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SENATE BILL 6175

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State of Washington

57th Legislature

2001 Regular Session

By Senators Hale, T. Sheldon, Morton, Hargrove and Shin

Read first time 04/09/2001. Referred to Committee on Environment,  
Energy & Water.

1 AN ACT Relating to emergency energy authority; amending RCW  
2 43.21G.040; creating a new section; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that in times of an  
5 energy supply emergency, regulatory flexibility is essential to  
6 properly address public health and safety. The legislature further  
7 finds that removing electrical output restrictions on existing  
8 facilities in times of emergent need is also a critical tool necessary  
9 to enable the state to properly respond to short-term supply and demand  
10 imbalances. The legislature further finds that expedient processing of  
11 permits for new sources of energy supply are necessary to allow supply  
12 to match demand in the longer term. Therefore, the legislature  
13 declares that the energy emergency duties of the governor enumerated in  
14 chapter 43.21G RCW must be expanded to include the ability to suspend  
15 electrical output restrictions on generating facilities in times of  
16 emergency.

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

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

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

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

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

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

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

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

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

1 (c) Upon the request of the governor, extended by declaration of  
2 the legislature by concurrent resolution of a continuing energy supply  
3 alert.

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

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

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

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

19 (c) Upon the request of the governor, extended by declaration of  
20 the legislature by concurrent resolution of a continuing energy  
21 emergency.

22 In the event any such initial extension is implemented, the  
23 condition shall terminate ninety consecutive days after the declaration  
24 of such condition. One or more subsequent extensions may be  
25 implemented through the extension procedures set forth in this  
26 subsection. In the event any such subsequent extension is implemented,  
27 the condition shall terminate forty-five consecutive days after the  
28 implementation of such extension.

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

37 (5) In a condition of energy supply alert, the governor may, as  
38 deemed necessary to preserve and protect the public health, safety, and  
39 general welfare, and to minimize, to the fullest extent possible, the

1 injurious economic, social, and environmental consequences of such  
2 energy supply alert, issue orders to: (a) Suspend or modify existing  
3 rules of the Washington Administrative Code of any state agency  
4 relating to the consumption of energy by such agency or to the  
5 production of energy(~~(, and)~~); (b) direct any state or local  
6 governmental agency to implement programs relating to the consumption  
7 of energy by the agency which have been developed by the governor or  
8 the agency and reviewed by the committee; and (c) suspend or modify, or  
9 both, the provisions, including air quality standards, of any existing  
10 site certification agreement limiting the electrical output of an  
11 energy facility, as defined in RCW 80.50.020.

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

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

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

35 If any provision of this chapter is in conflict with any other  
36 provision, limitation, or restriction which is now in effect under any  
37 other law of this state, including, but not limited to, chapter 34.05  
38 RCW, this chapter shall govern and control, and such other law or rule

1 ((~~or regulation promulgated~~)) adopted thereunder shall be deemed  
2 superseded for the purposes of this chapter.

3 Because of the emergency nature of this chapter, all actions  
4 authorized or required hereunder, or taken pursuant to any order issued  
5 by the governor, shall be exempted from any and all requirements and  
6 provisions of the state environmental policy act of 1971, chapter  
7 43.21C RCW, including, but not limited to, the requirement for  
8 environmental impact statements.

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

12 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and takes effect  
15 immediately.

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