

# SENATE BILL REPORT

## HB 1112

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As Reported by Senate Committee On:  
Natural Resources & Parks, March 21, 2013

**Title:** An act relating to standards for the use of science to support public policy.

**Brief Description:** Concerning standards for the use of science to support public policy.

**Sponsors:** Representatives Short, Upthegrove, Springer, Pollet, Taylor, Zeiger and Wilcox.

**Brief History:** Passed House: 3/06/13, 97-0.

**Committee Activity:** Natural Resources & Parks: 3/21/13 [DP].

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** Do pass.

Signed by Senators Pearson, Chair; Smith, Vice Chair; Rolfes, Ranking Member; Kline and Parlette.

**Staff:** Curt Gavigan (786-7437)

**Background:** Department of Fish and Wildlife (DFW). DFW serves as a manager of the state's fish and wildlife resources. Among other duties, DFW must preserve, protect, perpetuate, and manage fish and wildlife, including establishing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

Public Records Index. State agencies must maintain a system of indexing certain records including orders that include analysis of importance to the agency's duties and interpretative or policy statements. An agency may rely on or invoke a public record only if it has been indexed as available to the public or if the agency provides notice to affected parties.

In general, the term public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function.

Significant Legislative Rules. The Administrative Procedure Act (APA) details requirements that must be satisfied in order for an agency to adopt a significant legislative rule. A significant legislative rule is one that:

- adopts substantive provisions of law, the violation of which subjects the violator to a penalty or sanction;

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- establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or
- adopts a new policy or regulatory program, or makes significant amendments to a policy or regulatory program.

Examples of the requirements for adoption of a significant legislative rule include a cost/benefit analysis, a determination of whether the rule imposes more stringent requirements on private entities than on public entities, and a determination of whether the rule differs from federal regulations and law.

**Summary of Bill:** DFW must identify the sources of information reviewed and relied on before taking a significant agency action. This includes identification of any peer-reviewed literature or other sources of information used. The DFW internet site must include the index of records relied upon or invoked in support of a proposal for significant agency action.

The term significant agency action, that serves to trigger this requirement, means an act of DFW that results in:

- a significant legislative rule under the APA;
- technical guidance, assessments, or documents use to support implementation of a rule or statute; or
- the development of fish and wildlife recovery plans.

Hunting and fishing rules and actions relating to individual permitting, compliance, or enforcement decisions are exempt.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill adds transparency to scientific information and resources, allowing the general public easier access to this research on the worldwide web. This information should be readily accessible as it serves to justify important decision making in Washington State.

**Persons Testifying:** PRO: Representative Short, prime sponsor; Erik Neatherlin, DFW; Jack Field, WA Cattlemen's Assn.; Tom Davis, WA Farm Bureau.