

SENATE BILL REPORT

SB 5571

As of February 10, 1995

Title: An act relating to conflicting rules.

Brief Description: Providing for review of conflicting rules.

Sponsors: Senators Hochstatter, Owen, McCaslin, Schow, Deccio, Moyer, Oke, Swecker, Strannigan, Hale, Johnson, Long, Wood, Morton, West, Palmer, McDonald and Roach.

Brief History:

Committee Activity: Government Operations: 2/15/95, 2/16/95.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Diane Smith (786-7410)

Background: A procedure exists for a person to request agency adjudication review of any matter within an agency's jurisdiction. The agency's grant of review is discretionary except in cases required by law or constitutional right.

Summary of Bill: When a request for adjudication review alleges that a rule conflicts with an existing state, federal or local rule, the agency must commence an adjudication proceeding. The presiding officer for this adjudication review proceeding must be an administrative law judge assigned by the Office of Administrative Hearings.

The administrative law judge's decision is a final order. It is not subject to change by the agency, and any appeal of the order by the agency or the applicant must be made in superior court.

If the final order includes a finding that an administrative rule conflicts with an existing state, federal or local rule, the rule and the conflicting rule are suspended if the conflicting rule is adopted by a state agency.

Appropriation: None.

Fiscal Note: Not requested.

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