

Individual State Agency Fiscal Note

Bill Number: 2429 HB	Title: Energy facility eval process	Agency: 463-Energy Facility Site Evaluation Council
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☒ Requires new rule making, complete Part V.

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1: Amends RCW 80.50.030 (EFSEC Council – Created – Membership – Quorum)

Subsection 7 is amended to require majority consensus by a quorum of the council to conduct the business of the council as defined within RCW 80.50.040 (EFSEC – Powers – Enumerated) and includes language that no member of the council may act unilaterally for council business.

Section 2: Amends RCW 80.50.071 (EFSEC - Expedited Processing of Applications)

Subsection 1 is amended to state that applications shall contain sufficient information for the council to complete the SEPA evaluation (RCW 43.21C), and if the application doesn't contain the required information than the council must reject and not process the application until such information is submitted.

Section 3: Amends RCW 80.50.080 (EFSEC – Counsel for the Environment)

The counsel for the environment shall take one of three positions in an adjudication: (1) full support; (2) qualified support with recommended modifications; or (3) opposition to approval of ASC.

Section 4: Amends RCW 80.50.090 (EFSEC – Public Hearings – Opportunity for Public Comment)

Subsection 4 is amended to add that an adjudication cannot be commenced until EFSEC Council has completed the environmental analysis under RCW 43.21C, including the issuance of a final environmental impact state (FEIS) when applicable.

Subsection 4(a) is amended to add the right to call any witness with relevant information in adjudication, without limitation based on a witness's personal or professional affiliations or employment, except for councilmembers or council staff.

Section 5: Amends RCW 80.50.100 (EFSEC – Recommendations to the Governor, etc.).

Subsection 1(a) extends from 12 to 24 months the deadline for reporting to the governor the council's recommendation of approval or rejection of a completed application for certification.

A new subsection 1(d) is added to state that time limit restart in the event that substantive changes to the scope or design of the project application are made.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The requirement in Section 1 for a majority consensus by a quorum of the council to conduct the business of the council pursuant to RCW 80.50.040 will require the council to meet more frequently than just once a month, which will involve more staff time (and staff) to support council meetings and will increase reimbursements to those agencies who are members of the council per RCW 80.50.030.

Currently, the council has delegated to staff the responsibility of performing the functions of subsections 4, 5, 6, 8, 10, 11 and 13 in RCW 80.50.040. Those subsections include designing the forms for site certification; receiving applications and investigating the sufficiency thereof; entering into contracts; preparing written report; integrating EFSEC processes with activities of the federal government to avoid duplication; and present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility that may affect

the environment, health, or safety of Washington citizens; and serve on interagency coordinating bode for energy-related issues.

Having a majority of a quorum of the council conducting the business currently delegated to staff has potential to significantly increase member activities - and therefore, their reimbursements and related staff support and meeting costs. At this point, EFSEC does not believe that it can definitively determine the fiscal impact.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.
NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.
NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

The proposed changes would require changes to the following WACS:
WAC 463-06, Agency operations and public records.
WAC 463-14, Policy and interpretation
WAC 463-18, Council meetings and proceedings
WAC 463-30, Adjudicative proceedings
WAC 463-47, SEPA Rules
WAC 463-60, Applications for Site Certification
WAC 463-64, Issuance of Site Certification Agreement).