

1 **2SHB 2510** - H AMD 1084 ADOPTED 02/15/94

2 By Representative Pruitt and R. Meyers

3 On page 4, beginning on line 1, strike all of new section 4
4 and insert the following:

5 "NEW SECTION. **Sec. 4.** A new section is added to chapter
6 34.05 RCW to read as follows:

7 (1) Before adopting a rule, an agency shall evaluate:

8 (a) The need for the rule;

9 (b) Whether the likely benefits of the rule justify its
10 likely costs;

11 (c) The economic and environmental consequences of adopting
12 the rule or failing to adopt the rule, including the agency's
13 compliance with chapters 19.85, 43.21C, and 43.21H RCW;

14 (d) Whether alternative rule language or alternatives to
15 adopting the rule, including the no action alternative, may
16 achieve the same purpose at less cost;

17 (e) Whether any conflict, overlap, or duplication with any
18 other provision of federal or state law is reasonably justified;

19 (f) Whether any differences between the proposed rule and
20 rules adopted by the federal government on the same subject are
21 reasonably justified, the costs and benefits that may result from
22 such differences, and the statutory authority for the rule; and

23 (g) Whether any differences in the applicability of the rule
24 to public and private entities are reasonably justified.

25 (2) The agency shall prepare a written description of the
26 evaluations required under subsection (1) of this section. The
27 description shall be part of the official rule-making file for
28 the rule.

29 (3) Within a reasonable period of time after adopting rules,
30 an agency shall have a plan to evaluate whether rules filed under

1 each adopting order achieve the purpose for which they were
2 adopted.

3 (4) Agency evaluations under subsection (1) of this section
4 and the requirements of subsections (2) and (3) of this section
5 are subject to the full scope of judicial review authorized in
6 RCW 34.05.570(2)(c)."

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EFFECT: The criteria in section 4 are modified. Agencies are required to evaluate whether likely benefits justify likely costs. Differences between the proposed rule and federal rules must be reasonably justified and statutory authority must be cited. Any conflict, overlap or duplication with other laws must be reasonably justified. Differences in applicability to public and private entities must be reasonably justified. Agencies are required to have plans to measure the effectiveness of rules. The limitation on judicial review is removed.