
SENATE BILL 5899

State of Washington 52nd Legislature 1991 Regular Session

By Senators McMullen, Conner, Metcalf and Anderson.

Read first time March 1, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to legislative authorization of pipelines located
2 within Puget Sound, Admiralty Inlet, Deception Pass, or adjacent marine
3 waters; and amending RCW 80.50.100.

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

5 **Sec. 1.** RCW 80.50.100 and 1989 c 175 s 174 are each amended to
6 read as follows:

7 (1) The council shall report to the governor or the legislature, as
8 required by this section, its recommendations as to the approval or
9 rejection of an application for certification within twelve months of
10 receipt by the council of such an application, or such later time as is
11 mutually agreed by the council and the applicant. If the council
12 recommends approval of an application for certification, it shall also
13 submit a draft certification agreement with the report. The council
14 shall include conditions in the draft certification agreement to
15 implement the provisions of this chapter, including, but not limited

1 to, conditions to protect state or local governmental or community
2 interests affected by the construction or operation of the energy
3 facility, and conditions designed to recognize the purpose of laws or
4 ordinances, or rules or regulations promulgated thereunder, that are
5 preempted or superseded pursuant to RCW 80.50.110 as now or hereafter
6 amended.

7 (2) For applications concerning petroleum or other natural resource
8 pipelines to be located within Puget Sound, Admiralty Inlet, Deception
9 Pass, or adjacent marine waters, the council shall submit its report to
10 the legislature. If the council recommends approval, the legislature
11 may approve the application, reject the application, or direct the
12 council to reconsider certain aspects. If the legislature rejects the
13 application, no further action may be taken with regard to that
14 application. If the legislature approves the application, the governor
15 shall have all options and procedures available under this section.

16 (3) Except for applications rejected by the legislature under
17 subsection (2) of this section, within sixty days of receipt of the
18 council's report or the legislature's approval the governor shall take
19 one of the following actions:

20 (a) Approve the application and execute the draft certification
21 agreement; or

22 (b) Reject the application; or

23 (c) Direct the council to reconsider certain aspects of the draft
24 certification agreement.

25 The council shall reconsider such aspects of the draft
26 certification agreement by reviewing the existing record of the
27 application or, as necessary, by reopening the adjudicative proceeding
28 for the purposes of receiving additional evidence. Such
29 reconsideration shall be conducted expeditiously. The council shall
30 resubmit the draft certification to the governor incorporating any

1 amendments deemed necessary upon reconsideration. Within sixty days of
2 receipt of such draft certification agreement, the governor shall
3 either approve the application and execute the certification agreement
4 or reject the application. The certification agreement shall be
5 binding upon execution by the governor and the applicant.

6 ~~((3))~~ (4) The rejection of an application for certification by
7 the governor shall be final as to that application but shall not
8 preclude submission of a subsequent application for the same site on
9 the basis of changed conditions or new information.