
State Government Committee

HB 1209

Brief Description: Concerning proceedings of the joint administrative rules review committee.

Sponsors: Representatives Scott, Shea, Short, Taylor, Manweller, Holy, Buys and Condotta.

Brief Summary of Bill

- Requires that rules petitioned for a Joint Administrative Rules Review Committee (JARRC) review are stayed and continue to be stayed if an agency does not take action on a JARRC recommendation.
- Repeals the ability of the JARRC to recommend suspension of a rule.
- Allows a stay to be lifted through a judicial proceeding or by resolution of the Senate.

Hearing Date: 2/10/15

Staff: Marsha Reilly (786-7135).

Background:

The Legislature exercises some oversight over agency rulemaking through the Joint Administrative Rules Review Committee (JARRC). The JARRC is empowered to examine three main issues: Whether a rule is consistent with the intent of the Legislature; whether a rule was adopted in accordance with the law; and whether an agency is using a policy or interpretive statement in place of a rule. The JARRC may also, by majority vote, order an agency to engage in the significant legislative rulemaking process or develop a small business economic impact statement.

Any person may petition the JARRC for a review of a proposed or existing rule, a proposed or existing policy, or an interpretive statement of general applicability. A petition of review may only be filed for the purpose of requesting the JARRC to determine whether the rule has been adopted in accordance with the provisions of law.

If the JARRC issues an adverse finding on a rule, the agency in question is required to conduct a

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hearing on the committee's findings. If the JARRC is dissatisfied with the agency response to its findings, it may publish notice of its dissatisfaction in the State Register, recommend to the Governor that he or she suspend the rule, or refer the matter to a standing policy committee of the Legislature.

Summary of Bill:

Once a petition is filed with the JARRC, all further agency action regarding the rule is stayed until the conclusion of the JARRC's review process. If the agency declines to take action, the stay shall remain in effect. The JARCC has 10 days, rather than 30 days, to file its objections for publishing in the State Register.

Provisions are repealed that allow the JARCC to recommend suspension of a rule, policy or interpretive statement, or guideline and to recommend that the governor suspend the rule, policy or interpretive statement, or guideline.

The reference to the rule in the Washington State Register may only be removed if a subsequent judicial proceeding determines that the rule is within the intent of the Legislature and was adopted in accordance with all applicable laws, or the stay is lifted by resolution of the Senate adopted by majority vote.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.