**1837.E AMS SHOR S5268.1 - NOT FOR FLOOR USE**

**EHB 1837** - S AMD TO LCTA COMM AMD (S-4929.1/22) **1356**

By Senator Short

On page 3, after line 4, insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 49.17 RCW to read as follows:

(1) Before adopting any regulations authorized by this act, the director shall place in the rule-making file required by RCW 34.05.328 a finding that all the determinations required by RCW 34.05.328(1) (d) through (h) have been satisfied on a clearly more likely than not basis.

(2)(a) No regulation authorized by this act may take effect for at least 180 days after the final version of the regulation has been published in the Washington State Register, or the completion of the review authorized by (b) of this subsection (2), whichever occurs last.

(b) The finding required by subsection (1) of this section may be reviewed pursuant to RCW 34.05.570(4), except that in any such proceeding:

(i) The court shall freely permit challenging parties to conduct all discovery permitted by the civil rules to test the validity of the determinations required by RCW 34.05.328(1) (d) through (h);

(ii) The court shall liberally allow the introduction of additional evidence not contained in the original rule-making file to weigh the validity of the determinations required by RCW 34.05.328(1) (d) through (h); and

(iii) The burden shall be on the department to prove that the determinations required by RCW 34.05.328(1) (d) through (h) are clearly more likely than not correct."

On page 3, line 6, after "49.17.370;" insert "adding a new section to chapter 49.17 RCW;"

EFFECT: Provides certain requirements for the rule-making process.