
HOUSE BILL 1871

State of Washington

67th Legislature

2022 Regular Session

By Representative Klicker

Prefiled 01/07/22.

1 AN ACT Relating to establishing a moratorium on the siting of
2 alternative energy facilities through the energy facility site
3 evaluation council process pending a comprehensive performance report
4 on the effects of the energy independence act and the recommendations
5 of a joint legislative committee; adding a new section to chapter
6 80.50 RCW; creating new sections; providing expiration dates; and
7 declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that there is an
10 existing inequity in the siting of carbon-free energy resources in
11 Washington that could get much worse as the state pursues an energy
12 strategy of deep decarbonization.

13 The legislature finds that more than half the state's population
14 resides in King, Snohomish, Pierce, and Kitsap counties, yet these
15 counties host less than two percent of all the carbon-free energy
16 production capacity sited in Washington. The majority of voters in
17 these four counties supported a renewable energy mandate for
18 utilities in 2006 (Initiative 937), but they have not sited the
19 energy called for by that mandate. In stark contrast, Columbia county
20 is home to just .1 percent of the state's population but hosts nearly
21 six percent of the state's carbon free energy production capacity.

1 Similarly, Walla Walla, Franklin, and Benton county, collectively,
2 are home to approximately 12 percent of the state's carbon free
3 energy production capacity. Voters in these eastern Washington
4 counties opposed the renewable energy mandate but have carbon-free
5 energy production facilities. The legislature recognizes the local
6 sentiment that these facilities have not brought the promised "green
7 jobs," meaningful tax revenue, or local environmental benefits in so
8 far as these local communities were already served with clean,
9 affordable hydroelectric energy.

10 The legislature intends to investigate possible solutions to this
11 inequity with a goal of building a broader consensus and unity among
12 counties on the impact of the state energy strategy. The viewshed,
13 wildlife, and land use patterns in specific counties of the state are
14 being permanently impacted to deliver carbon-free energy benefits to
15 the most populous counties of the state. The legislature recognizes
16 that the burden of siting large carbon-free energy projects has been
17 deeply inequitable and, in many cases, sharply divisive for neighbors
18 and communities and not in keeping with locally developed visions for
19 growth and economic development.

20 Therefore, the legislature intends to impose a short-term
21 moratorium on alternative energy facility siting approvals that
22 bypass the local siting process. During the moratorium, the
23 legislature intends for a joint legislative task force to convene and
24 examine the equity between carbon-free energy producing counties and
25 the counties of highest energy consumption, both at baseline present
26 conditions and as it is likely to unfold under the state's deep
27 decarbonization energy strategy.

28 The equity review that the task force engages in should recognize
29 the full value to the state and its economic development of the many
30 decades of carbon-free, affordable energy provided by the counties
31 that have sited hydroelectric energy and the transmission capacity
32 that brings it to Washington's most populous counties.

33 The legislature intends for the task force to study how the
34 state's deep decarbonization energy strategy will impact the
35 environment, viewsheds, employment, and tax base of various counties
36 as new transmission lines and energy facilities are sited to meet our
37 state statutory goals.

38 The legislature intends for the task force to examine whether
39 mitigation payments, viewshed impairment payments, or supplemental
40 economic development assistance to producer counties would improve

1 equity and environmental justice by compensating appropriately for
2 the imbalance in local impacts between producer counties and consumer
3 counties that has existed and may worsen with the state energy
4 strategy if not addressed.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.50
6 RCW to read as follows:

7 The council is temporarily prohibited from submitting
8 recommendations to the governor under RCW 80.50.100, and the governor
9 is prohibited from taking action on any pending recommendations under
10 RCW 80.50.100 related to proposed alternative energy facilities,
11 until the notices in the Washington State Register have been
12 published as required under sections 3 and 4 of this act.

13 NEW SECTION. **Sec. 3.** (1) The definitions in this subsection
14 apply throughout this section unless the context clearly indicates
15 otherwise.

16 (a) "Alternative energy" means energy derived from an alternative
17 energy resource identified in RCW 80.50.020(1).

18 (b) "Department" means the department of commerce.

19 (c) "Energy independence act" means chapter 19.285 RCW.

20 (d) "Renewable energy resource" means an eligible renewable
21 resource specified in RCW 19.285.030.

22 (2) By December 1, 2022, in consultation with the utility
23 technical advisory group established in subsection (3) of this
24 section, the department must submit a report on alternative energy
25 siting inequity to the joint select committee created in section 4 of
26 this act and the appropriate policy and fiscal committees of the
27 legislature. The department must also publish notification of the
28 completion of this report in the Washington State Register by
29 December 1, 2022. The report must include the following components:

30 (a) An assessment of the beneficial impact of the energy
31 independence act on Washington's fuel mix. This must include:

32 (i) An assessment, as of 2020, of the percentage of Washington's
33 electric fuel mix that derives from the renewable energy resources
34 promised and promoted by the energy independence act; and

35 (ii) The calculation of the cumulative expenditures between 2006
36 and 2020 by each electric utility subject to the provisions of
37 chapter 19.285 RCW on compliance costs related to the energy
38 independence act, with cumulative expenditures by each utility

1 specific to each of the following categories of expenditure caused by
2 compliance obligations under chapter 19.285 RCW:

3 (A) The use of renewable energy resources;

4 (B) The purchase of renewable energy credits; and

5 (C) The requirement to spend four percent of retail revenues on
6 renewable resources;

7 (b) An assessment of the capital expenditures in each county in
8 Washington on renewable resources in each year between 2006 and 2020;

9 (c) (i) An assessment of the impacts on the state and local tax
10 revenue collections and the property tax base in each county in each
11 year between 2006 and 2020 associated with the expenditures specified
12 in (b) of this subsection;

13 (ii) An assessment of the impacts on sources of revenues
14 dedicated to local school districts, including impacts, if any, on
15 state local effort assistance funding, for each year between 2006 and
16 2020 associated with the expenditures specified in (b) of this
17 subsection;

18 (d) An identification of the number and type of jobs created in
19 each county in Washington as a result of the implementation of
20 chapter 19.285 RCW between 2006 and 2020. Each of the jobs counted
21 under this subsection must be categorized as belonging to at least
22 one of the following categories:

23 (i) Short-term construction jobs;

24 (ii) Long-term jobs that outlast facility construction;

25 (iii) Regulatory or compliance jobs created at state agencies,
26 electric utilities, or local governments; and

27 (iv) Jobs related to the production or marketing of electricity
28 from a new renewable energy resource;

29 (e) A calculation of the cumulative incremental cost to each
30 electric utility, and in aggregate for all electric utilities in
31 Washington, above the least cost wholesale energy resource, between
32 2006 and 2020, of utility compliance with the targets established in
33 RCW 19.285.040(2);

34 (f) A calculation of the incremental cost of renewable resources
35 eligible under chapter 19.285 RCW, including wind and solar, relative
36 to other nongreenhouse gas emitting energy resources, such as
37 electricity derived from nuclear or hydroelectric facilities. This
38 incremental cost calculation must be measured based on the average
39 wholesale market price of electricity from nongreenhouse gas emitting
40 energy resources between 2006 and 2020; and

1 (g) A generalized description and map of the areas of Washington
2 that electric utilities consider to have available resources for
3 potentially economical utility-scale wind or solar energy facility
4 development.

5 (3) (a) The department must form a utility technical advisory
6 group to consult with in the completion of the report required under
7 this section. At minimum, the department must invite the
8 participation in the utility technical advisory group of a
9 representative from each utility that was subject to the requirements
10 of chapter 19.285 RCW as of January 1, 2020.

11 (b) For purposes of the report under this section, the department
12 may also solicit and consider feedback from utilities not represented
13 on the utility technical advisory group.

14 (4) For purposes of the assessment in this section, the
15 department may require any entity that has generated or retired a
16 renewable energy credit under chapter 19.285 RCW to submit
17 information related to capital expenditures in Washington on
18 renewable resources.

19 (5) This section expires June 30, 2023.

20 NEW SECTION. **Sec. 4.** (1) (a) A joint select committee on
21 alternative energy facility siting is established, with members as
22 provided in this subsection:

23 (i) The president of the senate shall appoint two members from
24 each of the two largest caucuses of the senate, and an alternate from
25 each caucus of each chamber; and

26 (ii) The speaker of the house of representatives shall appoint
27 two members from each of the two largest caucuses of the house of
28 representatives, and an alternate.

29 (b) The committee shall choose its cochairs from among its
30 legislative leadership. The two cochairs must be from different
31 caucuses.

32 (c) The committee shall select other officers from among its
33 members as the committee deems appropriate.

34 (d) Alternates appointed to the committee may vote on any pending
35 committee business in place of an absent member during a committee
36 meeting.

37 (2) (a) The committee shall review the following issues:

38 (i) Inequities in where large alternative energy projects have
39 been sited in Washington;

1 (ii) Inequities in where large alternative energy projects are
2 forecast to be sited in Washington; and

3 (iii) Forms of economic development assistance, mitigation
4 payments, and viewshed impairment payments that counties not hosting
5 their per capita share of alternative energy resources should provide
6 to counties that host more than their per capita share.

7 (b) In support of its obligations under (a) of this subsection,
8 the committee must review the report produced by the department of
9 commerce under section 3 of this act.

10 (3) The committee must hold at least four meetings, at least two
11 of which must be in eastern Washington. One cochair shall preside
12 over the meetings in western Washington and the other cochair shall
13 preside over the meetings in eastern Washington. The first meeting of
14 the committee must occur by September 30, 2022.

15 (4) The committee must be staffed by senate committee services
16 and the house of representatives office of program research.

17 (5) Relevant state agencies, departments, and commissions,
18 including the energy facility site evaluation council, shall
19 cooperate with the committee and provide information as the cochairs
20 reasonably request.

21 (6) Legislative members of the committee must be reimbursed for
22 travel expenses in accordance with RCW 44.04.120.

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

28 (8) The committee shall report its findings and any
29 recommendations to the committees of the legislature with
30 jurisdiction over environment and energy laws by December 1, 2023.
31 Recommendations of the committee may be made by a simple majority of
32 committee members. In the event that the committee does not reach
33 majority-supported recommendations, the committee may report minority
34 findings supported by at least two members of the committee. Notice
35 of the completion of the findings and recommendations required in
36 this subsection must be published in the Washington State Register by
37 December 1, 2023.

38 (9) For purposes of this section, "alternative energy" means
39 energy derived from an alternative energy resource specified in RCW
40 80.50.020(1).

1 (10) This section expires June 30, 2024.

2 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
3 preservation of the public peace, health, or safety, or support of
4 the state government and its existing public institutions, and takes
5 effect immediately.

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