
HOUSE BILL 1130

State of Washington

64th Legislature

2015 Regular Session

By Representatives Fey, Short, Tharinger, Fitzgibbon, and Gregerson;
by request of Department of Ecology and Department of Fish and
Wildlife

Read first time 01/14/15. Referred to Committee on Environment.

1 AN ACT Relating to water power license fees; and amending RCW
2 90.16.050.

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

4 **Sec. 1.** RCW 90.16.050 and 2007 c 286 s 1 are each amended to
5 read as follows:

6 (1) Every person, firm, private or municipal corporation, or
7 association hereinafter called "claimant", claiming the right to the
8 use of water within or bordering upon the state of Washington for
9 power development, shall on or before the first day of January of
10 each year pay to the state of Washington in advance an annual license
11 fee, based upon the theoretical water power claimed under each and
12 every separate claim to water according to the following schedule:

13 (a) For projects in operation: For each and every theoretical
14 horsepower claimed up to and including one thousand horsepower, at
15 the rate of eighteen cents per horsepower; for each and every
16 theoretical horsepower in excess of one thousand horsepower, up to
17 and including ten thousand horsepower, at the rate of three and six-
18 tenths cents per horsepower; for each and every theoretical
19 horsepower in excess of ten thousand horsepower, at the rate of one
20 and eight-tenths cents per horsepower.

1 (b) For federal energy regulatory commission projects in
2 operation, the following fee schedule applies in addition to the fees
3 in (a) of this subsection: For each theoretical horsepower of
4 capacity up to and including one thousand horsepower, at the rate of
5 thirty-two cents per horsepower; for each theoretical horsepower in
6 excess of one thousand horsepower, up to and including ten thousand
7 horsepower, at the rate of six and four-tenths cents per horsepower;
8 for each theoretical horsepower in excess of ten thousand horsepower,
9 at the rate of three and two-tenths cents per horsepower.

10 (c) To justify the appropriate use of fees collected under (b) of
11 this subsection, the department of ecology shall submit a progress
12 report to the appropriate committees of the legislature prior to
13 December 31, 2009, and biennially thereafter (~~until December 31,~~
14 ~~2017~~)).

15 (i) The progress report will: (A) Describe how license fees were
16 expended in the federal energy regulatory commission licensing
17 process during the current biennium, and expected workload and full-
18 time equivalent employees for federal energy regulatory commission
19 licensing in the next biennium; (B) include any recommendations based
20 on consultation with the departments of ecology and fish and
21 wildlife, hydropower project operators, and other interested parties;
22 and (C) recognize hydropower operators that exceed their
23 environmental regulatory requirements.

24 (ii) The fees required in (b) of this subsection expire June 30,
25 (~~2017~~) 2027. The biennial progress reports submitted by the
26 department of ecology will serve as a record for considering the
27 extension of the fee structure in (b) of this subsection.

28 (2) The following are exceptions to the fee schedule in
29 subsection (1) of this section:

30 (a) For undeveloped projects, the fee shall be at one-half the
31 rates specified for projects in operation; for projects partly
32 developed and in operation the fees paid on that portion of any
33 project that shall have been developed and in operation shall be the
34 full annual license fee specified in subsection (1) of this section
35 for projects in operation, and for the remainder of the power claimed
36 under such project the fees shall be the same as for undeveloped
37 projects.

38 (b) The fees required in subsection (1) of this section do not
39 apply to any hydropower project owned by the United States.

1 (c) The fees required in subsection (1) of this section do not
2 apply to the use of water for the generation of fifty horsepower or
3 less.

4 (d) The fees required in subsection (1) of this section for
5 projects developed by an irrigation district in conjunction with the
6 irrigation district's water conveyance system shall be reduced by
7 fifty percent to reflect the portion of the year when the project is
8 not operable.

9 (e) Any irrigation district or other municipal subdivision of the
10 state, developing power chiefly for use in pumping of water for
11 irrigation, upon the filing of a statement showing the amount of
12 power used for irrigation pumping, is exempt from the fees in
13 subsection (1) of this section to the extent of the power used for
14 irrigation pumping.

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