
**State Government & Tribal Affairs
Committee**

HB 1341

Brief Description: Making changes to rule adoption requirements.

Sponsors: Representatives Taylor, Shea, Short, DeBolt, Kristiansen, Ross, Haler, Johnson, Warnick, McCune, Condotta, Angel, Klippert, Hinkle, Dammeier, Schmick, Bailey and Smith.

Brief Summary of Bill

- Requires that an agency's adoption of a significant legislative rule be completed by December 1 of any given year.
- Establishes that a significant legislative rule must be signed by the Governor and may not take effect before the end of the regular legislative session following agency adoption.

Hearing Date: 2/14/11

Staff: Thamas Osborn (786-7129).

Background:

Rulemaking under the Administrative Procedure Act.

The Administrative Procedure Act (APA) details 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.

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Significant legislative rules do not include emergency rules, procedural rules, interpretative rules, or rules adopted through expedited rule-making. 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- a reference to all rules repealed, amended or suspended by the rule;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:

Under the APA, the adoption of a significant legislative rule by a specified agency must be made before December 1 of any given year. Such rules must then be signed by the Governor and may not take effect before the end of the following regular legislative session. The agencies subject to these rule adoption requirements are:

- 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.

Appropriation: None.

Fiscal Note: Not requested.

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