
ENGROSSED HOUSE BILL 2253

State of Washington 64th Legislature 2015 1st Special Session

By Representatives Hudgins and Taylor

Read first time 05/01/15. Referred to Committee on State Government.

1 AN ACT Relating to amending statutory timelines governing the
2 administration and organization of the joint administrative rules
3 review committee that prescribe when member, alternate, chair, and
4 vice chair appointments and final decisions regarding petitions for
5 review must be made; and amending RCW 34.05.610 and 34.05.655.

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

7 **Sec. 1.** RCW 34.05.610 and 1998 c 280 s 9 are each amended to
8 read as follows:

9 (1) There is hereby created a joint administrative rules review
10 committee which shall be a bipartisan committee consisting of four
11 senators and four representatives from the state legislature. The
12 senate members of the committee shall be appointed by the president
13 of the senate, and the house members of the committee shall be
14 appointed by the speaker of the house. Not more than two members from
15 each house may be from the same political party. The appointing
16 authorities shall also appoint one alternate member from each caucus
17 of each house. All appointments to the committee are subject to
18 approval by the caucuses to which the appointed members belong.

19 (2)(a) Members and alternates shall be appointed as soon as
20 possible after the legislature convenes in regular session in an odd-
21 numbered year(~~, and their terms shall extend until their successors~~

1 are appointed and qualified at the next regular session of the
2 legislature in an odd-numbered year or until such persons no longer
3 serve in the legislature, whichever occurs first)). Except when
4 filling a vacancy, a successor to any member or alternate must be
5 appointed in an odd-numbered year as soon as possible after the
6 legislature convenes in regular session, but no later than by June
7 30th of the same year. A vacancy on the committee must be filled in
8 accordance with subsection (4) of this section within thirty days of
9 the vacancy occurring. Members and alternates may be reappointed to
10 the committee.

11 (b) The term of any member or alternate appointed to the
12 committee extends until a successor is appointed and qualified, or
13 until the member or alternate no longer serves in the legislature,
14 whichever occurs first.

15 ~~(3) ((On or about January 1, 1999,))~~ The president of the senate
16 shall appoint the chairperson and the vice chairperson from among the
17 committee membership as soon as possible after the legislature
18 convenes in regular session in January 2016. The speaker of the house
19 shall appoint the chairperson and the vice chairperson in alternating
20 even-numbered years beginning in the year ~~((2000))~~ 2018 from among
21 the committee membership. The secretary of the senate shall appoint
22 the chairperson and the vice chairperson in the alternating even-
23 numbered years beginning in the year ~~((2002))~~ 2020 from among the
24 committee membership. ~~((Such))~~ Appointments of the chairperson and
25 vice chairperson shall be made in ((January of)) each even-numbered
26 year as soon as possible after a legislative session convenes in
27 regular session, but no later than by June 30th of the same year.

28 (4) The chairperson of the committee shall cause all meeting
29 notices and committee documents to be sent to the members and
30 alternates. A vacancy ~~((shall))~~ must be filled by appointment of a
31 legislator from the same political party as the original appointment.
32 The appropriate appointing authority shall make the appointment
33 within thirty days of the vacancy occurring.

34 **Sec. 2.** RCW 34.05.655 and 1998 c 21 s 3 are each amended to read
35 as follows:

36 (1) Any person may petition the rules review committee for a
37 review of a proposed or existing rule or a proposed or existing
38 policy or interpretive statement, guideline, or document that is of
39 general applicability, or its equivalent. A petition to review a

1 statement, guideline, or document that is of general applicability,
2 or its equivalent, may only be filed for the purpose of requesting
3 the committee to determine whether the statement, guideline, or
4 document that is of general applicability, or its equivalent, is
5 being used as a rule that has not been adopted in accordance with all
6 provisions of law. Within thirty days of the receipt of the petition,
7 the rules review committee shall acknowledge receipt of the petition
8 and describe any initial action taken. If the rules review committee
9 rejects the petition, a written statement of the reasons for
10 rejection shall be included.

11 (2) A person may petition the rules review committee under
12 subsection (1) of this section requesting review of an existing rule
13 only if the person has petitioned the agency to amend or repeal the
14 rule under RCW 34.05.330(1) and such petition was denied.

15 (3) A petition for review of a rule under subsection (1) of this
16 section shall:

17 (a) Identify with specificity the proposed or existing rule to be
18 reviewed;

19 (b) Identify the specific statute identified by the agency as
20 authorizing the rule, the specific statute which the rule interprets
21 or implements, and, if applicable, the specific statute the
22 department is alleged not to have followed in adopting the rule;

23 (c) State the reasons why the petitioner believes that the rule
24 is not within the intent of the legislature, or that its adoption was
25 not or is not in accordance with law, and provide documentation to
26 support these statements;

27 (d) Identify any known judicial action regarding the rule or
28 statutes identified in the petition.

29 A petition to review an existing rule shall also include a copy
30 of the agency's denial of a petition to amend or repeal the rule
31 issued under RCW 34.05.330(1) and, if available, a copy of the
32 governor's denial issued under RCW 34.05.330(3).

33 (4) A petition for review of a policy or interpretive statement,
34 guideline, or document that is of general applicability, or its
35 equivalent, under subsection (1) of this section shall:

36 (a) Identify the specific policy or interpretative statement,
37 guideline, or document that is of general applicability, or its
38 equivalent, to be reviewed;

39 (b) Identify the specific statute which the rule interprets or
40 implements;

1 (c) State the reasons why the petitioner believes that the policy
2 or interpretive statement, guideline, or document that is of general
3 applicability, or its equivalent, meets the definition of a rule
4 under RCW 34.05.010 and should have been adopted according to the
5 procedures of this chapter;

6 (d) Identify any known judicial action regarding the policy or
7 interpretive statement, guideline, or document that is of general
8 applicability, or its equivalent, or statutes identified in the
9 petition.

10 (5) (~~Within ninety days of receipt of the petition, the rules~~
11 ~~review committee shall make a final decision on the rule for which~~
12 ~~the petition for review was not previously rejected~~) Except for
13 petitions that the rules review committee rejects, the rules review
14 committee shall make a final decision within ninety days of receipt
15 of a petition for review under subsection (1) of this section. If the
16 legislature meets in regular or special session at any time before
17 the rules review committee makes a final decision on a petition, the
18 rules review committee may defer making a final decision until after
19 the adjournment sine die of the regular or special session or
20 sessions. The rules review committee shall make a final decision on a
21 deferred petition within ninety days of adjournment. During a
22 legislative session, petitioners may bring any concerns raised in a
23 petition to any legislator, and those concerns may be addressed
24 directly through legislation.

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