

2 SB 5568 - S AMD

3 By Senator Moore

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 34.05.380 and 1989 c 175 s 11 are each amended to
8 read as follows:

9 (1) Each agency shall file in the office of the code reviser a
10 certified copy of all rules it adopts, except for rules contained in
11 tariffs filed with or published by the Washington utilities and
12 transportation commission. The code reviser shall place upon each rule
13 a notation of the time and date of filing and shall keep a permanent
14 register of filed rules open to public inspection. In filing a rule,
15 each agency shall use the standard form prescribed for this purpose by
16 the code reviser.

17 (2) Emergency rules adopted under RCW 34.05.350 become effective
18 upon filing unless a later date is specified in the order of adoption.
19 All other rules become effective upon the expiration of thirty days
20 after the date of filing, unless a later date is required by statute or
21 specified in the order of adoption.

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

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

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

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

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

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

1 (5) No rule, the violation of which subjects a person to a penalty
2 or administrative sanction; or that establishes, alters, or revokes a
3 qualification or standard for the issuance, suspension, or revocation
4 of a license to pursue a commercial activity, trade, or profession; or
5 that establishes, alters, or revokes a mandatory standard for a product
6 or material that must be met before distribution or sale; adopted by
7 any of the following agencies, is effective for more than five years
8 after its adoption: Department of ecology, employment security
9 department, department of labor and industries, department of revenue,
10 department of licensing, or department of health. A rule made
11 ineffective under this subsection may be readopted according to the
12 procedures established in this chapter.

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

15 No rule may be effective for more than five years after the
16 effective date of this act unless readopted according to the procedures
17 established in this chapter if:

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

19 (2) The violation of the rule subjects a person to a penalty or
20 administrative sanction; the rule establishes, alters, or revokes a
21 qualification or standard for the issuance, suspension, or revocation
22 of a license to pursue a commercial activity, trade, or profession; or
23 the rule establishes, alters, or revokes a mandatory standard for a
24 product or material that must be met before distribution or sale; and

25 (3) The rule was adopted by any of the following agencies:
26 Department of ecology, employment security department, department of
27 labor and industries, department of revenue, department of licensing,
28 or department of health."

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32 In line 1 of the title, after "making;" strike the remainder of the
33 title and insert "amending RCW 34.05.380; and adding a new section to
34 chapter 34.05 RCW."

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