

SENATE BILL REPORT

SB 6275

As of January 27, 2004

Title: An act relating to a finding of necessity for administrative rules.

Brief Description: Requiring a finding of necessity for significant legislative rules by state agencies.

Sponsors: Senators Morton, Mulliken, Roach and Stevens.

Brief History:

Committee Activity: Government Operations & Elections: 1/28/04.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Diane Smith (786-7410)

Background: The Administrative Procedure Act (APA) requires all rules that meet the definition of a significant legislative rule of the departments of Ecology, Labor and Industries, Health, Revenue, Social and Health Services, Natural Resources, the Employment Security Department, the Forest Practices Board, the Office of the Insurance Commissioner, and certain of the legislative rules of the Department of Fish and Wildlife, be subjected to an extensive analysis before adoption. A significant legislative rule adopts substantive provisions of law, the violation of which subjects the violator to penalty or sanction; establishes or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or adopts a new policy or regulatory program.

Part of the extensive analysis required for significant legislative rules is a finding by the agency that the rule is needed to achieve the general goals and specific objectives of the statute the rule implements.

Summary of Bill: Before filing a notice of proposed rule adoption, the agency seeking to propose adoption of a significant legislative rule must adopt a finding of necessity and supporting findings of fact and conclusions of law. The process for adopting a finding of necessity begins with filing of a notice of intent. The notice of intent establishes a public comment period of 30 to 60 days from the date of filing the notice of intent and includes at least four public hearings equally divided east to west around the state.

Proposed findings of necessity must be filed by June 1 of each year. The final findings of necessity must be filed by September 15 of each year.

Adoption of a finding of necessity may be appealed to superior court. A ruling that the process for adoption of a finding of necessity was not complied with renders the rule null and void.

Appropriation: None.

Fiscal Note: Requested on January 27, 2004.

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