
SENATE BILL 5037

State of Washington

68th Legislature

2023 Regular Session

By Senators L. Wilson and MacEwen

Prefiled 12/09/22.

1 AN ACT Relating to ensuring that the Washington state energy code
2 may not prohibit the use of natural gas in buildings; amending RCW
3 19.27A.020; creating a new section; and providing for submission of
4 this act to a vote of the people.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that natural gas is
7 a safe, affordable, and convenient source of energy for buildings in
8 Washington. The legislature further finds that: Natural gas produces
9 relatively low levels of pollution in comparison to some other
10 sources of energy; natural gas infrastructure in Washington is
11 extensive and should be maintained; preserving natural gas as an
12 option maximizes consumer choice and helps control costs for
13 consumers; and natural gas can provide an important supplementary or
14 backup source of energy to residents during emergencies, such as
15 electrical power outages. The legislature determines that the state
16 building code council must not prohibit the use of natural gas in
17 buildings.

18 **Sec. 2.** RCW 19.27A.020 and 2018 c 207 s 7 are each amended to
19 read as follows:

1 (1) The state building code council in the department of
2 enterprise services shall adopt rules to be known as the Washington
3 state energy code as part of the state building code.

4 (2) The council shall follow the legislature's standards set
5 forth in this section to adopt rules to be known as the Washington
6 state energy code. The Washington state energy code shall be designed
7 to:

8 (a) Construct increasingly energy efficient homes and buildings
9 (~~(that help achieve the broader goal of building zero fossil-fuel~~
10 ~~greenhouse gas emission homes and buildings)~~) by the year 2031;

11 (b) Require new buildings to meet a certain level of energy
12 efficiency, but allow flexibility in building design, construction,
13 and heating equipment efficiencies within that framework; and

14 (c) Allow space heating equipment efficiency to offset or
15 substitute for building envelope thermal performance.

16 (3) The Washington state energy code may not prohibit the use of
17 natural gas for any form of heating, or for uses related to any
18 appliance, in any building.

19 (4) The Washington state energy code shall take into account
20 regional climatic conditions. One climate zone includes: Adams,
21 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,
22 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,
23 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima
24 counties. The other climate zone includes all other counties not
25 listed in this subsection (~~((3))~~) (4). The assignment of a county to
26 a climate zone may not be changed by adoption of a model code or
27 rule. Nothing in this section prohibits the council from adopting the
28 same rules or standards for each climate zone.

29 (~~((4))~~) (5) The Washington state energy code for residential
30 buildings shall be the 2006 edition of the Washington state energy
31 code, or as amended by rule by the council.

32 (~~((5))~~) (6) The minimum state energy code for new nonresidential
33 buildings shall be the Washington state energy code, 2006 edition, or
34 as amended by the council by rule.

35 (~~((6))~~) (7)(a) Except as provided in (b) of this subsection, the
36 Washington state energy code for residential structures shall preempt
37 the residential energy code of each city, town, and county in the
38 state of Washington.

39 (b) The state energy code for residential structures does not
40 preempt a city, town, or county's energy code for residential

1 structures which exceeds the requirements of the state energy code
2 and which was adopted by the city, town, or county prior to March 1,
3 1990. Such cities, towns, or counties may not subsequently amend
4 their energy code for residential structures to exceed the
5 requirements adopted prior to March 1, 1990.

6 ~~((7))~~ (8) The state building code council shall consult with
7 the department of enterprise services as provided in RCW 34.05.310
8 prior to publication of proposed rules. The director of the
9 department of enterprise services shall recommend to the state
10 building code council any changes necessary to conform the proposed
11 rules to the requirements of this section.

12 ~~((8))~~ (9) The state building code council shall evaluate and
13 consider adoption of the international energy conservation code in
14 Washington state in place of the existing state energy code.

15 ~~((9))~~ (10) The definitions in RCW 19.27A.140 apply throughout
16 this section.

17 NEW SECTION. **Sec. 3.** The secretary of state shall submit this
18 act to the people for their adoption and ratification, or rejection,
19 at the next general election to be held in this state, in accordance
20 with Article II, section 1 of the state Constitution and the laws
21 adopted to facilitate its operation.

--- END ---