



NATIONAL
GOVERNORS
ASSOCIATION

Executive Authority During Energy Emergencies



A ROAD MAP FOR GOVERNORS

Appendix B

List of Notable Executive Orders

State	Order or Proclamation							
		Activates Emergency Response Plans	Suspends Fuel Carrier Rules on HOS	Suspends Fuel Carrier Rules on Loads or Cargo	Activates Protection Against Price Gouging	Establishes Fuel Rationing or Monitoring	Orders National Guard Assistance	Public Health Emergency Provisions
AL	Proclamation ; State of Emergency: Hurricane Ida (August 28, 2021) ^[24]	Yes	Yes	Yes	Yes	–	Yes	Yes
AL	EO 2021-03-25 ; State of Emergency: Severe Weather (March 25, 2021) ^[25]	Yes	Yes	Yes	Yes	–	Yes	Yes
AL	EO 2021-02-14 ; State of Emergency: Winter Weather (February 14, 2021) ^[26]	Yes	–	Yes	Yes	–	Yes	Yes
AR	EO 20-24 ; Executive Order To Declare and Emergency, As Authorized by ARK. Code Ann. § 12-75-114, and Order the Arkansas Oil and Gas Commission to Take Immediate Action to Prevent the Waste of Oil and Gas Resources (May 1, 2020) ^[27]	–	–	–	–	Yes	–	Yes
CA	EO 2021-07-09 ; Proclamation of a State of Emergency (July 9, 2021) ^[28]	Yes	–	–	–	–	–	–
CO	EO D 2020 012 ; Order Limiting Evictions, Foreclosures, and Public Utility Disconnections and Expediting Unemployment Insurance Claim Processing to Provide Relief to Coloradans Affected by COVID-19 (March 20, 2020) ^[29]	–	–	–	–	Yes	–	Yes
GA	EO 08.31.05.01 ; Declaring an energy emergency and prohibiting motor fuel price gouging (August 31, 2005) ^[30]	–	–	–	Yes	–	–	–
GA	EO 05.10.21.02 ; Declaring a State of Emergency for Petroleum Shortage due to the cyberattack against Colonial Pipeline Company (May 10, 2021) ^[31]	Yes	Yes	Yes	Yes	–	–	Yes
IN	EO 21-04 ; Waiver Of Hours Of Service Regulations Relating To Motor Carriers And Drivers Transporting Propane Gas (February 11, 2021) ^[32]	–	Yes	–	–	–	–	–
IN	EO 19-01 ; Waiver of Hours of Service Regulations Relating to Motor Carriers and Drivers Transporting Propane Gas (November 8, 2019) ^[33]	–	Yes	–	–	–	–	–
IN	EO 14-02 ; Declaration of an Energy Emergency and Suspension of Overweight Divisible Load Regulations (January 29, 2014) ^[34]	–	–	Yes	–	–	–	–
IA	Proc 12-18-13; (December 18, 2013) ^[35]	–	Yes	–	–	–	–	–
IA	Proc 01-31-14; Proclamation of Disaster and Energy Emergency (January 31, 2014) ^[36]	Yes	–	–	–	–	–	–
ME	Proc 12-2016; Proclamation for US-DOT Federal Motor Carrier Safety Administration Hours of Service Waiver (December 20, 2016) ^[37]	–	Yes	–	–	–	–	–
MI	EO 2013-11 ; State of Energy Emergency: Waiver of Regulations Relating to Motor Carriers and Drivers Transporting Propane (December 20, 2013) ^[38]	–	Yes	Yes	–	–	–	–
MI	EO 2014-01 ; State of Energy Emergency: Waiver of Regulations Relating to Motor Carriers and Drivers Transporting Propane and Heating Oil (January 10, 2014) ^[39]	–	Yes	Yes	–	–	–	–
MI	EO 2016-10 ; State of Energy Emergency: Waiver of Regulations Relating to Motor Carriers and Drivers Transporting Petroleum Products (June 6, 2016) ^[40]	–	Yes	–	–	–	–	–
MI	EO 2021-03 ; Declaration of State of Energy Emergency (February 20, 2021) ^[41]	–	Yes	–	–	–	–	–

State	Order or Proclamation	Activates Emergency Response Plans	Suspends Fuel Carrier Rules on HOS	Suspends Fuel Carrier Rules on Loads or Cargo	Activates Protection Against Price Gouging	Establishes Fuel Rationing or Monitoring	Orders National Guard Assistance	Public Health Emergency Provisions
MN	EO 20-20 ; Directing Minnesotans to Stay at Home (March 25, 2020) ^{42]}	-	-	-	-	-	Yes	
MN	EO 20-58 ; Authorizing the Minnesota Public Utilities Commission to Hold Remote Meetings as Necessary to Protect Health and Safety (May 15, 2020) ^{43]}	-	-	-	-	-	Yes	
MN	EO 21-09 ; Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota (February 12, 2021) ^{44]}	-	Yes	-	-	-	-	
MN	EO 21-27 ; Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Transporting Fuels in Minnesota (August 5, 2021) ^{45]}	-	Yes	-	-	-	Yes	
MT	EO 1-2017 ; Executive Order Declaring a State of Energy Emergency and Temporarily Exempting Certain Carriers from Hours of Service Regulations Under Montana Law to Help Meet Fuel Demands (February 21, 2017) ^{46]}	-	Yes	-	-	-	-	
NE	EO 07-06 ; Easing Gasoline and Diesel Fuel Supply Shortages (August 30, 2007) ^{47]}	-	Yes	-	-	-	-	
NE	EO 13-01 ; Easing Propane Supply Shortages (October 26, 2013) ^{48]}	-	Yes	-	-	-	-	
NJ	EO 108 ; Declares a limited state of energy emergency with regard to the supply of motor fuel and implementing odd-even rationing for gasoline purchases in 12 New Jersey counties (November 2, 2012) ^{49]}	-	-	-	-	Yes	-	
NM	EO 2015-022 ; Liquid Petroleum Emergency Declaration (December 28, 2015) ^{50]}	-	Yes	-	-	-	-	
NC	EO 121 ; Stay at Home Order and Strategic Directions for North Carolina in Response to Increasing Covid-19 Cases (March 27, 2020) ^{51]} Note: Protection against price gauging is automatically invoked upon declaration of a state of emergency (NC Gen Stat § 75-38). EO 121 was issued during an ongoing State of Emergency, so this protection was already in effect.	-	-	-	See Note	-	-	Yes
NC	EO 213 ; Declaration of a State of Emergency and Temporary Suspension of Motor Vehicle Regulations to Ensure Adequate Fuel Supplies Throughout the State (May 10, 2021) ^{52]}	Yes	Yes	Yes	Yes	-	-	-
ND	EO 2020-25 ; Remote Public Hearings and Auctions (April 8, 2020) ^{53]}	-	-	-	-	-	-	Yes
OH	Proc 2014-02-14; Amending State of Energy Emergency Waiver of Regulations, to Extend Relief Relating to Motor Carriers and Drivers Transporting Propane and Heating Oil (February 14, 2014) ^{54]}	-	Yes	-	-	Yes	Yes	
SC	2021-24 ; Suspending Transportation-Related Regulations Due to Colonial Pipeline Disruption (May 13, 2021) ^{55]}	-	Yes	Yes	-	-	-	Yes
TN	EO 35 ; An Order Declaring a State Of Emergency for the Purpose of Ensuring the Uninterrupted Delivery of Home Heating Fuels (January 21, 2014) ^{56]}	-	Yes	-	-	-	-	-
TN	EO 56 ; An Order Declaring a State of Emergency for the Purpose of Ensuring the Uninterrupted Supply of Fuel (September 16, 2016) ^{57]}	-	Yes	-	-	-	-	-
TN	EO 76 ; An Order Declaring An Energy Emergency In Tennessee (February 16, 2021) ^{58]}	Yes	-	-	-	-	-	-

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UT	EO 2021-02; Establishing a COVID-19 Vaccination Plan (January 8, 2021) ^{59]}	-	-	-	-	-	Yes	
VA	EO 78; Declaration of a State of Emergency Due to the Shutdown of the Colonial Pipeline (May 11, 2021) ^{60]}	Yes	-	-	-	-	-	-
WA	EO 20-23; UTC – Ratepayer Assistance (March 18, 2020) ^{61]}	Yes	-	-	-	Yes	-	-
WI	EO 148; Relating to the Declaration of an Energy Emergency Due to Intermittent Propane Pipeline Supplies (January 9, 2015) ^{62]}	-	Yes	-	-	-	-	-

Appendix C

Example Federal Regulation Exemption Request Waivers

Federal Agency	Waiver or Permit	Description	Example
U.S. Department of Transportation (DOT)	Hazardous material permits	The Pipeline and Hazardous Materials Safety Administration can issue special permits authorizing a variance of specified hazardous materials transportation safety regulations. This exception provides for transportation of hazardous materials in a way that achieves a safety level at least equal to that required under existing law or that is consistent with the public interest and Chapter 51, Title 49, if a required safety level does not exist. Three types of special permit exist: (1) those authorizing the offer of a hazardous material for transportation in a different manner than otherwise required in the Hazardous Materials Regulations (HMR), (2) those authorizing the transport of a hazardous material in a different manner than required in the HMR, and (3) those authorizing the manufacture and sale of packaging for use in transporting hazardous material when the packaging does not meet the design specification or performance requirements in the HMR.	DOT-SP 9198 ^{63]}
	HOS and other carrier safety regulations	During an emergency, officials can waive regulations pertaining to recordkeeping, driver qualifications, pre-trip inspections and fatigued operations, carrier parts and accessories, HOS and carrier maintenance. Most exemptions occur automatically upon the declaration of an emergency by the President, Governor or local official. Presidential and state declarations are effective up to 30 days, and local declarations are effective up to 5 days. Only an FMCSA regional or field administrator has the authority to extend the waivers beyond the initial 30 days and place additional restrictions on the waivers. The waivers apply to any commercial motor vehicle responding from anywhere in the United States to provide direct relief to the emergency.	Waiver Extension for Energy Emergency Caused by Tropical Storm Harvey (September 11, 2017) ^{64]}
	Federal Railroad Administration (FRA) Emergency Relief Docket (ERD)	The FRA ERD is a special provision in U.S. DOT's regulations that provides for the expedited review and approval of waiver requests from railroads related to a specific emergency. The Administrator of FRA has the authority to designate specific events as emergencies and, therefore, trigger the opening of the ERD. Once opened, the ERD can grant relief from applicable inspection date requirements. The ERD allows railroads to seek expedited requests for waivers related to the emergency pursuant to 49 Code of Federal Regulations (C.F.R.) 211.45.	The FRA Administrator's Declaration of Emergency Event: Polar Vortex (February 2021) ^{65]}

Federal Agency	Waiver or Permit	Description	Example
U.S. Department of Energy (DOE)	Federal Power Act Section 202(c) Emergency Order ^[66]	Under Section 202(c) of the Federal Power Act, “during the continuance of a war in which the United States is engaged or when an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy, or of facilities for the generation or transmission of electric energy, or of the fuel or water for generating facilities, or other causes, the Secretary of Energy may require by order temporary connections of facilities, and generation, delivery, interchange, or transmission of electricity as the Secretary determines will best meet the emergency and serve the public interest.” 16 U.S.C. § 824a(c).	Order Pursuant to Section 202(c) of the Federal Power Act (February 14, 2021) ^[67]
Environmental Protection Agency (EPA)	Reformulated Gasoline (RFG) Requirements Waiver	RFG is a blended gasoline and cleaner burning alternative to conventional gasoline that is required to meet a threshold of air quality metrics in 17 states and the District of Columbia. During emergency response situations, officials can waive these air quality metrics to ensure that an adequate supply of fuel is available.	Fuel Waiver Concerning Reformulated Gasoline in Alabama, Delaware, Georgia, Kentucky, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia and the District of Columbia (November 3, 2016) ^[68]
	Gasoline Reid Vapor Pressure Waiver	EPA regulates the vapor pressure of gasoline sold at retail stations during the summer ozone season to reduce evaporative emissions from gasoline that contribute to ground-level ozone and diminish the effects of ozone-related health problems. Depending on the state and month, gasoline may not exceed 7.4 psi or 9.0 psi. During an emergency, these air quality regulations may be suspended to ensure continued access to fuel.	First Fuel Waiver Concerning Louisiana and Mississippi (August 30, 2021) ^[69]
Department of Homeland Security (DHS)	Jones Act Waivers	The Merchant Marine Act of 1920 (the “Jones Act”) requires that all goods transported by water between U.S. ports be carried on U.S. flag ships. Requests for waivers of certain provisions of the act are reviewed by the Maritime Administration’s (MARAD) Office of Emergency Preparedness and DHS on a case-by-case basis. DHS issues the waiver, with assistance from MARAD in determining the necessity, extent and duration of the waiver, by identifying available U.S. flagged sealift capacity. Waivers can be granted in cases of national emergencies or strategic interest.	Jones Act Waiver (September 8, 2017) ^[70]
Internal Revenue Service (IRS)	Diesel Fuel Penalty Waiver	The IRS imposes a tax penalty of 24.4 cents per gallon on diesel fuel sold for “on-road” use. Dyed red diesel fuel used off-road is not ordinarily subject to this tax. Typically, if diesel fuel that was not subject to this excise tax was converted to use for “on-road” purposes, the IRS would require that use to be reported and the tax paid accordingly. When a waiver is instated, the tax penalty cannot be applied to individuals who sell or use dyed diesel fuel for highway use.	IRS Waives Diesel Fuel Penalty Due to Hurricane Sandy (November 3, 2012) ^[71]

Appendix D

Examples of Authorizing Legislation for Governor-Declared Energy Emergencies

State	Code	Actions for the Governor	Determining an Emergency
<p>Note: This appendix tracks statutory-specific authorities for “energy emergencies” as unique legal authorities, distinguished from emergency management codes that enable disaster declarations that do not mention energy but do not preclude the Governor from using the declaration for an energy event. This should not be taken as a full accounting of where all 55 states and territories stand.</p> <p>Statutory texts cited here are quotes, not author summaries, unless otherwise noted.</p>			
CT	CT Gen Stat § 16a-2, 16a-11, 16a-12 (2019) ^[72]	<p>In the event of an energy emergency, the Governor may proclaim that such emergency exists and designate by order all or any part of the energy emergency plan he intends to implement and the effective date thereof, provided during any such energy emergency, the Governor may designate by order additional parts of said energy emergency plan to be implemented and the effective dates thereof.</p> <p>In the event of an emergency not covered by said plan, the Governor may proclaim an energy emergency and in connection therewith issue orders such as are permitted pursuant to chapter 517 and such orders may include</p> <p>Establishment of programs, controls, standards, priorities and quotas for the allocation, rationing, conservation, distribution and consumption of available energy resources;</p> <p>Suspension and modification of existing statutes, standards and requirements affecting or affected by the use of energy resources;</p> <p>Adoption of measures affecting the type and composition and production and distribution of energy resources;</p> <p>Imposition of price restrictions on energy resources;</p> <p>Adoption of measures affecting the hours and days on which public buildings and commercial and industrial establishments may be or are required to remain open or closed;</p> <p>Establishment and implementation of regional programs and agreements for the purpose of coordinating energy resource programs and actions of the state with those of the federal government and of other states and localities.</p>	A situation where the health, safety or welfare of the citizens of the state is threatened by an actual or impending acute shortage in usable energy resources
IA	IA Code § 473.8 (2020) ^[73]	<p>Regulate the operating hours of energy consuming instrumentalities of state government, political subdivisions, private institutions and business facilities to the extent the regulation is not hazardous or detrimental to the health, safety, or welfare of the people of this state. However, the Governor shall have no authority to suspend, amend or nullify any service being provided by a public utility pursuant to an order or rule of a federal agency which has jurisdiction over the public utility.</p> <p>Establish a system for the distribution and supply of energy. The system shall not include a coupon rationing program, unless the program is federally mandated.</p> <p>Curtail public and private transportation utilizing energy sources. Curtailment may include measures designed to promote the use of car pools and mass transit systems.</p> <p>Delegate any administrative authority vested in the Governor to the authority or the director.</p> <p>Provide for the temporary transfer of directors, personnel, or functions of state departments and agencies, for the purpose of performing or facilitating emergency measures pursuant to subparagraphs (1) and (2).</p> <p>Accept the delegation of other mandatory measures as allowed by the federal Emergency Energy Conservation Act of 1979, Pub. L. No. 96-102.</p>	If the authority by resolution determines the health, safety, or welfare of the people of this state is threatened by an actual or impending acute shortage of usable energy, it shall transmit the resolution to the Governor together with its recommendation on the declaration of an emergency by the Governor and recommended actions, if any, to be undertaken. Within thirty days of the date of the resolution, the Governor may issue a proclamation of emergency which shall be filed with the secretary of state. The proclamation shall state the facts relied upon and the reasons for the proclamation.

State	Code	Actions for the Governor	Determining an Emergency
IN	IN Code § 10-14-3-13 (2019) ^[74]	<p>Implement programs, controls, standards, priorities and quotas for the conservation and consumption of energy, including plans and commission regulations for the curtailment of energy if the Governor imposes 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.</p> <p>Suspend and modify state pollution control standards and requirements affecting or affected by the use of energy, including standards or requirements relating to air or water quality control.</p> <p>Establish and implement intrastate regional programs and agreements for the purposes of coordinating the energy program and actions of the state with the federal government and other states, localities, and other persons.</p> <p>Designate the execution and enforcement of emergency orders to a state agency that regulates the energy form, resource, or suppliers that are the subject of the proclaimed emergency.</p> <p>Suspend the provisions of any state statute regulating transportation or the orders or rules of any state agency if strict compliance with any of the provisions would prevent, hinder, or delay necessary action in coping with the energy emergency.</p>	<p>The availability of regional and national energy resources;</p> <p>Local, state, regional and national energy needs and shortages;</p> <p>The availability of short term alternative supplies on a local, state, regional and national basis;</p> <p>The economic effect of the declaration and the implementation of any curtailment or conservation plans.</p>
MA	MA Gen L ch 25a § 8 (2020) ^[75]	<p>Upon issuance of such declaration of an energy emergency the Governor shall implement, at his discretion, with or without any federal delegation, action or approval (i) such energy supply shortage contingency plans including conservation contingency plans and rationing contingency plans as have been developed by the department and which conform to the substantive requirements of 42 USC Secs. 6261–6275 and (ii) any petroleum plan or other measures which comply with the substantive requirements of 15 USC Sec. 751–760H or successor federal legislation.</p>	<p>Due to actual or imminent severe energy supply interruption in the commonwealth, or resulting from the obligating of the United States under the international energy program of the United States, or like obligation</p>
ME	37-B ME Rev Stat § 742 (2020) ^[76]	<p>Establish and implement programs, controls, standards, priorities and quotas for the allocation, conservation and consumption of energy resources;</p> <p>Regulate the hours and days during which nonresidential buildings may be open and the temperatures at which they may be maintained;</p> <p>Regulate the use of gasoline and diesel-powered land vehicles, watercraft and aircraft;</p> <p>After consulting, when appropriate, with the New England governors and upon the recommendations of the Public Utilities Commission, regulate the generation, distribution and consumption of electricity;</p> <p>Establish temporary state and local boards and agencies;</p> <p>Establish and implement programs and agreements for the purposes of coordinating the emergency energy response of the State with those of the Federal Government and of other states and localities;</p> <p>Temporarily suspend truck weight and size regulations, but not in conflict with federal regulations;</p> <p>Regulate the storage, distribution and consumption of home heating oil; and</p> <p>If the energy emergency was caused by a lack of electric grid reliability in this State resulting from insufficient capacity resources, take appropriate action, in consultation with the Public Utilities Commission, to procure sufficient capacity resources including generation capacity and interruptible, demand response or energy capacity resources.</p> <p>When an energy emergency proclamation is in effect, the Governor may call the Board of Environmental Protection into extraordinary session to consider temporary waivers or suspensions of rules and standards related to air and water quality necessary to relieve then existing energy shortages.</p>	<p>When an actual or impending acute shortage in energy resources threatens the health, safety or welfare of the citizens of the State</p>
MD	MD Pub Safety Code § 14-304 (2019) ^[77]	<p>[T]he Governor may promulgate orders, rules, or regulations to:</p> <p>(1) establish and implement programs, controls, standards, priorities, and quotas for the allocation, conservation, and consumption of energy resources;</p> <p>(2) suspend and modify existing standards and requirements affecting or affected by the use of energy resources, including those that relate to air quality control, the type and composition of various energy resources, the production and distribution of energy resources, and the hours and days during which public buildings and commercial and industrial establishments are authorized or required to remain open; and</p> <p>(3) establish and implement regional programs and agreements to coordinate the energy resource programs and actions of the State with those of the federal government and of other states and localities.</p>	<p>On reasonable apprehension that an energy emergency exists, the Governor may proclaim a state of emergency.</p>

State	Code	Actions for the Governor	Determining an Emergency
MI	MI Comp L S 10.83 (2020) ^[78]	<p>During an energy emergency, the Governor may do all of the following:</p> <p>Order specific restrictions on the use and sale of energy resources. Restrictions imposed by the Governor under this subdivision may include:</p> <p>The interior temperature of public, commercial, industrial and school buildings.</p> <p>Hours and days during which public, commercial, industrial and school buildings may be open.</p> <p>Conditions under which energy resources may be sold to consumers.</p> <p>Lighting levels in public, commercial, industrial and school buildings.</p> <p>Use of display and decorative lighting.</p> <p>Use of privately owned vehicles or a reduction in speed limits.</p> <p>Use of public transportation including directions to close a public transportation facility.</p> <p>Use of pupil transportation programs operated by public schools.</p> <p>Direct an energy resource supplier to provide an energy resource to a health facility; school; public utility; public transit authority; fire or police station or vehicle; newspaper or television or radio station for the purpose of relaying emergency instructions or other emergency message; food producer, processor, retailer, or wholesaler; and to any other person or facility which provides essential services for the health, safety and welfare of residents of this state.</p> <p>By executive order, suspend a statute or an order or rule of a state agency or a specific provision of a statute, rule, or order, if strict compliance with the statute, rule, or order or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency.</p>	<p>Upon notification of an impending energy emergency by the energy advisory committee under section 2(2), or upon the Governor's own initiative if the governor finds that an energy emergency exists or is imminent.</p>
MN	Minn. R. 7620; MN Stat § 216C.15 (2020) ^[79]	<p>During a declared energy supply emergency, the Governor has the authority to directly manage operations, such as the controlling the distribution and rationing of energy to ensure first responders and other agencies/organizations get the fuels they need to protect public health and safety, operate critical infrastructure and facilitate recovery operations. [NGA Summary text; quotes follow]</p> <p>During a declared energy supply emergency, the [state] will set up an energy operating center.</p> <p>In an energy supply emergency resulting from a shortage of fuel oil; [gasoline, diesel fuel, or other petroleum product used as a motor fuel] highest priority uses are those essential for the health and safety of the citizens of the state. Second priority fuel oil uses are those necessary to minimize the economic disruption of a fuel oil shortage. Suppliers shall be requested to deliver fuel oil to higher priority consumers before lower priority consumers, where no practicable substitute fuels are available.</p> <p>Homeowners and renters shall be requested to turn their thermostats back to between 62 degrees Fahrenheit and 66 degrees Fahrenheit during the day and 60 degrees Fahrenheit and 58 degrees Fahrenheit during the night and unoccupied hours and shall be requested to set back water heater thermostats to between 105 degrees Fahrenheit and 115 degrees Fahrenheit (or the lowest setting).</p> <p>Voluntary industrial, commercial, government and residential conservation targets shall be established to reduce energy usage, including electricity and natural gas, especially during periods of peak usage.</p> <p>Commercial and industrial establishments shall be requested to reduce their hours of operations where this action saves energy.</p> <p>Commercial and industrial users shall be requested to release fuel oil from inventory supplies.</p> <p>Business, industrial and government institutions shall be requested to close nonessential buildings.</p> <p>Owners and operators of diesel-powered automobiles may be requested to substantially reduce or discontinue use of their diesel vehicles during severe fuel oil shortages.</p>	<p>Shortage of energy resources, including petroleum products, natural gas, or electricity.</p> <p>When the Department of Commerce's forecast shows that short-term demand for a fuel or fuels exceeds the forecast of short-term supply and that a supply shortage will occur within three months, the commissioner may recommend that an energy supply emergency be declared by submitting a written statement to the Executive Council or legislature.</p> <p>The Executive Council (consisting of the governor, the lieutenant Governor, the attorney general, the auditor and the secretary of state) or the legislature has responsibility for declaring an energy supply emergency.</p>
MT	90-4-310 ^[80]	<p>Implement programs, controls, standards, priorities and quotas for the production, allocation, conservation and consumption of energy, including plans for the curtailment of energy.</p> <p>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; and</p> <p>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.</p>	<p>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</p>

State	Code	Actions for the Governor	Determining an Emergency
NV	NV Rev Stat § Ch. 416 (2020) ^{81]}	<p>Collect and compile information concerning current, past and future resources, users and supplies of water and energy.</p> <p>Devise contingency plans that provide for conserving, allocating, using, increasing the supply or taking whatever steps are necessary to prevent a water or energy emergency, or in the event of a water or energy emergency, to ensure the fairest and most advantageous use of water or energy or of any water or energy source or supply.</p> <p>Prepare reports explaining the purposes and projected economic impact of the proposed contingency plans and indicating those areas in which the plans are inconsistent with any existing rule, order, plan or regulation of any state agency or political subdivision of the State.</p> <p>Serve as liaison with the Federal Government and other states on water and energy matters.</p> <p>Request any state agency or political subdivision of the State to supply any information in its possession or readily accessible to it concerning the use, supply, source, allocation or distribution of water or energy.</p> <p>Request any business, industry, trade association or other organization or person doing business or representing persons doing business in this state to supply any information in their possession or that can reasonably be assumed to be readily accessible to them concerning the use, supply, source, allocation or distribution of water or energy.</p> <p>Issue a subpoena to any officer or agent of any such public or private entity to... give oral testimony or produce any relevant book, paper, account, memorandum or record... to deal with any actual or impending emergency in this state.</p> <p>Issue, amend or rescind any regulation or order designed to alleviate or manage in an orderly manner the water or energy emergency including without limitation the regulation as necessary of the allocation, conservation or use of water or energy during the emergency.</p> <p>Amend or suspend any regulation of any state agency or political subdivision of the State if the Governor determines that the action is necessary to lessen the adverse impact of the water or energy emergency on the people of this state.</p> <p>Utilize the services, equipment, supplies and facilities of any state agency or political subdivision of the State to the greatest extent practicable and necessary to meet the water or energy emergency.</p>	<p>The President of the United States or Congress has declared that an actual or impending water or energy emergency exists in this state or elsewhere in the United States; or</p> <p>The health, safety or welfare of the citizens of this state is threatened by reason of an actual or impending acute shortage in usable water or energy resources.</p>
NJ	NJ Rev Stat § 52:27F-17 (2020) ^{82]}	<p>During the duration of a state of energy emergency the commissioner to the extent not in conflict with applicable Federal law or regulation but notwithstanding any State or local law or contractual agreement, shall be empowered to:</p> <ol style="list-style-type: none"> (1) Order any person to reduce by a specified amount the use of any energy form; to make use of an alternate energy form, where possible; or to cease the use of any energy form; (2) Order any person engaged in the distribution of any energy form to reduce or increase by a specified amount or to cease the distribution of such energy form; to distribute a specified amount and type of energy form to certain users as specified by the commissioner; or to share supplies of any energy form with other distributors thereof; (3) Establish priorities for the distribution of any energy form; (4) Regulate and control the distribution and sale of any energy form by: <ol style="list-style-type: none"> (a) Establishing such limitations, priorities, or rationing procedures as shall be necessary to insure a fair and equitable distribution of available supplies; (b) Establishing minimum and maximum quantities to be sold to any purchaser; (c) Fixing the days and hours of access to retail dealers; (d) Compelling sales to members of the general public during times when a retail dealer is open for the sale of an energy form; (e) Establishing methods for notifying the public by flags, symbols, or other appropriate means whether such retail dealers are open and selling the subject energy form; (5) Direct the heads of those departments and agencies within State Government that were ordered to develop contingency plans ... to implement said plans. <p>During the existence of a state of energy emergency, the Governor may order the suspension of any laws, rules, regulations, or orders of any department or agency in State Government or within any political subdivision which deal with or affect energy and which impede his ability to alleviate or terminate a state of energy emergency.</p>	<p>Upon a finding by the commissioner that there exists or impends an energy supply shortage of a dimension which endangers the public health, safety, or welfare in all or any part of the State, the Governor is authorized to proclaim by executive order a state of energy emergency for a period of up to 6 months. The Governor may limit the applicability of any such state of emergency to specific kinds of energy forms or to specific areas of the State in which such a shortage exists or impends.</p>

State	Code	Actions for the Governor	Determining an Emergency
NM	NM Stat § 12-12-3 (2020) ^[83]	<p>Imposition of restrictions on any wasteful, inefficient or nonessential use of energy resources;</p> <p>Allocation of available supplies of energy resources among areas, users, persons or categories of persons or users. In allocating available resources the Governor shall give priority to energy resource use essential to public health and safety, and shall thereafter attempt to allocate the remaining supply equitably;</p> <p>Regulation of the days and times when energy resources may be sold to end users and the amounts which may be sold or purchased;</p> <p>Regulation of the hours and days during which nonresidential buildings may be open and the temperature at which they may be maintained; and</p> <p>Such provisions as may be necessary to assure that adequate transportation facilities exist to supply the energy needs of this state.</p>	The Governor, upon termination of an energy supply alert or after determining that the declaration of an energy supply alert would be insufficient to meet the situation facing the people of New Mexico and after making written findings of the grounds upon which he bases his decision that an energy emergency exists, which findings shall be provided the presiding officer of each house of the legislature, may issue a declaration that such an emergency exists.
NC	NC Gen Stat § 113B-20-22 (2020) ^[84]	<p>Upon the declaration of an energy crisis by the Governor, a Legislative Committee on Energy Crisis Management shall be created.</p> <p>Upon the declaration of an energy crisis, the Governor shall submit to the Legislative Committee for its prompt consideration such emergency orders, rules and regulations as deemed necessary to alleviate the effects of the energy crisis.</p> <p>The Governor shall immediately consult with the Legislative Committee about the emergency proposals.</p> <p>Establishment and implementation of programs, controls, standards, priorities and quotas for the allocation, conservation and consumption of energy resources; the suspension and modification of existing standards and requirements affecting or affected by the use of energy resources, including those relating to air quality control and the hours and days during which public buildings may or may not be required to remain open; and the establishment and implementation of regional programs and agreements for the purposes of coordinating the energy resource programs and actions of the State with those of the federal government and of other states and localities.</p>	An energy crisis exists when the health, welfare or safety of the citizens of North Carolina are threatened by reason of an actual or impending acute shortage in usable, necessary energy resources.
OH	Ohio Rev Code § 4935.03 (2020) ^[85]	<p>Restrict the energy consumption of state and local government offices and industrial and commercial establishments;</p> <p>Restrict or curtail public or private transportation or require or encourage the use of car pools or mass transit systems;</p> <p>Order, during a declared energy emergency, any electric light, natural gas or gas, or pipeline company; any supplier subject to certification under section 4928.08 [Certification to Provide Retail Electric Competitive Service] or 4929.20 [Certifying Governmental Aggregators and Retail Natural Gas Suppliers] of the Revised Code; electric power or gas utility that is owned by a municipal corporation or not for profit; coal producer or supplier; electric power producer or marketer; or petroleum fuel producer, refiner, wholesale distributor, or retail dealer to sell electricity, gas, coal, or petroleum fuel in order to alleviate hardship, or if possible to acquire or produce emergency supplies to meet emergency needs;</p> <p>Order, during a declared energy emergency, other energy conservation or emergency energy production or distribution measures to be taken in order to alleviate hardship;</p> <p>Mobilize emergency management, national guard, law enforcement, or emergency medical services.</p>	Governor finds that the health, safety, or welfare of the residents of this state or of one or more counties of this state is so imminently and substantially threatened by an energy shortage that immediate action of state government is necessary to prevent loss of life, protect the public health or safety, and prevent unnecessary or avoidable damage to property.
UT	UT Code § 53-2a-1004, 1006-1008 (2020) ^[86]	<p>Subpoena witnesses, material and relevant books, papers, accounts, records, and memoranda, administer oaths, and cause the depositions of persons residing within or without the state... to obtain information relevant to energy resources that are the subject of the proclaimed emergency.</p> <p>Cause to be established, and revised as appropriate, standby priorities for curtailment in the use of energy resources.</p> <p>Require reduction in energy resource usage and the application of conservation, prevention of waste, and the salvaging of energy resources and the materials, services, and facilities derived therefrom or dependent thereon, by state agencies and political subdivisions in this state;</p> <p>Direct the establishment by state agencies and political subdivisions in this state of programs necessary to implement and comply with federal energy conservation programs where these programs have not theretofore been so established, including, but not limited to, allocation or rationing of energy resources and the distribution of the state's discretionary allotments;</p> <p>Require involuntary curtailments, adjustments, or allocations in the supply and consumption of energy resources applicable to all suppliers and consumers including, but not limited to, specification of the times and manner in which these resources are supplied or consumed; or</p> <p>Prescribe and direct activities promoting the conservation, prevention of waste, and salvage of energy resources and the materials, services, and facilities derived therefrom or dependent thereon, including, but not limited to, the modification of transportation routes and schedules, or the suspension of weight limits or other restrictions from the transportation of energy resources, to the extent permissible under federal law and regulations.</p>	An existing or imminent severe disruption or impending shortage in the supply of one or more energy resources... threatens the availability of essential services or transportation; or the operation of the economy; and... jeopardizes the peace, health, safety, and welfare of the people of this state.

State	Code	Actions for the Governor	Determining an Emergency
VA	VA Code § 56-586.1 (2020) ^[87]	<p>Require any generator or any municipal electric utility that is capable of generating but (i) is not generating or (ii) is not generating at its full potential during such declared electric emergency, to generate, dispatch or sell electricity from a facility that it operates within the Commonwealth, to the Commonwealth for distribution within the areas of the Commonwealth designated in the declaration.</p> <p>The quantity of electricity required to be generated, dispatched or sold and the duration of such requirements, shall be as determined by the Governor to be necessary to alleviate the electric energy emergency hardship.</p> <p>The Commonwealth shall compensate an entity required to generate, dispatch, or sell electricity pursuant to this subsection, and the operator of any transmission facilities over which the electricity is transmitted.</p> <p>The Department of Environmental Quality, the State Air Pollution Control Board, the State Water Control Board and the Virginia Waste Management Board shall issue any temporary or emergency permit, order, or variance necessary to authorize any permit amendments or other changes needed to meet the requirements imposed under this section.</p>	<p>“Electric energy emergency” means an unplanned interruption in the generation or transmission of electricity resulting from a hurricane, ice storm, windstorm, earthquake or similar natural phenomena, or from a criminal act affecting such generation or transmission, act of war or act of terrorism, which interruption is (i) of such severity that minimum levels of reliable service cannot be maintained using resources practicably obtainable from the market and (ii) so imminently and substantially threatening to the health, safety or welfare of residents of this Commonwealth that immediate action of state government is necessary to prevent loss of life, protect the public health or safety and prevent unnecessary or avoidable damage to property.</p>
WA	WA Rev Code § 43.21G.040 (2020) ^[88]	<p>Governor shall present to the committee [Joint Committee on Energy Supply and Energy Conservation, Legislative Chapter 44.39] any proposed plans for programs, controls, standards and priorities for the production, allocation and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the Governor deems desirable;</p> <p>Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy;</p> <p>Direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the Governor or the agency and reviewed by the committee;</p> <p>Implement programs, controls, standards and priorities for the production, allocation and consumption of energy;</p> <p>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; and</p> <p>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 and localities.</p>	<p>Upon finding that an energy emergency exists within this state or any part thereof</p>

Source: The Network for Public Health Law. Emergency declaration authorities across all states and D.C. https://www.networkforphl.org/_asset/gxrdwm/Emergency-Declaration-Authorities.pdf