

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5292**

Chapter 190, Laws of 2002

57th Legislature  
2002 Regular Session

MAJOR PUBLIC ENERGY PROJECTS--DEFINITION

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002  
YEAS 39 NAYS 8

BRAD OWEN

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**President of the Senate**

Passed by the House March 8, 2002  
YEAS 76 NAYS 20

FRANK CHOPP

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**Speaker of the  
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5292** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

\_\_\_\_\_  
**Secretary**

Approved March 27, 2002

FILED

March 27, 2002 - 9:10 a.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5292**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

**State of Washington                      57th Legislature                      2001 Regular Session**

**By** Senate Committee on Environment, Energy & Water (originally sponsored by Senators T. Sheldon, McDonald, Fraser, Hochstatter, Regala, Stevens, Kastama, Snyder, Honeyford, Patterson, Eide and Hale)

READ FIRST TIME 02/19/01.

1            AN ACT Relating to modifying definitions of public energy projects;  
2 and amending RCW 80.52.030.

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

4            **Sec. 1.** RCW 80.52.030 and 1995 c 69 s 2 are each amended to read  
5 as follows:

6            The definitions set forth in this section apply throughout this  
7 chapter unless the context clearly requires otherwise.

8            (1) "Public agency" means a public utility district, joint  
9 operating agency, city, county, or any other state governmental agency,  
10 entity, or political subdivision.

11            (2) "Major public energy project" means a plant or installation  
12 capable, or intended to be capable, of generating electricity in an  
13 amount greater than (~~two~~) three hundred fifty megawatts, measured  
14 using maximum continuous electric generating capacity, less minimum  
15 auxiliary load, at average ambient temperature and pressure. Where two  
16 or more such plants are located within the same geographic site, each  
17 plant shall be considered a major public energy project. An addition  
18 to an existing facility is not deemed to be a major energy project  
19 unless the addition itself is capable, or intended to be capable, of

1 generating electricity in an amount greater than (~~two~~) three hundred  
2 fifty megawatts. A project which is under construction on July 1,  
3 1982, shall not be considered a major public energy project unless the  
4 official agency budget or estimate for total construction costs for the  
5 project as of July 1, 1982, is more than two hundred percent of the  
6 first official estimate of total construction costs as specified in the  
7 senate energy and utilities committee WPPSS inquiry report, volume one,  
8 January 12, 1981, and unless, as of July 1, 1982, the projected  
9 remaining cost of construction for that project exceeds two hundred  
10 million dollars.

11 (3) "Cost of construction" means the total cost of planning and  
12 building a major public energy project and placing it into operation,  
13 including, but not limited to, planning cost, direct construction cost,  
14 licensing cost, cost of fuel inventory for the first year's operation,  
15 interest, and all other costs incurred prior to the first day of full  
16 operation, whether or not incurred prior to July 1, 1982.

17 (4) "Cost of acquisition" means the total cost of acquiring a major  
18 public energy project from another party, including, but not limited  
19 to, principal and interest costs.

20 (5) "Bond" means a revenue bond, a general obligation bond, or any  
21 other indebtedness issued by a public agency or its assignee.

22 (6) "Applicant" means a public agency, or the assignee of a public  
23 agency, requesting the secretary of state to conduct an election  
24 pursuant to this chapter.

25 (7) "Cost-effective" means that a project or resource is forecast:

26 (a) To be reliable and available within the time it is needed; and

27 (b) To meet or reduce the electric power demand of the intended  
28 consumers at an estimated incremental system cost no greater than that  
29 of the least-cost similarly reliable and available alternative project  
30 or resource, or any combination thereof.

31 (8) "System cost" means an estimate of all direct costs of a  
32 project or resource over its effective life, including, if applicable,  
33 the costs of distribution to the consumer, and, among other factors,  
34 waste disposal costs, end-of-cycle costs, and fuel costs (including  
35 projected increases), and such quantifiable environmental costs and  
36 benefits as are directly attributable to the project or resource.

Passed the Senate March 11, 2002.

Passed the House March 8, 2002.

Approved by the Governor March 27, 2002.

Filed in Office of Secretary of State March 27, 2002.