
**Technology, Energy & Communications
Committee**

HJR 4215

Brief Description: Amending the state Constitution to require that hydroelectric generation be recognized as a renewable resource.

Sponsors: Representatives Haler, Armstrong, Crouse, Klippert, Johnson, Angel, Hope, Alexander, Schmick, McCune, Chandler, Kristiansen, Ericks and Kretz.

Brief Summary of Bill

- Proposes an amendment to the state's Constitution requiring that any act, law, or bill passed by the Legislature must recognize hydroelectric generation as a renewable energy resource.

Hearing Date: 1/28/10

Staff: Scott Richards (786-7156).

Background:

Amending the State Constitution.

The state Constitution provides a method for the adoption of amendments to the Constitution. In order to amend the Constitution, a joint resolution must be passed by a two-thirds majority of both houses of the Legislature. To be enacted, the proposed amendment must be placed on the next general election ballot and must be approved by a simple majority of the voters.

The Constitution requires two methods of publicity for proposed constitutional amendments. The first is a requirement that the Secretary of State send a copy of the proposed amendment, with arguments for and against the proposal, to every residence in the state. The second is a requirement that notice of the proposed amendment be published in every legal newspaper in the state at least four times during the four weeks preceding the election.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Hydroelectric Resources in Washington.

According to the United States Energy Information Administration, Washington is the leading hydroelectric power producer in the country, typically generating about twice that of the next leading state. Eight of the state's 10 largest power plants produce hydroelectricity, primarily from the Columbia and Snake Rivers. The 7,079-megawatt Grand Coulee hydroelectric facility, located on the Columbia River, is the largest generating plant in the United States.

In Washington, most of the electricity sold to retail customers is generated by hydroelectric power. According to the state's most recent fuel mix disclosure report using 2007 electricity production data, hydroelectric power accounts for 66.6 percent of electricity sold; coal represents 17.7 percent; nuclear power supplies 4.6 percent; and natural gas 9.8 percent. Non-hydro renewable resources such as wind, landfill gas, or biomass represent 1.3 percent.

State Renewable Energy Policies.

Under current Washington law, there are policies in place that promote the development and generation of renewable energy. Some of these policies include hydroelectric power as a source of renewable energy.

Net Metering.

Under current net metering laws, an eligible net metering system may be a renewable energy facility capable of generating up to 100 kilowatts and producing electrical energy using water, wind, solar energy, or biogas from animal waste as a fuel.

Mandatory Utility Green Power Option.

All electric utilities serving more than 25,000 customers are required to offer customers a voluntary option of purchasing alternative energy resources. Qualifying alternative energy resources include facilities that produce electricity produced from the following resources: (a) wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; (f) gas produced during the treatment of wastewater; (g) qualified hydropower; or (h) biomass energy based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

For qualified hydropower, the electricity from a hydroelectric facility must be produced either: (1) as a result of modernizations or upgrades made after June 1, 1998, to hydropower facilities operating on May 8, 2001, that have been demonstrated to reduce the mortality of anadromous fish; or (2) by run of the river or run of the canal hydropower facilities that are not responsible for obstructing the passage of anadromous fish.

Energy Independence Act (Initiative 937).

Under Initiative 937, electricity from a generation facility powered by fresh water is not an eligible renewable resource. However, incremental electricity produced from efficiency

improvements at hydropower facilities owned by qualifying utilities is considered an eligible renewable resource and may be used by qualifying utilities to comply with the renewable resources targets so long as the improvements were completed after March 31, 1999 and do not result in new water diversions or impoundments.

Summary of Bill:

Constitutional Amendment.

At the next general election to be held in this state, the Secretary of State must submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the state Constitution. The Secretary of State must provide notice of the constitutional amendment to be published at least four times during the four weeks preceding the election in every legal newspaper in the state.

The proposed Article to the state Constitution reads as follows: "The state of Washington is a leader in promoting the development of renewable energy resources and new technology that improves the health of our environment. The state of Washington already has an abundance of renewable energy including low-cost renewable hydroelectric generation. Recognizing this energy generation source as renewable will stabilize energy prices for Washington residents and protect clean air and water. Notwithstanding any other provision in this article, any act, law, or bill passed by the Legislature must recognize hydroelectric generation as a renewable energy resource."

Appropriation: None.

Fiscal Note: Available.