

HOUSE BILL REPORT

SSB 6609

As Passed House:

March 7, 2008

Title: An act relating to specialty agricultural structures.

Brief Description: Limiting the charge for permits for specialty agricultural buildings.

Sponsors: By Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Rasmussen, Haugen, Jacobsen, Marr, Shin and Roach).

Brief History:

Committee Activity:

Local Government: 2/26/08, 2/28/08 [DP].

Floor Activity:

Passed House: 3/7/08, 94-0.

Brief Summary of Substitute Bill

- Establishes a legislative task force on agricultural structure permits.
- Specifies membership, governance, and reporting requirements for the task force.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy and Nelson.

Minority Report: Without recommendation. Signed by 1 member: Representative Schmick.

Staff: Ethan Moreno (786-7386).

Background:

The State Building Code Council (Council) was created to provide analysis and advice to the Legislature and the Governor's Office on state building code issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements by

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reviewing, developing, and modifying the code provisions that comprise the state building code (SBC). The SBC describes the powers and duties of fire code officials and building officials and must be enforced by counties and cities. Subject to statutory limitations, local governments may amend the SBC as it applies within their jurisdiction.

Summary of Bill:

A 10-member legislative task force on agricultural structure permits is established. The task force must review:

- permit costs for specialty agricultural structures in Washington and adjoining states and provinces; and
- alternative fee structures and building code requirements for agriculture structures.

The membership of the task force is as follows:

- one member from each of the two largest caucuses of the Senate, appointed by the President of the Senate;
- one member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House;
- one member representing the Council, appointed by the Governor;
- one member representing cities;
- one member representing counties; and
- three members representing statewide agricultural organizations.

The task force members representing, cities, counties, and statewide agricultural organizations are nonvoting ex officio members.

General governance provisions for the task force are specified, including requirements pertaining to chair selection, staff support, and expenses.

The task force must submit a report of findings and recommendations to the appropriate committees of the House and Senate by January 1, 2009.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill passed the Senate without opposition. This bill is about keeping Washington competitive with neighboring states. Permit costs for specialty agricultural buildings in the state can cost thousands of dollars, and this is contrary to keeping Washington

competitive. Many agricultural costs are incremental. If the Legislature keeps permit costs low, farmers will benefit.

There is precedent for establishing a flat permit fee for agricultural structures, as many jurisdictions in other states and Canada already do so. The bill will establish predictability with permit costs. The chicken industry in Washington has not expanded, partially because of permit costs for agricultural structures. If this bill is passed, farmers will add to property tax coffers with revenue from newly constructed structures.

(Opposed) This bill will impact counties. In Douglas County, a simple building with three inspections might require an inspector to drive 75 miles each way per inspection. The gasoline costs for the inspections will exceed \$75. Who will pay for the costs associated with the permits? In the case of counties, these costs will be paid from the General Fund. Seventy-five percent of county revenues are used for criminal justice costs. Establishing a maximum local fee through preemptive measures would not set good precedent.

There are specific statutory guidelines that must be followed by counties when establishing permit fees. Permit fees may not exceed the costs of issuing them. Lewis County is not opposed to assisting farmers, but the appropriate mechanism for addressing permit fees is at the local level. Current law already allows local governments to alter permit fees for agricultural buildings. Building and planning departments are strapped for money. Establishing a flat fee is inappropriate, as it does not consider construction techniques, structural complexity, and other factors.

Persons Testifying: (In support) Senator Rasmussen; Representative Skinner; Jay Gordon, Washington State Dairy Federation; and Chris Cheney, Washington Fryer Commission.

(Opposed) Eric Johnson, Washington State Association of Counties; and Bob Johnson, Lewis County.

Persons Signed In To Testify But Not Testifying: None.