
SENATE BILL 5884

State of Washington

52nd Legislature

1991 Regular Session

By Senators Conner and Owen.

Read first time February 28, 1991. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to energy facilities; and amending RCW 80.50.071.

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

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

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

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

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

7 (b) Each applicant shall, in addition to the costs of the
8 independent consultant provided by subsection (1)(a) of this section,
9 pay such reasonable costs as are actually and necessarily incurred by
10 the council in processing the application. Such costs shall include,
11 but are not limited to, costs of a hearing examiner, a court reporter,
12 additional staff salaries, wages and employee benefits, goods and
13 services, travel expenses within the state and miscellaneous expenses,
14 as arise directly from processing such application.

15 Each applicant shall, at the time of application submission,
16 deposit twenty thousand dollars, or such lesser amount as may be
17 specified by council rule, to cover costs provided for by subsection
18 (1)(b) of this section. Reasonable and necessary costs of the council
19 directly attributable to application processing shall be charged
20 against such deposit.

21 The council shall submit to each applicant a statement of such
22 expenditures actually made during the preceding calendar quarter which
23 shall be in sufficient detail to explain such expenditures. The
24 applicant shall pay the state treasurer the amount of such statement to
25 restore the total amount on deposit to the originally established
26 level: PROVIDED, That such applicant may, at the request of the
27 council, increase the amount of funds on deposit to cover anticipated
28 expenses during peak periods of application processing. Any funds
29 remaining unexpended at the conclusion of application processing shall

1 be refunded to the applicant, or at the applicant's option, credited
2 against required deposits of certificate holders.

3 (c) Nothing in this section shall be construed as preventing a city
4 or county from requiring information it deems appropriate to make a
5 decision concerning a particular application. The applicant shall pay
6 all costs of the city or county arising directly from the processing by
7 the city or county of an application, including costs of independent
8 consultants retained by the city or county to study the proposed
9 facility's effect upon the city or county.

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

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

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

1 in the preceding calendar quarter have exceeded the amount of funds on
2 deposit, such excess costs shall be paid by the certificate holder.

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

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