

**ESSB 6525** - H COMM AMD  
By Committee on Local Government

ADOPTED 03/04/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 19.27.085 and 1989 c 256 s 1 are each amended to  
4 read as follows:

5 (1) There is hereby created the building code council account in  
6 the state treasury. Moneys deposited into the account shall be used  
7 by the building code council, after appropriation, to perform the  
8 purposes of the council.

9 (2) All moneys collected under subsection (3) of this section  
10 shall be deposited into the building code council account. Every four  
11 years the state treasurer shall report to the legislature on the  
12 balances in the account so that the legislature may adjust the  
13 charges imposed under subsection (3) of this section.

14 (3) There is imposed a fee of four dollars and fifty cents on  
15 each building permit issued by a county or a city, plus an additional  
16 surcharge of two dollars for each residential unit, but not including  
17 the first unit, on each building containing more than one residential  
18 unit. Quarterly each county and city shall remit moneys collected  
19 under this section to the state treasury; however, no remittance is  
20 required until a minimum of fifty dollars has accumulated pursuant to  
21 this subsection.

22 (4) In addition to the fees under subsection (3) of this section,  
23 there is imposed a temporary surcharge of one dollar on each  
24 residential building permit issued by a county or a city, and a  
25 temporary surcharge of five dollars and fifty cents for each  
26 nonresidential building permit issued by a county or a city. These  
27 temporary surcharges expire July 1, 2018.

28 **Sec. 2.** RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each  
29 amended to read as follows:

1        There is hereby established in the department of enterprise  
2 services a state building code council, to be appointed by the  
3 governor.

4        (1) The state building code council shall consist of fifteen  
5 members:

6        (a) Two members must be county elected legislative body members  
7 or elected executives;

8        (b) Two members must be city elected legislative body members or  
9 mayors;

10       (c) One member must be a local government building code  
11 enforcement official;

12       (d) One member must be a local government fire service official;

13       (e) One member must be a person with a physical disability and  
14 shall represent the disability community;

15       (f) One member must represent the general public; and

16       (g) Seven members must represent the private sector as follows:

17       (i) One member shall represent general construction, specializing  
18 in commercial and industrial building construction;

19       ~~((f))~~ (ii) One member shall represent general construction,  
20 specializing in residential and multifamily building construction;

21       ~~((g))~~ (iii) One member shall represent the architectural design  
22 profession;

23       ~~((h))~~ (iv) One member shall represent the structural  
24 engineering profession;

25       ~~((i))~~ (v) One member shall represent the mechanical engineering  
26 profession;

27       ~~((j))~~ (vi) One member shall represent the construction building  
28 trades;

29       ~~((k))~~ (vii) One member shall represent manufacturers,  
30 installers, or suppliers of building materials and components(

31 ~~(l) One member must be a person with a physical disability and~~  
32 ~~shall represent the disability community; and~~

33 ~~(m) One member shall represent the general public)).~~

34       (2) At least six of these fifteen members shall reside east of  
35 the crest of the Cascade mountains.

36       (3) The council shall include: Two members of the house of  
37 representatives appointed by the speaker of the house, one from each  
38 caucus; two members of the senate appointed by the president of the  
39 senate, one from each caucus; and an employee of the electrical

1 division of the department of labor and industries, as ex officio,  
2 nonvoting members with all other privileges and rights of membership.

3 (4)(a) Terms of office shall be for three years, or for so long  
4 as the member remains qualified for the appointment.

5 (b) The council shall elect a member to serve as chair of the  
6 council for one-year terms of office.

7 (c) Any member who is appointed by virtue of being an elected  
8 official or holding public employment shall be removed from the  
9 council if he or she ceases being such an elected official or holding  
10 such public employment.

11 (d)(i) Any member who is appointed to represent a specific  
12 private sector industry must maintain sufficiently similar employment  
13 or circumstances throughout the term of office to remain qualified to  
14 represent the specified industry. Retirement or unemployment is not  
15 cause for termination. However, if a councilmember enters into  
16 employment outside of the industry he or she has been appointed to  
17 represent, then he or she shall be removed from the council.

18 (ii) Any member who is appointed after the effective date of this  
19 section to represent a specific private sector industry must maintain  
20 sufficiently similar private sector employment or circumstances  
21 throughout the term of office to remain qualified to represent the  
22 specified industry. Retirement or unemployment is not cause for  
23 termination. However, if a councilmember appointed after the  
24 effective date of this section to represent a specific private sector  
25 industry enters into employment outside of the industry, or outside  
26 of the private sector, he or she has been appointed to represent,  
27 then he or she shall be removed from the council.

28 (e) Any member who no longer qualifies for appointment under this  
29 section may not vote on council actions, but may participate as an ex  
30 officio, nonvoting member until a replacement member is appointed. A  
31 member must notify the council staff and the governor's office within  
32 thirty days of the date the member no longer qualifies for  
33 appointment under this section. The governor shall appoint a  
34 qualified replacement for the member within sixty days of notice.

35 (5) Before making any appointments to the building code council,  
36 the governor shall seek nominations from recognized organizations  
37 which represent the entities or interests identified in this section.

38 (6) Members shall not be compensated but shall receive  
39 reimbursement for travel expenses in accordance with RCW 43.03.050  
40 and 43.03.060.

1       (~~(7) The department of enterprise services shall provide~~  
2 ~~administrative and clerical assistance to the building code~~  
3 ~~council.~~)

4       **Sec. 3.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to  
5 read as follows:

6       (1) The state building code council shall:

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

13       (b) Approve or deny all county or city amendments to any code  
14 referred to in RCW 19.27.031 to the degree the amendments apply to  
15 single-family or multifamily residential buildings;

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

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

21       (2) The state building code council may:

22       (a) Appoint technical advisory committees which may include  
23 members of the council; and

24       (b) (~~Employ permanent and temporary staff and contract for~~  
25 ~~services; and~~

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

28       (3)(a) All meetings of the state building code council shall be  
29 open to the public under the open public meetings act, chapter 42.30  
30 RCW. All actions of the state building code council which adopt or  
31 amend any code of statewide applicability shall be pursuant to the  
32 administrative procedure act, chapter 34.05 RCW.

33       (b) All council decisions relating to the codes enumerated in RCW  
34 19.27.031 shall require approval by at least a majority of the  
35 members of the council.

36       (c) All decisions to adopt or amend codes of statewide  
37 application shall be made prior to December 1 of any year and shall  
38 not take effect before the end of the regular legislative session in  
39 the next year.

1       (4) The department of enterprise services shall employ permanent  
2 and temporary staff and contract for services for the state building  
3 code council.

4       **Sec. 4.** RCW 19.27A.020 and 2015 c 11 s 3 are each amended to  
5 read as follows:

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

9       (2) The council shall follow the legislature's standards set  
10 forth in this section to adopt rules to be known as the Washington  
11 state energy code. The Washington state energy code shall be designed  
12 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,  
18 and 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. One climate zone includes: Adams,  
23 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,  
24 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,  
25 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima  
26 counties. The other climate zone includes all other counties not  
27 listed in this subsection (3). The assignment of a county to a  
28 climate zone may not be changed by adoption of a model code or rule.  
29 Nothing in this section prohibits the council from adopting the same  
30 rules or standards for each climate zone.

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

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

37       (6)(a) Except as provided in (b) of this subsection, the  
38 Washington state energy code for residential structures shall preempt

1 the residential energy code of each city, town, and county in the  
2 state of Washington.

3 (b) The state energy code for residential structures does not  
4 preempt a city, town, or county's energy code for residential  
5 structures which exceeds the requirements of the state energy code  
6 and which was adopted by the city, town, or county prior to March 1,  
7 1990. Such cities, towns, or counties may not subsequently amend  
8 their energy code for residential structures to exceed the  
9 requirements adopted prior to March 1, 1990.

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

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

19 (9) The definitions in RCW 19.27A.140 apply throughout this  
20 section.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.27  
22 RCW to read as follows:

23 (1)(a) A legislative task force on the state building code  
24 council's administration and operations is established, with members  
25 as provided in this subsection.

26 (i) The president of the senate shall appoint one member from  
27 each of the two largest caucuses of the senate.

28 (ii) The speaker of the house of representatives shall appoint  
29 one member from each of the two largest caucuses of the house of  
30 representatives.

31 (iii) The president of the senate and the speaker of the house of  
32 representatives shall appoint the following eight members:

33 (A) Two current members of the building code council representing  
34 the private sector;

35 (B) One current member of the building code council representing  
36 local government;

37 (C) One current member of the building code council representing  
38 labor interests; and

1 (D) Four members who regularly work with the council, each  
2 representing one of the following: Local government, private sector  
3 interests, labor interests, and environmental interests.

4 (iv) The director of the department of enterprise services shall  
5 appoint one member from the department of enterprise services and one  
6 member from the department of commerce energy program.

7 (b) The task force shall choose its chair from among its  
8 legislative membership. The legislative members of the task force  
9 shall convene the initial meeting of the task force.

10 (2) The task force shall review and provide recommendations on  
11 the following issues:

12 (a) The current structure, operations, and resources of the  
13 council;

14 (b) The building code development process and length, including  
15 the policy and procedure, technical, and economic aspects including  
16 the public and private construction costs of review and adoption of  
17 the state building code;

18 (c) Total resources necessary for an effective state building  
19 code development process, including staffing and needs;

20 (d) Options for long-term, reliable funding of the council;

21 (e) The powers, duties, and support services of the department of  
22 enterprise services relevant to the council;

23 (f) Council membership, composition, and size; and

24 (g) The council's compliance with current statutes and  
25 requirements.

26 (3) Staff support for the task force must be provided by senate  
27 committee services and the office of program research.

28 (4) Legislative members of the task force are reimbursed for  
29 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
30 members are not entitled to be reimbursed for travel expenses if they  
31 are elected officials or are participating on behalf of an employer,  
32 governmental entity, or other organization. Any reimbursement for  
33 other nonlegislative members is subject to chapter 43.03 RCW.

34 (5) The expenses of the task force must be paid jointly by the  
35 senate and the house of representatives. Task force expenditures are  
36 subject to approval by the senate facilities and operations committee  
37 and the house of representatives executive rules committee, or their  
38 successor committees.

39 (6) The task force shall report its findings and recommendations  
40 to the appropriate committees of the legislature by October 1, 2017.

1 (7) This section expires October 1, 2017."

2 Correct the title.

EFFECT: (1) Adds a section to the underlying bill that creates a temporary surcharge of: (a) \$1 on each residential building permit issued by a county, city, or town; and (b) \$5.50 on each nonresidential building permit issued by a county, city, or town. Provides that the temporary surcharge expires July 1, 2018.

(2) Eliminates existing authority of the State Building Code Council (Council) to contract for services, thereby only providing that the Department of Enterprise Services (DES) may contract for services for the Council.

(3) Modifies the members on the Legislative Task Force on the Council's Administration and Operations (Task Force) in the following ways:

(a) For the four current members of the Council appointed to the Task Force, requires that one of the appointees represent local government and one represent labor interests, rather than requiring the two appointees to both represent local government;

(b) Reduces the number of members appointed to the Task Force who regularly work with the Council from six to four members and provides that the members must be appointed by the President of the Senate and the Speaker of the House of Representatives, rather than by the Director of the DES as proposed in the underlying bill; and

(c) Requires that one each of the four members who regularly work with the Council represent local government, private sector interests, labor interests, and environmental interests.

(4) Modifies the issues that the Task Force must review and provide recommendations on by:

(a) Removing the following issues: Economic aspects, including fiscal impact on private and public sector construction; the current code cycle length; and the interests and industries represented on the Council; and

(b) Adding the following issues: The building code development process length; economic aspects of the building code development process, including the public and private construction costs of review and adoption of the code; the size of the Council, and the Council's compliance with current statutes and requirements.

(5) Removes the requirement that the Task Force submit its report to the Legislature electronically.

(6) Makes technical changes.

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