**1924-S AMS ENET S5160.1 - NOT FOR FLOOR USE**

**SHB 1924** - S COMM AMD

By Committee on Environment, Energy & Technology

**ADOPTED 02/27/2024**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 43.21F RCW to read as follows:

(1) In addition to the principles guiding the development and implementation of the state energy strategy described in RCW 43.21F.088, the state must ensure that the pursuit of cleaner energy sources actively includes and supports innovative, emerging, and promising clean energy technologies, such as fusion energy.

(2) For the purposes of this section, "fusion energy" means energy production derived directly or indirectly from the merger of atomic nuclei.

(3) The legislature finds that fusion energy is a rapidly advancing clean energy technology and that Washington is poised to become a world leader in fusion energy development.

NEW SECTION. **Sec.**  The energy facility site evaluation council and the department of health shall establish a fusion energy work group of state agencies including, but not limited to, the department of commerce, the department of ecology, the office of the governor, and the military department to identify and evaluate new and existing permitting, siting, licensing, and registration pathways for producing fusion energy. The fusion energy work group shall involve the regulated community throughout the process. The fusion energy work group shall provide an initial report to the governor and legislature by December 1, 2024.

**Sec.**  RCW 43.158.020 and 2023 c 230 s 202 are each amended to read as follows:

(1) The department of commerce shall develop an application for the designation of clean energy projects, including facilities that produce electricity with fusion energy, as clean energy projects of statewide significance.

(2) An application to the department of commerce by an applicant under this section must include:

(a) Information regarding the location of the project;

(b) Information sufficient to demonstrate that the project qualifies as a clean energy project;

(c) An explanation of how the project is expected to contribute to the state's achievement of the greenhouse gas emission limits in chapter 70A.45 RCW and is consistent with the state energy strategy adopted by the department of commerce, as well as any contribution that the project is expected to make to other state regulatory requirements for clean energy and greenhouse gas emissions, including the requirements of chapter 19.405, 70A.30, 70A.60, 70A.65, 70A.535, or 70A.540 RCW;

(d) An explanation of how the project is expected to contribute to the state's economic development goals, including information regarding the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, and estimated time schedules for completion and operation;

(e) A plan for engagement and information sharing with potentially affected federally recognized Indian tribes;

(f) A description of potential community benefits and impacts from the project, a plan for community engagement in the project development, and an explanation of how the applicant might use a community benefit agreement or other legal document that stipulates the benefits that the developer agrees to fund or furnish, in exchange for community support of a project; and

(g) Other information required by the department of commerce.

(3) For the purposes of this section, "fusion energy" has the same meaning as defined in section 1 of this act."

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On page 1, line 2 of the title, after "policies;" strike the remainder of the title and insert "amending RCW 43.158.020; adding a new section to chapter 43.21F RCW; and creating a new section."

EFFECT: (1) Removes language requiring the interagency clean energy siting coordinating council to deliver recommendations on whether and when fusion energy could be an appropriate category for nonproject EIS.

(2) Removes language adding facilities manufacturing or assembling component parts for fusion energy facilities to the list of projects eligible for designation as projects of statewide significance.

(3) Requires the energy facility site evaluation council and the department of health to establish a work group to report on the new and existing permitting, siting, licensing, and registration pathways for producing fusion energy.

(4) Establishes that "facilities that produce electricity with fusion energy" are projects eligible to apply for designation as a clean energy project of statewide significance.