

CHAPTER NO. 413

HOUSE BILL NO. 329

INTRODUCED BY SHELDEN

IN THE HOUSE

January 23, 1979	Introduced and referred to Committee on Natural Resources.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass. Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Natural Resources.
March 20, 1979	Committee recommend bill and Statement of Intent be concurred in as amended. Report adopted.
March 22, 1979	Second reading, concurred in. Segregated from Committee of the Whole report.
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 with Intent Statement.
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March 28, 1979

Second reading, amendments  
adopted.

March 29, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

1                   HOUSE BILL NO. 329  
2                   INTRODUCED BY SHELDEN  
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4    A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE PERIOD OF  
5    EFFECTIVENESS OF THE ACT ESTABLISHING THE ENERGY SUPPLY  
6    ALERT AND VESTING ENERGY EMERGENCY POWERS IN THE GOVERNOR;  
7    AMENDING CHAPTER 577, LAWS OF MONTANA, 1977."  
8  
9    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10       Section 1. Section 21 of Chapter 577, Laws of Montana,  
11       1977, is amended to read:  
12       "Section 21. Period of effectiveness. This act is  
13       effective on passage and approval and shall remain in effect  
14       until March 1, ~~1979~~ 1981."

-End-

HB 329

INTRODUCED BILL

1 STATEMENT OF INTENT RE: HB 329

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4 Because section 16 of this bill delegates authority to  
5 the governor to adopt administrative rules, this statement  
6 of intent is attached to the bill pursuant to 5-4-404, MCA.

7 Rules adopted under section 16 may include guidelines  
8 for determining the types and extent of limitations to be  
9 placed on energy use when a curtailment of essential  
10 services or production of essential goods has or will take  
11 place as the result of an existing or imminent shortage of  
12 energy, thereby causing an energy emergency to be declared.

13 Further, the rules adopted may include guidelines  
14 concerning actions required to be taken to reduce energy use  
15 when a condition of energy supply will affect significantly  
16 the availability of essential energy supplies under the  
17 declaration of an energy supply alert. The rules may also  
18 include guidelines used in determining whether supply  
19 conditions warrant a condition of energy supply alert or  
20 energy emergency to be declared by the governor.

21 All rules adopted pursuant to this bill shall be with  
22 the advice of the energy policy committee established by  
23 this bill.

24 First adopted by the SENATE NATURAL RESOURCES COMMITTEE  
25 on March 19, 1979.

1                   HOUSE BILL NO. 329  
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-End-

HB 329  
THIRD READING

1 STATEMENT OF INTENT RE: HB 329

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Because section 16 of this bill delegates authority to the governor to adopt administrative rules, this statement of intent is attached to the bill pursuant to 5-4-404, NCA.

Rules adopted under section 16 may include guidelines for determining the types and extent of limitations to be placed on energy use when a curtailment of essential services or production of essential goods has or will take place as the result of an existing or imminent shortage of energy, thereby causing an energy emergency to be declared.

Further, the rules adopted may include guidelines concerning actions required to be taken to reduce energy use when a condition of energy supply will affect significantly the availability of essential energy supplies under the declaration of an energy supply alert. The rules may also include guidelines used in determining whether supply conditions warrant a condition of energy supply alert or energy emergency to be declared by the governor.

All rules adopted pursuant to this bill shall be with the advice of the energy policy committee established by this bill.

First adopted by the SENATE NATURAL RESOURCES COMMITTEE on March 19, 1979.

HB 329

1 HOUSE BILL NO. 329

2 INTRODUCED BY SHELDEN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE PERIOD OF  
5 EFFECTIVENESS OF THE ACT ESTABLISHING THE ENERGY SUPPLY  
6 ALERT AND VESTING ENERGY EMERGENCY POWERS IN THE GOVERNOR;  
7 AMENDING CHAPTER 577, LAWS OF MONTANA, 1977, TO REESTABLISH  
8 THE PROVISIONS OF CHAPTER 577, LAWS OF MONTANA, 1977,  
9 CONCERNING THE ENERGY SUPPLY ALERT AND VESTING ENERGY  
10 EMERGENCY POWERS IN THE GOVERNOR; AND PROVIDING AN EFFECTIVE  
11 DATE."

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

14 Refer to Second Reading

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, and 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) "Distributor" means any person, private  
25 corporation, partnership, producer, individual

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

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

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

18 Section 3. Energy policy committee. There is  
19 established a legislative energy policy committee which  
20 consists of eight members. The members shall consist of the  
21 president of the senate and the floor leader of the opposite  
22 party in the senate and the speaker and minority leader of  
23 the house of representatives. Each leadership member shall  
24 designate one additional member within 15 days following the  
25 close of each session.

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 or 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 the act requires the disclosure by a  
23 distributor of confidential information, trade secrets, or  
24 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. Advice of distributors and consumers. The  
5 governor shall actively solicit the advice of consumers,  
6 through the legislative consumer committee established in  
7 5-15-101, and of distributors throughout the information  
8 gathering, planning, and implementation process described in  
9 [this act].

10 Section 7. Submission and approval of curtailment  
11 plans. (1) The governor may at any time require a  
12 distributor of an energy resource to prepare for his  
13 approval a plan for the curtailment of the distribution of  
14 that resource in the event of a state of energy emergency.  
15 Plans shall be submitted in such form and within such limits  
16 as the governor shall specify, and shall recognize the  
17 obligations and duties which may be placed upon distributors  
18 subject to [this act] by other jurisdictions, both state and  
19 federal.

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

22 (a) the consistency of the plan with the public  
23 health, safety, and welfare;

24 (b) the technical feasibility of implementation of the  
25 plan;

1 (c) the effectiveness with which the plan minimizes  
2 the impact of any curtailment;

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

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

10 (f) the advice of the committee.

11 Section 8. Governor's considerations. In determining  
12 whether to declare an energy supply alert or energy  
13 emergency, the governor shall consider:

14 (1) availability of regional and national energy  
15 resources;

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

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

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

22 (5) the advice of the committee; and

23 (6) any other relevant factors.

24 Section 9. Energy supply alert. (1) The governor may  
25 upon finding that an energy alert condition exists, declare

1 the same for a period of not longer than 90 days, setting  
2 forth the reasons therefor. Such declaration may be renewed  
3 for 90-day periods thereafter upon a finding that the energy  
4 alert condition will continue for such further period.

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

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

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

13 Section 10. Emergency energy -- powers of governor. In  
14 addition to his existing powers and duties, the governor  
15 shall have the following duties and special energy emergency  
16 powers subject to the definitions and limitations in [this  
17 act]:

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

25 (2) The condition of energy emergency terminates after

1 14 consecutive days unless extended by a declaration of the  
2 legislature by joint resolution of a continuing condition of  
3 energy emergency of a duration to be established by the  
4 legislature.

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

8 (a) the governor; or

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

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

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

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

1 and

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

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  
11 cessation of a declared state of energy emergency.

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

18 (7) Except as provided in this section, nothing in  
19 [this act] exempts a person from compliance with the  
20 provisions of any other law, rule, or directive unless  
21 specifically ordered by the governor, or unless  
22 impossibility of compliance is a direct result of an order  
23 of the governor.

24 Section 11. Obligations of state and local executives.  
25 To protect the public welfare during conditions of energy

1 alerts or emergencies, the chief executive of each political  
 2 subdivision of the state, including local governments with  
 3 self-government power, and each state agency shall carry out  
 4 in its jurisdiction such energy supply alert or energy  
 5 emergency measures as may be ordered by the governor.

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

14 Section 13. Compliance. Notwithstanding any provision  
 15 of law or contract to the contrary, all persons who are  
 16 specifically ordered by the governor with the advice of  
 17 committee to comply with an order issued or action taken  
 18 pursuant to [this act] shall comply.

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

24 Section 15. Liability. No distributor or person is  
 25 liable for damages to persons or property resulting from

1 action taken in accordance with orders or rules issued  
 2 pursuant to [this act] or actions taken pursuant to orders,  
 3 rules, actions, recommendations, and requests of federal  
 4 authorities.

5 Section 16. Rules and executive orders.  
 6 Notwithstanding the exemption from the provisions of the  
 7 Montana Administrative Procedure Act granted to the governor  
 8 in Title 2, chapter 4, MCA, the governor may adopt rules  
 9 necessary to implement [this act] and cause their adoption  
 10 and publication to be completed in the same manner as the  
 11 adoption and publication of agency rules. In addition,  
 12 executive orders of the governor implementing provisions of  
 13 [this act] shall be published in the Montana Administrative  
 14 Register upon request of the governor.

15 Section 17. Civil defense laws supplemented. The  
 16 powers vested in the governor under [this act] are in  
 17 addition to and not in lieu of emergency powers vested in  
 18 him under Title 10, chapter 3, or any other law of Montana.

19 Section 18. Governor may authorize expenditure. The  
 20 governor may authorize the incurring of liabilities and  
 21 expenses to be paid as other claims against the state from  
 22 the general fund, in the amount necessary, when an energy  
 23 emergency is declared by the governor and justifies the  
 24 expenditure as set forth in 10-3-311 for other emergency or  
 25 disaster expenditures.

1           Section 19. Penalties. A person convicted of violating  
2 [this act] is guilty of a misdemeanor. Each day of  
3 violation, after notice of violation, constitutes a separate  
4 offense.

5           Section 20. Severability. If a part of this act is  
6 invalid, all valid parts that are severable from the invalid  
7 part remain in effect. If a part of this act is invalid in  
8 one or more of its applications, the part remains in effect  
9 in all valid applications that are severable from the  
10 invalid applications.

11           Section 21. Period of effectiveness. This act is  
12 effective on passage and approval and remains in effect  
13 until July 1, 1985.

-End-

March 20, 1979

SENATE STANDING COMMITTEE REPORT  
(Natural Resources)

That House Bill No. 329, third reading bill, be amended as follows:

1. Title, line 1.

Following: "AN ACT"

Strike: lines 4 through 7 in their entirety.

Insert: "TO REESTABLISH THE PROVISIONS OF CHAPTER 577, LAWS OF MONTANA, 1977, CONCERNING THE ENERGY SUPPLY ALERT AND VESTING ENERGY EMERGENCY POWERS IN THE GOVERNOR: AND PROVIDING AN EFFECTIVE DATE."

2. Page 1.

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, and 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

Page 2  
March 20, 1979  
House Bill No. 329

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 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. There is established a legislative energy policy committee which

consists of eight members. 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. Each leadership member shall designate one additional member within 15 days following the

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 classification;

- (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 or 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 the act requires 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. Advice of distributors and consumers. The governor shall actively solicit the advice of consumers through the legislative consumer committee established in §-15-101, and of distributors throughout the information gathering, planning, and implementation process described in [this act].

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;

(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. Governor's considerations. 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;

(5) the advice of the committee; and

(6) any other relevant factors.

Section 9. Energy supply alerts. (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. Emergency energy -- 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 controls; 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) 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.

(7) 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 powers, and each state agency shall carry out in its 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. Compliance. Notwithstanding any provision of law or contract to the contrary, all persons who are specifically ordered by the governor with the advice of

committee to comply with an order issued or action taken pursuant to [this act] shall comply.

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 rules 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 2, chapter 4, MCA, 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 10, chapter 3, or any other law of Montana.

Section 18. Governor may authorize expenditure. 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 energy emergency is declared by the governor and justifies the expenditure as set forth in 10-3-311 for other emergency or disaster expenditures.

Section 19. Penalties. A person convicted of violating [this act] is guilty of a misdemeanor. Each day of violation, after notice of violation, constitutes a separate offense.

Section 20. 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 21. Period of effectiveness. This act is effective on passage and approval and remains in effect until July 1, 1985. "

March 23, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 329, third reading bill, be amended as follows:

1. Page 3, line 5.  
Following: "the"  
Insert: "close of each session"