
HOUSE BILL 1895

State of Washington

59th Legislature

2005 Regular Session

By Representatives Morris and Hudgins

Read first time 02/09/2005. Referred to Committee on Technology,
Energy & Communications.

1 AN ACT Relating to statewide energy efficiency; amending RCW
2 44.39.010 and 44.39.070; adding new sections to chapter 44.39 RCW; and
3 adding a new section to chapter 43.19 RCW.

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

5 **Sec. 1.** RCW 44.39.010 and 2001 c 214 s 30 are each amended to read
6 as follows:

7 There is hereby created the joint committee on energy supply ((~~of~~
8 ~~the legislature of the state of Washington~~)) and energy conservation.

9 **Sec. 2.** RCW 44.39.070 and 2002 c 192 s 1 are each amended to read
10 as follows:

11 (1) The committee shall meet and function at the following times:

12 (a) At least once per year or at anytime upon the call of the chair to
13 receive information related to the state or regional energy supply
14 situation; (b) during a condition of energy supply alert or energy
15 emergency; and (c) upon the call of the chair, in response to
16 gubernatorial action to terminate such a condition. Upon the
17 declaration by the governor of a condition of energy supply alert or
18 energy emergency, the committee ((~~on energy supply~~)) shall meet to

1 receive any plans proposed by the governor for programs, controls,
2 standards, and priorities for the production, allocation, and
3 consumption of energy during any current or anticipated condition of
4 energy supply alert or energy emergency, any proposed plans for the
5 suspension or modification of existing rules of the Washington
6 Administrative Code, and any other relevant matters the governor deems
7 desirable. The committee shall review such plans and matters and shall
8 transmit its recommendations to the governor for review. The committee
9 may review any voluntary programs or local or regional programs for the
10 production, allocation, or consumption of energy which have been
11 submitted to the committee.

12 (2) The committee shall receive any request from the governor for
13 the approval of a declaration of a condition of energy emergency as
14 provided in RCW 43.21G.040 as now or hereafter amended and shall either
15 approve or disapprove such request.

16 (3) During a condition of energy supply alert, the committee shall:
17 (a) Receive any request from the governor for an extension of the
18 condition of energy supply alert for an additional period of time not
19 to exceed ninety consecutive days and the findings upon which such
20 request is based; (b) receive any request from the governor for
21 subsequent extensions of the condition of energy supply alert for an
22 additional period of time not to exceed one hundred twenty consecutive
23 days and the findings upon which such a request is based; and (c)
24 either approve or disapprove the requested extensions. When approving
25 a request, the committee may specify a longer period than requested, up
26 to ninety days for initial extensions and one hundred twenty days for
27 additional extensions.

28 (4) During a condition of energy emergency the committee shall:
29 (a) Receive any request from the governor for an extension of the
30 condition of energy emergency for an additional period of time not to
31 exceed forty-five consecutive days and the finding upon which any such
32 request is based; (b) receive any request from the governor for
33 subsequent extensions of the condition of energy emergency for an
34 additional period of time not to exceed sixty consecutive days and the
35 findings upon which such a request is based; and (c) either approve or
36 disapprove the requested extensions. When approving a request, the
37 committee may specify a longer period than requested, up to forty-five
38 days for initial extensions and sixty days for additional extensions.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 44.39 RCW
2 to read as follows:

3 It is the intent of the legislature to utilize lessons learned from
4 efforts to conserve energy usage in single state buildings or complexes
5 and extend conservation measures across all levels of government.
6 Implementing conservation measures across all levels of government will
7 create actual energy conservation savings, maintenance and cost savings
8 to state and local governments, and savings to the state economy, which
9 depends on affordable, realizable electricity to retain jobs. The
10 legislature intends that conservation measures be implemented across
11 all levels of government and that the savings created from implementing
12 conservation measures be retained to produce more efficient government
13 operation.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 44.39 RCW
15 to read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Committee" means the joint committee on energy supply and
19 energy conservation.

20 (2) "Conservation" means reduced energy consumption or energy cost,
21 or increased efficiency in the use of energy, and activities, measures,
22 or equipment designed to achieve such results.

23 (3) "Consumer-owned utility" includes a municipal electric utility
24 formed under Title 35 RCW, a public utility district formed under Title
25 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
26 cooperative formed under chapter 23.86 RCW, a mutual corporation or
27 association formed under chapter 24.06 RCW, a port district formed
28 under Title 53 RCW, or a water-sewer district formed under Title 57
29 RCW, that is engaged in the business of distributing electricity to one
30 or more retail electric customers in the state.

31 (4) "Department" means the department of general administration.

32 (5) "Electric utility" means an investor-owned or a consumer-owned
33 utility.

34 (6) "Energy audit" has the meaning provided in RCW 43.19.670.

35 (7) "Investor-owned utility" means a corporation owned by investors
36 that meets the definition in RCW 80.04.010 and is engaged in

1 distributing electricity to more than one retail electric customer in
2 the state.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 44.39 RCW
4 to read as follows:

5 (1) In addition to the committee's existing duties under RCW
6 44.39.070, the committee shall identify conservation measures to be
7 implemented by all levels of state and local government using
8 performance bonding and contract financing to generate energy
9 conservation.

10 (2) To carry out the purposes of this section, the committee shall:

11 (a) Review information acquired through mandatory energy audits
12 under chapter 43.19 RCW or direct the department to conduct separate
13 energy audits of state and local-owned facilities;

14 (b) Direct the department to solicit requests for proposals to
15 identify conservation measures that may be implemented by all levels of
16 state and local government across a single electric utility's service
17 territory;

18 (c) Require the participation of local governments in implementing
19 conservation measures within a single electric utility's service
20 territory or otherwise acquire, in the manner provided by chapter 8.04
21 RCW for condemnation of property for public use, such lands, real
22 estate and other property, and interests therein as they may deem
23 necessary for the aggregation of conservation projects within a single
24 electric utility's service territory;

25 (d) Request the department to report to the committee on contracts
26 to implement conservation measures, including responses to requests for
27 proposals, costs, and proposed contractors to carry out conservation
28 measures identified by the committee;

29 (e) Approve contractors selected by the department to carry out
30 conservation projects identified by the committee;

31 (f) Request the department to report to the committee on the
32 progress of projects in a single electric utility's service territory;
33 and

34 (g) Request electric utilities to identify, once the conservation
35 measures identified by the committee are completed, the avoided cost
36 between cost of generation before implementation of the conservation

1 measures and cost of generation after implementation of the
2 conservation measures and reflect those avoided cost savings in the
3 rate class that represents the electric utility's largest volume users.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.19 RCW
5 to read as follows:

6 (1) Financing for conservation measures identified by the joint
7 committee on energy supply and energy conservation under section 5 of
8 this act shall be carried out with bonds issued by the Washington
9 economic development finance authority under chapter 43.163 RCW.

10 (2) To administer the financing for conservation measures
11 identified by the joint committee on energy supply and energy
12 conservation under section 5 of this act, the department of general
13 administration may:

14 (a) Provide technical assistance to contractors to obtain bonds
15 issued by the Washington economic development finance authority to
16 finance the cost of conservation measures identified by the committee;
17 and

18 (b) Identify an amount equal to the difference between the cost of
19 energy consumed by state and local governments before conservation
20 measures are implemented and the cost of energy consumed by state and
21 local governments after conservation measures are implemented.

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