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**SUBSTITUTE SENATE BILL 5573**

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**State of Washington****53rd Legislature****1993 Regular Session**

**By** Senate Committee on Labor & Commerce (originally sponsored by Senators Deccio, Haugen, Snyder, Sellar, Moyer, Jesernig, M. Rasmussen, Loveland, Franklin, Hargrove, Oke, McAuliffe, von Reichbauer, Vognild, Bauer, Nelson, Niemi, Amondson, Fraser, West, Winsley, Bluechel, Erwin, Skratek, Roach, L. Smith, McDonald, Newhouse, Gaspard, McCaslin, Anderson, Barr, Cantu, Owen, A. Smith, Sheldon, Hochstatter, Drew and Quigley)

Read first time 03/02/93.

1 AN ACT Relating to legislative review of administrative rules; and  
2 amending RCW 34.05.610, 34.05.620, and 34.05.630.

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 joint administrative rules review  
7 committee which shall be a bipartisan committee consisting of four  
8 senators and four representatives from the state legislature. The  
9 senate members of the committee shall be appointed by the president of  
10 the senate, and the house members of the committee shall be appointed  
11 by the speaker of the house. Not more than two members from each house  
12 may be from the same political party. All appointments to the  
13 committee are subject to approval by the caucuses to which the  
14 appointed members belong.

15 (2) Members shall be appointed as soon as possible after the  
16 legislature convenes in regular session in an odd-numbered year, and  
17 their terms shall extend until their successors are appointed and  
18 qualified at the next regular session of the legislature in an odd-

1 numbered year or until such members no longer serve in the legislature,  
2 whichever occurs first. Members may be reappointed to a committee.

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

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

14 (5) The committee shall:

15 (a) Appoint an executive director and general counsel by majority  
16 vote of its members, and may employ such additional legal, policy, and  
17 support staff as are necessary to carry out the powers and duties of  
18 the committee;

19 (b) Have general administrative responsibility for the operations  
20 of its staff; and

21 (c) Submit to the president of the senate and the speaker of the  
22 house of representatives a proposed budget and request a biennial  
23 appropriation to cover the expenses required for the work of the  
24 committee.

25 **Sec. 2.** RCW 34.05.620 and 1988 c 288 s 602 are each amended to  
26 read as follows:

27 (1) The rules review committee shall maintain a continuous review  
28 of all rules proposed under RCW 34.05.320 to determine whether:

29 (a) The rule is within the intent of the legislature as expressed  
30 in the statute that the rule implements;

31 (b) The rule has been adopted in accordance with all applicable  
32 provisions of law, including RCW 34.05.--- (section 7 of Substitute  
33 Senate Bill No. 5506) and chapter 19.85 RCW; and

34 (c) The statute that the rule purports to implement has been  
35 repealed or ruled invalid by the courts.

36 (2) Whenever a majority of the members of the rules review  
37 committee determines that a proposed rule is not within the intent of  
38 the legislature as expressed in the statute which the rule implements,

1 the committee shall give the affected agency written notice of its  
2 decision. The notice shall be given at least seven days prior to any  
3 hearing scheduled for consideration of or adoption of the proposed rule  
4 pursuant to RCW 34.05.320. The notice shall include a statement of the  
5 review committee's findings and the reasons therefor. When the agency  
6 holds a hearing on the proposed rule, the agency shall consider the  
7 review committee's decision.

8 **Sec. 3.** RCW 34.05.630 and 1988 c 288 s 603 are each amended to  
9 read as follows:

10 (1) All rules required to be filed pursuant to RCW 34.05.380, and  
11 emergency rules adopted pursuant to RCW 34.05.350, are subject to  
12 (~~selective~~) review by the legislature.

13 (2) The rules review committee may review an agency's use of policy  
14 statements, guidelines, and issuances that are of general  
15 applicability, or their equivalents to determine whether or not an  
16 agency has failed to adopt a rule.

17 (3) If the rules review committee finds by a majority vote of its  
18 members: (a) That an existing rule is not within the intent of the  
19 legislature as expressed by the statute which the rule implements, (b)  
20 that the rule has not been adopted in accordance with all applicable  
21 provisions of law, (~~or~~) (c) that the statute that the rule purports  
22 to implement has been repealed or ruled invalid by the courts, or (d)  
23 that an agency is using a policy statement, guideline, or issuance in  
24 place of a rule, the agency affected shall be notified of such finding  
25 and the reasons therefor. Within thirty days of the receipt of the  
26 rules review committee's notice, the agency shall file notice of a  
27 hearing on the rules review committee's finding with the code reviser  
28 and mail notice to all persons who have made timely request of the  
29 agency for advance notice of its rule-making proceedings as provided in  
30 RCW 34.05.320. The agency's notice shall include the rules review  
31 committee's findings and reasons therefor, and shall be published in  
32 the Washington state register in accordance with the provisions of  
33 chapter 34.08 RCW.

34 (4) The agency shall consider fully all written and oral  
35 submissions regarding (a) whether the rule in question is within the  
36 intent of the legislature as expressed by the statute which the rule  
37 implements, (b) whether the rule was adopted in accordance with all

1 applicable provisions of law, or (c) whether the agency is using a  
2 policy statement, guideline, or issuance in place of a rule.

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