

NEW SECTION. Sec. 35. This 1977 amendatory act shall take effect on January 1, 1978.

Passed the House June 14, 1977.

Passed the Senate June 17, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

CHAPTER 328

[Substitute House Bill No. 928]

ENERGY—ALERTS, EMERGENCIES—GOVERNOR—JOINT COMMITTEE

AN ACT Relating to energy; amending section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.010; amending section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.020; amending section 17, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.030; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.040; amending section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.050; amending section 20, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.060; amending section 21, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.070; amending section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.080; amending section 23, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.090; amending section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. as amended by section 26, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. as amended by section 27, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.210; amending section 1, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.010; amending section 2, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.015; amending section 3, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.020; amending section 4, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.025; adding new sections to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW; repealing section 5, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.030; repealing section 6, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.035; repealing section 7, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.040; and declaring an emergency.

Section 1. Section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.010 are each amended to read as follows:

The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to ~~((reduce and/or allocate the usage))~~ regulate the production, distribution, and use of energy ~~((through a program of mandatory usage curtailment and/or allocation))~~, a severe impact on the public health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation ~~((of the effects))~~ of such energy shortages or disruptions and their effects is necessary for preservation of the public health, safety, and general welfare of the citizens of this state.

It is the intent of this chapter to:

- (1) Establish necessary ~~((energy))~~ emergency powers for the governor and define the ~~((conditions))~~ situations under which such powers are to be exercised;
- (2) Provide penalties for violations of this chapter.

It is further the intent of the legislature that in developing proposed orders under the powers granted in RCW 43.21G.040 as now or hereafter amended the governor may utilize, on a temporary or ad hoc basis, the knowledge and expertise of persons experienced in the technical aspects of energy supply, distribution, or

use. Such utilization shall be in addition to support received by the governor from the state energy office under RCW 43.21F.050 and 43.21F.070 and from other state agencies.

Sec. 2. Section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-21G.020 are each amended as follows:

As used in this chapter:

(1) "Energy supply facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means any of the following, individually or in combination: Petroleum ((or)) fuels; other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) (~~"Council" means the energy advisory council created by section 8 of this 1976 amendatory act.~~) "Committee" means the joint committee on energy and utilities created by RCW 44.39.010 as now or hereafter amended.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engages in or ((are)) is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

(6) "Regulated distributor" means a public service company as defined in chapter 80.04 RCW which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

(7) "Energy supply alert" means a situation which threatens to disrupt or diminish the supply of energy to the extent that the public health, safety, and general welfare may be jeopardized.

(8) "Energy emergency" means a situation in which the unavailability or disruption of the supply of energy poses a clear and foreseeable danger to the public health, safety, and general welfare.

(9) "State or local governmental agency" means any county, city, town, municipal corporation, political subdivision of the state, or state agency.

Sec. 3. Section 17, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-21G.030 are each amended to read as follows:

It is the intent of the legislature that the governor (~~and the council~~) shall, in developing (~~provisions~~) plans for the production, allocation, (~~conservation,~~) and consumption of energy, give (~~due consideration~~) high priority to supplying vital public services (~~such as~~) including, but not limited to, essential governmental operations, public health and safety functions, emergency services, public mass transportation systems, fish production, food production and processing facilities, including the provision of water to irrigated agriculture, and energy supply facilities, during a condition(~~s~~) of (~~an~~) energy supply alert or energy emergency. In developing any (~~energy allocation~~) such (~~programs~~) plans, provisions should be made for the equitable distribution of energy among the geographic areas of the state.

It is further the intent of the legislature that the governor shall, to the extent possible, encourage and rely upon voluntary programs and local and regional programs for the production, allocation, and consumption of energy and that involvement of energy users and producers be secured in implementing such programs.

Sec. 4. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.040 are each amended to read as follows:

~~((In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this chapter:))~~

(1) ~~The governor may~~~~((, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of "energy supply alert", at which time all of the general and specific))~~ subject to the definitions and limitations provided in this chapter:

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

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

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

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers ~~((further enumerated))~~ as set forth in this ~~((section))~~ chapter shall become effective only within the area described in the declaration. ~~((Concurrent with such declaration the governor shall convene the council which shall then meet within five days of the declaration of the alert, if it is not already in session:))~~

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

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

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

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

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

(3) ~~((The))~~ A condition of ~~((ⁿ))~~energy ~~((supply alertⁿ))~~ emergency shall terminate ~~((after sixty))~~ ~~forty-five~~ consecutive days after the declaration of such condition unless ~~((a continuing condition of "energy supply alert" exists, which shall be defined as the occurrence of either of the following: (a) Extension))~~:

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

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

~~((b))~~ (c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing ~~((condition of ⁿ))~~energy ~~((supply alertⁿ))~~ emergency.

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

~~((3) The conditions))~~ (4) A condition of ~~((an))~~ energy supply alert or energy emergency shall ~~((alternatively))~~ cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or extraordinary session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

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

~~((4))~~ (6) In a ~~((declared state))~~ condition of energy ~~((supply alert))~~ emergency, the governor may, ~~((upon recommendation or approval of the energy advisory council,))~~ as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency,

issue orders to: (a) Implement ((such)) programs, controls, standards, and priorities((, and quotas)) for the production, allocation, ((conservation;)) and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

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

Nothing in this chapter shall be construed to mean that any program, control, standard, priority ((quota;)) or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of ((a declared state)) the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

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

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor. The emergency powers granted to the governor in this chapter shall expire on June 30, 1980.

Sec. 5. Section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.050 are each amended to read as follows:

To protect the public welfare during ((conditions)) a condition of energy ((alerts or emergencies)) supply alert or energy emergency, the ((chief)) executive authority of each ((political subdivision of the state and each state agency)) state or local governmental agency is hereby authorized and directed to ((carry out in his jurisdiction the energy supply alert or energy emergency measures as may be ordered by the governor)) take action to carry out the orders issued by the governor pursuant to this chapter as now or hereafter amended.

Sec. 6. Section 20, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.060 are each amended to read as follows:

In order to attain uniformity, as far as is practicable throughout the ((country)) United States, in measures taken to aid in energy crisis management, all action taken under this chapter as now or hereafter amended, and all orders and rules

made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities.

Sec. 7. Section 21, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.070 are each amended to read as follows:

Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter as now or hereafter amended shall comply therewith immediately.

Sec. 8. Section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.080 are each amended to read as follows:

The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter as now or hereafter amended (~~(, and no distributor shall be liable for actions taken in accordance with such order)~~): PROVIDED, That orders to regulated distributors shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor. No distributor shall be liable for actions taken in accordance with such orders issued by the governor or the Washington utilities and transportation commission.

All allocations of energy from one distributor to another distributor pursuant to orders issued or as a result of actions taken under this chapter as now or hereafter amended are subject to fair and just reimbursement. Such reimbursement for any allocation of energy between regulated distributors shall be subject to the approval of the Washington utilities and transportation commission. A distributor is authorized to enter into agreements with another distributor for the purpose of determining financial or commodity reimbursement.

Sec. 9. Section 23, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43-.21G.090 are each amended to read as follows:

(1) Any person aggrieved by an order issued or action taken pursuant to this chapter as now or hereafter amended may petition the governor and request an exception from or modification of such order or action. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter as now or hereafter amended may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued (~~for~~) or action taken pursuant to this chapter as now or hereafter amended, nor to hear and determine any appeal from any such order. The provisions of (~~Rule on Appeal I-58~~) Rule 16.2, Rules of Appellate Procedure, shall apply to any proceedings in the supreme court brought pursuant to this chapter as now or hereafter amended.

** Sec. 10. Section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010 are each amended to read as follows:*

(1) In addition to those duties prescribed by the Constitution, the governor ((may exercise the powers and)) shall perform the duties prescribed in this ((and the following sections)) subsection:

~~((1) He shall supervise the conduct of all executive and ministerial offices,~~

~~(2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows, and if the remedy is imperfect, acquaint the legislature therewith at its next session,~~

~~(3) He shall make the appointments and supply the vacancies mentioned in this title,~~

~~(4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States,~~

~~(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session,~~

~~(6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session,~~

~~(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties,~~

~~(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony,~~

~~(9) He shall perform such duties respecting fugitives from justice as are prescribed by law,~~

~~(10) He shall issue and transmit election proclamations as prescribed by law,~~

~~(11) He may require any officer or board to make, upon demand, special reports to him, in writing,~~

~~(12) He may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation.))~~

(a) Supervision of the conduct of all executive and ministerial offices,

(b) Seeing that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows, and if the remedy is imperfect, acquaint the legislature therewith at its next session,

(c) Make the appointments and supply the vacancies mentioned in this title,

(d) Be the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States,

(e) Perform such duties respecting fugitives from justice as are prescribed by law,

(f) Issue and transmit election proclamations prescribed by law.

(2) In addition to those powers prescribed by the Constitution, the governor may exercise the powers prescribed in this subsection:

(a) Direct the attorney general to appear on behalf of the state whenever any suit or legal proceeding is pending against this state, or whenever any suit or legal proceeding may affect the title of this state to any property, or may result in any claim against the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(b) Require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and issue reports concerning the inquiry to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(c) Require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(d) Offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;

(e) Require any officer or board to make, upon demand, special reports to the governor, in writing;

(f) After finding that a public disorder, disaster, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected and the powers granted during a state of emergency shall be effective only within the area described in the proclamation.

*Sec. 10. was vetoed, see message at end of chapter.

Sec. 11. Section 1, chapter 186, Laws of 1969 ex. sess. as amended by section 26, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.200 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 each as now or hereafter amended shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 as now or hereafter amended.

((¹"Energy emergency" means a condition in which the unavailability or disruption of energy supply poses an immediate and grave threat to life, health, property, or the public peace in the area in which such condition is declared to exist. "Energy" shall include the following: (1) Petroleum and other liquid fuels; (2) natural or synthetic fuel gas; (3) solid carbonaceous fuels; (4) fissionable nuclear material; and (5) electricity.))

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

Sec. 12. Section 2, chapter 186, Laws of 1969 ex. sess. as amended by section 27, chapter 108, Laws of 1975-76 2nd ex. sess. and RCW 43.06.210 are each amended to read as follows:

The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected (~~(- PROVIDED, FURTHER, That the condition of a state of emergency declared upon a finding that an energy emergency exists shall terminate after thirty consecutive days unless a continuing condition of state of emergency exists, which shall be defined as the occurrence of any of the following: (1) Extension by the governor based on a declaration by the president of the United States of a national emergency; or (2) declaration of the legislature by concurrent resolution of a continuing condition of a state of emergency)~~).

Sec. 13. Section 1, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.010 are each amended to read as follows:

There is hereby created the joint committee on ((nuclear)) energy and utilities of the legislature of the state of Washington.

Sec. 14. Section 2, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.015 are each amended to read as follows:

The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall nominate four members from the energy and utilities committee, including the chairman, two members being from each major political party, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate four members from the energy and utilities committee, including the chairman, two members being from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be deemed installed as members. The chairmen of the senate and house energy and utilities committees shall alternately serve as chairman for one year terms. The chairman of the house committee shall serve as the initial chairman. The chairman may designate another committee member to serve as chairman in his or her absence.

Sec. 15. Section 3, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.020 are each amended to read as follows:

Members shall serve until their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

Sec. 16. Section 4, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.025 are each amended to read as follows:

The ((committee)) presiding officer of the appropriate legislative chamber shall fill any vacancies occurring on the committee by appointment from the same political party ((and legislative chamber)) as the departing member. Notwithstanding the provisions of RCW 44.39.015 as now or hereafter amended, any such appointee shall be deemed installed as a member upon appointment. Members filling vacancies shall serve until they or their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, or until they are no longer members of the legislature, whichever is sooner.

NEW SECTION. Sec. 17. There is added to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW a new section to read as follows:

In the discharge of any duty imposed by this chapter, the committee or any personnel acting under its direction shall have the authority to examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency; to administer oaths; and to issue subpoenas, upon approval of a majority of the members of the house or senate rules committee, to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In case of the failure of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the chairman of the committee.

NEW SECTION. Sec. 18. There is added to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW a new section to read as follows:

The committee shall only meet and function during a condition of energy supply alert or energy emergency. Upon the declaration by the governor of a condition of energy supply alert or energy emergency, the committee on energy and utilities shall meet to receive any plans proposed by the governor for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy supply alert or energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The committee shall review such plans and matters and shall transmit its recommendations to the governor for review. The committee shall review any voluntary programs or local or regional programs for the production, allocation, or consumption of energy which have been submitted to the committee.

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

During a condition of energy supply alert, the committee shall receive any request from the governor for an extension of the condition of energy supply alert for an additional sixty consecutive days and the findings upon which such request is based and shall either approve or disapprove such request.

During a condition of energy emergency the committee shall receive any request from the governor for an extension of the condition of energy emergency for an additional forty-five consecutive days and the finding upon which any such request is based and shall either approve or disapprove such request.

NEW SECTION. Sec. 19. The following acts or parts of acts are each hereby repealed:

- (1) Section 5, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.030;
- (2) Section 6, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.035; and
- (3) Section 7, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.040.

NEW SECTION. Sec. 20. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 13, 1977.

Passed the Senate June 11, 1977.

Approved by the Governor June 30, 1977, with the exception of section 10 which was vetoed.

Filed in Office of Secretary of State June 30, 1977.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 928 entitled:

"AN Act Relating to energy."

A careful review of Substitute House Bill No. 928, dealing with emergency energy powers, reveals that Section 10 makes many unsubstantive changes in Section 43.06.010 and RCW 43.06.010. The legislature has passed and I have already signed Substitute House Bill No. 564, the Washington Sunset Law which made similar unsubstantive changes but which added to existing laws certain required executive powers concerned with sunset legislation.

To allow Section 10 of this bill to become law would be duplication of earlier legislation and, in fact, might very well effect a portion of the sunset bill which I deem of prime importance within the executive powers of the Governor. For this reason, I have vetoed Section 10 of this bill.

With the exception of section 10, which I have vetoed, the remainder of Substitute House Bill No. 928 is approved."