



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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April 12, 2013

Senator Andy Hill  
Representative Ross Hunter

RE: ESSB 5034 State Operating Budget Bill  
Section 148 State Building Code Council Account

Dear Members of the Senate and the House:

Thank you for the opportunity to provide written comments on ESSB 5034, the State Operating Budget. The Washington State Building Code Council (SBCC) recognizes it is the legislature's prerogative to establish the budget which support adoption and amendment of the Building and Construction Codes for the State of Washington. The Council urges the legislature to adequately fund the SBCC so that it can meet its mandates.

The SBCC account is funded by a building permit fee of \$4.50 on each building permit issued by cities and counties, plus an additional \$2 for each additional unit in a multi-unit residential building. The SBCC account contains no general funds. The SBCC building permit fee has not changed since 1989 so the agency has been reduced over the years to just four staff, while additional mandates have increased its workload. The SBCC staff support 20 SBCC members and over 100 volunteer Technical Advisory Group (TAG) members, as well as providing assistance to the construction industry, the local enforcement agencies, the legislature and the public on matters related to the state building and life safety codes.

The Senate Budget reduces the appropriation from the SBCC account by about 30 percent, and adds a proviso on reimbursement to members that effectively prohibits SBCC members from engaging at the national policy level. The additional meeting procedures required by the Senate proviso will require more rather than less effort to carry out our ongoing charter as well as compliance with standing legislative energy mandates on record. How can the Council be expected to be more responsive to public input and provide fair-handed credible oversight of appropriate building and life safety codes for the state with fewer resources?

The Council supports the House amendments to the budget that restore the SBCC appropriation to a maintenance level. The Council requests that the clause be removed that restricts Washington's participation at national code adoption meetings (*see attached suggested amendments*). The increase in user building permit fees is to avoid a negative fund balance or an impact to the General Fund Budget and to meet the legislative mandates for the review and adoption of state building and life safety codes.

Respectfully,

Ray Allshouse  
SBCC Chair

John Chelminiak  
SBCC Legislative Committee Chair

## BACKGROUND:

In the past two years, the Council has taken a number of steps to improve its process and public outreach. Council members now access all documents via the web and they are available to the public and interested parties at the same time they are available to Council members.

All Council meetings including TAG meetings are available for participation using teleconferencing or a web based system called WebEx. At every meeting, individuals physically in the audience or connected via teleconference or WebEx are invited to comment. They are first invited to comment on items not on our agenda and then provided the opportunity to comment on each item as it comes up on our agenda. When the Council is exercising its rule-making authority, all comment letters that are part of the public record are posted on the website. The provision in the Senate budget on Council reimbursements has effectively prohibited the State Building Code Council from having a voice in the national code process. This means the Washington state's voice is not considered when codes are adopted at the national level, yet the model codes become the basis for the state code. Model code changes that we could have modified at the national level have to go through the rule-making process at the state. This process takes a minimum of 18 months to complete because of the provisions in state law and the Washington Administrative Code. There is ongoing discussion of a longer code cycle, though this might provide implementation relief to some stakeholders, however this will not eliminate the need for ongoing local code amendments, revisions, and processes and would have little, if any, effect on the increased expenses necessary for modern technology, public access, training and cost benefit studies.

In November at the end of the last code adoption cycle, State Building Code Council members initiated a discussion with stakeholders about improvements that can be made to our process. We held a teleconference on March 5, 2013 and received a number of comments directly from our stakeholders. In an attempt to hold an even more beneficial dialogue, we have scheduled an in person meeting with stakeholders and the Council's Executive Committee that will be held on May 15. We believe this process will lead to continued improvement. The Council has also taken a number of steps to improve the TAG process including changes to by laws, and changes to the make up of TAGs.

### Suggested revision to budget proviso:

(ESSB 5034 Section 148 subsection 3)

The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. ~~No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action.~~ 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. As provided in House Bill No. 1618, there is imposed a fee of five dollars and fifty cents on each building permit issued by a county or a city, plus an additional surcharge of two dollars for each residential unit, but not including the first unit, on each building containing more than one residential unit, and a fee of eight dollars for each nonresidential permit issued.