

SENATE BILL REPORT

SB 6464

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 2, 2012

Title: An act relating to significant legislative rules.

Brief Description: Requiring the governor to sign certain significant legislative rules.

Sponsors: Senators Holmquist Newbry, Schoesler, Hewitt, Hobbs, Fain, Padden, Honeyford, Becker, King, Roach and Parlette.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/02/12 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase and Nelson.

Staff: Sam Thompson (786-7413)

Background: Certain state agencies proposing to adopt "significant legislative rules" must provide analysis beyond that required for other proposed administrative rules. A significant legislative rule is a rule other than a procedural or interpretive rule that:

- adopts substantive law pursuant to delegated legislative authority, violation of which subjects a violator to a penalty or sanction;
- establishes, alters, or revokes licensing or permitting standards; or
- adopts a new or significantly amended policy or regulatory program.

For proposed significant legislative rules, agencies must conduct certain cost benefit analysis and determine whether they impose more stringent requirements on private entities than public entities or differ from federal law or regulations. Agencies subject to these requirements include the Forest Practices Board, Office of the Insurance Commissioner, and the departments of Ecology, Labor & Industries, Health, Revenue, Social & Health Services, Natural Resources, Employment Security, and Fish & Wildlife.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Agency orders adopting any administrative rules must include several elements, including a reference to the specific authority authorizing the agency to adopt the rule. The Governor is not required to sign an agency order adopting an administrative rule.

In 2003 the Legislature approved a bill requiring the Governor to sign an agency order adopting an administrative rule if the rule qualified as a significant legislative rule of an agency under the Governor's authority. Governor Locke vetoed the bill.

Summary of Bill: An agency order adopting an administrative rule must be signed by the Governor if the rule qualifies as a significant legislative rule of an agency under the Governor's authority.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill promotes transparency and accountability. It would apply to an estimated 100 new or revised rules every year.

Persons Testifying: PRO: Senator Holmquist Newbry, prime sponsor; Mark Johnson, WA Retail Assn.; Gary Smith, Independent Business Assn.