

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

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

2 "NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17
3 RCW to read as follows:

4 (1) Before adopting any regulations authorized by this act, the
5 director shall place in the rule-making file required by RCW
6 34.05.328 a finding that all the determinations required by RCW
7 34.05.328(1) (d) through (h) have been satisfied on a clearly more
8 likely than not basis.

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

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

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

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

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

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

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

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