

2 **SSB 5794** - S AMD - 000519

3 By Senators Deccio, Nelson, McCaslin, Erwin, Sellar, Oke and
4 Winsley

5 ADOPTED AS AMENDED 3/17/93

6 On page 1, after line 4, strike all of sections 1 and 2 and insert
7 the following:

8 "**Sec. 1.** RCW 34.05.620 and 1988 c 288 s 602 are each amended to
9 read as follows:

10 (1) The rules review committee shall maintain a continuous review
11 of all rules proposed under RCW 34.05.320 to determine whether:

12 (a) The rule is within the intent of the legislature as expressed
13 in the statute that the rule implements;

14 (b) The rule has been adopted in accordance with all applicable
15 provisions of law, including section 6 of this act and chapter 19.85
16 RCW; and

17 (c) The statute that the rule purports to implement has been
18 repealed or ruled invalid by the courts.

19 (2) Whenever a majority of the members of the rules review
20 committee determines that a proposed rule is not within the intent of
21 the legislature as expressed in the statute which the rule implements,
22 or that an agency may not be adopting a proposed rule in accordance
23 with all applicable provisions of law, including section 6 of this act
24 and chapter 19.85 RCW, the committee shall give the affected agency and
25 the governor written notice of its decision. The notice shall be given
26 at least seven days prior to any hearing scheduled for consideration of
27 or adoption of the proposed rule pursuant to RCW 34.05.320. The notice
28 shall include a statement of the review committee's findings and the
29 reasons therefor. When the agency holds a hearing on the proposed
30 rule, the agency shall consider the review committee's decision.

31 (3) The rules review committee shall use existing legislative staff
32 for the purposes of assisting the committee's reviewing of rules under
33 this section.

34 **Sec. 2.** RCW 34.05.630 and 1988 c 288 s 603 are each amended to
35 read as follows:

1 (1) All rules required to be filed pursuant to RCW 34.05.380, and
2 emergency rules adopted pursuant to RCW 34.05.350, are subject to
3 ((selective)) review by the legislature.

4 (2) The rules review committee may review an agency's use of policy
5 statements, guidelines, and issuances that are of general
6 applicability, or their equivalents to determine whether or not an
7 agency has failed to adopt a rule.

8 (3) If the rules review committee finds by a majority vote of its
9 members: (a) That an existing rule is not within the intent of the
10 legislature as expressed by the statute which the rule implements, (b)
11 that the rule has not been adopted in accordance with all applicable
12 provisions of law, ((or)) including section 6 of this act and chapter
13 19.85 RCW, (c) that the statute that the rule purports to implement has
14 been repealed or ruled invalid by the courts, or (d) that an agency is
15 using a policy statement, guideline, or issuance in place of a rule,
16 the agency affected shall be notified of such finding and the reasons
17 therefor. Within thirty days of the receipt of the rules review
18 committee's notice, the agency shall file notice of a hearing on the
19 rules review committee's finding with the code reviser and mail notice
20 to all persons who have made timely request of the agency for advance
21 notice of its rule-making proceedings as provided in RCW 34.05.320.
22 The agency's notice shall include the rules review committee's findings
23 and reasons therefor, and shall be published in the Washington state
24 register in accordance with the provisions of chapter 34.08 RCW.

25 (4) The agency shall consider fully all written and oral
26 submissions regarding (a) whether the rule in question is within the
27 intent of the legislature as expressed by the statute which the rule
28 implements, (b) whether the rule was adopted in accordance with all
29 applicable provisions of law, including section 6 of this act and
30 chapter 19.85 RCW, or (c) whether the agency is using a policy
31 statement, guideline, declaratory ruling, or issuance in place of a
32 rule."

33 **SSB 5794** - S AMD - 000410
34 By Senator Moore

35 ADOPTED 3/17/93

36 On page 4, beginning on line 8, strike all of section 4

1 Renumber the remaining sections consecutively and correct internal
2 references accordingly

3 **SSB 5794** - S AMD - 000410
4 By Senator Moore

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ADOPTED 3/17/93

On page 7, line 3, beginning with "(1)" strike all material through
"10;"

Renumber remaining subsections consecutively and correct internal
references accordingly

10 **SSB 5794** - S AMD - 000410
11 By Senator Moore

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ADOPTED 3/17/93

On page 1, line 3 of the title, strike "34.05.660, 34.05.670," and
insert "34.05.670

15 **SSB 5794** - S AMD - 000381
16 By Senators Wojahn and Moore

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ADOPTED 3/17/93

On page 6, line 5, after "fee" insert ", by providing an
opportunity for public review and comment on the program budget and
instituting cost accounting measures to track revenues and
expenditures"

22 **SSB 5794** - S AMD 000377
23 By Senator Moore

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ADOPTED 3/17/93

On page 7, after line 5, insert the following:

"NEW SECTION. **Sec. 8.** If any provision of this act or its
application to any person or circumstance is held invalid, the
remainder of the act or the application of the provision to other
persons or circumstances is not affected."

1 **SSB 5794** - S AMD TO S AMD BY DECCIO
2 By Senator Wojahn

ADOPTED 3/17/93

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4 On page 2, line 31 of the Deccio amendment (000519), after
5 "guidance," insert "declaratory ruling,"

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