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HOUSE BILL 2762

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Lisk, Mastin, Chandler, Foreman, Forner, Brough, B. Thomas, Schoesler, Rayburn, Silver, Long and Mielke

Read first time 01/24/94. Referred to Committee on State Government.

1 AN ACT Relating to suspension of rules; amending RCW 34.05.640 and  
2 34.05.650; and adding a new section to chapter 34.05 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 34.05.640 and 1993 c 277 s 2 are each amended to read  
5 as follows:

6 (1) Within seven days of an agency hearing held after notification  
7 of the agency by the rules review committee pursuant to RCW 34.05.620  
8 or 34.05.630, the affected agency shall notify the committee of its  
9 action on a proposed or existing rule to which the committee objected  
10 or on a committee finding of the agency's failure to adopt rules. If  
11 the rules review committee determines, by a majority vote of its  
12 members, that the agency has failed to provide for the required  
13 hearings or notice of its action to the committee, the committee may  
14 file notice of its objections, together with a concise statement of the  
15 reasons therefor, with the code reviser within thirty days of such  
16 determination.

17 (2) If the rules review committee finds, by a majority vote of its  
18 members: (a) That the proposed or existing rule in question has not  
19 been modified, amended, withdrawn, or repealed by the agency so as to

1 conform with the intent of the legislature, or (b) that the agency is  
2 using a policy statement, guideline, or issuance in place of a rule, or  
3 that the policy statement, guideline, or issuance is outside of the  
4 legislative intent, the rules review committee (~~(may)~~) shall, within  
5 thirty days from notification by the agency of its action, file with  
6 the code reviser notice of its objections together with a concise  
7 statement of the reasons therefor. Such notice and statement shall  
8 also be provided to the agency by the rules review committee.

9 (3) If the rules review committee makes an adverse finding under  
10 subsection (2) of this section, the committee (~~(may, by a two-thirds)~~)  
11 shall, by majority vote of its members, recommend suspension of an  
12 existing rule. Within seven days of such vote the committee shall  
13 transmit to the (~~(governor)~~) committee of the senate and house of  
14 representatives, or its successor committee, that initiated the  
15 legislation granting rule-making authority, the code reviser, and the  
16 agency written notice of its objection and recommended suspension and  
17 the concise reasons therefor. Within (~~(thirty)~~) one hundred eighty  
18 days of receipt of the notice, the (~~(governor)~~) committee of the senate  
19 and house of representatives, or its successor committee, that  
20 initiated the legislation granting rule-making authority shall transmit  
21 to the committee, the code reviser, and the agency written approval or  
22 disapproval of the recommended suspension. If the suspension is  
23 approved by the (~~(governor)~~) committee of the senate and house of  
24 representatives, or its successor committee, that initiated the  
25 legislation granting rule-making authority, it is effective from the  
26 date of that approval and continues until ninety days after the  
27 expiration of the next regular legislative session.

28 (4) The code reviser shall publish transmittals from the rules  
29 review committee or the (~~(governor)~~) appropriate legislative committee  
30 issued pursuant to subsection (1), (2), or (3) of this section in the  
31 Washington state register and shall publish in the next supplement and  
32 compilation of the Washington Administrative Code a reference to the  
33 committee's objection or recommended suspension and the (~~(governor's)~~)  
34 appropriate legislative committee's action on it and to the issue of  
35 the Washington state register in which the full text thereof appears.

36 (5) The reference shall be removed from a rule published in the  
37 Washington Administrative Code if a subsequent adjudicatory proceeding  
38 determines that the rule is within the intent of the legislature or was

1 adopted in accordance with all applicable laws, whichever was the  
2 objection of the rules review committee.

3 **Sec. 2.** RCW 34.05.650 and 1988 c 288 s 605 are each amended to  
4 read as follows:

5 The rules review committee may recommend to the legislature that  
6 the original enabling legislation serving as authority for the adoption  
7 of any rule reviewed by the committee be amended or repealed in such  
8 manner as the committee deems advisable. If the rule is recommended  
9 for suspension under RCW 34.05.640, then the committee shall forward  
10 proposed corrective legislation to the committee of the senate and  
11 house of representatives, or its successor committee, that initiated  
12 the legislation granting rule-making authority.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05 RCW  
14 to read as follows:

15 If a rule is suspended under RCW 34.05.640, then the agency with  
16 rule-making authority shall adopt new rules to implement the original  
17 enabling legislation.

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