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HOUSE BILL 1436

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State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Buys, Blake, Taylor, Springer, Short, and Pike

1            AN ACT Relating to the state building code council; amending RCW  
2 19.27.035, 19.27.060, 19.27.070, 19.27.074, 19.27.095, and  
3 19.27A.020; reenacting and amending RCW 34.05.328; adding a new  
4 section to chapter 19.27 RCW; creating a new section; and providing  
5 an expiration date.

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

7            **Sec. 1.** RCW 19.27.035 and 1989 c 266 s 6 are each amended to  
8 read as follows:

9            The building code council shall(~~(, within one year of July 23,~~  
10 ~~1989,))~~ adopt a revised process for the review of proposed statewide  
11 amendments to the codes enumerated in RCW 19.27.031 by July 1, 2018,  
12 and proposed or enacted local amendments to the codes enumerated in  
13 RCW 19.27.031 as amended and adopted by the state building code  
14 council.

15            **Sec. 2.** RCW 19.27.060 and 2015 c 226 s 1 are each amended to  
16 read as follows:

17            (1) The governing bodies of counties and cities may amend the  
18 codes enumerated in RCW 19.27.031 as amended and adopted by the state  
19 building code council as they apply within their respective  
20 jurisdictions, but the amendments shall not result in a code that is

1 less than the minimum performance standards and objectives contained  
2 in the state building code.

3 (a) No amendment to a code enumerated in RCW 19.27.031 as amended  
4 and adopted by the state building code council that affects single-  
5 family or multifamily residential buildings shall be effective unless  
6 the amendment is approved by the building code council under RCW  
7 19.27.074(1)(b).

8 (b) Any county or city amendment to a code enumerated in RCW  
9 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue  
10 to be effective after any action is taken under RCW 19.27.074(1)(a)  
11 without necessity of reapproval under RCW 19.27.074(1)(b) unless the  
12 amendment is declared null and void by the council at the time any  
13 action is taken under RCW 19.27.074(1)(a) because such action in any  
14 way altered the impact of the amendment.

15 (2) Except as permitted or provided otherwise under this section,  
16 the state building code shall be applicable to all buildings and  
17 structures including those owned by the state or by any governmental  
18 subdivision or unit of local government.

19 (3) The governing body of each county or city may limit the  
20 application of any portion of the state building code to exclude  
21 specified classes or types of buildings or structures according to  
22 use other than single-family or multifamily residential buildings.  
23 However, in no event shall fruits or vegetables of the tree or vine  
24 stored in buildings or warehouses constitute combustible stock for  
25 the purposes of application of the uniform fire code. A governing  
26 body of a county or city may inspect facilities used for temporary  
27 storage and processing of agricultural commodities.

28 (4) No provision of the uniform fire code concerning roadways  
29 shall be part of the state building code: PROVIDED, That this  
30 subsection shall not limit the authority of a county or city to adopt  
31 street, road, or access standards.

32 (5) The provisions of the state building code may be preempted by  
33 any city or county to the extent that the code provisions relating to  
34 the installation or use of sprinklers in jail cells conflict with the  
35 secure and humane operation of jails.

36 (6)(a) Effective one year after July 23, 1989, the governing  
37 bodies of counties and cities may adopt an ordinance or resolution to  
38 exempt from permit requirements certain construction or alteration of  
39 either group R, division 3, or group M, division 1 occupancies, or  
40 both, as defined in the uniform building code, 1988 edition, for

1 which the total cost of fair market value of the construction or  
2 alteration does not exceed fifteen hundred dollars. The permit  
3 exemption shall not otherwise exempt the construction or alteration  
4 from the substantive standards of the codes enumerated in RCW  
5 19.27.031, as amended and maintained by the state building code  
6 council under RCW 19.27.070.

7 (b) Prior to July 23, 1989, the state building code council shall  
8 adopt by rule, guidelines exempting from permit requirements certain  
9 construction and alteration activities under (a) of this subsection.

10 (7) To foster innovation in accordance with RCW 19.27.020(3), the  
11 state building code council shall create a procedure for the approval  
12 of any material, product, equipment, method of construction, design,  
13 or system that has been certified pursuant to the international  
14 organization for standardization/international electrotechnical  
15 commission standard number 17065.

16 **Sec. 3.** RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each  
17 amended to read as follows:

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

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

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

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

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

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

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

32 (f) One member must represent the general public; and

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

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

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

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

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

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

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

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

9       ~~(1) One member must be a person with a physical disability and  
10 shall represent the disability community; and~~

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

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

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

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

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

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

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

35       (ii) Any member who is appointed after the effective date of this  
36 section to represent a specific private sector industry must maintain  
37 sufficiently similar private sector employment or circumstances  
38 throughout the term of office to remain qualified to represent the  
39 specified industry. Retirement or unemployment is not cause for  
40 termination. However, if a councilmember appointed after the

1 effective date of this section to represent a specific private sector  
2 industry enters into employment outside of the industry, or outside  
3 of the private sector, he or she has been appointed to represent,  
4 then he or she shall be removed from the council.

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

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

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

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

21 **Sec. 4.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to  
22 read as follows:

23 (1) The state building code council shall:

24 (a) Adopt and maintain the codes to which reference is made in  
25 RCW 19.27.031 in a status which is consistent with the state's  
26 interest as set forth in RCW 19.27.020. In maintaining these codes,  
27 the council shall regularly review updated versions of the codes  
28 referred to in RCW 19.27.031 and other pertinent information and  
29 shall amend the codes as deemed appropriate by the council;

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

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

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

38 (2) The state building code council may:

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

3 ~~((Employ permanent and temporary staff and contract for  
4 services; and~~

5 ~~(e))~~ Conduct research into matters relating to any code or codes  
6 referred to in RCW 19.27.031 or any related matter.

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

12 (b) All council decisions relating to the codes enumerated in RCW  
13 19.27.031 shall require approval by at least a majority of the  
14 members of the council.

15 (c) All decisions to adopt or amend codes of statewide  
16 application shall be made prior to December 1 of any year and shall  
17 not take effect before the end of the regular legislative session in  
18 the next year.

19 (4) The department of enterprise services shall employ permanent  
20 and temporary staff and contract for services for the state building  
21 code council.

22 **Sec. 5.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to  
23 read as follows:

24 (1) A valid and fully complete building permit application for a  
25 structure, that is permitted under the zoning or other land use  
26 control ordinances in effect on the date of the application shall be  
27 considered under the building permit ordinance in effect at the time  
28 of application, and the zoning or other land use control ordinances  
29 in effect on the date of application. Architectural and engineering  
30 designs in building permit applications and through construction are  
31 controlled by codes and ordinances in effect on the date of  
32 application.

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

37 (a) The legal description, or the tax parcel number assigned  
38 pursuant to RCW 84.40.160, and the street address if available, and

1 may include any other identification of the construction site by the  
2 prime contractor;

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

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

6 (d) Either:

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

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

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

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

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

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

35 NEW SECTION. **Sec. 6.** The building code council in consultation  
36 with the office of the chief information officer shall assess the  
37 costs and benefits of the potential acquisition and implementation of  
38 open public access information technologies to enhance the council's

1 code adoption process and report back to the appropriate committees  
2 of the legislature by November 15, 2018.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.27  
4 RCW to read as follows:

5 (1)(a) A legislative task force on the state building code  
6 council's administration and operations is established, with members  
7 as provided in this subsection.

8 (i) The president of the senate shall appoint one member from  
9 each of the two largest caucuses of the senate.

10 (ii) The speaker of the house of representatives shall appoint  
11 one member from each of the two largest caucuses of the house of  
12 representatives.

13 (iii) The president of the senate and the speaker of the house of  
14 representatives shall appoint the following eight members:

15 (A) Two current members of the building code council representing  
16 the private sector;

17 (B) One current member of the building code council representing  
18 local government;

19 (C) One current member of the building code council representing  
20 labor interests; and

21 (D) Four members who regularly work with the council, each  
22 representing one of the following: Local government, private sector  
23 interests, labor interests, and environmental interests.

24 (iv) The director of the department of enterprise services shall  
25 appoint one member from the department of enterprise services and one  
26 member from the department of commerce energy program.

27 (b) The task force shall choose its chair from among its  
28 legislative membership. The legislative members of the task force  
29 shall convene the initial meeting of the task force.

30 (2) The task force shall review and provide recommendations on  
31 the following issues:

32 (a) The current structure, operations, and resources of the  
33 council;

34 (b) The building code development process and length, including  
35 the policy and procedure, technical, and economic aspects including  
36 the public and private construction costs of review and adoption of  
37 the state building code;

38 (c) Total resources necessary for an effective state building  
39 code development process, including staffing and needs;

1 (d) Options for long-term, reliable funding of the council;

2 (e) The powers, duties, and support services of the department of  
3 enterprise services relevant to the council;

4 (f) Council membership, composition, and size; and

5 (g) The council's compliance with current statutes and  
6 requirements.

7 (3) Staff support for the task force must be provided by senate  
8 committee services and the office of program research.

9 (4) Legislative members of the task force are reimbursed for  
10 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
11 members are not entitled to be reimbursed for travel expenses if they  
12 are elected officials or are participating on behalf of an employer,  
13 governmental entity, or other organization. Any reimbursement for  
14 other nonlegislative members is subject to chapter 43.03 RCW.

15 (5) The expenses of the task force must be paid jointly by the  
16 senate and the house of representatives. Task force expenditures are  
17 subject to approval by the senate facilities and operations committee  
18 and the house of representatives executive rules committee, or their  
19 successor committees.

20 (6) The task force shall report its findings and recommendations  
21 to the appropriate committees of the legislature by October 1, 2018.

22 (7) This section expires October 1, 2018.

23 **Sec. 8.** RCW 19.27A.020 and 2015 c 11 s 3 are each amended to  
24 read as follows:

25 (1) The state building code council in the department of  
26 enterprise services shall adopt rules to be known as the Washington  
27 state energy code as part of the state building code.

28 (2) The council shall follow the legislature's standards set  
29 forth in this section to adopt rules to be known as the Washington  
30 state energy code. The Washington state energy code shall be designed  
31 to:

32 (a) Construct increasingly energy efficient homes and buildings  
33 that help achieve the broader goal of building zero fossil-fuel  
34 greenhouse gas emission homes and buildings by the year 2031;

35 (b) Require new buildings to meet a certain level of energy  
36 efficiency, but allow flexibility in building design, construction,  
37 and heating equipment efficiencies within that framework; and

38 (c) Allow space heating equipment efficiency to offset or  
39 substitute for building envelope thermal performance.

1 (3) The Washington state energy code shall take into account  
2 regional climatic conditions. One climate zone includes: Adams,  
3 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,  
4 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,  
5 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima  
6 counties. The other climate zone includes all other counties not  
7 listed in this subsection (3). The assignment of a county to a  
8 climate zone may not be changed by adoption of a model code or rule.  
9 Nothing in this section prohibits the council from adopting the same  
10 rules or standards for each climate zone.

11 (4) The Washington state energy code for residential buildings  
12 shall be the 2006 edition of the Washington state energy code, or as  
13 amended by rule by the council.

14 (5) The minimum state energy code for new nonresidential  
15 buildings shall be the Washington state energy code, 2006 edition, or  
16 as amended by the council by rule.

17 (6)(a) Except as provided in (b) of this subsection, the  
18 Washington state energy code for residential structures shall preempt  
19 the residential energy code of each city, town, and county in the  
20 state of Washington.

21 (b)(i) The state energy code for residential structures does not  
22 preempt a city, town, or county's energy code for residential  
23 structures which exceeds the requirements of the state energy code  
24 and which was adopted by the city, town, or county prior to March 1,  
25 1990. Such cities, towns, or counties may not subsequently amend  
26 their energy code for residential structures to exceed the  
27 requirements adopted prior to March 1, 1990.

28 (ii) The state building code council shall create a procedure for  
29 the approval of any material, product, equipment, method of  
30 construction, design, or system that has been certified pursuant to  
31 the international organization for standardization/international  
32 electrotechnical commission standard number 17065.

33 (7) The state building code council shall consult with the  
34 department of enterprise services as provided in RCW 34.05.310 prior  
35 to publication of proposed rules. The director of the department of  
36 enterprise services shall recommend to the state building code  
37 council any changes necessary to conform the proposed rules to the  
38 requirements of this section.

1 (8) The state building code council shall evaluate and consider  
2 adoption of the international energy conservation code in Washington  
3 state in place of the existing state energy code.

4 (9) The definitions in RCW 19.27A.140 apply throughout this  
5 section.

6 **Sec. 9.** RCW 34.05.328 and 2011 c 298 s 21 and 2011 c 149 s 1 are  
7 each reenacted and amended to read as follows:

8 (1) Before adopting a rule described in subsection (5) of this  
9 section, an agency must:

10 (a) Clearly state in detail the general goals and specific  
11 objectives of the statute that the rule implements;

12 (b) Determine that the rule is needed to achieve the general  
13 goals and specific objectives stated under (a) of this subsection,  
14 and analyze alternatives to rule making and the consequences of not  
15 adopting the rule;

16 (c) Provide notification in the notice of proposed rule making  
17 under RCW 34.05.320 that a preliminary cost-benefit analysis is  
18 available. The preliminary cost-benefit analysis must fulfill the  
19 requirements of the cost-benefit analysis under (d) of this  
20 subsection. If the agency files a supplemental notice under RCW  
21 34.05.340, the supplemental notice must include notification that a  
22 revised preliminary cost-benefit analysis is available. A final cost-  
23 benefit analysis must be available when the rule is adopted under RCW  
24 34.05.360;

25 (d) Determine that the probable benefits of the rule are greater  
26 than its probable costs, taking into account both the qualitative and  
27 quantitative benefits and costs and the specific directives of the  
28 statute being implemented;

29 (e) Determine, after considering alternative versions of the rule  
30 and the analysis required under (b), (c), and (d) of this subsection,  
31 that the rule being adopted is the least burdensome alternative for  
32 those required to comply with it that will achieve the general goals  
33 and specific objectives stated under (a) of this subsection;

34 (f) Determine that the rule does not require those to whom it  
35 applies to take an action that violates requirements of another  
36 federal or state law;

37 (g) Determine that the rule does not impose more stringent  
38 performance requirements on private entities than on public entities  
39 unless required to do so by federal or state law;

1 (h) Determine if the rule differs from any federal regulation or  
2 statute applicable to the same activity or subject matter and, if so,  
3 determine that the difference is justified by the following:

4 (i) A state statute that explicitly allows the agency to differ  
5 from federal standards; or

6 (ii) Substantial evidence that the difference is necessary to  
7 achieve the general goals and specific objectives stated under (a) of  
8 this subsection; and

9 (i) Coordinate the rule, to the maximum extent practicable, with  
10 other federal, state, and local laws applicable to the same activity  
11 or subject matter.

12 (2) In making its determinations pursuant to subsection (1)(b)  
13 through (h) of this section, the agency must place in the rule-making  
14 file documentation of sufficient quantity and quality so as to  
15 persuade a reasonable person that the determinations are justified.

16 (3) Before adopting rules described in subsection (5) of this  
17 section, an agency must place in the rule-making file a rule  
18 implementation plan for rules filed under each adopting order. The  
19 plan must describe how the agency intends to:

20 (a) Implement and enforce the rule, including a description of  
21 the resources the agency intends to use;

22 (b) Inform and educate affected persons about the rule;

23 (c) Promote and assist voluntary compliance; and

24 (d) Evaluate whether the rule achieves the purpose for which it  
25 was adopted, including, to the maximum extent practicable, the use of  
26 interim milestones to assess progress and the use of objectively  
27 measurable outcomes.

28 (4) After adopting a rule described in subsection (5) of this  
29 section regulating the same activity or subject matter as another  
30 provision of federal or state law, an agency must do all of the  
31 following:

32 (a) Coordinate implementation and enforcement of the rule with  
33 the other federal and state entities regulating the same activity or  
34 subject matter by making every effort to do one or more of the  
35 following:

36 (i) Deferring to the other entity;

37 (ii) Designating a lead agency; or

38 (iii) Entering into an agreement with the other entities  
39 specifying how the agency and entities will coordinate implementation  
40 and enforcement.

1 If the agency is unable to comply with this subsection (4)(a),  
2 the agency must report to the legislature pursuant to (b) of this  
3 subsection;

4 (b) Report to the joint administrative rules review committee:

5 (i) The existence of any overlap or duplication of other federal  
6 or state laws, any differences from federal law, and any known  
7 overlap, duplication, or conflict with local laws; and

8 (ii) Make recommendations for any legislation that may be  
9 necessary to eliminate or mitigate any adverse effects of such  
10 overlap, duplication, or difference.

11 (5)(a) Except as provided in (b) of this subsection, this section  
12 applies to:

13 (i) Significant legislative rules of the departments of ecology,  
14 labor and industries, health, revenue, social and health services,  
15 and natural resources, the employment security department, the forest  
16 practices board, the office of the insurance commissioner, the state  
17 building code council, and to the legislative rules of the department  
18 of fish and wildlife implementing chapter 77.55 RCW; and

19 (ii) Any rule of any agency, if this section is voluntarily made  
20 applicable to the rule by the agency, or is made applicable to the  
21 rule by a majority vote of the joint administrative rules review  
22 committee within forty-five days of receiving the notice of proposed  
23 rule making under RCW 34.05.320.

24 (b) This section does not apply to:

25 (i) Emergency rules adopted under RCW 34.05.350;

26 (ii) Rules relating only to internal governmental operations that  
27 are not subject to violation by a nongovernment party;

28 (iii) Rules adopting or incorporating by reference without  
29 material change federal statutes or regulations, Washington state  
30 statutes, rules of other Washington state agencies, shoreline master  
31 programs other than those programs governing shorelines of statewide  
32 significance, or, as referenced by Washington state law, national  
33 consensus codes that generally establish industry standards, if the  
34 material adopted or incorporated regulates the same subject matter  
35 and conduct as the adopting or incorporating rule;

36 (iv) Rules that only correct typographical errors, make address  
37 or name changes, or clarify language of a rule without changing its  
38 effect;

39 (v) Rules the content of which is explicitly and specifically  
40 dictated by statute;

1 (vi) Rules that set or adjust fees under the authority of RCW  
2 19.02.075 or that set or adjust fees or rates pursuant to legislative  
3 standards, including fees set or adjusted under the authority of RCW  
4 19.80.045;

5 (vii) Rules of the department of social and health services  
6 relating only to client medical or financial eligibility and rules  
7 concerning liability for care of dependents; or

8 (viii) Rules of the department of revenue that adopt a uniform  
9 expiration date for reseller permits as authorized in RCW 82.32.780  
10 and 82.32.783.

11 (c) For purposes of this subsection:

12 (i) A "procedural rule" is a rule that adopts, amends, or repeals  
13 (A) any procedure, practice, or requirement relating to any agency  
14 hearings; (B) any filing or related process requirement for making  
15 application to an agency for a license or permit; or (C) any policy  
16 statement pertaining to the consistent internal operations of an  
17 agency.

18 (ii) An "interpretive rule" is a rule, the violation of which  
19 does not subject a person to a penalty or sanction, that sets forth  
20 the agency's interpretation of statutory provisions it administers.

21 (iii) A "significant legislative rule" is a rule other than a  
22 procedural or interpretive rule that (A) adopts substantive  
23 provisions of law pursuant to delegated legislative authority, the  
24 violation of which subjects a violator of such rule to a penalty or  
25 sanction; (B) establishes, alters, or revokes any qualification or  
26 standard for the issuance, suspension, or revocation of a license or  
27 permit; or (C) adopts a new, or makes significant amendments to, a  
28 policy or regulatory program.

29 (iv) "National consensus codes that generally establish industry  
30 standards" include, but are not limited to, the building codes  
31 published by the International Code Council, Inc. as cited in RCW  
32 19.27.031 and 19.27.020. However, the exemption only applies to  
33 building codes published by the International Code Council, Inc. if  
34 the state building code council does not make any modifications to  
35 the published code.

36 (d) In the notice of proposed rule making under RCW 34.05.320, an  
37 agency must state whether this section applies to the proposed rule  
38 pursuant to (a)(i) of this subsection, or if the agency will apply  
39 this section voluntarily.

1           (6) By January 31, 1996, and by January 31st of each even-  
2 numbered year thereafter, the office of regulatory assistance, after  
3 consulting with state agencies, counties, and cities, and business,  
4 labor, and environmental organizations, must report to the governor  
5 and the legislature regarding the effects of this section on the  
6 regulatory system in this state. The report must document:

7           (a) The rules proposed to which this section applied and to the  
8 extent possible, how compliance with this section affected the  
9 substance of the rule, if any, that the agency ultimately adopted;

10           (b) The costs incurred by state agencies in complying with this  
11 section;

12           (c) Any legal action maintained based upon the alleged failure of  
13 any agency to comply with this section, the costs to the state of  
14 such action, and the result;

15           (d) The extent to which this section has adversely affected the  
16 capacity of agencies to fulfill their legislatively prescribed  
17 mission;

18           (e) The extent to which this section has improved the  
19 acceptability of state rules to those regulated; and

20           (f) Any other information considered by the office of financial  
21 management to be useful in evaluating the effect of this section.

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