ENGROSSED SUBSTITUTE SENATE BILL 5113

State of Washington 64th Legislature 2015 Regular Session

By Senate Energy, Environment & Telecommunications (originally sponsored by Senator Brown)

READ FIRST TIME 02/19/15.

AN ACT Relating to the coordination and advancement of clean energy to meet future energy supply, environmental, and energy security needs; amending RCW 43.21F.025 and 43.21F.045; and creating new sections.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that the promotion and advancement of new technologies, particularly in the clean technology sector, is an important aspect of Washington's economic development. The commercialization and deployment of small modular reactor technologies has been identified by the federal government as a means to meet clean energy targets and as a key element in its nuclear energy research and development roadmap. Washington has the potential to become a leader in the advancement of small modular reactor technologies by leveraging its experience as an incubator of new and innovative technologies, its world class universities, and its highly skilled workforce to attract manufacturers of small modular reactors. The legislature finds that advancing the manufacturing of small modular reactors may help the state meet future energy supply, environmental, and energy security needs.

(2) The legislature finds that because Washington's students are the foundation for providing the diverse and highly skilled workforce for the clean technology sector, including the manufacturing of small modular reactors, it is in the public interest to provide students the opportunity to strengthen their knowledge of the fundamentals of the energy sciences, including physics, chemistry, mathematics, and related disciplines.

(3) The legislature also finds that while all powers, duties, and functions of the state energy office relating to implementing energy education were transferred to Washington State University in 1996, the goals of advancing the manufacturing of small modular reactors in the state and providing students with an education in the energy sciences are mutually reinforcing. Therefore, the legislature intends that the department of commerce shall provide support to the office of the superintendent of public instruction for the purpose of developing a clean energy education program as it relates to training and education on clean technologies, including manufacturing of small modular reactors.

(4) The legislature finds that:

(a) Nothing in this act shall prevent the energy facility site evaluation council from exercising its authority under chapter 80.50 RCW to receive, review, and approve an application for the siting and certification of any nuclear power facility where the primary purpose is to produce and sell electricity; and

(b) Nothing in this act shall grant authority to the department of commerce for the siting of any nuclear power facility where the primary purpose is to produce and sell electricity.

Sec. 2. 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) "Small modular reactor" means a scalable nuclear power plant using reactors that each have a gross power output of no greater than three hundred megawatts electric, and where each reactor is designed for factory manufacturing and ease of transport, such as by truck, rail, or barge; and

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

Sec. 3. 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) Provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(k) Coordinate and advance the manufacturing of small modular reactors in the state to meet future energy supply, environmental, and energy security needs, taking into consideration how disposal of nuclear waste may impact Washington state.

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

((~~(l)~~)) (m) 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)~~)) (n) 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. 4.** (1) By December 1, 2015, and in compliance with RCW 43.01.036, the department of commerce and the office of the superintendent of public instruction must jointly submit a report to the appropriate committees of the legislature with recommendations for the establishment of a clean energy education program.

(2) The clean energy education program must include:

(a) Grants for clean energy ambassadors to be used to create a pool of persons who can introduce students to clean energy science and technology, including solar and wind power, small modular reactors, and opportunities for nuclear waste cleanup technology careers, through classroom visits; and

(b) Grants for certified science teachers to be used to assist teachers in pursuing professional development opportunities related to clean energy science, to the teachers' areas of expertise, and to broadening the teachers' exposure to applied learning curricula.

(3) The report must include:

(a) Reference to and consideration of:

(i) The 2013 state science learning standards adopted by the office of the superintendent of public instruction; and

(ii) The energy literacy framework developed by the United States department of energy;

(b) An evaluation of the potential to establish a public-private partnership modeled after the financial education public-private partnership established under RCW 28A.300.450;

(c) A list of suggested qualifications to be used to identify or approve clean energy ambassadors, developed in consultation with industry leaders in the clean technology sectors and teachers; and

(d) Recommendations on professional development for educators related to clean energy, energy supply, environmental, and security needs, including training related to advancing the manufacturing of small modular reactors, solar and wind power, nuclear waste cleanup, and using applied learning curricula.

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