
SENATE BILL 6525

State of Washington 64th Legislature 2016 Regular Session

By Senators Angel, Llias, Rolfes, Dammeier, and Schoesler

Read first time 01/25/16. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to the state building code council; amending RCW
2 19.27.070, 19.27.074, 19.27A.020, and 19.27.085; creating a new
3 section; and 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 shall represent private sector general
20 construction, specializing in commercial and industrial building
21 construction;

1 (f) One member shall represent private sector general
2 construction, specializing in residential and multifamily building
3 construction;

4 (g) One member shall represent the architectural design
5 profession private sector;

6 (h) One member shall represent the structural engineering
7 profession private sector;

8 (i) One member shall represent the mechanical engineering
9 profession private sector;

10 (j) One member shall represent the construction building trades
11 private sector;

12 (k) One member shall represent private sector manufacturers,
13 installers, or suppliers of building materials and components;

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

16 (m) One member shall represent the general public.

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

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

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

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

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

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

1 of the private sector, he or she has been appointed to represent,
2 then he or she shall be removed from the council.

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

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

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

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

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

21 (1) The state building code council shall:

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

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

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

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

36 (2) The state building code council may:

37 (a) Appoint technical advisory committees which may include
38 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 in the department of
23 enterprise services shall adopt rules to be known as the Washington
24 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.** (1)(a) A legislative task force on the
37 state building code council's administration and operations is
38 established, with the following twenty-one members:

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

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

6 (iii) The president of the senate and the speaker of the house of
7 representatives shall jointly appoint four current members of the
8 state building code council and four members who regularly work with
9 the council, representing local government, private sector interests,
10 and the general public.

11 (iv) The director of the department of enterprise services shall
12 appoint one member from the department of enterprise services,
13 department of commerce energy program, or other appropriate state
14 agency; four members from the industries represented on the state
15 building code council; one member to represent cities; and one member
16 to represent counties.

17 (v) The director of the office of program research and the
18 director of senate committee services shall each appoint one member
19 from their capital budget staff.

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

23 (2) The task force shall review and provide recommendations to
24 the legislature and state building code council on:

25 (a) The council's current structure, operations, and resources;

26 (b) The council's code proposal analysis, evaluation, adoption,
27 and amendment process;

28 (c) The total resources necessary for effective code proposal
29 analysis, evaluation, adoption, and amendment, including staffing
30 needs;

31 (d) Economic aspects, including fiscal impact on private sector
32 construction;

33 (e) The current code cycle length;

34 (f) The council's membership and composition, including interests
35 and industries represented;

36 (g) Options for long-term, reliable funding of the council; and

37 (h) The powers, duties, and support services of the department of
38 enterprise services relevant to the council.

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

1 (4) Legislative members of the task force must be reimbursed for
2 travel expenses in accordance with RCW 44.04.120. Nonlegislative
3 members, except those representing an employer or organization, are
4 entitled to be reimbursed for travel expenses in accordance with RCW
5 43.03.050 and 43.03.060.

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

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

13 (7) This section expires July 1, 2017.

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

16 (1) There is hereby created the building code council account in
17 the state treasury. Moneys deposited into the account shall be used
18 by the building code council, after appropriation, to perform the
19 purposes of the council.

20 (2) All moneys collected under subsection (3) of this section
21 shall be deposited into the building code council account. Every four
22 years the state treasurer shall report to the legislature on the
23 balances in the account so that the legislature may adjust the
24 charges imposed under subsection (3) of this section.

25 (3)(a) Before July 1, 2016, and after July 1, 2018, there is
26 imposed a fee of four dollars and fifty cents on each building permit
27 issued by a county or a city, plus an additional surcharge of two
28 dollars for each residential unit, but not including the first unit,
29 on each building containing more than one residential unit.

30 (b) Between July 1, 2016, and July 1, 2018, there is imposed a
31 fee of ((four)) five dollars and fifty cents on each residential
32 building permit issued by a county or a city, plus an additional
33 surcharge of two dollars for each residential unit, but not including
34 the first unit, on each building containing more than one residential
35 unit, and a fee of ten dollars for each nonresidential building
36 permit issued.

37 (4) Quarterly each county and city shall remit moneys collected
38 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.

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