

1 **HB 1864** - H COMM AMD **ADOPTED 3/9/01**

2 By Committee on Judiciary

3 On page 11, after line 12, insert the following:

4 "NEW SECTION. **Sec. 6.** (1) The Legislature's delegation of
5 authority to an agency under this act is strictly limited to:

6 (a) The minimum delegation necessary to administer the act's clear
7 and unambiguous directives; and

8 (b) The administration of circumstances and behaviors foreseeable
9 at the time of enactment.

10 (2) Agency actions or rules authorized by this act are subject to
11 the following additional standards of judicial review, which supercede
12 RCW 34.05.570(1) and (2) to the extent of any conflict:

13 (a) Agencies bear the burden of demonstrating that the agency
14 action:

15 (i) Was authorized by law; and

16 (ii) Was valid, when the interest of a party asserting invalidity
17 arises from agency actions imposing a penalty on the asserting party;

18 (b) The validity of a rule may be determined upon petition for
19 declaratory judgment addressed to any superior court in this state; and

20 (c) In determining whether, under RCW 34.05.570(2)(c), a rule
21 exceeds the agency's statutory authority, the court must also consider
22 whether the rule exceeds the limited delegation under subsection (1) of
23 this section."

24 Correct the title.

EFFECT: Provides that the rule-making authority granted under the act is subject to certain standards of judicial review that are in addition to, or supercede, those in the Administrative Procedure Act.