
SENATE BILL 6852

State of Washington

56th Legislature

2000 Regular Session

By Senators Hale, T. Sheldon, McDonald, Haugen and Johnson

Read first time 02/16/2000. Referred to Committee on State & Local Government.

1 AN ACT Relating to gubernatorial approval of nonemergency rules;
2 amending RCW 34.05.360 and 34.05.380; and adding a new section to
3 chapter 34.05 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 34.05 RCW
6 to read as follows:

7 Before a nonemergency rule adopted by an agency becomes effective,
8 the agency must present it to the governor. If the governor approves
9 the rule, the governor shall sign it and file it in the office of the
10 code reviser. If the governor does not approve the rule, the governor
11 shall return it to the originating agency with objections, and the rule
12 will not take effect. If the governor does not sign a rule within
13 twenty days after its presentment by the agency, Sundays excepted, the
14 rule will not take effect.

15 **Sec. 2.** RCW 34.05.360 and 1988 c 288 s 311 are each amended to
16 read as follows:

17 The order of adoption by which each rule is adopted by an agency
18 (~~shall~~) must contain all of the following:

- 1 (1) The date the agency adopted the rule;
2 (2) A concise statement of the purpose of the rule;
3 (3) A reference to all rules repealed, amended, or suspended by the
4 rule;
5 (4) A reference to the specific statutory or other authority
6 authorizing adoption of the rule;
7 (5) The governor's signature approving the adopted rule, if the
8 rule is a nonemergency rule;
9 (6) Any findings required by any provision of law as a precondition
10 to adoption or effectiveness of the rule; and
11 ~~((+6))~~ (7) The effective date of the rule if other than that
12 specified in RCW 34.05.380~~((+2))~~ (4).

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

15 (1)~~(a)~~ Each agency shall ~~((file in the office of the code reviser))~~
16 present to the governor a certified copy of ((all rules)) each
17 nonemergency rule it adopts((, except for rules contained in tariffs
18 filed with or published by the Washington utilities and transportation
19 commission)). If the governor approves and signs the rule, the
20 governor shall file the rule in the office of the code reviser.

21 (b) Each agency shall file with the office of the code reviser a
22 certified copy of all emergency rules adopted under RCW 34.05.350.

23 (3) The code reviser shall place upon each rule a notation of the
24 time and date of filing and shall keep a permanent register of filed
25 rules open to public inspection. In filing a rule, ~~((each))~~ the
26 governor or the agency shall use the standard form prescribed for this
27 purpose by the code reviser.

28 ~~((+2))~~ (4) Emergency rules ~~((adopted under RCW 34.05.350))~~ become
29 effective upon filing unless a later date is specified in the order of
30 adoption. All other rules become effective upon the expiration of
31 thirty days after the date ~~((of filing))~~ the governor signs the rule,
32 unless a later date is required by statute or specified in the order of
33 adoption.

34 ~~((+3))~~ (5) A rule may become effective immediately upon its filing
35 with the code reviser or on any subsequent date earlier than that
36 established by subsection ~~((+2))~~ (4) of this section, if the agency
37 establishes that effective date in the adopting order and finds that:

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

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

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

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

9 ~~((4))~~ (6) With respect to a rule made effective (~~pursuant to~~)
10 under subsection ~~((3))~~ (5) of this section, each agency shall make
11 reasonable efforts to make the effective date known to persons who may
12 be affected by it.

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