
HOUSE BILL 1248

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hunter and Darneille; by request of Office of Financial Management

Read first time 01/18/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to authorizing emergency rule making when necessary
2 to implement fiscal reductions; and amending RCW 34.05.350; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 34.05.350 and 2009 c 559 s 1 are each amended to read
6 as follows:

7 (1) If an agency for good cause finds:

8 (a) That immediate adoption, amendment, or repeal of a rule is
9 necessary for the preservation of the public health, safety, or general
10 welfare, and that observing the time requirements of notice and
11 opportunity to comment upon adoption of a permanent rule would be
12 contrary to the public interest;

13 (b) That state or federal law or federal rule or a federal deadline
14 for state receipt of federal funds requires immediate adoption of a
15 rule; or

16 (c) In order to implement the requirements or reductions in
17 appropriations enacted in any budget for fiscal year(~~(s)~~) 2009, 2010,
18 (~~(or)~~) 2011, 2012, or 2013, or any allotment reductions required under
19 RCW 43.88.110, which necessitates the need for the immediate adoption,

1 amendment, or repeal of a rule, and that observing the time
2 requirements of notice and opportunity to comment upon adoption of a
3 permanent rule would be contrary to the fiscal needs or requirements of
4 the agency,
5 the agency may dispense with those requirements and adopt, amend, or
6 repeal the rule on an emergency basis. The agency's finding and a
7 concise statement of the reasons for its finding shall be incorporated
8 in the order for adoption of the emergency rule or amendment filed with
9 the office of the code reviser under RCW 34.05.380 and with the rules
10 review committee.

11 (2) An emergency rule adopted under this section takes effect upon
12 filing with the code reviser, unless a later date is specified in the
13 order of adoption, and may not remain in effect for longer than one
14 hundred twenty days after filing. Identical or substantially similar
15 emergency rules may not be adopted in sequence unless conditions have
16 changed or the agency has filed notice of its intent to adopt the rule
17 as a permanent rule, and is actively undertaking the appropriate
18 procedures to adopt the rule as a permanent rule. This section does
19 not relieve any agency from compliance with any law requiring that its
20 permanent rules be approved by designated persons or bodies before they
21 become effective.

22 (3) Within seven days after the rule is adopted, any person may
23 petition the governor requesting the immediate repeal of a rule adopted
24 on an emergency basis by any department listed in RCW 43.17.010.
25 Within seven days after submission of the petition, the governor shall
26 either deny the petition in writing, stating his or her reasons for the
27 denial, or order the immediate repeal of the rule. In ruling on the
28 petition, the governor shall consider only whether the conditions in
29 subsection (1) of this section were met such that adoption of the rule
30 on an emergency basis was necessary. If the governor orders the repeal
31 of the emergency rule, any sanction imposed based on that rule is void.
32 This subsection shall not be construed to prohibit adoption of any rule
33 as a permanent rule.

34 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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