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SENATE BILL 6645

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State of Washington

54th Legislature

1996 Regular Session

By Senators Hale, Haugen, A. Anderson, Bauer, Wood, Loveland, Owen, Rasmussen, Sheldon, Cantu, McCaslin, Newhouse, Deccio, Snyder, McDonald, Johnson, Swecker, Schow, Zarelli, West, Long, Morton, Oke, Winsley, Roach and Hochstatter

Read first time 01/22/96. Referred to Committee on Government Operations.

1 AN ACT Relating to re Adoption of agency rules; and adding a new  
2 section to chapter 34.05 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 34.05 RCW  
5 to read as follows:

6 (1) A person may petition an agency requesting that an existing  
7 rule be subject to re Adoption. The office of financial management  
8 shall prescribe by rule the format for such petitions and the procedure  
9 for their submission, consideration, and disposition and provide a  
10 standard form that may be used to petition any agency. Within sixty  
11 days after submission of a petition, the agency shall either (a) deny  
12 the petition in writing, stating (i) its reasons for the denial,  
13 specifically addressing each item listed in subsection (3) of this  
14 section and, where appropriate, (ii) the alternative means by which it  
15 will address the concerns raised by the petitioner, or (b) initiate the  
16 re Adoption procedure in accordance with this section.

17 (2) If an agency denies a petition submitted under subsection (1)  
18 of this section, the petitioner, within thirty days of the denial, may  
19 appeal the denial to the joint administrative rules review committee.

1 Within sixty days after receiving the appeal, the committee shall, by  
2 a majority vote of its members, either (a) deny the appeal in writing,  
3 stating its reasons for the denial, or (b) direct the agency to  
4 initiate the readoption procedure in accordance with this section. The  
5 agency shall initiate the readoption procedure by the date specified by  
6 the committee.

7 (3) An agency's written denial under subsection (1) of this section  
8 must address each of the following:

9 (a) Whether the rule is authorized;

10 (b) Whether the rule is needed;

11 (c) Whether the rule conflicts with or duplicates other federal,  
12 state, or local laws;

13 (d) Whether alternatives to the rule exist that will serve the same  
14 purpose at less cost;

15 (e) Whether the rule applies differently to public and private  
16 entities;

17 (f) Whether the rule serves the purposes for which it was adopted;

18 (g) Whether the benefits of the rule are greater than its costs;

19 (h) Whether the rule is clearly and simply stated; and

20 (i) Whether there is adequate justification if the rule is  
21 different than a federal law applicable to the same activity or subject  
22 matter.

23 Persons are encouraged to address each of these issues in their  
24 petition to the agency.

25 (4) For purposes of this section, "readoption" means that the text  
26 of the existing rule is submitted under RCW 34.05.320 as a proposed  
27 rule and is then subject to the rule-making process set forth in this  
28 chapter. However, an agency need not submit a statement of inquiry  
29 under RCW 34.05.310 for an existing rule subject to readoption. Unless  
30 readopted, an existing rule subject to readoption is automatically  
31 repealed one hundred eighty days after publication of the text as a  
32 proposed rule in the Washington State Register.

33 (5) A decision by an agency under subsection (1) of this section to  
34 deny a petition for readoption is not subject to judicial review.

35 (6) The office of financial management shall initiate the rule  
36 making required by subsection (1) of this section by July 1, 1996.

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