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HOUSE BILL 2434

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Hatfield, Orcutt, Hinkle, Grant, Armstrong,  
Schoesler, Blake, Holmquist, Bush and Condotta

Read first time 01/14/2004. Referred to Committee on State Government.

1            AN ACT Relating to legislative hearings on proposed agency rules;  
2 and adding a new section to chapter 34.05 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 34.05 RCW  
5 to read as follows:

6            (1) An agency may not adopt a proposed rule until the legislature  
7 has had the opportunity to hold a public hearing on the proposed rule.  
8 Legislative hearings on agency rules will be held as follows:

9            (a) For proposed rules published in the state register between  
10 October 1st and December 31st of the same year, a public hearing will  
11 be held during the regular session of the following year.

12            (b) For proposed rules published in the state register between  
13 January 1st and September 30th, a public hearing will be held during  
14 the legislative interim of that same year. During this period,  
15 hearings will be held within sixty calendar days of publication of the  
16 text of the proposal in the state register.

17            (2) An agency seeking to adopt a proposed rule shall submit a copy  
18 of the rule, along with the summary and responses required by RCW  
19 34.05.325(6), to the chief clerk of the house of representatives and

1 the secretary of the senate at the same time that the text of the  
2 proposed rule is sent to the code reviser for publication in the state  
3 register. Upon receipt of a proposed rule, the speaker of the house of  
4 representatives and the president of the senate shall refer the  
5 proposed rule to the appropriate standing committees in the house of  
6 representatives and the senate, respectively.

7 (3) Standing committees may conduct a public hearing on a referred  
8 proposed rule. If a standing committee decides not to hold a hearing  
9 on a proposed rule, the committee chair must notify the chair and  
10 ranking minority leader of the appropriate standing committee in the  
11 opposite house. The house and senate standing committees may cooperate  
12 to hold joint hearings or to determine which body will hold the  
13 hearing.

14 (a) If the standing committees in both houses determine that a  
15 hearing will not be held on a proposed rule, the committee chairs shall  
16 notify the appropriate agency of that decision and the agency may  
17 continue with the rule adoption process.

18 (b) If the legislature has not held a public hearing on a proposed  
19 rule within the timeline established in subsection (1)(a) and (b) of  
20 this section, the agency may proceed with the rule adoption process.

21 (4) Standing committees shall submit testimony received during the  
22 public hearing on a proposed rule to the agency proposing the rule.

23 (5) This section does not apply to:

24 (a) Emergency rules adopted in accordance with RCW 34.05.350; and

25 (b) Rules adopted by the department of fish and wildlife  
26 establishing hunting and fishing seasons under RCW 77.12.047.

27 (6) This section applies only to proposed rules the text of which  
28 is first published in the state register after the effective date of  
29 this act.

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