
SUBSTITUTE SENATE BILL 5500

State of Washington 65th Legislature 2017 Regular Session

By Senate Local Government (originally sponsored by Senators Honeyford, Zeiger, Schoesler, Wilson, Angel, and Hobbs)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to addressing the accountability, function, and
2 efficiency of the state building code council; and amending RCW
3 19.27.074, 19.27.095, 19.27A.025, 19.27A.045, and 19.27.070.

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

5 **Sec. 1.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to
6 read as follows:

7 (1) The state building code council shall:

8 (a) Adopt and maintain the codes to which reference is made in
9 RCW 19.27.031 in a status which is consistent with the state's
10 interest as set forth in RCW 19.27.020. In maintaining these codes,
11 the council shall regularly review updated versions of the codes
12 referred to in RCW 19.27.031 and other pertinent information (~~and~~
13 ~~shall amend the codes as deemed appropriate by the council~~).
14 Substantial amendments to the codes may be adopted no more frequently
15 than every six years after the adoption and implementation of the
16 2016 codes referenced in RCW 19.27.031. As necessary, the council may
17 enact emergency statewide amendments to the state building codes if
18 an amendment is needed:

19 (i) To address a critical life and safety need;

20 (ii) To address a specific new or amended state statute;

21 (iii) For consistency with state or federal regulations; or

1 (iv) To correct errors or omissions;

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

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

7 (d) (~~Propose a~~) Approve a proposed budget for the operation of
8 the state building code council to be submitted by the department of
9 enterprise services to the office of financial management pursuant to
10 RCW 43.88.090.

11 (2) The state building code council may:

12 (a) Appoint technical advisory committees which may include
13 members of the council;

14 (b) (~~Employ permanent and temporary staff and~~) Approve
15 contracts for services as provided in subsection (3) of this section;
16 and

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

19 (3) The department of enterprise services, with the advice and
20 input from the members of the building code council, shall employ
21 permanent and temporary staff and contract for services for the
22 building code council. Rule-making authority as authorized in this
23 chapter resides within the state building code council.

24 (4) All meetings of the state building code council shall be open
25 to the public under the open public meetings act, chapter 42.30 RCW.
26 All actions of the state building code council which adopt or amend
27 any code of statewide applicability shall be pursuant to the
28 administrative procedure act, chapter 34.05 RCW.

29 (5) All council decisions relating to the codes enumerated in RCW
30 19.27.031 shall require approval by at least a majority of the
31 members of the council.

32 (6)(a) All council decisions to adopt or amend codes of statewide
33 application (~~shall~~) must be made prior to December 1st of any year.
34 All council decisions must be brought to the legislature in the form
35 of agency request legislation by the department of enterprise
36 services and (~~shall~~) do not take effect unless the legislature acts
37 to allow implementation of the code updates referenced in RCW
38 19.27.031 before the end of the regular legislative session in the
39 next year.

1 (b) Allowing the implementation does not constitute legislative
2 approval of the code updates admissible in any court as evidence of
3 legislative intent.

4 (c) The requirements of (a) of this subsection do not apply to
5 any emergency statewide amendments enacted pursuant to subsection
6 (1)(a) of this section.

7 (7) Nothing in this section precludes the use of products that
8 meet or exceed the standards set forth in codes referenced in RCW
9 19.27.020.

10 **Sec. 2.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to
11 read as follows:

12 (1) A valid and fully complete building permit application for a
13 structure, that is permitted under the zoning or other land use
14 control ordinances in effect on the date of the application shall be
15 considered under the building permit ordinance in effect at the time
16 of application, and the zoning or other land use control ordinances
17 in effect on the date of application. Building permits are controlled
18 by codes and ordinances in effect on the date of application.

19 (2) The requirements for a fully completed application shall be
20 defined by local ordinance but for any construction project costing
21 more than five thousand dollars the application shall include, at a
22 minimum:

23 (a) The legal description, or the tax parcel number assigned
24 pursuant to RCW 84.40.160, and the street address if available, and
25 may include any other identification of the construction site by the
26 prime contractor;

27 (b) The property owner's name, address, and phone number;

28 (c) The prime contractor's business name, address, phone number,
29 current state contractor registration number; and

30 (d) Either:

31 (i) The name, address, and phone number of the office of the
32 lender administering the interim construction financing, if any; or

33 (ii) The name and address of the firm that has issued a payment
34 bond, if any, on behalf of the prime contractor for the protection of
35 the owner, if the bond is for an amount not less than fifty percent
36 of the total amount of the construction project.

37 (3) The information required on the building permit application
38 by subsection (2)(a) through (d) of this section shall be set forth
39 on the building permit document which is issued to the owner, and on

1 the inspection record card which shall be posted at the construction
2 site.

3 (4) The information required by subsection (2) of this section
4 and information supplied by the applicant after the permit is issued
5 under subsection (5) of this section shall be kept on record in the
6 office where building permits are issued and made available to any
7 person on request. If a copy is requested, a reasonable charge may be
8 made.

9 (5) If any of the information required by subsection (2)(d) of
10 this section is not available at the time the application is
11 submitted, the applicant shall so state and the application shall be
12 processed forthwith and the permit issued as if the information had
13 been supplied, and the lack of the information shall not cause the
14 application to be deemed incomplete for the purposes of vesting under
15 subsection (1) of this section. However, the applicant shall provide
16 the remaining information as soon as the applicant can reasonably
17 obtain such information.

18 (6) The limitations imposed by this section shall not restrict
19 conditions imposed under chapter 43.21C RCW.

20 **Sec. 3.** RCW 19.27A.025 and 1991 c 122 s 3 are each amended to
21 read as follows:

22 (1) The minimum state energy code for new nonresidential
23 buildings shall be the Washington state energy code, 1986 edition, as
24 amended. The state building code council may, by rule adopted
25 pursuant to chapter 34.05 RCW, amend that code's requirements for new
26 nonresidential buildings provided that:

27 (a) Such amendments increase the energy efficiency of typical
28 newly constructed nonresidential buildings; and

29 (b) Any new measures, standards, or requirements adopted must be
30 technically feasible, commercially available, and cost-effective to
31 building owners and tenants.

32 (2) In considering amendments to the state energy code for
33 nonresidential buildings, the state building code council shall
34 establish and consult with a technical advisory committee including
35 representatives of appropriate state agencies, local governments,
36 general contractors, building owners and managers, design
37 professionals, utilities, and other interested and affected parties.

38 (3)(a) All council decisions to amend the Washington state energy
39 code for new nonresidential buildings ((shall)) requires approval by

1 at least a majority of the council and must be made prior to December
2 ((15th)) 1st of any year. All council decisions must be brought to
3 the legislature in the form of agency request legislation by the
4 department of enterprise services and ((shall)) do not take effect
5 unless the legislature acts to allow implementation of the code
6 updates referenced in RCW 19.27.031 before the end of the regular
7 legislative session in the next year. ((Any disputed provisions
8 within an amendment presented to the legislature shall be approved by
9 the legislature before going into effect. A disputed provision is one
10 which was adopted by the state building code council with less than a
11 two-thirds majority vote.))

12 (b) Allowing the implementation does not constitute legislative
13 approval of the code updates admissible in any court as evidence of
14 legislative intent.

15 (c) The requirements of (a) of this subsection do not apply to
16 any emergency statewide amendments enacted pursuant to subsection (6)
17 of this section.

18 (4) Substantial amendments to the code shall be adopted no more
19 frequently than every ((three)) six years after the adoption and
20 implementation of the 2016 Washington state energy code.

21 (5) As necessary, the council may enact emergency statewide
22 amendments to the Washington state energy code if an amendment is
23 needed:

24 (a) To address a critical life and safety need;

25 (b) To address a specific new or amended state statute;

26 (c) For consistency with state or federal regulations; or

27 (d) To correct errors or omissions.

28 (6) Nothing in this section precludes the use of products that
29 meet or exceed the standards set forth in codes referenced in RCW
30 19.27.020.

31 **Sec. 4.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read
32 as follows:

33 (1) The state building code council shall maintain the state
34 energy code for residential structures in a status which is
35 consistent with the state's interest as set forth in section 1,
36 chapter 2, Laws of 1990. In maintaining the Washington state energy
37 code for residential structures, beginning in 1996 the council shall
38 review the Washington state energy code every ((three)) six years

1 after the adoption and implementation of the 2016 Washington state
2 energy code.

3 (2) After January 1, 1996, by rule adopted pursuant to chapter
4 34.05 RCW, the council may amend any provisions of the Washington
5 state energy code to increase the energy efficiency of newly
6 constructed residential buildings(~~(. Decisions to amend the~~
7 ~~Washington state energy code for residential structures shall be made~~
8 ~~prior to December 1 of any year and shall not take effect before the~~
9 ~~end of the regular legislative session in the next year))~~, provided
10 that:

11 (a) Such amendments increase the energy efficiency of typical
12 newly constructed residential buildings; and

13 (b) Any new measures, standards, or requirements adopted must be
14 technically feasible, commercially available, and cost-effective to
15 consumers.

16 (3) In considering amendments to the state energy code for
17 residential buildings, the state building code council shall
18 establish and consult with a technical advisory committee, including
19 representatives of appropriate state agencies, local governments,
20 general contractors, building owners and managers, design
21 professionals, utilities, and other interested and affected parties.

22 (4)(a) All council decisions to amend the Washington state energy
23 code for residential structures requires approval by at least a
24 majority of the council and must be made prior to December 1st of any
25 year. All council decisions must be brought to the legislature in the
26 form of agency request legislation by the department of enterprise
27 services and do not take effect unless the legislature acts to allow
28 implementation of the code updates referenced in RCW 19.27.031 before
29 the end of the regular legislative session in the next year.

30 (b) Allowing the implementation does not constitute legislative
31 approval of the code updates admissible in any court as evidence of
32 legislative intent.

33 (c) The requirements of (a) of this subsection do not apply to
34 any emergency statewide amendments enacted pursuant to subsection (5)
35 of this section.

36 (5) As necessary, the council may enact emergency statewide
37 amendments to the Washington state energy code if an amendment is
38 needed:

39 (a) To address a critical life and safety need;

40 (b) To address a specific new or amended state statute;

1 (c) For consistency with state and federal regulations; or

2 (d) To correct errors and omissions.

3 (6) Nothing in this section precludes the use or products that
4 meet or exceed the standards set forth in codes referenced in RCW
5 19.27.020.

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

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

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

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

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

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

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

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

22 (f) One member must represent the general public not otherwise
23 eligible to fill the positions listed in (a) through (d) of this
24 subsection;

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

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

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

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

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

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

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

38 ~~((k))~~ (vii) One member shall represent manufacturers,
39 installers, or suppliers of building materials and components; and

1 (~~(l)~~) (viii) One member must be a person with a physical
2 disability and shall represent the disability community; and

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

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

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

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

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

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

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

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

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