

**State Government Committee**

**HB 2053**

**Brief Description:** *Expiring agency rules periodically.*

**Sponsors:** *Representatives Anderson, Alexander, Cox, DeBolt, Crouse, Schindler, Mitchell, Ericksen, Clements, Cairnes, Talcott and Woods.*

**Brief Summary of Bill**

- *Expires agency rules after five years unless re-authorized by the Legislature.*

**Hearing Date:** *2/19/01*

**Staff:** *Jim Morishima (786-7191).*

**Background:**

*The executive branch is responsible for implementing state laws. As part of this responsibility, the agencies in the executive branch pass administrative rules. In order to be valid, agency rules:*

- *Must not exceed the amount of authority delegated to the agency by the Legislature;*
- *Must comply with both the federal and state constitutions;*
- *Must not be arbitrary and capricious; and*
- *Must have been adopted in accordance with the law.*

*Most agency rules take effect 30 days after they are filed with the Code Reviser, unless a later date is specified by statute or in the order of adoption. Rules can become effective at an earlier date under the following circumstances:*

- *If the rule is an emergency rule (emergency rules take effect upon filing);*
- *If the rule is required by the state or federal Constitution, a statute, or a court order;*
- *If the rule only delays the effective date of another rule; or*
- *If the earlier effective date is necessary to prevent imminent peril to the public health, safety, or welfare.*

**Summary of Bill:**

*Agency rules expire on December 31 of the fifth year after they take effect unless re-authorized by the Legislature. If a rule expires, it is considered repealed and is of no further effect. The Legislature may not re-activate an expired rule.*

***Rulemaking Authority:*** *No express authority.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Not Requested.*

***Effective Date:*** *Ninety days after adjournment of session in which bill is passed.*