

2 **SSB 5993** - S AMD 070  
3 By Senator Hochstatter

4 NOT ADOPTED 03/12/01

5 On page 3, line 34, after "(a)", strike "By December 31, 2002,"

6 On page 4, after line 30, insert the following:

7 "~~(e) Recognizing that agency rulemaking is the exercise of delegated legislative~~  
8 ~~power rather than an inherent executive function, the legislature intends that the delegation~~  
9 ~~of its legislative powers shall be strictly limited in this case. If necessary to implement this~~  
10 ~~act, the department of health may adopt emergency rules pursuant to RCW Chapter 34.05.~~  
11 ~~The department of health may propose permanent rules under this subsection. However,~~  
12 ~~those rules shall remain proposed rules until approved by concurrent resolution of the~~  
13 ~~legislature. After legislative approval, the department of health shall adopt the rules as final~~  
14 ~~rules without variance."~~

15 On page 4, after line 36, insert the following:

16 "**Sec. 5.** RCW 34.05.335 and 1989 c 175 s 8 are each amended to read as follows:

17 (1) A proposed rule may be withdrawn by the proposing agency at any time before  
18 adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance  
19 with RCW 34.05.320.

20 (2) Before adopting a rule, an agency shall consider the written and oral submissions,  
21 or any memorandum summarizing oral submissions.

22 (3) ~~Except for rules promulgated pursuant to this act, rules not adopted and filed with~~  
23 ~~the code reviser within one hundred eighty days after publication of the text as last~~  
24 ~~proposed in the register shall be regarded as withdrawn. An agency may not thereafter~~  
25 ~~adopt the proposed rule without refiling in accordance with RCW 34.05.320. The code~~  
26 ~~reviser shall give notice of the withdrawal in the register.~~

27 (4) An agency may not adopt a rule before the time established in the published  
28 notice or such later time established in the record or by publication in the state register."

