
HOUSE BILL 1188

State of Washington

69th Legislature

2025 Regular Session

By Representatives Dye, Klicker, and Jacobsen

Prefiled 01/07/25.

1 AN ACT Relating to requiring local government and tribal approval
2 of wind and solar siting recommendations by the energy facility site
3 evaluation council; amending RCW 80.50.100; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 80.50.100 and 2022 c 183 s 10 are each amended to
7 read as follows:

8 (1)(a) The council shall report to the governor its
9 recommendations as to the approval or rejection of an application for
10 certification within (~~twelve~~) 12 months of receipt by the council
11 of an application deemed complete by the director, or such later time
12 as is mutually agreed by the council and the applicant.

13 (b) The council shall review and consider comments received
14 during the application process in making its recommendation.

15 (c) In the case of an application filed prior to December 31,
16 2025, for certification of an energy facility proposed for
17 construction, modification, or expansion for the purpose of providing
18 generating facilities that meet the requirements of RCW 80.80.040 and
19 are located in a county with a coal-fired electric generation
20 facility subject to RCW 80.80.040(3)(c), the council shall expedite
21 the processing of the application pursuant to RCW 80.50.075 and shall

1 report its recommendations to the governor within (~~one hundred~~
2 ~~eighty~~) 180 days of receipt by the council of such an application,
3 or a later time as is mutually agreed by the council and the
4 applicant.

5 (2) If the council recommends approval of an application for
6 certification, it shall also submit a draft certification agreement
7 with the report. The council shall include conditions in the draft
8 certification agreement to implement the provisions of this chapter
9 including, but not limited to, conditions to protect state, local
10 governmental, or community interests, or overburdened communities as
11 defined in RCW 70A.02.010 affected by the construction or operation
12 of the facility, and conditions designed to recognize the purpose of
13 laws or ordinances, or rules or regulations promulgated thereunder,
14 that are preempted or superseded pursuant to RCW 80.50.110 as now or
15 hereafter amended.

16 (3) For wind or solar energy facility siting recommendations:

17 (a) The council must report a recommendation as to the approval
18 of an application for certification to the appropriate county
19 legislative authority and each affected federally recognized tribe at
20 the same time as the recommendation to the governor under subsection
21 (1)(a) of this section.

22 (b) As a precondition of approval of an application and draft
23 certification agreement by the governor under subsection (4) of this
24 section, each affected federally recognized tribe and the appropriate
25 county legislative authority must approve of the recommendation by
26 adopting a resolution.

27 (c) Within 90 days of the submission of the recommendation to the
28 appropriate county legislative authority and each affected federally
29 recognized tribe, the county legislative authority or tribe may:

30 (i) Approve the application and draft site certification
31 agreement by adopting a resolution;

32 (ii) Reject the application and draft site certification
33 agreement or elect to fail to approve the application and draft site
34 certification agreement; or

35 (iii) Adopt a resolution requesting the council to reconsider
36 certain aspects of the draft certification agreement, consistent with
37 subsection (4)(b) of this section, within 60 days of the adoption of
38 the resolution. After reconsidering the draft certification
39 agreement, the council must report its revised recommendations to
40 each affected federally recognized tribe and the appropriate county

1 legislative authority for approval consistent with the processes
2 established in (a) through (c) of this subsection.

3 (d) The governor may not approve an application or execute a
4 draft site certification agreement for which the appropriate county
5 legislative authority and each affected federally recognized tribe
6 has not submitted to the council a copy of its resolution approving
7 of the application and draft site certification agreement.

8 (e) The council must report to the governor immediately upon its
9 receipt of all of the approval resolutions required under this
10 subsection.

11 (f) This subsection applies to each draft certification agreement
12 recommended to the governor after the effective date of this section.

13 (4)(a) Within 60 days of receipt of the council's report or, for
14 wind or solar energy facility siting recommendations, the council's
15 receipt of a copy of all of the approval resolutions required under
16 subsection (3) of this section, the governor shall take one of the
17 following actions:

18 (i) Approve the application and execute the draft certification
19 agreement; or

20 (ii) Reject the application; or

21 (iii) Direct the council to reconsider certain aspects of the
22 draft certification agreement.

23 (b) The council shall reconsider such aspects of the draft
24 certification agreement by reviewing the existing record of the
25 application or, as necessary, by reopening the adjudicative
26 proceeding for the purposes of receiving additional evidence. Such
27 reconsideration shall be conducted expeditiously. The council shall
28 resubmit the draft certification to the governor incorporating any
29 amendments deemed necessary upon reconsideration. Within 60 days of
30 receipt of such draft certification agreement, the governor shall
31 either approve the application and execute the certification
32 agreement or reject the application. The certification agreement
33 shall be binding upon execution by the governor and the applicant.

34 ~~((4))~~ (5) The rejection of an application for certification by
35 the governor shall be final as to that application but shall not
36 preclude submission of a subsequent application for the same site on
37 the basis of changed conditions or new information.

38 NEW SECTION. Sec. 2. This act is necessary for the immediate
39 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

--- END ---