

SENATE BILL REPORT

EHB 2253

As of Second Reading

Title: An act relating to amending statutory timelines governing the administration and organization of the joint administrative rules review committee that prescribe when member, alternate, chair, and vice chair appointments and final decisions regarding petitions for review must be made.

Brief Description: Amending statutory timelines governing the administration and organization of the joint administrative rules review committee that prescribe when member, alternate, chair, and vice chair appointments and final decisions regarding petitions for review must be made.

Sponsors: Representatives Hudgins and Taylor.

Brief History: Passed House: 6/11/15, 89-0.

Committee Activity: Government Operations & Security:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Karen Epps (786-7424)

Background: Joint Administrative Rules Review Committee (JARRC) Generally. JARRC reviews proposed and existing agency rules to determine whether they conform to the intent of the statute they purport to implement. JARRC does not review an agency rule if the objection is a matter of substantive policy, rather than legislative intent; or when a rule is the subject of a lawsuit. When JARRC determines that a proposed rule does not conform to legislative intent, JARRC must notify the agency of the objections and the reasons. The notice must be provided at least seven days prior to the agency's rule-adoption hearing. The agency must consider JARRC's decision and must notify JARRC of its intended action within seven days after the hearing. If JARRC determines that the agency failed to amend, withdraw, or repeal the rule to make it conform with legislative intent; adopted a rule that is not in accordance with all applicable provisions of law; or will not replace a policy or interpretive statement of general applicability with a rule, JARRC may prepare and file a formal objection against the rule for publication in the next Washington Register. In addition, by a majority vote, JARRC may also recommend suspension of a rule. The Governor must approve or disapprove the suspension within 30 days. If approved, the suspension remains in effect until 90 days after the next legislative session.

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.

Petitions to JARRC. Any person may petition JARRC for a review of a proposed or existing rule, policy, or interpretive statement. JARRC must acknowledge receipt of a petition within 30 days and describe any initial action taken. If JARRC rejects the petition, a written statement of the reasons must be included. Within 90 days, JARRC must make a final decision on any petition for which review was not previously rejected.

JARRC Membership. JARRC is an eight-member legislative committee consisting of four senators and four representatives. Members are appointed in the following manner:

- four members, with no more than two members from the same political party, appointed by the House;
- four members, with no more than two members from the same political party, appointed by the Senate;
- one alternate member from each caucus of the House of Representatives, appointed by the House; and
- one alternate member from each caucus of the Senate, appointed by the Senate.

Members and alternates must be appointed as soon as possible after the Legislature convenes in regular session in an odd-numbered year. Member terms extend until their successors are appointed and qualified at the next regular session in an odd-numbered year, or until they no longer serve in the Legislature, whichever occurs first. Vacancies must be filled within 30 days. Members and alternates may be reappointed to the committee.

Appointments for chairpersons and vice chairpersons from among the committee membership must be made in January of each even-numbered year as soon as possible after a legislative session convenes. The appointments are made on an alternating basis between the House of Representatives and the Senate. Beginning in the year 2000, the Speaker of the House of Representatives appoints the chairperson and vice chairperson and beginning in 2002, the Secretary of the Senate makes the appointments.

Summary of Bill: JARRC Membership. A successor to any member or alternate member of the JARRC must be appointed as soon as possible after the Legislature convenes in regular session in odd-numbered years, but no later than June 30 of the same year. Appointments of the chairperson and vice chairperson must be made as soon as possible after the Legislature convenes in regular session in even-numbered years, but no later than June 30 of the same year. The alternating schedule is updated requiring the President of the Senate to appoint the chairperson and vice chairperson beginning in 2016, and the Speaker of the House of Representatives beginning in 2018. Beginning in 2020, the Secretary of the Senate appoints the chairperson and vice chairperson in even-numbered years. The term of any member or alternate extends until a successor is appointed or the member no longer serves in the Legislature, whichever occurs first. Vacancies must be filled within 30 days of the vacancy occurring.

Petitions to JARRC. A final decision of a petitioned rule may be deferred if a decision has not been made by the time the Legislature meets in regular or special session. In those instances, a final decision must be made within 90 days of adjournment of the regular or special session. During a legislative session, a petitioner may bring any concerns raised in a petition to any legislator, and those concerns may be addressed directly through legislation.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.