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**SENATE BILL 5037**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators L. Wilson, MacEwen, Braun, Dozier, Fortunato, McCune, Muzzall, Schoesler, Short, Torres, Van De Wege, Wagoner, and Warnick

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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