

LEGISLATIVE COMMITTEE SLAPS STATE BUILDING CODE COUNCIL

Wednesday, December 2, 2009, the Joint Administrative Rules Review Committee (JARRC), chaired by Representative Bob Hasegawa (D-Seattle), found the State Building Code Council (SBCC) failed to comply with JARRC's October 1 directive ordering the SBCC to conduct a detailed Small Business Economic Impact Statement on proposed changes to the energy code. In a strongly worded motion, JARRC unanimously voted that because of this failure, the SBCC's energy code rulemaking was not done in accordance with all applicable provisions of the law.

Before adopting new regulations, state agencies by law are required to determine the economic impacts on small businesses, estimate the number of jobs created or lost, provide a cost/benefit analysis and show what steps are being taken to reduce the impact on small businesses. The JARRC unanimously agreed in October that the SBCC had not properly completed these requirements and ordered the SBCC back to the drawing board on the Small Business Economic Impact Statement. The SBCC ignored JARRC and adopted the controversial and costly changes to the energy code.

JARRC's ruling is a stinging rebuke of the SBCC. The bi-partisan JARRC is sending a letter to Governor Gregoire asking her to suspend adoption of the energy code changes and directing legislative staff to draft a bill for the 2010 legislative session to delay the rule until a complete Small Business Economic Impact Statement is provided to the Legislature. While JARRC's authority is limited and the Governor may ignore their request, there may be legislative momentum to undo the SBCC's actions; or at least create more legislative oversight over the Governor's appointees to the Council.

Working with JARRC chair Hasegawa, Representatives Dan Kristiansen (R-Snohomish) and Joel Kretz (R-Omak) aggressively pursued this issue for months to ensure the SBCC complied with the law. Commenting on the SBCC's failure to complete a proper Small Business Economic Impact Statement, Hasegawa said, "We don't know what the consequences are of these (energy) changes."

BIAW has argued that state energy bureaucrats and the SBCC grossly underestimated the cost of the energy code changes and did not follow the law in approving those changes. BIAW builders and energy consultants have estimated the cost of the energy code changes adopted by the SBCC on November 20 will increase the cost of a new home by up to \$13,000.

BIAW thanks Representative Bruce Dammeier (R-Puyallup), who serves as an ex-officio member of the SBCC, for his help in holding the SBCC accountable for their disregard for the law. Dammeier testified at Wednesday's JARRC meeting and has tenaciously fought to ensure the SBCC follows the law in adopting the

energy code changes. BIAW also thanks BIAW members Patrick Hayes and Diane Glenn for testifying before the committee.

Currently, the new energy code is scheduled to go into effect July 1, 2010. However, the battle is not over yet. Stay tuned.