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HOUSE BILL 1768

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Duerr and Fitzgibbon

Prefiled 01/05/22.

1 AN ACT Relating to updating definitions applicable to energy  
2 conservation projects involving public entities; and reenacting and  
3 amending RCW 39.35C.010.

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

5 **Sec. 1.** RCW 39.35C.010 and 2011 1st sp.s. c 43 s 248 are each  
6 reenacted and amended to read as follows:

7 (~~Unless the context clearly requires otherwise, the~~) The  
8 definitions in this section apply throughout this chapter unless the  
9 context clearly requires otherwise.

10 (1) "Cogeneration" means the sequential generation of two or more  
11 forms of energy from a common fuel or energy source. If these forms  
12 are electricity and thermal energy, then the operating and efficiency  
13 standards established by 18 C.F.R. Sec. 292.205 and the definitions  
14 established by 18 C.F.R. Sec. 292.202 (c) through (m) apply.

15 (2) (a) "Conservation" means reduced energy consumption (~~or~~  
16 energy cost, or increased efficiency in the use of energy, and  
17 activities, measures, or equipment designed to achieve such  
18 results), energy demand, energy cost, or greenhouse gas emissions  
19 through the deployment of distributed energy resources. For the  
20 purposes of this chapter, distributed energy resources include, but  
21 are not limited to, energy efficiency projects, energy storage,

1 demand response, electric vehicles, and grid-interactive efficient  
2 buildings, but does not include thermal or electric energy production  
3 from cogeneration.

4 (b) "Conservation" also means reductions in the use or cost of  
5 water, wastewater, or solid waste.

6 (3) "Cost-effective" means that the present value to a state  
7 agency or school district of the ((energy)) benefits reasonably  
8 expected to be ((saved)) achieved or produced by a facility,  
9 conservation activity, measure, or piece of equipment over its useful  
10 life, including any compensation received ((from)) by a utility or  
11 the Bonneville power administration, is greater than the net present  
12 value of the costs of implementing, maintaining, and operating such  
13 facility, activity, measure, or piece of equipment over its useful  
14 life, when discounted at the cost of public borrowing.

15 (4) "Department" means the state department of enterprise  
16 services.

17 (5) "Energy" means energy as defined in RCW 43.21F.025(5).

18 (6) "Energy audit" has the definition provided in RCW 43.19.670,  
19 and may include a determination of the water or solid waste  
20 consumption characteristics of a facility.

21 (7) "Energy efficiency project" means a conservation or  
22 cogeneration project.

23 (8) "Energy efficiency services" means assistance furnished by  
24 the department to state agencies and school districts in identifying,  
25 evaluating, and implementing energy efficiency projects.

26 (9) "Local utility" means the utility or utilities in whose  
27 service territory a public facility is located.

28 (10) "Performance-based contracting" means contracts for which  
29 payment is conditional on achieving contractually specified energy  
30 savings.

31 (11) "Public agency" means every state office, officer, board,  
32 commission, committee, bureau, department, and all political  
33 subdivisions of the state.

34 (12) "Public facility" means a building (~~or structure, or a~~  
35 ~~group of buildings or structures at a single site~~), structure, site  
36 improvement, or other facility owned by a state agency or school  
37 district.

38 (13) "State agency" means every state office or department,  
39 whether elective or appointive, state institutions of higher

1 education, and all boards, commissions, or divisions of state  
2 government, however designated.

3 (14) "State facility" means a building or structure, or a group  
4 of buildings or structures at a single site, owned by a state agency.

5 (15) "Utility" means privately or publicly owned electric and gas  
6 utilities, electric cooperatives and mutuals, whether located within  
7 or without Washington state.

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