

CERTIFICATION OF ENROLLMENT

SENATE BILL 5120

61st Legislature
2009 Regular Session

Passed by the Senate April 20, 2009
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 15, 2009
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5120** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5120

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senators Fairley, McDermott, and Holmquist

Read first time 01/14/09. Referred to Committee on Government
Operations & Elections.

1 AN ACT Relating to agricultural structures; amending RCW 19.27.015
2 and 19.27.100; adding a new section to chapter 19.27 RCW; creating new
3 sections; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that permit and
6 inspection fees for new agricultural structures should not exceed the
7 direct and indirect costs associated with reviewing permit
8 applications, conducting inspections, and preparing specific
9 environmental documents.

10 **Sec. 2.** RCW 19.27.015 and 1996 c 157 s 1 are each amended to read
11 as follows:

12 As used in this chapter:

13 (1) "Agricultural structure" means a structure designed and
14 constructed to house farm implements, hay, grain, poultry, livestock,
15 or other horticultural products. This structure may not be a place of
16 human habitation or a place of employment where agricultural products
17 are processed, treated, or packaged, nor may it be a place used by the
18 public;

1 (2) "City" means a city or town;

2 (~~(+2)~~) (3) "Multifamily residential building" means common wall
3 residential buildings that consist of four or fewer units, that do not
4 exceed two stories in height, that are less than five thousand square
5 feet in area, and that have a one-hour fire-resistive occupancy
6 separation between units; and

7 (~~(+3)~~) (4) "Temporary growing structure" means a structure that
8 has the sides and roof covered with polyethylene, polyvinyl, or similar
9 flexible synthetic material and is used to provide plants with either
10 frost protection or increased heat retention.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27 RCW
12 to read as follows:

13 Permitting and plan review fees under this chapter for agricultural
14 structures may only cover the costs to counties, cities, towns, and
15 other municipal corporations of processing applications, inspecting and
16 reviewing plans, preparing detailed statements required by chapter
17 43.21C RCW, and performing necessary inspections under this chapter.

18 **Sec. 4.** RCW 19.27.100 and 1975 1st ex.s. c 8 s 1 are each amended
19 to read as follows:

20 Except for permitting fees for agricultural structures under
21 section 3 of this act, nothing in this chapter shall prohibit a city,
22 town, or county of the state from imposing fees different from those
23 set forth in the state building code.

24 NEW SECTION. **Sec. 5.** (1) The state auditor, in accordance with
25 RCW 43.09.470, must conduct a performance audit of the reasonableness
26 of building and inspection fees permitted under RCW 82.02.020 that are
27 imposed by eight counties, as determined by the auditor. In selecting
28 counties for the audit, the auditor must choose four counties located
29 west of the crest of the Cascade mountain range, and four counties
30 located east of the crest of the Cascade mountain range. The selected
31 counties must represent a diversity of agricultural economies. In
32 completing the audit, the state auditor must include guidance on
33 determining allowable costs, and methodologies for allocating costs to
34 specific projects. The state auditor, when developing written cost

1 allocation guidance, must consider variances in the sizes of local
2 government entities.

3 (2) In completing the audit report required by this section, the
4 state auditor must establish and consult with a county government
5 advisory committee. The advisory committee must consist of members
6 from county and city governments and other interested parties, as
7 determined by the auditor.

8 (3) The state auditor must provide a final audit report to the
9 appropriate committees of the house of representatives and the senate
10 by December 31, 2009.

11 (4) Revenues from the performance audits of the government account
12 created in RCW 43.09.475 must be used for the audit required by this
13 section.

14 (5) This section expires July 1, 2011.

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