
SUBSTITUTE SENATE BILL 6525

State of Washington 64th Legislature 2016 Regular Session

By Senate Government Operations & Security (originally sponsored by Senators Angel, Liias, Rolfes, Dammeier, and Schoesler)

READ FIRST TIME 02/05/16.

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

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

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

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

10 (1) The state building code council shall consist of fifteen
11 members:

12 (a) Two members must be county elected legislative body members
13 or elected executives;

14 (b) Two members must be city elected legislative body members or
15 mayors;

16 (c) One member must be a local government building code
17 enforcement official;

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

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

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

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

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

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

6 ~~((g))~~ (iii) One member shall represent the architectural design
7 profession;

8 ~~((h))~~ (iv) One member shall represent the structural
9 engineering profession;

10 ~~((i))~~ (v) One member shall represent the mechanical engineering
11 profession;

12 ~~((j))~~ (vi) One member shall represent the construction building
13 trades;

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

16 ~~l)~~ ~~One member must be a person with a physical disability and~~
17 ~~shall represent the disability community; and~~

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

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

21 (3) The council shall include: Two members of the house of
22 representatives appointed by the speaker of the house, one from each
23 caucus; two members of the senate appointed by the president of the
24 senate, one from each caucus; and an employee of the electrical
25 division of the department of labor and industries, as ex officio,
26 nonvoting members with all other privileges and rights of membership.

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

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

31 (c) Any member who is appointed by virtue of being an elected
32 official or holding public employment shall be removed from the
33 council if he or she ceases being such an elected official or holding
34 such public employment.

35 (d) Any member who is appointed to represent a specific private
36 sector industry must maintain sufficiently similar private sector
37 employment or circumstances throughout the term of office to remain
38 qualified to represent the specified industry. Retirement or
39 unemployment is not cause for termination. However, if a
40 councilmember appointed to represent a specific private sector

1 industry enters into employment outside of the industry, or outside
2 of the private sector, he or she has been appointed to represent,
3 then he or she shall be removed from the council.

4 (e) Any member who no longer qualifies for appointment under this
5 section may not vote on council actions, but may participate as an ex
6 officio, nonvoting member until a replacement member is appointed. A
7 member must notify the council staff and the governor's office within
8 thirty days of the date the member no longer qualifies for
9 appointment under this section. The governor shall appoint a
10 qualified replacement for the member within sixty days of notice.

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

14 (6) Members shall not be compensated but shall receive
15 reimbursement for travel expenses in accordance with RCW 43.03.050
16 and 43.03.060.

17 ~~((7) The department of enterprise services shall provide~~
18 ~~administrative and clerical assistance to the building code~~
19 ~~council.))~~

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

22 (1) The state building code council shall:

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

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

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

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

37 (2) The state building code council may:

38 (a) Appoint technical advisory committees which may include
39 members of the council;

1 (b) (~~Employ permanent and temporary staff and~~) Contract for
2 services; and

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

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

10 (b) All council decisions relating to the codes enumerated in RCW
11 19.27.031 shall require approval by at least a majority of the
12 members of the council.

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

17 (4) The department of enterprise services shall employ permanent
18 and temporary staff and contract for services for the state building
19 code council.

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

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

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

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

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

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

37 (3) The Washington state energy code shall take into account
38 regional climatic conditions. One climate zone includes: Adams,
39 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,

1 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,
2 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima
3 counties. The other climate zone includes all other counties not
4 listed in this subsection (3). The assignment of a county to a
5 climate zone may not be changed by adoption of a model code or rule.
6 Nothing in this section prohibits the council from adopting the same
7 rules or standards for each climate zone.

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

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

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

18 (b) The state energy code for residential structures does not
19 preempt a city, town, or county's energy code for residential
20 structures which exceeds the requirements of the state energy code
21 and which was adopted by the city, town, or county prior to March 1,
22 1990. Such cities, towns, or counties may not subsequently amend
23 their energy code for residential structures to exceed the
24 requirements adopted prior to March 1, 1990.

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

31 (8) The state building code council shall evaluate and consider
32 adoption of the international energy conservation code in Washington
33 state in place of the existing state energy code.

34 (9) The definitions in RCW 19.27A.140 apply throughout this
35 section.

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

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

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

6 (ii) The speaker of the house of representatives shall appoint
7 one member from each of the two largest caucuses of the house of
8 representatives.

9 (iii) The president of the senate and the speaker of the house of
10 representatives shall appoint two current members of the building
11 code council representing the private sector and two current members
12 of the state building code council representing local government.

13 (iv) The director of the department of enterprise services shall
14 appoint one member from each of the department of enterprise
15 services, department of commerce energy program, and the department
16 of health.

17 (v) The director of the department of enterprise services shall
18 appoint six members who regularly work with the state building code
19 council, of which two members must represent local government, two
20 members must represent private sector interests, and two members must
21 represent labor interests.

22 (b) The task force shall choose its chair from among its
23 legislative membership. The legislative members of the task force
24 shall convene the initial meeting of the task force.

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

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

29 (b) The building code development process, including the policy
30 and procedure, technical, and economic aspects of review and adoption
31 of the state building code;

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

34 (d) The current code cycle length;

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

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

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

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

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

6 (4) Legislative members of the task force are reimbursed for
7 travel expenses in accordance with RCW 44.04.120. Nonlegislative
8 members are not entitled to be reimbursed for travel expenses if they
9 are elected officials or are participating on behalf of an employer,
10 governmental entity, or other organization. Any reimbursement for
11 other nonlegislative members is subject to chapter 43.03 RCW.

12 (5) The expenses of the task force must be paid jointly by the
13 senate and the house of representatives. Task force expenditures are
14 subject to approval by the senate facilities and operations committee
15 and the house of representatives executive rules committee, or their
16 successor committees.

17 (6) The task force shall report its findings and recommendations
18 to the appropriate committees of the legislature consistent with RCW
19 43.01.036 by October 1, 2017.

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

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