
SENATE BILL 5345

State of Washington

68th Legislature

2023 Regular Session

By Senators Schoesler, Padden, Dozier, Fortunato, Short, Braun, Wagoner, and Warnick

1 AN ACT Relating to exempting certain public school buildings from
2 the state energy performance standard; reenacting and amending RCW
3 19.27A.200; and adding a new section to chapter 19.27A RCW.

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

5 **Sec. 1.** RCW 19.27A.200 and 2022 c 177 s 2 are each reenacted and
6 amended to read as follows:

7 The definitions in this section apply throughout RCW 19.27A.210,
8 19.27A.220, 19.27A.230, 19.27A.240, 19.27A.250, and ~~((19.27A.220))~~
9 section 2 of this act unless the context clearly requires otherwise.

10 (1) "Agricultural structure" means a structure designed and
11 constructed to house farm implements, hay, grain, poultry, livestock,
12 or other horticultural products, and that is not a place used by the
13 public or a place of human habitation or employment where
14 agricultural products are processed, treated, or packaged.

15 (2) "Baseline energy use intensity" means a building's energy use
16 intensity that is representative of energy use in a normal weather
17 year.

18 (3)(a) "Building owner" means an individual or entity possessing
19 title to a building.

20 (b) In the event of a land lease, "building owner" means the
21 entity possessing title to the building on leased land.

1 (4) "Building tenant" means a person or entity occupying or
2 holding possession of a building or premises pursuant to a rental
3 agreement.

4 (5) "Conditional compliance" means a temporary compliance method
5 used by covered building owners that demonstrate the owner has
6 implemented energy use reduction strategies required by the standard,
7 but has not demonstrated full compliance with the energy use
8 intensity target.

9 (6) "Consumer-owned utility" has the same meaning as defined in
10 RCW 19.27A.140.

11 (7) "Covered building" includes a tier 1 covered building and a
12 tier 2 covered building.

13 (8) "Department" means the department of commerce.

14 (9) "Director" means the director of the department of commerce
15 or the director's designee.

16 (10) "Electric utility" means a consumer-owned electric utility
17 or an investor-owned electric utility.

18 (11) "Eligible building owner" means: (a) The owner of a covered
19 building required to comply with the standard established in RCW
20 19.27A.210; or (b) all eligible tier 2 covered building owners.

21 (12) "Energy" includes: Electricity, including electricity
22 delivered through the electric grid and electricity generated at the
23 building premises using solar or wind energy resources; natural gas,
24 including natural gas derived from renewable sources, synthetic
25 sources, and fossil fuel sources; district steam; district hot water;
26 district chilled water; propane; fuel oil; wood; coal; or other fuels
27 used to meet the energy loads of a building.

28 (13) "Energy use intensity" means a measurement that normalizes a
29 building's site energy use relative to its size. A building's energy
30 use intensity is calculated by dividing the total net energy consumed
31 in one year by the gross floor area of the building, excluding the
32 parking garage. "Energy use intensity" is reported as a value of
33 thousand British thermal units per square foot per year.

34 (14) "Energy use intensity target" means the target for net
35 energy use intensity of a covered building.

36 (15) "Gas company" includes every corporation, company,
37 association, joint stock association, partnership, and person, their
38 lessees, trustees, or receiver appointed by any court whatsoever, and
39 every city or town owning, controlling, operating, or managing any
40 gas plant within this state.

1 (16) "Greenhouse gas" includes carbon dioxide, methane, nitrous
2 oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

3 (17) (a) "Gross floor area" means the total number of square feet
4 measured between the exterior surfaces of the enclosing fixed walls
5 of a building, including all supporting functions such as offices,
6 lobbies, restrooms, equipment storage areas, mechanical rooms, break
7 rooms, and elevator shafts.

8 (b) "Gross floor area" does not include outside bays or docks.

9 (18) "Investor-owned utility" means a corporation owned by
10 investors that meets the definition of "corporation" as defined in
11 RCW 80.04.010 and is engaged in distributing either electricity or
12 natural gas, or both, to more than one retail electric customer in
13 the state.

14 (19) "Multifamily residential building" means a covered
15 multifamily building containing sleeping units or more than five
16 dwelling units where occupants are primarily permanent in nature.

17 (20) "Net energy use" means the sum of metered and bulk fuel
18 energy entering the building, minus the sum of metered energy leaving
19 the building or campus. Renewable energy produced on a campus that is
20 not attached to a covered building may be included.

21 (21) "Qualifying utility" means a consumer-owned or investor-
22 owned gas or electric utility that serves more than 25,000 customers
23 in the state of Washington.

24 (22) "Savings-to-investment ratio" means the ratio of the total
25 present value savings to the total present value costs of a bundle of
26 an energy or water conservation measure estimated over the projected
27 useful life of each measure. The numerator of the ratio is the
28 present value of net savings in energy or water and nonfuel or
29 nonwater operation and maintenance costs attributable to the proposed
30 energy or water conservation measure. The denominator of the ratio is
31 the present value of the net increase in investment and replacement
32 costs less salvage value attributable to the proposed energy or water
33 conservation measure.

34 (23) "Standard" means the state energy performance standard for
35 covered buildings established under RCW 19.27A.210.

36 (24) "Thermal energy company" has the same meaning as defined in
37 RCW 80.04.550.

38 (25) (~~"Tier~~) Except as provided in section 2 of this act, "tier
39 1 covered building" means a building where the sum of nonresidential,

1 hotel, motel, and dormitory floor areas exceed 50,000 gross square
2 feet, excluding the parking garage area.

3 (26) (~~"Tier~~) Except as provided in section 2 of this act, "tier
4 2 covered building" means a building where the sum of multifamily
5 residential, nonresidential, hotel, motel, and dormitory floor areas
6 exceeds 20,000 gross square feet, but does not exceed 50,000 gross
7 square feet, excluding the parking garage area. Tier 2 covered
8 buildings also include multifamily residential buildings where floor
9 areas are equal to or exceed 50,000 gross square feet, excluding the
10 parking garage area.

11 (27) "Weather normalized" means a method for modifying the
12 measured building energy use in a specific weather year to energy use
13 under normal weather conditions.

14 (28) "Public school" has the same meaning as defined in RCW
15 28A.150.010.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27A
17 RCW to read as follows:

18 (1) Public school buildings are not covered buildings under this
19 chapter and are exempt from the state energy performance standard if
20 the public school building meets one of the following conditions:

21 (a) Any building in a public school district in which 50 percent
22 or more of the children enrolled in the public school district
23 qualify for free or reduced-price lunch as defined in RCW 28A.235.160
24 in any of the previous five years;

25 (b) Any building in a public school district that has a state
26 funding assistance percentage, as defined in RCW 28A.525.166, of 50
27 percent or more in any of the previous five years; or

28 (c) Any building in a public school district where the public
29 school district uses or purchases electricity generated from
30 renewable resources or nonemitting electric generation electricity.

31 (2) Nothing in this section prohibits a school district from
32 meeting the state energy performance standard in RCW 19.27A.210 if
33 the school district chooses to comply.

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