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**SUBSTITUTE SENATE BILL 5500**

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**State of Washington 65th Legislature 2017 Regular Session**

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

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

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

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

(1) The state building code council shall:

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

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

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

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

(iv) To correct errors or omissions;

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

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

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

(2) The state building code council may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) To correct errors or omissions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) To correct errors and omissions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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