**1622-S2.E AMS ANGE S5870.1 - NOT FOR FLOOR USE**

**E2SHB 1622** - S AMD **741**

By Senator Angel

**NOT ADOPTED 02/28/2018**

On page 6, beginning on line 11, strike all material through "year." on line 14 and insert the following:

"((~~All decisions to adopt or amend codes of statewide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.~~)) (6)(a) All council decisions to adopt or amend codes of statewide application must be made prior to December 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year.

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent."

On page 8, after line 20, insert the following:

"**Sec.**  RCW 19.27A.025 and 1991 c 122 s 3 are each amended to read as follows:

(1) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and cost-effective to building owners and tenants.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory committee including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3)(a) All council decisions to amend the Washington state energy code for new nonresidential buildings ((~~shall~~)) require approval by at least a majority of the council and must be made prior to December ((~~15th~~)) 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and ((~~shall~~)) do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year. ((~~Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds majority vote.~~))

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent.

(4) Substantial amendments to the code shall be adopted no more frequently than every three years.

**Sec.**  RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read as follows:

(1) The state building code council shall maintain the state energy code for residential structures in a status which is consistent with the state's interest as set forth in section 1, chapter 2, Laws of 1990. In maintaining the Washington state energy code for residential structures, beginning in 1996 the council shall review the Washington state energy code every three years.

(2) After January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the council may amend any provisions of the Washington state energy code to increase the energy efficiency of newly constructed residential buildings. ((~~Decisions to amend the Washington state energy code for residential structures shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.~~))

(3)(a) All council decisions to amend the Washington state energy code for residential structures requires approval by at least a majority of the council and must be made prior to December 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year.

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent."

Renumber the remaining sections consecutively and correct any internal references accordingly.

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By Senator Angel

**NOT ADOPTED 02/28/2018**

On page 1, line 2 of the title, after "19.27A.020," insert "19.27A.025, 19.27A.045,"

EFFECT: Requires all State Building Code Council decisions to amend the Washington State Building Code and Washington State Energy Code to be brought to the legislature as agency request legislation. Provides that amendments do not take effect unless the legislature acts to allow implementation before the end of the next regular legislative session.