
SENATE BILL 5500

State of Washington 65th Legislature 2017 Regular Session

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

Read first time 01/26/17. Referred to Committee on Local Government.

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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