
State Government Committee

HB 2554

Brief Description: Adding responsibilities to the duties of the joint administrative rules review committee.

Sponsors: Representatives Wilson, Van Werven, Vick, Griffey, Pike, Wylie, Hayes, Johnson and Kochmar.

Brief Summary of Bill

- Requires the Joint Administrative Rules Review Committee (JARRC) to review a rule or agency action if the rule or action has an economic impact of \$10 million or more, or if a petition for review is received from either a minimum of 15 members of the legislature or from at least five local governments representing a total of 50,000 or more residents.
- Requires a majority vote of the JARRC members to accept or deny a petition for review.
- Authorizes the JARRC to review agency actions related to general permits impacting local governments which have been filed in accordance with agency rules, as well as guidance documents and advisory material incorporated into local government ordinances.

Hearing Date: 1/28/16

Staff: Dawn Eychaner (786-7135).

Background:

Under the Administrative Procedure Act, state agencies and public institutions of higher education may engage in rulemaking to implement legislation. A rule is an agency order, directive, or regulation that is issued under the authority of a legislatively enacted statute. Agencies must publish notice that a rulemaking proceeding is pending and provide the opportunity for public comment regarding the adoption of a rule.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

An agency must file an adopted rule with the Code Reviser, along with an explanatory statement of the adopted rule and a summary of public comments received, including, if applicable, an explanation for why the rule fails to address a public comment. Anyone may petition an agency to request the adoption, amendment, or repeal of a rule.

The Joint Administrative Rules Review Committee (JARRC) is a legislative agency which reviews select proposed and existing agency rules to determine whether those rules conform to the intent of the authorizing statutes. The JARRC may also selectively review agency policy and interpretive statements, guidelines, and documents of general applicability.

If an agency denies a person's request to amend or repeal a rule, a person may petition the JARRC to review the rule. The JARRC must make a determination whether or not to review the petition within 90 days. If, upon review, the JARRC finds that a rule does not conform to legislative intent, the JARRC must notify the agency of its objections and the agency must schedule a hearing for public comment on the objection within 30 days. The agency must notify the JARRC of any subsequent action with respect to the rule within seven days after the public hearing.

The JARRC may recommend suspension of a rule to the governor. The governor must approve or disapprove of the suspension within 30 days of the recommendation. Should the governor approve a suspension, the suspension is effective immediately and continues until 90 days after adjournment of the next regular legislative session. The JARRC may also make an adverse finding regarding a policy or interpretive statement, guideline, or document that is of general applicability and report such a finding to the governor. Finally, the JARRC may recommend to the legislature that the statute upon which a rule is based be amended or repealed.

Summary of Bill:

The JARRC must review a rule or an agency action if the rule or action has an economic impact of \$10 million or more, or if a petition for review is received from either a minimum of 15 members of the Legislature or from at least five local governments representing a total of 50,000 or more residents.

Through a vote of the majority of its members, the JARRC must determine whether to reject or accept a petition for review.

The JARRC may review agency actions related to general permits impacting local governments which have been filed in accordance with agency rules, as well as guidance documents and advisory material incorporated into local government ordinances. If the JARRC finds, through a majority vote, that an agency issuance of a permit or use of guidelines or advisory materials is not consistent with the agency's adopted guidelines, administrative regulations for issuing a permit, or both, the agency affected must be notified of the findings.

The agency must consider all comments received as a result of the JARRC review within 30 days and provide a response to the JARRC. Upon receipt of the agency response, the JARRC must transmit their findings, comments received, and the agency response to the governor and the Legislature.

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.