
HOUSE BILL 2002

State of Washington 61st Legislature 2009 Regular Session

By Representatives Klippert, Morris, Blake, Haler, and McCune

Read first time 02/05/09. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to the generation of electricity in carbonless
2 energy parks; amending RCW 80.50.300; adding a new section to chapter
3 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new
4 section; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to provide the
7 opportunity for the restoration and redevelopment of unfinished nuclear
8 power project sites for the purpose of creating carbonless energy parks
9 for the generation of electricity.

10 **Sec. 2.** RCW 80.50.300 and 2000 c 243 s 1 are each amended to read
11 as follows:

12 (1) This section applies only to unfinished nuclear power projects.
13 If a certificate holder stops construction of a nuclear energy facility
14 before completion, terminates the project or otherwise resolves not to
15 complete construction, never introduces or stores fuel for the energy
16 facility on the site, and never operates the energy facility as
17 designed to produce energy, the certificate holder may contract,
18 establish interlocal agreements, or use other formal means to effect

1 the transfer of site restoration responsibilities, which may include
2 economic development activities, to any political subdivision or
3 subdivisions of the state composed of elected officials or subsidiary
4 of the certificate holder. The contracts, interlocal agreements, or
5 other formal means of cooperation may include, but are not limited to
6 provisions effecting the transfer or conveyance of interests in the
7 site and energy facilities from the certificate holder to other
8 political subdivisions of the state or subsidiary of the certificate
9 holder, including costs of maintenance and security, capital
10 improvements, and demolition and salvage of the unused energy
11 facilities and infrastructure.

12 (2) If a certificate holder transfers all or a portion of the site
13 to a political subdivision or subdivisions of the state composed of
14 elected officials or subsidiary of the certificate holder and located
15 in the same county as the site, the council shall amend the site
16 certification agreement to release those portions of the site that it
17 finds are no longer intended for the development of an energy facility.

18 Immediately upon release of all or a portion of the site pursuant
19 to this section, all responsibilities for maintaining the public
20 welfare for portions of the site transferred, including but not limited
21 to health and safety, are transferred to the political subdivision or
22 subdivisions of the state or subsidiary of the certificate holder. For
23 sites located on federal land, all responsibilities for maintaining the
24 public welfare for all of the site, including but not limited to health
25 and safety, must be transferred to the political subdivision or
26 subdivisions of the state or subsidiary of the certificate holder
27 irrespective of whether all or a portion of the site is released.

28 (3) If a certificate holder requests a modification of the site for
29 the purpose of creating a carbonless energy park, the council must
30 amend the site certification agreement to release those portions of the
31 site for use as a carbonless energy park. For all or a portion of
32 sites that have been released after January 1, 2009, the following
33 condition applies: The department of ecology must continue any
34 authorization under the site certification agreement for the use of
35 water at an energy park in good standing and bearing the same date as
36 the issuance of the site certification agreement for an amount of water
37 up to thirty cubic feet per second as requested by, and for use by, the

1 recipient of all or a portion of the site. The certificate holder
2 shall assign such authorization to the recipient of such site.

3 (4) The legislature finds that for all or a portion of sites that
4 have been transferred to a political subdivision or subdivisions of the
5 state prior to September 1, 1999, ensuring water for site restoration
6 including economic development, completed pursuant to this section can
7 best be accomplished by a transfer of existing surface water rights,
8 and that such a transfer is best accomplished administratively through
9 procedures set forth in existing statutes and rules. However, if a
10 transfer of water rights is not possible, the department of ecology
11 shall, within six months of the transfer of the site or portion thereof
12 pursuant to subsection (1) of this section, create a trust water right
13 under chapter 90.42 RCW containing between ten and twenty cubic feet
14 per second for the benefit of the appropriate political subdivision or
15 subdivisions of the state. The trust water right shall be used in
16 fulfilling site restoration responsibilities, including economic
17 development. The trust water right shall be from existing valid water
18 rights within the basin where the site is located.

19 ~~((+4))~~ (5) For purposes of this section~~((7))~~:

20 (a) "Political subdivision or subdivisions of the state" means a
21 city, town, county, public utility district, port district, or joint
22 operating agency;

23 (b) "Carbonless energy park" means an unfinished site for a nuclear
24 power project that is located east of the crest of the Cascade
25 mountains and is partially or wholly developed to generate electricity
26 with a production capacity of not less than 10 megawatts; and

27 (c) "Subsidiary of the certificate holder" means any project,
28 business unit, or affiliate of the legal entity that is a party to a
29 site certification agreement authorized under chapter 80.50 RCW.

30 NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW
31 to read as follows:

32 (1) The tax levied by RCW 82.08.020 does not apply to sales of
33 machinery and equipment that is used to generate electricity in
34 carbonless energy parks, or to sales of, or charges made for, labor and
35 services rendered in respect to installing such machinery and
36 equipment, but only if the purchaser provides the seller with an

1 exemption certificate in a form and manner prescribed by the
2 department. The seller must retain a copy of the certificate for the
3 seller's files.

4 (2) "Carbonless energy park" is defined as provided in RCW
5 80.50.300.

6 (3) This section expires June 30, 2015.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.12 RCW
8 to read as follows:

9 (1) The provisions of this chapter do not apply with respect to
10 machinery and equipment used to generate electricity in carbonless
11 energy parks.

12 (2) "Carbonless energy park" is defined as provided in RCW
13 80.50.300.

14 (3) This section expires June 30, 2015.

--- END ---