

SENATE BILL REPORT

SB 5368

As Reported by Senate Committee On:
Government Operations & Security, February 19, 2015

Title: An act relating to limiting the enforcement of administrative rules and policies.

Brief Description: Limiting the enforcement of administrative rules and policies.

Sponsors: Senators Padden, Becker, Bailey, Warnick, Honeyford, Pearson and Roach.

Brief History:

Committee Activity: Government Operations & Security: 2/02/15, 2/19/15 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Dansel.

Minority Report: Do not pass.

Signed by Senators Lias, Ranking Minority Member; Habib and McCoy.

Staff: Curt Gavigan (786-7437)

Background: The Administrative Procedure Act (APA) establishes the general procedures for agency rulemaking and adjudicatory proceedings. Under the APA, a rule includes an agency order, directive, or regulation of general applicability that:

- could result in a penalty or sanction;
- establishes a process for agency hearings;
- addresses qualifications or requirements relating to benefits or privileges conferred by law; and
- addresses qualifications or standards for commercial activity or professional licenses professions.

In order to adopt a rule, the APA generally requires that an agency:

- have the statutory authority to adopt the rule;
- provide public notice of the proposed rulemaking; and
- provide an opportunity for the public to comment on the proposed rules, both in writing and at a hearing.

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.

Summary of Bill: After July 1, 2015, a state agency may not enforce a rule or policy until it has been adopted under the APA, codified in the state's administrative code, and ratified by an act of the Legislature.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2015.

Staff Summary of Public Testimony: PRO: Passing a bill is not the end of the process, as agency rules and enforcement are still in play. The goal is to make sure the Legislature has a say in rulemaking, and provide an opportunity for it to declare when something does not meet its intent. This would provide needed oversight of agency rule and policymaking.

Persons Testifying: PRO: Senator Padden, prime sponsor.

Signed In, Unable to Testify & Submitted Written Testimony: PRO: Cindy Alia, Citizens Alliance for Property Rights.