
SENATE BILL 5240

State of Washington

55th Legislature

1997 Regular Session

By Senators West, Anderson, Hochstatter, Hale, Morton, Oke, Johnson, Benton, McDonald, Schow, Zarelli, Long, Swecker, Haugen, Finkbeiner, Stevens, Bauer and Goings

Read first time 01/20/97. Referred to Committee on Government Operations.

1 AN ACT Relating to rule making; and amending RCW 34.05.380.

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

3 **Sec. 1.** RCW 34.05.380 and 1989 c 175 s 11 are each amended to read
4 as follows:

5 (1) Each agency shall file in the office of the code reviser a
6 certified copy of all rules it adopts, except for rules contained in
7 tariffs filed with or published by the Washington utilities and
8 transportation commission. The code reviser shall place upon each rule
9 a notation of the time and date of filing and shall keep a permanent
10 register of filed rules open to public inspection. In filing a rule,
11 each agency shall use the standard form prescribed for this purpose by
12 the code reviser.

13 (2)(a) Emergency rules adopted under RCW 34.05.350 become effective
14 upon filing unless a later date is specified in the order of adoption.

15 (b) All other rules become effective upon the expiration of thirty
16 days after the date of filing, unless a later date is required by
17 statute or specified in the order of adoption.

18 (c) For executive branch agencies, no later than twenty-five days
19 after the date of filing or five days before the date specified in the

1 proposed nonemergency rule, the proposed rule shall be presented to the
2 governor. If the governor approves the rule, the governor shall sign
3 it. If the governor does not approve the rule, the governor shall
4 return it to the originating agency with objections, and the rule does
5 not take effect. If the governor does not sign the proposed rule
6 within thirty days after filing or a later date if specified in the
7 order of adoption, the rule does not take effect. As used in this
8 subsection (2)(c), "executive branch agencies" means state agencies the
9 director of which is appointed by the governor.

10 (3) A rule may become effective immediately upon its filing with
11 the code reviser or on any subsequent date earlier than that
12 established by subsection (2) of this section, if the agency
13 establishes that effective date in the adopting order and finds that:

14 (a) Such action is required by the state or federal Constitution,
15 a statute, or court order;

16 (b) The rule only delays the effective date of another rule that is
17 not yet effective; or

18 (c) The earlier effective date is necessary because of imminent
19 peril to the public health, safety, or welfare.

20 The finding and a brief statement of the reasons therefor required
21 by this subsection shall be made a part of the order adopting the rule.

22 (4) With respect to a rule made effective pursuant to subsection
23 (3) of this section, each agency shall make reasonable efforts to make
24 the effective date known to persons who may be affected by it.

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