative findings and intent. (1) The
12 legislature finds that energy in various forms is
13 increasingly subject to possible shortages and supply
14 disruptions, to the point that there may be foreseen an
15 emergency situation, and that without the ability to
16 institute appropriate emergency measures to reduce or
17 allocate the usage of energy through a program of mandatory
18 usage curtailment or allocation, a severe impact on the
19 health, safety, and general welfare of our state's citizens
20 may occur. The prevention or mitigation of the effects of
21 such energy shortages or disruptions is necessary for
22 preservation of the public health and welfare of the
23 citizens of this state.

24 (2) It is the intent of this act to:

25 (a) establish necessary energy SUPPLY ALERT AND

1 emergency powers for the governor and define the conditions
2 under which such powers are to be exercised;

3 (b) provide penalties for violations of this act.

4 Section 2. Definitions. As used in this act, the
5 following definitions apply:

6 (1) "Energy facility" means a facility which produces,
7 extracts, converts, transports, or stores energy.

8 (2) "Energy" means petroleum or other liquid fuels,
9 natural or synthetic fuel gas, solid carbonaceous fuels, or
10 electricity.

11 (3) "Person" means an individual, partnership, joint
12 venture, private or public corporation, association, firm,
13 public service company, political subdivision, municipal
14 corporation, government agency, joint operating agency, or
15 any other entity, public or private, however organized.

16 (4) "Council" means the Montana energy advisory
17 council, OR ITS SUCCESSOR IN THE GOVERNOR'S OFFICE.

18 (5) "Distributor" means any person, private
19 corporation, partnership, individual proprietorship,
20 utility, joint operating agency, or cooperative which
21 engages in or is authorized to engage in the activity of
22 generating, transmitting, or distributing energy in this
23 state.

24 Section 3. Supply of vital public services during
25 energy emergency. It is the intent of the legislature that

SECOND READING

1 the governor and the council, in developing provisions for
 2 the allocation, conservation, and consumption of energy,
 3 give due consideration to supplying vital public services
 4 such as essential governmental operations, health and safety
 5 functions, emergency services, public mass transportation
 6 systems, food production and processing facilities, and
 7 energy supply facilities during conditions of an energy
 8 supply alert or energy emergency. In developing any energy
 9 allocation programs, provisions should be made for the
 10 equitable distribution of energy among the geographic areas
 11 of the state.

12 SECTION 4. ENERGY SUPPLY ALERT -- POWERS OF GOVERNOR.

13 (1) THE GOVERNOR MAY, UPON FINDING THAT A SITUATION EXISTS
 14 WHICH IS LIKELY TO THREATEN THE AVAILABILITY OF ESSENTIAL
 15 SERVICES, TRANSPORTATION, OR THE OPERATION OF THE ECONOMY,
 16 DECLARE A STATE OF ENERGY SUPPLY ALERT AND SET FORTH REASONS
 17 HEREFORE.

18 (2) WHENEVER THE GOVERNOR HAS DECLARED AN ENERGY
 19 SUPPLY ALERT, HE MAY BY EXECUTIVE ORDER DIRECT ACTIONS:

20 (A) REDUCING ENERGY RESOURCE USAGE BY STATE AGENCIES
 21 AND POLITICAL SUBDIVISIONS;

22 (B) PROMOTING CONSERVATION, PREVENTION OF WASTE AND
 23 SALVAGE OF ENERGY RESOURCES AND THE MATERIALS, SERVICES, AND
 24 FACILITIES DERIVED THEREFROM OR DEPENDENT THEREON, BY STATE
 25 AGENCIES AND POLITICAL SUBDIVISIONS.

1 Section 5. Emergency energy powers of governor. In
 2 addition to his existing powers and duties, the governor
 3 shall have the following duties and special energy emergency
 4 powers subject to the definitions and limitations in this
 5 act:

6 (1) The governor may, upon finding that a situation
 7 exists which threatens to seriously disrupt or diminish
 8 energy supplies to the extent that life, health, or property
 9 may be jeopardized, declare a condition or state of energy
 10 supply-alert EMERGENCY, at which time all of the general and
 11 specific emergency powers further enumerated in this section
 12 shall become effective. Concurrently with the declaration,
 13 the governor shall convene the council which shall then meet
 14 within 5 days of the declaration of the stert EMERGENCY, if
 15 it is not already in session.

16 (2) The condition of energy supply--stert EMERGENCY
 17 terminates after 60 consecutive days unless a continuing
 18 condition of energy supply-stert EMERGENCY exists, which is
 19 defined as the occurrence of either of the following:

20 (a) extension by the governor based on a declaration
 21 by the president of the United States of a national state of
 22 emergency in regard to energy supply; or

23 (b) declaration of the legislature by joint resolution
 24 of a continuing condition of energy supply-stert EMERGENCY.

25 (3) The conditions of an energy supply-stert EMERGENCY

1 alternatively cease to exist upon a declaration to that
 2 effect by either of the following:

- 3 (a) the governor; or
- 4 (b) the legislature, by joint resolution, if in
 5 regular or extraordinary ~~SPECIAL~~ session.

6 (4) In a declared state of energy ~~supply--alert~~
 7 ~~EMERGENCY~~, the governor may, upon recommendation or approval
 8 of the energy advisory council:

9 (a) implement such programs, controls, standards,
 10 priorities, and quotas for the production, allocation,
 11 conservation, and consumption of energy;

12 (b) suspend and modify existing pollution control
 13 standards and requirements or any other standards or
 14 requirements affecting or affected by the use of energy,
 15 including those relating to air or water quality control;
 16 and

17 (c) establish and implement regional programs and
 18 agreements for the purposes of coordinating the energy
 19 programs and actions of the state with those of the federal
 20 government and of other states and localities.

21 (5) Nothing in this act means that any program,
 22 control, standard, priority quota, or other policy created
 23 under the authority of the emergency powers authorized by
 24 this act has any continuing legal effect after the cessation
 25 of a declared state of energy ~~supply-alert~~ ~~EMERGENCY~~.

1 (6) If any provision of this act is in conflict with
 2 any other provision, limitation, or restriction which is now
 3 in effect under any other law of this state, this act shall
 4 govern and control and such other law or rule promulgated
 5 thereunder is superseded for the purposes of this act.

6 (7) Because of the emergency nature of this act, all
 7 actions authorized or required hereunder or taken pursuant
 8 to any order issued by the governor is exempted from all
 9 requirements and provisions of the Montana Environmental
 10 Policy Act of 1971, including but not limited to the
 11 requirement for environmental impact statements.

12 (8) Except as provided in this section, nothing in
 13 this act exempts a person from compliance with the
 14 provisions of any other law, rule, or directive unless
 15 specifically ordered by the governor.

16 Section 6. Obligations of state and local executives.
 17 To protect the public welfare during conditions of energy
 18 alerts or emergencies, the chief executive of each political
 19 subdivision of the state and each state agency shall carry
 20 out in his jurisdiction such energy supply alert or energy
 21 emergency measures as may be ordered by the governor.

22 Section 7. Coordination with federal provisions. In
 23 order to attain uniformity, as far as is practicable
 24 throughout the country in measures taken to aid in energy
 25 crisis management, all action taken under this act and all

1 orders and rules made pursuant to it shall be taken or made
 2 with due consideration for and consistent when practicable
 3 with the orders, rules, actions, recommendations, and
 4 requests of federal authorities.

5 Section 8. Immediate compliance. Notwithstanding any
 6 provision of law or contract to the contrary, all persons
 7 who are affected by an order issued or action taken pursuant
 8 to this act shall comply immediately.

9 Section 9. Orders to distributors. The governor may
 10 order any distributor to take such action on his behalf as
 11 may be required to implement orders issued pursuant to this
 12 act [SECTION 5] and no distributor is liable for actions
 13 taken in accordance with such orders, ~~provided, that orders,~~
 14 ORDERS to regulated distributors shall be issued by the
 15 Montana public service commission in conformance with orders
 16 of the governor.

17 SECTION 10. LIABILITY. NO PERSON IS LIABLE FOR
 18 DAMAGES TO PERSONS OR PROPERTY RESULTING FROM ACTION TAKEN
 19 IN ACCORDANCE WITH ORDERS OR REGULATIONS ISSUED PURSUANT TO
 20 THIS ACT OR ACTIONS TAKEN PURSUANT TO ORDERS, RULES,
 21 ACTIONS, RECOMMENDATIONS, AND REQUESTS OF FEDERAL
 22 AUTHORITIES.

23 Section 11. Remedies. (1) Any person aggrieved by an
 24 order issued pursuant to this act may petition the governor
 25 and request an exception from or modification of the order.

1 The governor may grant, modify, or deny the petition as the
 2 public interest may require.

3 (2) An appeal from any order issued or action taken
 4 under this act may be made to the state supreme court. Such
 5 an appeal shall be in the form of an application for a writ
 6 of mandamus or prohibition under Title 93, chapter 91 or 92.
 7 The supreme court has exclusive jurisdiction to hear and act
 8 upon such an appeal. The district courts of this state have
 9 no jurisdiction to entertain any action or suit relating to
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 11 hear and determine any appeal from any such order.

12 Section 12. Penalties. A person convicted of violating
 13 this act is guilty of a misdemeanor.

14 Section 13. Section 79-2501, R.C.M. 1947, is amended
 15 to read as follows:

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 17 of emergency or disaster. The governor may authorize the
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 22 contingencies and emergencies arising from hostile attacks,
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 24 insects, fires, floods, energy emergencies or other acts of
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1 or property of the state or any political subdivision
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1 (6) If any provision of this act is in conflict with
2 any other provision, limitation, or restriction which is now
3 in effect under any other law of this state, this act shall
4 govern and control and such other law or rule promulgated
5 thereunder is superseded for the purposes of this act.

6 (7) Because of the emergency nature of this act, all
7 actions authorized or required hereunder or taken pursuant
8 to any order issued by the governor is exempted from all
9 requirements and provisions of the Montana Environmental
10 Policy Act of 1971, including but not limited to the
11 requirement for environmental impact statements.

12 (8) Except as provided in this section, nothing in
13 this act exempts a person from compliance with the
14 provisions of any other law, rule, or directive unless
15 specifically ordered by the governor.

16 Section 6. Obligations of state and local executives.
17 To protect the public welfare during conditions of energy
18 alerts or emergencies, the chief executive of each political
19 subdivision of the state and each state agency shall carry
20 out in his jurisdiction such energy supply alert or energy
21 emergency measures as may be ordered by the governor.

22 Section 7. Coordination with federal provisions. In
23 order to attain uniformity, as far as is practicable
24 throughout the country in measures taken to aid in energy
25 crisis management, all action taken under this act and all

1 orders and rules made pursuant to it shall be taken or made
 2 with due consideration for and consistent when practicable
 3 with the orders, rules, actions, recommendations, and
 4 requests of federal authorities.

5 Section 8. Immediate compliance. Notwithstanding any
 6 provision of law or contract to the contrary, all persons
 7 who are affected by an order issued or action taken pursuant
 8 to this act shall comply immediately.

9 Section 9. Orders to distributors. The governor may
 10 order any distributor to take such action on his behalf as
 11 may be required to implement orders issued pursuant to this
 12 act ~~[SECTION 5]~~ and no distributor is liable for actions
 13 taken in accordance with such orders ~~provided that orders,~~
 14 ~~ORDERS~~ to regulated distributors shall be issued by the
 15 Montana public service commission in conformance with orders
 16 of the governor.

17 ~~SECTION 10. LIABILITY. NO PERSON IS LIABLE FOR~~
 18 ~~DAMAGES TO PERSONS OR PROPERTY RESULTING FROM ACTION TAKEN~~
 19 ~~IN ACCORDANCE WITH ORDERS OR REGULATIONS ISSUED PURSUANT TO~~
 20 ~~THIS ACT OR ACTIONS TAKEN PURSUANT TO ORDERS, RULES,~~
 21 ~~ACTIONS, RECOMMENDATIONS, AND REQUESTS OF FEDERAL~~
 22 ~~AUTHORITIES.~~

23 Section 11. Remedies. (1) Any person aggrieved by an
 24 order issued pursuant to this act may petition the governor
 25 and request an exception from or modification of the order.

1 The governor may grant, modify, or deny the petition as the
 2 public interest may require.

3 (2) An appeal from any order issued or action taken
 4 under this act may be made to the state supreme court. Such
 5 an appeal shall be in the form of an application for a writ
 6 of mandamus or prohibition under Title 93, chapter 91 or 92.
 7 The supreme court has exclusive jurisdiction to hear and act
 8 upon such an appeal. The district courts of this state have
 9 no jurisdiction to entertain any action or suit relating to
 10 any order issued or action taken pursuant to this act or to
 11 hear and determine any appeal from any such order.

12 Section 12. Penalties. A person convicted of violating
 13 this act is guilty of a misdemeanor.

14 Section 13. Section 79-2501, R.C.M. 1947, is amended
 15 to read as follows:

16 *79-2501. Governor may authorize expenditure in case
 17 of emergency or disaster. The governor may authorize the
 18 incurring of liabilities and expenses to be paid as other
 19 claims against the state from the general fund, in the
 20 amount necessary, when an emergency or disaster justifies
 21 the expenditure and is declared by the governor, to meet
 22 contingencies and emergencies arising from hostile attacks,
 23 riots or insurrections, epidemics of disease, plagues of
 24 insects, fires, floods, ~~energy emergencies~~ or other acts of
 25 God resulting in damage or disaster to the works, building

1 or property of the state or any political subdivision
2 thereof, or which menace the health, welfare, safety, lives
3 or property of any considerable number of persons in any
4 county or community of the state, upon demonstration by the
5 political jurisdiction that such political jurisdiction has
6 exhausted all available emergency levies, that the emergency
7 is beyond the financial capability of the political
8 jurisdiction to respond, and for which no appropriation is
9 available in sufficient amount to meet the emergency or
10 disaster, or that federal funds available for such emergency
11 or disaster require either matching state funds or specific
12 expenditures prior to eligibility for assistance under
13 federal laws."

-End-

April 6, 1977

STANDING COMMITTEE REPORT
Senate Committee on Natural Resources

That House Bill No. 762 be amended as follows:

1. Amend title, line 5.

Following: "AND"

Insert: "ENERGY"

2. Amend title, following line 5.

Insert: "ESTABLISHING AN ENERGY POLICY COMMITTEE AND AN ENERGY EMERGENCY ADVISORY COUNCIL;"

3. Amend title, line 7.

Following: "PENALTIES;"

Insert: "PROVIDING A PERIOD OF EFFECTIVENESS;"

4. Amend the bill, pages 1 through 9.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Legislative findings and intent. (1) The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there

may be foreseen an emergency situation, and that without the ability to gather information, formulate plans, and institute appropriate emergency measures to reduce or allocate the usage of energy through a program of mandatory usage curtailment or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

(2) It is the intent of this act to:

(a) establish necessary planning, information gathering, energy emergency powers for the governor and define the conditions under which such powers are to be exercised;

(b) provide penalties for violations of this act.

Section 2. Definitions. As used in this act, the following definitions apply:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels, natural or synthetic fuel gas, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, cooperative, association, firm, public utility, political subdivision, municipal corporation, government agency, joint operating agency, or any other entity, public or private, however organized.

(4) "Committee" means the energy policy committee established in [Section 3].

(5) "Council" means the energy emergency advisory council established in [Section 6].

(6) "Distributor" means any person, private corporation, partnership, producer, individual proprietorship, public utility, joint operating agency, or cooperative which engages in or is authorized to engage in the activity of generating, producing, transmitting, or distributing energy in this state.

April 6, 1977

Page 2

House Bill No. 762

(7) "Energy emergency" means an existing or imminent domestic, regional or national shortage of energy which will result in a curtailment of essential services or production of essential goods, or the disruption of significant sectors of the economy unless action is taken to conserve or limit the use of the energy form involved, and the allocation of available energy supplies among users.

(8) "Energy supply alert" means a condition of energy supply on a national, regional, state or local basis which foreseeably will affect significantly the availability of essential energy supplies within the ensuing 90-day period unless action is taken under [Section 9] to reduce energy usage by state agencies and political subdivisions.

Section 3. Energy policy committee. (1) There is established a legislative energy policy committee which consists of eight members. No members shall be appointed by the senate committee on committees from the membership of the senate with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house of representatives with no more than one member being appointed from the same political party. The remainder of the members shall consist of the president of the senate and the floor leader of the opposite party in the senate and the speaker and minority leader of the house of representatives. These four leadership members may each designate an alternate to serve for them, except during periods of declared emergency under [Section 10].

(2) The committee shall organize no later than 10 days following the close of the 1977 legislative session by electing one of its members to serve as chairman and one to serve as vice chairman. Five members of the committee shall constitute a quorum.

(3) Members of the committee shall receive per diem and expenses for each day devoted to committee business in the same amount as for service on interim legislative committees.

(4) Vacancies in the membership of the committee shall be filled in the manner of original appointment. A vacancy shall occur when a member ceases to be a member of the legislature.

(5) The committee shall meet at its discretion.

(6) The committee shall review, propose, and recommend legislation relating to the development and use of energy in Montana.

Section 4. Supply of vital public services during an energy supply alert and energy emergency. The governor shall, with the advice of the committee, in developing provisions for the allocation, conservation, and consumption of energy, give due consideration to supplying vital public services such as essential governmental operations, health and safety functions, emergency services, public mass transportation systems, food production and processing facilities, and energy supply facilities during conditions of an energy supply alert or energy emergency. In developing any energy allocation programs, provisions shall be made for the equitable distribution of energy among the geographic areas of the state which are experiencing an energy shortage.

Section 5. Information obtainable by governor. (1) The governor may obtain information from energy resource producers, suppliers, public agencies, and consumers and from political subdivisions in this state necessary for him, with advice of the committee, to determine the need for energy supply alert and emergency declarations. Such information may include but is not limited to:

- (a) sales volumes by customer classifications;
- (b) forecasts of energy resource requirements for the particular type of energy involved for a period not to exceed 2 years; and
- (c) inventory of energy resources and reserves available for use in meeting a shortage in a particular energy source.

(2) In obtaining information under subsection (1) of this section during a state of energy emergency the governor may subpoena witnesses, material, and relevant books, papers, accounts, records, and memoranda; administer oaths; and cause the depositions of persons residing within or without Montana to be taken in the manner prescribed for depositions in civil actions in district courts, to obtain information relevant to energy resources that are the subject of the proclaimed emergency of associated disaster.

(3) In obtaining information under this section, the governor shall:

- (a) seek to avoid eliciting information already furnished by a person or political subdivision in this state to a federal, state, or local regulatory authority that is available for his study; and
- (b) cause reporting procedures, including forms, to conform to existing requirements of federal, state, and local regulatory authorities.

(4) Nothing in this act shall require the disclosure by a distributor of confidential information, trade secrets, or other facts of a proprietary nature.

(5) The governor shall forward to the committee such information collected under this section as the committee may request and shall advise the committee of the progress of the information gathering process.

Section 6. Energy emergency advisory council. (1) There is established an energy emergency advisory council which consists of no more than twelve members appointed by the governor. The members shall include representatives of distributors and consumers of energy with equal representation from each interest.

(2) The energy emergency advisory council shall provide information and advice to the governor throughout the energy emergency process described in [sections 4 through 10 of this act].

(3) The governor shall solicit the advice of the energy emergency advisory council throughout the information gathering, planning, and administrative process.

(4) The energy emergency advisory council shall operate under the provisions of Title 82A, Chapter 1.

Section 7. Submission and approval of curtailment plans.

(1) The governor may at any time require a distributor of an energy resource to prepare for his approval a plan for the curtailment of the distribution of that resource in the event of a state of energy emergency. Plans shall be submitted in such form and within such limits as the governor shall specify, and shall recognize the obligations and duties which may be placed upon distributors subject to this act by other jurisdictions, both state and federal.

(2) Approval of plans for curtailment shall be based on the following factors:

- (a) the consistency of the plan with the public health, safety, and welfare;
- (b) the technical feasibility of implementation of the plan;
- (c) the effectiveness with which the plan minimizes the impact of any curtailment;

April 6, 1977

Page 4

House Bill No. 762

(d) the needs of commercial, agricultural, retail, professional, and service establishments whose normal function is to supply goods or services, or both, of an essential nature, including but not limited to food, lodging, fuel, and medical care facilities;

(e) the regional agreements or contracts of the distributors; and

(f) the advice of the committee.

Section 8. In determining whether to declare an energy supply alert or energy emergency, the governor shall consider:

(1) availability of regional and national energy resources;

(2) local, state, regional, and national energy needs and shortages;

(3) availability of short-term alternative supplies on a local, state, regional, and national basis;

(4) the economic effect of such declaration and the implementation of any curtailment or conservation plans; and

(5) any other relevant factors.

Section 9. Energy supply alert. (1) The governor may upon finding that an energy alert condition exists, declare the same for a period of not longer than 90 days, setting forth the reasons therefor. Such declaration may be renewed for 90-day periods thereafter upon a finding that the energy alert condition will continue for such further period.

(2) Whenever the governor has declared an energy supply alert, he may by executive order direct actions:

(a) reducing energy resource usage by state agencies and political subdivisions;

(b) promoting conservation, prevention of waste and salvage of energy resources and the materials, services, and facilities derived therefrom or dependent thereon, by state agencies and political subdivisions.

Section 10. Energy emergency -- powers of governor. In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this act:

(1) The governor with the advice of the committee may, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of energy emergency, at which time all of the general and specific emergency powers further enumerated in this section shall become effective.

(2) The condition of energy emergency terminates after 14 consecutive days unless extended by a declaration of the legislature by joint resolution of a continuing condition of energy emergency of a duration to be established by the legislature.

(3) The conditions of an energy emergency alternatively cease to exist upon a declaration to that effect by either of the following:

(a) the governor; or

(b) the legislature, by joint resolution if in regular or special session.

(4) In a declared state of energy emergency, the governor may, with the advice of the committee:

(a) implement such programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy, including plans for the curtailment of energy; provided that in so doing, the governor shall impose controls, quotas, or curtailments according to the nature of the end use to be made of the energy consistent with existing transmission and distribution systems serving the geographic area affected by the energy emergency.

(b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and

(c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states, localities, and other persons.

(5) Nothing in this act means that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this act has any continuing legal effect after the cessation of a declared state of energy emergency.

(6) If any provision of this act is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, this act shall govern and control and such other law or rule promulgated thereunder is superseded for the purposes of this act.

(7) Because of the emergency nature of this act, all actions authorized or required hereunder or taken pursuant to any order issued by the governor are exempted from all requirements and provisions of the Montana Environmental Policy Act of 1971, including but not limited to the requirement for environmental impact statements.

(8) Except as provided in this section, nothing in this act exempts a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor, or unless impossibility of compliance is a direct result of an order of the governor.

Section 11. Obligations of state and local executives. To protect the public welfare during conditions of energy alerts or emergencies, the chief executive of each political subdivision of the state, including local governments with self-government power, and each state agency shall carry out in his jurisdiction such energy supply alert or energy emergency measures as may be ordered by the governor.

Section 12. Coordination with federal provisions. In order to attain uniformity, as far as is practicable throughout the country in measures taken to aid in energy crisis management, all action taken under this act and all orders and rules made pursuant to it shall be taken or made with due consideration for and consistent when practicable with the orders, rules, actions, recommendations, and requests of federal authorities.

Section 13. Immediate compliance. Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this act shall comply immediately.

Section 14. Orders to distributors. The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to [section 10] and no distributor or person is liable for actions taken in accordance with such order.

Section 15. Liability. No distributor or person is liable for damages to persons or property resulting from action taken in accordance with orders or regulations issued pursuant to this act or actions taken pursuant to orders, rules, actions, recommendations, and requests of federal authorities.

Section 16. Rules and executive orders. Notwithstanding the exemption from the provisions of the Montana Administrative Procedure Act granted to the governor in Title 82, chapter 42, R.C.M. 1947, the governor may adopt rules necessary to implement this act and cause their adoption and

publication to be completed in the same manner as the adoption and publication of agency rules. In addition, executive orders of the governor implementing provisions of this act shall be published in the Montana Administrative Register upon request of the governor.

Section 17. Civil defense laws supplemented. The powers vested in the governor under this act are in addition to and not in lieu of emergency powers vested in him under Title 77, chapter 23, or any other law of Montana.

Section 18. Penalties. A person convicted of violating this act is guilty of a misdemeanor. Each day of violation, after notice of violation, shall constitute a separate offense.

Section 19. Section 79-2501, R.C.M. 1947, is amended to read as follows:

"79-2501. Governor may authorize expenditure in case of emergency or disaster. The governor may authorize the incurring of liabilities and expenses to be paid as other claims against the state from the general fund, in the amount necessary, when an emergency or disaster justifies the expenditure and is declared by the governor, to meet contingencies and emergencies arising from hostile attacks, riots or insurrections, epidemics or disease, plagues of insects, fires, floods, energy emergencies or other acts of God resulting in damage or disaster to the works, building or property of the state or any political subdivision thereof, or which menace the health, welfare, safety, lives or property of any considerable number of persons in any county or community of the state, upon demonstration by the political jurisdiction that such political jurisdiction has exhausted all available emergency levies, that the emergency is beyond the financial capability of the political jurisdiction to respond, and for which no appropriation is available in sufficient amount to meet the emergency or disaster, or that federal funds available for such emergency or disaster require either matching state funds or specific expenditures prior to eligibility for assistance under federal laws."

Section 19. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 20. Period of effectiveness. This act is effective on passage and approval and shall remain in effect until March 1, 1979. "

April 7, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 762 be amended as follows:

1. Amend amendment No. 4, insertion paragraph, section 7, subsection (f).
Following: "committee"
Insert: "and the advisory council"
2. Amend amendment No. 4, insertion paragraph, section 8, subsection (4).
Following: subsection (4)
Insert: "(5) the advice of the committee and the council; and
Renumber: subsequent subsection
3. Amend amendment No. 4, insertion paragraph, section 10.
Following: subsection (5)
Strike: subsection (6) in its entirety.
Renumber: subsequent subsections
4. Amend amendment No. 4, insertion paragraph, section 13.
Following: "Section 13"
Strike: "Immediate"
5. Amend amendment No. 4, insertion paragraph, section 13, line 2.
Following: "all persons who are"
Strike: "affected by"
Insert: "specifically ordered by the governor with the advice of committee to comply with"
6. Amend amendment No. 4, insertion paragraph, section 13, line 3.
Following: "act shall comply"
Strike: "immediately"

HOUSE BILL NO. 762

INTRODUCED BY BRADLEY, SOUTH

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH NECESSARY ENERGY ~~SUPPLY ALERT AND ENERGY~~ EMERGENCY POWERS FOR THE GOVERNOR; ~~ESTABLISHING AN ENERGY POLICY COMMITTEE AND AN ENERGY EMERGENCY ADVISORY COUNCIL~~; DEFINING CONDITIONS UNDER WHICH SUCH POWERS ARE TO BE EXERCISED; PROVIDING PENALTIES; ~~PROVIDING A PERIOD OF EFFECTIVENESS~~; AND AMENDING SECTION 79-2501, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Refer to Third Reading Bill

(Strike everything after the enacting clause and insert:)

Section 1. Legislative findings and intent. (1) The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to gather information, formulate plans, and institute appropriate emergency measures to reduce or allocate the usage of energy through a program of mandatory usage curtailment or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy

shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

(2) It is the intent of this act to:

(a) establish necessary planning, information gathering, energy emergency powers for the governor and define the conditions under which such powers are to be exercised;

(b) provide penalties for violations of this act.

Section 2. Definitions. As used in this act, the following definitions apply:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels, natural or synthetic fuel gas, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, cooperative, association, firm, public utility, political subdivision, municipal corporation, government agency, joint operating agency, or any other entity, public or private, however organized.

(4) "Committee" means the energy policy committee established in [Section 3].

(5) "Council" means the energy emergency advisory council established in [Section 6].

(6) "Distributor" means any person, private

1 corporation, partnership, producer, individual
 2 proprietorship, public utility, joint operating agency, or
 3 cooperative which engages in or is authorized to engage in
 4 the activity of generating, producing, transmitting, or
 5 distributing energy in this state.

6 (7) "Energy emergency" means an existing or imminent
 7 domestic, regional or national shortage of energy which will
 8 result in a curtailment of essential services or production
 9 of essential goods, or the disruption of significant sectors
 10 of the economy unless action is taken to conserve or limit
 11 the use of the energy form involved, and the allocation of
 12 available energy supplies among users.

13 (8) "Energy supply alert" means a condition of energy
 14 supply on a national, regional, state or local basis which
 15 foreseeably will affect significantly the availability of
 16 essential energy supplies within the ensuing 90-day period
 17 unless action is taken under [Section 9] to reduce energy
 18 usage by state agencies and political subdivisions.

19 Section 3. Energy policy committee. (1) There is
 20 established a legislative energy policy committee which
 21 consists of eight members. Two members shall be appointed by
 22 the senate committee on committees from the membership of
 23 the senate with no more than one member being appointed from
 24 the same political party. Two members shall be appointed by
 25 the speaker of the house of representatives from the members

1 of the house of representatives with no more than one member
 2 being appointed from the same political party. The
 3 remainder of the members shall consist of the president of
 4 the senate and the floor leader of the opposite party in the
 5 senate and the speaker and minority leader of the house of
 6 representatives. These four leadership members may each
 7 designate an alternate to serve for them except during
 8 periods of declared emergency under [Section 10].

9 (2) The committee shall organize no later than 10 days
 10 following the close of the 1977 legislative session by
 11 electing one of its members to serve as chairman and one to
 12 serve as vice chairman. Five members of the committee shall
 13 constitute a quorum.

14 (3) Members of the committee shall receive per diem
 15 and expenses for each day devoted to committee business in
 16 the same amount as for service on interim legislative
 17 committees.

18 (4) Vacancies in the membership of the committee shall
 19 be filled in the manner of original appointment. A vacancy
 20 shall occur when a member ceases to be a member of the
 21 legislature.

22 (5) The committee shall meet at its discretion.

23 (6) The committee shall review, propose, and recommend
 24 legislation relating to the development and use of energy in
 25 Montana.

1 Section 4. Supply of vital public services during an
 2 energy supply alert and energy emergency. The governor
 3 shall, with the advice of the committee, in developing
 4 provisions for the allocation, conservation, and consumption
 5 of energy, give due consideration to supplying vital public
 6 services such as essential governmental operations, health
 7 and safety functions, emergency services, public mass
 8 transportation systems, food production and processing
 9 facilities, and energy supply facilities during conditions
 10 of an energy supply alert or energy emergency. In developing
 11 any energy allocation programs, provisions shall be made for
 12 the equitable distribution of energy among the geographic
 13 areas of the state which are experiencing an energy
 14 shortage.

15 Section 5. Information obtainable by governor. (1) The
 16 governor may obtain information from energy resource
 17 producers, suppliers, public agencies, and consumers and
 18 from political subdivisions in this state necessary for him,
 19 with advice of the committee, to determine the need for
 20 energy supply alert and emergency declarations. Such
 21 information may include but is not limited to:

22 (a) sales volumes by customer classifications;

23 (b) forecasts of energy resource requirements for the
 24 particular type of energy involved for a period not to
 25 exceed 2 years; and

1 (c) inventory of energy resources and reserves
 2 available for use in meeting a shortage in a particular
 3 energy source.

4 (2) In obtaining information under subsection (1) of
 5 this section during a state of energy emergency the governor
 6 may subpoena witnesses, material, and relevant books,
 7 papers, accounts, records, and memoranda; administer oaths;
 8 and cause the depositions of persons residing within or
 9 without Montana to be taken in the manner prescribed for
 10 depositions in civil actions in district courts, to obtain
 11 information relevant to energy resources that are the
 12 subject of the proclaimed emergency of associated disaster.

13 (3) In obtaining information under this section, the
 14 governor shall:

15 (a) seek to avoid eliciting information already
 16 furnished by a person or political subdivision in this state
 17 to a federal, state, or local regulatory authority that is
 18 available for his study; and

19 (b) cause reporting procedures, including forms, to
 20 conform to existing requirements of federal, state, and
 21 local regulatory authorities.

22 (4) Nothing in this act shall require the disclosure
 23 by a distributor of confidential information, trade secrets,
 24 or other facts of a proprietary nature.

25 (5) The governor shall forward to the committee such

1 information collected under this section as the committee
2 may request and shall advise the committee of the progress
3 of the information gathering process.

4 Section 6. Energy emergency advisory council. (1)
5 There is established an energy emergency advisory council
6 which consists of no more than twelve members appointed by
7 the governor. The members shall include representatives of
8 distributors and consumers of energy with equal
9 representation from each interest.

10 (2) The energy emergency advisory council shall
11 provide information and advice to the governor throughout
12 the energy emergency process described in [sections 4
13 through 10 of this act].

14 (3) The governor shall solicit the advice of the
15 energy emergency advisory council throughout the information
16 gathering, planning, and administrative process.

17 (4) The energy emergency advisory council shall
18 operate under the provisions of Title 82A, Chapter 1.

19 Section 7. Submission and approval of curtailment
20 plans. (1) The governor may at any time require a
21 distributor of an energy resource to prepare for his
22 approval a plan for the curtailment of the distribution of
23 that resource in the event of a state of energy emergency.
24 Plans shall be submitted in such form and within such limits
25 as the governor shall specify, and shall recognize the

1 obligations and duties which may be placed upon distributors
2 subject to this act by other jurisdictions, both state and
3 federal.

4 (2) Approval of plans for curtailment shall be based
5 on the following factors:

6 (a) the consistency of the plan with the public
7 health, safety, and welfare;

8 (b) the technical feasibility of implementation of the
9 plan;

10 (c) the effectiveness with which the plan minimizes
11 the impact of any curtailment;

12 (d) the needs of commercial, agricultural, retail,
13 professional, and service establishments whose normal
14 function is to supply goods or services, or both, of an
15 essential nature, including but not limited to food,
16 lodging, fuel, and medical care facilities;

17 (e) the regional agreements or contracts of the
18 distributors; and

19 (f) the advice of the committee AND THE ADVISORY
20 COUNCIL.

21 Section 8. In determining whether to declare an energy
22 supply alert or energy emergency, the governor shall
23 consider:

24 (1) availability of regional and national energy
25 resources;

1 (2) local, state, regional, and national energy needs
2 and shortages;

3 (3) availability of short-term alternative supplies on
4 a local, state, regional, and national basis;

5 (4) the economic effect of such declaration and the
6 implementation of any curtailment or conservation plans; and

7 ~~(5) THE ADVICE OF THE COMMITTEE AND THE COUNCIL; AND~~
8 ~~(5)(6)~~ any other relevant factors.

9 Section 9. Energy supply alert. (1) The governor may
10 upon finding that an energy alert condition exists, declare
11 the same for a period of not longer than 90 days, setting
12 forth the reasons therefor. Such declaration may be renewed
13 for 90-day periods thereafter upon a finding that the energy
14 alert condition will continue for such further period.

15 (2) Whenever the governor has declared an energy
16 supply alert, he may by executive order direct actions:

17 (a) reducing energy resource usage by state agencies
18 and political subdivisions;

19 (b) promoting conservation, prevention of waste and
20 salvage of energy resources and the materials, services, and
21 facilities derived therefrom or dependent thereon, by state
22 agencies and political subdivisions.

23 Section 10. Emergency energy -- powers of governor. In
24 addition to his existing powers and duties, the governor
25 shall have the following duties and special energy emergency

1 powers subject to the definitions and limitations in this
2 act:

3 (1) The governor with the advice of the committee may,
4 upon finding that a situation exists which threatens to
5 seriously disrupt or diminish energy supplies to the extent
6 that life, health, or property may be jeopardized, declare a
7 condition or state of energy emergency, at which time all of
8 the general and specific emergency powers further enumerated
9 in this section shall become effective.

10 (2) The condition of energy emergency terminates after
11 14 consecutive days unless extended by a declaration of the
12 legislature by joint resolution of a continuing condition of
13 energy emergency of a duration to be established by the
14 legislature.

15 (3) The conditions of an energy emergency
16 alternatively cease to exist upon a declaration to that
17 effect by either of the following:

18 (a) the governor; or

19 (b) the legislature, by joint resolution if in regular
20 or special session.

21 (4) In a declared state of energy emergency, the
22 governor may, with the advice of the committee:

23 (a) implement such programs, controls, standards,
24 priorities, and quotas for the production, allocation,
25 conservation, and consumption of energy, including plans for

1 the curtailment of energy; provided that in so doing, the
 2 governor shall impose controls, quotas, or curtailments
 3 according to the nature of the end use to be made of the
 4 energy consistent with existing transmission and
 5 distribution systems serving the geographic area affected by
 6 the energy emergency.

7 (b) suspend and modify existing pollution control
 8 standards and requirements or any other standards or
 9 requirements affecting or affected by the use of energy,
 10 including those relating to air or water quality control;
 11 and

12 (c) establish and implement regional programs and
 13 agreements for the purposes of coordinating the energy
 14 programs and actions of the state with those of the federal
 15 government and of other states, localities, and other
 16 persons.

17 (5) Nothing in this act means that any program,
 18 control, standard, priority quota, or other policy created
 19 under the authority of the emergency powers authorized by
 20 this act has any continuing legal effect after the cessation
 21 of a declared state of energy emergency.

22 ~~(6) If any provision of this act is in conflict with~~
 23 ~~any other provision, limitation, or restriction which is now~~
 24 ~~in effect under any other law of this state, this act shall~~
 25 ~~govern and control and such other law or rule promulgated~~

1 ~~thereunder is superseded for the purposes of this act.~~
 2 ~~(7)(6)~~ Because of the emergency nature of this act,
 3 all actions authorized or required hereunder or taken
 4 pursuant to any order issued by the governor are exempted
 5 from all requirements and provisions of the Montana
 6 Environmental Policy Act of 1971, including but not limited
 7 to the requirement for environmental impact statements.

8 ~~(8)(7)~~ Except as provided in this section, nothing in
 9 this act exempts a person from compliance with the
 10 provisions of any other law, rule, or directive unless
 11 specifically ordered by the governor, or unless
 12 impossibility of compliance is a direct result of an order
 13 of the governor.

14 Section 11. Obligations of state and local executives.
 15 To protect the public welfare during conditions of energy
 16 alerts or emergencies, the chief executive of each political
 17 subdivision of the state, including local governments with
 18 self-government power, and each state agency shall carry out
 19 in his jurisdiction such energy supply alert or energy
 20 emergency measures as may be ordered by the governor.

21 Section 12. Coordination with federal provisions. In
 22 order to attain uniformity, as far as is practicable
 23 throughout the country in measures taken to aid in energy
 24 crisis management, all action taken under this act and all
 25 orders and rules made pursuant to it shall be taken or made

1 with due consideration for and consistent when practicable
2 with the orders, rules, actions, recommendations, and
3 requests of federal authorities.

4 Section 13. Immediate compliance. Notwithstanding any
5 provision of law or contract to the contrary, all persons
6 who are affected ~~by SPECIFICALLY ORDERED BY THE GOVERNOR~~
7 ~~WITH THE ADVICE OF COMMITTEE TO COMPLY WITH~~ an order issued
8 or action taken pursuant to this act shall comply
9 immediately.

10 Section 14. Orders to distributors. The governor may
11 order any distributor to take such action on his behalf as
12 may be required to implement orders issued pursuant to
13 [section 10] and no distributor or person is liable for
14 actions taken in accordance with such order.

15 Section 15. Liability. No distributor or person is
16 liable for damages to persons or property resulting from
17 action taken in accordance with orders or regulations issued
18 pursuant to this act or actions taken pursuant to orders,
19 rules, actions, recommendations, and requests of federal
20 authorities.

21 Section 16. Rules and executive orders.
22 Notwithstanding the exemption from the provisions of the
23 Montana Administrative Procedure Act granted to the governor
24 in Title 82, chapter 42, R.C.M. 1947, the governor may adopt
25 rules necessary to implement this act and cause their

1 adoption and publication to be completed in the same manner
2 as the adoption and publication of agency rules. In
3 addition, executive orders of the governor implementing
4 provisions of this act shall be published in the Montana
5 Administrative Register upon request of the governor.

6 Section 17. Civil defense laws supplemented. The
7 powers vested in the governor under this act are in addition
8 to and not in lieu of emergency powers vested in him under
9 Title 77, chapter 23, or any other law of Montana.

10 Section 18. Penalties. A person convicted of violating
11 this act is guilty of a misdemeanor. Each day of violation,
12 after notice of violation, shall constitute a separate
13 offense.

14 Section 19. Section 79-2501, R.C.M. 1947, is amended
15 to read as follows:

16 "79-2501. Governor may authorize expenditure in case
17 of emergency or disaster. The governor may authorize the
18 incurring of liabilities and expenses to be paid as other
19 claims against the state from the general fund, in the
20 amount necessary, when an emergency or disaster justifies
21 the expenditure and is declared by the governor, to meet
22 contingencies and emergencies arising from hostile attacks,
23 riots or insurrections, epidemics of disease, plagues of
24 insects, fires, floods, energy emergencies or other acts of
25 God resulting in damage or disaster to the works, building

1 or property of the state or any political subdivision
2 thereof, or which menace the health, welfare, safety, lives
3 or property of any considerable number of persons in any
4 county or community of the state, upon demonstration by the
5 political jurisdiction that such political jurisdiction has
6 exhausted all available emergency levies, that the emergency
7 is beyond the financial capability of the political
8 jurisdiction to respond, and for which no appropriation is
9 available in sufficient amount to meet the emergency or
10 disaster, or that federal funds available for such emergency
11 or disaster require either matching state funds or specific
12 expenditures prior to eligibility for assistance under
13 federal laws."

14 Section 20. Severability. If a part of this act is
15 invalid, all valid parts that are severable from the invalid
16 part remain in effect. If a part of this act is invalid in
17 one or more of its applications, the part remains in effect
18 in all valid applications that are severable from the
19 invalid applications.

20 Section 21. Period of effectiveness. This act is
21 effective on passage and approval and shall remain in effect
22 until March 1, 1979.

-End-

1 HOUSE BILL NO. 762

2 INTRODUCED BY BRADLEY, SOUTH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH NECESSARY
5 ENERGY ~~SUPPLY ALERT AND ENERGY~~ EMERGENCY POWERS FOR THE
6 GOVERNOR; ~~ESTABLISHING AN ENERGY POLICY COMMITTEE AND AN~~
7 ~~ENERGY EMERGENCY ADVISORY COUNCIL; ESTABLISHING AN ENERGY~~
8 ~~POLICY COMMITTEE;~~ DEFINING CONDITIONS UNDER WHICH SUCH
9 POWERS ARE TO BE EXERCISED; PROVIDING PENALTIES; ~~PROVIDING A~~
10 ~~PERIOD OF EFFECTIVENESS;~~ AND AMENDING SECTION 79-2501,
11 R.C.M. 1947."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Refer to Third Reading Bill

15 (Strike everything after the enacting clause and insert:)

16 Section 1. Legislative findings and intent. (1) The
17 legislature finds that energy in various forms is
18 increasingly subject to possible shortages and supply
19 disruptions, to the point that there may be foreseen an
20 emergency situation, and that without the ability to gather
21 information, formulate plans, and institute appropriate
22 emergency measures to reduce or allocate the usage of energy
23 through a program of mandatory usage curtailment or
24 allocation, a severe impact on the health, safety, and
25 general welfare of our state's citizens may occur. The

1 prevention or mitigation of the effects of such energy
2 shortages or disruptions is necessary for preservation of
3 the public health and welfare of the citizens of this state.

4 (2) It is the intent of this act to:

5 (a) establish necessary planning, information
6 gathering, energy emergency powers for the governor and
7 define the conditions under which such powers are to be
8 exercised;

9 (b) provide penalties for violations of this act.

10 ~~Section 2. Definitions. As used in this act, the~~
11 ~~following definitions apply:~~

12 ~~(1) "Energy facility" means a facility which produces,~~
13 ~~extracts, converts, transports, or stores energy.~~

14 ~~(2) "Energy" means petroleum or other liquid fuels,~~
15 ~~natural or synthetic fuel gas, or electricity.~~

16 ~~(3) "Person" means an individual, partnership, joint~~
17 ~~venture, private or public corporation, cooperative,~~
18 ~~association, firm, public utility, political subdivision,~~
19 ~~municipal corporation, government agency, joint operating~~
20 ~~agency or any other entity, public or private, however~~
21 ~~organized.~~

22 ~~(4) "Committee" means the energy policy committee~~
23 ~~established in [Section 3].~~

24 ~~(5) "Council" means the energy emergency advisory~~
25 ~~council established in [Section 6].~~

FINAL PRINTINGADOPTED BY
HOUSE OF REPRESENTATIVES
AND SENATE

-2-

HB 762

~~(6) "Distributor" means any person, private corporation, partnership, producer, individual proprietorship, public utility, joint operating agency, or cooperative which engages in or is authorized to engage in the activity of generating, producing, transmitting, or distributing energy in this state.~~

~~(7) "Energy emergency" means an existing or imminent domestic, regional or national shortage of energy which will result in a curtailment of essential services or production of essential goods, or the disruption of significant sectors of the economy unless action is taken to conserve or limit the use of the energy form involved, and the allocation of available energy supplies among users.~~

~~(8) "Energy supply alert" means a condition of energy supply on a national, regional, state or local basis which foreseeably will affect significantly the availability of essential energy supplies within the ensuing 70-day period unless action is taken under {Section 9} to reduce energy usage by state agencies and political subdivisions.~~

SECTION 2. THERE IS A NEW R.C.M. SECTION THAT READS AS FOLLOWS:

Definitions. As used in this act, the following definitions apply:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels, natural or synthetic fuel gas, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, cooperative, association, firm, public utility, political subdivision, municipal corporation, government agency, joint operating agency, or any other entity, public or private, however, organized.

(4) "Committee" means the energy policy committee established in [Section 3].

(5) "Distributor" means any person, private corporation, partnership, producer, individual proprietorship, public utility, joint operating agency or cooperative which engages in or is authorized to engage in the activity of generating, producing, transmitting, or distributing energy in this state.

(6) "Energy emergency" means an existing or imminent domestic, regional or national shortage of energy which will result in curtailment of essential services or production of essential goods, or the disruption of significant sectors of the economy unless action is taken to conserve or limit the use of the energy form involved, and the allocation of available energy supplies among users.

(7) "Energy supply alert" means a condition of energy supply on a national, regional, state or local basis which

1 foreseeable will affect significantly the availability of
2 essential energy supplies within the ensuing 90-day period
3 unless action is taken under [Section 9] to reduce energy
4 usage by state agencies and political subdivisions.

5 ~~Section 3. Energy policy committee. (1) There is~~
6 ~~established a legislative energy policy committee which~~
7 ~~consists of eight members. Two members shall be appointed by~~
8 ~~the senate committee on committees from the membership of~~
9 ~~the senate with no more than one member being appointed from~~
10 ~~the same political party. Two members shall be appointed by~~
11 ~~the speaker of the house of representatives from the members~~
12 ~~of the house of representatives with no more than one member~~
13 ~~being appointed from the same political party. The~~
14 ~~remainder of the members shall consist of the president of~~
15 ~~the senate and the floor leader of the opposite party in the~~
16 ~~senate and the speaker and minority leader of the house of~~
17 ~~representatives. These four leadership members may each~~
18 ~~designate an alternate to serve for them except during~~
19 ~~periods of declared emergency under [Section 10].~~

20 ~~(2) The committee shall organize no later than 10 days~~
21 ~~following the close of the 1977 legislative session by~~
22 ~~electing one of its members to serve as chairman and one to~~
23 ~~serve as vice chairman. Five members of the committee shall~~
24 ~~constitute a quorum.~~

25 ~~(3) Members of the committee shall receive per diem~~

1 ~~and expenses for each day devoted to committee business in~~
2 ~~the same amount as for service on interim legislative~~
3 ~~committees.~~

4 ~~(4) Vacancies in the membership of the committee shall~~
5 ~~be filled in the manner of original appointment. A vacancy~~
6 ~~shall occur when a member ceases to be a member of the~~
7 ~~legislature.~~

8 ~~(5) The committee shall meet at its discretion.~~

9 ~~(6) The committee shall review, propose, and recommend~~
10 ~~legislation relating to the development and use of energy in~~
11 ~~Montana.~~

12 SECTION 3. THERE IS A NEW R.C.M. SECTION THAT READS AS
13 FOLLOWS:

14 Energy policy committee. (1) There is established a
15 legislative energy policy committee which consists of four
16 members. The members shall consist of the president of the
17 senate and the floor leader of the opposite party in the
18 senate and the speaker and minority leader of the house of
19 representatives. Each leadership member shall designate,
20 within 15 days following the close of the 1977 session, an
21 alternate to serve for him when he is unable to attend
22 meetings of the committee.

23 Section 4. Supply of vital public services during an
24 energy supply alert and energy emergency. The governor
25 shall, with the advice of the committee, in developing

1 provisions for the allocation, conservation, and consumption
 2 of energy, give due consideration to supplying vital public
 3 services such as essential governmental operations, health
 4 and safety functions, emergency services, public mass
 5 transportation systems, food production and processing
 6 facilities, and energy supply facilities during conditions
 7 of an energy supply alert or energy emergency. In developing
 8 any energy allocation programs, provisions shall be made for
 9 the equitable distribution of energy among the geographic
 10 areas of the state which are experiencing an energy
 11 shortage.

12 Section 5. Information obtainable by governor. (1) The
 13 governor may obtain information from energy resource
 14 producers, suppliers, public agencies, and consumers and
 15 from political subdivisions in this state necessary for him,
 16 with advice of the committee, to determine the need for
 17 energy supply alert and emergency declarations. Such
 18 information may include but is not limited to:

- 19 (a) sales volumes by customer classifications;
- 20 (b) forecasts of energy resource requirements for the
 21 particular type of energy involved for a period not to
 22 exceed 2 years; and
- 23 (c) inventory of energy resources and reserves
 24 available for use in meeting a shortage in a particular
 25 energy source.

1 (2) In obtaining information under subsection (1) of
 2 this section during a state of energy emergency the governor
 3 may subpoena witnesses, material, and relevant books,
 4 papers, accounts, records, and memoranda; administer oaths;
 5 and cause the depositions of persons residing within or
 6 without Montana to be taken in the manner prescribed for
 7 depositions in civil actions in district courts, to obtain
 8 information relevant to energy resources that are the
 9 subject of the proclaimed emergency of associated disaster.

10 (3) In obtaining information under this section, the
 11 governor shall:

12 (a) seek to avoid eliciting information already
 13 furnished by a person or political subdivision in this state
 14 to a federal, state, or local regulatory authority that is
 15 available for his study; and

16 (b) cause reporting procedures, including forms, to
 17 conform to existing requirements of federal, state, and
 18 local regulatory authorities.

19 (4) Nothing in this act shall require the disclosure
 20 by a distributor of confidential information, trade secrets,
 21 or other facts of a proprietary nature.

22 (5) The governor shall forward to the committee such
 23 information collected under this section as the committee
 24 may request and shall advise the committee of the progress
 25 of the information gathering process.

1 ~~Section 6. Energy emergency advisory council. (1)~~
 2 ~~There is established an energy emergency advisory council~~
 3 ~~which consists of no more than twelve members appointed by~~
 4 ~~the governor. The members shall include representatives of~~
 5 ~~distributors and consumers of energy with equal~~
 6 ~~representation from each interest.~~

7 ~~(2) The energy emergency advisory council shall~~
 8 ~~provide information and advice to the governor throughout~~
 9 ~~the energy emergency process described in [sections 4~~
 10 ~~through 10 of this act].~~

11 ~~(3) The governor shall solicit the advice of the~~
 12 ~~energy emergency advisory council throughout the information~~
 13 ~~gathering, planning, and administrative process.~~

14 ~~(4) The energy emergency advisory council shall~~
 15 ~~operate under the provisions of Title 02A, Chapter 1.~~

16 ~~SECTION 9. THERE IS A NEW R.C.M. SECTION THAT READS AS~~
 17 ~~FOLLOWS:~~

18 Advice of distributors and consumers. The governor
 19 shall actively solicit the advice of consumers, through the
 20 legislative consumer committee established in 70-703, and of
 21 distributors throughout the information gathering, planning,
 22 and implementation process described in this act.

23 Section 7. Submission and approval of curtailment
 24 plans. (1) The governor may at any time require a
 25 distributor of an energy resource to prepare for his

1 approval a plan for the curtailment of the distribution of
 2 that resource in the event of a state of energy emergency.
 3 Plans shall be submitted in such form and within such limits
 4 as the governor shall specify, and shall recognize the
 5 obligations and duties which may be placed upon distributors
 6 subject to this act by other jurisdictions, both state and
 7 federal.

8 (2) Approval of plans for curtailment shall be based
 9 on the following factors:

10 (a) the consistency of the plan with the public
 11 health, safety, and welfare;

12 (b) the technical feasibility of implementation of the
 13 plan;

14 (c) the effectiveness with which the plan minimizes
 15 the impact of any curtailment;

16 (d) the needs of commercial, agricultural, retail,
 17 professional, and service establishments whose normal
 18 function is to supply goods or services, or both, of an
 19 essential nature, including but not limited to food,
 20 lodging, fuel, and medical care facilities;

21 (e) the regional agreements or contracts of the
 22 distributors; and

23 (f) the advice of the committee ~~AND THE ADVISORY~~
 24 ~~BOARD.~~

25 Section 3. In determining whether to declare an energy

1 supply alert or energy emergency, the governor shall
2 consider:

3 (1) availability of regional and national energy
4 resources;

5 (2) local, state, regional, and national energy needs
6 and shortages;

7 (3) availability of short-term alternative supplies on
8 a local, state, regional, and national basis;

9 (4) the economic effect of such declaration and the
10 implementation of any curtailment or conservation plans; and

11 ~~(5) THE ADVICE OF THE COMMITTEE AND THE COUNCIL; AND~~

12 ~~(5) THE ADVICE OF THE COMMITTEE; AND~~

13 ~~(5)(6)(5)(6)~~ any other relevant factors.

14 Section 9. Energy supply alert. (1) The governor may
15 upon finding that an energy alert condition exists, declare
16 the same for a period of not longer than 90 days, setting
17 forth the reasons therefor. Such declaration may be renewed
18 for 90-day periods thereafter upon a finding that the energy
19 alert condition will continue for such further period.

20 (2) Whenever the governor has declared an energy
21 supply alert, he may by executive order direct actions:

22 (a) reducing energy resource usage by state agencies
23 and political subdivisions;

24 (b) promoting conservation, prevention of waste and
25 salvage of energy resources and the materials, services, and

1 facilities derived therefrom or dependent thereon, by state
2 agencies and political subdivisions.

3 Section 10. Emergency energy -- powers of governor. In
4 addition to his existing powers and duties, the governor
5 shall have the following duties and special energy emergency
6 powers subject to the definitions and limitations in this
7 act:

8 (1) The governor with the advice of the committee may,
9 upon finding that a situation exists which threatens to
10 seriously disrupt or diminish energy supplies to the extent
11 that life, health, or property may be jeopardized, declare a
12 condition or state of energy emergency, at which time all of
13 the general and specific emergency powers further enumerated
14 in this section shall become effective.

15 (2) The condition of energy emergency terminates after
16 14 consecutive days unless extended by a declaration of the
17 legislature by joint resolution of a continuing condition of
18 energy emergency of a duration to be established by the
19 legislature.

20 (3) The conditions of an energy emergency
21 alternatively cease to exist upon a declaration to that
22 effect by either of the following:

23 (a) the governor; or

24 (b) the legislature, by joint resolution if in regular
25 or special session.

1 (4) In a declared state of energy emergency, the
 2 governor may, with the advice of the committee:

3 (a) implement such programs, controls, standards,
 4 priorities, and quotas for the production, allocation,
 5 conservation, and consumption of energy, including plans for
 6 the curtailment of energy; provided that in so doing, the
 7 governor shall impose controls, quotas, or curtailments
 8 according to the nature of the end use to be made of the
 9 energy consistent with existing transmission and
 10 distribution systems serving the geographic area affected by
 11 the energy emergency.

12 (b) suspend and modify existing pollution control
 13 standards and requirements or any other standards or
 14 requirements affecting or affected by the use of energy,
 15 including those relating to air or water quality control;
 16 and

17 (c) establish and implement regional programs and
 18 agreements for the purposes of coordinating the energy
 19 programs and actions of the state with those of the federal
 20 government and of other states, localities, and other
 21 persons.

22 (5) Nothing in this act means that any program,
 23 control, standard, priority quota, or other policy created
 24 under the authority of the emergency powers authorized by
 25 this act has any continuing legal effect after the cessation

1 of a declared state of energy emergency.

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 3 ~~any other provision, limitation, or restriction which is now~~
 4 ~~in effect under any other law of this state, this act shall~~
 5 ~~govern and control and such other law or rate promulgated~~
 6 ~~thereunder is superseded for the purposes of this act.~~

7 ~~(7)(6)~~ Because of the emergency nature of this act,
 8 all actions authorized or required hereunder or taken
 9 pursuant to any order issued by the governor are exempted
 10 from all requirements and provisions of the Montana
 11 Environmental Policy Act of 1971, including but not limited
 12 to the requirement for environmental impact statements.

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 3 throughout the country in measures taken to aid in energy
 4 crisis management, all action taken under this act and all
 5 orders and rules made pursuant to it shall be taken or made
 6 with due consideration for and consistent when practicable
 7 with the orders, rules, actions, recommendations, and
 8 requests of federal authorities.

9 Section 13. ~~Immediate-----compliance~~ Compliance.
 10 Notwithstanding any provision of law or contract to the
 11 contrary, all persons who are ~~affected by~~ SPECIFICALLY
 12 ORDERED BY THE GOVERNOR WITH THE ADVICE OF COMMITTEE TO
 13 COMPLY WITH an order issued or action taken pursuant to this
 14 act shall comply ~~immediately.~~

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 16 order any distributor to take such action on his behalf as
 17 may be required to implement orders issued pursuant to
 18 [section 10] and no distributor or person is liable for
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 21 liable for damages to persons or property resulting from
 22 action taken in accordance with orders or regulations issued
 23 pursuant to this act or actions taken pursuant to orders,
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 25 authorities.

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 2 Notwithstanding the exemption from the provisions of the
 3 Montana Administrative Procedure Act granted to the governor
 4 in Title 82, Chapter 42, R.C.M. 1947, the governor may adopt
 5 rules necessary to implement this act and cause their
 6 adoption and publication to be completed in the same manner
 7 as the adoption and publication of agency rules. In
 8 addition, executive orders of the governor implementing
 9 provisions of this act shall be published in the Montana
 10 Administrative Register upon request of the governor.

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 12 powers vested in the governor under this act are in addition
 13 to and not in lieu of emergency powers vested in him under
 14 Title 77, chapter 23, or any other law of Montana.

15 Section 18. Penalties. A person convicted of violating
 16 this act is guilty of a misdemeanor. Each day of violation,
 17 after notice of violation, shall constitute a separate
 18 offense.

19 Section 19. Section 79-2501, R.C.M. 1947, is amended
 20 to read as follows:

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 24 claims against the state from the general fund, in the
 25 amount necessary, when an emergency or disaster justifies

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 2 contingencies and emergencies arising from hostile attacks,
 3 riots or insurrections, epidemics of disease, plagues of
 4 insects, fires, floods, energy emergencies or other acts of
 5 God resulting in damage or disaster to the works, building
 6 or property of the state or any political subdivision
 7 thereof, or which menace the health, welfare, safety, lives
 8 or property of any considerable number of persons in any
 9 county or community of the state, upon demonstration by the
 10 political jurisdiction that such political jurisdiction has
 11 exhausted all available emergency levies, that the emergency
 12 is beyond the financial capability of the political
 13 jurisdiction to respond, and for which no appropriation is
 14 available in sufficient amount to meet the emergency or
 15 disaster, or that federal funds available for such emergency
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 22 one or more of its applications, the part remains in effect
 23 in all valid applications that are severable from the
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-End-