

FINAL BILL REPORT

SHB 1375

C 25 L 01

Synopsis as Enacted

Brief Description: Reauthorizing the expedited rule adoption process.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Miloscia and Cox; by request of Governor Locke).

House Committee on State Government
Senate Committee on State & Local Government

Background:

Before adopting a rule, state agencies must follow specified procedures detailed in the Administrative Procedure Act (APA), including publishing notice in the state register and holding a hearing. Prior to December 31, 2000, the APA allowed an agency to 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. The expedited rule-making process expired December 31, 2000.

An agency may repeal a rule under an expedited repeal process if the statute on which the rule is based has been repealed or declared unconstitutional, if the rule is no longer necessary, or if the rule has become redundant.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 that objections may be filed. If a party properly objects 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.

Summary:

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 is changed from 30 days to 45 days.

Votes on Final Passage:

House 94 0

Senate 49 0

Effective: July 22, 2001