

# FINAL BILL REPORT

## ESB 6702

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### PARTIAL VETO

C 318 L 96

Synopsis as Enacted

**Brief Description:** Clarifying and streamlining of the joint administrative rules review committee.

**Sponsors:** Senators Fraser, McCaslin, Sheldon, West, Winsley and Hale.

**Senate Committee on Government Operations**

**House Committee on Government Operations**

**Background:** The Joint Administrative Rules Review Committee (JARRC) was established by statute in 1981 to provide selective review of agency rules. The committee considers whether a rule is within the intent of the Legislature, whether the rule was adopted in accordance with all applicable provisions of law, whether an agency is using a policy statement in place of a rule and whether a policy statement is outside legislative intent.

The committee may require that the agency hold a hearing to consider the committee's decision. Ultimately, the committee may request that the Governor suspend a rule for a limited period of time. The Code Reviser publishes the transmittals from the committee and the Governor regarding these issues in the Washington State Register.

The experience of the committee over the years has led to suggestions for operational changes that would better effectuate the committee's statutory duty.

**Summary:** A person must petition the relevant agency to change a rule before a petition can be made to JARRC to review the rule. A majority vote of the whole committee is required for committee decisions. The elements of a sufficient petition are enumerated. The provision that allows JARRC jurisdiction to consider whether a policy statement is within the intent of the Legislature is removed. Various sections are edited for clarity. Redundancies and inconclusive language are eliminated. Four alternates must be appointed, one from each caucus of each house. The committee's recommendation to the Governor that a rule be suspended establishes a rebuttable presumption that the rule is invalid. The burden of demonstrating the rule's validity is then on the agency.

**Partial Veto Summary:** Citing concerns with constitutionality and separation of powers, the Governor vetoed the provision establishing a rebuttable presumption of invalidity and shifting the burden of proof of a rule's validity to the agency.

### **Votes on Final Passage:**

Senate	49	0
House	76	15

**Effective:** June 6, 1996