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SENATE BILL 5089

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State of Washington                      53rd Legislature                      1993 Regular Session

By Senators McCaslin, Deccio, Oke and Anderson

Read first time 01/13/93.      Referred to Committee on Government Operations.

1            AN ACT Relating to the effective date of administrative rules; and  
2 amending RCW 34.05.380.

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~~) filed before December 1st of a  
19 year shall take effect at the end of the next regular legislative

1 session. All other rules filed on or between January 1st and November  
2 30th of a year shall take effect at the end of the regular legislative  
3 session held in the following calendar year; and all other rules filed  
4 during the month of December of a year shall take effect at the end of  
5 the second subsequent regular legislative session.

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

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

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

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

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

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

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