

SENATE BILL REPORT

ESB 5256

As Passed Senate, February 11, 2003

Title: An act relating to rule-making procedures.

Brief Description: Revising rule-making procedures.

Sponsors: Senators Roach, Doumit, Hale, Kastama, Mulliken, T. Sheldon, Haugen, Hewitt, Stevens, Zarelli, Parlette, Horn, Rossi and Johnson.

Brief History:

Committee Activity: Government Operations & Elections: 1/22/03 [DP, DNP].
Passed Senate: 2/11/03, 48-1.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Minority Report: Do not pass.

Signed by Senators Fairley, Kastama and Reardon.

Staff: Diane Smith (786-7410)

Background: When an agency first proposes to adopt a rule, it must determine whether the proposed rule is a significant legislative rule that requires the significant legislative rule-making analysis.

Significant legislative rules are rules that do one of the following: adopt substantive provisions of law, the violation of which results in penalties or sanctions; affect the issuance, suspension, or revocation of a license or permit; or make significant changes to regulatory programs.

The significant legislative rules of certain agencies are subject to the additional procedural requirement in their adoption called the significant legislative rule-making analysis. One of these additional analyses is whether the benefits of the rule are greater than the costs.

Summary of Bill: For rules subject to the significant legislative rules process, the notice of proposed rule-making must contain a statement that a preliminary cost-benefit analysis is available. If an agency files a supplemental notice of rule-making, a revised preliminary cost-benefit analysis must be available. When the rule is adopted, a final cost-benefit analysis must be available.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Requiring the agency's cost/benefit methodology to be revealed early in the rule-making process reinforces current legislative intent. The Legislature wants meaningful public participation.

Testimony Against: None.

Testified: PRO: Carol Jolly, Governor's Office; Amber Balch, Farm Bureau; Susan M. Hahn; Steven R. Stillwell, Bracy & Thomas P. S. Corp.; Carolyn Logue, NFIB.