
State Government Committee

ESB 5052

Brief Description: Delaying the effect of significant legislative rules.

Sponsors: Senators Hale, T. Sheldon, Hewitt, Johnson, Sheahan and Oke.

Brief Summary of Engrossed Bill

- Requires that significant legislative rules adopted before December 1 of each year do not take effect until after the next regular legislative session.

Hearing Date: 2/19/04

Staff: Marsha Reilly (786-7135).

Background:

A significant legislative rule is a rule that: 1) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which will result in a penalty or sanction; 2) establishes, alters, or revokes the issuance, suspension, or revocation of a license or permit; or 3) adopts a new, or makes significant amendments to, a policy or regulatory program.

Before adoption of a significant legislative rule, an agency is required to:

- state in detail the general goals and specific objectives of the statute that the rule implements;
- determine that the rule is needed to achieve the general goals and specific objectives;
- provide notification in the notice of proposed rule making that a preliminary cost-benefit analysis is available
- determine that the probably benefits of the rule are greater than its probably costs, including both qualitative and quantitative benefits and costs
- determine that the rule being adopted is the least burdensome alternative for those required to comply;
- determine that the rule does not impose more stringent performance requirements on private entities than on public entities, unless required by federal or state law;
- determine if the rule differs from any federal regulation or statute
- coordinate the rule with other applicable federal, state, and local laws;

The significant legislature rule process generally applies only to the departments of Ecology, Labor and Industries, Health, Revenue, Social and Health Services, and Natural Resources, the Employment Security Department, the Forest Practices Board, the Office of the Insurance Commissioner, and the Department of Fish and Wildlife. However, any agency may voluntarily

apply this process in adopting a rule, and, within 45 days of receiving the notice of proposed rule making, the joint administrative rules review committee may request an agency to follow this process.

Before adopting significant legislative rules, an agency must file an implementation plan. The plan must detail how the agency plans to implement and enforce the rule, how the public will be informed about the rule, how the agency will promote and assist voluntary compliance with the rule, and how the agency will evaluate the effectiveness of the rule.

Summary of Bill:

Significant legislative rules must be adopted before December 1 of each year and will not take effect before the end of the regular legislative session in the next year.

Appropriation: None.

Fiscal Note: Not requested.

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