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## State Government Committee

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### HB 2311

**Brief Description:** Concerning the validity of administrative rules.

**Sponsors:** Representatives Blake, Scott, Hargrove, Hurst, McCaslin, Griffey, Rodne, Manweller, Buys, Holy, Zeiger, Condotta, Vick and Van Werven.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Requires any state agency policy to be adopted pursuant to the Administrative Procedures Act before it can be enforced.</li></ul>
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**Hearing Date:** 1/26/16

**Staff:** Sean Flynn (786-7124).

**Background:**

Administrative Procedures Act.

*Rule-Making.* The Administrative Procedures Act (APA) requires agencies to follow certain procedural requirements when proposing and adopting rules of general applicability regarding licensing, regulations, and other agency actions. Rules must be filed with the Office of the Code Reviser and published in the Washington State Register.

The rule-making requirements apply to any state department, board, commission, or officer with rule-making authority. The legislative and judicial branches are exempt from the APA requirements. The governor's office, the attorney general, and certain executive agency activities are also exempt.

The types of rules that are subject to the formal rule-making process include general orders, directives, and regulations regarding: violations that impose sanctions; agency hearing procedures; qualifications and requirements for benefits or privileges; licensing qualifications and standards; and mandatory standards for products and materials for distribution or sale.

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*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.*

A rule does not include: statements regarding internal management issues; declarations issued in response to public petitions; certain traffic restrictions; higher education rules regarding student admission, academics, employment relations, and fiscal processes; or certain rules by the Department of Revenue regarding excise taxes.

*Policy Statements.* Agencies are encouraged to issue policy statements to advise the public on their current approaches, practices, or procedures used to implement a statute, court decision, or agency order. Policy statements are not subject to formal rule-making procedures, and are only advisory, though a person may request the conversion of a policy statement into a rule. Policy statements issued by an agency must be published in the Washington State Register.

**Summary of Bill:**

An agency may not enforce any of its policies unless the policy has been adopted pursuant to the APA and filed with the Code Reviser.

**Appropriation:** None.

**Fiscal Note:** Requested on 01/13/16.

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