
HOUSE BILL 1816

State of Washington

64th Legislature

2015 Regular Session

By Representatives Wilson, Wylie, Pike, Moeller, Griffey, Caldier, Stokesbary, Van Werven, Scott, Shea, and Vick

Read first time 01/29/15. Referred to Committee on State Government.

1 AN ACT Relating to adding responsibilities to the duties of the
2 joint administrative rules review committee; amending RCW 34.05.630;
3 and adding a new section to chapter 34.05 RCW.

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

5 **Sec. 1.** RCW 34.05.630 and 1998 c 21 s 1 are each amended to read
6 as follows:

7 (1) All rules required to be filed pursuant to RCW 34.05.380, and
8 emergency rules adopted pursuant to RCW 34.05.350, are subject to
9 selective review by the committee. The committee must review a rule:

10 (a) Upon receipt of a petition for review signed by at least
11 fifteen members of the legislature;

12 (b) If the rule has an economic impact of ten million dollars or
13 more; or

14 (c) Upon receipt of a petition for review signed by five or more
15 local governments representing collectively fifty thousand or more
16 Washington residents.

17 (2) All agency policy and interpretive statements, guidelines,
18 and documents that are of general applicability, or their
19 equivalents, are subject to selective review by the committee to
20 determine whether or not a statement, guideline, or document that is
21 of general applicability, or its equivalent, is being used as a rule

1 that has not been adopted in accordance with all applicable
2 provisions of law.

3 (3) If the rules review committee finds by a majority vote of its
4 members: (a) That an existing rule is not within the intent of the
5 legislature as expressed by the statute which the rule implements,
6 (b) that the rule has not been adopted in accordance with all
7 applicable provisions of law, or (c) that an agency is using a policy
8 or interpretive statement in place of a rule, the agency affected
9 shall be notified of such finding and the reasons therefor. Within
10 thirty days of the receipt of the rules review committee's notice,
11 the agency shall file notice of a hearing on the rules review
12 committee's finding with the code reviser and mail notice to all
13 persons who have made timely request of the agency for advance notice
14 of its rule-making proceedings as provided in RCW 34.05.320. The
15 agency's notice shall include the rules review committee's findings
16 and reasons therefor, and shall be published in the Washington state
17 register in accordance with the provisions of chapter 34.08 RCW.

18 (4) The agency shall consider fully all written and oral
19 submissions regarding (a) whether the rule in question is within the
20 intent of the legislature as expressed by the statute which the rule
21 implements, (b) whether the rule was adopted in accordance with all
22 applicable provisions of law, and (c) whether the agency is using a
23 policy or interpretive statement, guideline, or document that is of
24 general applicability, or its equivalent, in place of a rule.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 34.05
26 RCW to read as follows:

27 (1) The following agency actions are subject to selective review
28 by the committee to ensure consistency with the agency's adopted
29 guidelines, administrative regulations for issuing a permit, or both:

30 (a) A water quality general permit or individual wastewater
31 discharge permit issued by the department of ecology under chapter
32 90.48 RCW or pursuant to the federal clean water act, 33 U.S.C. Sec.
33 1251 et seq.;

34 (b) A permit issued by the department of ecology to major sources
35 under RCW 70.94.152;

36 (c) The use by the department of ecology of advisory materials or
37 guidelines issued pursuant to chapter 90.58 RCW in the review of a
38 local shoreline master program; and

1 (d) The use by the department of commerce of advisory materials
2 or guidelines issued pursuant to chapter 36.70A RCW regarding the
3 local designation of a critical area.

4 (2) The committee must review an agency action:

5 (a) Upon receipt of a petition for review signed by at least
6 fifteen members of the legislature;

7 (b) If the action has an economic impact of ten million dollars
8 or more; or

9 (c) Upon receipt of a petition for review signed by five or more
10 local governments representing collectively fifty thousand or more
11 Washington residents.

12 (3) If the committee finds by a majority vote of its members that
13 the issuance of a permit or the use of guidelines or advisory
14 materials under subsection (1) of this section is not consistent with
15 the agency's adopted guidelines, administrative regulations for
16 issuing a permit, or both, the agency affected must be notified of
17 the findings, the reasons for the findings, and all written and oral
18 comments received during the review.

19 (4) Within thirty days of the receipt of the committee's
20 findings, the agency must fully consider all written and oral
21 comments received as a result of the committee review.

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