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**HOUSE BILL 1768**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Duerr, Fitzgibbon, Berry, Macri, Ramel, Pollet, and Hackney

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

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

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

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

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

(2)(a) "Conservation" means reduced energy consumption ((~~or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results~~)), energy demand, energy cost, or greenhouse gas emissions through the deployment of distributed energy resources. For the purposes of this chapter, distributed energy resources include, but are not limited to, energy efficiency projects, energy storage, demand response, electric vehicles, and grid-interactive efficient buildings, but does not include thermal or electric energy production from cogeneration.

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

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

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

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

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

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

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

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

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

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

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

(13) "State agency" means every state office or department, whether elective or appointive, state institutions of higher education, and all boards, commissions, or divisions of state government, however designated.

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

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

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