

HOUSE BILL REPORT

HB 1686

As Reported By House Committee On:
State Government

Title: An act relating to administrative law.

Brief Description: Defining a term for the administrative procedure act.

Sponsors: Representatives Anderson, Ludwig, R. Meyers, Foreman, Dorn, Orr, Vance, Brough, Tate, Casada, Edmondson, Horn, Wood, Carlson, Ballard, Brumsickle, Ballasiotes, Van Luven, Mielke, Sheahan, Long, Thomas, Cooke, Forner, Morton and Lisk.

Brief History:

Reported by House Committee on:
State Government, March 2, 1993, DPS.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Staff: Bonnie Austin (786-7135).

Background: Under the Administrative Procedures Act (APA), the Joint Administrative Rules Review Committee (JARRC) may review an agency's use of policy statements, guidelines, and issuances that are of general applicability to determine whether an agency is using these issuances instead of adopting a rule.

If JARRC finds, by a majority vote of its members, that an agency is using a policy statement, guideline, or issuance in place of a rule, it notifies the agency. The agency is required to hold a hearing on JARRC's finding. Within seven days of the hearing, the agency is required to notify JARRC of its action. If the agency fails to take corrective action, JARRC may, by majority vote, file with the code revisor notice of its objections. The code revisor is required to publish this notice in the Washington State

register, and the next supplement and compilation of the Washington Administrative Code.

Summary of Substitute Bill: The authority of the Joint Administrative Rules Review Committee to review an agency's policy statements, guidelines, and other issuances of general applicability is expanded to include a review of whether these issuances are within legislative intent.

Substitute Bill Compared to Original Bill: The original bill required that all of these issuances be adopted as rules. This was deleted, and instead JARRC's authority to review these issuances is expanded to include whether the issuance is within legislative intent.

Fiscal Note: Available.

Effective Date of Substitute Bill:

Testimony For: There was never an intent to include these issuances in the rule adoption process. JARRC needs to have better oversight of agencies, boards, and commissions. JARRC oversight would reduce potential abuses in agency interpretations. This oversight is very important to small businesses. Greater oversight contributes to efficiency, accountability and consistency. Businesses should be able to be more involved in these informal agency policy development processes. The Legislature needs to have a greater voice in the policy-making process.

Testimony Against: None.

Witnesses: Ron Wagner, WAEPS (pro); Tom Huff, Washington Retail Association (pro); Julia Porter, AWB (pro); Willy O'Neal, Washington State Building Code Council (concerned); Carlyn Logue, NFIB (pro); and Gary Smith, Industrial Business Association (pro).