

SENATE BILL REPORT

SB 6586

As of January 26, 2010

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

Brief Description: Regarding membership on the state building code council.

Sponsors: Senator Holmquist.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/25/10.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: The State Building Code Council (Council) is responsible for the adoption and maintenance of the various building, residential, fire, and other model codes that comprise the state building code (SBC).

The Council is comprised of 15 members, who are appointed by the Governor. At least six of the 15 Council members must reside east of the Cascade Mountains. In addition, the Council must consist of:

- two members who are elected county legislators or executives;
- two members who are elected city legislators or mayors;
- one member who is a local government building code enforcement official;
- one member who is a local government fire service official;
- one member who represents the commercial and industrial building construction industry;
- one member who represents the residential and multifamily building construction industry;
- one member who represents the architectural design profession;
- one member who represents the structural engineering profession;
- one member who represents the mechanical engineering profession;
- one member who represents the construction building trades;
- one member who represents manufacturers, installers, or suppliers of building materials and components;
- one member who represents the community of persons with disabilities; and
- one member who represents the general public.

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 also includes the following ex officio, nonvoting members:

- two members of the House of Representatives, one from each caucus, who are appointed by the Speaker of the House;
- two members of the Senate, one from each caucus, who are appointed by the President of the Senate; and
- one employee of the electrical division of the Department of Labor and Industries.

Before making any appointment to the Council, the Governor must seek nominations from recognized organizations with an interest in the building construction trade or industry. Members serve three-year terms on the Council.

Summary of Bill: Gubernatorial appointments to the Council are subject to Senate confirmation. If a Council member is not confirmed by the Senate by the end of the regular session following the appointment, the appointee's position is considered vacant.

Any Council member appointed to represent a specific private sector industry must maintain similar employment throughout his or her term on the Council. If a Council member enters into new employment outside of the industry the member was appointed to represent, the member must be removed from the Council. If the member remains on the Council, any vote taken 30 days after the start of the new employment is null and void. Retirement or unemployment may not be cause for termination from the Council.

Appropriation: None.

Fiscal Note: Not requested.

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: The Council has a tremendous impact on our citizens in the state. By requiring Senate confirmation to the gubernatorial appointments, it will increase citizen confidence in the Council and increase the stature of the Council within the eyes of the industry. The statutory makeup of the Council gives various stakeholders a voice and appropriate perspectives to the Council and the process. Due to the changes in our economy, there are some members on the Council who were appointed to represent one industry segment, and no longer work or represent for that industry segment. This denies the particular industry segment once represented their voice and perspective in the rulemaking process and may diminish the rulemaking process itself. More importantly, those without a voice may be disenfranchised in the rulemaking process and tie up the rules process in the courts. The process of the Council works relatively well. However, where it is starting to break down is when the Governor appoints someone to the Council to represent a specific interest and then that person no longer represents that position, but continues to serve and remain on the Council. The provision in the bill that is important is where a person must step down if they no longer represent a specific interest they were appointed to represent.

CON: Trying to find competent volunteers to sit on the Council is difficult. We do support the rest of the bill.

OTHER: We support the requirement that an appointee must represent the industry sector. We are concerned with the Senate confirmation language. We are concerned that people will be deterred by the Senate confirmation provision. This could allow a small group of Senators to block confirmation. We think the Governor does a good job appointing Council members.

Persons Testifying: PRO: Representative Dammeir; Brian Minnich, BIAW.

CON: Jon Napier, Washington Association of Fire Marshals.

OTHER: Stan Bowman, American Institute of Architects Washington Council.