
State Government Committee

ESB 5257

Brief Description: Requiring gubernatorial approval of certain legislative rules.

Sponsors: Senators Roach, Doumit, Hale, Mulliken, T. Sheldon, Hewitt, Stevens, Parlette, Horn, Rossi, Benton, Johnson, Rasmussen and Esser.

<p>Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">• Requires the Governor to sign all significant legislative rules adopted by agencies that have agency heads appointed by the Governor.

Hearing Date: 2/19/04

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the date the agency adopted the rule, a concise description of the purpose of the rule, a reference to all rules repealed, amended or suspended by the rule, a reference to the specific authority, statutory or otherwise, authorizing the agency to adopt the rule, any findings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 that have an agency head appointed by the Governor, the final order of adoption must also include the Governor's signature.

Appropriation: None.

Fiscal Note: Requested on February 12, 2004.

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