

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5770

Chapter 122, Laws of 1991

52nd Legislature
1991 Regular Session

ELECTRIC UTILITIES--ENERGY CODE AND RATEMAKING--REVISED PROVISIONS

EFFECTIVE DATE: 7/28/91

Passed by the Senate April 22, 1991
Yeas 30 Nays 16

JOEL PRITCHARD
President of the Senate

Passed by the House April 17, 1991
Yeas 95 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Approved May 9, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5770** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 9, 1991 - 12:01 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5770

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Saling).

Read first time March 4, 1991.

1 AN ACT Relating to obtaining additional electricity supplies
2 through conservation and generation; amending RCW 80.04.250; adding a
3 new section to chapter 19.27A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the state is
6 facing an energy shortage as growth occurs and that inadequate supplies
7 of energy will cause harmful impacts on the entire range of state
8 citizens. The legislature further finds that energy efficiency
9 improvement is the single most effective near term measure to lessen
10 the risk of energy shortage. In the area of electricity, the
11 legislature additionally finds that the Northwest power planning
12 council has made several recommendations, including an update of the
13 commercial building energy code and granting flexible ratemaking
14 alternatives for utility commissions to encourage prudent acquisition
15 of new electric resources.

1 **Sec. 2.** RCW 80.04.250 and 1961 c 14 s 80.04.250 are each amended
2 to read as follows:

3 The commission shall have power upon complaint or upon its own
4 motion to ascertain and determine the fair value for rate making
5 purposes of the property of any public service company used and useful
6 for service in this state and shall exercise such power whenever it
7 shall deem such valuation or determination necessary or proper under
8 any of the provisions of this title. In determining what property is
9 used and useful for providing electric, gas, or water service, the
10 commission may include the reasonable costs of construction work in
11 progress to the extent that the commission finds that inclusion is in
12 the public interest.

13 The commission shall have the power to make revaluations of the
14 property of any public service company from time to time.

15 The commission shall, before any hearing is had, notify the
16 complainants and the public service company concerned of the time and
17 place of such hearing by giving at least thirty days' written notice
18 thereof, specifying that at the time and place designated a hearing
19 will be held for the purpose of ascertaining the value of the company's
20 property, used and useful as aforesaid, which notice shall be
21 sufficient to authorize the commission to inquire into and pass upon
22 the matters designated in this section.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27A RCW
24 to read as follows:

25 (1) The minimum state energy code for new nonresidential buildings
26 shall be the Washington state energy code, 1986 edition, as amended.
27 The state building code council may, by rule adopted pursuant to
28 chapter 34.05 RCW, amend that code's requirements for new
29 nonresidential buildings provided that:

1 (a) Such amendments increase the energy efficiency of typical newly
2 constructed nonresidential buildings; and

3 (b) Any new measures, standards, or requirements adopted must be
4 technically feasible, commercially available, and cost-effective to
5 building owners and tenants.

6 (2) In considering amendments to the state energy code for
7 nonresidential buildings, the state building code council shall
8 establish and consult with a technical advisory committee including
9 representatives of appropriate state agencies, local governments,
10 general contractors, building owners and managers, design
11 professionals, utilities, and other interested and affected parties.

12 (3) Decisions to amend the Washington state energy code for new
13 nonresidential buildings shall be made prior to December 15th of any
14 year and shall not take effect before the end of the regular
15 legislative session in the next year. Any disputed provisions within
16 an amendment presented to the legislature shall be approved by the
17 legislature before going into effect. A disputed provision is one
18 which was adopted by the state building code council with less than a
19 two-thirds majority vote. Substantial amendments to the code shall be
20 adopted no more frequently than every three years.

21 NEW SECTION. **Sec. 4.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

Passed the Senate April 22, 1991.

Passed the House April 17, 1991.

Approved by the Governor May 9, 1991.

Filed in Office of Secretary of State May 9, 1991.