

**ESHB 1589** - S AMD TO ENET COMM AMD (S-5030.1/24) **833**  
By Senator L. Wilson

**NOT ADOPTED 02/29/2024**

1 On page 28, beginning on line 23, strike all of section 18 and  
2 insert the following:

3 "NEW SECTION. **Sec. 18.** This act shall not take effect until the  
4 attorney general publishes a formal memorandum analyzing the  
5 application of the United States Court of Appeals for the Ninth  
6 Circuit's opinion in *California Restaurant Association v. City of*  
7 *Berkeley*, which held that state and local governments may not limit  
8 the availability of natural gas in a manner that is preempted by the  
9 federal energy policy and conservation act. The attorney general  
10 shall provide the memorandum to the chief clerk of the house of  
11 representatives, the secretary of the senate, the office of the code  
12 reviser, and post it to the attorney general's public website."

13 On page 28, line 30, after "and" strike "declaring an emergency"  
14 and insert "providing a contingent effective date"

EFFECT: Removes the emergency clause and provides that the act shall not take effect until the attorney general publishes a formal memorandum analyzing the application of *California Restaurant Association v. City of Berkeley*, which held that state and local governments may not limit the availability of natural gas in a manner that is preempted by the federal energy policy and conservation act.

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