

---

SENATE BILL 6491

---

State of Washington                      56th Legislature                      2000 Regular Session

By Senators Hochstatter, Swecker, Stevens, Zarelli, Morton and McCaslin

Read first time . Referred to Committee on .

1            AN ACT Relating to administrative rule making; amending RCW  
2 34.05.335; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.** The legislature finds that the rule-making  
5 authority of agencies is too expansive. The number of rules adopted by  
6 agencies is so excessive that the Washington Administrative Code  
7 containing agency rules now fills twelve volumes, while the Revised  
8 Code of Washington, containing the legislative enactments, fills only  
9 seven volumes. The legislature further finds that while it may be  
10 necessary for the legislature to occasionally delegate rule-making and  
11 regulatory powers to an agency, the lawmaking power continues to belong  
12 to the legislature and to the people.

13            **Sec. 2.** RCW 34.05.335 and 1989 c 175 s 8 are each amended to read  
14 as follows:

15            (1) A proposed rule may be withdrawn by the proposing agency at any  
16 time before adoption. A withdrawn rule may not be adopted unless it is  
17 again proposed in accordance with RCW 34.05.320.

1 (2) Before adopting a rule, an agency shall consider the written  
2 and oral submissions, or any memorandum summarizing oral submissions.

3 (3) An agency may not adopt a rule when the legislature is not in  
4 session.

5 (4) Rules not adopted and filed with the code reviser within one  
6 hundred eighty days after publication of the text as last proposed in  
7 the register (~~(shall be)~~) or by the end of the next ensuing session of  
8 the legislature, whichever is later, are regarded as withdrawn. An  
9 agency may not thereafter adopt the proposed rule without refiling it  
10 in accordance with RCW 34.05.320. The code reviser shall give notice  
11 of the withdrawal in the register.

12 (~~(4)~~) (5) An agency may not adopt a rule before the time  
13 established in the published notice, or such later time established on  
14 the record or by publication in the state register.

--- END ---