

CHAPTER 28
[Senate Bill No. 2965]
TOLL BRIDGE AUTHORITY--FERRIES--
SUPPLEMENTAL APPROPRIATION

AN ACT Relating to highways; making supplemental appropriations for the Washington toll bridge authority; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1975 from the Puget Sound ferry operations account in the motor vehicle fund.....\$881,160 or so much thereof as may be necessary for the operation and maintenance of the ferry system.

NEW SECTION. Sec. 2. This 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 Senate September 11, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 22, 1973.

Filed in Office of Secretary of State September 24, 1973.

CHAPTER 29
[Engrossed Senate Bill No. 2967]
ELECTRIC POWER--EMERGENCY CURTAILMENT
AND/OR ALLOCATION

AN ACT Relating to electric power; creating a new chapter in Title 43 RCW; providing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds and declares that due to one of the most severe droughts in recorded history, the sources of electric power are in such short supply as to create a clear and foreseeable danger that without institution of appropriate measures to reduce and/or allocate the usage of electricity through a program of mandatory usage curtailment and/or allocation, an electric power system failure involving the entire Pacific Northwest may occur. The prevention of such a power system failure is necessary for preservation of the public health, welfare, and safety of the citizens of this state.

It is the policy of the state of Washington and the intent of this legislation to prevent such a failure of the electric power

system and to provide emergency procedures whereby such a failure can be averted.

NEW SECTION. Sec. 2. (1) "Committee" means the electric emergency curtailment and/or allocation committee established in section 3 of this act.

(2) "Electric utility" means any city or town, public utility district, regulated electric company, or electric cooperative, or other entity engaged in or authorized to engage in the business of generating, transmitting, or distributing electric energy in this state.

(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, or any other entity, public or private, however organized.

NEW SECTION. Sec. 3. There is hereby created and established an electric emergency curtailment and/or allocation committee composed of five members to be appointed by the governor to serve at his pleasure. The governor shall name one of the members to serve as chairman of the committee. One member shall be experienced and knowledgeable in the affairs and operation of regulated electric companies; one member shall be experienced and knowledgeable in the affairs of public agencies or cooperatives engaged in the electric utility industry; one member shall be from the electric power consuming general public; and one member shall be from an industrial consumer of electric power. The chairman of the senate transportation and utilities committee and the chairman of the house transportation and utilities committee and one member of the minority party from each house shall serve as ex officio members of the committee, without vote.

Members, unless otherwise compensated for such time, shall be compensated at the rate of one hundred dollars per day for each day engaged in the business of the committee and shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the committee as provided in chapter 43.03 RCW.

NEW SECTION. Sec. 4. The committee shall have the following powers and duties:

(1) To gather and review pertinent information from whatever source available relating to electric power supply conditions;

(2) To make recommendations to the governor of appropriate emergency curtailment and/or allocation plans and procedures of electric power usage. In developing its recommendations the committee should consider the economic, social and environmental impact of a curtailment and/or allocation program;

(3) To advise the governor of the time or times, if any, based on pertinent information, when the electric power supply conditions require execution of emergency curtailment and/or allocation procedures, and also the time or times when such procedures can prudently be terminated;

(4) To monitor and review compliance with and effectiveness of orders of the governor issued under this chapter: PROVIDED, That compliance by regulated electric companies shall be reviewed by the Washington utilities and transportation commission and the results thereof shall be reported to the committee;

(5) To require submission by any electric utility, for review and approval by the committee, of a plan for curtailment and/or allocation of electric usage in the event of an emergency.

NEW SECTION. Sec. 5. During such periods as the governor has determined that emergency curtailment and/or allocation procedures of electric power usage must be followed to assure prevention of an electric power system failure, the governor is authorized and empowered to order immediate curtailment and/or allocation of electric power use and to carry out such other actions as shall have been recommended by the committee pursuant to section 4 of this act: PROVIDED, That, in the absence of such recommendation, or if the governor shall determine that the plans and procedures recommended by the committee are not adequate to carry out the purpose of this chapter, the governor may order immediate curtailment and/or allocation of electric power usage and the execution of such other procedures and actions as he may deem necessary and appropriate to prevent an electric power system failure.

All persons using electricity who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately, notwithstanding any provision of law or contract to the contrary.

The governor may direct any electric utility to take such action on his behalf as may be required to implement his orders issued pursuant to this chapter, and no electric utility shall be liable for actions taken in accordance with such directions: PROVIDED, That orders to regulated electric companies shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor.

The governor shall undertake all efforts that may be useful in coordinating similar electric power usage curtailment and/or allocation programs with other states.

NEW SECTION. Sec. 6. (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor shall refer any such application to the committee for review, and the

committee shall recommend to the governor action to be taken thereon. 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 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 or action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule On Appeal I-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter.

NEW SECTION. Sec. 7. (1) Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

(2) Any person violating any provision of an order issued by the governor pursuant to this chapter shall also be subject to termination of electric services upon further order of the governor.

NEW SECTION. Sec. 8. 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, except chapters 43.06 and 38.52 RCW, or any rule or regulation promulgated thereunder, 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 and limited duration 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 statute, rule, regulation, or directive unless specifically ordered by the governor.

NEW SECTION. Sec. 9. The provisions of this chapter shall expire on June 30, 1974, and all powers conferred herein or orders issued hereunder shall terminate at that time.

NEW SECTION. Sec. 10. This chapter shall be liberally construed to carry out the legislative declaration of findings, policy, and intent expressed herein.

NEW SECTION. Sec. 11. This act shall constitute a new

chapter in Title 43 RCW.

NEW SECTION. Sec. 12. If any provision of this 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. 13. This act is necessary for 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 Senate September 14, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 22, 1973.

Filed in Office of Secretary of State September 24, 1973.

CHAPTER 30
[Senate Bill No. 2978]
MARINE POLLUTION--
BASELINE STUDIES

AN ACT Relating to marine pollution; and adding new sections to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21A RCW.

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

NEW SECTION. Section 1. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21A RCW a new section to read as follows:

The legislature recognizes that there exists a great risk of potential damage from oil pollution of the waters of the state of Washington and further declares that immediate steps must be undertaken to reduce this risk. The legislature also is aware that such danger is expected to increase in future years in proportion to the increase in the size and cargo capacity of ships, barges, and other waterborne carriers, the construction and operational characteristics of these carriers, the density of waterborne traffic, and the need for a greater supply of petroleum products.

A program of systematic baseline studies to be conducted by the department of ecology has been recognized as a vital part of the efforts to reduce the risk of oil pollution of marine waters, and the legislature recognizes that many factors combine to make this effort one of considerable magnitude and difficulty. The marine shoreline of the state is about two thousand seven hundred miles long, a greater length than the combined coastlines of Oregon and California. There are some three million acres of submerged land and more than three hundred islands in these marine waters. The average depth of