

SENATE BILL REPORT

SB 5641

As Passed Senate, March 8, 2013

Title: An act relating to the governor's signature on significant legislative rules.

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

Sponsors: Senators Bailey, Carrell and Pearson.

Brief History:

Committee Activity: Governmental Operations: 2/18/13 [DP-WM, DNP].

Ways & Means: 2/26/13, 2/28/13 [DP, DNP].

Passed Senate: 3/08/13, 27-21.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Minority Report: Do not pass.

Signed by Senators Hasegawa, Ranking Member; Conway and Fraser.

Staff: Sam Thompson (786-7413)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Braun, Dammeier, Hatfield, Hewitt, Padden, Parlette, Rivers, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senators Nelson, Assistant Ranking Member; Conway, Fraser, Hasegawa, Kohl-Welles, Murray and Ranker.

Staff: Steve Jones (786-7440)

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.

Background: Certain state agencies proposing to adopt significant legislative rules must conduct an analysis that is not required for other proposed administrative rules. A significant legislative rule is a rule other than a procedural or interpretive rule that:

- adopts substantive law pursuant to delegated authority, a violation of which subjects a violator to a penalty or sanction;
- establishes, alters, or revokes licensing or permitting standards; or
- adopts a new or significantly amended policy or regulatory program.

When agencies propose to adopt these rules, they must conduct certain cost/benefit analyses and determine whether the proposed rules differ from federal regulations or impose more stringent requirements on private entities than public entities. Agencies subject to these requirements include the Forest Practices Board, Office of the Insurance Commissioner, and the departments of Ecology, Labor and Industries, Health, Revenue, Social and Health Services, Natural Resources, Employment Security, and Fish and Wildlife.

Agency orders adopting any administrative rules must include several elements, including a reference to the agency's authority to adopt the rule. The Governor is not required to sign an agency order adopting an administrative rule.

Summary of Bill: An agency order adopting an administrative rule must be signed by the Governor if the rule qualifies as a significant legislative rule of an agency whose head or governing body is appointed by the Governor.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Governmental Operations): None.

Persons Testifying (Governmental Operations): No one.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.