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## Local Government Committee

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### HB 2841

**Brief Description:** Concerning the state building code council.

**Sponsors:** Representatives Senn and Buys.

#### Brief Summary of Bill

- Imposes a temporary surcharge, in addition to existing building permit fees of: (1) \$1 on residential building permits; and (2) \$5.50 on nonresidential building permits.
- Modifies requirements for members serving on the State Building Code Council (Council) who represent a specific industry in the private sector.
- Provides that the Council is established in the Department of Enterprise Services.
- Creates a 17-member Legislative Task Force on the Council's Administration and Operations (Task Force) for the purpose of reviewing specified issues, and requires a report to the Legislature of the Task Force's findings and recommendations by October 1, 2017.

**Hearing Date:** 1/27/16

**Staff:** Michaela Murdock (786-7289).

#### **Background:**

##### The State Building Code.

The State Building Code (SBC) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The SBC comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code and the Uniform Plumbing Code Uniform Plumbing Code Standards.

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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.*

### The State Building Code Council.

The State Building Code Council (Council) is responsible for adopting, amending, and maintaining, as appropriate, the model codes and standards adopted by reference in the Act. Amendments to the model codes and standards adopted by the Council are codified in the Washington Administrative Code. The Council regularly reviews updated editions of each model code and standard every three years. The Council may employ permanent and temporary staff and contract for services.

The Council has 15 members appointed by the Governor who are or represent:

- elected members or executives of county legislative bodies;
- mayors or elected members of city legislative bodies;
- a local government building code enforcement official;
- a local government fire service official;
- general construction, specializing in commercial and industrial building construction;
- general construction, specializing in residential and multifamily building construction;
- the architectural design profession;
- the structural engineering profession;
- the mechanical engineering profession;
- the construction building trades;
- manufacturers, installers, or suppliers of building materials and components;
- a person with a physical disability who represents the disability community; and
- the general public.

At least six of the 15 members must reside in eastern Washington. Additionally, four legislative members (two each appointed by the Senate and the House of Representatives, one from each caucus) and an employee of the electrical division of the Department of Labor and Industries serve as ex officio, nonvoting members on the Council.

Each qualified member serves a three-year term. Members who represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified. Retirement or unemployment is not a cause for termination from the Council. (If a member enters employment outside of the industry he or she represents, the member must be removed from the Council).

All meetings of the Council must be open to the public in accordance with the Open Public Meetings Act, and all actions of the Council in adopting or amending a code of statewide application must be taken in accordance with the Administrative Procedure Act. Decisions to adopt or amend a code of statewide application may not take effect before the end of the next regular legislative session in the next year.

### Building Permit Fee.

The Act imposes a fee of \$4.50 on each building permit issued by a county, city, or town. An additional surcharge of \$2 for each residential unit, not including the first unit, is imposed on each building containing more than one residential unit. Counties, cities, and towns are charged with collecting building permit fees and remitting all moneys collected from the fee to the State

Treasurer on a quarterly basis. Remitted funds are deposited into the Building Code Council Account for use by the Council, after appropriation, to perform the purposes of the Council.

The current fee of \$4.50 on each building permit was adopted in 1989 when it was increased from \$1.50 (chapter 256, Laws of 1989, House Bill 1768).

#### The Department of Enterprise Services.

The Department of Enterprise Services (DES) is an executive branch agency vested with powers and duties set forth in statute and other law, including the duty to provide products and services to support state agencies. The DES is also specifically required to provide administrative and clerical assistance to the Council.

#### **Summary of Bill:**

##### Building Permit Fee - Temporary Surcharge.

In addition to current building permit fees provided in statute, a temporary surcharge of: (1) \$1 is imposed on each residential building permit issued by a county, city, or town; and (2) \$5.50 is imposed on each nonresidential building permit issued by a county, city, or town. The temporary surcharge expires July 1, 2018.

##### Members of the State Building Code Council.

Statute is amended to specify that members of the State Building Code Council (Council) who represent the following industries, are representatives of the private sector:

- general construction, specializing in commercial and industrial building construction;
- general construction, specializing in residential and multifamily building construction;
- the architectural design profession;
- the structural engineering profession;
- the mechanical engineering profession;
- the construction building trades; and
- manufacturers, installers, or suppliers of building materials and components.

After the effective date of the bill, any member who represents a specific private sector industry must maintain sufficiently similar private sector employment or circumstances throughout the term of office to remain qualified. Any member appointed to represent a specific private sector industry who enters into employment outside of the industry or the private sector must be removed from the Council.

##### Department of Enterprise Services.

Instead of requiring the Department of Enterprise Services (DES) to provide administrative and clerical assistance to the Council, statute now specifies that the Council is established in the DES. Also, the Council may no longer employ its own permanent and temporary staff and contract for services. Instead, DES is authorized to employ permanent and temporary staff and to contract for services for the Council.

The Legislative Task Force on the Council's Administration and Operations.

A 17-member Legislative Task Force on the Council's Administration and Operations (Task Force) is established. Members of the Task Force include:

- four legislative members, two appointed by the President of Senate and two appointed by the Speaker of the House of Representatives;
- four current members of the Council and six members who regularly work with the Council representing local governments, private sector interests, labor interests, environmental interests, and the general public, appointed jointly by the President of the Senate and the Speaker of the House; and
- one member each from the DES, the Department of Commerce energy program, and another appropriate state agency, appointed by the Director of the DES.

The Task Force must review specified issues, including: the current structure, operation, and resources of the Council; the building code development process; total resources necessary for an effective building code development process; options for long-term, reliable funding for the Council; and the powers, duties, and support services of the DES relevant to the Council. The Task Force must report its findings and recommendations to the appropriate committees of the Legislature by October 1, 2017, and the task force expires on October 1, 2017.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 2016.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.