

SENATE BILL REPORT

HB 1531

As Reported By Senate Committee On:
Government Operations & Elections, April 2, 2003
Ways & Means, April 7, 2003

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: Representatives Grant, Holmquist, Kessler, Buck, Linville, Haigh, Ruderman, Armstrong, O'Brien, Miloscia, Lovick, Newhouse, Morris, Gombosky, Hatfield, Chandler, Veloria, McMahan, Quall, Schindler, Blake, Shabro, Talcott, Clibborn, Schual-Berke, Bush, Schoesler, Upthegrove, Hinkle, Condotta, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander.

Brief History:

Committee Activity: Government Operations & Elections: 3/28/03, 4/2/03 [DP-WM].
Ways & Means: 4/7/03 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Staff: Diane Smith (786-7410)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.
Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette and Sheahan.

Minority Report: Do not pass.
Signed by Senators Fairley and B. Sheldon.

Staff: Steve Jones (786-7440)

Background: Prior to adoption, a notice of a proposed state administrative rule is published in the Washington State Register. This notice states the agency personnel responsible for drafting, implementing and enforcing the rule, as well as the name of the entity proposing the rule.

When a hearing is held prior to the adoption of the rule, the agency head or an officer designated by the agency head presides at this rule-making hearing. This presiding official,

when not the agency head, must prepare a memorandum summarizing the presentations made at the rule-making hearing for consideration by the agency head.

When an agency adopts a rule under the Administrative Procedure Act (APA), the agency issues an order of adoption. This order is not required to contain the signature of the Governor.

A significant legislative rule invokes a penalty or sanction; materially affects eligibility for a license or permit; or creates a new program. Significant legislative rules do not include emergency rules, procedural rules, interpretative rules, or rules adopted through expedited rule-making.

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: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is revenue-neutral because the Governor should already know what rules are going into effect, especially the ones that are high profile.

Testimony Against: This bill will be expensive because it requires more than the Governor's awareness of rules, but rather his independent analysis. He cannot act in an arbitrary and capricious manner because of legal constraints. This bill will delay the rule-making process and undermine the public input on agency rules.

Testified: Amber Balch, AWB (pro); Gary Smith, Ind. Bus. Assn. (pro); Carol Jolly, Governor's Office (con).