



STATE OF WASHINGTON

**STATE BUILDING CODE COUNCIL**

**Department of General Administration**

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April 18, 2011

Senator Rodney Tom, SBCC Member  
Washington State Senator  
PO Box 40448  
Olympia, WA 98504-0448

Senator Janéa Holmquist Newbry, SBCC Member  
Washington State Senator  
PO Box 40413  
Olympia, WA 98504-0413

Dear Senators Tom and Holmquist-Newbry:

Members of the Legislative Committee of the State Building Code Council (SBCC) have reviewed the Senate's proposed budget proviso relating to the appropriation for the SBCC—Section 150(3). The committee members acknowledge the scope of the proviso and intend to comply fully with Executive Order 10-06. We encourage public participation in our meetings, and remain committed to fiscal responsibility when it comes to per diem, travel and other expenses. In that spirit, we would like to propose the following alternate language to the proviso that we believe meets these shared objectives, without creating unintended consequences and potentially greater expenses for the state and the building industry:

19           (3) The building code council account appropriation is provided  
20 solely for the operation of the state building code council as required  
21 by statute and modified by the standards established by executive order  
22 10-06. The council shall not consider any proposed code amendment or  
23 take any other action not authorized by statute or in compliance with  
24 the standards established in executive order 10-06. ~~No member of the~~  
25 ~~council may receive compensation, per diem, or reimbursement for~~

~~26 activities other than physical attendance at those meetings of the  
27 state building code council or the council's designated committees, at  
28 which the opportunity for public comment is provided generally and on  
29 all agenda items upon which the council proposes to take action.~~

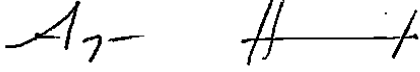
Lines 24-29 Members of the Council shall be eligible for per diem or reimbursement for regularly scheduled meetings, legally scheduled special meetings, technical advisory groups, conferences, and trainings in accordance with RCW 19.27.070(2). An opportunity for public comment will be offered during council proceedings in accordance with RCW 42.30 the Open Public Meetings Act and RCW 34.05 the Administrative Procedures Act.

The current budget proviso ties travel reimbursement to public comment on every agenda item, and does not allow reimbursement for approved member participation in relevant building code development. The unintended impacts of the proviso would include:

- Meetings, technical advisory groups and committees averaged 400 hours during calendar years 2009 and 2010. Appointed members time is volunteer except for approved travel reimbursement. Should the Council institute public comment at every agenda item, the Council would need to schedule more meeting dates to complete adoption of the codes, resulting in greater costs for each code cycle and more in reimbursement costs for member travel.
- More state and local amendments would be required due to a lack of participation in relevant code conferences and training. This would require greater investment to stay abreast of code development. In addition, meetings with legislators facilitate a better understanding of the codes and foster working relationships for final code implementation.
- SBCC members typically vote to approve a representative(s) to attend building code development meetings, to allow for economies of scale. Participation in these meetings helps the SBCC to influence the international codes when they are adopted so amendments at the Washington State level can be reduced or even omitted. This saves the state, local jurisdictions AND the building industry time and money. Reimbursement for travel to these meetings would be precluded if the proviso language is adopted.
- Increased amendments to the building codes would result in greater uncertainty in enforcement and higher costs for construction.
- Linking reimbursement to public comment would illegally preempt executive sessions. The SBCC follows Roberts Rules/Parliamentary Procedure and the Open Public Meetings Act to assure an open, orderly, fair process. This process could become a costly administrative burden on the state agency if tied to reimbursement of council members.
- If travel reimbursement isn't available membership may not be represented fairly due to cost hardship on geographically distant members.

It is my strong recommendation that we not link reimbursement with public comment, this sets a concerning precedent.

Thank you,

Two handwritten signatures in black ink. The first signature on the left is a stylized 'A' followed by a horizontal line. The second signature on the right is a stylized 'H' followed by a horizontal line.

Angie Homola  
Legislative Committee Chair  
State Building Code Council