
Local Government Committee

BILL ANALYSIS HB 2392

TITLE OF THE BILL: Creating the joint task force on local governments.

Brief Summary of Bill:

- Creates a 27-member joint task force including members of the Legislature, Governor's appointees (including citizens), and local government representatives.
- Requires the joint task force to submit an interim report by January 1, 2001, and a final report by January 1, 2002.
- Suspends all state agency rulemaking or programmatic activities that create new costs for local governments unless the rule or activity is fully funded by the Legislature until March 30, 2002.
- Requires all state agencies to issue findings that a rule or activity does not create new costs for local governments in order to proceed with the rule or activity until March 30, 2002.
- Includes an emergency clause and an expiration date.

SPONSORS: Doumit, Mulliken, Scott, Mielke, Miloscia, Hatfield, Fortunato, Fisher, Kenney, and Edwards.

HEARING DATE: Thursday, January 20, 2000.

EFFECTIVE DATE: The bill contains an emergency clause and takes effect immediately.

FISCAL NOTE: Requested January 13, 2000.

ANALYSIS PREPARED BY: Scott MacColl (786-7106).

BACKGROUND:

Local government revenues are reduced due to the passage of Initiative 695, which repealed the Motor Vehicle Excise Tax (MVET). Certain local governments formerly received revenue in the form of Sales Tax Equalization, which was funded through MVET receipts.

State agency rule making is authorized in Chapter 43.17 RCW, in which departments are authorized to prescribe rules and regulations. These rules and regulations may require local governments to provide some action in response to new or updated rules.

Administrative agencies are created by the Legislature and have only the authority given to them by the Legislature. Administrative agency powers may be expressly stated in statute or may be implied from statutorily mandated duties. An administrative agency authorized or required to take some action has the implied authority to take those actions that are lawful and necessary to carry out the granted authority or to satisfy the statutory requirement. This "implied authority" of state agencies can be limited by constitutional or statutory conditions or restrictions.

Administrative agencies may be granted statutory authority to promulgate "rules," defined generally by the Administrative Procedure Act (APA) to include any agency orders, directives or regulations of general applicability that may impose penalties or sanctions, establish standards or qualifications, or relate to benefits conferred by law. Agency rules may also specify procedures for agency actions or hearings. The APA includes statutory procedural requirements for promulgation of agency rules, including public notice and opportunity to comment.

SUMMARY:

A joint legislative task force is created to study the funding and delivery of local government services. The task force commences on July 1, 2000 and is to report interim findings and recommendations during the 2001 session, and have a final report and proposed legislation prepared for the 2002 session. The task force is to complete a thorough study of the delivery of government services and the allotment of revenues.

The task force is made up of twenty seven members, eight each from the House and Senate, five appointed by the Governor, two from the Association of Washington Cities, two from the Washington State Association of Counties, and two members from the Washington Association of County Officials.

State Agencies are restricted from proposing or adopting a rule or engaging in programmatic activity that will create new costs for local governments until March 30, 2002, unless the rule is fully funded by the legislature. In order to proceed with any rules or programmatic activity, a state agency must issue a finding that determines that no new costs are created for local governments. The determinations must be made available to the public in both print and electronic format.

For the purposes of this bill, local governments are defined as towns, cities and counties. Also, costs are defined as expenses related to implementation or response to the agency rule making or activity, which include review, technical assistance, planning, administration, legislative, implementation, litigation, enforcement, or rule-making expense.