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HOUSE BILL 2246

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Hudgins and Taylor

Read first time 04/23/15. Referred to Committee on State Government.

1            AN ACT Relating to modifying specific statutory timelines  
2 governing the administration and organization of the joint  
3 administrative rules review committee that prescribe when member,  
4 alternate, chair, and vice chair appointments and final decisions  
5 regarding petitions for review must be made; and amending RCW  
6 34.05.610 and 34.05.655.

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

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

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

20            (2) Members and alternates shall be appointed as soon as possible  
21 after the legislature convenes in regular session in an odd-numbered

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (b) Identify the specific statute which the rule interprets or  
39 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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