

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
7 IN AND FOR THE COUNTY OF KING

8 CLIMATE SOLUTIONS;
9 WASHINGTON CONSERVATION
10 ACTION; FRONT AND CENTERED;
11 WASHINGTON SOLAR ENERGY
12 INDUSTRIES ASSOCIATION; KING
13 COUNTY, a Washington municipal
corporation; CITY OF SEATTLE, a
Washington municipal corporation; and
ANTHONY MASCHMEDT,

14 Plaintiffs,

15 v.

16 STATE OF WASHINGTON,

17 Defendant.
18

No.

COMPLAINT FOR
DECLARATORY JUDGMENT AND
INJUNCTIVE RELIEF

19 **I. INTRODUCTION**

20 1. Initiative Measure 2066 (“I-2066” or “Initiative”) undermines many of
21 Washington State’s clean energy laws and programs. Among its far-reaching impacts, the
22 Initiative jeopardizes the ability of local governments and other entities to establish energy-
23 efficiency standards and reduce greenhouse gas emissions; it threatens programs that require the
24 construction of energy efficient buildings; and it would make the clean energy transition chaotic
25 and more expensive for Washingtonians. These and other aspects of I-2066 threaten the
26 significant progress Washington State has made in addressing the climate crisis.
27

COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTIVE RELIEF - 1

1 Pacific Northwest—a region well positioned to make globally significant progress toward 100%
2 clean energy and adoption of cleaner fuels and electrification. Climate Solutions has its principal
3 place of business in Seattle, Washington. As an organization committed to addressing the climate
4 crisis, Climate Solutions has an interest in defending state and local laws and programs that
5 advance clean energy, and which I-2066 undermines.
6

7 7. Plaintiff Washington Conservation Action (“WCA”) is a Washington nonprofit
8 organization that mobilizes action for conservation and environmental justice. Its principal place
9 of business is in Seattle, Washington. WCA’s mission is to develop, advocate, and defend
10 policies that ensure environmental progress and justice by centering and amplifying the voices of
11 the most impacted communities. I-2066 attempts to slow down Washington’s environmental
12 progress in several ways, including by removing planning requirements that help utility
13 companies transition to clean energy and provide more clean energy options to customers. I-2066
14 would undermine WCA’s mission of environmental progress and justice.
15

16 8. Plaintiff Front and Centered is a Washington nonprofit organization that
17 advances climate and environmental justice, especially in partnership with low-income
18 communities of color. Its principal place of business is in Seattle, Washington. As an
19 organization with a statewide reach, Front and Centered serves a growing and diverse coalition
20 of community based organizations in urban and rural regions of the state. Part of Front and
21 Centered’s mission is a just transition to a clean energy future, which includes universal access,
22 sufficient and affordable energy for all. I-2066 will increase utility rates and hinder planning for
23 the clean energy transition which would disproportionately impact people Front and Centered
24 represents – specifically those defined in state law as overburdened communities and vulnerable
25 populations. By attempting to slow down Washington’s progress on adopting cleaner fuels, I-
26
27

1 2066 will all but ensure that these communities are unable to access affordable alternative energy
2 sources and entrench negative environmental health outcomes.

3 9. Plaintiff Washington Solar Energy Industries Association (“WASEIA”) is a
4 Washington nonprofit professional trade association that represents the interests of its member
5 organizations and professionals working throughout the solar energy value chain. WASEIA was
6 formed to be a unified voice for the common business interests of its members, particularly
7 related to public policy, legislation, and governmental relations. WASEIA also promotes
8 awareness and understanding of the impacts of policy and regulatory proposals and decisions on
9 solar companies operating in Washington. By encouraging the use of natural gas even when
10 other energy sources are available, I-2066 will decrease the demand for electricity that can be
11 provided by renewable energy sources, including solar power. I-2066 jeopardizes the
12 Washington State Energy Code, both Residential and Commercial, portions of which currently
13 incentivize and/or require onsite solar in new residential and commercial construction. I-2066
14 also may prevent the Code Council from following through on RCW 19.27.195 (“state building
15 council” shall “adopt changes necessary to encourage greater use of renewable energy systems”).
16
17

18 10. Plaintiff King County is a Home Rule Charter County in the State of Washington.
19 Through its various departments and partnerships with other municipalities, King County works
20 to protect and restore the natural environment for the people, fish, and wildlife of King County.
21 King County has established a renewable energy goal that 80% of all the energy in its
22 government facilities must come from renewable sources by 2025, and 95% will come from
23 renewable sources by 2030. To achieve this goal, King County must increase the amount of
24 renewable energy used in its operations. King County also has multiple initiatives to promote the
25 use of clean energy and desires to continue strengthening its building and energy codes to
26
27

1 decrease reliance on natural gas. I-2066 will make it more challenging for King County to meet
2 its goals because it prohibits counties from discouraging the use of natural gas in buildings. King
3 County faces substantial harm from this unconstitutional initiative, which the voters of King
4 County overwhelmingly rejected at the polls.

5
6 11. Plaintiff City of Seattle (the “City”) is a first-class Charter City duly organized
7 and existing under and by virtue of the laws of the State of Washington. The City is committed
8 to building a clean energy future. In 2020, the City adopted a Green New Deal that directed City
9 departments to work collaboratively to eliminate climate pollution, prioritize climate justice, and
10 invest in an equitable transition to a clean energy economy. In addition, the City oversees and
11 enforces the Seattle Energy Code within the City’s limits. The Seattle Energy Code—which is
12 modeled after the State Energy Code advances the state energy goal of achieving a 70%
13 reduction in annual net energy consumption by 2030. It is unclear how I-2066 applies to the
14 energy-efficiency requirements for new buildings in the Seattle Energy Code. Another example
15 is the City’s Building Emissions Performance Standards; it is unclear how I-2066 applies to the
16 greenhouse-gas-emissions targets for large new and existing buildings. Therefore, I-2066
17 jeopardizes these and other City goals and programs to reduce greenhouse gas emissions and air
18 pollution. Like King County, the City faces substantial harm from this unconstitutional initiative,
19 which the voters of Seattle overwhelmingly rejected at the polls.
20

21
22 12. Plaintiff Anthony Maschmedt is a taxpayer in Washington State who resides in
23 Seattle, Washington. Mr. Maschmedt is a principal with Dwell Development, a former State
24 Building Code Council member, and a current member of the Building Industry Association of
25 Washington. Because buildings are a large source of climate pollution in Washington, reducing
26 climate pollution from buildings is critical for the State to meet its overall climate goals. I-2066
27

1 makes changes to the State Building Code and State Energy Code that undermine the ability of
2 builders to construct energy efficient homes in compliance with Washington’s climate goals.

3 13. Defendant is the State of Washington.

4 **III. JURISDICTION AND VENUE**

5 14. This Court has jurisdiction over this matter pursuant to RCW ch. 2.08, RCW ch.
6 7.24, and RCW 7.40.010.

7 15. Venue is proper in this Court pursuant to RCW 4.92.010 because the residence or
8 principal place of business of one or more of the Plaintiffs is in King County, Washington.

9 **IV. STANDING**

10 16. Plaintiffs include an individual Washington voter, a taxpayer, and taxpayer
11 organizations and local governments. These Plaintiffs represent their own and their members’
12 interests. Plaintiffs have standing to bring this action on multiple alternative grounds.

13 17. Plaintiffs have standing to challenge the constitutionality of I-2066 as a taxpayer
14 and/or representatives of taxpayers. The individual Plaintiff and the organizational Plaintiffs’
15 members include taxpayers who reside in Washington and are registered voters in the state. I-
16 2066 will result in the unconstitutional expenditure of state funds. Such unconstitutional
17 expenditures will continue until I-2066 is declared unconstitutional and its implementation is
18 enjoined. Local government plaintiffs are directly impacted by Sections 3, 9 and 10 of the
19 Initiative, which prohibits currently lawful acts and precludes future acts.

20 18. On December 6, 2024, Plaintiffs made a demand upon Attorney General Bob
21 Ferguson to investigate the constitutional violations arising from I-2066 and to initiate legal
22 proceedings on behalf of all Washington taxpayers. A copy of this demand is attached as Exhibit
23
24
25
26
27

1 A. On December 9, the Attorney General declined to initiate an investigation or legal
2 proceedings. A copy of this letter is attached as Exhibit B.

3 19. Plaintiffs are also harmed directly and individually by the unconstitutional
4 provisions of I-2066. For example, Plaintiffs include individuals and organizations who will face
5 higher energy costs and increased climate pollution due to I-2066.
6

7 20. This Court’s grant of declaratory and injunctive relief will redress directly the
8 harms caused to Plaintiffs by I-2066.

9 21. Plaintiffs also have standing because this matter is of serious public importance
10 and immediately affects substantial segments of Washington’s population, and its outcome will
11 have a direct bearing on commerce, finance, labor, industry, or agriculture generally.
12

13 22. The Court’s grant of declaratory and injunctive relief will directly redress the
14 harms caused by I-2066.

15 V. FACTS

16 23. The Washington Legislature enacted carefully crafted laws over the years to
17 encourage the development of clean energy, promote energy efficiency programs that help
18 people save money on their utility bills, and reduce greenhouse gas emissions and air pollution.
19 These laws further the State’s official policies and requirements with respect to clean energy
20 adoption and emissions reductions. *See* RCW 19.405.010 (“It is the policy of the state to . . .
21 transition the state’s electricity supply to . . . one hundred percent carbon-free by 2045.”); RCW
22 70A.45.020(1)(a)(iv) (noting “the State’s requirement to achieve a 95% reduction in greenhouse
23 gas emissions by 2050.”).
24

25 24. I-2066—which was narrowly approved by voters with 51.7% of the vote in the
26 November 2024 general election—reverses many of the Legislature’s considered decisions to
27

1 achieve these important economic and environmental goals. I-2066 also jeopardizes local
2 governments' goals and programs to reduce greenhouse gas emissions and air pollution.

3 25. Section 1 of I-2066 sets forth the Initiative's explicitly stated purpose, which is to
4 "protect[] access to [natural] gas. Exhibit C at 1; *Id.* ("Therefore, the people determine that
5 access to gas and gas appliances must be preserved for Washington homes and businesses, by
6 strengthening utilities' obligation to provide natural gas to customers who want it, and by
7 preventing regulatory actions that will limit access to gas.").

8
9 26. Sections 2 and 3 of I-2066 require certain utility companies and local
10 governments to provide natural gas to customers in certain circumstances. The Initiative attempts
11 to achieve this goal by amending the enacted versions of two laws: Engrossed Substitute Senate
12 Bill 5910 ("SB 5910"), passed by the Legislature in 2022, which relates to the use of renewable
13 hydrogen in Washington; and Engrossed Substitute House Bill 2131 ("HB 2131"), which
14 promotes the establishment of thermal energy networks. I-2066 amends SB 5910 to require
15 certain local governments to provide natural gas to eligible customers, and it proposes to add to
16 HB 2131 the requirement that gas companies and large combination utilities provide natural gas
17 to eligible customers regardless of whether the obligation to provide gas can be met by providing
18 thermal energy through a thermal energy network.

19
20 27. Sections 4, 5, and 12 of I-2066 repeal and amend provisions of Engrossed
21 Substitute House Bill 1589 ("HB 1589"), known as the Washington Decarbonization Act for
22 Large Combination Utilities. Enacted in 2024 by the Legislature, HB 1589 consolidates planning
23 requirements for large combination utilities to support "decarbonization" and promote "cost
24 effective electrification." I-2066 repeals and amends provisions of HB 1589 that promote
25 decarbonization and cost-effective electrification. For instance, it repeals provisions related to
26
27

1 funding for electrification readiness and provisions related to the merger of electric and gas
2 operations into a single rate base. It also prohibits the Washington Utilities and Transportation
3 Commission from considering multiyear rate plans that discourage natural gas use.

4 28. Sections 6, 7, and 8 of I-2066 amend and repeal provisions of the Washington
5 State Building Code (“Building Code”) and the Washington State Energy Code (“Energy
6 Code”). Namely, the Initiative removes the requirement that the Energy Code promote
7 construction of energy efficient homes and buildings “that help achieve the broader goal of
8 building zero fossil-fuel greenhouse gas emission homes and buildings,” Ex. C at 18, and also
9 prohibits the Building Code and Energy Code from discouraging the use of gas in buildings.

10 29. Sections 9 and 10 of I-2066 prohibit cities, towns, and counties from prohibiting
11 or discouraging the use of gas. It does this by adding new sections to existing RCW chapters
12 35.21 and 36.01, pertaining to local government authority.

13 30. Section 11 of I-2066 adds a new section to the Washington Clean Air Act to
14 prevent authorities, as defined in the Clean Air Act, from prohibiting, penalizing, or discouraging
15 the use of gas for any form of heating or for uses related to any appliance or equipment in any
16 buildings. This includes industrial buildings, manufacturing facilities, and other point sources of
17 air pollution. The Initiative makes no other amendments to the Clean Air Act.

18 31. Section 13 of I-2066 provides for severability.

19 32. A true and correct copy of I-2066 is attached as Exhibit C.

20 33. The ballot title for I-2066 was as follows:

21 Initiative Measure No. 2066 concerns regulating energy services, including
22 natural gas and electrification.

23 This measure would repeal or prohibit certain laws and regulations that
24 discourage natural gas use and/or promote electrification, and require certain
25 utilities and local governments to provide natural gas to eligible customers.

1
2 34. Under article II, section 1(d) of the Constitution, initiatives adopted by the voters
3 “shall be in operation on and after the thirtieth day after the election at which it is approved.”
4 Because I-2066 was passed on November 5, 2024, it took effect on December 5, 2024 and has
5 been codified into law.

6 **VI. FIRST CAUSE OF ACTION: DECLARATORY JUDGMENT**

7 35. Plaintiffs repeat and re-allege each of the foregoing allegations as though fully set
8 forth herein.

9
10 36. For reasons including but not limited to those stated herein, an actual dispute
11 exists between Plaintiffs and Defendant, which parties have genuine and opposing interests,
12 which interests are direct and substantial, and of which dispute a judicial determination would be
13 final and conclusive.

14 37. I-2066 violates provisions of the Constitution, including but not limited to:

- 15 a. Article II, section 19, the Single Subject Rule, because I-2066 includes multiple
16 impermissible subjects;
17
18 b. Article II, section 19, the Subject-in-Title Rule, because the title for I-2066 did
19 not fairly apprise voters of the subjects of I-2066;
20
21 c. Article II, section 37, the Improper Amendment Rule, because I-2066 is not a
22 complete act and it improperly amends existing laws without setting forth those
23 amendments in full.

24 38. Plaintiffs are entitled to a declaratory judgment that I-2066 is unconstitutional, as
25 well as such other and further relief as may follow from the entry of such a declaratory judgment.
26
27

1 **VII. SECOND CAUSE OF ACTION: INJUNCTIVE RELIEF**

2 39. Plaintiffs repeat and re-allege each of the foregoing allegations as though fully set
3 forth herein.

4 40. For reasons including but not limited to those stated herein, Plaintiffs are entitled
5 to prevent and permanently enjoin I-2066 from taking effect or being enforced by any
6 Washington official.

7 41. Plaintiffs have clear legal rights to prevent and enjoin the enforcement of I-2066
8 as described herein, which rights are and continue to be invaded by Defendant, resulting in actual
9 and continuing injury. No adequate remedy at law exists to remedy this invasion of Plaintiffs'
10 rights. Further, the balance of the equities favors the issuance of an injunction.

11 42. Plaintiffs are entitled to an injunction restraining and prohibiting implementation
12 of I-2066.

13 **VIII. PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs request the following relief:

15 A. That the Court enter a declaratory judgment that I-2066 violates article II, section
16 19; and article II, section 37 of the Constitution;

17 B. Such other and further relief as may follow from the entry of a declaratory
18 judgment;

19 C. Entry of an injunction prohibiting implementation of I-2066;

20 D. Reasonable attorney fees, expenses and costs, to the fullest extent allowed by law
21 and equity; and

22 E. Any further relief as this Court may deem necessary and proper.

1
2 DATED this 11th day of December, 2024.

3 PACIFICA LAW GROUP LLP

4
5 s/ Kai A. Smith

6 Paul J. Lawrence, WSBA #13557

7 Kai A. Smith, WSBA #54749

8 Noe M. Merfeld, WSBA #56876

9 *Attorneys for Plaintiffs Climate Solutions,*
10 *Washington Conservation Action, Front and*
11 *Centered, Washington Solar Energy Industries*
12 *Association, City of Seattle, and Anthony*
13 *Maschmedt*

14 ANN DAVISON

15 Seattle City Attorney

16 s/ Ghazal Sharifi

17 Ghazal Sharifi, WSBA #47750

18 s/ Kerala Cowart

19 Kerala Cowart, WSBA #53768

20 Seattle City Attorney's Office

21 701 Fifth Avenue, Suite 2050

22 Seattle, WA 98104

23 Phone: (206) 771-3452

24 *Attorneys for Plaintiff City of Seattle*

25 LEESA MANION

26 King County Prosecuting Attorney

27 s/ David J. Hackett

David J. Hackett, WSBA #21236

General Counsel to Executive Constantine

Special Deputy Prosecuting Attorney

John R. Zeldenrust, WSBA #19797

Senior Deputy Prosecuting Attorney

Attorneys for Plaintiff King County

EXHIBIT A



T 206.245.1700
1191 2nd Avenue, Suite 2000
Seattle, WA 98101-3404
pacificallawgroup.com

Paul J. Lawrence
paul.lawrence@pacificallawgroup.com

Kai A. Smith
kai.smith@pacificallawgroup.com

VIA FED EX AND E-MAIL

December 6, 2024

The Honorable Bob Ferguson
Attorney General of Washington
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504-0100

Re: Request for the Attorney General to Investigate and Institute Legal Proceedings on the Unconstitutionality of Initiative Measure No. 2066

Dear Mr. Attorney General:

We represent a group of Washington taxpayers as well as organizations and entities with taxpayer members and constituents. We request that your office investigate and promptly institute legal proceedings to remedy the constitutional violations arising from Initiative Measure No. 2066 (“I-2066”).

I-2066 violates the Washington Constitution on multiple grounds, including but not limited to the following:

First, I-2066 violates the single-subject requirement in article II, section 19 of the Washington Constitution. The initiative contains numerous unrelated subjects joined together in a way that constitutes unlawful “logrolling.” For example, the Initiative would require certain utilities and local governments to provide natural gas to customers, but it also repeals and amends an assortment of statutory provisions pertaining to the regulation of other fossil fuels, greenhouse gas emissions in new construction, and clean energy broadly.

Second, I-2066 violates the subject-in-title requirement in article II, section 19 of the Washington Constitution. The title misleadingly suggests that I-2066 simply requires utilities and governments to provide natural gas to eligible customers and prohibits the discouragement of natural gas use (or promotion of electrification), but its provisions do much more. For example, there is no reference in the ballot title to I-2066’s repeal of the Washington State Energy Code’s requirement to achieve zero fossil-fuel greenhouse gas emission homes and buildings.

December 6, 2024

Page 2

Third, I-2066 violates article II, section 37 of the Washington Constitution because it improperly amends or attempts to amend existing law, including but not limited to the Clean Air Act, without setting forth the amendments in full.

In sum, I-2066 is an unconstitutional law designed to mislead voters about its actual provisions and to amend numerous unrelated statutes under the guise of a single issue. We therefore request that you pursue immediate measures to address the unconstitutional provisions of I-2066. *See Farris v. Munro*, 99 Wn.2d 326, 329, 662 P.2d 821 (1983) (allowing taxpayer to demand that the Attorney General bring suit on behalf of all taxpayers).

Please let us know at your earliest convenience whether your office will initiate legal proceedings against I-2066.

Sincerely,

PACIFICA LAW GROUP LLP

A handwritten signature in blue ink, appearing to read "Kai A. Smith", with a long horizontal stroke extending to the right.

Kai A. Smith

Paul J. Lawrence

cc: Noah Purcell, Solicitor General for the Washington State Attorney General's Office

EXHIBIT B



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Administration Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 753-6200

December 9, 2024

Sent via electronic mail only

Kai A. Smith
Paul J. Lawrence
PACIFICA LAW GROUP
1191 Second Ave, Ste. 2000
Seattle, WA 98101

Dear Mr. Smith:

I write in response to your letter of December 6, 2024, asking this office to “investigate and promptly institute legal proceedings” to challenge the constitutionality of Initiative 2066 (I-2066), which was enacted by voters at the 2024 General Election.

Just as statutes enacted by the Legislature are entitled to a presumption of constitutionality, so are statutes enacted by the people. Except in extraordinary circumstances, the role of this office is to defend duly enacted Washington laws. With that context in mind, I have thoroughly reviewed your letter and the legal theories you advance, and I find inadequate basis to deviate from our ordinary role and institute the proceedings you request. We therefore respectfully decline to do so.

To the extent that your letter is intended to satisfy a precondition to asserting taxpayer standing, nothing in this letter is intended to express an opinion on whether the requirements for taxpayer standing would be satisfied here.

Sincerely,

s/ Noah Purcell
NOAH PURCELL
Solicitor General

EXHIBIT C

Initiative Measure No. 2066

Filed April 5, 2024

AN ACT Relating to promoting energy choice by protecting access to gas for Washington homes and businesses; amending RCW 80.28.110, 35.92.050, 80.28.425, 80.--.---, 19.27A.020, 19.27A.025, and 19.27A.045; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 70A.15 RCW; creating a new section; repealing RCW 80.--.---, 80.--.---, and 80.--.---; and repealing 2024 c 351 ss 1 and 21 (uncodified).

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

NEW SECTION. **Sec. 1.** (1) The people find that having access to natural gas enhances the safety, welfare, and standard of living of all people in Washington. The people further find that preserving Washington's gas infrastructure and systems will promote energy choice, security, independence, and resilience throughout the state. Natural gas is a convenient and important necessity because it: Serves as a backup source of energy during emergencies; provides consumers with more options for heating, sanitation, cooking and food preparation, and other household activities, helping to control their costs; and sustains essential businesses, such as restaurants.

(2) Unfortunately, due to recent policy and corporate decisions, the people's ability to make choices about their energy sources is at risk. Therefore, the people determine that access to gas and gas appliances must be preserved for Washington homes and businesses, by strengthening utilities' obligation to provide natural gas to customers who want it, and by preventing regulatory actions that will limit access to gas.

Sec. 2. RCW 80.28.110 and 2024 c 348 s 6 are each amended to read as follows:

(1) Every gas company, electrical company, wastewater company, or water company, engaged in the sale and distribution of gas, electricity, or water, or the provision of wastewater company services, shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto, suitable facilities for furnishing and furnish all available gas, electricity, wastewater company services, and water as demanded, except that: ~~((+1))~~ (a) A water company may not furnish water contrary to the provisions of water system plans approved under chapter 43.20 or 70A.100 RCW; ~~((+2))~~ (b) wastewater companies may not provide services contrary to the approved general sewer plan; and ~~((+3))~~ (c) exclusively upon petition of a gas company, and subject to the commission's approval, a gas company's obligation to serve gas to customers that have access to the gas company's thermal energy network may be met by providing thermal energy through a thermal energy network.

(2) Every gas company or large combination utility shall provide natural gas to all persons and corporations in their service area or territory that demand, apply for, and are reasonably entitled to receive, natural gas under this section, even if other energy services or energy sources may be available.

Sec. 3. RCW 35.92.050 and 2022 c 292 s 405 are each amended to read as follows:

(1) A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate works, plants, facilities for the purpose of furnishing the city or town and its inhabitants, and any other persons, with gas, electricity, green electrolytic hydrogen as defined in RCW 54.04.190, renewable hydrogen as defined in RCW 54.04.190, and other means of power and facilities for lighting, including streetlights as an integral utility service incorporated within general rates, heating, fuel,

and power purposes, public and private, with full authority to regulate and control the use, distribution, and price thereof, together with the right to handle and sell or lease, any meters, lamps, motors, transformers, and equipment or accessories of any kind, necessary and convenient for the use, distribution, and sale thereof; authorize the construction of such plant or plants by others for the same purpose, and purchase gas, electricity, or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within the city or town and regulate and control the use and price thereof.

(2) A city or town that furnishes natural gas shall provide natural gas to those inhabitants that demand, apply for, and are reasonably entitled to receive, natural gas under this section, even if other energy services or energy sources may be available.

Sec. 4. RCW 80.28.425 and 2024 c 351 s 18 are each amended to read as follows:

(1) Beginning January 1, 2022, every general rate case filing of a gas or electrical company must include a proposal for a multiyear rate plan as provided in this chapter. The commission may, by order after an adjudicative proceeding as provided by chapter 34.05 RCW, approve, approve with conditions, or reject, a multiyear rate plan proposal made by a gas or electrical company or an alternative proposal made by one or more parties, or any combination thereof. The commission's consideration of a proposal for a multiyear rate plan is subject to the same standards applicable to other rate filings made under this title, including the public interest and fair, just, reasonable, and sufficient rates. In determining the public interest, the commission may consider such factors including, but not limited to, environmental health and greenhouse gas emissions reductions, health and safety concerns, economic development, and equity, to the extent such factors affect the

rates, services, and practices of a gas or electrical company regulated by the commission.

(2) The commission may approve, disapprove, or approve with modifications any proposal to recover from ratepayers up to five percent of the total revenue requirement approved by the commission for each year of a multiyear rate plan for tariffs that reduce the energy burden of low-income residential customers including, but not limited to: (a) Bill assistance programs; or (b) one or more special rates. For any multiyear rate plan approved under this section resulting in a rate increase, the commission must approve an increase in the amount of low-income bill assistance to take effect in each year of the rate plan where there is a rate increase. At a minimum, the amount of such low-income assistance increase must be equal to double the percentage increase, if any, in the residential base rates approved for each year of the rate plan. The commission may approve a larger increase to low-income bill assistance based on an appropriate record.

(3) (a) If it approves a multiyear rate plan, the commission shall separately approve rates for each of the initial rate year, the second rate year and, if applicable, the third rate year, and the fourth rate year.

(b) The commission shall ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is or will be used and useful under RCW 80.04.250 for service in this state by or during each rate year of the multiyear rate plan. For the initial rate year, the commission shall, at a minimum, ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is used and useful for service in this state as of the rate effective date. The commission may order refunds to customers if property expected to be used and useful by the rate effective date when the commission approves a multiyear rate plan is in fact not used and useful by such a date.

(c) The commission shall ascertain and determine the revenues and operating expenses for rate-making purposes of any gas or electrical company for each rate year of the multiyear rate plan.

(d) In ascertaining and determining the fair value of property of a gas or electrical company pursuant to (b) of this subsection and projecting the revenues and operating expenses of a gas or electrical company pursuant to (c) of this subsection, the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at fair, just, reasonable, and sufficient rates.

(e) If the commission approves a multiyear rate plan with a duration of three or four years, then the electrical company must update its power costs as of the rate effective date of the third rate year. The proceeding to update the electrical company's power costs is subject to the same standards that apply to other rate filings made under this title.

(4) Subject to subsection (5) of this section, the commission may by order establish terms, conditions, and procedures for a multiyear rate plan and ensure that rates remain fair, just, reasonable, and sufficient during the course of the plan.

(5) Notwithstanding subsection (4) of this section, a gas or electrical company is bound by the terms of the multiyear rate plan approved by the commission for each of the initial rate year and the second rate year. A gas or electrical company may file a new multiyear rate plan in accordance with this section for the third rate year and fourth rate year, if any, of a multiyear rate plan.

(6) If the annual commission basis report for a gas or electrical company demonstrates that the reported rate of return on rate base of the company for the 12-month period ending as of the end of the period for which the annual commission basis report is filed is more than .5 percent higher than the rate of return authorized by the commission in the multiyear rate plan for such a company, the company shall defer all revenues that are in excess of .5 percent higher than the rate of return authorized by the

commission for refunds to customers or another determination by the commission in a subsequent adjudicative proceeding. If a multistate electrical company with fewer than 250,000 customers in Washington files a multiyear rate plan that provides for no increases in base rates in consecutive years beyond the initial rate year, the commission shall waive the requirements of this subsection provided that such a waiver results in just and reasonable rates.

(7) The commission must, in approving a multiyear rate plan, determine a set of performance measures that will be used to assess a gas or electrical company operating under a multiyear rate plan. These performance measures may be based on proposals made by the gas or electrical company in its initial application, by any other party to the proceeding in its response to the company's filing, or in the testimony and evidence admitted in the proceeding. In developing performance measures, incentives, and penalty mechanisms, the commission may consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

(8) Nothing in this section precludes any gas or electrical company from making filings required or permitted by the commission.

(9) The commission shall align, to the extent practical, the timing of approval of a multiyear rate plan of an electrical company submitted pursuant to this section with the clean energy implementation plan of the electrical company filed pursuant to RCW 19.405.060.

(10) The provisions of this section may not be construed to limit the existing rate-making authority of the commission.

(11) The commission may require a large combination utility as defined in RCW 80.--.--- (section 2, chapter 351, Laws of 2024) to incorporate the requirements of this section into an integrated system plan established under RCW 80.--.--- (section 3, chapter 351, Laws of 2024).

(12) The commission shall not approve, or approve with conditions, a multiyear rate plan that requires or incentivizes a gas company or large combination utility to terminate natural gas service to customers.

(13) The commission shall not approve, or approve with conditions, a multiyear rate plan that authorizes a gas company or large combination utility to require a customer to involuntarily switch fuel use either by restricting access to natural gas service or by implementing planning requirements that would make access to natural gas service cost-prohibitive.

Sec. 5. RCW 80.--.--- and 2024 c 351 s 3 are each amended to read as follows:

(1) The legislature finds that large combination utilities are subject to a range of reporting and planning requirements as part of the clean energy transition. The legislature further finds that current natural gas integrated resource plans under development might not yield optimal results for timely and cost-effective decarbonization. To reduce regulatory barriers, achieve equitable and transparent outcomes, and integrate planning requirements, the commission may consolidate a large combination utility's planning requirements for both gas and electric operations, including consolidation into a single integrated system plan that is approved by the commission.

(2) (a) By July 1, 2025, the commission shall complete a rule-making proceeding to implement consolidated planning requirements for gas and electric services for large combination utilities that may include plans required under: (i) RCW 19.280.030; (ii) RCW 19.285.040; (iii) RCW 19.405.060; (iv) RCW 80.28.380; (v) RCW

80.28.365; (vi) RCW 80.28.425; and (vii) RCW 80.28.130. The commission may extend the rule-making proceeding for 90 days for good cause shown. The large combination utilities' filing deadline required in subsection (4) of this section will be extended commensurate to the rule-making extension period set by the commission. Subsequent planning requirements for future integrated system plans must be fulfilled on a timeline set by the commission. Large combination utilities that file integrated system plans are no longer required to file separate plans that are required in an integrated system plan. The statutorily required contents of any plan consolidated into an integrated system plan must be met by the integrated system plan.

(b) In its order adopting rules or issuing a policy statement approving the consolidation of planning requirements, the commission shall include a compliance checklist and any additional guidance that is necessary to assist the large combination utility in meeting the minimum requirements of all relevant statutes and rules.

(3) Upon request by a large combination utility, the commission may issue an order extending the filing and reporting requirements of a large combination utility under RCW 19.405.060 and 19.280.030, and requiring the large combination utility to file an integrated system plan pursuant to subsection (4) of this section if the commission finds that the large combination utility has made public a work plan that demonstrates reasonable progress toward meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and achieving equity goals. The commission's approval of an extension of filing and reporting requirements does not relieve the large combination utility from the obligation to demonstrate progress towards meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and the interim targets approved in its most recent clean energy implementation plan. Commission approval of an extension under this section fulfills the large combination ~~((utilities))~~ utility's statutory filing deadlines under RCW 19.405.060(1).

(4) By January 1, 2027, and on a timeline set by the commission thereafter, large combination utilities shall file an integrated system plan demonstrating how the large combination utilities' plans are consistent with the requirements of this chapter and any rules and guidance adopted by the commission, and which:

(a) Achieve the obligations of all plans consolidated into the integrated system plan;

(b) Provide a range of forecasts, for at least the next 20 years, of projected customer demand that takes into account econometric data and addresses changes in the number, type, and efficiency of customer usage;

(c) Include scenarios that achieve emissions reductions for both gas and electric operations equal to at least their proportional share of emissions reductions required under RCW 70A.45.020;

(d) Include scenarios with emissions reduction targets for both gas and electric operations for each emissions reduction period that account for the interactions between gas and electric systems;

(e) Achieve two percent of electric load annually with conservation and energy efficiency resources, unless the commission finds that a higher target is cost-effective. However, the commission may accept a lower level of achievement if it determines that the requirement in this subsection (4)(e) is neither technically nor commercially feasible during the applicable emissions reduction period;

(f) Assess commercially available conservation and efficiency resources, including demand response and load management, to achieve the conservation and energy efficiency requirements in (e) of this subsection, and as informed by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (b) of this subsection. Such an assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources.

The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost-effectiveness under this subsection;

(g) Achieve annual demand response and demand flexibility equal to or greater than 10 percent of winter and summer peak electric demand, unless the commission finds that a higher target is cost-effective. However, the commission may accept a lower level of achievement if it determines that the requirement in this subsection (4)(g) is neither technically nor commercially feasible during the applicable emissions reduction period;

~~(h) ((Achieve all cost-effective electrification of end uses currently served by natural gas identified through an assessment of alternatives to known and planned gas infrastructure projects, including nonpipeline alternatives, rebates and incentives, and geographically targeted electrification;~~

~~(i))~~ Include low-income electrification programs that must:

(i) Include rebates and incentives to low-income customers and customers experiencing high energy burden for the deployment of high-efficiency electric-only heat pumps in homes and buildings currently heating with wood, oil, propane, electric resistance, or gas;

(ii) Provide demonstrated material benefits to low-income participants including, but not limited to, decreased energy burden, the addition of air conditioning, and backup heat sources using natural gas or energy storage systems, if necessary to protect health and safety in areas with frequent outages, or improved indoor air quality;

(iii) Enroll customers in energy assistance programs or provide bill assistance;

~~(iv) ((Provide dedicated funding for electrification readiness;~~

~~(v))~~ Include low-income customer protections to mitigate energy burden, if electrification measures will increase a low-income participant's energy burden; and

~~((vi))~~ (v) Coordinate with community-based organizations in the ~~((gas or electrical company's))~~ large combination utility's service territory including, but not limited to, grantees of the department of commerce, community action agencies, and community-based nonprofit organizations, to remove barriers and effectively serve low-income customers;

~~((j))~~ (i) Accept as proof of eligibility for energy assistance enrollment in any means-tested public benefit, or low-income energy assistance program, for which eligibility does not exceed the low-income definition set by the commission pursuant to RCW 19.405.020;

~~((k) Assess the potential for geographically targeted electrification including, but not limited to, in overburdened communities, on gas plant that is fully depreciated or gas plant that is included in a proposal for geographically targeted electrification that requires accelerating depreciation pursuant to RCW 80.--- (1) (section 7(1), chapter 351, Laws of 2024) for the gas plant subject to such electrification proposal;~~

~~(l))~~ (j) Assess commercially available supply side resources, including a comparison of the benefits and risks of purchasing electricity or gas or building new resources;

~~((m) Assess nonpipeline alternatives, including geographically targeted electrification and demand response, as an alternative to replacing aging gas infrastructure or expanded gas capacity. Assessments must involve, at a minimum:~~

~~(i) Identifying all known and planned gas infrastructure projects, including those without a fully defined scope or cost estimate, for at least the 10 years following the filing;~~

~~(ii) Estimating programmatic expenses of maintaining that portion of the gas system for at least the 10 years following the filing; and~~

~~(iii) Ranking all gas pipeline segments for their suitability for nonpipeline alternatives;~~

~~(n))~~ (k) Assess distributed energy resources that meets the requirements of RCW 19.280.100;

~~((e))~~ (l) Provide an assessment and 20-year forecast of the availability of and requirements for regional supply side resource and delivery system capacity to provide and deliver electricity and gas to the large combination utility's customers and to meet, as applicable, the requirements of chapter 19.405 RCW and the state's greenhouse gas emissions reduction limits in RCW 70A.45.020. The delivery system assessment must identify the large combination utility's expected needs to acquire new long-term firm rights, develop new, or expand or upgrade existing, delivery system facilities consistent with the requirements of this section and reliability standards and take into account opportunities to make more effective use of existing delivery facility capacity through improved delivery system operating practices, conservation and efficiency resources, distributed energy resources, demand response, grid modernization, nonwires solutions, and other programs if applicable;

~~((f))~~ (m) Assess methods, commercially available technologies, or facilities for integrating renewable resources and nonemitting electric generation including, but not limited to, battery storage and pumped storage, and addressing overgeneration events, if applicable to the large combination utility's resource portfolio;

~~((g))~~ (n) Provide a comparative evaluation of supply side resources, delivery system resources, and conservation and efficiency resources using lowest reasonable cost as a criterion;

~~((h))~~ (o) Include a determination of resource adequacy metrics for the integrated system plan consistent with the forecasts;

~~((i))~~ (p) Forecast distributed energy resources that may be installed by the large combination utility's customers and an assessment of their effect on the large combination utility's load and operations;

~~((j))~~ (q) Identify an appropriate resource adequacy requirement and measurement metric consistent with prudent utility practice in implementing RCW 19.405.030 through 19.405.050;

~~((u))~~ (r) Integrate demand forecasts, resource evaluations, and resource adequacy requirements into a long-range assessment describing the mix of supply side resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the lowest reasonable cost and risk to the large combination utility and its customers, while maintaining and protecting the safety, reliable operation, and balancing of the energy system of the large combination utility;

~~((v))~~ (s) Include an assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and the avoidance and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk;

~~((w))~~ (t) Include a 10-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard;

~~((x))~~ (u) Include an analysis of how the integrated system plan accounts for:

(i) Model load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a large combination utility's service area, including anticipated levels of zero emissions vehicle use in the large combination utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts, which may use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520;

~~((y))~~ (v) Establish that the large combination utility has:

(i) Consigned to auction for the benefit of ratepayers the minimum required number of allowances allocated to the large

combination utility for the applicable compliance period pursuant to RCW 70A.65.130, consistent with the climate commitment act, chapter 70A.65 RCW, and rules adopted pursuant to the climate commitment act; and

(ii) Prioritized, to the maximum extent permissible under the climate commitment act, chapter 70A.65 RCW, revenues derived from the auction of allowances allocated to the utility for the applicable compliance period pursuant to RCW 70A.65.130, first to programs that eliminate the cost burden for low-income ratepayers, such as bill assistance, or nonvolumetric credits on ratepayer utility bills, (~~(or electrification programs,)~~) and second to (~~(electrification)~~) programs benefiting residential and small commercial customers;

~~((z))~~ (w) Propose an action plan outlining the specific actions to be taken by the large combination utility in implementing the integrated system plan following submission; and

~~((aa))~~ (x) Report on the large combination utility's progress towards implementing the recommendations contained in its previously filed integrated system plan.

~~(5) ((In evaluating the lowest reasonable cost of decarbonization measures included in an integrated system plan, large combination utilities must apply a risk reduction premium that must account for the applicable allowance ceiling price approved by the department of ecology pursuant to the climate commitment act, chapter 70A.65 RCW. For the purpose of this chapter, the risk reduction premium is necessary to ensure that a large combination utility is making appropriate long-term investments to mitigate against the allowance and fuel price risks to customers of the large combination utility.~~

~~(6))~~ The clean energy action plan must:

(a) Identify and be informed by the large combination utility's 10-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable;

(b) Establish a resource adequacy requirement;

(c) Identify the potential cost-effective demand response and load management programs that may be acquired;

(d) Identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the large combination utility's resource adequacy requirement;

(e) Identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities and document existing and planned efforts by the large combination utility to make more effective use of existing transmission capacity and secure additional transmission capacity consistent with the requirements of subsection (4) ~~((4))~~ (1) of this section; and

(f) Identify the nature and possible extent to which the large combination utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

~~((7))~~ (6) A large combination utility shall consider the social cost of greenhouse gas emissions, as determined by the commission pursuant to RCW 80.28.405, when developing integrated system plans and clean energy action plans. A large combination utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(a) Evaluating and selecting conservation policies, programs, and targets;

(b) Developing integrated system plans and clean energy action plans; and

(c) Evaluating and selecting intermediate term and long-term resource options.

~~((8))~~ (7) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission.

~~((9))~~ (8) (a) To maximize transparency, the commission may require a large combination utility to make the utility's data input files available in a native format. Each large combination utility shall publish its final plan either as part of an annual report or

as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

~~((10))~~ (9) The commission shall establish by rule a cost test for emissions reduction measures achieved by large combination utilities to comply with state clean energy and climate policies. The cost test must be used by large combination utilities under this chapter for the purpose of determining the lowest reasonable cost of decarbonization and low-income electrification measures in integrated system plans, at the portfolio level, and for any other purpose determined by the commission by rule.

~~((11))~~ (10) The commission must approve, reject, or approve with conditions an integrated system plan within 12 months of the filing of such an integrated system plan. The commission may for good cause shown extend the time by 90 days for a decision on an integrated system plan filed on or before January 1, 2027, as such date is extended pursuant to subsection (2)(a) of this section.

~~((12))~~ (11) In determining whether to approve the integrated system plan, reject the integrated system plan, or approve the integrated system plan with conditions, the commission must evaluate whether the plan is in the public interest, and includes the following:

(a) The equitable distribution and prioritization of energy benefits and reduction of burdens to vulnerable populations, highly impacted communities, and overburdened communities;

(b) Long-term and short-term public health, economic, and environmental benefits and the reduction of costs and risks;

(c) Health and safety concerns;

(d) Economic development;

(e) Equity;

(f) Energy security and resiliency;

(g) Whether the integrated system plan:

(i) Would achieve a proportional share of reductions in greenhouse gas emissions for each emissions reduction period on the gas and electric systems;

(ii) Would achieve the energy efficiency and demand response targets in subsection (4) (e) and (g) of this section;

~~(iii) ((Would achieve cost effective electrification of end uses as required by subsection (4) (h) of this section;~~

~~(iv))~~ Results in a reasonable cost to customers, and projects the rate impacts of specific actions, programs, and investments on customers;

~~((v))~~ (iv) Would maintain system reliability and reduces long-term costs and risks to customers;

~~((vi))~~ (v) Would lead to new construction career opportunities ~~((and prioritizes a transition of natural gas and electricity utility))~~ for workers to perform work on construction and maintenance of new and existing renewable energy infrastructure; and

~~((vii))~~ (vi) Describes specific actions that the large combination utility plans to take to achieve the requirements of the integrated system plan.

(12) The commission shall not approve, or approve with conditions, an integrated system plan that requires or incentivizes a large combination utility to terminate natural gas service to customers.

(13) The commission shall not approve, or approve with conditions, an integrated system plan that authorizes a large combination utility to require a customer to involuntarily switch fuel use either by restricting access to natural gas service or by implementing planning requirements that would make access to natural gas service cost-prohibitive.

Sec. 6. 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 in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, 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.

Sec. 7. RCW 19.27A.025 and 2024 c 170 s 4 are each amended to read as follows:

(1) The minimum state energy code for new and renovated nonresidential buildings, as specified in this chapter, 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, RCW 19.27.031, and RCW 19.27.---, 19.27.---, and 19.27.---

(sections 6, 7, and 8, chapter 170, Laws of 2024), 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 developed to yield the lowest overall cost to the building owner and occupant while meeting the energy reduction goals established under RCW 19.27A.160.

(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 group in accordance with RCW 19.27.--- (section 7, chapter 170, Laws of 2024) including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3) Decisions to amend the Washington state energy code for new nonresidential buildings shall be made prior to December 15th of any year and shall not take effect 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 vote of the voting members. Substantial amendments to the code shall be adopted no more frequently than every three years except as allowed in RCW 19.27.031 and RCW 19.27.--- (section 6, chapter 170, Laws of 2024).

(4) When amending a code under this section, the state building code council shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

Sec. 8. RCW 19.27A.045 and 2024 c 170 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. After January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, RCW 19.27.031, and RCW 19.27.---, 19.27.---, and 19.27.--- (sections 6, 7, and 8, chapter 170, Laws of 2024), 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 1st of any year and shall not take effect before the end of the regular legislative session in the next year.

(2) When amending a code under this section, the state building code council shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

NEW SECTION. **Sec. 9.** A new section is added to chapter 35.21 RCW to read as follows:

A city or town shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

NEW SECTION. **Sec. 10.** A new section is added to chapter 36.01 RCW to read as follows:

A county shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

NEW SECTION. **Sec. 11.** A new section is added to chapter 70A.15 RCW to read as follows:

An authority shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

NEW SECTION. **Sec. 12.** The following acts or parts of acts are each repealed:

- (1) 2024 c 351 s 1 (uncodified);
- (2) RCW 80.--.--- and 2024 c 351 s 7;
- (3) RCW 80.--.--- and 2024 c 351 s 8;
- (4) RCW 80.--.--- and 2024 c 351 s 10; and
- (5) 2024 c 351 s 21 (uncodified).

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

--- END ---