
ENGROSSED SENATE BILL 5378

State of Washington

63rd Legislature

2013 Regular Session

By Senators Benton, Schoesler, Bailey, Carrell, Becker, Holmquist
Newbry, Sheldon, Ericksen, and Dammeier

Read first time 01/28/13. Referred to Committee on Governmental
Operations.

1 AN ACT Relating to a six-year time frame for substantial building
2 code amendments; amending RCW 19.27.074, 19.27A.045, and 19.27A.025;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that current adopted
6 building codes provide adequate minimum performance standards for
7 construction in accordance with accepted standards of engineering,
8 fire, life safety, and energy efficiency. Every update to the code
9 imposes costs on consumers, builders, and local governments. Numerous
10 changes to multiple sections of multiple building codes every three
11 years create an unfunded mandate on local authorities that must
12 implement and enforce the building codes. The building codes created
13 by the international code council, inc. and the international
14 association of plumbing and mechanical officials that are adopted by
15 reference by Washington are copyrighted materials that must be
16 purchased by businesses and code enforcement officials. The cost to
17 purchase the 2012 additions of all the codes adopted by reference is
18 over four hundred dollars for one set. Whenever there is an update to
19 the code, builders, permitting officials, and code enforcement officers

1 must all purchase new codes and be retrained on the changes. The
2 legislature intends to reduce the burden on local governments,
3 businesses, and consumers by extending time requirements so that
4 substantial revisions to the building codes occur less frequently.

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

7 (1) The state building code council shall:

8 (a) Adopt and maintain the codes to which reference is made in RCW
9 19.27.031 in a status which is consistent with the state's interest as
10 set forth in RCW 19.27.020. In maintaining these codes, the council
11 shall (~~regularly~~) review updated versions of the codes referred to in
12 RCW 19.27.031 and other pertinent information (~~and shall amend the~~
13 ~~codes as deemed appropriate by the council~~). Substantial amendments
14 to the codes may be adopted no more frequently than every six years
15 except that the codes may be amended more frequently than every six
16 years to account for embodied energy as defined in RCW 19.27A.140 in a
17 building;

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

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

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

26 (2) The state building code council may:

27 (a) Amend the codes as deemed appropriate by the council;

28 (b) Appoint technical advisory committees which may include members
29 of the council;

30 (~~(b)~~) (c) Employ permanent and temporary staff and contract for
31 services; and

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

34 All meetings of the state building code council shall be open to
35 the public under the open public meetings act, chapter 42.30 RCW. All
36 actions of the state building code council which adopt or amend any

1 code of statewide applicability shall be pursuant to the administrative
2 procedure act, chapter 34.05 RCW.

3 All council decisions relating to the codes enumerated in RCW
4 19.27.031 shall require approval by at least a majority of the members
5 of the council.

6 All decisions to adopt or amend codes of statewide application
7 shall be made prior to December 1 of any year and shall not take effect
8 before the end of the regular legislative session in the next year.

9 **Sec. 3.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read
10 as follows:

11 The state building code council shall maintain the state energy
12 code for residential structures in a status which is consistent with
13 the state's interest as set forth in section 1, chapter 2, Laws of
14 1990. In maintaining the Washington state energy code for residential
15 structures, beginning in 1996 the council shall review the Washington
16 state energy code every ~~((three))~~ six years except that the energy code
17 may be amended more frequently than every six years to account for
18 embodied energy as defined in RCW 19.27A.140 in a building. After
19 January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the
20 council may amend any provisions of the Washington state energy code to
21 increase the energy efficiency of newly constructed residential
22 buildings. Decisions to amend the Washington state energy code for
23 residential structures shall be made prior to December 1 of any year
24 and shall not take effect before the end of the regular legislative
25 session in the next year.

26 **Sec. 4.** RCW 19.27A.025 and 1991 c 122 s 3 are each amended to read
27 as follows:

28 (1) The minimum state energy code for new nonresidential buildings
29 shall be the Washington state energy code ~~((~~1986~~—~~edition~~,—~~as~~
30 ~~amended~~)).~~ The state building code council may, by rule adopted
31 pursuant to chapter 34.05 RCW, amend that code's requirements for new
32 nonresidential buildings provided that:

- 33 (a) Such amendments increase the energy efficiency of typical newly
34 constructed nonresidential buildings; and
- 35 (b) Any new measures, standards, or requirements adopted must be

1 technically feasible, commercially available, and cost-effective to
2 building owners and tenants.

3 (2) In considering amendments to the state energy code for
4 nonresidential buildings, the state building code council shall
5 establish and consult with a technical advisory committee including
6 representatives of appropriate state agencies, local governments,
7 general contractors, building owners and managers, design
8 professionals, utilities, and other interested and affected parties.

9 (3) Decisions to amend the Washington state energy code for new
10 nonresidential buildings shall be made prior to December 15th of any
11 year and shall not take effect before the end of the regular
12 legislative session in the next year. Any disputed provisions within
13 an amendment presented to the legislature shall be approved by the
14 legislature before going into effect. A disputed provision is one
15 which was adopted by the state building code council with less than a
16 two-thirds majority vote. Substantial amendments to the code shall be
17 adopted no more frequently than every ((three)) six years.

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