

# FINAL BILL REPORT

## 2SHB 1811

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### PARTIAL VETO

C 434 L 07

Synopsis as Enacted

**Brief Description:** Regarding automatic sprinkler systems in nightclubs.

**Sponsors:** By House Committee on Finance (originally sponsored by Representatives Pedersen, Simpson, Wood, Moeller and Quall).

**House Committee on Local Government**

**House Committee on Finance**

**Senate Committee on Labor, Commerce, Research & Development**

**Senate Committee on Ways & Means**

#### **Background:**

##### The State Building Code Council.

The State Building Code Council (SBCC) is responsible for the adoption and maintenance of the building, residential, mechanical, fire, and plumbing model codes that comprise the state building code (SBC). The SBC, which includes provisions describing the powers and duties of fire code officials and building officials, must be enforced by counties and cities. Local governments, however, may amend the SBC as it applies within their jurisdiction, subject to limitations prescribed in law.

Under Washington law, the SBCC must adopt rules requiring all owners of existing nightclubs to install automatic fire sprinkler systems in their respective establishments. The rules are to be effective on December 1, 2007.

##### The State Fire Protection Policy Board.

The State Fire Protection Policy Board (SFPPB) is an eight-member board appointed by the Governor to develop a comprehensive state policy regarding fire protection services. Among other duties, the SFPPB must adopt a state fire training and education master plan and a state fire protection master plan.

##### Definition of "Nightclub".

Washington law defines a nightclub as an establishment, other than a theater with fixed seating, which: (1) provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so; (2) has as its primary source of revenue the sale of beverages of any kind for consumption on the premises, cover charges, or both; and (3) has an occupant load of 100 or more where the occupant load for any portion of the occupancy is calculated at one person per 10 square feet or less, excluding the entry foyer.

##### Property Taxes Exemption.

Property taxes are imposed by state and local governments and apply to the assessed value of all taxable property, which includes all real and personal property located within the state, unless specifically exempted. Real property includes land, structures, and certain equipment that is affixed to the structure. Personal property includes machinery, supplies, certain utility property, and items which are generally movable. The assessed value of most real property is determined by the county assessor.

The owner of a property may request a special property tax exemption prior to the installation of an automatic fire sprinkler system. A "special property tax exemption" is defined as the determination of the assessed value of the property subtracting the increase in value attributable to the installation of an automatic sprinkler system. The exemption application must be made to the appropriate county assessor and in accordance with specified requirements. If the exemption is granted, the assessor must place a special property tax exemption on eligible property for 10 consecutive assessment years following the calendar year in which the application is made.

**Summary:**

The State Building Code Council.

The SBCC must adopt rules requiring, by December 1, 2009, that all nightclubs install automatic sprinkler systems. The SBCC must transmit copies of the adopted rules to the SFPPB. The SFPPB must submit recommendations or proposed changes to the rules within 60 days of receipt.

Definition of "Nightclub".

The definition of "nightclub" is modified to apply to an establishment meeting the International Building Code definition of an A-2 occupancy use in which the aggregate area of concentrated use of unfixed chairs and standing space exceeds 350 square feet. The area of concentrated use must be specifically designated and primarily used for dancing or viewing performers. Theaters with fixed seating, banquet halls, and lodge halls are excluded from the definition.

Property Tax Exemption.

A lessee, as well as an owner, of the property may apply for a special tax exemption prior to installing an automatic sprinkler system. If the lessee of the property has paid for all expenses associated with the installation and purchase of the automatic sprinkler system, the benefit of the exemption must inure to the lessee. A lessee remains eligible for the tax exemption to the extent that the lessee maintains a valid lease agreement with the property owner for the property in which the sprinkler system was installed. No new application for a special tax exemption may be made after December 31, 2009.

**Votes on Final Passage:**

House	97	0	
Senate	47	0	(Senate amended)
House	98	0	(House concurred)

**Effective:** July 22, 2007

**Partial Veto Summary:** The Governor vetoed Section 4 of the bill, which contained an emergency clause making the bill effective as of July 1, 2007. As the result of the veto, the bill now becomes effective July 22, 2007.