

SENATE BILL REPORT

SB 6430

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, FEBRUARY 3, 1994

Brief Description: Requiring agency coordination and public participation in the rule-making process.

SPONSORS: Senators Ludwig, Loveland, Bluechel, M. Rasmussen, Hargrove, Oke and Anderson

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Deccio, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sellar, Sutherland, Vognild and Wojahn.

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 2, 1994; February 3, 1994

BACKGROUND:

The state Administrative Procedure Act (APA) imposes certain procedural and substantive requirements on state agencies in their adoption of administrative rules.

There is concern that the existing APA requirements are insufficient to foster meaningful public participation in the rule-making process, and to encourage federal, state, and local jurisdictions to coordinate their regulatory activities.

SUMMARY:

Prior to proposing a rule, an agency must prepare a statement of intent describing the reasons for the rule and the process under which the rule will be developed. Agencies are encouraged to use negotiated rule-making and pilot rule-making to generate input from interested parties.

Prior to adopting a rule, an agency must conduct an analysis to determine if other federal, state, and local entities regulate the same activity. If so, agencies are authorized to enter into interagency agreements with these entities designating a lead agency to coordinate regulatory activities and make final decisions.

If an interagency agreement is not achieved within six months, or a regulatory conflict or overlap still exists despite the agreement, the agencies must suspend further action on the rule and notify the Governor and the Legislature of the impasse.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

Effective public participation in the rule-making process is essential. One of the most often heard concerns about administrative rules is that they conflict or overlap with existing laws. This bill provides a mechanism to deal with such conflict and overlap.

TESTIMONY AGAINST: None

TESTIFIED: Senator Ludwig, prime sponsor