

SENATE BILL REPORT

SHB 2051

As Reported By Senate Committee On:
State & Local Government, March 26, 2001

Title: An act relating to rule-making procedures.

Brief Description: Revising rule-making procedures.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Roach, Quall, Bush, G. Chandler, Hatfield, McMorris, Grant, Kessler and Woods).

Brief History:

Committee Activity: State & Local Government: 3/22/01, 3/26/01 [DP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Gardner, Hale, Horn, McCaslin, T. Sheldon and Swecker.

Staff: Diane Smith (786-7410)

Background: Significant legislative rules are rules that:

- adopt substantive provisions of law, the violation of which results in penalties or sanctions;
- affect the issuance, suspension, or revocation of a license or permit; or
- make significant changes to regulatory programs.

The significant legislative rules of certain agencies are subject to additional procedural requirements in their adoption. Other agencies may also voluntarily subject their rules to these requirements, or may have the requirements imposed on them by the Joint Administrative Rules Review Committee. The additional requirements include making certain determinations before adopting the rule, including a determination:

- that the rule is needed to achieve the goals of the statute the rule purports to implement;
- that the rule would not force persons to violate other state or federal laws;
- that the rule does not require more stringent requirements on private entities than are imposed on public entities;
- that the rule is the least burdensome alternative available;
- of whether the rule differs from any federal requirements on the subject; and
- of whether the benefits of the rule are greater than the costs.

Before adopting significant legislative rules, the agency must file an implementation plan. The plan must detail how the agency plans to implement and enforce the rule, inform the

public about the rule, promote and assist voluntary compliance, and evaluate the effectiveness of the rule.

Summary of Bill: For rules subject to the significant legislative rules process, the notice of rule-making for the rule must contain a statement describing the methodology to be used in the analysis of the probable costs and benefits of the rule, or that a preliminary analysis is available upon request.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This will help business to comply with agency rules. It will familiarize businesses with new rules right before implementation rather than years previously. The agency and the public will have the benefit of comments on the methodology used to analyze new rules as the process of rule adoption takes place.

Testimony Against: None.

Testified: PRO: Carolyn Logue, NFIB; Amber Balch, AWB; Gary Smith, IBA.