

## **Joint Administrative Rules Review Committee (JARRC)**

**Motion, State Energy Codes Work Session, December 2, 2009**

**As adopted by the Committee on: [12/2/2009](#)**

**Motion passed: 5-0-2**

### **Motion**

(Vice-Chair): I move that the Joint Administrative Rules Review Committee find that the State Building Code Council's adoption of proposed changes and amendments to the State Energy Code, Chapter 51-11 of the Washington Administrative Code, on November 20, 2009 was not done in accordance with all applicable provisions of law and that the Council failed to adequately respond to this Committee's October 14, 2009 request for additional information because :

1. The Council failed to amend the small business economic impact statement and provide the amended impact statement to this Committee prior to adoption of the rules in order to comply with all the requirements of RCW 19.85.030, and it failed to include in the amended impact statement an estimate of the number of jobs that will be created or lost and to support the amended statement with a detailed and rigorous cost analysis of the cumulative impact of all the changes; and
2. The Council failed to submit to this Committee a cost-benefit analysis prepared pursuant to RCW 34.05.328 and to provide the analysis to this Committee prior to adoption of the rules.

Based on these findings, and pursuant to RCW 34.05.640, the Committee shall take the following actions:

- Recommend that the Governor suspend adoption and implementation of the changes to the State Energy Code that were adopted by the Council on November 20, 2009;
- Provide the Committee's objections to the Governor, the Office of the Code Reviser, the appropriate standing committees of the Legislature, and the Council;
- Direct the Code Reviser to publish the Committee's objections in the State Register and Washington Administrative Code; and
- Direct Committee staff to draft legislation that would suspend the implementation of the State Building Code Council's 2009 proposed changes and amendments to Chapter 51-11 of the Washington Administrative Code (the State Energy Code) until the Legislature has been provided with the additional economic impact and cost-benefit analysis information, as requested by the Committee in its October 14, 2009 letter to

the Council, and has been given an opportunity to determine whether the additional information is sufficient to make an informed decision.

(Chair): It has been moved that the Committee find that the State Building Code Council's adoption of proposed changes and amendments to the State Energy Code on November 20, 2009 was not done in accordance with all applicable provisions of law, that the Council failed to adequately respond to this Committee's request for additional information, and that the Committee recommend suspension of the rules, provide appropriate entities with notice of our objections, cause the Code Reviser to publish our objections, and direct staff to draft legislation.

Motion passed, 5-0-2.

Roll Call:

Voting yea: Representatives Hasegawa, Kretz, Kelley, and Kristiansen; Senator McCaslin.

Voting nay: None.

Absent: None.

Excused: Senators Fraser and Kastama.