
SENATE BILL 5137

State of Washington 54th Legislature 1995 Regular Session

By Senators McCaslin, Sheldon, Hochstatter, Oke, A. Anderson and Long

Read first time 01/12/95. Referred to Committee on Government Operations.

1 AN ACT Relating to legislative review of administrative rules; and
2 amending RCW 34.05.610 and 34.05.660.

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

4 **Sec. 1.** RCW 34.05.610 and 1988 c 288 s 601 are each amended to
5 read as follows:

6 (1) (~~There is hereby created a~~) The joint administrative rules
7 review committee ((which)) is created to represent both houses of the
8 legislature in interpreting the intent of the legislature as expressed
9 in the Revised Code of Washington.

10 (2) The committee shall be a bipartisan committee consisting of
11 four senators and four representatives from the state legislature. The
12 senate members of the committee shall be appointed by the president of
13 the senate, and the house members of the committee shall be appointed
14 by the speaker of the house. Not more than two members from each house
15 may be from the same political party. All appointments to the
16 committee are subject to approval by the caucuses to which the
17 appointed members belong.

18 ((+2)) (3) Members shall be appointed as soon as possible after
19 the legislature convenes in regular session in an odd-numbered year,

1 and their terms shall extend until their successors are appointed and
2 qualified at the next regular session of the legislature in an odd-
3 numbered year or until such members no longer serve in the legislature,
4 whichever occurs first. Members may be reappointed to a committee.

5 ~~((3))~~ (4) The president of the senate shall appoint the
6 chairperson in even-numbered years and the vice chairperson in odd-
7 numbered years from among committee membership. The speaker of the
8 house shall appoint the chairperson in odd-numbered years and the vice
9 chairperson in even-numbered years from among committee membership.
10 Such appointments shall be made in January of each year as soon as
11 possible after a legislative session convenes.

12 ~~((4))~~ (5) A vacancy on the committee shall be filled by
13 appointment of a legislator from the same political party as the
14 original appointment. The appropriate appointing authority shall make
15 the appointment within thirty days of the vacancy occurring.

16 **Sec. 2.** RCW 34.05.660 and 1988 c 288 s 606 are each amended to
17 read as follows:

18 (1) Except as provided in subsection (2) of this section, it is the
19 express policy of the legislature that establishment of procedures for
20 review of administrative rules by the legislature and the notice of
21 objection required by RCW 34.05.630(2) and 34.05.640(2) in no way
22 serves to establish a presumption as to the legality or
23 constitutionality of a rule in any subsequent judicial proceedings
24 interpreting such rules.

25 (2) An election by the rules review committee to recommend
26 suspension of a rule, whether or not the suspension is approved by the
27 governor, establishes a presumption in any subsequent judicial review
28 of the rule that the rule is invalid. The burden of demonstrating the
29 rule's validity is then on the adopting agency.

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