

FINAL BILL REPORT

ESB 5744

FULL VETO

As Passed Legislature

Brief Description: Extending the time for legislative review of agency rules.

Sponsors: Senators Hale, Anderson, Haugen, Deccio, West and Oke.

Senate Committee on Government Operations

Senate Committee on Ways & Means

House Committee on Government Reform & Land Use

Background: The Regulatory Reform Act of 1995 requires the Departments of Ecology, Labor and Industries, Health, Revenue, Natural Resources, and Employment Security, the Forest Practices Board, the Office of Insurance Commissioner and the Department of Fish and Wildlife, in some circumstances, to subject significant nonemergency legislative rules to an extensive analysis prior to their adoption. This analysis includes consideration of the consequences of not adopting the rule, a cost-benefit analysis for the rule and the alternatives to the rule, comparison of the rule to existing federal and state law to check for differences and comparison of the performance requirements of the rule to ensure they are not more stringent on private entities than on public entities.

Any rule of any agency is also subject to the significant legislative rule-making requirement if made subject thereto by the Joint Administrative Rules Review Committee (JARRC) within 45 days of JARRC's receipt of the notice of proposed rule-making.

Selective legislative review of existing and proposed agency rules is conducted by JARRC. The committee determines whether an existing rule is not within the intent of the Legislature, whether a rule has not been adopted in accordance with all provisions of law and whether a policy or interpretive statement is being used in place of a rule.

Summary: JARRC may require that the significant legislative rule-making analysis be performed on any rule of any agency within 180 days of JARRC's receipt of the notice of proposed rule-making.

Votes on Final Passage:

Senate	49	0
House	62	34