
ENGROSSED HOUSE BILL 2347

State of Washington

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By Representatives Grant, May, Jacobsen, Hochstatter, H. Myers, Cooper and Silver

Read first time 01/15/92. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to municipal electric utility access to high
2 voltage transmission facilities; and amending RCW 35.92.052.

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

4 **Sec. 1.** RCW 35.92.052 and 1989 c 249 s 1 are each amended to read
5 as follows:

6 (1) Cities of the first class which operate electric generating
7 facilities and distribution systems shall have power and authority to
8 participate and enter into agreements for the use or undivided
9 ownership of high voltage transmission facilities and capacity rights
10 in those facilities and for the undivided ownership of any type of
11 electric generating plants and facilities, including, but not limited
12 to, nuclear and other thermal power generating plants and facilities
13 and transmission facilities including, but not limited to, related
14 transmission facilities, to be called "common facilities"; and for the

1 planning, financing, acquisition, construction, operation, and
2 maintenance with: (a) Each other; (b) electrical companies which are
3 subject to the jurisdiction of the Washington utilities and
4 transportation commission or the regulatory commission of any other
5 state, to be called "regulated utilities"; (c) rural electric
6 cooperatives, including generation and transmission cooperatives in any
7 state; (d) municipal corporations, utility districts, or other
8 political subdivisions in any state; and (e) any agency of the United
9 States authorized to generate or transmit electrical energy. It shall
10 be provided in such agreements that each city shall use or own a
11 percentage of any common facility equal to the percentage of the money
12 furnished or the value of property supplied by it for the acquisition
13 and construction of or additions or improvements to the facility and
14 shall own and control or provide for the use of a like percentage of
15 the electrical transmission or output. A city using or owning common
16 facilities under this section may issue revenue bonds or other
17 obligations to finance the city's share of the use or ownership of the
18 common facilities.

19 (2) The agreement must provide that each participant shall defray
20 its own interest and other payments required to be made or deposited in
21 connection with any financing undertaken by it to pay its percentage of
22 the money furnished or value of property supplied by it for the
23 planning, acquisition, and construction of any common facility, or any
24 additions or betterments. The agreement shall provide a uniform method
25 of determining and allocating operation and maintenance expenses of a
26 common facility.

27 (3) Each city participating in the ownership, use, or operation of
28 a common facility shall pay all taxes chargeable to its share of the
29 common facility and the electric energy generated under any applicable
30 statutes and may make payments during preliminary work and construction

1 for any increased financial burden suffered by any county or other
2 existing taxing district in the county in which the common facility is
3 located, under agreement with such county or taxing district.

4 (4) In carrying out the powers granted in this section, each such
5 city shall be severally liable only for its own acts and not jointly or
6 severally liable for the acts, omissions, or obligations of others. No
7 money or property supplied by any such city for the planning,
8 financing, acquisition, construction, operation, or maintenance of, or
9 addition or improvement to any common facility shall be credited or
10 otherwise applied to the account of any other participant therein, nor
11 shall the undivided share of any city in any common facility be
12 charged, directly or indirectly, with any debt or obligation of any
13 other participant or be subject to any lien as a result thereof. No
14 action in connection with a common facility shall be binding upon any
15 city unless authorized or approved by resolution or ordinance of its
16 governing body.

17 (5) Any city acting jointly outside the state of Washington, by
18 mutual agreement with any participant under authority of this section,
19 shall not acquire properties owned or operated by any public utility
20 district, by any regulated utility, or by any public utility owned by
21 a municipality without the consent of the utility owning or operating
22 the property, and shall not participate in any condemnation proceeding
23 to acquire such properties.