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By: **Chairman, Environmental Matters Committee (Departmental - Energy Administration, Maryland)**

Introduced and read first time: January 28, 1998

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 17, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Governor's Energy Emergency Powers**

3 FOR the purpose of extending the Governor's authorization to exercise certain powers

4 during an energy crisis or emergency ~~until a certain date~~; and generally relating

5 to the Governor's emergency powers.

6 BY repealing and reenacting, with amendments,

7 Article 41 - Governor - Executive and Administrative Departments

8 Section 2-101(c-1)

9 Annotated Code of Maryland

10 (1997 Replacement Volume and 1997 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 41 - Governor - Executive and Administrative Departments**

14 2-101.

15 (c-1) (1) As used in this subtitle, ~~but only until July 1, [1998] 2003~~, "crisis",

16 "disaster", "catastrophe", and "or similar public emergency" also refers to a situation

17 where the health, safety, or welfare of the citizens of this State are threatened by

18 reason of an actual or impending acute shortage in usable energy resources. Upon

19 reasonable apprehension that such a crisis, disaster, catastrophe, or similar public

20 emergency exists, the Governor may proclaim a state of emergency. In that event the

21 Governor's orders, rules, and regulations, promulgated as provided in this subtitle,

1 may also include, by way of further enumerated example rather than limitation, and  
2 notwithstanding any other provision or limitation of State or local law:

3 (i) Provisions for the establishment and implementation of  
4 programs, controls, standards, priorities, and quotas for the allocation, conservation,  
5 and consumption of energy resources;

6 (ii) The suspension and modification of existing standards and  
7 requirements affecting or affected by the use of energy resources, including those  
8 relating to air quality control, the type and composition of various energy resources,  
9 the production and distribution of energy resources, and the hours and days during  
10 which public buildings and commercial and industrial establishments may or are  
11 required to remain open; and/or

12 (iii) The establishment and implementation of regional programs  
13 and agreements for the purposes of coordinating the energy resource programs and  
14 actions of the State with those of the federal government and of other states and  
15 localities.

16 (2) An order, rule or regulation promulgated by the Governor pursuant  
17 to this subsection may provide for the imposition of a civil penalty, not to exceed  
18 \$1,000 for each violation, in lieu of or in addition to the penalties provided for in  
19 subsection (g) of this section, and for the method and conditions of its collection.

20 (3) This subsection may not be construed to authorize the establishment  
21 of oil refineries, deep water ports, offshore drilling facilities or other similar major  
22 capital facilities.

23 (4) Orders, rules and regulations promulgated by the Governor pursuant  
24 to the powers granted above, under this subsection shall first be presented to the  
25 Joint Committee on Administrative, Executive, and Legislative Review or whatever  
26 other joint committee if any may be substituted by law by the General Assembly to  
27 carry out its responsibilities with respect to the energy crisis for approval or rejection.  
28 If the committee fails to take action within seven days of submission of the orders,  
29 rules and regulations, the orders, rules and regulations shall become effective as  
30 promulgated by the Governor. In the event of extraordinary circumstances in which it  
31 is not feasible to secure the approval of the committee an order, rule, or regulation  
32 may become effective immediately, and shall within two days be communicated to the  
33 chairman of the committee and be subject to reversal by the full committee which  
34 shall be convened within five days of communication of the order, rule or regulation.  
35 All records of orders, rules and regulations and committee meetings shall be open to  
36 the public.

37 (5) In addition to the specific emergency powers contained in this  
38 subtitle, the General Assembly of Maryland recognizes and confirms the Governor's  
39 power to exercise fully the authority necessary to implement any federal mandatory  
40 energy emergency program as set forth in any federal programs, laws, orders, rules,  
41 or regulations relating to the allocation, conservation, or consumption of energy  
42 resources.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect July 1, 1998.