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5 On page 4, line 1, strike all of section 4 and insert the
6 following:

7 "NEW SECTION. **Sec. 4.** A new section is added to chapter 34.05 RCW
8 to read as follows:

9 (1) In addition to other requirements imposed by law, an agency may
10 not adopt a rule the violation of which subjects a person to a penalty
11 or administrative sanction; that establishes, alters, or revokes a
12 qualification or standard for the issuance, suspension, or revocation
13 of a license to pursue a commercial activity, trade, or profession; or
14 that establishes, alters, or revokes a mandatory standard for a product
15 or material that must be met before distribution or sale, unless:

16 (a) The rule is needed;

17 (b) The likely benefits of the rule are greater than its likely
18 costs;

19 (c) There are no alternatives to the rule that would be as
20 effective but less burdensome on those required to comply;

21 (d) Any fee imposed is reasonable and related to the cost of
22 administration;

23 (e) The rule is clearly and simply stated, so that it can be
24 understood by persons required to comply;

25 (f) The rule does not conflict with, overlap, or duplicate any
26 other provision of federal, state, or local law;

27 (g) The rule does not, without express statutory authority to do
28 so, differ from any provision of federal law regulating the same
29 activity or subject matter; and

30 (h) The rule does not differ in its application to public and
31 private entities.

32 (2) Upon adoption of any rule meeting the criteria in subsection
33 (1) of this section, an agency shall have a plan to evaluate whether
34 the rule achieves the purpose for which it was adopted."

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