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HOUSE BILL 2109

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Fuhrman, Jacobsen and Carlson

Read first time . Referred to Committee on .

1            AN ACT Relating to rule making by the fish and wildlife commission;  
2 amending RCW 77.04.090; providing an effective date; and declaring an  
3 emergency.

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

5            **Sec. 1.** RCW 77.04.090 and 1995 c 403 s 111 are each amended to  
6 read as follows:

7            The commission shall adopt permanent rules and amendments to or  
8 repeals of existing rules by approval of ((four)) five members by  
9 resolution, entered and recorded in the minutes of the commission:  
10 PROVIDED, That the commission may not adopt rules after the effective  
11 date of this section that are based solely on a section of law stating  
12 a statute's intent or purpose, on the enabling provisions of the  
13 statute establishing the agency, or on any combination of such  
14 provisions, for statutory authority to adopt any rule. The commission  
15 shall adopt emergency rules by approval of ((four)) five members. The  
16 commission or the director, when adopting emergency rules under RCW  
17 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW.  
18 Judicial notice shall be taken of the rules filed and published as  
19 provided in RCW 34.05.380 and 34.05.210.

1           A copy of an emergency rule, certified as a true copy by a member  
2 of the commission, the director, or by a person authorized in writing  
3 by the director to make the certification, is admissible in court as  
4 prima facie evidence of the adoption and validity of the rule.

5           NEW SECTION.   **Sec. 2.** This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect July 23, 1995.

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