

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1248**

62nd Legislature  
2011 1st Special Session

Passed by the House May 10, 2011  
Yeas 91 Nays 4

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**Speaker of the House of Representatives**

Passed by the Senate May 17, 2011  
Yeas 47 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1248** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 1248

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Passed Legislature - 2011 1st Special Session

State of Washington                      62nd Legislature                      2011 1st Special Session

By Representatives Hunter and Darneille; by request of Office of  
Financial Management

Read first time 01/18/11. Referred to Committee on Ways & Means.

1            AN ACT Relating to authorizing emergency rule making when necessary  
2 to implement fiscal reductions; and amending RCW 34.05.350; and  
3 declaring an emergency.

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

5            **Sec. 1.** RCW 34.05.350 and 2009 c 559 s 1 are each amended to read  
6 as follows:

7            (1) If an agency for good cause finds:

8            (a) That immediate adoption, amendment, or repeal of a rule is  
9 necessary for the preservation of the public health, safety, or general  
10 welfare, and that observing the time requirements of notice and  
11 opportunity to comment upon adoption of a permanent rule would be  
12 contrary to the public interest;

13            (b) That state or federal law or federal rule or a federal deadline  
14 for state receipt of federal funds requires immediate adoption of a  
15 rule; or

16            (c) In order to implement the requirements or reductions in  
17 appropriations enacted in any budget for fiscal year(~~(s)~~) 2009, 2010,  
18 (~~(or)~~) 2011, 2012, or 2013, which necessitates the need for the  
19 immediate adoption, amendment, or repeal of a rule, and that observing

1 the time requirements of notice and opportunity to comment upon  
2 adoption of a permanent rule would be contrary to the fiscal needs or  
3 requirements of the agency,  
4 the agency may dispense with those requirements and adopt, amend, or  
5 repeal the rule on an emergency basis. The agency's finding and a  
6 concise statement of the reasons for its finding shall be incorporated  
7 in the order for adoption of the emergency rule or amendment filed with  
8 the office of the code reviser under RCW 34.05.380 and with the rules  
9 review committee.

10 (2) An emergency rule adopted under this section takes effect upon  
11 filing with the code reviser, unless a later date is specified in the  
12 order of adoption, and may not remain in effect for longer than one  
13 hundred twenty days after filing. Identical or substantially similar  
14 emergency rules may not be adopted in sequence unless conditions have  
15 changed or the agency has filed notice of its intent to adopt the rule  
16 as a permanent rule, and is actively undertaking the appropriate  
17 procedures to adopt the rule as a permanent rule. This section does  
18 not relieve any agency from compliance with any law requiring that its  
19 permanent rules be approved by designated persons or bodies before they  
20 become effective.

21 (3) Within seven days after the rule is adopted, any person may  
22 petition the governor requesting the immediate repeal of a rule adopted  
23 on an emergency basis by any department listed in RCW 43.17.010.  
24 Within seven days after submission of the petition, the governor shall  
25 either deny the petition in writing, stating his or her reasons for the  
26 denial, or order the immediate repeal of the rule. In ruling on the  
27 petition, the governor shall consider only whether the conditions in  
28 subsection (1) of this section were met such that adoption of the rule  
29 on an emergency basis was necessary. If the governor orders the repeal  
30 of the emergency rule, any sanction imposed based on that rule is void.  
31 This subsection shall not be construed to prohibit adoption of any rule  
32 as a permanent rule.

33 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of the  
35 state government and its existing public institutions, and takes effect

1 immediately.

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