
HOUSE BILL 2293

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Pike, Harris, Vick, Blake, and Rodne

Read first time 01/15/14. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to adding responsibilities to the duties of the
2 joint administrative rules review committee; amending RCW 34.05.630;
3 and adding a new section to chapter 34.05 RCW.

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

5 **Sec. 1.** RCW 34.05.630 and 1998 c 21 s 1 are each amended to read
6 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 committee. The committee must review a rule:

10 (a) Upon receipt of a petition for review signed by at least
11 fifteen members of the legislature;

12 (b) If the rule has an economic impact of ten million dollars or
13 more; or

14 (c) Upon receipt of a petition for review signed by five or more
15 local governments representing collectively fifty thousand or more
16 Washington residents.

17 (2) All agency policy and interpretive statements, guidelines, and
18 documents that are of general applicability, or their equivalents, are
19 subject to selective review by the committee to determine whether or

1 not a statement, guideline, or document that is of general
2 applicability, or its equivalent, is being used as a rule that has not
3 been adopted in accordance with all applicable provisions of law.

4 (3) If the rules review committee finds by a majority vote of its
5 members: (a) That an existing rule is not within the intent of the
6 legislature as expressed by the statute which the rule implements, (b)
7 that the rule has not been adopted in accordance with all applicable
8 provisions of law, or (c) that an agency is using a policy or
9 interpretive statement in place of a rule, the agency affected shall be
10 notified of such finding and the reasons therefor. Within thirty days
11 of the receipt of the rules review committee's notice, the agency shall
12 file notice of a hearing on the rules review committee's finding with
13 the code reviser and mail notice to all persons who have made timely
14 request of the agency for advance notice of its rule-making proceedings
15 as provided in RCW 34.05.320. The agency's notice shall include the
16 rules review committee's findings and reasons therefor, and shall be
17 published in the Washington state register in accordance with the
18 provisions of chapter 34.08 RCW.

19 (4) The agency shall consider fully all written and oral
20 submissions regarding (a) whether the rule in question is within the
21 intent of the legislature as expressed by the statute which the rule
22 implements, (b) whether the rule was adopted in accordance with all
23 applicable provisions of law, and (c) whether the agency is using a
24 policy or interpretive statement, guideline, or document that is of
25 general applicability, or its equivalent, in place of a rule.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 34.05 RCW
27 to read as follows:

28 (1) The following agency actions are subject to selective review by
29 the committee to ensure consistency with the agency's adopted
30 guidelines, administrative regulations for issuing a permit, or both:

31 (a) A water quality general permit or individual wastewater
32 discharge permit issued by the department of ecology under chapter
33 90.48 RCW or pursuant to the federal clean water act, 33 U.S.C. Sec.
34 1251 et seq.;

35 (b) A permit issued by the department of ecology to major sources
36 under RCW 70.94.152;

1 (c) The use by the department of ecology of advisory materials or
2 guidelines issued pursuant to chapter 90.58 RCW in the review of a
3 local shoreline master program; and

4 (d) The use by the department of commerce of advisory materials or
5 guidelines issued pursuant to chapter 36.70A RCW regarding the local
6 designation of a critical area.

7 (2) The committee must review an agency action:

8 (a) Upon receipt of a petition for review signed by at least
9 fifteen members of the legislature;

10 (b) If the action has an economic impact of ten million dollars or
11 more; or

12 (c) Upon receipt of a petition for review signed by five or more
13 local governments representing collectively fifty thousand or more
14 Washington residents.

15 (3) If the committee finds by a majority vote of its members that
16 the issuance of a permit or the use of guidelines or advisory materials
17 under subsection (1) of this section is not consistent with the
18 agency's adopted guidelines, administrative regulations for issuing a
19 permit, or both, the agency affected must be notified of the findings,
20 the reasons for the findings, and all written and oral comments
21 received during the review.

22 (4) Within thirty days of the receipt of the committee's findings,
23 the agency must fully consider all written and oral comments received
24 as a result of the committee review.

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