

SENATE BILL REPORT

SB 6131

AS OF JANUARY 18, 1994

Brief Description: Limiting certain agencies rule-making authority.

SPONSORS: Senators Anderson, Amondson, McDonald, Morton, Bluechel, Erwin, Hochstatter, L. Smith, Oke, Moyer, Sellar, Schow, Prince, Winsley, Roach, Ludwig, McAuliffe, Cantu and Haugen

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Jonathan Seib (786-7427)

Hearing Dates: January 19, 1994

BACKGROUND:

The enabling statutes of many state agencies grant those agencies general authority to adopt administrative rules. Typically, the language used will authorize rules "necessary or appropriate to carry out the provisions of this act," or "necessary or desirable to carry out the duties imposed by the legislature." There is concern that some agencies have misused these general grants of authority, without further legislative guidance or authorization, to regulate certain matters in ways that the Legislature never intended.

SUMMARY:

The general rulemaking authority of the following departments is stricken: Department of Health, Department of Revenue, Department of Ecology, Department of Labor and Industries, Department of Licensing, Employment Security Department and Wildlife Commission.

These departments are explicitly authorized to adopt administrative rules or policy statements only: (1) as specifically required by federal law; or (2) if specifically authorized, and to the extent specifically authorized, by the state Legislature.

Appropriation: none

Revenue: none

Fiscal Note: requested January 17, 1994