
SECOND SUBSTITUTE SENATE BILL 5240

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators West, Anderson, Hochstatter, Hale, Morton, Oke, Johnson, Benton, McDonald, Schow, Zarelli, Long, Swecker, Haugen, Finkbeiner, Stevens, Bauer and Goings)

Read first time 03/07/97.

1 AN ACT Relating to rule making; and amending RCW 34.05.360 and
2 34.05.380.

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

4 **Sec. 1.** RCW 34.05.360 and 1988 c 288 s 311 are each amended to
5 read as follows:

6 The order of adoption by which each rule is adopted by an agency
7 shall contain all of the following:

8 (1) The date the agency adopted the rule;

9 (2) A concise statement of the purpose of the rule;

10 (3) A reference to all rules repealed, amended, or suspended by the
11 rule;

12 (4) A reference to the specific statutory or other authority
13 authorizing adoption of the rule;

14 (5) The governor's signature approving the adopted rule, if the
15 agency head is appointed by, and serves at the pleasure of, the
16 governor;

17 (6) Any findings required by any provision of law as a precondition
18 to adoption or effectiveness of the rule; and

1 (~~(6)~~) (7) The effective date of the rule if other than that
2 specified in RCW 34.05.380(2).

3 **Sec. 2.** RCW 34.05.380 and 1989 c 175 s 11 are each amended to read
4 as follows:

5 (1) Each agency shall file in the office of the code reviser a
6 certified copy of all rules it adopts, except for rules contained in
7 tariffs filed with or published by the Washington utilities and
8 transportation commission. An agency, the head of which is appointed
9 by, and serves at the pleasure of, the governor, shall not file, and
10 the code reviser shall not accept, a nonemergency rule that does not
11 bear the governor's signature approving the rule. The code reviser
12 shall place upon each rule a notation of the time and date of filing
13 and shall keep a permanent register of filed rules open to public
14 inspection. In filing a rule, each agency shall use the standard form
15 prescribed for this purpose by the code reviser.

16 (2) Emergency rules adopted under RCW 34.05.350 become effective
17 upon filing unless a later date is specified in the order of adoption.
18 All other rules become effective upon the expiration of thirty days
19 after the date of filing, unless a later date is required by statute or
20 specified in the order of adoption.

21 (3) A rule may become effective immediately upon its filing with
22 the code reviser or on any subsequent date earlier than that
23 established by subsection (2) of this section, if the agency
24 establishes that effective date in the adopting order and finds that:

25 (a) Such action is required by the state or federal Constitution,
26 a statute, or court order;

27 (b) The rule only delays the effective date of another rule that is
28 not yet effective; or

29 (c) The earlier effective date is necessary because of imminent
30 peril to the public health, safety, or welfare.

31 The finding and a brief statement of the reasons therefor required
32 by this subsection shall be made a part of the order adopting the rule.

33 (4) With respect to a rule made effective pursuant to subsection
34 (3) of this section, each agency shall make reasonable efforts to make
35 the effective date known to persons who may be affected by it.

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