

HOUSE BILL REPORT

HB 2380

As Passed House:

February 12, 2004

Title: An act relating to the governor's signature on significant legislative rules.

Brief Description: Requiring the governor's signature on significant legislative rules.

Sponsors: By Representatives Grant, Armstrong, Upthegrove, Schoesler, Linville, Nixon, Ruderman, Hunter, Woods and Orcutt.

Brief History:

Committee Activity:

State Government: 2/3/04 [DP].

Floor Activity:

Passed House: 2/12/04, 88-8.

Brief Summary of Bill

- Requires the Governor to sign all significant legislative rules adopted by agencies under his authority.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon, Tom and Wallace.

Minority Report: Without recommendation. Signed by 2 members: Representatives Hunt and McDermott.

Staff: Katie Blinn (786-7114).

Background:

The Administrative Procedure Act (APA) details certain 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;
- 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.

Significant legislative rules do not include emergency rules, procedural rules, interpretative rules, or rules adopted through expedited rulemaking. 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. The following agencies must satisfy the APA requirements in order to adopt a significant legislative rule:

- The Department of Ecology;
- The Department of Labor and Industries;
- The Department of Health;
- The Department of Revenue;
- The Department of Social and Health Services;
- The Department of Natural Resources;
- The Employment Security Department;
- The Forest Practices Board;
- The Office of the Insurance Commissioner; and
- The Department of Fish and Wildlife.

The final order by which any rule is adopted by an agency must contain the date the agency adopted the rule, a concise description of the purpose of the rule, a reference to all rules repealed, amended or suspended by the rule, a reference to the specific authority, statutory or otherwise, authorizing the agency to adopt the rule, any findings required for adoption of the rule, and the effective date.

Summary of Bill:

For significant legislative rules adopted by agencies under the authority of the Governor, the final order of adoption must also include the Governor's signature.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: When legislators pass bills, they must sign their name to the passed legislation. When the Governor's agencies pass rules, the Governor should have to do the same.

Testimony Against: None.

(With concerns) The Governor's Office would have to conduct an independent review and analysis of each rule passed, which would have a significant workload and fiscal impact. Agency directors or management are already required to sign the rulemaking documents.

Persons Testifying: (In support) Representative Grant, prime sponsor.

(With concerns) Claire Hesselhoft, Office of the Governor.

Persons Signed In To Testify But Not Testifying: None.