



# Joint Administrative Rules Review Committee

**DOH/BOH Budget Proviso  
3ESSB 5034 sec. 219(1)(b)**

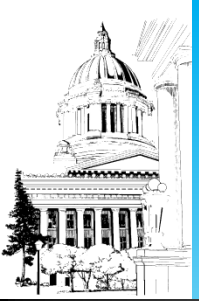
*Background/History for Purposes of Discussion*

*Prepared by Committee Staff, November 2013*



## RCW 43.20.050(2)(d)

- ▶ “In order to protect public health, the state board of health shall: ... Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, and cleanliness in public facilities including but not limited to food service establishments, schools, recreational facilities, and transient accommodations;....”



# BOH'S

## Primary and Secondary School Rules

- ▶ Chapter 246-366 WAC – adopted 1971; last amended early 1990's
- ▶ Per BOH history/status of school rules:
  - Initiated rule revision in 2004
  - Convened School Rule Development Committee
  - 1<sup>st</sup> draft released March 2006
  - 2d draft released August 2007
  - School Rule Revision Team workgroup formed
  - Proposed new rules – Chapter 246-366A WAC - filed July 2008
    - Hearings held August/September 2008
    - BOH defers vote on motion to adopt until Legislature has opportunity during 2009 Session to consider providing funding to support rule implementation.



## 2009-11 Operating Budget Proviso

- ▶ “The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute.”



## 2009 - 2013

- ▶ BOH adopts new rules in August 2009 *but* delays effective date/implementation to July 2010.
  - Old rules remain in effect.
- ▶ 2010 BOH rulemaking order delays effective date/implementation of new rules to July 2011.
- ▶ Legislature includes same proviso in 2011-13 budget, proscribing implementation of new rules.
- ▶ 2011 BOH rulemaking order delays effective date/implementation of new rules until July 2013.
- ▶ 2013 BOH rulemaking order delays effective date/implementation of new rules until July 2015.



# 2013-15 Operating Budget Legislature adds 2d proviso

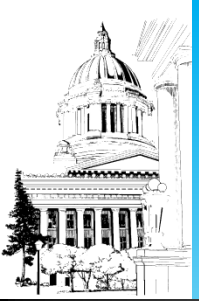
- ▶ “The joint administrative rules review committee shall review the new or amended rules pertaining to primary and secondary school facilities under (a) of this subsection. The review committee shall determine whether (i) the rules are within the intent of the legislature as expressed by the statute that the rule implements, (ii) the rule has been adopted in accordance with all applicable provisions of law, or (iii) that the agency is using a policy or interpretive statement in place of a rule. The rules review committee shall report to the appropriate policy and fiscal committees of the legislature the results of committee's review and any recommendations that the committee deems advisable.”



## 3ESSB 5034 Sec. 219(1)(a) & (b)

(a) The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute.

(b) The joint administrative rules review committee shall review the new or amended rules pertaining to primary and secondary school facilities under (a) of this subsection. The review committee shall determine whether (i) the rules are within the intent of the legislature as expressed by the statute that the rule implements, (ii) the rule has been adopted in accordance with all applicable provisions of law, or (iii) that the agency is using a policy or interpretive statement in place of a rule. The rules review committee shall report to the appropriate policy and fiscal committees of the legislature the results of committee's review and any recommendations that the committee deems advisable.



# Questions?

- ▶ Please call or email either committee staff with additional questions:
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