



STATE OF WASHINGTON
OFFICE OF GOVERNOR BOB FERGUSON

To: Cabinet Agency Directors

From: Debbie Driver, Legislative Director

Subject: 2026 Agency Request Legislation

On behalf of the Governor and the entire Executive Team, I want to thank you and your staff for your excellent work during the 2025 legislative session. Although that work only recently concluded, it is time to begin development of agency request legislation for 2026.

As we move forward, I want to share important information regarding the 2026 Agency Request Legislation (ARL) proposal process. **The due date for all ARL proposals is Friday, September 12, 2025. Only requests submitted through the Bill Enrollment & Agency Requests System (BEARS), including all elements, will be considered.** (See pages 3-5.)

Required engagement by agencies prior to submitting request

As you consider ARL, please prioritize time with your contacts in both the Office of Financial Management (OFM) and the Governor's Policy Office to preview and discuss your proposals. Proposed legislation should be discussed with OFM and Policy Advisors, fully vetted with stakeholders and have limited fiscal impacts. As Director Chapman-See noted in her [June 4th budget instructions](#) letter, we will likely continue to face a challenging state budget environment. Therefore, please refrain from submitting legislation with fiscal impacts, that start new programs, reduce or otherwise negatively impact revenue, and/or create new work groups, task forces or studies. Such proposals should be avoided unless absolutely essential, accompanied by a compelling justification and with pre-approval from OFM and the Governor's Policy Office.

Next steps you can expect following submission of request

Once agency request legislation is submitted through BEARS, the Governor's Policy Office, OFM and the Governor's Legislative team will review and consider the proposals. Proposed agency request legislation, including bill drafts, may be forwarded to the Legislature only after being approved through this process. After approval, each agency is responsible for securing legislative sponsors.

Key requirements for each request

Bills without completed fiscal notes, equity questions and thorough stakeholder feedback will not be forwarded for review and approval. For agencies subject to the Healthy Environment for All Act (HEAL Act) requirements of Chapter 70A.02 RCW, request legislation is considered a significant agency action for which an environmental justice assessment must be completed. Please see the HEAL Act Agency Request Legislation Addendum for additional guidance. If you have questions concerning the process, don't hesitate to call me.

cc: Cabinet Agency Legislative Liaisons
Kenneth Martin, Acting Policy Director, Office of the Governor

K.D. Chapman-See, Director, OFM
Amber Leaders, Director of Legal and Contract Services, OFM
Sheri Sawyer, Legislative Affairs Director, OFM

Agency Request Legislation – 2026 Legislative Session

Required Elements Checklist

Legislative proposals will not be reviewed until a complete package is submitted in BEARS. Agency heads must review and approve each legislative proposal prior to submittal. Proposals requiring commission or advisory committee endorsements should be presented well in advance to ensure submittals meet the deadline.

A complete package includes:

- A statement that explains why you need the bill, what problem the bill is designed to correct, and how it is tied to a Governor’s priority.
- A summary of major provisions in the draft bill and impacts on current law.
- Irrespective of whether a bill has a fiscal impact, a completed fiscal note from each of the affected state agency(s), including local government (coordinate with Department of Commerce).
- The official Code Reviser draft of the proposed legislation containing a Z-draft number. (If revisions are made during the review process, submit the requisite copy in BEARS as soon as it is available and update the system for relevant Z-draft number).
- Agency’s budget decision package (if the legislation is tied to a budget request).
- Responses to the Equity Consideration questions.

The following information must be entered in the Agency Contacts and Stakeholders fields in the Bill Enrollment & Agency Requests System (BEARS). Include position titles, agency names, entity names, phone numbers and any other pertinent information in the “Description” field.

- Names, titles, and phone numbers for subject matter experts in your agency who are available to answer policy and fiscal impact questions related to the proposed bill.
- The agency’s Assistant Attorney General who reviewed the proposed bill draft.
- All state and local government agencies and other stakeholders affected by the proposed bill, their positions, and each agency or entity’s representative (and contact information) who may speak to the issue(s).
- Stakeholder work is required prior to submittal. Proposals without adequate stakeholder work and analysis will be rejected. Stakeholders (e.g., constituent groups, advocacy organizations, tribal governments) must be entered into the system. Provide contact person name, entity name, their position and any concerns.

Equity Consideration Questions

1. Please describe in detail how this proposal is likely to benefit communities and populations who have historically been excluded by governmental decisions. Include both demographic and geographic information about communities.
2. Describe how your agency engaged with communities and populations, particularly those who have been historically excluded and marginalized by governmental decisions?
3. What input did your agency receive and how was it incorporated into your proposal?
4. Explain why and how these equity impacts will be addressed; i.e., consider communities or populations excluded or disproportionately impacted by the proposal.

For agencies covered by the HEAL Act, please also incorporate environmental and health impacts and consideration of overburdened communities and vulnerable populations into your responses to the equity questions above.

HEAL Act Covered Agency Addendum to Required Elements Checklist

The HEAL Act (Chapter 70A.02 RCW) requires that “covered and opt in agencies” must implement the requirements of the act. This includes the:

- Departments of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of Attorney General

HEAL Act agencies considering initiating a significant agency action, including the submission of agency request legislation to the Office of the Governor or OFM, must conduct an environmental justice assessment. This includes providing opportunities for public comment and soliciting feedback from members of overburdened communities and vulnerable populations as required under RCW 70A.02.060(3) and (5).

In addition to the required elements for a standard agency request legislation complete package in BEARS, HEAL Act covered agencies must also attach:

- Attach a copy of the environmental justice assessment.
- Ensure responses to the equity consideration questions incorporate environmental and health impacts and consideration of overburdened communities and vulnerable populations.

As a reminder, the HEAL Act also requires covered agencies to:

- Offer consultation with federally recognized tribes on any significant agency action, including submission of agency request legislation, that affect federally recognized tribes (RCW 70A.02.100).

- File a notice with OFM of significant agency actions for which the agency is initiating an environmental justice assessment, as required under RCW 70A.02.090(3). Notices are posted to the OFM website (<https://ofm.wa.gov/budget/budget-related-information/agency-activities/environmental-justice-assessment-notices>).