

SENATE BILL REPORT

SB 6268

As of January 12, 2010

Title: An act relating to the administrative procedure act.

Brief Description: Concerning the administrative procedure act.

Sponsors: Senators Franklin, Hargrove, Carrell and Regala.

Brief History:

Committee Activity: Judiciary: 1/13/10.

SENATE COMMITTEE ON JUDICIARY

Staff: Kim Johnson (786-7472)

Background: The Administrative Procedure Act (APA) details procedures that state agencies are required to follow when adopting rules.

Under the APA, the order of adoption of a rule adopted by an agency must include: the date the rule was adopted; concise statement of purpose; a reference to all rules repealed, amended, or suspended by the rule; a reference to the specific statutory authority for the adoption of the rule; any findings required by law as a precondition to the adoption of the rule; and the effective date of the rule if the date is other than the statutory prescribed standard.

Currently, the APA does not require that the adoption of a rule be by an affirmative vote of the majority of the entire membership of a body. The APA also does not require agencies, boards, and commissions to post meeting materials on the Internet prior to a meeting.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The order of adoption of a rule must include the number of votes for and against the adoption.

Adoption of a rule requires an affirmative vote of all members of a body that has the legal authority to adopt an agency's rules. Ex officio members who are state legislators may not vote on the adoption of a rule and may not be considered when counting a majority of the members of the body to determine the necessary votes to adopt a rule.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

All materials made available to boards and commissions in notebooks prepared by agencies for meetings must be posted electronically on the agency website at least two days in advance of the meeting.

Appropriation: None.

Fiscal Note: Requested on November 24, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.