

SENATE BILL REPORT

HB 2716

As of February 26, 2002

Title: An act relating to requiring cost and benefit assessments early in the rule-making process.

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

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

Brief History:

Committee Activity: State & Local Government: 2/27/02.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Staff: Diane Smith (786-7410)

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 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 additional procedural requirements: 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 Board of Natural Resources, 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 the following determinations before adoption of the rule:

- that the rule is necessary to achieve the goals of the statute the rule purports to implement;
- that the rule would not force persons to violate other state or federal laws;
- that the rule does not require more stringent requirements on private entities than are imposed on public entities;
- that the rule is the least burdensome alternative available;
- whether the rule differs from federal requirements on the subject; and
- whether the probable benefits of the rule outweigh the probable costs.

Before adopting significant legislative rules, an 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 is 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.

Appropriation: None.

Fiscal Note: Not requested.

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