

SENATE BILL REPORT

SB 5136

As of January 26, 1995

Title: An act relating to legislative suspension of administrative rules.

Brief Description: Strengthening powers for legislative suspension of agency rules.

Sponsors: Senators McCaslin, Hochstatter, A. Anderson and Long.

Brief History:

Committee Activity: Government Operations: 1/31/95.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Diane Smith (786-7410)

Background: The Joint Administrative Rules Review Committee (JARRC) was originally established in 1981 to review agency rules selectively. Currently, JARRC conducts selective review of agency rules to determine whether they are within legislative intent and adopted in accordance with all applicable provisions of law. In addition, the committee may review agency policies and guidelines to determine whether they are within legislative intent and whether the agency is using the policies or guidelines in place of a rule.

Ultimately, JARRC has no enforcement authority. JARRC may recommend that the Governor suspend an existing rule for a period to last until 90 days after the next regular legislative session ends.

A JARRC decision in no way serves to establish a presumption as to the legality of a rule in any subsequent judicial proceeding which interprets the rules subject to a committee decision.

Summary of Bill: In its recommendation to the Governor that an agency rule be suspended for failure to conform with the intent of the Legislature, the Joint Administrative Rules Review Committee must include a specific finding of legislative intent. That finding creates a conclusive presumption of legislative intent. If the rule is challenged in court, the court is bound by the committee's finding as to the intent of the statute. The court must decide the issue of whether the rule is within that statutory intent.

Appropriation: None.

Fiscal Note: Not requested.

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