

SENATE BILL REPORT

ESB 6564

As Passed Senate, February 27, 2002

Title: An act relating to significant legislative rules.

Brief Description: Delaying the effect of significant legislative rules.

Sponsors: Senators Hale, Rasmussen, Hewitt, Haugen, Oke, T. Sheldon, Honeyford, Morton, Sheahan, Zarelli, Deccio, Rossi, Horn, Benton, Hochstatter, Swecker, McCaslin, West and Parlette.

Brief History:

Committee Activity: State & Local Government: 1/30/02.

Passed Senate: 2/27/02, 31-16.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Staff: Diane Smith (786-7410)

Background: Under the Administrative Procedure Act (APA), an agency's rule that is a "significant legislative rule," either by meeting the statutory definition or by being treated as such voluntarily by the agency, must undergo extensive analysis before its adoption.

A significant legislative rule is one that carries a penalty for its violation, impacts licensing or permitting, or adopts new policy.

Even though otherwise significant, the extensive analysis is only required for rules of the departments, boards and offices of Ecology, Labor and Industries, Health, Revenue, Social and Health Services, Natural Resources, Employment Security, Forest Practices Board, Insurance Commissioner, and certain legislative rules of Fish and Wildlife.

The primary institutional means for providing notice to the public of the agencies' rule-making activities is the Washington Administrative Code that is published by the Code Reviser in the Washington State Register. Persons interested in receiving only copies of rule-making activity that is of interest to them may request them from the relevant agency's rules coordinator. There are some sections of the Administrative Procedure Act that state that all persons who request a rule-making document from an agency shall be provided with one.

All rules proposed by an agency must either provide a Small Business Economic Impact Statement (SBEIS) or provide an explanation why the SBEIS was not prepared. The SBEIS process requires the agency to provide notice of a proposed rule to small business either by direct notification to known interested small businesses or trade organizations or by notification to relevant trade journals.

Summary of Bill: Significant legislative rules to which the extensive pre-adoption analysis applies must be adopted before December 1 of any year and may not take effect before the end of the next regular legislative session.

For newly effective significant legislative rules, agencies must make a good faith effort to notify businesses affected by the rule of the rule's requirements and how the business can get help with complying. This requirement applies up to 200 days after the rule's effective date.

Appropriation: None.

Fiscal Note: Not requested.

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