

SENATE BILL REPORT

SB 6380

As Reported by Senate Committee On:
Government Operations & Security, February 4, 2016

Title: An act relating to reducing conflicts and ambiguity of law by eliminating certain laws, statutes, ordinances, rules, and regulations.

Brief Description: Eliminating unnecessary laws.

Sponsors: Senator Benton.

Brief History:

Committee Activity: Government Operations & Security: 2/04/16 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: That Substitute Senate Bill No. 6380 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Dandel.

Minority Report: Do not pass.

Signed by Senators Habib, McCoy and Takko.

Staff: Karen Epps (786-7424)

Background: The Revised Code of Washington (RCW). State laws are found in the RCW, which is codified and published by the Code Reviser under the supervision of the Statute Law Committee, a legislative agency.

The Statute Law Committee (SLC). The SLC is responsible for compiling and printing a number of publications, including the session laws, the RCW, the Washington Administrative Code (WAC), and the Washington State Register (Register). The members of the Statute Law Committee include:

- eight members of the Legislature, four members of the House of Representatives and four members of the Senate;
- the Secretary of the Senate and the Chief Clerk of the House;
- the Staff Directors of Senate Committee Services and the Office of Program Research;

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- a lawyer appointed by the Washington State Bar Association and a lawyer staff member of the Governor's office or a state agency; and
- a Justice of the Washington Supreme Court appointed by the Chief Justice.

The Administrative Procedure Act (APA). The APA establishes the general procedures for agency rulemaking and adjudicatory proceedings. Under the APA, a rule includes an agency order, directive, or regulation of general applicability that:

- could result in a penalty or sanction;
- establishes a process for agency hearings;
- addresses qualifications or requirements relating to benefits or privileges conferred by law; and
- addresses qualifications or standards for commercial activity or professional licensed professions.

In order to adopt a rule, the APA generally requires that an agency:

- have the statutory authority to adopt the rule;
- provide public notice of the proposed rulemaking; and
- provide an opportunity for the public to comment on the proposed rules, both in writing and at a hearing.

Joint Administrative Rules Review Committee (JARRC). JARRC is an eight-member legislative committee consisting of four senators and four representatives, with no more than two members from each house of the same political party. JARRC is authorized to conduct selective review, initiated on its own or by petition, of agency rules and policies to determine whether:

- rules are consistent with legislative intent;
- rules are adopted consistent with the law; or
- agency policy or interpretive statements are being used in place of a rule.

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.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): Any codified law or administrative law, including, but not limited to, any statute, ordinance, regulation, or rule, that is enacted or adopted (Law or Rule) that is irrelevant, outdated, overridden by more current law, in conflict with other provisions of law, or validly deemed unenforceable by a court may be submitted to the Legislature for consideration of removal or repeal by a majority vote of both the House of Representatives and the Senate.

Any Law or Rule may be submitted by a citizen of the state of Washington no less than 60 days prior to the beginning of any regular session requesting that the Law or Rule be removed and repealed. The Law or Rule must be placed on a list and made available to all legislators for review during the interim. For each Law or Rule submitted, the person

submitting the Law or Rule must provide a detailed explanation describing in full why it should be removed and repealed.

The SLC, or the reviser with the approval of the SLC, must make written recommendations to the Legislature concerning any Law or Rule placed on the list, and must, when requested by a Legislator, prepare for submission to the Legislature, legislation for removal or repeal of any Law or Rule on the list. All such proposed legislation must be annotated so as to show the purposes, reasons, and history.

Appropriation: None.

Fiscal Note: Requested on February 3, 2016.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on First Substitute: OTHER: The Code Reviser's office currently gets similar requests from the public, agencies, and legislative staff and the Code Reviser's office review those requests. The Code Reviser's office adds reviser's notes to the Code. Most years there is a technical clean-up bill that is often generated by comments and questions received from the public or other sources. The Code Reviser's office and the SLC are already doing something like this, but there is not a process like and no list is created, so this would bring more attention to this process. Changes to the Code are brought to the SLC and reviewed by the SLC and House and Senate committee staff and then a bill is drafted. There is some concern about the review of administrative rules. The Code Reviser's Office publishes the rules, but does not edit them. The JAARC process is set up to review conflicts with rules and state law. To the extent that this would encourage the public to send in their concerns and give them a better forum for this will help make the code as accurate as possible.

Persons Testifying on First Substitute: OTHER: Kyle Thiessen, Code Reviser's Office.

Persons Signed In To Testify But Not Testifying on First Substitute: No one.