
State Government Committee

HB 2716

Brief Description: Requiring cost and benefit assessments early in the rule-making process.

Sponsors: Representatives Roach, Upthegrove, Romero, Morell, Mulliken, Woods and Pflug.

Brief Summary of Bill

- Requires agencies to list in the notice of rulemaking the method that will be used to analyze the costs and benefits of a significant legislative rule, or to indicate that a preliminary analysis is available upon request.

Hearing Date: 2/1/02

Staff: Catherine Blinn (786-7114).

Background:

A significant legislative rule is a rule that:

- Adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which will result in a penalty or sanction;
- Affects a qualification or standard for the issuance, suspension, or revocation of a license or permit; or
- Adopts new, or makes significant changes to, policy or regulatory programs.

Significant legislative rules of the following agencies are subject to some additional procedural requirements in their adoption: the Department of Ecology, the Department of Labor and Industries, the Department of Health, the Department of Revenue, the Department of Social and Health Services, the Natural Resources Board, the Department of Employment Security, the Forest Practices Appeals Board, the Insurance Commissioner, and the Department of Fish and Wildlife. Other agencies may voluntarily subject their rules to these requirements, or may have the requirements imposed 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 that the rule purports to implement;
- A determination that the rule would not force persons to violate other state or federal

- laws;
- A determination that the rule does not require more stringent requirements on private entities than are imposed on public entities;
- A determination that the rule is the least burdensome alternative available;
- A determination of whether the rule differs from federal requirements on the subject; and
- A determination of whether the probable benefits of the rule outweigh the probable 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 with the rule, and evaluate the effectiveness of the rule.

Summary of Bill:

For rules subject to the significant legislative rules process, the notice of rulemaking must contain a statement describing the method that will be used to analyze the probable costs and benefits of the rule, or must indicate that a preliminary analysis of the probable costs and benefits is available upon request.

Rulemaking Authority: No express authority.

Appropriation: None.

Fiscal Note: Not Requested.

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