
HOUSE BILL 2927

State of Washington

61st Legislature

2010 Regular Session

By Representatives Hasegawa, Kretz, Kristiansen, and Hudgins

Read first time 01/18/10. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to implementing the recommendations of the joint
2 administrative rules review committee; amending RCW 19.27.074 and
3 19.27A.020; adding a new section to chapter 19.27A RCW; creating a new
4 section; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the proposed
7 changes to the state energy code, chapter 51-11 WAC, adopted by the
8 state building code council on November 20, 2009, are unprecedented in
9 scope and complexity. However, the legislature finds and declares that
10 the cumulative economic impact of all of the proposed changes to the
11 state energy code are not yet fully understood or known.

12 (2) The legislature agrees with and adopts the findings of the
13 joint administrative rules review committee during two public work
14 sessions held on October 1, 2009, and December 2, 2009. Those findings
15 are:

16 (a) The building code council's adoption of changes to the state
17 energy code on November 20, 2009 was not done in accordance with all
18 applicable provisions of the law;

1 (b) The building code council's small business economic impact
2 statement, filed with the office of the code reviser on August 19,
3 2009, failed to fully comply with all statutory requirements; and

4 (c) The building code council failed to adequately respond to the
5 committee's request for an amended small business economic impact
6 statement and a cost-benefit analysis prior to adoption of the rules.

7 (3) It is the intent of the legislature to delay implementation of
8 the 2009 proposed state energy code rules adopted by the state building
9 code council until such time as the state building code council submits
10 to the appropriate committees of the legislature an amended small
11 business economic impact statement and cost-benefit analysis, as
12 requested by the joint administrative rules review committee, and the
13 legislature has had the opportunity to review and act on the new
14 information.

15 **Sec. 2.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to read
16 as follows:

17 (1) The state building code council shall:

18 (a) Adopt and maintain the codes to which reference is made in RCW
19 19.27.031 in a status which is consistent with the state's interest as
20 set forth in RCW 19.27.020. In maintaining these codes, the council
21 shall regularly review updated versions of the codes referred to in RCW
22 19.27.031 and other pertinent information and shall amend the codes as
23 deemed appropriate by the council;

24 (b) Approve or deny all county or city amendments to any code
25 referred to in RCW 19.27.031 to the degree the amendments apply to
26 single family or multifamily residential buildings;

27 (c) As required by the legislature, develop and adopt any codes
28 relating to buildings; and

29 (d) Propose a budget for the operation of the state building code
30 council to be submitted to the office of financial management pursuant
31 to RCW 43.88.090.

32 (2) The state building code council may:

33 (a) Appoint technical advisory committees which may include members
34 of the council;

35 (b) Employ permanent and temporary staff and contract for services;
36 and

1 (c) Conduct research into matters relating to any code or codes
2 referred to in RCW 19.27.031 or any related matter.

3 All meetings of the state building code council shall be open to
4 the public under the open public meetings act, chapter 42.30 RCW. All
5 actions of the state building code council which adopt or amend any
6 code of statewide applicability shall be pursuant to the administrative
7 procedure act, chapter 34.05 RCW.

8 All council decisions relating to the codes enumerated in RCW
9 19.27.031 shall require approval by at least a majority of the members
10 of the council.

11 Except as provided in section 4 of this act, all decisions to adopt
12 or amend codes of statewide application shall be made prior to December
13 1 of any year and shall not take effect before the end of the regular
14 legislative session in the next year.

15 **Sec. 3.** RCW 19.27A.020 and 2009 c 423 s 4 are each amended to read
16 as follows:

17 (1) Except as provided in section 4 of this act, the state building
18 code council shall adopt rules to be known as the Washington state
19 energy code as part of the state building code.

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

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

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

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

31 (3) The Washington state energy code shall take into account
32 regional climatic conditions. Climate zone 1 shall include all
33 counties not included in climate zone 2. Climate zone 2 includes:
34 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
35 Oreille, Spokane, Stevens, and Whitman counties.

36 (4) The Washington state energy code for residential buildings

1 shall be the 2006 edition of the Washington state energy code, or as
2 amended by rule by the council.

3 (5) The minimum state energy code for new nonresidential buildings
4 shall be the Washington state energy code, 2006 edition, or as amended
5 by the council by rule.

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

10 (b) The state energy code for residential structures does not
11 preempt a city, town, or county's energy code for residential
12 structures which exceeds the requirements of the state energy code and
13 which was adopted by the city, town, or county prior to March 1, 1990.
14 Such cities, towns, or counties may not subsequently amend their energy
15 code for residential structures to exceed the requirements adopted
16 prior to March 1, 1990.

17 (7) The state building code council shall consult with the
18 department of (~~community, trade, and economic development~~) commerce
19 as provided in RCW 34.05.310 prior to publication of proposed rules.
20 The director of (~~the department of community, trade, and economic~~
21 ~~development~~) commerce shall recommend to the state building code
22 council any changes necessary to conform the proposed rules to the
23 requirements of this section.

24 (8) The state building code council shall evaluate and consider
25 adoption of the international energy conservation code in Washington
26 state in place of the existing state energy code.

27 (9) The definitions in RCW 19.27A.140 apply throughout this
28 section.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.27A RCW
30 to read as follows:

31 Proposed changes to the state energy code, chapter 51-11 WAC,
32 adopted by the state building code council on November 20, 2009, shall
33 not be implemented or take effect until:

34 (1) A revised small business economic impact statement that meets
35 all the requirements of RCW 19.85.040 and a cost-benefit analysis that
36 meets all the requirements of RCW 34.05.328 are filed with the office

1 of the code reviser, submitted to the joint administrative rules review
2 committee and the appropriate standing committees of the legislature,
3 and posted on the state building code council's web site; and

4 (2) The legislature is provided with an opportunity to review and
5 act on the information.

6 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

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