
SUBSTITUTE HOUSE BILL 2826

State of Washington

64th Legislature

2016 Regular Session

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

READ FIRST TIME 02/05/16.

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

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

7 **Sec. 1.** RCW 43.21F.025 and 2010 c 271 s 402 are each amended to
8 read as follows:

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

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

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

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

19 (5) "Energy" means petroleum or other liquid fuels; natural or
20 synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear
21 material; electricity; solar radiation; geothermal resources;

1 hydropower; organic waste products; wind; tidal activity; any other
2 substance or process used to produce heat, light, or motion; or the
3 savings from nongeneration technologies, including conservation or
4 improved efficiency in the usage of any of the sources described in
5 this subsection;

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

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

13 **Sec. 2.** RCW 43.21F.045 and 2015 c 225 s 73 are each amended to
14 read as follows:

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

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

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

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

- 1 (i) Supply, demand, costs, utilization technology, projections,
2 and forecasts;
- 3 (ii) Comparative costs of alternative energy sources, uses, and
4 applications; and
- 5 (iii) Inventory data on energy research projects in the state
6 conducted under public and/or private auspices, and the results
7 thereof.
- 8 (c) Coordinate federal energy programs appropriate for state-
9 level implementation, carry out such energy programs as are assigned
10 to it by the governor or the legislature, and monitor federally
11 funded local energy programs as required by federal or state
12 regulations.
- 13 (d) Develop energy policy recommendations for consideration by
14 the governor and the legislature.
- 15 (e) Provide assistance, space, and other support as may be
16 necessary for the activities of the state's two representatives to
17 the Pacific northwest electric power and conservation planning
18 council. To the extent consistent with federal law, the director
19 shall request that Washington's councilmembers request the
20 administrator of the Bonneville power administration to reimburse the
21 state for the expenses associated with the support as provided in the
22 Pacific Northwest Electric Power Planning and Conservation Act (P.L.
23 96-501).
- 24 ~~(f) ((Cooperate with state agencies, other governmental units,
25 and private interests in the prioritization and implementation of the
26 state energy strategy elements and on other energy matters.~~
- 27 ~~(g) Serve as the official state agency responsible for
28 coordinating implementation of the state energy strategy.~~
- 29 ~~(h) No later than December 1, 1982, and by December 1st of each
30 even-numbered year thereafter, prepare and transmit to the governor
31 and the appropriate committees of the legislature a report on the
32 implementation of the state energy strategy and other important
33 energy issues, as appropriate.~~
- 34 ~~(i))~~ Provide support for increasing cost-effective energy
35 conservation, including assisting in the removal of impediments to
36 timely implementation.
- 37 ~~((j))~~ (g) Provide support for the development of cost-effective
38 energy resources including assisting in the removal of impediments to
39 timely construction.

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

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

6 ~~((m))~~ (j) Appoint staff as may be needed to administer energy
7 policy functions and manage energy facility site evaluation council
8 activities. These employees are exempt from the provisions of chapter
9 41.06 RCW.

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

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

17 NEW SECTION. **Sec. 3.** (1) The Washington state energy strategy
18 council is established to develop and adopt a state energy strategy
19 document to guide energy-related policy decisions by the legislature.
20 The council must make recommendations on how the legislature can
21 develop policies that achieve the three goals established in RCW
22 43.21F.010(4).

23 (2) The council consists of the following members:

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

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

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

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

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

38 (6) Legislative members of the council are reimbursed for travel
39 expenses in accordance with RCW 44.04.120. Nonlegislative members are

1 not entitled to be reimbursed for travel expenses if they are elected
2 officials or are participating on behalf of an employer, governmental
3 entity, or other organization. Any reimbursement for other
4 nonlegislative members is subject to chapter 43.03 RCW.

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

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

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

16 NEW SECTION. **Sec. 4.** Section 3 of this act constitute a new
17 chapter in Title 44 RCW.

18 NEW SECTION. **Sec. 5.** The following acts or parts of acts are
19 each repealed:

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

22 (2) 1994 c 207 s 1 (uncodified).

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