
Government Accountability & Oversight Committee

SB 5641

Brief Description: Requiring the governor's signature on significant legislative rules.

Sponsors: Senators Bailey, Carrell and Pearson.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires that the order of a state agency adopting a significant legislative rule must be signed by the governor if either the head or the governing body of such agency is appointed by the governor.
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Hearing Date: 4/2/13

Staff: Thamas Osborn (786-7129).

Background:

The Administrative Procedure Act (APA) details requirements that must be satisfied in order for certain state agencies 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.

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

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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:

- Department of Ecology;
- Department of Labor and Industries;
- Department of Health;
- Department of Revenue;
- Department of Social and Health Services;
- Department of Natural Resources;
- Employment Security Department;
- Forest Practices Board;
- Office of the Insurance Commissioner; and
- 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- a reference to all rules repealed, amended or suspended by the rule;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:

The order of a state agency adopting a significant legislative rule must be signed by the governor if either the head or the governing body of such agency is appointed by the governor.

Appropriation: None.

Fiscal Note: Available.

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