

FINAL BILL REPORT

E2SHB 1622

C 207 L 18
Synopsis as Enacted

Brief Description: Concerning the state building code council.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Senn, Springer, Tharinger, Ormsby and Fey).

House Committee on State Government, Elections & Information Technology
House Committee on Local Government
House Committee on Appropriations
Senate Committee on State Government, Tribal Relations & Elections
Senate Committee on Ways & Means

Background:

The State Building Code Council.

The State Building Code Council (Council) is responsible for adopting, maintaining, and amending the State Building Code (Building Code) and establishes statewide minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety.

The Council is made up of 15 members appointed by the Governor who represent specified entities as follows:

- two members from the county legislative body or elected executives;
- two members from the city legislative body or mayors;
- one member who is the local government building code enforcement official;
- one member who is a local government fire service official;
- one member who is a person with a physical disability who must represent the disability community;
- one member from the general public; and
- seven members from various areas of specialty such as general construction, architectural design, structural engineering, mechanical engineering, construction building trades, and manufacturing or supplying of building materials.

A member who is appointed to represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout their term on the Council. Employment outside of the specific industry is grounds for termination from 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 may employ permanent and temporary staff and contract for services. The Department of Enterprise Services (DES) provides administrative and clerical assistance to the Council.

The State Building Code.

The Building Code is comprised of model codes published by the International Code Council, including building, residential, and fire codes, adopted by reference in statute, as well as rules developed and adopted by the Council. The model codes typically set forth the industry standard. The Council adopted a process for the review of proposed statewide amendments to the model codes and proposed local amendments to the model codes.

Building Permits.

A fee of \$5.50 must be paid for each building permit issued by the county or city, plus an additional \$2 surcharge for each residential unit, except the first unit, in a building with more than one unit. All monies collected must be deposited into the State Building Code Council Account.

Significant Legislative Rules.

An agency is required to make specified determinations and perform additional analysis during the rulemaking process when adopting any significant legislative rule. A "significant legislative rule" is a rule other than a procedural or interpretive rule that:

- adopts substantive provisions of law pursuant to the delegated legislative authority, the violation of which is punishable by penalty or sanction;
- establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or
- adopts a new, or makes significant amendments to, a policy or regulatory program.

An agency is not required to comply with the process for adopting significant legislative rules if the rule is adopting or incorporating by reference, without material change, federal statutes or regulations, state statutes, rules of other state agencies, Shoreline Master Programs, or national consensus codes that generally establish industry standards.

Licensing of Architects.

Individuals engaged in the practice of architecture must register with the Director of the Department of Licensing (Director). The Director must grant a certificate of registration to all qualified applicants and may require payment of fees for issuance and renewal of a certificate of registration. Business entities engaged in the practice of architecture must register with the State Board of Architects (Board). The Director, with authorization from the Board, issues certificates of authorization to practice architecture to qualified business entities. The Director may require payment of fees for issuance and renewal of the certificates of authorization. All fees collected must be deposited into the Architects' License Account.

Summary:

State Building Code Council.

The Council is established in the DES. Rulemaking authority is housed within the Council. The DES, with advice and input from the Council, must hire staff, contract for services for the Council, and provide all administrative and information technology services required for the Council. The DES must contract with an independent, third-party entity to perform economic analysis of code proposals. In addition, the Council must approve the proposed budget submitted by the DES, and may approve contracts for services entered into by the DES.

The member of the Council representing the general public must not be eligible for membership on the Council in any other capacity and may not have previously been nominated or appointed to the Council to represent any other group.

The seven members of the Council representing various areas of specialized fields must represent the private sector or professional organizations. "Professional organizations" is defined as an entity whose members are engaged in a particular lawful vocation, occupation, or field of activity of a specialized nature, including associations, boards, educational institutions, and nonprofit organizations. Employment outside of the private sector is grounds for termination from the Council. The Governor is required to select appointees to represent private sector industries from a list of three nominations provided by trade associations representing the industry.

By July 1, 2019, the Council must adopt a revised process for review of proposed statewide amendments to the Building Codes as enumerated in statute and proposed or enacted local amendments to those codes.

The Council, in consultation with the Office of the Chief Information Officer, must assess the costs and benefits of the potential acquisition and implementation of open public access information technologies to enhance the Council's code adoption process. The Council must report to the Legislature by November 15, 2018.

Building Permits.

An applicant for a building permit must pay a fee of \$6.50 for each residential building permit, and \$25 for each commercial building permit. A "residential building permit" is a building permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building containing only dwelling units used for independent living of one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and structures accessory to dwelling units such as detached garages and storage buildings. A "commercial building permit" is a building permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building not covered by a residential building permit.

Significant Legislative Rules.

The Council is added to the list of agencies required to adhere to additional statutory requirements for significant legislative rules.

Licensing of Architects.

The Director must collect a new fee of \$6.50 for each issuance and renewal of a certificate of registration for a registered architect and each issuance and renewal of a certificate of

authorization for an entity engaged in the practice of architecture. This fee is in addition to other fees that may be collected by the Director. All monies collected from the new fee must be deposited into the Building Code Council Account.

Votes on Final Passage:

House 73 24

Senate 30 19

Effective: July 1, 2018

October 1, 2018 (Section 9 and 10)