### HOUSE BILL NO. 90

# INTRODUCED BY QUILICI

## BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

## IN THE HOUSE

January 6, 1981	Introduced and referred to Committee on State Adminis- tration.
January 12, 1981	Committee recommend bill do pass. Report adopted.
January 13, 1981	Bill printed and placed on members' desks.
January 14, 1981	Second reading, do pass.
January 15, 1981	Considered correctly engrossed.
	Third reading, passed. Transmitted to Senate.
in the sen	ATE
January 16, 1981	Introduced and referred to Committee on Natural Resources.
March 26, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in.
March 30, 1981	Third reading, concurred in as amended. Ayes, 39; Noes, 9.
IN THE NO	USE
March 31, 1981	Returned from Senate with amendments.

April 8, 1981

April 9, 1981

Second reading, amendments concurred in.

Third reading, amendments concurred in. Ayes, 96; Noes, 1. Sent to enrolling.

Reported correctly enrolled.

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1	HOUSE BILL NO.90
2	INTRODUCED BYOUILICI
3	BY REQUEST OF THE
4	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE GOVERNOR'S
7	ENERGY EMERGENCY SUPPLY POWERS TO EXTEND AN ENERGY EXERGENCY
8	CONDITION TO 60 DAYS BEFORE AUTOMATIC TERMINATION WITHOUT
9	LEGISLATIVE APPROVAL; AMENDING SECTION 90-4-310, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 90-4-310, MCA, is amended to read:
13	"90-4-310. Energy emergency 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	part:
13	(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

25 (2) The condition of energy emergency terminates after

in this section shall become effective.

 $\frac{14}{100}$  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

21 the energy emergency;

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(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;

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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 part means that any program, 8 control, standard, priority quota, or other policy created 9 under the authority of the emergency powers authorized by 19 this part 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 part, all 13 actions authorized or required hereunder or taken pursuant to any order issued by the governor are exempted from all 14 requirements and provisions of the Montana Environmental 15 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 part 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."

-End-

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### Approved by Committee on State Administration

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2	INTRODUCED BYOUILICI
3	BY REQUEST OF THE
4	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
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7	EVERGY EMERGENCY SUPPLY POWERS TO EXTEND AN ENERGY EMERGENCY
8	CONDITION TO 60 DAYS BEFORE AUTOMATIC TERMINATION WITHOUT
9	LEGISLATIVE APPROVAL; AMENDING SECTION 90-4-310, MCA.*
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14	addition to his existing powers and duties, the governor
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15	powers subject to the definitions and limitations in this
17	part:
13	(1) The governor with the advice of the committee may,
17	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 60 consecutive days unless extended by a declaration of
 2 the legislature by joint resolution of a continuing
 3 condition of energy emergency of a duration to be
 4 established by the 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:

3 (a) the governor; or

9 (b) the legislature, by joint resolution if in regular10 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, conservation, and consumption of energy, including plans for 15 15 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;

(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;

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1 and 2 (c) establish and implement regional programs and agreements for the purposes of coordinating the energy 3 4 programs and actions of the state with those of the federal 5 government and of other states, localities, and other persons. 6 7 (5) Nothing in this part 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 part 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 part, all 13 actions authorized or required hereunder or taken pursuant to any order issued by the governor are exempted from all 14 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. (7) Except as provided in this section, nothing in 18 19 this part exempts a person from compliance with the provisions of any other law, rule, or directive unless 20 21 specifically ordered by the governor, or unless impossibility of compliance is a direct result of an order 22 23 of the governor."

-End-

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2	INTRODUCED BYOUILICE
3	BY REQUEST OF THE
4	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
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6	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE GOVERNOR'S
7	ENERGY EMERGENCY SUPPLY POWERS TO EXTEND AN ENERGY EMERGENCY
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22	condition or state of energy emergency, at which time all of
23	the general and specific emergency powers further enumerated
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-2- THIRD READING

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-End-

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#### 47th Legislature

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7	ENERGY EMERGENCY SUPPLY POWERS TO EXTEND AN ENERGY EMERGENCY
8	CONDITION 13 69 45 DAYS BEFORE AUTOMATIC TERMINATION WITHOUT
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HOUSE BILL ND. 90

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#### HB 0090/02

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-End-

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SENATE STANDING COMMITTEE REPORT (Natural Resources)

That House Bill No. 90 be amended as follows:

1. Title, line 8
Following: "TO"
Strike: "60"
Insert: "45"
2. Page 2, line 1
Following: "14"
Strike: "60"
Insert: "45"

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