

SHB 2841 - S COMM AMD

By Committee on Government Operations & Security

ADOPTED 03/03/2016

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

3 "Sec. 1. RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each
4 amended to read as follows:

5 There is hereby established in the department of enterprise
6 services a state building code council, to be appointed by the
7 governor.

8 (1) The state building code council shall consist of fifteen
9 members:

10 (a) Two members must be county elected legislative body members
11 or elected executives;

12 (b) Two members must be city elected legislative body members or
13 mayors;

14 (c) One member must be a local government building code
15 enforcement official;

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

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

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

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

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

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

25 ~~((g))~~ (iii) One member shall represent the architectural design
26 profession;

27 ~~((h))~~ (iv) One member shall represent the structural
28 engineering profession;

29 ~~((i))~~ (v) One member shall represent the mechanical engineering
30 profession;

31 ~~((j))~~ (vi) One member shall represent the construction building
32 trades;

1 ~~((k))~~ (vii) One member shall represent manufacturers,
2 installers, or suppliers of building materials and components(~~(i~~
3 ~~(1) One member must be a person with a physical disability and~~
4 ~~shall represent the disability community; and~~
5 ~~(m) One member shall represent the general public~~)).

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

8 (3) The council shall include: Two members of the house of
9 representatives appointed by the speaker of the house, one from each
10 caucus; two members of the senate appointed by the president of the
11 senate, one from each caucus; and an employee of the electrical
12 division of the department of labor and industries, as ex officio,
13 nonvoting members with all other privileges and rights of membership.

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

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

18 (c) Any member who is appointed by virtue of being an elected
19 official or holding public employment shall be removed from the
20 council if he or she ceases being such an elected official or holding
21 such public employment.

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

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

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

1 (6) Members shall not be compensated but shall receive
2 reimbursement for travel expenses in accordance with RCW 43.03.050
3 and 43.03.060.

4 ~~((7) The department of enterprise services shall provide
5 administrative and clerical assistance to the building code
6 council.))~~

7 **Sec. 2.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to
8 read as follows:

9 (1) The state building code council shall:

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

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

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

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

24 (2) The state building code council may:

25 (a) Appoint technical advisory committees which may include
26 members of the council;

27 ~~((Employ permanent and temporary staff and))~~ Contract for
28 services; and

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

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

36 (b) All council decisions relating to the codes enumerated in RCW
37 19.27.031 shall require approval by at least a majority of the
38 members of the council.

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

5 (4) The department of enterprise services shall employ permanent
6 and temporary staff and contract for services for the state building
7 code council.

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

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

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

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

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

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

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

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

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

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

8 (b) The state energy code for residential structures does not
9 preempt a city, town, or county's energy code for residential
10 structures which exceeds the requirements of the state energy code
11 and which was adopted by the city, town, or county prior to March 1,
12 1990. Such cities, towns, or counties may not subsequently amend
13 their energy code for residential structures to exceed the
14 requirements adopted prior to March 1, 1990.

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

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

24 (9) The definitions in RCW 19.27A.140 apply throughout this
25 section.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.27
27 RCW to read as follows:

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

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

33 (ii) The speaker of the house of representatives shall appoint
34 one member from each of the two largest caucuses of the house of
35 representatives.

36 (iii) The president of the senate and the speaker of the house of
37 representatives shall appoint two current members of the building
38 code council representing the private sector and two current members
39 of the state building code council representing local government.

1 (iv) The director of the department of enterprise services shall
2 appoint one member from each of the department of enterprise services
3 and department of commerce energy program.

4 (v) The director of the department of enterprise services shall
5 appoint six members who regularly work with the state building code
6 council, of which two members must represent local government, two
7 members must represent private sector interests, and two members must
8 represent labor interests.

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

12 (2) The task force shall review and provide recommendations
13 regarding the following issues:

14 (a) The current structure, operations, and resources of the state
15 building code council;

16 (b) The building code development process, including the policy
17 and procedure, technical, and economic aspects of review and adoption
18 of the state building code;

19 (c) Economic aspects, including fiscal impact on private and
20 public sector construction;

21 (d) The current code cycle length;

22 (e) The state building code council's membership and composition,
23 including interests and industries represented;

24 (f) Total resources necessary for an effective state building
25 code development process, including staffing and needs;

26 (g) Options for long-term, reliable funding of the state building
27 code council; and

28 (h) The powers, duties, and support services of the department of
29 enterprise services relevant to the state building code council.

30 (3) Staff support for the task force must be provided by senate
31 committee services and the house of representatives office of program
32 research.

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

39 (5) The expenses of the task force must be paid jointly by the
40 senate and the house of representatives. Task force expenditures are

1 subject to approval by the senate facilities and operations committee
2 and the house of representatives executive rules committee, or their
3 successor committees.

4 (6) The task force shall report its findings and recommendations
5 to the appropriate committees of the legislature consistent with RCW
6 43.01.036 by October 1, 2017.

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

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8 On page 1, line 1 of the title, after "council;" strike the
9 remainder of the title and insert "amending RCW 19.27.070, 19.27.074,
10 and 19.27A.020; creating a new section; and providing an expiration
11 date."

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