

FORM OF ORDER A. J. TRANSMITTAL BY AGENCY HOLDING SINGLE HEAD

State of Washington

DEPARTMENT OF COMMUNITY DEVELOPMENT

(agency name)

87-15

Administrative Order No.

(1) I, Chuck Clarke, director of the Department of Community Development

do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington (place)

the annexed rules relating to:

Collection of an increase in the State Building Code fee by cities and counties.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect: [] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, John Swannack, Acting Deputy Director, Dept. of Com. Devel. find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

This order is necessary to carry out the directives of the state legislature as expressed in Section 217(14) Chapter 7 Laws of 1987 First Extraordinary Session. The legislature has provided that the activities of the State Building Code Council shall be funded out of the Building Code Council Account in the State Treasury. The Building

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser. (see attached sheet)

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

- [] (a) This rule is promulgated pursuant to RCW Section 217(14) Chapter 7 Laws of 1987 and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW First Extraordinary Session, Chapter 19.27.085 RCW and Chapter 19.27A.040 which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

[x] (c) This rule is promulgated under the general rule-making authority of the Department of Community Development (agency) as authorized in RCW 43.63A.060 and RCW 43.63A.065

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED 8-5-87 19 87

By [Signature] Acting Deputy Director Title

STATE OF WASHINGTON FILED AUG 5 1987

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD (cont)

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules. (cont)

Code Council Account is funded entirely by fees imposed on building permits issued by cities and counties. In addition to the funds appropriated by the legislature from the account to fund State Building Code Council activities in the 1987-89 biennium the account is required to repay a loan of \$96,000 received from the general fund during the previous biennium.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-020 PURPOSE. The purpose of these rules is to implement chapter 19.27 RCW as amended by chapter ~~((1447-Laws-of-1985, and-chapter))~~ 360, Laws of 1985, and chapter 19.27A RCW, created by chapter 360, Laws of 1985 and by section 217(14), chapter 7, Laws of 1987 1st ex. sess., and by RCW 19.27.085.

Chapter ~~((1447-Laws-of-1985))~~ 19.27A RCW, provides for the amendment of the State Energy Code by the State Building Code council and for certain energy studies to be conducted by the University of Washington college of architecture and department of mechanical engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.

~~((Section--47))~~ Chapter ~~((3607-Laws-of-1985))~~ 19.27 RCW provides that the activities of the State Building Code council necessary to implement the purposes of the chapter shall be funded by a fee of ~~((4.50))~~ one dollar and fifty cents to be imposed on each building permit issued by a city or county. The moneys collected under this fee will be deposited in the building code council account in the state treasury and must be used by the building code council, after appropriation, to perform the purposes of the council. Every four years the state treasurer must report to the legislature on the balances in the account so that the legislature may adjust the charges imposed. Section 217(14), chapter 7, Laws of 1987 1st ex. sess. provides that an additional fee of two dollars shall be added to the fee imposed under RCW 19.27.085 through June 30, 1989.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-030 SUFFICIENT FEDERAL FUNDS NOT AVAILABLE. As required by chapter ~~((1447-Laws-of-1985))~~ 19.27A RCW, the department of community development has consulted with the Washington state energy office and has requested that the Washington state energy office determine if federal funds are available to implement the purposes of the chapter. The Bonneville Power Administration, the appropriate federal funding agency, has denied the state's request for funding for the energy conservation testing studies by the University of Washington provided for in ~~((section-47-chapter-1447-Laws-of-1985))~~ RCW 19.27A.040. The appropriations provided in section 301(2), chapter 6, Laws of 1985 1st ex. sess., shall therefore be funded from the surcharge provided in chapter ~~((1447-Laws-of-1985))~~ 19.27A RCW.

The Bonneville Power Administration has approved partial funding in the amount of \$15,000 for activities of the State Building Code council to implement the amendment of the State Energy Code. Pursuant to the provisions of section 217(6), chapter 6, Laws of 1985 1st ex. sess., funding for this appropriation from the surcharge shall be reduced in the amount of \$15,000.

The department of community development finds that federal funds are not available in sufficient amounts to implement the provisions of chapter ~~((1447-Laws-of-1985))~~ 19.27A RCW. Therefore the department is, through this chapter ((365-110-WAC)), implementing the surcharge as required by ~~((section--4(5);--chapter--1447--Laws--of--1985))~~ RCW 19.27A.040.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-035 DEFINITIONS. 1. DEPARTMENT shall mean the department of community development.

2. ENERGY CODE STUDIES SURCHARGE shall mean a surcharge which is required to be collected by cities and counties pursuant to chapter ~~((1447--Laws--of--1985))~~ 19.27A RCW, and subject to appropriations as provided in chapter 6, Laws of 1985 1st ex. sess. Funds collected shall be used exclusively to implement the provisions of chapter ~~((1447--Laws--of--1985))~~ 19.27A RCW.

3. STATE BUILDING CODE FEE shall mean a fee which is required to be collected by cities and counties pursuant to chapter ~~((3607--Laws--of--1985))~~ 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapter ~~((3607--Laws--of--1985))~~ 19.27 RCW.

4. BUILDING PERMIT shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

5. NEW BUILDING CONSTRUCTION PERMIT shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-050 COLLECTION OF STATE BUILDING CODE FEE. Every city or county shall collect a State Building Code fee of ~~((one))~~ three dollars and fifty cents on each building permit issued within its jurisdiction. The fee shall be collected by appropriate city or county officials at the time the building permit is issued. Separate records shall be kept of funds collected under the State Building Code fee.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-080 TERMINATION. The surcharges established under WAC 365-110-040 (State Energy Code studies surcharge) shall terminate on June 30, 1989, unless terminated earlier upon a finding that the general fund has been reimbursed for the cost of the studies pursuant to ~~((chapter-1447--Laws--of--1985))~~ RCW 19.27A.040.

The fees established under WAC 365-110-050 (State Building Code fee) shall continue in effect as follows: One dollar and fifty cents on each building permit issued by a county or a city imposed by RCW 19.27.085 shall continue in effect until repealed or modified by legislative action. Two dollars on each building permit issued by a county or city imposed by section 217(14), chapter 7, Laws of 1987 1st ex. sess., shall terminate on June 30, 1989.