
SENATE BILL 5568

State of Washington

53rd Legislature

1993 Regular Session

By Senators Jesernig, Amondson, Bauer, Roach, Moore, McDonald, Owen, Skratek, Snyder, Hargrove, M. Rasmussen, West, Hochstatter, Loveland, Vognild, Pelz, McAuliffe, Winsley, Deccio, Anderson, Erwin, Barr, Drew, Oke, Sheldon, Cantu, Bluechel, von Reichbauer and Quigley

Read first time 02/03/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to administrative rule making; and amending RCW
2 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.

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) No rule, the violation of which subjects a person to a penalty
17 or administrative sanction, adopted by any of the following agencies,
18 is effective for more than five years after its adoption: Department
19 of ecology, employment security department, department of labor and
20 industries, department of revenue, department of licensing, or
21 department of health. A rule made ineffective under this subsection
22 may be readopted according to the procedures established in this
23 chapter.

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

26 No rule may be effective for more than three years after the
27 effective date of this act unless readopted according to the procedures
28 established in this chapter if:

29 (1) The rule is in effect on the effective date of this act;

30 (2) The violation of the rule subjects a person to a penalty or
31 administrative sanction; and

32 (3) The rule was adopted by any of the following agencies:
33 Department of ecology, employment security department, department of
34 labor and industries, department of revenue, department of licensing,
35 or department of health.

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