
SUBSTITUTE HOUSE BILL 1995

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Energy & Utilities (originally sponsored by Representatives Grant, Mastin, Hansen and G. Fisher)

Read first time 03/03/93.

1 AN ACT Relating to the creation of a task force to identify and
2 resolve regulatory conflicts affecting federally licensed hydroelectric
3 facilities; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a majority of the
6 hydroelectric dams located in the state of Washington which are not
7 owned by the federal government are licensed by the federal energy
8 regulatory commission and that the commission regulates the
9 construction, operation, and maintenance of these hydroelectric
10 facilities.

11 The legislature also finds that the combination of state and
12 federal statutes governing environmental protection, natural resources,
13 and energy facilities may: Cause conflicting or duplicative regulatory
14 programs affecting federally licensed hydroelectric facilities; create
15 uncertainty for operators of federally licensed hydroelectric
16 facilities; increase the potential for litigation to resolve disputes
17 over regulatory authority; increase the cost of operating hydroelectric
18 facilities; and create barriers to plans to improve the efficiency of
19 hydroelectric facilities.

1 The legislature also finds that the development of a consensus
2 between the hydroelectric development community and the state about the
3 appropriate role for the state in hydroelectric facility licensing,
4 operation, and maintenance will create more efficient use of state and
5 private financial resources and provide greater assurance that the
6 goals of the Northwest power planning council for hydroelectric
7 generation can be met.

8 NEW SECTION. **Sec. 2.** (1) There is created a task force to study
9 issues related to state and federal laws affecting hydropower
10 facilities. The task force shall:

11 (a) Review federal and state laws, rules, and regulations and
12 judicial decisions concerning the scope and extent of state and federal
13 authority over federally licensed hydroelectric facilities;

14 (b) Identify statutory and regulatory impediments to efforts to
15 increase the efficiency and productivity of federally licensed
16 hydroelectric facilities;

17 (c) Recommend to state agencies measures which they should consider
18 to reduce regulatory costs and promote regulatory efficiency,
19 predictability, and cooperation in the regulation of federally licensed
20 hydroelectric facilities; and

21 (d) Recommend to the legislature measures which it should enact to
22 reduce regulatory costs and promote regulatory efficiency,
23 predictability, and cooperation in the regulation of federally licensed
24 hydroelectric facilities.

25 (2) The task force shall be composed of seven members as follows:

26 (a) Three members shall be appointed by the governor: One person
27 representing an owner of a federally licensed hydroelectric facility
28 located in this state; one person representing the governor's office,
29 and one person representing the public at-large. The public
30 representative shall not be an employee or agent of, or otherwise have
31 a connection with an entity that distributes electricity, other than as
32 a consumer. The governor shall select one of these members to serve as
33 chair of the task force; and

34 (b) Two members each from the senate and the house of
35 representatives; one each from the two largest caucuses in each house.
36 The president of the senate shall appoint the two senate members and
37 the speaker of the house of representatives shall appoint the two house

1 members. At least one member from each house shall also be a member of
2 the energy and utilities committee of that house.

3 (3) Members of the task force appointed by the governor shall be
4 reimbursed for their expenses as provided in RCW 43.03.050 and
5 43.03.060. Reimbursement of the expenses of members appointed by the
6 governor shall be paid from funds provided by public and private
7 entities under subsection (4)(b) of this section. Legislative members
8 of the task force shall be reimbursed for their expenses as provided in
9 RCW 44.04.120.

10 (4) The state energy office shall provide staff assistance to the
11 task force subject to the following limitations:

12 (a) The energy office may accept financial and other assistance
13 from public and private entities to pay the costs it incurs in
14 assisting the task force.

15 (b) The task force shall not convene until the energy office has
16 received at least forty thousand dollars in financial assistance from
17 public and private entities to pay the costs of conducting the study
18 required by this section.

19 (5) The task force shall complete its study and submit a report to
20 the governor and the appropriate standing committees of the legislature
21 not later than twelve months after it holds its first meeting.

22 (6) This section shall expire June 30, 1994. Any unexpended funds
23 provided by public or private entities remaining with the energy office
24 on June 30, 1994, shall be returned, in pro rata shares, to all
25 entities who have contributed towards the study required by this
26 section.

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