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**State Government, Elections &  
Information Technology Committee**

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**HB 1240**

**Brief Description:** Revising the responsibilities of the joint administrative rules review committee to increase legislative oversight of agency rule making.

**Sponsors:** Representatives Koster, Taylor, Shea, McDonald, Hayes, Rodne, Irwin, Manweller, Short, Young, Pike and Kraft.

**Brief Summary of Bill**

- Grants authority to the Joint Administrative Rules Review Committee to suspend an existing agency rule, subject to legislative review.

**Hearing Date:** 2/10/17

**Staff:** Sean Flynn (786-7124).

**Background:**

Administrative Procedures Act.

The Administrative Procedures Act (APA) requires agencies to follow certain procedural requirements when proposing and adopting rules of general applicability regarding licensing, regulations, and other agency actions. Rules must be filed with the Office of the Code Reviser and published in the Washington State Register.

The rule-making requirements apply to any state department, board, commission, or officer with rule-making authority. The legislative and judicial branches are exempt from the APA requirements. The Governor's office, the Attorney General, and certain executive agency activities are also exempt.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The types of rules that are subject to the formal rule-making process include general orders, directives, and regulations regarding: violations that impose sanctions; agency hearing procedures; qualifications and requirements for benefits or privileges; licensing qualifications and standards; and mandatory standards for products and materials for distribution or sale. A rule does not include: statements regarding internal management issues; declarations issued in response to public petitions; certain traffic restrictions; higher education rules regarding student admission, academics, employment relations, and fiscal processes; or certain rules by the Department of Revenue regarding excise taxes.

### Joint Administrative Rules Review Committee

The Joint Administrative Rules Review Committee (JARRC) is a bipartisan legislative committee that reviews selected proposed and existing agency rules. The JARRC may review whether: a rule fits within the legislative intent of the authorizing statute; a rule was adopted in accordance with the law; or a policy, guideline or interpretative statement is being applied by an agency as a rule. The JARRC may recommend that the Governor suspend a rule or that the Legislature repeal or amend the applicable authorizing statute if it finds that a rule is not in compliance with the law.

*Rules Review.* Any person may petition the JARRC for a review of a proposed or existing rule, a proposed or existing policy, or an interpretive statement of general applicability. If the JARRC issues an adverse finding on a rule, the agency in question is required to conduct a hearing on the committee's findings.

Within 30 days of receipt of the petition, the JARRC must acknowledge receipt of the petition and describe any initial action taken. If the petition is rejected, a written statement of the reasons for rejection must be included. The JARRC must make a final decision on a petitioned rule within 90 days of the receipt of the petition. If the JARRC is dissatisfied with the agency response to its findings, it may publish notice of its dissatisfaction in the State Register, recommend to the Governor that he or she suspend the rule, or refer the matter to a standing policy committee of the Legislature.

### **Summary of Bill:**

The JARRC may immediately suspend an existing rule it disapproves after determining that the rule is not within the intent of the Legislature, or that the rule has not been adopted in accordance with the law. The suspension lasts until the end of the next regular legislative session. During that period, the JARRC must introduce legislation to the appropriate standing committees of the legislature for consideration.

The legislative committee must make a formal recommendation to the entire Legislature whether to approve or disapprove the rule. If the Legislature disapproves the rule, it immediately expires. If the Legislature does not disapprove the rule by adjournment of the regular session, the rule is adopted and become effective.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 2017.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.