

SENATE BILL REPORT

SB 5135

As of January 26, 1995

Title: An act relating to legislative suspension of administrative rules.

Brief Description: Authorizing a legislative committee to suspend agency rules.

Sponsors: Senators McCaslin and Hochstatter.

Brief History:

Committee Activity: Government Operations: 1/31/95.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Diane Smith (786-7410)

Background: The Joint Administrative Rules Review Committee (JARRC) was originally established in 1981 to review agency rules selectively. Currently, JARRC conducts selective review of agency rules to determine whether they are within legislative intent and adopted in accordance with all applicable provisions of law. In addition, the committee may review agency policies and guidelines to determine whether they are within legislative intent and whether the agency is using the policies or guidelines in place of a rule.

Ultimately, JARRC has no enforcement authority. JARRC may recommend that the Governor suspend an existing rule for a period to last until 90 days after the next regular legislative session ends.

A JARRC decision in no way serves to establish a presumption as to the legality of a rule in any subsequent judicial proceeding which interprets the rules subject to a committee decision.

Summary of Bill: The Joint Administrative Rules Review Committee is given direct authority to suspend agency rules without involving the Governor in the process.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.