

---

SENATE BILL 5751

---

State of Washington

62nd Legislature

2011 Regular Session

By Senators Holmquist Newbry, Morton, and Honeyford

Read first time 02/09/11. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to delaying implementation of the 2009 adopted  
2 changes to the Washington state energy code until April 2012; amending  
3 RCW 19.27A.020; adding a new section to chapter 19.27A RCW; creating a  
4 new section; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that legislation  
7 authorizing modification of the state energy code directed the state  
8 building code council to update the building code provisions by  
9 incrementally increasing energy efficiency through code modification  
10 starting in 2013. This start date was chosen because the legislature  
11 was aware that there are substantial costs to consumers and employers  
12 associated with implementation of the energy code's increased energy  
13 efficiency standards and wanted to provide builders and local  
14 authorities sufficient time to adapt to new procedures. The state  
15 building code council adopted extensive modifications to the energy  
16 code in November 2009. Since that time, the governor has requested a  
17 delay in implementation of the revisions to the energy code because the  
18 impact of the changes would slow the economic recovery of the state.

1 The legislature supports the governor's concern that the 2009  
2 amendments to the energy code will slow recovery of the economy and  
3 supports a delay in implementation of the amendments until at least  
4 April 1, 2012.

5 **Sec. 2.** RCW 19.27A.020 and 2010 c 271 s 304 are each amended to  
6 read as follows:

7 (1) Except as provided in section 3 of this act, the state building  
8 code council shall adopt rules to be known as the Washington state  
9 energy code as part of the state building code.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27A RCW  
18 to read as follows:

19 (1) Changes to the state energy code as adopted by the state  
20 building code council on November 20, 2009, that modified chapter 51-11  
21 WAC may not be implemented prior to April 1, 2012.

22 (2) This section expires April 1, 2014.

23 NEW SECTION. **Sec. 4.** Section 2 of this act expires April 1, 2014.

--- END ---