

2 **SHB 2441** - S COMM AMD

3 By Committee on Environment, Energy & Water

4 ADOPTED 03/05/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 44.39.070 and 1977 ex.s. c 328 s 18 are each amended
8 to read as follows:

9 (1) The committee shall (~~only~~) meet and function at the following
10 times: (a) At least once per year or at anytime upon the call of the
11 chair to receive information related to the state or regional energy
12 supply situation; (b) during a condition of energy supply alert or
13 energy emergency; and (c) upon the call of the chair, in response to
14 gubernatorial action to terminate such a condition. Upon the
15 declaration by the governor of a condition of energy supply alert or
16 energy emergency, the committee on energy (~~and utilities~~) supply
17 shall meet to receive any plans proposed by the governor for programs,
18 controls, standards, and priorities for the production, allocation, and
19 consumption of energy during any current or anticipated condition of
20 energy supply alert or energy emergency, any proposed plans for the
21 suspension or modification of existing rules of the Washington
22 Administrative Code, and any other relevant matters the governor deems
23 desirable. The committee shall review such plans and matters and shall
24 transmit its recommendations to the governor for review. The committee
25 (~~shall~~) may review any voluntary programs or local or regional
26 programs for the production, allocation, or consumption of energy which
27 have been submitted to the committee.

28 (2) The committee shall receive any request from the governor for
29 the approval of a declaration of a condition of energy emergency as
30 provided in RCW 43.21G.040 as now or hereafter amended and shall either
31 approve or disapprove such request.

32 (3) During a condition of energy supply alert, the committee shall:
33 (a) Receive any request from the governor for an extension of the
34 condition of energy supply alert for an additional (~~sixty~~) period of
35 time not to exceed ninety consecutive days and the findings upon which
36 such request is based; (b) receive any request from the governor for

1 subsequent extensions of the condition of energy supply alert for an
2 additional period of time not to exceed one hundred twenty consecutive
3 days and the findings upon which such a request is based; and ((shall))
4 (c) either approve or disapprove ((such request)) the requested
5 extensions. When approving a request, the committee may specify a
6 longer period than requested, up to ninety days for initial extensions
7 and one hundred twenty days for additional extensions.

8 (4) During a condition of energy emergency the committee shall:
9 (a) Receive any request from the governor for an extension of the
10 condition of energy emergency for an additional period of time not to
11 exceed forty-five consecutive days and the finding upon which any such
12 request is based; (b) receive any request from the governor for
13 subsequent extensions of the condition of energy emergency for an
14 additional period of time not to exceed sixty consecutive days and the
15 findings upon which such a request is based; and ((shall)) (c) either
16 approve or disapprove ((such request)) the requested extensions. When
17 approving a request, the committee may specify a longer period than
18 requested, up to forty-five days for initial extensions and sixty days
19 for additional extensions.

20 **Sec. 2.** RCW 43.21G.040 and 1987 c 505 s 83 are each amended to
21 read as follows:

22 (1) The governor may subject to the definitions and limitations
23 provided in this chapter:

24 (a) Upon finding that an energy supply alert exists within this
25 state or any part thereof, declare a condition of energy supply alert;
26 or

27 (b) Upon finding that an energy emergency exists within this state
28 or any part thereof, declare a condition of energy emergency. A
29 condition of energy emergency shall terminate thirty consecutive days
30 after the declaration of such condition if the legislature is not in
31 session at the time of such declaration and if the governor fails to
32 convene the legislature pursuant to Article III, section 7 of the
33 Constitution of the state of Washington within thirty consecutive days
34 of such declaration. If the legislature is in session or convened, in
35 accordance with this subsection, the duration of the condition of
36 energy emergency shall be limited in accordance with subsection (3) of
37 this section.

1 Upon the declaration of a condition of energy supply alert or
2 energy emergency, the governor shall present to the committee any
3 proposed plans for programs, controls, standards, and priorities for
4 the production, allocation, and consumption of energy during any
5 current or anticipated condition of energy emergency, any proposed
6 plans for the suspension or modification of existing rules of the
7 Washington Administrative Code, and any other relevant matters the
8 governor deems desirable. The governor shall review any
9 recommendations of the committee concerning such plans and matters.

10 Upon the declaration of a condition of energy supply alert or
11 energy emergency, the emergency powers as set forth in this chapter
12 shall become effective only within the area described in the
13 declaration.

14 (2) A condition of energy supply alert shall terminate ninety
15 consecutive days after the declaration of such condition unless:

16 (a) Extended by the governor upon issuing a finding that the energy
17 supply alert continues to exist, and with prior approval of such an
18 extension by the committee; or

19 (b) Extended by the governor based on a declaration by the
20 president of the United States of a national state of emergency in
21 regard to energy supply; or

22 (c) Upon the request of the governor, extended by declaration of
23 the legislature by concurrent resolution of a continuing energy supply
24 alert.

25 ~~((In the event any such initial extension is implemented, the
26 condition shall terminate one hundred and fifty consecutive days after
27 the declaration of such condition. One or more subsequent extensions
28 may be implemented through the extension procedures set forth in this
29 subsection. In the event any such subsequent extension is implemented,
30 the condition shall terminate sixty consecutive days after the
31 implementation of such extension.))~~

32 An initial extension of an energy supply alert approved and
33 implemented under this subsection shall be for a specified period of
34 time not to exceed ninety consecutive days after the expiration of the
35 original declaration. Any subsequent extensions shall be for a
36 specified period of time not to exceed one hundred twenty consecutive
37 days after the expiration of the previous extension.

38 (3) A condition of energy emergency shall terminate forty-five
39 consecutive days after the declaration of such condition unless:

1 (a) Extended by the governor upon issuing a finding that the energy
2 emergency continues to exist, and with prior approval of such an
3 extension by the committee; or

4 (b) Extended by the governor based on a declaration by the
5 president of the United States of a national state of emergency in
6 regard to energy supply; or

7 (c) Upon the request of the governor, extended by declaration of
8 the legislature by concurrent resolution of a continuing energy
9 emergency.

10 ~~((In the event any such initial extension is implemented, the
11 condition shall terminate ninety consecutive days after the declaration
12 of such condition. One or more subsequent extensions may be
13 implemented through the extension procedures set forth in this
14 subsection. In the event any such subsequent extension is implemented,
15 the condition shall terminate forty five consecutive days after the
16 implementation of such extension.))~~

17 An initial extension of an energy emergency approved and
18 implemented under this subsection shall be for a specified period of
19 time not to exceed forty-five consecutive days after the expiration of
20 the original declaration. Any subsequent extensions shall be for a
21 specified period of time not to exceed sixty consecutive days after the
22 expiration of the previous extension.

23 (4) A condition of energy supply alert or energy emergency shall
24 cease to exist upon a declaration to that effect by either of the
25 following: (a) The governor; or (b) the legislature, by concurrent
26 resolution, if in regular or special session: PROVIDED, That the
27 governor shall terminate a condition of energy supply alert or energy
28 emergency when the energy supply situation upon which the declaration
29 of a condition of energy supply alert or energy emergency was based no
30 longer exists.

31 (5) In a condition of energy supply alert, the governor may, as
32 deemed necessary to preserve and protect the public health, safety, and
33 general welfare, and to minimize, to the fullest extent possible, the
34 injurious economic, social, and environmental consequences of such
35 energy supply alert, issue orders to: (a) Suspend or modify existing
36 rules of the Washington Administrative Code of any state agency
37 relating to the consumption of energy by such agency or to the
38 production of energy, and (b) direct any state or local governmental
39 agency to implement programs relating to the consumption of energy by

1 the agency which have been developed by the governor or the agency and
2 reviewed by the committee.

3 (6) In addition to the powers in subsection (5) of this section, in
4 a condition of energy emergency, the governor may, as deemed necessary
5 to preserve and protect the public health, safety, and general welfare,
6 and to minimize, to the fullest extent possible, the injurious
7 economic, social, and environmental consequences of such an emergency,
8 issue orders to: (a) Implement programs, controls, standards, and
9 priorities for the production, allocation, and consumption of energy;
10 (b) suspend and modify existing pollution control standards and
11 requirements or any other standards or requirements affecting or
12 affected by the use of energy, including those relating to air or water
13 quality control; and (c) establish and implement regional programs and
14 agreements for the purposes of coordinating the energy programs and
15 actions of the state with those of the federal government and of other
16 states and localities.

17 (7) The governor shall make a reasonable, good faith effort to
18 provide the committee with notice when the governor is considering
19 declaring a condition of energy supply alert or energy emergency. The
20 governor shall immediately transmit the declaration of a condition of
21 energy supply alert or energy emergency and the findings upon which the
22 declaration is based and any orders issued under the powers granted in
23 this chapter to the committee. The governor shall provide the
24 committee with at least fourteen days' notice when requesting an
25 extension of a condition of energy supply alert or energy emergency,
26 unless such notice is waived by the committee.

27 (8) Nothing in this chapter shall be construed to mean that any
28 program, control, standard, priority or other policy created under the
29 authority of the emergency powers authorized by this chapter shall have
30 any continuing legal effect after the cessation of the condition of
31 energy supply alert or energy emergency.

32 (9) If any provision of this chapter is in conflict with any other
33 provision, limitation, or restriction which is now in effect under any
34 other law of this state, including, but not limited to, chapter 34.05
35 RCW, this chapter shall govern and control, and such other law or rule
36 (~~or regulation promulgated~~) issued thereunder shall be deemed
37 superseded for the purposes of this chapter.

38 (10) Because of the emergency nature of this chapter, all actions
39 authorized or required hereunder, or taken pursuant to any order issued

1 by the governor, shall be exempted from any and all requirements and
2 provisions of the state environmental policy act of 1971, chapter
3 43.21C RCW, including, but not limited to, the requirement for
4 environmental impact statements.

5 (11) Except as provided in this section nothing in this chapter
6 shall exempt a person from compliance with the provisions of any other
7 law, rule, or directive unless specifically ordered by the governor."

8 **SHB 2441** - S COMM AMD

9 By Committee on Environment, Energy & Water

10 ADOPTED 03/05/02

11 On page 1, line 2 of the title, after "supply;" strike the
12 remainder of the title and insert "and amending RCW 44.39.070 and
13 43.21G.040."

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