H-4232.2

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**SUBSTITUTE HOUSE BILL 2826**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Technology & Economic Development (originally sponsored by Representatives DeBolt, Morris, and Smith)

AN ACT Relating to the repeal of certain duties of the state energy office with regard to preparing the state energy strategy document; amending RCW 43.21F.025 and 43.21F.045; adding a new chapter to Title 44 RCW; repealing RCW 43.21F.090; and repealing 1994 c 207 s 1 (uncodified).

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

**Sec.**  RCW 43.21F.025 and 2010 c 271 s 402 are each amended to read as follows:

(1) "Assistant director" means the assistant director of the department of commerce responsible for energy policy activities;

(2) "Department" means the department of commerce;

(3) "Director" means the director of the department of commerce;

(4) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state;

(5) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(6) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized; and

((~~(7) "State energy strategy" means the document developed and updated by the department as allowed in RCW 43.21F.090.~~))

**Sec.**  RCW 43.21F.045 and 2015 c 225 s 73 are each amended to read as follows:

(1) The department shall supervise and administer energy-related activities as specified in RCW 43.330.904 and shall advise the governor and the legislature with respect to energy matters affecting the state.

(2) In addition to other powers and duties granted to the department, the department shall have the following powers and duties:

(a) Prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The department shall coordinate the activities undertaken pursuant to this subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The department shall report to the governor and the legislature on probable, imminent, and existing energy shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

(b) Establish and maintain a central repository in state government for collection of existing data on energy resources, including:

(i) Supply, demand, costs, utilization technology, projections, and forecasts;

(ii) Comparative costs of alternative energy sources, uses, and applications; and

(iii) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

(c) Coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

(d) Develop energy policy recommendations for consideration by the governor and the legislature.

(e) Provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the director shall request that Washington's councilmembers request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific Northwest Electric Power Planning and Conservation Act (P.L. 96-501).

(f) ((~~Cooperate with state agencies, other governmental units, and private interests in the prioritization and implementation of the state energy strategy elements and on other energy matters.~~

~~(g) Serve as the official state agency responsible for coordinating implementation of the state energy strategy.~~

~~(h) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, prepare and transmit to the governor and the appropriate committees of the legislature a report on the implementation of the state energy strategy and other important energy issues, as appropriate.~~

~~(i)~~)) Provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

((~~(j)~~)) (g) Provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

((~~(k)~~)) (h) Adopt rules, under chapter 34.05 RCW, necessary to carry out the powers and duties enumerated in this chapter.

((~~(l)~~)) (i) Provide administrative assistance, space, and other support as may be necessary for the activities of the energy facility site evaluation council, as provided for in RCW 80.50.030.

((~~(m)~~)) (j) Appoint staff as may be needed to administer energy policy functions and manage energy facility site evaluation council activities. These employees are exempt from the provisions of chapter 41.06 RCW.

(3) To the extent the powers and duties set out under this section relate to energy education, applied research, and technology transfer programs they are transferred to Washington State University.

(4) To the extent the powers and duties set out under this section relate to energy efficiency in public buildings they are transferred to the department of enterprise services.

NEW SECTION. **Sec.**  (1) The Washington state energy strategy council is established to develop and adopt a state energy strategy document to guide energy-related policy decisions by the legislature. The council must make recommendations on how the legislature can develop policies that achieve the three goals established in RCW 43.21F.010(4).

(2) The council consists of the following members:

(a) Six legislators, with two members from the majority caucus and one member from the minority caucus of the senate to be appointed by the president of the senate, and two members from the majority caucus and one member from the minority caucus of the house of representatives to be appointed by the speaker of the house of representatives; and

(b) A representative of the executive branch appointed by the governor, who shall serve as chair.

(3) The council shall select the first vice chair from among its legislative members.

(4) Staff support for the council shall be provided by the department of commerce.

(5) Recommendations of the council require the affirmative vote of four of its members.

(6)  Legislative members of the council are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the council shall be paid jointly by the senate and the house of representatives. Council expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(8) The council must develop and adopt a state energy strategy document by December 1, 2017, and must review and update the document by December 1st each year thereafter.

(9) The council shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 31st of each year.

NEW SECTION. **Sec.**  Section 3 of this act constitute a new chapter in Title 44 RCW.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 43.21F.090 (State energy strategy—Review and report to legislature) and 1996 c 186 s 106 & 1994 c 207 s 5; and

(2)1994 c 207 s 1 (uncodified).

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