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**SUBSTITUTE HOUSE BILL 1251**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Wilson, Haugen, Spanel, Schmidt, Zellinsky, Jones, R. Johnson, R. King, Orr, Basich and Paris).

Read first time March 6, 1991.

1 AN ACT Relating to oil transmission lines; and amending RCW  
2 80.50.071.

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

4 **Sec. 1.** RCW 80.50.071 and 1977 ex.s. c 371 s 16 are each amended  
5 to read as follows:

6 (1) The council shall receive all applications for energy facility  
7 site certification. The following fees or charges for application  
8 processing or certification monitoring shall be paid by the applicant  
9 or certificate holder:

10 (a) A fee of twenty-five thousand dollars for each proposed site,  
11 to be applied toward the cost of the independent consultant study  
12 authorized in this subsection, shall accompany the application and  
13 shall be a condition precedent to any further consideration or action  
14 on the application by the council. The council shall commission its  
15 own independent consultant study to measure the consequences of the

1 proposed energy facility on the environment for each site application.  
2 The council shall direct the consultant to study any matter which it  
3 deems essential to an adequate appraisal of the site. The full cost of  
4 the study shall be paid by the applicant: PROVIDED, That said costs  
5 exceeding a total of the twenty-five thousand dollars paid pursuant to  
6 subsection (1)(a) of this section shall be payable subject to the  
7 applicant giving prior approval to such excess amount.

8 (b) Each applicant shall, in addition to the costs of the  
9 independent consultant provided by subsection (1)(a) of this section,  
10 pay such reasonable costs as are actually and necessarily incurred by  
11 the council in processing the application. Such costs shall include,  
12 but are not limited to, costs of a hearing examiner, a court reporter,  
13 additional staff salaries, wages and employee benefits, goods and  
14 services, travel expenses within the state and miscellaneous expenses,  
15 as arise directly from processing such application. In addition, each  
16 applicant shall pay the reasonable costs actually and necessarily  
17 incurred by a county, city, or town, within which an oil transmission  
18 line is proposed to be located, in presenting information to the  
19 council and defending its land use controls and other regulatory  
20 controls relating to the proposed oil transmission line.

21 Each applicant shall, at the time of application submission,  
22 deposit twenty thousand dollars, or such lesser amount as may be  
23 specified by council rule, to cover costs provided for by subsection  
24 (1)(b) of this section. Reasonable and necessary costs of the council  
25 directly attributable to application processing shall be charged  
26 against such deposit.

27 The council shall submit to each applicant a statement of such  
28 expenditures actually made during the preceding calendar quarter which  
29 shall be in sufficient detail to explain such expenditures. The  
30 applicant shall pay the state treasurer the amount of such statement to

1 restore the total amount on deposit to the originally established  
2 level: PROVIDED, That such applicant may, at the request of the  
3 council, increase the amount of funds on deposit to cover anticipated  
4 expenses during peak periods of application processing. Any funds  
5 remaining unexpended at the conclusion of application processing shall  
6 be refunded to the applicant, or at the applicant's option, credited  
7 against required deposits of certificate holders.

8 (c) Each certificate holder shall pay such reasonable costs as are  
9 actually and necessarily incurred by the council for inspection and  
10 determination of compliance by the certificate holder with the terms of  
11 the certification relative to monitoring the effects of construction  
12 and operation of the facility.

13 Each certificate holder, within thirty days of execution of the  
14 site certification agreement, shall deposit twenty thousand dollars, or  
15 such other amount as may be specified by council rule, to cover costs  
16 provided for by subsection (1)(c) of this section. Reasonable and  
17 necessary costs of the council directly attributable to inspection and  
18 determination of compliance by the certificate holder with the terms of  
19 the certification relative to monitoring the effects of construction  
20 and operation of the facility shall be charged against such deposit.

21 The council shall submit to each certificate holder a statement of  
22 such expenditures actually made during the preceding calendar quarter  
23 which shall be in sufficient detail to explain such expenditures. The  
24 certificate holder shall pay the state treasurer the amount of such  
25 statement to restore the total amount on deposit to the originally  
26 established level: PROVIDED, That if the actual, reasonable, and  
27 necessary expenditures for inspection and determination of compliance  
28 in the preceding calendar quarter have exceeded the amount of funds on  
29 deposit, such excess costs shall be paid by the certificate holder.

1           (2) If an applicant or certificate holder fails to provide the  
2 initial deposit, or if subsequently required payments are not received  
3 within thirty days following receipt of the statement from the council,  
4 the council may (a) in the case of the applicant, suspend processing of  
5 the application until payment is received; or (b) in the case of a  
6 certificate holder, suspend the certification.

7           (3) All payments required of the applicant or certificate holder  
8 under this section are to be made to the state treasurer who shall make  
9 payments as instructed by the council from the funds submitted. All  
10 such funds shall be subject to state auditing procedures. Any  
11 unexpended portions thereof shall be returned to the applicant or  
12 certificate holder.