

*State Government Committee*

**HJR 4210**

**Brief Description:** *Giving the legislature Constitutional power to invalidate executive branch rules.*

**Sponsors:** *Representatives Lambert, Mulliken, Casada, Roach, G. Chandler, Sump, Schindler, Schoesler, Woods and Talcott.*

**Brief Summary of Bill**

- *Allows the legislature to invalidate agency rules by resolution.*

**Hearing Date:** *2/19/01*

**Staff:** *Jim Morishima (786-7191).*

**Background:**

*To become a state law, a bill must first garner a majority vote in both the House of Representatives and the Senate. The Governor may then veto all or a section of the bill within a certain period of time (five days or 20 days, depending on whether the Legislature is still in session). If the Governor does nothing, the bill becomes a law. If the Governor vetoes the bill (or any section thereof), the Legislature may override the veto by 2/3 vote of both houses.*

*The executive branch is responsible for implementing state laws. As part of this responsibility, the agencies in the executive branch pass administrative rules. In order to be valid, agency rules:*

- *Must not exceed the amount of authority delegated to the agency by the Legislature;*
- *Must comply with both the federal and state constitutions;*
- *Must not be arbitrary and capricious; and*
- *Must have been adopted in accordance with the law.*

**Summary of Bill:**

*The Legislature may adopt a resolution invalidating any agency rule that is inconsistent with legislative intent or exceeds the authority of the agency. The resolution must contain the legislature's findings and becomes effective 90 days after adjournment of the session in which it was adopted. The Legislature may not invalidate agency actions that are quasi-judicial in nature, rules concerning only the internal management of agencies, rules adopted to comply with federal law, or emergency rules. Resolutions invalidating agency rules are not subject to gubernatorial veto.*

***Rulemaking Authority:*** *No express authority.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Not Requested.*