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**State Government & Tribal Affairs**  
**Committee**

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**HB 1156**

**Brief Description:** Providing a moratorium on rule making.

**Sponsors:** Representatives Orcutt, Rivers, Angel, Klippert, Smith, Johnson, Kretz, Kristiansen, Taylor, Haler, McCune, Short, Bailey, Pearson, Harris and Condotta.

**Brief Summary of Bill**

- Suspends rule making until July 1, 2014, or until the economic and revenue forecast council reports for three consecutive quarters that state revenue collections have increased above the official forecast.

**Hearing Date:** 2/9/11

**Staff:** Marsha Reilly (786-7135).

**Background:**

The Regulatory Reform Act of 1995 established a number of requirements governing adoption and enforcement of administrative rules according to the principle that substantive policy decisions be made by the Legislature and state agencies not use administrative authority to create or amend regulatory programs. Regarding significant legislative rules, defined as those that adopt substantive provisions of law and carry penalties or affect the issuance of permits, the act requires justification for any divergence from federal regulations applicable to the same subject matter in the form of an express statutory authorization or substantial evidence of necessity for achieving the goals and objectives of the governing statute.

Agency rulemaking is a quasi-legislative function; agencies are only able to engage in rulemaking when delegated the authority to do so from the Legislature. An agency generally may not rely solely on the section of law stating a statute's intent or purpose, or on the enabling provisions establishing the agency for its statutory authority to adopt a rule.

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*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.*

**Summary of Bill:**

Agency rule making is suspended until July 1, 2014, or until the economic and revenue forecast council reports for three consecutive quarters that state revenue collections have increased above the official forecast. Exceptions are made in the event a rule is needed:

- to implement a federal law;
- to implement the terms of a governor-declared state of emergency;
- to respond to a public health emergency by the Department of Health;
- to set the times for the taking of wildlife, fish, or shellfish; or
- as specifically directed through legislation.

Rules adopted through specific legislation must be approved by the Legislature in the ensuing legislative session before the rule may take effect.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.