
State Government Committee

HB 1204

Brief Description: Limiting the enforcement of policies of the department of ecology.

Sponsors: Representatives Scott, Shea, Taylor, Short, Holy, Manweller, Buys, Griffey, Condotta and Young.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires Department of Ecology polices to be codified in the administrative code and ratified by the Legislature before they may be enforced.

Hearing Date: 2/10/15

Staff: Sean Flynn (786-7124).

Background:

Department of Ecology.

The Department of Ecology (Department) was created in 1970 to integrate the management of state environmental and natural resource policies. The Department has authority to manage water and air quality regulations, pollution control, solid and hazardous wastes, and shoreline protection.

The Director of the Department has authority to adopt rules and regulations to carry out the Department's authority. However, the Director does not have authority to adopt rules based solely on the intent, purpose, or enabling sections of a statute.

The Director's rulemaking power is subject to review under the Administrative Procedure Act (APA). The APA requires agencies to follow certain procedural requirements when proposing and adopting rules of general applicability regarding licensing, regulations, and other agency actions. The APA also requires the Department to follow specific procedures when developing a significant rule applied to water quality, shorelines, or environmental assistance programs,

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including the identification and publication of the sources of information relied upon by the Department in making such rules.

In 2013 the Legislature directed the Department to review its existing rules on a five-year cycle with the goal of simplifying regulatory procedures and reducing the burdens and costs of regulatory compliance. The Department was also directed to apply sunset provisions to rules when applicable.

The Joint Administrative Rules Review Committee.

The Joint Administrative Rules Review Committee (JARRC) is a bipartisan committee that provides legislative review of proposed and existing agency rules. The JARRC may review whether: a rule fits within the legislative intent of the authorizing statute; a rule was adopted in accordance with the law; or a policy, guideline or interpretative statement is being applied by an agency as a rule. The JARRC may recommend that the Governor suspend a rule or that the Legislature repeal or amend the applicable authorizing statute if it finds that a rule is not in compliance with the law.

Summary of Bill:

After July 1, 2015, no policy of the Department is enforceable unless and until the policy has been adopted pursuant to the APA, codified in the Washington Administrative Code, and ratified by the Legislature.

Appropriation: Requested.

Fiscal Note: Not requested.

Effective Date: July 1, 2015.