

*for the value of county capital and equipment assets, current county budgetary amounts, and other county resources attributable, in part, to the property taxes, sales and use taxes, or special assessments that have been imposed on behalf of the county and road district within the boundaries of the newly incorporated city or town. This granting of credit is in recognition of the pre-existing financial investment that the citizens of the newly incorporated city or town have made in capital and equipment assets owned by the county, and county and road district taxes and special assessment imposed in the area.*

*Nothing in this section shall limit the ability of the county and the newly incorporated city or town to contract for higher service levels or for other time periods than those imposed by this section.*

\*Sec. 2 was vetoed, see message at end of chapter.

Passed the House March 21, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor April 23, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 23, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one provision, Substitute House Bill No. 1191, entitled:

"AN ACT Relating to incorporation of cities and towns; and adding new sections to Chapter 35.21 RCW."

The creation of a mandatory credit in section 2 could obligate county government to continue to provide services beyond the sixty day phase in period provided in section 1 without any compensation. The county could be required for a longer term to provide services even though the revenue (tax base) to pay for those services would be transferred to the city.

Counties and cities have in the past been able to work out cooperative interlocal agreements under RCW 39.34 to insure the continuation of essential public services. Section 1 which remains, insures a free start up period for newly created cities. Additional terms for services should be subject to mutual agreement without mandatory credits.

With the exception of section 2, Substitute House Bill No. 1191 is approved."

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## CHAPTER 144

[Substitute House Bill No. 1114]

### ENERGY-RELATED BUILDING STANDARDS

AN ACT Relating to energy-related building standards; amending RCW 19.27.030 and 19.27.075; adding new sections to chapter 19.27 RCW; repealing RCW 19.27.200, 19.27.210, 19.27.220, 19.27.230, 19.27.240, 19.27.250, 19.27.260, 19.27.270, 19.27.280, 19.27.290, 19.27.300, 19.27.310, and 19.27.905; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 101, Laws of 1984 and RCW 19.27.030 are each amended to read as follows:

There shall be in effect in all cities, towns, and counties of the state a state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted;

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and

(6) ~~((The thermal performance and design standards for dwellings as set forth in RCW 19.27.210 through 19.27.290. This subsection shall be of no further force and effect when RCW 19.27.200 through 19.27.290 expire as provided in RCW 19.27.300))~~ The Washington state energy code, June 30, 1980, edition adopted by the state building code advisory council and amendments to the code adopted prior to January 1, 1985, the revision to the state energy code adopted pursuant to RCW 19.27.075, and subsequent amendments adopted by the council under chapter 34.04 RCW.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

Sec. 2. Section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075 are each amended to read as follows:

(1) The state building code advisory council shall ((have authority to)) promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a ((state-wide thermal efficiency and lighting)) revised state code ((to the extent necessary to comply with Title 10, Code of Federal Regulations, section 420.35. Such)). The revised code shall be designed to achieve reductions in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended. The council shall follow the legislature's guidelines set forth in this section to design a revised code which requires new buildings to meet a certain level of

energy efficiency, but allows flexibility in building design and construction within that framework. The revised code shall take into account regional climatic conditions(~~(; shall take effect prior to June 30, 1980; and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule)~~) and shall be designed according to the following guidelines:

(a) For new electric resistance heated residential buildings, the code shall be designed to achieve energy savings equivalent to savings achieved in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38, except single rafter or joist vaulted ceilings may be insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (total assembly);

(iii) Floors over unheated spaces insulated to a level of R-19 for areas with six thousand or less annual heating degree days and to a level of R-25 for areas with more than six thousand annual heating degree days (R value includes insulation only);

(iv) Double glazed windows with tested R values not less than 1.79 when tested according to the procedures of the American architectural manufacturers association; and

(v) In areas with more than six thousand annual heating degree days a maximum of seventeen percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent.

(b) For new residential buildings which are space-heated with other fuels, the code shall be designed to achieve energy savings equivalent to savings achieved in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (total assembly);

(iii) Floors over unheated spaces insulated to a level of R-19 (R value includes insulation only);

(iv) Double glazed windows with tested R values not less than 1.40 when tested according to the procedures of the American architectural manufacturers association; and

(v) In areas with more than six thousand annual heating degree days a maximum of seventeen percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent.

(c) For new nonresidential buildings, the code shall be designed to achieve a ten percent reduction in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended.

(2) In developing the revised code, the council shall consider possible health and respiratory problems caused by insulating buildings so tightly that the rate of air exchange is significantly retarded, thereby concentrating toxic pollutants at unhealthy high levels.

(3) The council shall publish the revision as proposed rules pursuant to chapter 34.04 RCW and provide for the rules to become effective January 1, 1986. All cities, towns, and counties shall enforce the revised state energy code not later than April 1, 1986.

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

(1) The revised state energy code shall supersede all local government residential energy codes except as provided in subsections (2) and (3) of this section: PROVIDED, That cities, towns, and counties may adopt more energy efficient codes for residential construction if the builder or owner of new residential construction is reimbursed by an authorized federal agency for those additional costs to the consumer of conservation components that are attributable to the more energy efficient codes. This subsection shall not apply after January 1, 1989.

(2) The revised state energy code shall not preempt energy codes, adopted by a city, town, or county of the state prior to the effective date of this act or first class cities with a population over three hundred thousand which operate electrical utilities, that are designed to achieve reduction in energy consumption relative to the revised state energy code.

(3) The revised state energy code shall not preempt a less energy efficient energy code adopted by a county, city, or town if it can be shown that the revised state energy code is not cost-effective for that county, city, or town.

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

(1) The University of Washington college of architecture and department of mechanical engineering shall conduct in situ testing of the annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the northwest power planning council.

(2) There shall be a committee to oversee the study. The committee shall include the director of the state energy office as chair; two members recommended by the home building industry chosen by the governor; and two members nationally renowned as experts in building energy performance chosen by the governor.

(3) The study shall include an analysis of the economic feasibility of adopting thermal performance standards for new residential construction as proposed by the northwest power planning council. The study of economic feasibility shall include but not necessarily be limited to factors which shall not require an amortization of the individual components exceeding a life cycle of seven years and a discount rate (interest) computed at the current conventional market rate of home mortgages at par.

(4) The director of the state energy office shall make recommendations, based on the results of the study and the residential standards demonstration program, to the legislature and the state building code advisory council regarding the cost-effectiveness of the revised state energy code developed pursuant to RCW 19.27.075 no later than January 15, 1988.

(5) If federal funds are not available, the study shall be funded by a surcharge on building permit fees for new building construction imposed by all local governments of the state. The department of community development, after consultation with the state energy office, shall develop and implement a method of collecting the surcharge. The surcharge shall be ten dollars on all multifamily residential building permits, fifteen dollars on all single-family residential building permits, and fifteen dollars on all other building permits. The surcharge shall terminate on June 30, 1989, or at such time as the state general fund is reimbursed for the cost of the study.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

As used in this chapter, references to the state building code advisory council shall be construed to include any successor agency.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200;
- (2) Section 2, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.210;
- (3) Section 3, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.220;
- (4) Section 4, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.230;
- (5) Section 5, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.240;
- (6) Section 6, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.250;
- (7) Section 7, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.260;
- (8) Section 8, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.270;
- (9) Section 9, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.280;
- (10) Section 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.290;
- (11) Section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300;
- (12) Section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27-.310; and
- (13) Section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 12, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor April 24, 1985.

Filed in Office of Secretary of State April 24, 1985.