

# HOUSE BILL REPORT

## HB 1375

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### As Reported by House Committee On:

State Government

**Title:** An act relating to reauthorizing the expedited rule adoption process.

**Brief Description:** Reauthorizing the expedited rule adoption process.

**Sponsors:** Representatives Miloscia and Cox; by request of Governor Locke.

### Brief History:

#### Committee Activity:

State Government: 2/16/01, 2/26/01 [DPS].

#### Brief Summary of Substitute Bill

- Reauthorizes agencies to adopt rules under the expedited rule adoption process.
- The expedited repeal process and the expedited rule adoption process are consolidated into one expedited rule making section.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh, Lambert, McDermott and D. Schmidt.

**Staff:** Catherine Blinn (786-7114).

### Background:

The expedited rule adoption procedures expired December 31, 2000. An agency could adopt a rule under an expedited process if the proposed rule: (1) related to internal governmental operations; (2) adopted or incorporated a federal or Washington statute, rule, or regulation; (3) corrected typographical errors; (4) updated addresses or names; (5) clarified rule language; (6) was the subject of negotiated rule making or another process that involved participation by interested parties; or (7) was being amended following a significant legislative rule analysis. An agency was required to follow the

standard rule making requirements, but was not required to: prepare a small business economic impact statement; indicate whether the rule constituted a significant legislative rule; prepare a significant legislative rule analysis; or prepare a statement of inquiry. The agency was also not required to conduct public hearings. The agency was required to notify the public of the use of the expedited rule adoption process and how to object. If a party did properly object within 45 days, the agency was required to proceed under the standard rule adoption process. If there were no objections, the agency could adopt and publish the rule without further notice or a public hearing.

An agency may repeal a rule under the expedited repeal process if the statute on which the rule is based has been repealed or declared unconstitutional, if the rule is no longer necessary, or if the rule has become redundant. The agency must notify the public that the rule is proposed for expedited repeal and how to object. If a party does properly object within 30 days, the agency may proceed under the standard repeal process. If there are no objections, the agency may repeal the rule without further notice or a public hearing.

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**Summary of Substitute Bill:**

The expedited rule adoption process that expired December 31, 2000 is reauthorized. The expedited repeal process and the expedited rule adoption process are consolidated into one expedited rule making section, allowing for more consistent language. The time period for objecting to an expedited repeal of a rule changes from 30 days to 45 days.

**Substitute Bill Compared to Original Bill:**

For purposes of the section, the term "expedited rule making" includes both the expedited adoption and the expedited repeal of rules.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** (Original bill) The expedited rule adoption process was enacted as part of regulatory reform in the mid 1990s and the process worked. Intense rule analysis should not apply to minor, technical changes. Agencies must update their rules regularly, and without an expedited rule making process, that task become difficult. The expiration of the expedited rule making procedures have become an obstacle in agencies' efforts to remain accurate and up-to-date. The Department of Revenue adopted a significant

number of rules through the expedited process, many of which were based on statutory changes. The expedited process saves agencies and the public time, resources, and money, and generally makes government more efficient.

(In support with concerns, original bill) The expedited repeal process should not be held up because of a single objection.

**Testimony Against:** None.

**Testified:** (Original bill) Fred Hellberg, Governor's Office; Cliff Ellenwood, Department of Revenue; and Marie Myerchin-Redifer, Department of Social and Health Services.

(In support with concerns, original bill) Amber Balch, Association of Washington Business.