

# HOUSE BILL REPORT

## SHB 2775

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### As Amended by the Senate

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

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

**Sponsors:** House Committee on Local Government & Housing (originally sponsored by Representatives Dammeier, Hasegawa, Hunt, Armstrong, Short, Kristiansen, Springer, Kelley, Morrell, Pearson, Chase and Kretz).

#### **Brief History:**

##### **Committee Activity:**

Local Government & Housing: 1/21/10, 1/27/10 [DPS].

##### **Floor Activity:**

Passed House: 2/10/10, 97-0.

Senate Amended.

Passed Senate: 3/4/10, 48-0.

#### **Brief Summary of Substitute Bill**

- Requires that, in order to remain on the State Building Code Council, members representing private sector industries must maintain employment within the specific industry they represent.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan, Short, Springer, Upthegrove, White and Williams.

**Staff:** Becca Kenna-Schenk (786-7291) and Ethan Moreno (786-7386).

#### **Background:**

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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 (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.

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 Substitute Bill:**

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 he or she was appointed to represent, he or she 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.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment (1) specifies that any Council member who begins employment outside of the industry that he or she was appointed to represent on the Council may not vote on Council actions, but may participate as an ex officio, nonvoting member until a replacement member has been appointed; (2) requires that any Council member who is no longer qualified for the appointment under these conditions must notify the Council staff and the Governor's Office within 30 days of entering into new employment; (3) specifies that the Governor must appoint a replacement Council member within 60 days upon receiving notification that a Council member is no longer qualified for the appointment; and (4) deletes a provision that makes any vote taken 30 days after a Council member is no longer qualified for the appointment null and void.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) The citizens of Washington expect and deserve better scrutiny on the Council. Requiring Senate confirmation of the appointees to the Council would provide more accountability in the process. The bill also ensures that industry stakeholders are part of the building code process. There are currently Council members who were appointed to represent a certain industry sector, but who have since become employed in a different sector. This results in some sectors having an enhanced voice, while other sectors have little or no voice in the process. In order for stakeholders to maintain a voice in the process, we need to ensure that those Council members appointed to represent specific industry sectors remain employed within that specific sector. By excluding certain sectors from the rulemaking process, they may become disenfranchised and may take actions outside the building code process, such as legal actions. The SBC process works, but it is important that industry representatives truly represent the specific interest that the Governor appointed them to represent, especially when the Council is considering controversial proposals that may result in close votes.

(In support with concerns) Requiring Senate confirmation of Council appointees would be a disincentive because the Council is a volunteer board, and the Senate confirmation process could politicize the appointment process more than is necessary. The requirement might also delay the building code process when vacancies arise on the Council that are not immediately filled due to the confirmation process.

It is also important that Council members vote in a way that is best for the citizens of the state, rather than just representing the interests of their specific constituencies.

(Commented) Cities are concerned with the requirement for Senate confirmation of Council appointees.

(Opposed) None.

**Persons Testifying:** (In support) Representative Dammeier, prime sponsor; Kraig Stevenson, International Code Council; Van Collins, Associated General Contractors; Brian Minnich, Building Industry Association of Washington; and Jon Napier, State Fire Marshals.

(In support with concerns) Stan Bowmen, American Institution of Architects Washington Council.

(Commented) Victoria Lincoln, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** None.