

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1854

58th Legislature
2003 Regular Session

Passed by the House April 21, 2003
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 10, 2003
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1854** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1854

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Technology, Telecommunications & Energy
(originally sponsored by Representatives Crouse, Sullivan, Delvin,
Blake, Bush and Grant)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to joint operating agencies; adding a new section
2 to chapter 43.52 RCW; adding a new section to chapter 54.16 RCW; adding
3 a new section to chapter 35.92 RCW; adding a new section to chapter
4 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new
5 section to chapter 35.27 RCW; and adding a new section to chapter
6 35A.80 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.52 RCW
9 to read as follows:

10 A city or district may contract to purchase from an operating
11 agency electric power and energy required for its present or future
12 requirements. For projects the output of which is limited to qualified
13 alternative energy resources as defined by RCW 19.29A.090(3), the
14 contract may include the purchase of capability of the projects to
15 produce electricity in addition to the actual output of the projects.
16 The contract may provide that the city or district must make the
17 payments required by the contract whether or not a project is
18 completed, operable, or operating and notwithstanding the suspension,
19 interruption, interference, reduction, or curtailment of the output of

1 a project or the power and energy contracted for. The contract may
2 also provide that payments under the contract are not subject to
3 reduction, whether by offset or otherwise, and shall not be conditioned
4 upon the performance or nonperformance of the operating agency or a
5 city or district under the contract or other instrument.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 54.16 RCW
7 to read as follows:

8 A district may contract to purchase from a joint operating agency
9 electric power and energy required for its present or future
10 requirements. For projects the output of which is limited to qualified
11 alternative energy resources as defined by RCW 19.29A.090(3), the
12 contract may include the purchase of capability of the projects to
13 produce electricity in addition to the actual output of the projects.
14 The contract may provide that the district must make the payments
15 required by the contract whether or not a project is completed,
16 operable, or operating and notwithstanding the suspension,
17 interruption, interference, reduction, or curtailment of the output of
18 a project or the power and energy contracted for. The contract may
19 also provide that payments under the contract are not subject to
20 reduction, whether by offset or otherwise, and shall not be conditioned
21 upon the performance or nonperformance of the joint operating agency or
22 a city, town, or district under the contract or other instrument.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.92 RCW
24 to read as follows:

25 A city or town may contract to purchase from a joint operating
26 agency electric power and energy required for its present or future
27 requirements. For projects the output of which is limited to qualified
28 alternative energy resources as defined by RCW 19.29A.090(3), the
29 contract may include the purchase of capability of the projects to
30 produce electricity in addition to the actual output of the projects.
31 The contract may provide that the city or town must make the payments
32 required by the contract whether or not a project is completed,
33 operable, or operating and notwithstanding the suspension,
34 interruption, interference, reduction, or curtailment of the output of
35 a project or the power and energy contracted for. The contract may
36 also provide that payments under the contract are not subject to

1 reduction, whether by offset or otherwise, and shall not be conditioned
2 upon the performance or nonperformance of the joint operating agency or
3 a city, town, or public utility district under the contract or other
4 instrument.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.22 RCW
6 to read as follows:

7 A city of the first class may contract to purchase from a joint
8 operating agency electric power and energy required for its present or
9 future requirements. For projects the output of which is limited to
10 qualified alternative energy resources as defined by RCW 19.29A.090(3),
11 the contract may include the purchase of capability of the projects to
12 produce electricity in addition to the actual output of the projects.
13 The contract may provide that the city must make the payments required
14 by the contract whether or not a project is completed, operable, or
15 operating and notwithstanding the suspension, interruption,
16 interference, reduction, or curtailment of the output of a project or
17 the power and energy contracted for. The contract may also provide
18 that payments under the contract are not subject to reduction, whether
19 by offset or otherwise, and shall not be conditioned upon the
20 performance or nonperformance of the joint operating agency or a city,
21 town, or public utility district under the contract or other
22 instrument.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.23 RCW
24 to read as follows:

25 A city of the second class may contract to purchase from a joint
26 operating agency electric power and energy required for its present or
27 future requirements. For projects the output of which is limited to
28 qualified alternative energy resources as defined by RCW 19.29A.090(3),
29 the contract may include the purchase of capability of the projects to
30 produce electricity in addition to the actual output of the projects.
31 The contract may provide that the city must make the payments required
32 by the contract whether or not a project is completed, operable, or
33 operating and notwithstanding the suspension, interruption,
34 interference, reduction, or curtailment of the output of a project or
35 the power and energy contracted for. The contract may also provide
36 that payments under the contract are not subject to reduction, whether

1 by offset or otherwise, and shall not be conditioned upon the
2 performance or nonperformance of the joint operating agency or a city,
3 town, or public utility district under the contract or other
4 instrument.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.27 RCW
6 to read as follows:

7 A town may contract to purchase from a joint operating agency
8 electric power and energy required for its present or future
9 requirements. For projects the output of which is limited to qualified
10 alternative energy resources as defined by RCW 19.29A.090(3), the
11 contract may include the purchase of capability of the projects to
12 produce electricity in addition to the actual output of the projects.
13 The contract may provide that the town must make the payments required
14 by the contract whether or not a project is completed, operable, or
15 operating and notwithstanding the suspension, interruption,
16 interference, reduction, or curtailment of the output of a project or
17 the power and energy contracted for. The contract may also provide
18 that payments under the contract are not subject to reduction, whether
19 by offset or otherwise, and shall not be conditioned upon the
20 performance or nonperformance of the joint operating agency or a city,
21 town, or public utility district under the contract or other
22 instrument.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 35A.80 RCW
24 to read as follows:

25 A code city may contract to purchase from a joint operating agency
26 electric power and energy required for its present or future
27 requirements. For projects the output of which is limited to qualified
28 alternative energy resources as defined by RCW 19.29A.090(3), the
29 contract may include the purchase of capability of the projects to
30 produce electricity in addition to the actual output of the projects.
31 The contract may provide that the code city must make the payments
32 required by the contract whether or not a project is completed,
33 operable, or operating and notwithstanding the suspension,
34 interruption, interference, reduction, or curtailment of the output of
35 a project or the power and energy contracted for. The contract may
36 also provide that payments under the contract are not subject to

1 reduction, whether by offset or otherwise, and shall not be conditioned
2 upon the performance or nonperformance of the joint operating agency or
3 a city, town, or public utility district under the contract or other
4 instrument.

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