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SENATE BILL 5500

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State of Washington                      65th Legislature                      2017 Regular Session

By Senators Honeyford, Zeiger, Schoesler, Wilson, Angel, and Hobbs

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 budget for the operation of the state building code  
8 council to be submitted to the office of financial management  
9 pursuant to RCW 43.88.090.  
10       (2) The state building code council may:  
11       (a) Appoint technical advisory committees which may include  
12 members of the council;  
13       (b) ~~((Employ permanent and temporary staff and))~~ Contract for  
14 services; and  
15       (c) Conduct research into matters relating to any code or codes  
16 referred to in RCW 19.27.031 or any related matter.  
17       (3) The department of enterprise services, with the advice and  
18 input from the members of the building code council, shall employ  
19 permanent and temporary staff and contract for services for the  
20 building code council.  
21       (4) All meetings of the state building code council shall be open  
22 to the public under the open public meetings act, chapter 42.30 RCW.  
23 All actions of the state building code council which adopt or amend  
24 any code of statewide applicability shall be pursuant to the  
25 administrative procedure act, chapter 34.05 RCW.  
26       (5) All council decisions relating to the codes enumerated in RCW  
27 19.27.031 shall require approval by at least a majority of the  
28 members of the council.  
29       (6) All decisions to adopt or amend codes of statewide  
30 application shall be made prior to December 1 of any year and shall  
31 not take effect unless the legislature by bill acts to allow  
32 implementation of the code updates referenced in RCW 19.27.031 before  
33 the end of the regular legislative session in the next year. Allowing  
34 the implementation does not constitute legislative approval of the  
35 code updates admissible in any court as evidence of legislative  
36 intent.  
37       (7) Nothing in this section precludes the use of products that  
38 meet or exceed the standards set forth in codes referenced in RCW  
39 19.27.020.

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

3       (1) A valid and fully complete building permit application for a  
4 structure, that is permitted under the zoning or other land use  
5 control ordinances in effect on the date of the application shall be  
6 considered under the building permit ordinance in effect at the time  
7 of application, and the zoning or other land use control ordinances  
8 in effect on the date of application. Building permits are controlled  
9 by codes and ordinances in effect on the date of application.

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

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

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

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

21       (d) Either:

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

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

28       (3) The information required on the building permit application  
29 by subsection (2)(a) through (d) of this section shall be set forth  
30 on the building permit document which is issued to the owner, and on  
31 the inspection record card which shall be posted at the construction  
32 site.

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

39       (5) If any of the information required by subsection (2)(d) of  
40 this section is not available at the time the application is

1 submitted, the applicant shall so state and the application shall be  
2 processed forthwith and the permit issued as if the information had  
3 been supplied, and the lack of the information shall not cause the  
4 application to be deemed incomplete for the purposes of vesting under  
5 subsection (1) of this section. However, the applicant shall provide  
6 the remaining information as soon as the applicant can reasonably  
7 obtain such information.

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

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

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

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

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

22 (2) In considering amendments to the state energy code for  
23 nonresidential buildings, the state building code council shall  
24 establish and consult with a technical advisory committee including  
25 representatives of appropriate state agencies, local governments,  
26 general contractors, building owners and managers, design  
27 professionals, utilities, and other interested and affected parties.

28 (3) Decisions to amend the Washington state energy code for new  
29 nonresidential buildings shall require approval by at least a  
30 majority of the council and shall be made prior to December ((15th))  
31 1st of any year and shall not take effect unless the legislature by  
32 bill acts to allow implementation of the code updates referenced in  
33 RCW 19.27.031 before the end of the regular legislative session in  
34 the next year. ((Any disputed provisions within an amendment  
35 presented to the legislature shall be approved by the legislature  
36 before going into effect. A disputed provision is one which was  
37 adopted by the state building code council with less than a two-  
38 thirds majority vote.)) Allowing the implementation does not  
39 constitute legislative approval of the code updates admissible in any

1 court as evidence of legislative intent. Substantial amendments to  
2 the code shall be adopted no more frequently than every ((three)) six  
3 years after the adoption and implementation of the 2016 Washington  
4 state energy code.

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

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

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

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

11 (d) To correct errors or omissions.

12 (5) Nothing in this section precludes the use of products that  
13 meet or exceed the standards set forth in codes referenced in RCW  
14 19.27.020.

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

17 (1) The state building code council shall maintain the state  
18 energy code for residential structures in a status which is  
19 consistent with the state's interest as set forth in section 1,  
20 chapter 2, Laws of 1990. In maintaining the Washington state energy  
21 code for residential structures, beginning in 1996 the council shall  
22 review the Washington state energy code every ((three)) six years  
23 after the adoption and implementation of the 2016 Washington state  
24 energy code.

25 (2) After January 1, 1996, by rule adopted pursuant to chapter  
26 34.05 RCW, the council may amend any provisions of the Washington  
27 state energy code to increase the energy efficiency of newly  
28 constructed residential buildings(~~(.—Decisions—to—amend—the~~  
29 Washington state energy code for residential structures shall be made  
30 prior to December 1 of any year and shall not take effect before the  
31 end of the regular legislative session in the next year)), provided  
32 that:

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

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

38 (3) In considering amendments to the state energy code for  
39 residential buildings, the state building code council shall

1 establish and consult with a technical advisory committee, including  
2 representatives of appropriate state agencies, local governments,  
3 general contractors, building owners and managers, design  
4 professionals, utilities, and other interested and affected parties.

5 (4) Decisions to amend the Washington state energy code for  
6 residential structures requires approval by at least a majority of  
7 the council and must be made prior to December 1st of any year by a  
8 majority of the building code council and does not take effect unless  
9 the legislature by bill acts to allow implementation of the code  
10 updates referenced in RCW 19.27.031 before the end of the regular  
11 session in the next year. Allowing the implementation does not  
12 constitute legislative approval of the code updates admissible in any  
13 court as evidence of legislative intent.

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

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

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

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

20 (d) To correct errors and omissions.

21 (6) Nothing in this section precludes the use or products that  
22 meet or exceed the standards set forth in codes referenced in RCW  
23 19.27.020.

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

26 There is hereby established in the department of enterprise  
27 services a state building code council, to be appointed by the  
28 governor.

29 (1) The state building code council shall consist of fifteen  
30 members:

31 (a) Two members must be county elected legislative body members  
32 or elected executives;

33 (b) Two members must be city elected legislative body members or  
34 mayors;

35 (c) One member must be a local government building code  
36 enforcement official;

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

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

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

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

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

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

9 ~~((g))~~ (iii) One member shall represent the architectural design  
10 profession;

11 ~~((h))~~ (iv) One member shall represent the structural  
12 engineering profession;

13 ~~((i))~~ (v) One member shall represent the mechanical engineering  
14 profession;

15 ~~((j))~~ (vi) One member shall represent the construction building  
16 trades;

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

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

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

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

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

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

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

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

38 (d)(i) Any member who is appointed to represent a specific  
39 private sector industry must maintain sufficiently similar private  
40 sector employment or circumstances throughout the term of office to

1 remain qualified to represent the specified industry. Retirement or  
2 unemployment is not cause for termination. However, if a  
3 councilmember appointed to represent a specific private sector  
4 industry enters into employment outside of the industry or the  
5 private sector he or she has been appointed to represent, then he or  
6 she shall be removed from the council.

7 (ii) Any member who is appointed to represent a specific private  
8 sector industry must maintain sufficiently similar private sector  
9 employment or circumstances throughout the term of office to remain  
10 qualified to represent the specified industry. Retirement or  
11 unemployment is not cause for termination. However, if a  
12 councilmember appointed after the effective date of this section to  
13 represent a specific private sector industry enters into employment  
14 outside of the industry or outside of the private sector he or she  
15 has been appointed to represent, then he or she must be removed from  
16 the council.

17 (e) Any member who no longer qualifies for appointment under this  
18 section may not vote on council actions, but may participate as an ex  
19 officio, nonvoting member until a replacement member is appointed. A  
20 member must notify the council staff and the governor's office within  
21 thirty days of the date the member no longer qualifies for  
22 appointment under this section. The governor shall appoint a  
23 qualified replacement for the member within sixty days of notice.

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

27 (6) Members shall not be compensated but shall receive  
28 reimbursement for travel expenses in accordance with RCW 43.03.050  
29 and 43.03.060.

30 ~~((7) The department of enterprise services shall provide~~  
31 ~~administrative and clerical assistance to the building code~~  
32 ~~council.))~~

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