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**SENATE BILL 5043**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Short

Prefiled 12/13/22.

1 AN ACT Relating to recognizing that power plants that comply with  
2 the state greenhouse gas emissions performance standard are  
3 consistent with Washington's long-term policy for electricity;  
4 amending RCW 19.405.050; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that Washington has  
7 set climate and energy goals that the state seeks to attain,  
8 including policies for the generation of electricity supplied to  
9 Washington customers. However, Washington's long-term policy for  
10 electricity discourages some sources of electric generation, even if  
11 those sources comply with the state greenhouse gas emissions  
12 performance standard for power plants. Therefore, the legislature  
13 finds that Washington should modify its long-term policy for  
14 electricity by recognizing that a broader variety of electric  
15 generation sources should be available to help the state meet its  
16 goals. To accomplish this, the legislature intends to establish that  
17 power plants that comply with the state's greenhouse gas emissions  
18 performance standard must be recognized as sources of electric  
19 generation that are consistent with the emissions reduction policy  
20 the state intends to achieve by 2045.

1       **Sec. 2.** RCW 19.405.050 and 2019 c 288 s 5 are each amended to  
2 read as follows:

3       (1) It is the policy of the state that nonemitting electric  
4 generation and electricity from renewable resources supply (~~one~~  
5 ~~hundred~~) 100 percent of all sales of electricity to Washington  
6 retail electric customers by January 1, 2045. By January 1, 2045, and  
7 each year thereafter, each electric utility must demonstrate its  
8 compliance with this standard using a combination of nonemitting  
9 electric generation and electricity from renewable resources.

10       (2) Notwithstanding subsection (1) of this section, supplying  
11 electricity from a power plant that complies with the greenhouse gas  
12 emissions performance standard established under RCW 80.80.040 or  
13 80.80.050 is not a violation of the policy enunciated in subsection  
14 (1) of this section.

15       (3) Each electric utility must incorporate subsection (1) of this  
16 section into all relevant planning and resource acquisition practices  
17 including, but not limited to: Resource planning under chapter 19.280  
18 RCW; the construction or acquisition of property, including electric  
19 generating facilities; and the provision of electricity service to  
20 retail electric customers.

21       (~~(3)~~) (4) In planning to meet projected demand consistent with  
22 the requirements of subsection (~~(2)~~) (3) of this section and RCW  
23 19.285.040, if applicable, an electric utility must pursue all cost-  
24 effective, reliable, and feasible conservation and efficiency  
25 resources, and demand response. In making new investments, an  
26 electric utility must, to the maximum extent feasible:

27       (a) Achieve targets at the lowest reasonable cost, considering  
28 risk;

29       (b) Consider acquisition of existing renewable resources; and

30       (c) In the acquisition of new resources constructed after May 7,  
31 2019, rely on renewable resources and energy storage, insofar as  
32 doing so is consistent with (a) of this subsection.

33       (~~(4)~~) (5) The commission, department, energy facility site  
34 evaluation council, department of ecology, and all other state  
35 agencies must incorporate this section into all relevant planning and  
36 utilize all programs authorized by statute to achieve subsection (1)  
37 of this section.

38       (~~(5)~~) (6)(a) Hydroelectric generation used by an electric  
39 utility to satisfy the requirements of this section may not include  
40 new diversions, new impoundments, new bypass reaches, or expansion of

1 existing reservoirs constructed after May 7, 2019, unless the  
2 diversions, bypass reaches, or reservoir expansions are necessary for  
3 the operation of a pumped storage facility that: (i) Does not  
4 conflict with existing state or federal fish recovery plans; and (ii)  
5 complies with all local, state, and federal laws and regulations.

6 (b) Nothing in (a) of this subsection precludes an electric  
7 utility that owns and operates hydroelectric generating facilities,  
8 or the owner of a hydroelectric generating facility whose energy  
9 output is marketed by the Bonneville power administration, from  
10 making efficiency or other improvements to its hydroelectric  
11 generating facilities existing as of May 7, 2019, or from installing  
12 hydroelectric generation in pipes, culverts, irrigation canals, and  
13 other man-made waterways as long as those changes do not create  
14 conflicts with existing state or federal fish recovery plans and  
15 comply with all local, state, and federal laws and regulations.

16 ~~((6))~~ (7) Nothing in this section prohibits an electric utility  
17 from purchasing or exchanging power from the Bonneville power  
18 administration.

19 ~~((7))~~ (8) Affected market customers must comply with the  
20 obligations of this section.

21 ~~((8))~~ (9) Any market customer that purchases electricity  
22 exclusively from carbon-free resources and eligible renewable  
23 resources, as defined in RCW 19.285.030 as of January 1, 2019,  
24 pursuant to a special contract with an investor-owned utility  
25 approved, prior to May 7, 2019, by order of the commission is subject  
26 to the requirements of such an order and not to the standards  
27 established in this section. For the purposes of interpreting such a  
28 special contract, chapter 19.285 RCW, as in effect on January 1,  
29 2019, is not, either directly or indirectly, amended or supplemented.

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