
State Government Committee

HB 2781

Brief Description: Requiring gubernatorial approval of all agency rules.

Sponsors: Representatives Holmquist, Clements, McMorris, Mulliken, Chandler, Boldt, Nixon, Anderson, Lisk, Morell, Schoesler, Pflug, Benson, Woods and Pearson.

Brief Summary of Bill
<ul style="list-style-type: none">The final adoption of an administrative rule requires the signature of the Governor.

Hearing Date: 2/26/02

Staff: Catherine Blinn (786-7114).

Background:

Most state agencies must follow the administrative rule making procedures contained in the Administrative Procedures Act (APA) to adopt rules. A "rule" is an agency order, directive or regulation of general applicability

- the violation of which subjects a person to a penalty or administrative sanction;
- which establishes, alters, or revokes any procedure, practice, or requirement relating to an agency hearing;
- which establishes, alters, or revokes any qualification or requirement relating to a benefit or privilege conferred by law;
- which establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license for any commercial activity, trade, or profession;
- or
- which establishes, alters, or revokes any mandatory standard for a product or material which must be met before distribution or sale.

Not included in the definition of a rule are:

- statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;
- declaratory rulings or orders issued by an agency;
- traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the Department of Transportation; and
- rules of institutions of higher education involving standards of admission, academic

advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes.

An order of adoption is the official written statement by which an agency adopts, amends, or repeals a rule after the rule making process is complete. An order of adoption must contain the date that the agency adopted the rule, the purpose of the rule, a reference to the other rules repealed, amended or suspended by the rule, a reference to the specific statutory or other authority authorizing the rule, any findings required as a precondition to adoption or effectiveness of the rule, and the effective date of the rule.

Summary of Bill:

In addition to the date that the agency adopted the rule, the purpose of the rule, a reference to the other rules repealed, amended or suspended by the rule, the specific authority authorizing the rule, any findings required for the adoption or effectiveness of the rule, and the effective date, an order of adoption must also include the signature of the Governor.

Rulemaking Authority: No express authority.

Appropriation: None.

Fiscal Note: Not Requested.

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