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SENATE BILL 5135

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State of Washington

54th Legislature

1995 Regular Session

By Senators McCaslin and Hochstatter

Read first time 01/12/95. Referred to Committee on Government Operations.

1 AN ACT Relating to legislative suspension of administrative rules;  
2 and amending RCW 34.05.640.

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

4 **Sec. 1.** RCW 34.05.640 and 1994 c 249 s 19 are each amended to read  
5 as follows:

6 (1) Within seven days of an agency hearing held after notification  
7 of the agency by the rules review committee pursuant to RCW 34.05.620  
8 or 34.05.630, the affected agency shall notify the committee of its  
9 action on a proposed or existing rule to which the committee objected  
10 or on a committee finding of the agency's failure to adopt rules. If  
11 the rules review committee determines, by a majority vote of its  
12 members, that the agency has failed to provide for the required  
13 hearings or notice of its action to the committee, the committee may  
14 file notice of its objections, together with a concise statement of the  
15 reasons therefor, with the code reviser within thirty days of such  
16 determination.

17 (2) If the rules review committee finds, by a majority vote of its  
18 members: (a) That the proposed or existing rule in question has not  
19 been modified, amended, withdrawn, or repealed by the agency so as to

1 conform with the intent of the legislature, or (b) that an existing  
2 rule was not adopted in accordance with all applicable provisions of  
3 law, including ~~((section 4 of this act if the rule was adopted after  
4 the effective date of section 4 of this act and))~~ chapter 19.85 RCW, or  
5 (c) that the agency is using a policy statement, guideline, or issuance  
6 in place of a rule, or that the policy statement, guideline, or  
7 issuance is outside of the legislative intent, the rules review  
8 committee may, within thirty days from notification by the agency of  
9 its action, file with the code reviser notice of its objections  
10 together with a concise statement of the reasons therefor. Such notice  
11 and statement shall also be provided to the agency by the rules review  
12 committee.

13 (3) If the rules review committee makes an adverse finding under  
14 subsection (2) of this section, the committee may, by a majority vote  
15 of its members, ~~((recommend suspension of))~~ suspend an existing rule.  
16 Within seven days of such vote the committee shall transmit to the  
17 appropriate standing committees of the legislature, the governor, the  
18 code reviser, and the agency written notice of its objection and  
19 ~~((recommended))~~ suspension and the concise reasons therefor. ~~((Within  
20 thirty days of receipt of the notice, the governor shall transmit to  
21 the committee, the code reviser, and the agency written approval or  
22 disapproval of the recommended suspension.—If))~~ The suspension is  
23 ~~((approved by the governor, it is))~~ effective from the date ~~((of))~~ that  
24 ~~((approval))~~ the committee submits its notice of objection and  
25 suspension and continues until ninety days after the ~~((expiration))~~  
26 final adjournment of the next regular legislative session.

27 (4) ~~((If the governor disapproves the recommendation of the rules  
28 review committee to suspend the rule, the transmittal of such decision,  
29 along with the findings of the rules review committee, shall be treated  
30 by the agency as a petition by the rules review committee to repeal the  
31 rule under RCW 34.05.330.~~

32 (5)) The code reviser shall publish transmittals from the rules  
33 review committee ~~((or the governor issued pursuant to))~~ issued under  
34 subsection (1), (2), or (3) of this section in the Washington state  
35 register and shall publish in the next supplement and compilation of  
36 the Washington Administrative Code a reference to the committee's  
37 objection ~~((or recommended))~~ and suspension and ~~((the governor's action  
38 on it and))~~ to the issue of the Washington state register in which the  
39 full text thereof appears.

1        (~~(6)~~) (5) The reference shall be removed from a rule published in  
2 the Washington Administrative Code if a subsequent adjudicatory  
3 proceeding determines that the rule is within the intent of the  
4 legislature or was adopted in accordance with all applicable laws,  
5 whichever was the objection of the rules review committee.

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