
HOUSE BILL 1613

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Mielke, R. Meyers, Reams, Pruitt, Chandler, Anderson, Dyer, Morton, Vance, Padden, Lisk, Silver, Cooke, Casada, Foreman, Sheahan, Fuhrman, Jones, Campbell, Long, Rayburn, Kremen and Quall

Read first time 02/03/93. Referred to Committee on State Government.

1 AN ACT Relating to review of agency rules; amending RCW 34.05.610;
2 adding a new section to chapter 34.05 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that the Washington
5 state Constitution vests all law-making authority in the legislative
6 branch of government as the duly elected representatives of the people.
7 The executive branch of state government is given the duty to see that
8 the laws passed by the legislative branch are faithfully executed by
9 the administrative agencies under executive control. It is in the best
10 interest of the citizens of the state of Washington that administrative
11 agencies adopt only those rules that are authorized by legislative
12 authority, that rules that are authorized comply with legislative
13 intent, and that rules only implement public policy specifically
14 created by the legislature.

15 The intent of this act is to strengthen legislative oversight and
16 to better ensure public participation, agency accountability, and
17 review of proposed or existing rules. The role of the joint
18 administrative rules review committee is expanded to better deal with
19 agency rules that expand legislative intent and impose intrusive and

1 costly burdens on individuals, families, businesses, and the economy
2 and to ensure that public policy is created only by the people's
3 elected representatives, and only rules that are reasonably necessary
4 to carrying out such policy are adopted.

5 **Sec. 2.** RCW 34.05.610 and 1988 c 288 s 601 are each amended to
6 read as follows:

7 (1) (~~There is hereby created a~~) The joint administrative rules
8 review committee ((which)) is created to serve as an ombudsman for the
9 people of the state in connection with the state's administrative
10 agencies. The rules review committee shall be a bipartisan committee
11 consisting of four senators and four representatives from the state
12 legislature. The senate members of the committee shall be appointed by
13 the president of the senate, and the house members of the committee
14 shall be appointed by the speaker of the house. Not more than two
15 members from each house may be from the same political party. All
16 appointments to the committee are subject to approval by the caucuses
17 to which the appointed members belong.

18 (2) Members shall be appointed as soon as possible after the
19 legislature convenes in regular session in an odd-numbered year, and
20 their terms shall extend until their successors are appointed and
21 qualified at the next regular session of the legislature in an odd-
22 numbered year or until such members no longer serve in the legislature,
23 whichever occurs first. Members may be reappointed to a committee.

24 (3) The president of the senate shall appoint the chairperson in
25 even-numbered years and the vice chairperson in odd-numbered years from
26 among committee membership. The speaker of the house shall appoint the
27 chairperson in odd-numbered years and the vice chairperson in even-
28 numbered years from among committee membership. Such appointments
29 shall be made in January of each year as soon as possible after a
30 legislative session convenes.

31 (4) A vacancy on the committee shall be filled by appointment of a
32 legislator from the same political party as the original appointment.
33 The appropriate appointing authority shall make the appointment within
34 thirty days of the vacancy occurring.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05 RCW
36 to read as follows:

1 (1) A resident of this state may appeal directly to the rules
2 review committee for review of a proposed or an existing rule to
3 determine the rule's compliance with legislative authority. The
4 committee may grant or deny the person's appeal for review.

5 (2) A rule that is appealed to the rules review committee by a
6 person under subsection (1) of this section and is accepted for review
7 by the committee shall not be effective nor may it go into effect until
8 the committee makes a determination that the rule is within the intent
9 of the legislature. A rule may go into effect without a committee
10 determination if the agency shows with clear and convincing evidence
11 that an emergency exists that requires immediate implementation of the
12 rule.

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