
SUBSTITUTE HOUSE BILL 1622

State of Washington

65th Legislature

2017 Regular Session

By House Local Government (originally sponsored by Representatives Senn, Springer, Tharinger, Ormsby, and Fey)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to the state building code council; amending RCW
2 19.27.015, 19.27.035, 19.27.070, 19.27.074, 19.27.085, 19.27.095, and
3 19.27A.020; reenacting and amending RCW 34.05.328; adding a new
4 section to chapter 19.27 RCW; creating a new section; and providing
5 an expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 19.27.015 and 2009 c 362 s 2 are each amended to
8 read as follows:

9 As used in this chapter:

10 (1) "Agricultural structure" means a structure designed and
11 constructed to house farm implements, hay, grain, poultry, livestock,
12 or other horticultural products. This structure may not be a place of
13 human habitation or a place of employment where agricultural products
14 are processed, treated, or packaged, nor may it be a place used by
15 the public((+)).

16 (2) "City" means a city or town((+)).

17 (3) "Commercial building permit" means a building permit issued
18 by a city or a county to construct, enlarge, alter, repair, move,
19 demolish, or change the occupancy of any building not covered by a
20 residential building permit.

1 (4) "Multifamily residential building" means common wall
2 residential buildings that consist of four or fewer units, that do
3 not exceed two stories in height, that are less than five thousand
4 square feet in area, and that have a one-hour fire-resistive
5 occupancy separation between units(~~(; and)~~).

6 (~~(4)~~) (5) "Residential building permit" means a building permit
7 issued by a city or a county to construct, enlarge, alter, repair,
8 move, demolish, or change the occupancy of any building containing
9 only dwelling units used for independent living of one or more
10 persons including permanent provisions for living, sleeping, eating,
11 cooking, and sanitation, and structures accessory to dwelling units,
12 such as detached garages and storage buildings.

13 (6) "Temporary growing structure" means a structure that has the
14 sides and roof covered with polyethylene, polyvinyl, or similar
15 flexible synthetic material and is used to provide plants with either
16 frost protection or increased heat retention.

17 **Sec. 2.** RCW 19.27.035 and 1989 c 266 s 6 are each amended to
18 read as follows:

19 The building code council shall(~~(, within one year of July 23,~~
20 ~~1989,)~~) adopt a revised process for the review of proposed statewide
21 amendments to the codes enumerated in RCW 19.27.031 by July 1, 2018,
22 and proposed or enacted local amendments to the codes enumerated in
23 RCW 19.27.031 as amended and adopted by the state building code
24 council.

25 **Sec. 3.** RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each
26 amended to read as follows:

27 There is hereby established in the department of enterprise
28 services a state building code council, to be appointed by the
29 governor.

30 (1) The state building code council shall consist of fifteen
31 members:

32 (a) Two members must be county elected legislative body members
33 or elected executives;

34 (b) Two members must be city elected legislative body members or
35 mayors;

36 (c) One member must be a local government building code
37 enforcement official;

38 (d) One member must be a local government fire service official;

1 (e) One member must be a person with a physical disability and
2 shall represent the disability community;

3 (f) One member must represent the general public; and

4 (g) Seven members must represent the private sector or
5 professional organizations as follows:

6 (i) One member shall represent general construction, specializing
7 in commercial and industrial building construction;

8 ~~((f))~~ (ii) One member shall represent general construction,
9 specializing in residential and multifamily building construction;

10 ~~((g))~~ (iii) One member shall represent the architectural design
11 profession;

12 ~~((h))~~ (iv) One member shall represent the structural
13 engineering profession;

14 ~~((i))~~ (v) One member shall represent the mechanical engineering
15 profession;

16 ~~((j))~~ (vi) One member shall represent the construction building
17 trades;

18 ~~((k))~~ (vii) One member shall represent manufacturers,
19 installers, or suppliers of building materials and components(~~(+~~

20 ~~-l) One member must be a person with a physical disability and~~
21 ~~shall represent the disability community; and~~

22 ~~(m) One member shall represent the general public)).~~

23 (2) At least six of these fifteen members shall reside east of
24 the crest of the Cascade mountains.

25 (3) The council shall include: Two members of the house of
26 representatives appointed by the speaker of the house, one from each
27 caucus; two members of the senate appointed by the president of the
28 senate, one from each caucus; and an employee of the electrical
29 division of the department of labor and industries, as ex officio,
30 nonvoting members with all other privileges and rights of membership.

31 (4)(a) Terms of office shall be for three years, or for so long
32 as the member remains qualified for the appointment.

33 (b) The council shall elect a member to serve as chair of the
34 council for one-year terms of office.

35 (c) Any member who is appointed by virtue of being an elected
36 official or holding public employment shall be removed from the
37 council if he or she ceases being such an elected official or holding
38 such public employment.

39 (d)(i) Any member who is appointed to represent a specific
40 private sector industry must maintain sufficiently similar employment

1 or circumstances throughout the term of office to remain qualified to
2 represent the specified industry. Retirement or unemployment is not
3 cause for termination. However, if a councilmember enters into
4 employment outside of the industry he or she has been appointed to
5 represent, then he or she shall be removed from the council.

6 (ii) Any member who is appointed after the effective date of this
7 section to represent a specific private sector industry must maintain
8 sufficiently similar private sector employment or circumstances
9 throughout the term of office to remain qualified to represent the
10 specified industry. Retirement or unemployment is not cause for
11 termination. However, if a councilmember appointed after the
12 effective date of this section to represent a specific private sector
13 industry enters into employment outside of the industry, or outside
14 of the private sector, he or she has been appointed to represent,
15 then he or she must be removed from the council.

16 (e) Any member who no longer qualifies for appointment under this
17 section may not vote on council actions, but may participate as an ex
18 officio, nonvoting member until a replacement member is appointed. A
19 member must notify the council staff and the governor's office within
20 thirty days of the date the member no longer qualifies for
21 appointment under this section. The governor shall appoint a
22 qualified replacement for the member within sixty days of notice.

23 (5) Before making any appointments to the building code council,
24 the governor shall seek nominations from recognized organizations
25 which represent the entities or interests identified in this section.

26 (6) Members shall not be compensated but shall receive
27 reimbursement for travel expenses in accordance with RCW 43.03.050
28 and 43.03.060.

29 ~~((The department of enterprise services shall provide~~
30 ~~administrative and clerical assistance to the building code~~
31 ~~council.))~~ For purposes of this section, a "professional
32 organization" includes an entity whose members are engaged in a
33 particular lawful vocation, occupation, or field of activity of a
34 specialized nature, including but not limited to associations,
35 boards, educational institutions, and nonprofit organizations.

36 **Sec. 4.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to
37 read as follows:

38 (1) The state building code council shall:

1 (a) Adopt and maintain the codes to which reference is made in
2 RCW 19.27.031 in a status which is consistent with the state's
3 interest as set forth in RCW 19.27.020. In maintaining these codes,
4 the council shall regularly review updated versions of the codes
5 referred to in RCW 19.27.031 and other pertinent information and
6 shall amend the codes as deemed appropriate by the council;

7 (b) Approve or deny all county or city amendments to any code
8 referred to in RCW 19.27.031 to the degree the amendments apply to
9 single-family or multifamily residential buildings;

10 (c) As required by the legislature, develop and adopt any codes
11 relating to buildings; and

12 (d) (~~Propose a~~) Approve a proposed budget for the operation of
13 the state building code council to be submitted by the department of
14 enterprise services to the office of financial management pursuant to
15 RCW 43.88.090.

16 (2) The state building code council may:

17 (a) Appoint technical advisory committees which may include
18 members of the council;

19 (b) (~~Employ permanent and temporary staff and~~) Approve
20 contracts for services; and

21 (c) Conduct research into matters relating to any code or codes
22 referred to in RCW 19.27.031 or any related matter.

23 (3) The department of enterprise services, with the advice and
24 input from the members of the building code council, shall employ
25 permanent and temporary staff and contract for services, and provide
26 all administrative and information technology services required, for
27 the building code council. Rule-making authority as authorized in
28 this chapter resides within the building code council.

29 (4)(a) All meetings of the state building code council shall be
30 open to the public under the open public meetings act, chapter 42.30
31 RCW. All actions of the state building code council which adopt or
32 amend any code of statewide applicability shall be pursuant to the
33 administrative procedure act, chapter 34.05 RCW.

34 (b) All council decisions relating to the codes enumerated in RCW
35 19.27.031 shall require approval by at least a majority of the
36 members of the council.

37 (c) All decisions to adopt or amend codes of statewide
38 application shall be made prior to December 1 of any year and shall
39 not take effect before the end of the regular legislative session in
40 the next year.

1 **Sec. 5.** RCW 19.27.085 and 1989 c 256 s 1 are each amended to
2 read as follows:

3 (1) There is hereby created the building code council account in
4 the state treasury. Moneys deposited into the account shall be used
5 by the building code council, after appropriation, to perform the
6 purposes of the council.

7 (2) All moneys collected under subsection (3) of this section
8 shall be deposited into the building code council account. Every four
9 years the state treasurer shall report to the legislature on the
10 balances in the account so that the legislature may adjust the
11 charges imposed under subsection (3) of this section.

12 (3) There is imposed a fee of (~~four~~) five dollars and fifty
13 cents on each residential building permit and a fee of ten dollars
14 for each commercial building permit, issued by a county or a city,
15 plus an additional surcharge of two dollars for each residential
16 unit, but not including the first unit, on each building containing
17 more than one residential unit. Quarterly each county and city shall
18 remit moneys collected under this section to the state treasury;
19 however, no remittance is required until a minimum of fifty dollars
20 has accumulated pursuant to this subsection.

21 **Sec. 6.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to
22 read as follows:

23 (1) A valid and fully complete building permit application for a
24 structure, that is permitted under the zoning or other land use
25 control ordinances in effect on the date of the application shall be
26 considered under the building permit ordinance in effect at the time
27 of application, and the zoning or other land use control ordinances
28 in effect on the date of application. Architectural and engineering
29 designs in building permit applications and through construction are
30 controlled by codes and ordinances in effect on the date of
31 application.

32 (2) The requirements for a fully completed application shall be
33 defined by local ordinance but for any construction project costing
34 more than five thousand dollars the application shall include, at a
35 minimum:

36 (a) The legal description, or the tax parcel number assigned
37 pursuant to RCW 84.40.160, and the street address if available, and
38 may include any other identification of the construction site by the
39 prime contractor;

1 (b) The property owner's name, address, and phone number;

2 (c) The prime contractor's business name, address, phone number,
3 current state contractor registration number; and

4 (d) Either:

5 (i) The name, address, and phone number of the office of the
6 lender administering the interim construction financing, if any; or

7 (ii) The name and address of the firm that has issued a payment
8 bond, if any, on behalf of the prime contractor for the protection of
9 the owner, if the bond is for an amount not less than fifty percent
10 of the total amount of the construction project.

11 (3) The information required on the building permit application
12 by subsection (2)(a) through (d) of this section shall be set forth
13 on the building permit document which is issued to the owner, and on
14 the inspection record card which shall be posted at the construction
15 site.

16 (4) The information required by subsection (2) of this section
17 and information supplied by the applicant after the permit is issued
18 under subsection (5) of this section shall be kept on record in the
19 office where building permits are issued and made available to any
20 person on request. If a copy is requested, a reasonable charge may be
21 made.

22 (5) If any of the information required by subsection (2)(d) of
23 this section is not available at the time the application is
24 submitted, the applicant shall so state and the application shall be
25 processed forthwith and the permit issued as if the information had
26 been supplied, and the lack of the information shall not cause the
27 application to be deemed incomplete for the purposes of vesting under
28 subsection (1) of this section. However, the applicant shall provide
29 the remaining information as soon as the applicant can reasonably
30 obtain such information.

31 (6) The limitations imposed by this section shall not restrict
32 conditions imposed under chapter 43.21C RCW.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.27
34 RCW to read as follows:

35 The building code council in consultation with the office of the
36 chief information officer shall assess the costs and benefits of the
37 potential acquisition and implementation of open public access
38 information technologies to enhance the council's code adoption

1 process and report back to the appropriate committees of the
2 legislature by November 15, 2018.

3 NEW SECTION. **Sec. 8.** (1)(a) A legislative task force on the
4 state building code council's administration and operations is
5 established, with members as provided in this subsection.

6 (i) The president of the senate shall appoint one member from
7 each of the two largest caucuses of the senate.

8 (ii) The speaker of the house of representatives shall appoint
9 one member from each of the two largest caucuses of the house of
10 representatives.

11 (iii) The president of the senate and the speaker of the house of
12 representatives shall appoint the following eight members:

13 (A) Two current members of the building code council representing
14 the private sector;

15 (B) One current member of the building code council representing
16 local government;

17 (C) One current member of the building code council representing
18 labor interests; and

19 (D) Four members who regularly work with the council, each
20 representing one of the following: Local government, private sector
21 interests, labor interests, and environmental interests.

22 (iv) The director of the department of enterprise services shall
23 appoint one member from the department of enterprise services and one
24 member from the department of commerce energy program.

25 (b) The task force shall choose its chair from among its
26 legislative membership. The legislative members of the task force
27 shall convene the initial meeting of the task force.

28 (2) The task force shall review and provide recommendations on
29 the following issues:

30 (a) The current structure, operations, and resources of the
31 council;

32 (b) The building code development process and length, including
33 the policy and procedure, technical, and economic aspects including
34 the public and private construction costs of review and adoption of
35 the state building code;

36 (c) Total resources necessary for an effective state building
37 code development process, including staffing and needs;

38 (d) Options for long-term, reliable funding of the council;

1 (e) The powers, duties, and support services of the department of
2 enterprise services relevant to the council;

3 (f) Council membership, composition, and size; and

4 (g) The council's compliance with current statutes and
5 requirements.

6 (3) Staff support for the task force must be provided by senate
7 committee services and the office of program research.

8 (4) Legislative members of the task force are reimbursed for
9 travel expenses in accordance with RCW 44.04.120. Nonlegislative
10 members are not entitled to be reimbursed for travel expenses if they
11 are elected officials or are participating on behalf of an employer,
12 governmental entity, or other organization. Any reimbursement for
13 other nonlegislative members is subject to chapter 43.03 RCW.

14 (5) The expenses of the task force must be paid jointly by the
15 senate and the house of representatives. Task force expenditures are
16 subject to the approval of the senate facilities and operations
17 committee and the house of representatives executive rules committee,
18 or their successor committees.

19 (6) The task force shall report its findings and recommendations
20 to the appropriate committees of the legislature by December 1, 2018.

21 (7) This section expires December 1, 2018.

22 **Sec. 9.** RCW 19.27A.020 and 2015 c 11 s 3 are each amended to
23 read as follows:

24 (1) The state building code council in the department of
25 enterprise services shall adopt rules to be known as the Washington
26 state energy code as part of the state building code.

27 (2) The council shall follow the legislature's standards set
28 forth in this section to adopt rules to be known as the Washington
29 state energy code. The Washington state energy code shall be designed
30 to:

31 (a) Construct increasingly energy efficient homes and buildings
32 that help achieve the broader goal of building zero fossil-fuel
33 greenhouse gas emission homes and buildings by the year 2031;

34 (b) Require new buildings to meet a certain level of energy
35 efficiency, but allow flexibility in building design, construction,
36 and heating equipment efficiencies within that framework; and

37 (c) Allow space heating equipment efficiency to offset or
38 substitute for building envelope thermal performance.

1 (3) The Washington state energy code shall take into account
2 regional climatic conditions. One climate zone includes: Adams,
3 Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield,
4 Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille,
5 Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima
6 counties. The other climate zone includes all other counties not
7 listed in this subsection (3). The assignment of a county to a
8 climate zone may not be changed by adoption of a model code or rule.
9 Nothing in this section prohibits the council from adopting the same
10 rules or standards for each climate zone.

11 (4) The Washington state energy code for residential buildings
12 shall be the 2006 edition of the Washington state energy code, or as
13 amended by rule by the council.

14 (5) The minimum state energy code for new nonresidential
15 buildings shall be the Washington state energy code, 2006 edition, or
16 as amended by the council by rule.

17 (6)(a) Except as provided in (b) of this subsection, the
18 Washington state energy code for residential structures shall preempt
19 the residential energy code of each city, town, and county in the
20 state of Washington.

21 (b) The state energy code for residential structures does not
22 preempt a city, town, or county's energy code for residential
23 structures which exceeds the requirements of the state energy code
24 and which was adopted by the city, town, or county prior to March 1,
25 1990. Such cities, towns, or counties may not subsequently amend
26 their energy code for residential structures to exceed the
27 requirements adopted prior to March 1, 1990.

28 (7) The state building code council shall consult with the
29 department of enterprise services as provided in RCW 34.05.310 prior
30 to publication of proposed rules. The director of the department of
31 enterprise services shall recommend to the state building code
32 council any changes necessary to conform the proposed rules to the
33 requirements of this section.

34 (8) The state building code council shall evaluate and consider
35 adoption of the international energy conservation code in Washington
36 state in place of the existing state energy code.

37 (9) The definitions in RCW 19.27A.140 apply throughout this
38 section.

1 **Sec. 10.** RCW 34.05.328 and 2011 c 298 s 21 and 2011 c 149 s 1
2 are each reenacted and amended to read as follows:

3 (1) Before adopting a rule described in subsection (5) of this
4 section, an agency must:

5 (a) Clearly state in detail the general goals and specific
6 objectives of the statute that the rule implements;

7 (b) Determine that the rule is needed to achieve the general
8 goals and specific objectives stated under (a) of this subsection,
9 and analyze alternatives to rule making and the consequences of not
10 adopting the rule;

11 (c) Provide notification in the notice of proposed rule making
12 under RCW 34.05.320 that a preliminary cost-benefit analysis is
13 available. The preliminary cost-benefit analysis must fulfill the
14 requirements of the cost-benefit analysis under (d) of this
15 subsection. If the agency files a supplemental notice under RCW
16 34.05.340, the supplemental notice must include notification that a
17 revised preliminary cost-benefit analysis is available. A final cost-
18 benefit analysis must be available when the rule is adopted under RCW
19 34.05.360;

20 (d) Determine that the probable benefits of the rule are greater
21 than its probable costs, taking into account both the qualitative and
22 quantitative benefits and costs and the specific directives of the
23 statute being implemented;

24 (e) Determine, after considering alternative versions of the rule
25 and the analysis required under (b), (c), and (d) of this subsection,
26 that the rule being adopted is the least burdensome alternative for
27 those required to comply with it that will achieve the general goals
28 and specific objectives stated under (a) of this subsection;

29 (f) Determine that the rule does not require those to whom it
30 applies to take an action that violates requirements of another
31 federal or state law;

32 (g) Determine that the rule does not impose more stringent
33 performance requirements on private entities than on public entities
34 unless required to do so by federal or state law;

35 (h) Determine if the rule differs from any federal regulation or
36 statute applicable to the same activity or subject matter and, if so,
37 determine that the difference is justified by the following:

38 (i) A state statute that explicitly allows the agency to differ
39 from federal standards; or

1 (ii) Substantial evidence that the difference is necessary to
2 achieve the general goals and specific objectives stated under (a) of
3 this subsection; and

4 (i) Coordinate the rule, to the maximum extent practicable, with
5 other federal, state, and local laws applicable to the same activity
6 or subject matter.

7 (2) In making its determinations pursuant to subsection (1)(b)
8 through (h) of this section, the agency must place in the rule-making
9 file documentation of sufficient quantity and quality so as to
10 persuade a reasonable person that the determinations are justified.

11 (3) Before adopting rules described in subsection (5) of this
12 section, an agency must place in the rule-making file a rule
13 implementation plan for rules filed under each adopting order. The
14 plan must describe how the agency intends to:

15 (a) Implement and enforce the rule, including a description of
16 the resources the agency intends to use;

17 (b) Inform and educate affected persons about the rule;

18 (c) Promote and assist voluntary compliance; and

19 (d) Evaluate whether the rule achieves the purpose for which it
20 was adopted, including, to the maximum extent practicable, the use of
21 interim milestones to assess progress and the use of objectively
22 measurable outcomes.

23 (4) After adopting a rule described in subsection (5) of this
24 section regulating the same activity or subject matter as another
25 provision of federal or state law, an agency must do all of the
26 following:

27 (a) Coordinate implementation and enforcement of the rule with
28 the other federal and state entities regulating the same activity or
29 subject matter by making every effort to do one or more of the
30 following:

31 (i) Deferring to the other entity;

32 (ii) Designating a lead agency; or

33 (iii) Entering into an agreement with the other entities
34 specifying how the agency and entities will coordinate implementation
35 and enforcement.

36 If the agency is unable to comply with this subsection (4)(a),
37 the agency must report to the legislature pursuant to (b) of this
38 subsection;

39 (b) Report to the joint administrative rules review committee:

1 (i) The existence of any overlap or duplication of other federal
2 or state laws, any differences from federal law, and any known
3 overlap, duplication, or conflict with local laws; and

4 (ii) Make recommendations for any legislation that may be
5 necessary to eliminate or mitigate any adverse effects of such
6 overlap, duplication, or difference.

7 (5)(a) Except as provided in (b) of this subsection, this section
8 applies to:

9 (i) Significant legislative rules of the departments of ecology,
10 labor and industries, health, revenue, social and health services,
11 and natural resources, the employment security department, the forest
12 practices board, the office of the insurance commissioner, the state
13 building code council, and to the legislative rules of the department
14 of fish and wildlife implementing chapter 77.55 RCW; and

15 (ii) Any rule of any agency, if this section is voluntarily made
16 applicable to the rule by the agency, or is made applicable to the
17 rule by a majority vote of the joint administrative rules review
18 committee within forty-five days of receiving the notice of proposed
19 rule making under RCW 34.05.320.

20 (b) This section does not apply to:

21 (i) Emergency rules adopted under RCW 34.05.350;

22 (ii) Rules relating only to internal governmental operations that
23 are not subject to violation by a nongovernment party;

24 (iii) Rules adopting or incorporating by reference without
25 material change federal statutes or regulations, Washington state
26 statutes, rules of other Washington state agencies, shoreline master
27 programs other than those programs governing shorelines of statewide
28 significance, or, as referenced by Washington state law, national
29 consensus codes that generally establish industry standards, if the
30 material adopted or incorporated regulates the same subject matter
31 and conduct as the adopting or incorporating rule;

32 (iv) Rules that only correct typographical errors, make address
33 or name changes, or clarify language of a rule without changing its
34 effect;

35 (v) Rules the content of which is explicitly and specifically
36 dictated by statute;

37 (vi) Rules that set or adjust fees under the authority of RCW
38 19.02.075 or that set or adjust fees or rates pursuant to legislative
39 standards, including fees set or adjusted under the authority of RCW
40 19.80.045;

1 (vii) Rules of the department of social and health services
2 relating only to client medical or financial eligibility and rules
3 concerning liability for care of dependents; or

4 (viii) Rules of the department of revenue that adopt a uniform
5 expiration date for reseller permits as authorized in RCW 82.32.780
6 and 82.32.783.

7 (c) For purposes of this subsection:

8 (i) A "procedural rule" is a rule that adopts, amends, or repeals
9 (A) any procedure, practice, or requirement relating to any agency
10 hearings; (B) any filing or related process requirement for making
11 application to an agency for a license or permit; or (C) any policy
12 statement pertaining to the consistent internal operations of an
13 agency.

14 (ii) An "interpretive rule" is a rule, the violation of which
15 does not subject a person to a penalty or sanction, that sets forth
16 the agency's interpretation of statutory provisions it administers.

17 (iii) A "significant legislative rule" is a rule other than a
18 procedural or interpretive rule that (A) adopts substantive
19 provisions of law pursuant to delegated legislative authority, the
20 violation of which subjects a violator of such rule to a penalty or
21 sanction; (B) establishes, alters, or revokes any qualification or
22 standard for the issuance, suspension, or revocation of a license or
23 permit; or (C) adopts a new, or makes significant amendments to, a
24 policy or regulatory program.

25 (d) In the notice of proposed rule making under RCW 34.05.320, an
26 agency must state whether this section applies to the proposed rule
27 pursuant to (a)(i) of this subsection, or if the agency will apply
28 this section voluntarily.

29 (6) By January 31, 1996, and by January 31st of each even-
30 numbered year thereafter, the office of regulatory assistance, after
31 consulting with state agencies, counties, and cities, and business,
32 labor, and environmental organizations, must report to the governor
33 and the legislature regarding the effects of this section on the
34 regulatory system in this state. The report must document:

35 (a) The rules proposed to which this section applied and to the
36 extent possible, how compliance with this section affected the
37 substance of the rule, if any, that the agency ultimately adopted;

38 (b) The costs incurred by state agencies in complying with this
39 section;

1 (c) Any legal action maintained based upon the alleged failure of
2 any agency to comply with this section, the costs to the state of
3 such action, and the result;
4 (d) The extent to which this section has adversely affected the
5 capacity of agencies to fulfill their legislatively prescribed
6 mission;
7 (e) The extent to which this section has improved the
8 acceptability of state rules to those regulated; and
9 (f) Any other information considered by the office of financial
10 management to be useful in evaluating the effect of this section.

--- END ---