
State Government Committee

SB 5052

Brief Description: Delaying the effect of significant legislative rules.

Sponsors: Senators Hale, T. Sheldon, Hewitt, Johnson, Sheahan and Oke.

Brief Summary of Bill

- Significant legislative rules must be adopted before December 1 of each year and will not take effect until after the next regular legislative session.

Hearing Date: 3/27/03

Staff: Marsha Reilly (786-7135).

Background:

A significant legislative rule is a rule that: 1) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which will result in a penalty or sanction; 2) establishes, alters, or revokes the issuance, suspension, or revocation of a license or permit; or 3) adopts a new, or makes significant amendments to, a policy or regulatory program.

The departments of Ecology, Labor and Industries, Health, Revenue, Social and Health Services, and Natural Resources, the Employment Security Department, the Forest Practices Board, the Office of the Insurance Commissioner, and the Department of Fish and Wildlife are subject to additional requirements when adopting significant rules. It must be determined that:

- the rule is needed to achieve statutory goals;
- probable benefits are greater than probable costs;
- the rule is the least burdensome alternative for those required to comply that will achieve the statutory objectives;
- the rule does not conflict with federal or state law;
- the rule does not treat public and private entities differently, unless required by law to do so; and
- any differences from federal law are justified by explicit statutory authorization or to meet statutory objectives.

Before adopting significant legislative rules, an agency must file an implementation plan.

The plan must detail how the agency plans to implement and enforce the rule, how the public will be informed about the rule, how the agency will promote and assist voluntary compliance with the rule, and how the agency will evaluate the effectiveness of the rule.

Summary of Bill:

Significant legislative rules must be adopted before December 1 of each year and will not take effect until after the next regular legislative session.

Appropriation: None.

Fiscal Note: Requested on March 21, 2003.

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