

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 Administration.
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 SENATE

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 HOUSE

March 31, 1981	Returned from Senate with amendments.
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April 8, 1981

Second reading, amendments  
concurrent in.

April 9, 1981

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

Reported correctly enrolled.

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 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 EMERGENCY  
 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:

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~~ 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:

- 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 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  
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 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-

Approved by Committee  
on State Administration

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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    ~~34~~ 60 consecutive days unless extended by a declaration of

2 the legislature by joint resolution of a continuing

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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;

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1 and

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-End-

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 23 the general and specific emergency powers further enumerated  
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1 ~~14~~ 60 consecutive days unless extended by a declaration of  
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 7 ENERGY EMERGENCY SUPPLY POWERS TO EXTEND AN ENERGY EMERGENCY  
 8 CONDITION TO ~~69~~ 45 DAYS BEFORE AUTOMATIC TERMINATION WITHOUT  
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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  
 24 in this section shall become effective.

25 (2) The condition of energy emergency terminates after

1 ~~14~~ 45 consecutive days unless extended by a declaration  
 2 of 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  
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-End-

March 26, 1981

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"