

SENATE BILL REPORT

SHB 2841

As Reported by Senate Committee On:
Government Operations & Security, February 25, 2016

Title: An act relating to the state building code council.

Brief Description: Concerning the state building code council.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Senn and Buys).

Brief History: Passed House: 2/16/16, 62-35.

Committee Activity: Government Operations & Security: 2/25/16, 2/25/16 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Dansel, Habib, McCoy and Takko.

Staff: Karen Epps (786-7424)

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 Standards.

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. Currently, the Department of Enterprise Services (DES) provides administrative and clerical assistance to the Council.

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 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.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Amendments): Members of the State Building Code Council. Members of the Council who represent the following industries must be 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, though retirement or unemployment is not cause for termination. 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.

The Council is established in DES. DES is no longer required to provide administrative and clerical assistance to the Council, but 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 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, two representing the private sector and two representing local government;
- one member each from DES and the Department of Commerce energy program, appointed by the Director of DES; and
- six members who regularly work with the Council representing local governments, private sector interests, and labor interests, appointed by the Director of DES.

The Task Force must select its chair from the legislative members. The Task Force must review and provide recommendations on issues, including:

- the current structure, operation, and resources of the Council;
- the SBC development process;
- economic aspects, including fiscal impact on private and public sector construction;
- the current SBC cycle length;
- the Council's membership and composition, including interests and industries represented;
- total resources necessary for an effective SBC development process, including staffing and needs;
- options for long-term, reliable funding of 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: Available.

Committee/Commission/Task Force Created: Yes.

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

Staff Summary of Public Testimony: PRO: The Council helps maintain codes to keep the health, safety and well-being in mind for the built environment. The Council is facing some financial issues because their revenues have been decreasing and they have decreased their staff from eight employees to about four employees. This has been hurting the code process in terms of being able to do enough financial analysis of proposed codes. There is a recognized need for some reform of the Council to make sure that it continues to comply with all standards and laws. It needs to work well for all the Council members and the

stakeholders. The bill as passed the House provides for funds for the Council at the same time as some reforms are done, together with the Task Force to look at additional reforms. It is important to provide the Council with the fees so they can continue to be sustained and then reforms can be done.

Persons Testifying: PRO: Representative Senn, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: PRO: Mark Gjurasic, Building Owners and Managers Assn; Mike Ennis, Assn of WA Business; Art Castle, Building Industry Assn of WA; Jeanette Mckague, WA Realtors; Tonia Sorrell-Neal, WA Conference of Mason Contractors | Masonry Institute of WA; Michael Groesch, Puget Sound School Coalition.