
SENATE BILL 5805

State of Washington

57th Legislature

2001 Regular Session

By Senators Hochstatter, T. Sheldon, Honeyford, Hale, Hewitt, Rasmussen, McCaslin, Stevens, Oke and Swecker

Read first time 02/02/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to grants of rule-making authority; adding a new
2 section to chapter 43.21A RCW; adding a new section to chapter 43.22
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that clear
6 and specific grants of rule-making authority are necessary for
7 accountability in decision making by governmental agencies, and that an
8 agency should exercise jurisdiction and adopt rules over a subject
9 matter only if it has obvious and explicit rule-making authority to do
10 so. It is therefore the legislature's purpose to ensure that existing
11 and future rules exist only under clear and appropriate rule-making
12 authority.

13 (2) The legislature further finds that state agencies have adopted
14 administrative rules without clear authority to do so from the
15 legislature, relying on general grants of authority rather than
16 specific legislative policy direction. This has resulted in agency-
17 initiated policy that has been adopted without the benefit of the
18 public dialogue and accountability inherent to the legislative process.
19 It is therefore the intent of the legislature to eliminate reliance on

1 general grants of authority, limit certain agency rule making to those
2 matters specifically authorized by the legislature, and that grants of
3 rule-making authority be narrowly construed.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW
5 to read as follows:

6 The director of the department of ecology may adopt, in accordance
7 with chapter 34.05 RCW, rules or policy statements, other than
8 emergency rules, only:

9 (1) As specifically required by federal law, and only to the extent
10 specifically required; or

11 (2) As specifically authorized, and only to the extent specifically
12 authorized, by the legislature.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.22 RCW
14 to read as follows:

15 The director of the department of labor and industries may adopt in
16 accordance with chapter 34.05 RCW, rules or policy statements, other
17 than emergency rules, only:

18 (1) As specifically required by federal law, and only to the extent
19 specifically required; or

20 (2) As specifically authorized, and only to the extent specifically
21 authorized, by the legislature.

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