

SENATE BILL REPORT

ESB 5257

As Passed Senate, January 19, 2004

Title: An act relating to administrative rule adoption procedures.

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.

Brief History:

Committee Activity: Government Operations & Elections: 1/22/03 [DP, DNP].
Passed Senate: 2/11/03, 41-8; 1/19/04, 34-13.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Minority Report: Do not pass.

Signed by Senators Fairley, Kastama and Reardon.

Staff: Diane Smith (786-7410)

Background: Prior to adoption, a notice of proposed 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 bill 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.

Summary of Bill: The order of adoption issued by an agency, the head of which is appointed by the Governor, adopting a significant legislative rule under the APA must contain 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 causes a shift in how we do business in this state and balances out the playing field.

Testimony Against: The Governor cannot independently review all rules without additional staff. The bill increases red tape and would mean the end of hunting and fishing as we know it.

Testified: PRO: Amber Balch, Dan Fazio, AWB, WA Farm Bureau; Susan M. Hahn, Middle Fork Enterprises; Steven R. Stillwell, Bracy & Thomas, P.S. Corp.; Carolyn Logue, NFIB; CON: Carol Jolly, Governor's Office.