

# SENATE BILL REPORT

## SB 5120

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As Amended by House, April 15, 2009

**Title:** An act relating to agricultural structures.

**Brief Description:** Regarding agricultural structures.

**Sponsors:** Senators Fairley, McDermott and Holmquist.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/03/09, 2/10/09 [DP].

Passed Senate: 3/07/09, 44-0.

Passed House: 4/15/09, 96-0.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott, Pridemore and Swecker.

**Staff:** Aaron Gutierrez (786-7448)

**Background:** The State Building Code Council (Council) was created by statute in 1974 to provide analysis and advice to the Legislature and the Governor's Office on state building code issues. The Council establishes the minimum building, mechanical, fire, plumbing, and emergency code requirements in Washington by reviewing, developing, and adopting the state building code. The State Building Code Act (Act) sets forth requirements through the provision of building codes to promote the health, safety, and welfare of the occupants or users of buildings and structures throughout the state.

The Act consists of regulations adopted by reference from the International Building Code, the International Residential Code, the International Mechanical Code, the National Fuel Gas Code, the International Fire Code, and the Uniform Plumbing Code and Uniform Plumbing Code Standards. In maintaining the Act, the Council must regularly review updated versions of the codes and other pertinent information and amend the Act as deemed appropriate by the Council. The Council may also issue opinions relating to the codes at the request of a local official charged with the duty to enforce the Act.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** The permitting fee for an agricultural structure may not exceed the lower of the actual cost of administration, or \$75.

Specialty agricultural structures are structures that are designed and constructed to house farm equipment, hay, grain, poultry, livestock, and other horticultural products.

Human habitation, public use, and employment where agricultural products are processed, treated, or packaged are not permitted uses of a specialty agricultural building.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 2009.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Very few structures are built here compared with Oregon and Idaho which have a similar exemption. In one case, the cost of a particular permit went from \$1,529 to \$16,924 in one year. Insurance companies make their own inspections, and this should not create liability for counties. The quicker these structures are built, the quicker they can be taxed. Proponents would prefer not requiring the buildings to be engineered, but recognize the need for professional input.

CON: Most counties will just exempt agriculture structures from requirements rather than lowering the fee. If the counties exempt these structures, they may be held liable for resulting damages. The fees are necessary to recover costs, and \$75 may not even cover gas to get to the site. Any funds not recovered will come out of critical departments.

OTHER: Counties are concerned with budget cuts and layoffs. The following suggestions were offered: (1) only apply this to professionally engineered and stamped structures; (2) add size limitations; (3) allow additional fees if the building is not up to code; and (4) allow additional fees if the structure is not completed in time.

**Persons Testifying:** PRO: Senator Fairley, prime sponsor; Chris Cheney, Washington Dairy Federation, Washington Fryer Commission; Jack Field, Washington Cattlemen's Association.

CON: Brian Enslow, Washington Association of Counties; Jim Potts, Rural Counties.

OTHER: Commissioner Greg Tompkins, Walla Walla.

**House Amendment(s):** Removes amendatory provisions that limit permit fees on agricultural structures to the lower of the actual cost of administration or \$75. Specifies that permitting and plan review fees for agricultural structures may only cover the costs to counties, cities, towns, and other municipal corporations of processing applications, inspecting and reviewing plans, preparing specific environmental documents, and performing necessary inspections under the building code. Requires the State Auditor to conduct a performance audit on the reasonableness

of permitted building and inspection fees that are imposed by counties, cities, towns, and other municipal corporations. The State Auditor must report to the appropriate legislative committees by December 1, 2009. Establishes a July 1, 2011, expiration date for the performance audit provisions. Adds an intent section.