
ENGROSSED SENATE BILL 5214

State of Washington 65th Legislature 2017 Regular Session

By Senators Wilson, Zeiger, and Schoesler

Read first time 01/17/17. 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) General permits impacting local governments filed in
31 accordance with agency rules; and

32 (b) Guidance documents and advisory materials incorporated into
33 local government ordinances.

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

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

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

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

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

11 (4) Within thirty days of the receipt of the committee's
12 findings, the agency must fully consider all written and oral
13 comments received as a result of the committee review and provide a
14 response to the committee addressing the comments and findings.

15 (5) Upon receipt of the agency response, the rules review
16 committee must transmit the committee findings, comments received,
17 and the agency response to the governor and the appropriate standing
18 committees of the legislature.

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