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HOUSE BILL 1821

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Lisk, Rayburn, Chandler, Orr, Mielke, Hansen, Ludwig, Flemming, Mastin, Chappell, Tate, Sheahan, Ballard, Stevens, Foreman, Lemmon, Johanson, Brumsickle, Kremen, Miller, Long, Cooke, Forner, Padden and Silver

Read first time 02/10/93. Referred to Committee on State Government.

1 AN ACT Relating to suspension of rules; amending RCW 34.05.640 and  
2 34.05.650; and adding a new section to chapter 34.05 RCW.

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

4 **Sec. 1.** RCW 34.05.640 and 1988 c 288 s 604 are each amended to  
5 read as follows:

6 (1) Within seven days of an agency hearing held after notification  
7 of the agency by the rules review committee pursuant to RCW 34.05.620  
8 or 34.05.630, the affected agency shall notify the committee of its  
9 action on a proposed or existing rule to which the committee objected  
10 or on a committee finding of the agency's failure to adopt rules. If  
11 the rules review committee determines, by a majority vote of its  
12 members, that the agency has failed to provide for the required  
13 hearings or notice of its action to the committee, the committee may  
14 file notice of its objections, together with a concise statement of the  
15 reasons therefor, with the code reviser within thirty days of such  
16 determination.

17 (2) If the rules review committee finds, by a majority vote of its  
18 members: (a) That the proposed or existing rule in question has not  
19 been modified, amended, withdrawn, or repealed by the agency so as to

1 conform with the intent of the legislature, or (b) that the agency is  
2 using a policy statement, guideline, or issuance in place of a rule,  
3 the rules review committee (~~(may)~~) shall, within thirty days from  
4 notification by the agency of its action, file with the code reviser  
5 notice of its objections together with a concise statement of the  
6 reasons therefor. Such notice and statement shall also be provided to  
7 the agency by the rules review committee.

8 (3) If the rules review committee makes an adverse finding under  
9 subsection (2) of this section, the committee (~~(may, by a two-thirds)~~)  
10 shall, by a majority vote of its members, recommend suspension of an  
11 existing rule. Within seven days of such vote the committee shall  
12 transmit to the (~~(governor)~~) committee of the senate and house of  
13 representatives, or its successor committee, that initiated the  
14 legislation granting rule-making authority, the code reviser, and the  
15 agency written notice of its objection and recommended suspension and  
16 the concise reasons therefor. Within (~~(thirty)~~) one hundred eighty  
17 days of receipt of the notice, the (~~(governor)~~) committee of the senate  
18 and house of representatives, or its successor committee, that  
19 initiated the legislation granting rule-making authority shall transmit  
20 to the committee, the code reviser, and the agency written approval or  
21 disapproval of the recommended suspension. If the suspension is  
22 approved by the (~~(governor)~~) committee of the senate and house of  
23 representatives, or its successor committee, that initiated the  
24 legislation granting rule-making authority, it is effective from the  
25 date of that approval and continues until ninety days after the  
26 expiration of the next regular legislative session.

27 (4) The code reviser shall publish transmittals from the rules  
28 review committee or the (~~(governor)~~) appropriate legislative committee  
29 issued pursuant to subsection (1), (2), or (3) of this section in the  
30 Washington state register and shall publish in the next supplement and  
31 compilation of the Washington Administrative Code a reference to the  
32 committee's objection or recommended suspension and the (~~(governor's)~~)  
33 appropriate legislative committee's action on it and to the issue of  
34 the Washington state register in which the full text thereof appears.

35 (5) The reference shall be removed from a rule published in the  
36 Washington Administrative Code if a subsequent adjudicatory proceeding  
37 determines that the rule is within the intent of the legislature or was  
38 adopted in accordance with all applicable laws, whichever was the  
39 objection of the rules review committee.

1       **Sec. 2.** RCW 34.05.650 and 1988 c 288 s 605 are each amended to  
2 read as follows:

3       The rules review committee may recommend to the legislature that  
4 the original enabling legislation serving as authority for the adoption  
5 of any rule reviewed by the committee be amended or repealed in such  
6 manner as the committee deems advisable. If the rule is recommended  
7 for suspension under RCW 34.05.640, then the committee shall forward  
8 proposed corrective legislation to the committee of the senate and  
9 house of representatives, or its successor committee, that initiated  
10 the legislation granting rule-making authority.

11       NEW SECTION. **Sec. 3.** A new section is added to chapter 34.05 RCW  
12 to read as follows:

13       If a rule is suspended under RCW 34.05.640, then the agency with  
14 rule-making authority shall adopt new rules to implement the original  
15 enabling legislation.

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