location.

(e) Each prime petroleum supplier shall submit quarterly reports of monthly marketing sales in Montana by standard point locater index, or other method prescribed by the governor, and fuel type of petroleum products designated by the governor.

(3) In obtaining information under subsections (1) and (2) 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.

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

(a) 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 the governor's study; and

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

(5) Except as provided in subsection (2), this part does not require the disclosure by a distributor of confidential information, trade secrets, or other facts of a proprietary nature.

(6) (a) The information required under subsection (2) is subject to the following restrictions:

(i) Except in accordance with a proper judicial order, a public officer or employee charged by the governor with the custody of this information may not divulge or make known in any manner any information that is specific to a particular distributor.

(ii) The public officers and employees charged by the governor with the custody of the information provided for in subsection (2) may not be required to produce any of it or evidence of anything contained in it on behalf of any party to any action or proceeding under this part, except when the information concerned is directly involved in the action or proceeding, in which case only that information directly pertinent to the action or proceeding may be admitted.

(b) This section does not preclude access to the information by the legislative auditor in carrying out the functions under Title 5, chapter 13.

History: En. Sec. 5, Ch. 473, L. 1979; amd. Sec. 3, Ch. 204, L. 1981; amd. Sec. 75, Ch. 545, L. 1995.

Cross-References

General authority of Governor — emergencies, 10-3-104.

90-4-306. Advice of distributors and consumers. The governor shall actively solicit the advice of consumers, through the legislative consumer committee established in 5-15-101, and of distributors throughout the information gathering, planning, and implementation process described in this part.

History: En. Sec. 6, Ch. 473, L. 1979.

Cross-References

Consumer Counsel, Art. XIII, sec. 2, Mont. Const.; 5-15-201.
Legislative Consumer Committee, Title 5, ch. 15, part 1.
Communications — emergencies, 10-3-106.

90-4-307. Submission and approval of curtailment plans. (1) The governor may at any time require a distributor of an energy resource to prepare for the governor's approval a plan for the curtailment of the distribution of that resource in the event of a state of energy emergency. Plans must be submitted in the form and within limits that the governor shall specify and must recognize the obligations and duties that may be placed upon distributors subject to this part by other jurisdictions, both state and federal.

(2) Approval of plans for curtailment must 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;

Cross-References

General authority of Governor — emergencies, 10-3-104.

90-4-308. 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 the declaration and the implementation of any curtailment or conservation plans;

and

(5) any other relevant factors.

History: En. Sec. 8, Ch. 473, L. 1979; amd. Sec. 77, Ch. 545, L. 1995.

Cross-References

Proclamation of emergency — effect and termination, 10-3-505.

90-4-309. 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.

History: En. Sec. 9, Ch. 473, L. 1979.

Cross-References

Proclamation of emergency — effect and termination, 10-3-505.

90-4-310. Energy emergency powers of governor. In addition to existing powers and duties, the governor has the following duties and special energy emergency powers, subject to the definitions and limitations in this part:

(1) The governor may, upon finding that a situation exists that 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 enumerated in this section become effective.

(2) The condition of energy emergency terminates after 90 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:

(a) implement programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy, including plans for the curtailment of energy. However, in so doing, the governor may 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.

EXHIBIT 1
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