

SENATE BILL REPORT

SB 5412

As of January 31, 2017

Title: An act relating to the state building code council.

Brief Description: Concerning the state building code council.

Sponsors: Senators Takko, Zeiger, Warnick and Miloscia.

Brief History:

Committee Activity: Local Government: 1/31/17.

Brief Summary of Bill

- Establishes the State Building Code Council within the Department of Enterprise Services.
- Creates a legislative taskforce on the State Building Code Council's administration and operation.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Bonnie Kim (786-7316)

Background: The State Building Code (Code) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, and the Uniform Plumbing Code Standards.

The State Building Code Council (Council) is responsible for adopting, amending, and maintaining the model codes and standards adopted by reference in the Act. Amendments to the model codes and standards adopted by the Council are codified in the Washington Administrative Code. The Council reviews updated editions of each model code and standard every three years. 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.

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 has 15 members appointed by the Governor who are, or represent:

- elected members or executives of county legislative bodies;
- mayors or elected members of city legislative bodies;
- a local government building code enforcement official;
- a local government fire service official;
- general construction, specializing in commercial and industrial building construction;
- general construction, specializing in residential and multifamily building construction;
- the architectural design profession;
- the structural engineering profession;
- the mechanical engineering profession;
- the construction building trades;
- manufacturers, installers, or suppliers of building materials and components;
- a person with a physical disability who represents the disability community; and
- the general public.

At least 6 of the 15 members must reside in Eastern Washington. Additionally, four legislative members—one member from each caucus in the Senate and House—and an employee of the electrical division of the Department of Labor and Industries serve as ex officio, nonvoting members on the Council.

Each qualified member serves a three-year term. Members who represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified. Retirement or unemployment is not a cause for termination from the Council. If a member enters employment outside of the industry he or she represents, the member must be removed from the Council.

Summary of Bill: By July 1, 2018, the Council must revise the process to review amendments to the Act to match international standards. The Council must create a procedure to approve any product or system certified under ISO 17065 for the State Building Code and State Energy Code. By November 15, 2018, the Council must report, in consultation with the Office of the Chief Information Officer, on the costs and benefits of open public access information technologies to enhance the Council's code adoption process.

The Council is established in DES. Council members appointed after the effective date of the bill to represent a specific private sector industry to maintain sufficiently similar private sector employment throughout his or her term but may not be terminated if retired or unemployed. If a member enters employment outside of the industry he or she represents or the private sector, the member must be removed from the Council.

A legislative taskforce is created on the Council's administration and operation with membership as follows:

- one member from each caucus in the Senate and House;
- two Council members representing the private sector;
- one Council member representing local government;
- one Council member representing labor interests;

- four members familiar with the Council representing local government, private sector, labor interests, and environmental interests;
- one member representing DES; and
- one member representing the Department of Commerce Energy Program.

By October 1, 2018, the taskforce must report on:

- the current structure, operations, and resources of the Council;
- the building code development process and length, including the policy and procedure, technical, and economic aspects including the public and private construction costs of review and adoption of the State Building Code;
- total resources necessary for an effective State Building Code development process, including staffing and needs;
- options for long-term, reliable funding of the Council;
- the powers, duties, and support services of DES relevant to the Council;
- Council membership, composition, and size; and
- the Council's compliance with current statutes and requirements.

The Council is added to the list of agencies required to adhere to additional requirements in the Administrative Procedures Act for significant legislative rules. However, the Council is exempted from these additional requirements when adopting an unaltered building code published by the International Code Council.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The International Code Council (ICC) is the predominant model code developer across the country. The ICC exists to have the collective best practices to integrate into the state codes. There are innovators with products that want to be recognized and ISO 17065 standard speaks to that desire.

CON: The codes we have right now work. This bill tries to create a solution to a problem that does not exist. The ISO 17065 standard does not vet products for the state of Washington. The state should review every product that is used here. We want to stay steady and stay with what we have now. There is confusion when there are alternative systems and products from model codes. The vetting of products and standards is absolutely crucial for quality assurance and quality control. The cement industry supports high performance standards and proper vetting to arrive at the best outcomes. The current codes used by contractors promote safety for our citizens. This bill fails to provide additional funding for the Council. This bill removes the Council's ability to adequately amend the ICC and other codes over which the Council has jurisdiction. Section 2(7) of this bill regarding innovation is too broad.

OTHER: The code adoption process does not work. This bill does not give ultimate rulemaking authority to DES. The ISO 17065 language is confusing because it is unclear how a product or process would get approved for use in the state. The bill as drafted is unclear as to which agency has rulemaking authority. The changes proposed would make progressive code change adoptions more difficult. Council funding if placed within DES is unclear.

Persons Testifying: PRO: Kraig Stevenson, International Code Council; Bruce Chattin, WA Aggregates & Concrete Assn.

CON: Ed Holmes, Vice-chair, Washington State Plumbers Advisory Board; Tim Herbert, WA State Assn. of Plumbers, Pipe Fitters and HVAC/R Mechanics; Gerald Scheuermann, IAPMO Group; Larry Fischer, Plumbing Heating & Cooling Assn.; Larry Stevens, Mechanical Contractors Assn. of Western WA; Tonia Neal, Masonry Institute of WA; Jeffrey Hamlett, American Institute of Architects WA Council.

OTHER: Jan Himebaugh, Building Industry Assn. of WA; Ann Larson, Dept. of Enterprise Services; Joni Bosh, NW Energy Coalition.

Persons Signed In To Testify But Not Testifying: No one.