
SENATE BILL 5194

State of Washington

61st Legislature

2009 Regular Session

By Senators Delvin, Holmquist, Hewitt, Honeyford, Sheldon, Hatfield, Rockefeller, Shin, and Roach

Read first time 01/16/09. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to the generation of electricity in energy parks;
2 amending RCW 80.50.300; adding a new section to chapter 82.08 RCW;
3 adding a new section to chapter 82.12 RCW; creating a new section; and
4 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 energy parks for the
9 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. The
4 contracts, interlocal agreements, or other formal means of cooperation
5 may include, but are not limited to provisions effecting the transfer
6 or conveyance of interests in the site and energy facilities from the
7 certificate holder to other political subdivisions of the state,
8 including costs of maintenance and security, capital improvements, and
9 demolition and salvage of the unused energy facilities and
10 infrastructure.

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

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

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

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

17 ~~((4))~~ (5) For purposes of this section~~((7))~~:

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

21 (b) "Energy park" means an unfinished site for a nuclear power
22 project that is partially or wholly developed to generate electricity
23 with a production capacity of not less than 10 megawatts.

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

26 (1) The tax levied by RCW 82.08.020 does not apply to sales of
27 machinery and equipment that is used to generate electricity in energy
28 parks, or to sales of, or charges made for, labor and services rendered
29 in respect to installing such machinery and equipment, but only if the
30 purchaser provides the seller with an exemption certificate in a form
31 and manner prescribed by the department. The seller must retain a copy
32 of the certificate for the seller's files.

33 (2) "Energy park" is defined as provided in RCW 80.50.300.

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

35 NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW
36 to read as follows:

- 1 (1) The provisions of this chapter do not apply with respect to
- 2 machinery and equipment used to generate electricity in energy parks.
- 3 (2) "Energy park" is defined as provided in RCW 80.50.300.
- 4 (3) This section expires June 30, 2015.

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