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SENATE BILL 5270

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State of Washington

54th Legislature

1995 Regular Session

By Senators Deccio, Haugen, Winsley, Loveland, Hochstatter, Oke, Moyer, Rasmussen, Long, Hargrove, McCaslin, Owen, Hale, Newhouse, Wood, Snyder, Cantu, Wojahn, Roach, West, Strannigan, McDonald, Quigley, Schow, Sellar, Finkbeiner, A. Anderson and Bauer

Read first time 01/17/95. Referred to Committee on Government Operations.

1 AN ACT Relating to administrative rule making; amending RCW  
2 34.05.380; and adding a new section to chapter 34.05 RCW.

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

4 **Sec. 1.** RCW 34.05.380 and 1989 c 175 s 11 are each amended to read  
5 as follows:

6 (1) Each agency shall file in the office of the code reviser a  
7 certified copy of all rules it adopts, except for rules contained in  
8 tariffs filed with or published by the Washington utilities and  
9 transportation commission. The code reviser shall place upon each rule  
10 a notation of the time and date of filing and shall keep a permanent  
11 register of filed rules open to public inspection. In filing a rule,  
12 each agency shall use the standard form prescribed for this purpose by  
13 the code reviser.

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

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

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

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

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

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

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

16 (5) A rule may not establish a requirement that differs from  
17 requirements established under federal law or regulation unless the  
18 agency is specifically authorized by statute to adopt a rule that  
19 differs from federal requirements.

20 NEW SECTION. Sec. 2. A new section is added to chapter 34.05 RCW  
21 to read as follows:

22 (1) Notwithstanding any other provision of law to the contrary, all  
23 rules that establish requirements that differ from requirements  
24 established under federal law or regulation expire two years after the  
25 effective date of this act, unless the agency that adopted the rule is  
26 specifically authorized by statute to adopt a rule that differs from  
27 federal requirements.

28 (2) If a rule has expired under subsection (1) of this section,  
29 existing federal requirements shall prevail.

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