
HOUSE BILL 2250

State of Washington

57th Legislature

2001 Regular Session

By Representatives Simpson, DeBolt, Berkey, Poulsen, Hunt, Ogden and Cooper

Read first time . Referred to Committee on .

1 AN ACT Relating to orders for energy conservation by all citizens
2 during energy supply alerts; and amending RCW 43.21G.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.21G.040 and 1987 c 505 s 83 are each amended to
5 read as follows:

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

8 (a) Upon finding that an energy supply alert exists within this
9 state or any part thereof, declare a condition of energy supply alert;
10 or

11 (b) Upon finding that an energy emergency exists within this state
12 or any part thereof, declare a condition of energy emergency. A
13 condition of energy emergency shall terminate thirty consecutive days
14 after the declaration of such condition if the legislature is not in
15 session at the time of such declaration and if the governor fails to
16 convene the legislature pursuant to Article III, section 7 of the
17 Constitution of the state of Washington within thirty consecutive days
18 of such declaration. If the legislature is in session or convened, in
19 accordance with this subsection, the duration of the condition of

1 energy emergency shall be limited in accordance with subsection (3) of
2 this section.

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

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

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

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

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

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

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

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

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

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

4 (c) Upon the request of the governor, extended by declaration of
5 the legislature by concurrent resolution of a continuing energy
6 emergency.

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

14 (4) A condition of energy supply alert or energy emergency shall
15 cease to exist upon a declaration to that effect by either of the
16 following: (a) The governor; or (b) the legislature, by concurrent
17 resolution, if in regular or special session: PROVIDED, That the
18 governor shall terminate a condition of energy supply alert or energy
19 emergency when the energy supply situation upon which the declaration
20 of a condition of energy supply alert or energy emergency was based no
21 longer exists.

22 (5) In a condition of energy supply alert, the governor may, as
23 deemed necessary to preserve and protect the public health, safety, and
24 general welfare, and to minimize, to the fullest extent possible, the
25 injurious economic, social, and environmental consequences of such
26 energy supply alert, issue orders to: (a) Suspend or modify existing
27 rules of the Washington Administrative Code of any state agency
28 relating to the consumption of energy by such agency or to the
29 production of energy, ~~((and))~~ (b) direct any state or local
30 governmental agency to implement programs relating to the consumption
31 of energy by the agency which have been developed by the governor or
32 the agency and reviewed by the committee, and (c) with the written
33 approval of the committee, direct that the following specific actions
34 be taken by all citizens:

35 (i) Eliminate all outdoor advertising sign illumination during
36 nonbusiness hours and during daylight hours;

37 (ii) Use only lighting necessary for identifying business
38 operations, such as signs indicating "open" or "vacancy" during
39 business hours between sunset and closing;

1 (iii) Eliminate all external and internal decorative lighting and
2 floodlighting, except for the minimum necessary for safety and
3 security;

4 (iv) Reduce commercial parking lot lighting to the minimum needed
5 for safety during business hours and after closing; and

6 (v) Minimize interior after-dark building lighting except for
7 safety and security.

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

22 The governor shall immediately transmit the declaration of a
23 condition of energy supply alert or energy emergency and the findings
24 upon which the declaration is based and any orders issued under the
25 powers granted in this chapter to the committee.

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

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

37 Because of the emergency nature of this chapter, all actions
38 authorized or required hereunder, or taken pursuant to any order issued
39 by the governor, shall be exempted from any and all requirements and

1 provisions of the state environmental policy act of 1971, chapter
2 43.21C RCW, including, but not limited to, the requirement for
3 environmental impact statements.

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

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