

SENATE BILL REPORT

SB 5137

As of January 26, 1995

Title: An act relating to legislative review of administrative rules.

Brief Description: Strengthening the joint administrative rules review committee.

Sponsors: Senators McCaslin, Sheldon, Hochstatter, Oke, A. Anderson and Long.

Brief History:

Committee Activity: GO: 1/31/95.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Diane Smith (786-7410)

Background: The Joint Administrative Rules Review Committee (JARRC) was originally established in 1981 to review agency rules selectively. Currently, JARRC conducts selective review of agency rules to determine whether they are within legislative intent and adopted in accordance with all applicable provisions of law. In addition, the committee may review agency policies and guidelines to determine whether they are within legislative intent and whether the agency is using the policies or guidelines in place of a rule.

Ultimately, JARRC has no enforcement authority. JARRC may recommend that the Governor suspend an existing rule for a period to last until 90 days after the next regular legislative session ends.

A JARRC decision in no way serves to establish a presumption as to the legality of a rule in any subsequent judicial proceeding which interprets the rules subject to a committee decision.

Summary of Bill: Clarification is added that JARRC speaks for both houses of the Legislature in its interpretation of legislative intent.

JARRC's recommendation to the Governor that a rule be suspended creates a rebuttable presumption that the rule is invalid. A court takes evidence on the issue of whether the rule is valid. The burden of proving that the rule is valid is on the agency.

Appropriation: None.

Fiscal Note: Not requested.

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