

2 **SB 6702** - S AMD - 136
3 By Senator Hale

4 SCOPE & OBJECT RAISED; RULED W/O SCOPE 2/12/96

5 On page 7, after line 19, insert the following:

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

8 (1) A person may petition an agency requesting that an existing
9 rule be subject to readoption. The office of financial management
10 shall prescribe by rule the format for such petitions and the procedure
11 for their submission, consideration, and disposition and provide a
12 standard form that may be used to petition any agency. Within sixty
13 days after submission of a petition, the agency shall either (a) deny
14 the petition in writing, stating (i) its reasons for the denial,
15 specifically addressing each item listed in subsection (3) of this
16 section, and (ii) where appropriate, the alternative means by which it
17 will address the concerns raised by the petitioner, or (b) initiate the
18 readoption procedure in accordance with this section.

19 (2) If an agency denies a petition submitted under subsection (1)
20 of this section, the petitioner, within thirty days of the denial, may
21 appeal the denial to the joint administrative rules review committee.
22 Within sixty days after receiving the appeal, the committee shall, by
23 a majority vote of its members, either (a) deny the appeal in writing,
24 stating its reasons for the denial, or (b) direct the agency to
25 initiate the readoption procedure in accordance with this section. The
26 agency shall initiate the readoption procedure by the date specified by
27 the committee.

28 (3) An agency's written denial under subsection (1) of this section
29 must address each of the following:

30 (a) Whether the rule is authorized;

31 (b) Whether the rule is needed;

32 (c) Whether the rule conflicts with or duplicates other federal,
33 state, or local laws;

34 (d) Whether alternatives to the rule exist that will serve the same
35 purpose at less cost;

- 1 (e) Whether the rule applies differently to public and private
2 entities;
- 3 (f) Whether the rule serves the purposes for which it was adopted;
- 4 (g) Whether the benefits of the rule are greater than its costs;
- 5 (h) Whether the rule is clearly and simply stated; and
- 6 (i) Whether there is adequate justification if the rule is
7 different from a federal law applicable to the same activity or subject
8 matter.

9 Persons are encouraged to address each of these issues in their
10 petition to the agency.

11 (4) For purposes of this section, "readoption" means that the text
12 of the existing rule is submitted under RCW 34.05.320 as a proposed
13 rule and is then subject to the rule-making process set forth in this
14 chapter. However, an agency need not submit a statement of inquiry
15 under RCW 34.05.310 for an existing rule subject to readoption.

16 (5) A decision by an agency under subsection (1) of this section to
17 deny a petition for readoption is not subject to judicial review.

18 (6) The office of financial management shall initiate the rule
19 making required by subsection (1) of this section by July 1, 1996."

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23 On page 1, line 3 of the title, after "34.05.655;" insert "adding
24 a new section to chapter 34.05 RCW;"

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