

SENATE BILL REPORT

ESB 5378

As Passed Senate, March 7, 2013

Title: An act relating to a six-year time frame for substantial building code amendments.

Brief Description: Creating a six-year time frame for substantial building code amendments.

Sponsors: Senators Benton, Schoesler, Bailey, Carrell, Becker, Holmquist Newbry, Sheldon, Ericksen and Dammeier.

Brief History:

Committee Activity: Governmental Operations: 2/04/13, 2/12/13 [DP, DNP].

Passed Senate: 3/07/13, 33-14.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Minority Report: Do not pass.

Signed by Senators Hasegawa, Ranking Member; Conway and Fraser.

Staff: Karen Epps (786-7424)

Background: The State Building Code Council (Council) was established in 1974 to provide analysis and advice to the Legislature and the Office of the Governor on state building code issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements in Washington by reviewing, developing, and adopting the state building code (Code).

The Code sets forth requirements through the provision of building codes to promote the health, safety, and welfare of the occupants or users of buildings and structures throughout the state. The Code consists of regulations adopted by reference from the International Building Code (IBC), the International Residential Code, the International Mechanical Code, the National Fuel Gas Code, the International Fire Code, and the Uniform Plumbing Code and Uniform Plumbing Code Standards. The Council reviews, updates, and adopts a new Code every three years.

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.

It also includes the Washington State Energy Code (Energy Code), which is a state-written, state-specific code. The Energy Code provides a minimum level of energy efficiency, but allows flexibility in building design, construction, and heating equipment efficiencies. Substantial amendments to the Energy Code cannot be adopted more frequently than every three years.

Summary of Engrossed Bill: Substantial amendments to the Codes may not be adopted more frequently than every six years, except that the Codes may be amended more frequently than every six years to account for embodied energy – the total amount of fossil fuel energy consumed to extract raw materials, and to manufacture, assemble, transport, and install the materials in a building.

The Council must review the Energy Code every six years. Substantial amendments to the Energy Code may not be adopted more frequently than every six years, except that the Energy Code may be amended more frequently than every six years to account for embodied energy – the total amount of fossil fuel energy consumed to extract raw materials, and to manufacture, assemble, transport, and install the materials in a building.

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: This bill will save money for both the public and private sectors. There are training requirements for people on the ground doing this work. These are minimal standards to provide public health and safety. Builders can go above and beyond the minimum standards. Washington codes often go above and beyond the model codes. The process this past year was arduous and not open and public in many ways. Six years would provide the Council with time to do the process right and would not lower any of the health and safety standards that are in the code.

CON: The six-year time frame is not sufficient to keep our codes contemporary, coordinated, and also meet with modern technologies and standards. The code should be consistent with current nationally accepted standards, including permitting the use of modern technical methods, devices, and improvements. The code should be updated to eliminate obsolete, conflicting, duplicative, and unnecessary regulations. The greatest liability to the state if this bill is adopted is on the issue of accessibility under the Americans with Disabilities Act and the Federal Fair Housing Standards. A three-year cycle allows the state to address emerging issues, including school safety. Extending the review period to six years will make the codes less safe, less flexible, and less workable. There are elements in this bill that have not been thought through. There could be a problem with being able to use new technology that is more cost effective under the provisions of this bill. Construction methods are changing quickly and the code needs to adapt to those changes. Plumbing fixtures and pipe fittings are now more reliable, lighter in weight, and much easier to install. The codes need to address these changes while maintaining the goal to keep the public safe and healthy. This bill does

not describe what would be considered substantial. This bill would put Washington out of sync with the national codes and its neighboring states. It would be harder for national firms to work in Washington. It would put the terms of the Council members and the cycle updates on different timeframes.

OTHER: There are questions about what the end goal is of the bill. There are questions about whether this bill would affect the 2012 code cycle that is currently ongoing. It is not known how this bill aligns with the state energy efficiency goals. There are some advantages to going to a six-year term, including cost, possible efficiencies by the Council, and possible reductions in fees.

Persons Testifying: PRO: Brandon Houskeeper, Assn. of WA Business; Jan Himebaugh, Building Industry Assn. of WA.

CON: Stan Bowman, American Institute of Architects, WA Council; Kevin Marr, Patriot Fire Protection; Kraig Stevenson, International Code Council; Pete Crow, International Assn. of Plumbing and Mechanical Officials; Kim Drury, NW Energy Coalition.

OTHER: Gary Allsup, WA Assn. of Building Officials.