
SUBSTITUTE HOUSE BILL 2841

State of Washington

64th Legislature

2016 Regular Session

By House Local Government (originally sponsored by Representatives Senn and Buys)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to the state building code council; amending RCW
2 19.27.085, 19.27.070, 19.27.074, and 19.27A.020; adding a new section
3 to chapter 19.27 RCW; and providing an expiration date.

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

5 **Sec. 1.** RCW 19.27.085 and 1989 c 256 s 1 are each amended to
6 read as follows:

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

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

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

1 required until a minimum of fifty dollars has accumulated pursuant to
2 this subsection.

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

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

11 There is hereby established in the department of enterprise
12 services a state building code council, to be appointed by the
13 governor.

14 (1) The state building code council shall consist of fifteen
15 members:

16 (a) Two members must be county elected legislative body members
17 or elected executives;

18 (b) Two members must be city elected legislative body members or
19 mayors;

20 (c) One member must be a local government building code
21 enforcement official;

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

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

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

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

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

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

31 ~~((g))~~ (iii) One member shall represent the architectural design
32 profession;

33 ~~((h))~~ (iv) One member shall represent the structural
34 engineering profession;

35 ~~((i))~~ (v) One member shall represent the mechanical engineering
36 profession;

37 ~~((j))~~ (vi) One member shall represent the construction building
38 trades;

1 ~~((k))~~ (vii) One member shall represent manufacturers,
2 installers, or suppliers of building materials and components(~~(+~~

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

29 (ii) Any member who is appointed after the effective date of this
30 section to represent a specific private sector industry must maintain
31 sufficiently similar private sector employment or circumstances
32 throughout the term of office to remain qualified to represent the
33 specified industry. Retirement or unemployment is not cause for
34 termination. However, if a councilmember appointed after the
35 effective date of this section to represent a specific private sector
36 industry enters into employment outside of the industry, or outside
37 of the private sector, he or she has been appointed to represent,
38 then he or she shall be removed from the council.

39 (e) Any member who no longer qualifies for appointment under this
40 section may not vote on council actions, but may participate as an ex

1 officio, nonvoting member until a replacement member is appointed. A
2 member must notify the council staff and the governor's office within
3 thirty days of the date the member no longer qualifies for
4 appointment under this section. The governor shall appoint a
5 qualified replacement for the member within sixty days of notice.

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

9 (6) Members shall not be compensated but shall receive
10 reimbursement for travel expenses in accordance with RCW 43.03.050
11 and 43.03.060.

12 ~~((7) The department of enterprise services shall provide
13 administrative and clerical assistance to the building code
14 council.))~~

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

17 (1) The state building code council shall:

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

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

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

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

32 (2) The state building code council may:

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

35 ~~(b) ((Employ permanent and temporary staff and contract for
36 services; and~~

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

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

6 (b) All council decisions relating to the codes enumerated in RCW
7 19.27.031 shall require approval by at least a majority of the
8 members of the council.

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

13 (4) The department of enterprise services shall employ permanent
14 and temporary staff and contract for services for the state building
15 code council.

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

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

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

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

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

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

33 (3) The Washington state energy code shall take into account
34 regional climatic conditions. One climate zone includes: Adams,
35 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,
36 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,
37 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima
38 counties. The other climate zone includes all other counties not
39 listed in this subsection (3). The assignment of a county to a

1 climate zone may not be changed by adoption of a model code or rule.
2 Nothing in this section prohibits the council from adopting the same
3 rules or standards for each climate zone.

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

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

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

14 (b) The state energy code for residential structures does not
15 preempt a city, town, or county's energy code for residential
16 structures which exceeds the requirements of the state energy code
17 and which was adopted by the city, town, or county prior to March 1,
18 1990. Such cities, towns, or counties may not subsequently amend
19 their energy code for residential structures to exceed the
20 requirements adopted prior to March 1, 1990.

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

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

30 (9) The definitions in RCW 19.27A.140 apply throughout this
31 section.

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

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

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

1 (ii) The speaker of the house of representatives shall appoint
2 one member from each of the two largest caucuses of the house of
3 representatives.

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

6 (A) Two current members of the building code council representing
7 the private sector;

8 (B) One current member of the building code council representing
9 local government;

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

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

15 (iv) The director of the department of enterprise services shall
16 appoint one member from the department of enterprise services and one
17 member from the department of commerce energy program.

18 (b) The task force shall choose its chair from among its
19 legislative membership. The legislative members of the task force
20 shall convene the initial meeting of the task force.

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

23 (a) The current structure, operations, and resources of the
24 council;

25 (b) The building code development process and length, including
26 the policy and procedure, technical, and economic aspects including
27 the public and private construction costs of review and adoption of
28 the state building code;

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

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

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

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

35 (g) The council's compliance with current statutes and
36 requirements.

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

39 (4) Legislative members of the task force are reimbursed for
40 travel expenses in accordance with RCW 44.04.120. Nonlegislative

1 members are not entitled to be reimbursed for travel expenses if they
2 are elected officials or are participating on behalf of an employer,
3 governmental entity, or other organization. Any reimbursement for
4 other nonlegislative members is subject to chapter 43.03 RCW.

5 (5) The expenses of the task force must be paid jointly by the
6 senate and the house of representatives. Task force expenditures are
7 subject to approval by the senate facilities and operations committee
8 and the house of representatives executive rules committee, or their
9 successor committees.

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

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

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