

SENATE BILL REPORT

ESSB 6525

As Amended by House, March 4, 2016

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

Brief Description: Concerning the state building code council.

Sponsors: Senate Committee on Government Operations & Security (originally sponsored by Senators Angel, Lias, Rolfes, Dammeier and Schoesler).

Brief History:

Committee Activity: Government Operations & Security: 2/02/16, 2/04/16 [DPS].

Passed Senate: 2/16/16, 30-19.

Passed House: 3/04/16, 52-45.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: That Substitute Senate Bill No. 6525 be substituted therefor, and the substitute bill do pass.

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

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.

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

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 Engrossed Substitute Bill: 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 on First Substitute: PRO: There is dysfunction with the State Building Code Council and the stakeholder standpoint lacks clarity, consistency, and transparency in its process for meeting the requirements of the bylaws and other state laws for public meetings, testimony, technical data, and reviews. The Council needs better support in procedural and administrative areas. Doing this will provide the Council with the necessary tools it needs to aid in its decision-making. The Council's decisions impact all of the aspects of construction, both public and private. This bill does three things: (1) it clearly

establishes that the Council is under DES, (2) it clearly establishes that the appointed representatives must continuously reflect the sectors, both private and public, to which they were appointed; and (3) it establishes a Legislative Task Force to review and make recommendations regarding the Council's operations. There needs to be more transparency and accountability and this bill will do that in the fairest manner. This bill might disqualify someone who is the most experienced because he or she does not work for a private firm. This bill takes away a trade association's ability to appoint the person it thinks would best represent the association. The proposed substitute removes the modest fee increase that is needed to fund the work of the Council. It is important to have codes that make sense, are cost effective, and are predictable. There needs to be a fair process and this bill does that by establishing the Task Force and moving the Council under DES.

Persons Testifying on First Substitute: PRO: Senator Angel, prime sponsor; Mark Gjurasic, Building Owners and Managers Association; JJ McCoy, NW Energy Coalition; Duane Jonlin, City of Seattle.

Persons Signed In To Testify But Not Testifying on First Substitute: PRO: Michael Transue, WA State Conference of Mason Contractors; Mike Ennis, Assn of WA Business; David DeWitte, State Building Code Council; Jeanette McKague, Washington REALTORS; Art Castle, Building Industry Assn of WA.

House Amendment(s): Establishes a temporary surcharge of: (a) \$1 on each residential building permit issued by a county, city, or town; and (b) \$5.50 on each nonresidential building permit issued by a county, city, or town. Provides that the temporary surcharge expires July 1, 2018. Eliminates existing authority of the State Building Code Council (Council) to contract for services.

Modifies the members on the Legislative Task Force on the Council's Administration and Operations (Task Force) as follows:

- For the four current members of the Council appointed to the Task Force, requires that one of the appointees represent local government and one represent labor interests, rather than requiring the two appointees to both represent local government;
- Reduces the number of members appointed to the Task Force who regularly work with the Council from six to four members and provides that the members must be appointed by the President of the Senate and the Speaker of the House of Representatives, rather than by the Director of the DES; and
- Requires that one each of the four members who regularly work with the Council represent local government, private sector interests, labor interests, and environmental interests.

Modifies the issues that the Task Force must review and provide recommendations on by:

- removing some topics - economic aspects, including fiscal impact on private and public sector construction; the current code cycle length; and the interests and industries represented on the Council; and
- adding some topics - the building code development process length; economic aspects of the building code development process, including the public and private construction costs of review and adoption of the code; the size of the Council, and the Council's compliance with current statutes and requirements.

Removes the requirement that the Task Force submit its report to the Legislature electronically.