
HOUSE BILL 2609

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Valle, Long, Bray, Kessler, Quall and Shin

Read first time 01/19/94. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to the siting of energy facilities; amending RCW
2 80.50.010 and 80.50.030; adding a new section to chapter 36.70A RCW;
3 and providing an effective date.

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

5 **Sec. 1.** RCW 80.50.010 and 1975-'76 2nd ex.s. c 108 s 29 are each
6 amended to read as follows:

7 The legislature finds that the present and predicted growth in
8 energy demands in the state of Washington requires the development of
9 a procedure for the selection and utilization of sites for energy
10 facilities and the identification of a state position with respect to
11 each proposed site. The legislature recognizes that the selection of
12 sites will have a significant impact upon the welfare of the
13 population, the location and growth of industry and the use of the
14 natural resources of the state.

15 It is the policy of the state of Washington to recognize the
16 ((pressing)) need for ((increased)) energy facilities, and to ensure
17 through available and reasonable methods, that the location and
18 operation of ((such)) energy facilities will produce minimal adverse

1 effects on the environment, ecology of the land and its wildlife, and
2 the ecology of state waters and their aquatic life.

3 It is the intent to seek courses of action that will balance the
4 (~~increasing~~) demands for energy facility location and operation in
5 conjunction with the broad interests of the public. Such action will
6 be based on these premises:

7 (1) To assure Washington state citizens that, where applicable,
8 operational safeguards are at least as stringent as the criteria
9 established by the federal government and are technically sufficient
10 for their welfare and protection.

11 (2) To preserve and protect the quality of the environment; to
12 enhance the public's opportunity to enjoy the (~~esthetic~~) aesthetic
13 and recreational benefits of the air, water and land resources; to
14 promote air cleanliness; and to pursue beneficial changes in the
15 environment.

16 (3) To provide (~~abundant~~) energy at reasonable cost.

17 **Sec. 2.** RCW 80.50.030 and 1990 c 12 s 3 are each amended to read
18 as follows:

19 (1) There is created and established the energy facility site
20 evaluation council. The council shall have ten voting members: Three
21 members representing the public and seven members representing state
22 agencies.

23 (2)(a) The chairman of the council shall be appointed by the
24 governor (~~with the advice and consent of the senate, shall have a vote~~
25 ~~on matters before the council, shall serve for a term coextensive with~~
26 ~~the term of the governor, and is removable for cause~~) from the public
27 members. The chairman may designate a member of the council to serve
28 as acting chairman in the event of the chairman's absence. The
29 chairman is a "state employee" for the purposes of chapter 42.18 RCW.
30 As applicable, when attending meetings of the council(~~{,}~~), members
31 may receive reimbursement for travel expenses in accordance with RCW
32 43.03.050 and 43.03.060, and are eligible for compensation under RCW
33 43.03.240.

34 (b) The chairman or a designee shall execute all official
35 documents, contracts, and other materials on behalf of the council.
36 The Washington state energy office shall provide all administrative and
37 staff support for the council. The director of the energy office has
38 supervisory authority over the staff of the council and shall employ

1 such personnel as are necessary to implement this chapter. Not more
2 than three such employees may be exempt from chapter 41.06 RCW.

3 (3) The members of the council representing the public shall be
4 appointed by the governor with the advice and consent of the senate for
5 four-year terms. One public member shall represent the environmental
6 community and one public member shall represent developers or operators
7 of energy facilities. The initial terms of the public members shall be
8 staggered so that only one public member's term shall expire in any
9 given year. In the event of a vacancy in a position held by a public
10 member, the governor shall appoint another person to complete the
11 remainder of that person's term.

12 (4) The members of the council representing state agencies shall
13 consist of the directors, administrators, or their designees, of the
14 following ~~((departments,))~~ state agencies~~((, — commissions, — and~~
15 ~~committees or their statutory successors))~~:

- 16 (a) Department of ecology;
- 17 (b) Department of ~~((fisheries;~~
- 18 ~~(c) Department of))~~ fish and wildlife;
- 19 ~~((d) Parks and recreation commission;~~
- 20 ~~(e))~~ (c) Department of health;
- 21 ~~((f))~~ (d) State energy office;
- 22 ~~((g))~~ (e) Department of community, trade, and economic
23 development;
- 24 ~~((h))~~ (f) Utilities and transportation commission;
- 25 ~~((i))~~ (g) Office of financial management~~((;~~
- 26 ~~(j) Department of natural resources;~~
- 27 ~~(k) Department of community development;~~
- 28 ~~(l) Department of agriculture;~~
- 29 ~~(m) Department of transportation)).~~

30 ~~((4))~~ (5) The appropriate county legislative authority of every
31 county wherein an application for a proposed site is filed shall
32 appoint a member or designee as a voting member to the council. The
33 member or designee so appointed shall sit with the council only at such
34 times as the council considers the proposed site for the county which
35 he or she represents, and such member or designee shall serve until
36 there has been a final acceptance or rejection of the proposed site;

37 ~~((5))~~ (6) The city legislative authority of every city within
38 whose corporate limits an energy plant is proposed to be located shall
39 appoint a member or designee as a voting member to the council. The

1 member or designee so appointed shall sit with the council only at such
2 times as the council considers the proposed site for the city which he
3 or she represents, and such member or designee shall serve until there
4 has been a final acceptance or rejection of the proposed site.

5 ~~((+6))~~ (7) For any port district wherein an application for a
6 proposed port facility is filed subject to this chapter, the port
7 district shall appoint a member or designee as a nonvoting member to
8 the council. The member or designee so appointed shall sit with the
9 council only at such times as the council considers the proposed site
10 for the port district which he or she represents, and such member or
11 designee shall serve until there has been a final acceptance or
12 rejection of the proposed site. The provisions of this subsection
13 shall not apply if the port district is the applicant, either singly or
14 in partnership or association with any other person.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW
16 to read as follows:

17 Beginning July 1, 1996, the comprehensive plan of each county and
18 city that is planning under this chapter shall include a process for
19 the siting of energy facilities, including, but not limited to,
20 electrical transmission lines, pipelines, and electrical generating
21 facilities. The department of community, trade, and economic
22 development and the Washington state energy office shall develop a
23 model process and provide technical assistance to counties and cities
24 in developing a siting process for energy facilities.

25 NEW SECTION. **Sec. 4.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 5.** This act shall take effect July 1, 1994.

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