

SB 5915 - S AMD 460
By Senator Fairley

ADOPTED 04/21/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 34.05.350 and 1994 c 249 s 3 are each amended to read
4 as follows:

5 (1) If an agency for good cause finds:

6 (a) That immediate adoption, amendment, or repeal of a rule is
7 necessary for the preservation of the public health, safety, or general
8 welfare, and that observing the time requirements of notice and
9 opportunity to comment upon adoption of a permanent rule would be
10 contrary to the public interest; (~~or~~)

11 (b) That state or federal law or federal rule or a federal deadline
12 for state receipt of federal funds requires immediate adoption of a
13 rule; or

14 (c) In order to implement the requirements or reductions in
15 appropriations enacted in any budget for fiscal years 2009, 2010, or
16 2011, which necessitates the need for the immediate adoption,
17 amendment, or repeal of a rule, and that observing the time
18 requirements of notice and opportunity to comment upon adoption of a
19 permanent rule would be contrary to the fiscal needs or requirements of
20 the agency,

21 the agency may dispense with those requirements and adopt, amend, or
22 repeal the rule on an emergency basis. The agency's finding and a
23 concise statement of the reasons for its finding shall be incorporated
24 in the order for adoption of the emergency rule or amendment filed with
25 the office of the code reviser under RCW 34.05.380 and with the rules
26 review committee.

27 (2) An emergency rule adopted under this section takes effect upon
28 filing with the code reviser, unless a later date is specified in the
29 order of adoption, and may not remain in effect for longer than one
30 hundred twenty days after filing. Identical or substantially similar

1 emergency rules may not be adopted in sequence unless conditions have
2 changed or the agency has filed notice of its intent to adopt the rule
3 as a permanent rule, and is actively undertaking the appropriate
4 procedures to adopt the rule as a permanent rule. This section does
5 not relieve any agency from compliance with any law requiring that its
6 permanent rules be approved by designated persons or bodies before they
7 become effective.

8 (3) Within seven days after the rule is adopted, any person may
9 petition the governor requesting the immediate repeal of a rule adopted
10 on an emergency basis by any department listed in RCW 43.17.010.
11 Within seven days after submission of the petition, the governor shall
12 either deny the petition in writing, stating his or her reasons for the
13 denial, or order the immediate repeal of the rule. In ruling on the
14 petition, the governor shall consider only whether the conditions in
15 subsection (1) of this section were met such that adoption of the rule
16 on an emergency basis was necessary. If the governor orders the repeal
17 of the emergency rule, any sanction imposed based on that rule is void.
18 This subsection shall not be construed to prohibit adoption of any rule
19 as a permanent rule.

20 ~~((4) In adopting an emergency rule, the agency shall comply with
21 section 4 of this act or provide a written explanation for its failure
22 to do so.))~~

23 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately."

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27 On page 1, line 1 of the title, after "when;" strike the remainder
28 of the title and insert "necessary to implement budget appropriations
29 and reductions; amending RCW 34.05.350; and declaring an emergency."

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