
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 style="text-align: center;">Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">· Requires the final order of adoption for significant legislative rules to include the Governor's signature if the head of the agency is appointed by the Governor.
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Hearing Date: 3/20/03

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:

- 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 requirements for significant legislative rules apply to the following agencies:

- 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- a reference to all rules repealed, amended or suspended by the rule;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 of the rule.

Summary of Bill:

The final order of adoption for a significant legislative rule must include the signature of the Governor if the head of the agency is appointed by the Governor.

Appropriation: None.

Fiscal Note: Available for HB 1531.

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