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SENATE BILL 5573

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State of Washington

53rd Legislature

1993 Regular Session

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 02/03/93. Referred to Committee on Labor & Commerce.

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; or

31 (b) The statute that the rule purports to implement has been  
32 repealed or ruled invalid by the courts.

33 (2) Whenever a majority of the members of the rules review  
34 committee determines that a proposed rule is not within the intent of  
35 the legislature as expressed in the statute which the rule implements,  
36 the committee shall give the affected agency written notice of its  
37 decision. The notice shall be given at least seven days prior to any  
38 hearing scheduled for consideration of or adoption of the proposed rule

1 pursuant to RCW 34.05.320. The notice shall include a statement of the  
2 review committee's findings and the reasons therefor. When the agency  
3 holds a hearing on the proposed rule, the agency shall consider the  
4 review committee's decision.

5 **Sec. 3.** RCW 34.05.630 and 1988 c 288 s 603 are each amended to  
6 read 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 legislature.

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

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19 to implement has been repealed or ruled invalid by the courts, or (d)  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

31 (4) The agency shall consider fully all written and oral  
32 submissions regarding (a) whether the rule in question is within the  
33 intent of the legislature as expressed by the statute which the rule  
34 implements, (b) whether the rule was adopted in accordance with all  
35 applicable provisions of law, or (c) whether the agency is using a  
36 policy statement, guideline, or issuance in place of a rule.

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