

SENATE BILL REPORT

SB 5403

As Reported By Senate Committee On:
State & Local Government, February 8, 2001

Title: An act relating to reauthorizing the expedited rule adoption process.

Brief Description: Reauthorizing the expedited rule adoption process.

Sponsors: Senators Patterson and Haugen; by request of Governor Locke.

Brief History:

Committee Activity: State & Local Government: 1/31/01, 2/8/01 [DPS].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, Roach and T. Sheldon.

Staff: Diane Smith (786-7410)

Background: Expedited rule adoption is an administrative procedure instituted in 1998 to permit a state agency to adopt a rule without preparing a small business economic impact statement; without preparing a statement whether the rule is a significant legislative rule; without preparing a significant legislative rule analysis or a statement of inquiry; and without conducting a rule-making hearing.

The rules eligible for expedited adoption must meet any one of six criteria that include the performance upon it of other analyses required by statute, or that the rule itself meet criteria establishing its minor impact upon persons, given the context of other laws upon the subject of the rule.

The agency must publish prominently a notice that states the consequences of expedited rule-making and the right to object to the use of the expedited rule-making process. If no one objects, the agency may adopt the rule. If there is an objection, the agency may proceed further with regular rule-making proceedings. The statutory authority for expedited rule adoption expired December 31, 2000.

Expedited repeal of an administrative rule may also occur under certain circumstances. The rule must meet one of four criteria including repeal or unconstitutionality of the authorizing statute; changed circumstances making the rule unnecessary; or redundancy of the rule. A statement of the right of any person to object to the expedited repeal must be part of the agency's notice of its proposed action. No statement of a reason for an objection is required. If an objection is made and not withdrawn, the agency must follow the same rule-making procedures as for expedited adoption to which an objection has been made.

The Code Reviser must publish the rules proposed both for expedited adoption and repeal.

Summary of Substitute Bill: Agency authority for expedited rule adoption is re-enacted. The procedure required for expedited rule adoption is made applicable to expedited rule repeal.

The criteria for rules qualifying for expedited adoption and repeal are retained.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that the term "rule-making" means both adoption and repeal for purposes of this section.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The expedited rule adoption and repeal processes were adopted along with regulatory reform. They facilitated the trend to make rules more user-friendly and eased the burden of the Governor's executive order for agencies' updating of internal references, addresses, and other housekeeping changes.

Testimony Against: None.

Testified: Bill Camerer, WSDOT (pro); Rebecca Deardorff, UW (pro); Euan Jacoby, Fish & Wildlife (pro); Fred Hellberg, Governor's Office (pro); Gary Reid, Code Reviser's Office; Cliff Ellenwood, Dept. of Revenue (pro); Marie Myerchin Redifa, DSHS (pro); Rene Ewing, Governor's Office (pro).