

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2441

Chapter 192, Laws of 2002

57th Legislature
2002 Regular Session

JOINT COMMITTEE ON ENERGY SUPPLY

EFFECTIVE DATE: 6/13/02

Passed by the House March 9, 2002
Yeas 94 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 5, 2002
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved March 27, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2441** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 27, 2002 - 9:12 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2441

AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By House Committee on Technology, Telecommunications & Energy
(originally sponsored by Representatives Crouse, Morris, DeBolt, Wood,
Berkey, Bush, Hunt, Ruderman, Delvin, Esser, Anderson and Pflug)

Read first time 02/01/2002. Referred to Committee on .

1 AN ACT Relating to amending the authority and duties of the joint
2 committee on energy supply; and amending RCW 44.39.070 and 43.21G.040.

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

4 **Sec. 1.** RCW 44.39.070 and 1977 ex.s. c 328 s 18 are each amended
5 to read as follows:

6 (1) The committee shall ((only)) meet and function at the following
7 times: (a) At least once per year or at anytime upon the call of the
8 chair to receive information related to the state or regional energy
9 supply situation; (b) during a condition of energy supply alert or
10 energy emergency; and (c) upon the call of the chair, in response to
11 gubernatorial action to terminate such a condition. Upon the
12 declaration by the governor of a condition of energy supply alert or
13 energy emergency, the committee on energy ((and utilities)) supply
14 shall meet to receive any plans proposed by the governor for programs,
15 controls, standards, and priorities for the production, allocation, and
16 consumption of energy during any current or anticipated condition of
17 energy supply alert or energy emergency, any proposed plans for the
18 suspension or modification of existing rules of the Washington
19 Administrative Code, and any other relevant matters the governor deems

1 desirable. The committee shall review such plans and matters and shall
2 transmit its recommendations to the governor for review. The committee
3 (~~shall~~) may review any voluntary programs or local or regional
4 programs for the production, allocation, or consumption of energy which
5 have been submitted to the committee.

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

10 (3) During a condition of energy supply alert, the committee shall:
11 (a) Receive any request from the governor for an extension of the
12 condition of energy supply alert for an additional (~~sixty~~) period of
13 time not to exceed ninety consecutive days and the findings upon which
14 such request is based; (b) receive any request from the governor for
15 subsequent extensions of the condition of energy supply alert for an
16 additional period of time not to exceed one hundred twenty consecutive
17 days and the findings upon which such a request is based; and (~~shall~~)
18 (c) either approve or disapprove (~~such request~~) the requested
19 extensions. When approving a request, the committee may specify a
20 longer period than requested, up to ninety days for initial extensions
21 and one hundred twenty days for additional extensions.

22 (4) During a condition of energy emergency the committee shall:
23 (a) Receive any request from the governor for an extension of the
24 condition of energy emergency for an additional period of time not to
25 exceed forty-five consecutive days and the finding upon which any such
26 request is based; (b) receive any request from the governor for
27 subsequent extensions of the condition of energy emergency for an
28 additional period of time not to exceed sixty consecutive days and the
29 findings upon which such a request is based; and (~~shall~~) (c) either
30 approve or disapprove (~~such request~~) the requested extensions. When
31 approving a request, the committee may specify a longer period than
32 requested, up to forty-five days for initial extensions and sixty days
33 for additional extensions.

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

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

1 (a) Upon finding that an energy supply alert exists within this
2 state or any part thereof, declare a condition of energy supply alert;
3 or

4 (b) Upon finding that an energy emergency exists within this state
5 or any part thereof, declare a condition of energy emergency. A
6 condition of energy emergency shall terminate thirty consecutive days
7 after the declaration of such condition if the legislature is not in
8 session at the time of such declaration and if the governor fails to
9 convene the legislature pursuant to Article III, section 7 of the
10 Constitution of the state of Washington within thirty consecutive days
11 of such declaration. If the legislature is in session or convened, in
12 accordance with this subsection, the duration of the condition of
13 energy emergency shall be limited in accordance with subsection (3) of
14 this section.

15 Upon the declaration of a condition of energy supply alert or
16 energy emergency, the governor shall present to the committee any
17 proposed plans for programs, controls, standards, and priorities for
18 the production, allocation, and consumption of energy during any
19 current or anticipated condition of energy emergency, any proposed
20 plans for the suspension or modification of existing rules of the
21 Washington Administrative Code, and any other relevant matters the
22 governor deems desirable. The governor shall review any
23 recommendations of the committee concerning such plans and matters.

24 Upon the declaration of a condition of energy supply alert or
25 energy emergency, the emergency powers as set forth in this chapter
26 shall become effective only within the area described in the
27 declaration.

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

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

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

36 (c) Upon the request of the governor, extended by declaration of
37 the legislature by concurrent resolution of a continuing energy supply
38 alert.

1 ((In the event any such initial extension is implemented, the
2 condition shall terminate one hundred and fifty consecutive days after
3 the declaration of such condition. One or more subsequent extensions
4 may be implemented through the extension procedures set forth in this
5 subsection. In the event any such subsequent extension is implemented,
6 the condition shall terminate sixty consecutive days after the
7 implementation of such extension.))

8 An initial extension of an energy supply alert approved and
9 implemented under this subsection shall be for a specified period of
10 time not to exceed ninety consecutive days after the expiration of the
11 original declaration. Any subsequent extensions shall be for a
12 specified period of time not to exceed one hundred twenty consecutive
13 days after the expiration of the previous extension.

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

16 (a) Extended by the governor upon issuing a finding that the energy
17 emergency 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
24 emergency.

25 ((In the event any such initial extension is implemented, the
26 condition shall terminate ninety consecutive days after the declaration
27 of such condition. One or more subsequent extensions may be
28 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 forty-five consecutive days after the
31 implementation of such extension.))

32 An initial extension of an energy emergency approved and
33 implemented under this subsection shall be for a specified period of
34 time not to exceed forty-five consecutive days after the expiration of
35 the original declaration. Any subsequent extensions shall be for a
36 specified period of time not to exceed sixty consecutive days after the
37 expiration of the previous extension.

38 (4) A condition of energy supply alert or energy emergency shall
39 cease to exist upon a declaration to that effect by either of the

1 following: (a) The governor; or (b) the legislature, by concurrent
2 resolution, if in regular or special session: PROVIDED, That the
3 governor shall terminate a condition of energy supply alert or energy
4 emergency when the energy supply situation upon which the declaration
5 of a condition of energy supply alert or energy emergency was based no
6 longer exists.

7 (5) In a condition of energy supply alert, the governor may, as
8 deemed necessary to preserve and protect the public health, safety, and
9 general welfare, and to minimize, to the fullest extent possible, the
10 injurious economic, social, and environmental consequences of such
11 energy supply alert, issue orders to: (a) Suspend or modify existing
12 rules of the Washington Administrative Code of any state agency
13 relating to the consumption of energy by such agency or to the
14 production of energy, and (b) direct any state or local governmental
15 agency to implement programs relating to the consumption of energy by
16 the agency which have been developed by the governor or the agency and
17 reviewed by the committee.

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

32 (7) The governor shall make a reasonable, good faith effort to
33 provide the committee with notice when the governor is considering
34 declaring a condition of energy supply alert or energy emergency. The
35 governor shall immediately transmit the declaration of a condition of
36 energy supply alert or energy emergency and the findings upon which the
37 declaration is based and any orders issued under the powers granted in
38 this chapter to the committee. The governor shall provide the
39 committee with at least fourteen days' notice when requesting an

1 extension of a condition of energy supply alert or energy emergency,
2 unless such notice is waived by the committee.

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

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

14 (10) Because of the emergency nature of this chapter, all actions
15 authorized or required hereunder, or taken pursuant to any order issued
16 by the governor, shall be exempted from any and all requirements and
17 provisions of the state environmental policy act of 1971, chapter
18 43.21C RCW, including, but not limited to, the requirement for
19 environmental impact statements.

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

Passed the House March 9, 2002.

Passed the Senate March 5, 2002.

Approved by the Governor March 27, 2002.

Filed in Office of Secretary of State March 27, 2002.