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HOUSE BILL 2336

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Stevens, Fuhrman, Schoesler, Basich, Elliot, Johnson, Hargrove, Boldt, Sheldon, Campbell, Smith, Hymes, Thompson, Carlson, Mulliken, McMahan and Benton

Read first time 01/10/96. Referred to Committee on Natural Resources.

1 AN ACT Relating to requiring approval of a majority of members of  
2 the fish and wildlife commission to adopt rules; and amending RCW  
3 77.04.090.

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 July 23, 1995,  
11 that are based solely on a section of law stating a statute's intent or  
12 purpose, on the enabling provisions of the statute establishing the  
13 agency, or on any combination of such provisions, for statutory  
14 authority to adopt any rule. The commission shall adopt emergency  
15 rules by approval of (~~four~~) five members. The commission or the  
16 director, when adopting emergency rules under RCW 77.12.150, shall  
17 adopt rules in conformance with chapter 34.05 RCW. Judicial notice  
18 shall be taken of the rules filed and published as provided in RCW  
19 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.

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