
HOUSE BILL 2431

State of Washington

65th Legislature

2018 Regular Session

By Representative Hudgins

Read first time 01/09/18. Referred to Committee on State Govt,
Elections & IT.

1 AN ACT Relating to eliminating the joint administrative rules
2 review committee; amending RCW 19.85.030, 19.85.061, 34.05.010,
3 34.05.230, 34.05.314, 34.05.320, 34.05.330, 34.05.350, 34.05.353,
4 34.05.534, 42.40.010, 42.40.020, 42.40.030, 43.15.020, and
5 43.180.110; reenacting and amending RCW 34.05.328; repealing RCW
6 34.05.610, 34.05.620, 34.05.630, 34.05.640, 34.05.650, 34.05.655,
7 34.05.660, 34.05.665, 34.05.671, 34.05.675, and 34.05.681; and
8 providing an effective date.

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

10 **Sec. 1.** RCW 19.85.030 and 2017 c 53 s 2 are each amended to read
11 as follows:

12 (1)(a) In the adoption of a rule under chapter 34.05 RCW, an
13 agency shall prepare a small business economic impact statement(~~(+~~
14 ~~(i))~~) if the proposed rule will impose more than minor costs on
15 businesses in an industry(~~(; or (ii) if requested to do so by a~~
16 ~~majority vote of the joint administrative rules review committee~~
17 ~~within forty five days of receiving the notice of proposed rule~~
18 ~~making under RCW 34.05.320)). However, if the agency has completed~~
19 the pilot rule process as defined by RCW 34.05.313 before filing the
20 notice of a proposed rule, the agency is not required to prepare a
21 small business economic impact statement.

1 (b) An agency must prepare the small business economic impact
2 statement in accordance with RCW 19.85.040, and file it with the code
3 reviser along with the notice required under RCW 34.05.320. (~~An~~
4 ~~agency shall file a statement prepared at the request of the joint~~
5 ~~administrative rules review committee with the code reviser upon its~~
6 ~~completion before the adoption of the rule.)) An agency must provide
7 a copy of the small business economic impact statement to any person
8 requesting it.~~

9 (2) Based upon the extent of disproportionate impact on small
10 business identified in the statement prepared under RCW 19.85.040,
11 the agency shall, where legal and feasible in meeting the stated
12 objectives of the statutes upon which the rule is based, reduce the
13 costs imposed by the rule on small businesses. The agency must
14 consider, without limitation, each of the following methods of
15 reducing the impact of the proposed rule on small businesses:

16 (a) Reducing, modifying, or eliminating substantive regulatory
17 requirements;

18 (b) Simplifying, reducing, or eliminating recordkeeping and
19 reporting requirements;

20 (c) Reducing the frequency of inspections;

21 (d) Delaying compliance timetables;

22 (e) Reducing or modifying fine schedules for noncompliance; or

23 (f) Any other mitigation techniques including those suggested by
24 small businesses or small business advocates.

25 (3) If a proposed rule affects only small businesses, the
26 proposing agency must consider all mitigation options defined in this
27 chapter.

28 (4) In the absence of sufficient data to calculate
29 disproportionate impacts, an agency whose rule imposes more than
30 minor costs must mitigate the costs to small businesses, where legal
31 and feasible, as defined in this chapter.

32 (5) If the agency determines it cannot reduce the costs imposed
33 by the rule on small businesses, the agency must provide a clear
34 explanation of why it has made that determination and include that
35 statement with its filing of the proposed rule pursuant to RCW
36 34.05.320.

37 (~~((6)(a) All small business economic impact statements are~~
38 ~~subject to selective review by the joint administrative rules review~~
39 ~~committee pursuant to RCW 34.05.630.~~

1 ~~(b) Any person affected by a proposed rule where there is a small~~
2 ~~business economic impact statement may petition the joint~~
3 ~~administrative rules review committee for review pursuant to the~~
4 ~~procedure in RCW 34.05.655.)~~)

5 **Sec. 2.** RCW 19.85.061 and 1995 c 403 s 404 are each amended to
6 read as follows:

7 ~~((Unless so requested by a majority vote of the joint~~
8 ~~administrative rules review committee under RCW 19.85.030,)) An
9 agency is not required to comply with this chapter when adopting any
10 rule solely for the purpose of conformity or compliance, or both,
11 with federal statute or regulations. In lieu of the statement
12 required under RCW 19.85.030, the agency shall file a statement
13 citing, with specificity, the federal statute or regulation with
14 which the rule is being adopted to conform or comply, and describing
15 the consequences to the state if the rule is not adopted.~~

16 **Sec. 3.** RCW 34.05.010 and 2014 c 97 s 101 are each amended to
17 read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Adjudicative proceeding" means a proceeding before an agency
21 in which an opportunity for hearing before that agency is required by
22 statute or constitutional right before or after the entry of an order
23 by the agency. Adjudicative proceedings also include all cases of
24 licensing and rate making in which an application for a license or
25 rate change is denied except as limited by RCW 66.08.150, or a
26 license is revoked, suspended, or modified, or in which the granting
27 of an application is contested by a person having standing to contest
28 under the law.

29 (2) "Agency" means any state board, commission, department,
30 institution of higher education, or officer, authorized by law to
31 make rules or to conduct adjudicative proceedings, except those in
32 the legislative or judicial branches, the governor, or the attorney
33 general except to the extent otherwise required by law and any local
34 governmental entity that may request the appointment of an
35 administrative law judge under chapter 42.41 RCW.

36 (3) "Agency action" means licensing, the implementation or
37 enforcement of a statute, the adoption or application of an agency

1 rule or order, the imposition of sanctions, or the granting or
2 withholding of benefits.

3 Agency action does not include an agency decision regarding (a)
4 contracting or procurement of goods, services, public works, and the
5 purchase, lease, or acquisition by any other means, including eminent
6 domain, of real estate, as well as all activities necessarily related
7 to those functions, or (b) determinations as to the sufficiency of a
8 showing of interest filed in support of a representation petition, or
9 mediation or conciliation of labor disputes or arbitration of labor
10 disputes under a collective bargaining law or similar statute, or (c)
11 any sale, lease, contract, or other proprietary decision in the
12 management of public lands or real property interests, or (d) the
13 granting of a license, franchise, or permission for the use of
14 trademarks, symbols, and similar property owned or controlled by the
15 agency.

16 (4) "Agency head" means the individual or body of individuals in
17 whom the ultimate legal authority of the agency is vested by any
18 provision of law. If the agency head is a body of individuals, a
19 majority of those individuals constitutes the agency head.

20 (5) "Entry" of an order means the signing of the order by all
21 persons who are to sign the order, as an official act indicating that
22 the order is to be effective.

23 (6) "Filing" of a document that is required to be filed with an
24 agency means delivery of the document to a place designated by the
25 agency by rule for receipt of official documents, or in the absence
26 of such designation, at the office of the agency head.

27 (7) "Institutions of higher education" are the University of
28 Washington, Washington State University, Central Washington
29 University, Eastern Washington University, Western Washington
30 University, The Evergreen State College, the various community
31 colleges, and the governing boards of each of the above, and the
32 various colleges, divisions, departments, or offices authorized by
33 the governing board of the institution involved to act for the
34 institution, all of which are sometimes referred to in this chapter
35 as "institutions."

36 (8) "Interpretive statement" means a written expression of the
37 opinion of an agency, entitled an interpretive statement by the
38 agency head or its designee, as to the meaning of a statute or other
39 provision of law, of a court decision, or of an agency order.

1 (9)(a) "License" means a franchise, permit, certification,
2 approval, registration, charter, or similar form of authorization
3 required by law, but does not include (i) a license required solely
4 for revenue purposes, or (ii) a certification of an exclusive
5 bargaining representative, or similar status, under a collective
6 bargaining law or similar statute, or (iii) a license, franchise, or
7 permission for use of trademarks, symbols, and similar property owned
8 or controlled by the agency.

9 (b) "Licensing" includes the agency process respecting the
10 issuance, denial, revocation, suspension, or modification of a
11 license.

12 (10) "Mail" or "send," for purposes of any notice relating to
13 rule making or policy or interpretive statements, means regular mail
14 or electronic distribution, as provided in RCW 34.05.260. "Electronic
15 distribution" or "electronically" means distribution by (~~electronic~~
16 ~~mail~~) email or facsimile mail.

17 (11)(a) "Order," without further qualification, means a written
18 statement of particular applicability that finally determines the
19 legal rights, duties, privileges, immunities, or other legal
20 interests of a specific person or persons.

21 (b) "Order of adoption" means the official written statement by
22 which an agency adopts, amends, or repeals a rule.

23 (12) "Party to agency proceedings," or "party" in a context so
24 indicating, means:

25 (a) A person to whom the agency action is specifically directed;
26 or

27 (b) A person named as a party to the agency proceeding or allowed
28 to intervene or participate as a party in the agency proceeding.

29 (13) "Party to judicial review or civil enforcement proceedings,"
30 or "party" in a context so indicating, means:

31 (a) A person who files a petition for a judicial review or civil
32 enforcement proceeding; or

33 (b) A person named as a party in a judicial review or civil
34 enforcement proceeding, or allowed to participate as a party in a
35 judicial review or civil enforcement proceeding.

36 (14) "Person" means any individual, partnership, corporation,
37 association, governmental subdivision or unit thereof, or public or
38 private organization or entity of any character, and includes another
39 agency.

1 (15) "Policy statement" means a written description of the
2 current approach of an agency, entitled a policy statement by the
3 agency head or its designee, to implementation of a statute or other
4 provision of law, of a court decision, or of an agency order,
5 including where appropriate the agency's current practice, procedure,
6 or method of action based upon that approach.

7 (16) "Rule" means any agency order, directive, or regulation of
8 general applicability (a) the violation of which subjects a person to
9 a penalty or administrative sanction; (b) which establishes, alters,
10 or revokes any procedure, practice, or requirement relating to agency
11 hearings; (c) which establishes, alters, or revokes any qualification
12 or requirement relating to the enjoyment of benefits or privileges
13 conferred by law; (d) which establishes, alters, or revokes any
14 qualifications or standards for the issuance, suspension, or
15 revocation of licenses to pursue any commercial activity, trade, or
16 profession; or (e) which establishes, alters, or revokes any
17 mandatory standards for any product or material which must be met
18 before distribution or sale. The term includes the amendment or
19 repeal of a prior rule, but does not include (i) statements
20 concerning only the internal management of an agency and not
21 affecting private rights or procedures available to the public, (ii)
22 declaratory rulings issued pursuant to RCW 34.05.240, (iii) traffic
23 restrictions for motor vehicles, bicyclists, and pedestrians
24 established by the secretary of transportation or his or her designee
25 where notice of such restrictions is given by official traffic
26 control devices, (iv) rules of institutions of higher education
27 involving standards of admission, academic advancement, academic
28 credit, graduation and the granting of degrees, employment
29 relationships, or fiscal processes, or (v) the determination and
30 publication of updated nexus thresholds by the department of revenue
31 in accordance with RCW 82.04.067.

32 ~~(17) ("Rules review committee" or "committee" means the joint~~
33 ~~administrative rules review committee created pursuant to RCW~~
34 ~~34.05.610 for the purpose of selectively reviewing existing and~~
35 ~~proposed rules of state agencies.~~

36 ~~(18))~~ "Rule making" means the process for formulation and
37 adoption of a rule.

38 ~~((19))~~ (18) "Service," except as otherwise provided in this
39 chapter, means posting in the United States mail, properly addressed,
40 postage prepaid, or personal or electronic service. Service by mail

1 is complete upon deposit in the United States mail. Agencies may, by
2 rule, authorize service by electronic transmission, or by commercial
3 parcel delivery company.

4 **Sec. 4.** RCW 34.05.230 and 2004 c 31 s 3 are each amended to read
5 as follows:

6 (1) An agency is encouraged to advise the public of its current
7 opinions, approaches, and likely courses of action by means of
8 interpretive or policy statements. Current interpretive and policy
9 statements are advisory only. To better inform and involve the
10 public, an agency is encouraged to convert long-standing interpretive
11 and policy statements into rules.

12 (2) A person may petition an agency requesting the conversion of
13 interpretive and policy statements into rules. (~~Upon submission, the~~
14 ~~agency shall notify the joint administrative rules review committee~~
15 ~~of the petition.~~) Within sixty days after submission of a petition,
16 the agency shall either deny the petition in writing, stating its
17 reasons for the denial, or initiate rule-making proceedings in
18 accordance with this chapter.

19 (3) Each agency shall maintain a roster of interested persons,
20 consisting of persons who have requested in writing to be notified of
21 all interpretive and policy statements issued by that agency. Each
22 agency shall update the roster periodically and eliminate persons who
23 do not indicate a desire to continue on the roster. Whenever an
24 agency issues an interpretive or policy statement, it shall send a
25 copy of the statement to each person listed on the roster. The agency
26 may charge a nominal fee to the interested person for this service.

27 (4) Whenever an agency issues an interpretive or policy
28 statement, it shall submit to the code reviser for publication in the
29 Washington State Register a statement describing the subject matter
30 of the interpretive or policy statement, and listing the person at
31 the agency from whom a copy of the interpretive or policy statement
32 may be obtained.

33 **Sec. 5.** RCW 34.05.314 and 1997 c 409 s 206 are each amended to
34 read as follows:

35 Each state agency shall prepare a semiannual agenda for rules
36 under development. The agency shall file the agenda with the code
37 reviser for publication in the state register not later than January
38 31st and July 31st of each year. Not later than three days after its

1 publication in the state register, the agency shall send a copy of
2 the agenda to each person who has requested receipt of a copy of the
3 agenda. The agency shall also submit the agenda to the director of
4 financial management(~~(, the rules review committee,)~~) and any other
5 state agency that may reasonably be expected to have an interest in
6 the subject of rules that will be developed.

7 **Sec. 6.** RCW 34.05.320 and 2012 c 210 s 2 are each amended to
8 read as follows:

9 (1) At least twenty days before the rule-making hearing at which
10 the agency receives public comment regarding adoption of a rule, the
11 agency shall cause notice of the hearing to be published in the state
12 register. The publication constitutes the proposal of a rule. The
13 notice shall include all of the following:

14 (a) A title, a description of the rule's purpose, and any other
15 information which may be of assistance in identifying the rule or its
16 purpose;

17 (b) Citations of the statutory authority for adopting the rule
18 and the specific statute the rule is intended to implement;

19 (c) A short explanation of the rule, its purpose, and anticipated
20 effects, including in the case of a proposal that would modify
21 existing rules, a short description of the changes the proposal would
22 make, and a statement of the reasons supporting the proposed action;

23 (d) The agency personnel, with their office location and
24 telephone number, who are responsible for the drafting,
25 implementation, and enforcement of the rule;

26 (e) The name of the person or organization, whether private,
27 public, or governmental, proposing the rule;

28 (f) Agency comments or recommendations, if any, regarding
29 statutory language, implementation, enforcement, and fiscal matters
30 pertaining to the rule;

31 (g) Whether the rule is necessary as the result of federal law or
32 federal or state court action, and if so, a citation to such law or
33 court decision;

34 (h) When, where, and how persons may present their views on the
35 proposed rule;

36 (i) The date on which the agency intends to adopt the rule;

37 (j) A copy of the small business economic impact statement
38 prepared under chapter 19.85 RCW, or a copy of the school district
39 fiscal impact statement under RCW 28A.305.135 in the case of the

1 state board of education, or an explanation for why the agency did
2 not prepare the statement;

3 (k) A statement indicating whether RCW 34.05.328 applies to the
4 rule adoption; and

5 (1) If RCW 34.05.328 does apply, a statement indicating that a
6 copy of the preliminary cost-benefit analysis described in RCW
7 34.05.328(1)(c) is available.

8 (2)((~~a~~)) Upon filing notice of the proposed rule with the code
9 reviser, the adopting agency shall have copies of the notice on file
10 and available for public inspection. (~~Except as provided in (b) of~~
11 ~~this subsection, the agency shall forward three copies of the notice~~
12 ~~to the rules review committee.~~

13 (~~b~~) ~~A pilot of at least ten agencies, including the departments~~
14 ~~of labor and industries, fish and wildlife, revenue, ecology,~~
15 ~~retirement systems, and health, shall file the copies required under~~
16 ~~this subsection, as well as under RCW 34.05.350 and 34.05.353, with~~
17 ~~the rules review committee electronically for a period of four years~~
18 ~~from June 10, 2004. The office of regulatory assistance shall~~
19 ~~negotiate the details of the pilot among the agencies, the~~
20 ~~legislature, and the code reviser.))~~

21 (3) No later than three days after its publication in the state
22 register, the agency shall cause either a copy of the notice of
23 proposed rule adoption, or a summary of the information contained on
24 the notice, to be mailed to each person, city, and county that has
25 made a request to the agency for a mailed copy of such notices. An
26 agency may charge for the actual cost of providing a requesting party
27 mailed copies of these notices.

28 (4) In addition to the notice required by subsections (1) and (2)
29 of this section, an institution of higher education shall cause the
30 notice to be published in the campus or standard newspaper of the
31 institution at least seven days before the rule-making hearing.

32 **Sec. 7.** RCW 34.05.328 and 2011 c 298 s 21 and 2011 c 149 s 1 are
33 each reenacted and amended to read as follows:

34 (1) Before adopting a rule described in subsection (5) of this
35 section, an agency must:

36 (a) Clearly state in detail the general goals and specific
37 objectives of the statute that the rule implements;

38 (b) Determine that the rule is needed to achieve the general
39 goals and specific objectives stated under (a) of this subsection,

1 and analyze alternatives to rule making and the consequences of not
2 adopting the rule;

3 (c) Provide notification in the notice of proposed rule making
4 under RCW 34.05.320 that a preliminary cost-benefit analysis is
5 available. The preliminary cost-benefit analysis must fulfill the
6 requirements of the cost-benefit analysis under (d) of this
7 subsection. If the agency files a supplemental notice under RCW
8 34.05.340, the supplemental notice must include notification that a
9 revised preliminary cost-benefit analysis is available. A final cost-
10 benefit analysis must be available when the rule is adopted under RCW
11 34.05.360;

12 (d) Determine that the probable benefits of the rule are greater
13 than its probable costs, taking into account both the qualitative and
14 quantitative benefits and costs and the specific directives of the
15 statute being implemented;

16 (e) Determine, after considering alternative versions of the rule
17 and the analysis required under (b), (c), and (d) of this subsection,
18 that the rule being adopted is the least burdensome alternative for
19 those required to comply with it that will achieve the general goals
20 and specific objectives stated under (a) of this subsection;

21 (f) Determine that the rule does not require those to whom it
22 applies to take an action that violates requirements of another
23 federal or state law;

24 (g) Determine that the rule does not impose more stringent
25 performance requirements on private entities than on public entities
26 unless required to do so by federal or state law;

27 (h) Determine if the rule differs from any federal regulation or
28 statute applicable to the same activity or subject matter and, if so,
29 determine that the difference is justified by the following:

30 (i) A state statute that explicitly allows the agency to differ
31 from federal standards; or

32 (ii) Substantial evidence that the difference is necessary to
33 achieve the general goals and specific objectives stated under (a) of
34 this subsection; and

35 (i) Coordinate the rule, to the maximum extent practicable, with
36 other federal, state, and local laws applicable to the same activity
37 or subject matter.

38 (2) In making its determinations pursuant to subsection (1)(b)
39 through (h) of this section, the agency must place in the rule-making

1 file documentation of sufficient quantity and quality so as to
2 persuade a reasonable person that the determinations are justified.

3 (3) Before adopting rules described in subsection (5) of this
4 section, an agency must place in the rule-making file a rule
5 implementation plan for rules filed under each adopting order. The
6 plan must describe how the agency intends to:

7 (a) Implement and enforce the rule, including a description of
8 the resources the agency intends to use;

9 (b) Inform and educate affected persons about the rule;

10 (c) Promote and assist voluntary compliance; and

11 (d) Evaluate whether the rule achieves the purpose for which it
12 was adopted, including, to the maximum extent practicable, the use of
13 interim milestones to assess progress and the use of objectively
14 measurable outcomes.

15 (4) After adopting a rule described in subsection (5) of this
16 section regulating the same activity or subject matter as another
17 provision of federal or state law, an agency must (~~do all of the~~
18 ~~following~~):

19 (a) Coordinate implementation and enforcement of the rule with
20 the other federal and state entities regulating the same activity or
21 subject matter by making every effort to do one or more of the
22 following:

23 (i) Deferring to the other entity;

24 (ii) Designating a lead agency; or

25 (iii) Entering into an agreement with the other entities
26 specifying how the agency and entities will coordinate implementation
27 and enforcement(~~(-)~~); or

28 (b) If the agency is unable to comply with (a) of this subsection
29 (~~((4)(a))~~), (~~the agency must~~) report to the appropriate standing
30 committees of the legislature (~~(pursuant to (b) of this subsection;~~

31 ~~(b) Report to the joint administrative rules review committee~~):

32 (i) The existence of any overlap or duplication of other federal
33 or state laws, any differences from federal law, and any known
34 overlap, duplication, or conflict with local laws; and

35 (ii) (~~Make~~) Recommendations for any legislation that may be
36 necessary to eliminate or mitigate any adverse effects of such
37 overlap, duplication, or difference.

38 (5)(a) Except as provided in (b) of this subsection, this section
39 applies to:

1 (i) Significant legislative rules of the departments of ecology,
2 labor and industries, health, revenue, social and health services,
3 and natural resources, the employment security department, the forest
4 practices board, the office of the insurance commissioner, and to the
5 legislative rules of the department of fish and wildlife implementing
6 chapter 77.55 RCW; and

7 (ii) Any rule of any agency, if this section is voluntarily made
8 applicable to the rule by the agency(~~(, or is made applicable to the~~
9 ~~rule by a majority vote of the joint administrative rules review~~
10 ~~committee within forty five days of receiving the notice of proposed~~
11 ~~rule making under RCW 34.05.320)).~~

12 (b) This section does not apply to:

13 (i) Emergency rules adopted under RCW 34.05.350;

14 (ii) Rules relating only to internal governmental operations that
15 are not subject to violation by a nongovernment party;

16 (iii) Rules adopting or incorporating by reference without
17 material change federal statutes or regulations, Washington state
18 statutes, rules of other Washington state agencies, shoreline master
19 programs other than those programs governing shorelines of statewide
20 significance, or, as referenced by Washington state law, national
21 consensus codes that generally establish industry standards, if the
22 material adopted or incorporated regulates the same subject matter
23 and conduct as the adopting or incorporating rule;

24 (iv) Rules that only correct typographical errors, make address
25 or name changes, or clarify language of a rule without changing its
26 effect;

27 (v) Rules the content of which is explicitly and specifically
28 dictated by statute;

29 (vi) Rules that set or adjust fees under the authority of RCW
30 19.02.075 or that set or adjust fees or rates pursuant to legislative
31 standards, including fees set or adjusted under the authority of RCW
32 19.80.045;

33 (vii) Rules of the department of social and health services
34 relating only to client medical or financial eligibility and rules
35 concerning liability for care of dependents; or

36 (viii) Rules of the department of revenue that adopt a uniform
37 expiration date for reseller permits as authorized in RCW 82.32.780
38 and 82.32.783.

39 (c) For purposes of this subsection:

1 (i) A "procedural rule" is a rule that adopts, amends, or repeals
2 (A) any procedure, practice, or requirement relating to any agency
3 hearings; (B) any filing or related process requirement for making
4 application to an agency for a license or permit; or (C) any policy
5 statement pertaining to the consistent internal operations of an
6 agency.

7 (ii) An "interpretive rule" is a rule, the violation of which
8 does not subject a person to a penalty or sanction, that sets forth
9 the agency's interpretation of statutory provisions it administers.

10 (iii) A "significant legislative rule" is a rule other than a
11 procedural or interpretive rule that (A) adopts substantive
12 provisions of law pursuant to delegated legislative authority, the
13 violation of which subjects a violator of such rule to a penalty or
14 sanction; (B) establishes, alters, or revokes any qualification or
15 standard for the issuance, suspension, or revocation of a license or
16 permit; or (C) adopts a new, or makes significant amendments to, a
17 policy or regulatory program.

18 (d) In the notice of proposed rule making under RCW 34.05.320, an
19 agency must state whether this section applies to the proposed rule
20 pursuant to (a)(i) of this subsection, or if the agency will apply
21 this section voluntarily.

22 (6) By January 31, 1996, and by January 31st of each even-
23 numbered year thereafter, the office of regulatory assistance, after
24 consulting with state agencies, counties, and cities, and business,
25 labor, and environmental organizations, must report to the governor
26 and the legislature regarding the effects of this section on the
27 regulatory system in this state. The report must document:

28 (a) The rules proposed to which this section applied and to the
29 extent possible, how compliance with this section affected the
30 substance of the rule, if any, that the agency ultimately adopted;

31 (b) The costs incurred by state agencies in complying with this
32 section;

33 (c) Any legal action maintained based upon the alleged failure of
34 any agency to comply with this section, the costs to the state of
35 such action, and the result;

36 (d) The extent to which this section has adversely affected the
37 capacity of agencies to fulfill their legislatively prescribed
38 mission;

39 (e) The extent to which this section has improved the
40 acceptability of state rules to those regulated; and

1 (f) Any other information considered by the office of financial
2 management to be useful in evaluating the effect of this section.

3 **Sec. 8.** RCW 34.05.330 and 1998 c 280 s 5 are each amended to
4 read as follows:

5 (1) Any person may petition an agency requesting the adoption,
6 amendment, or repeal of any rule. The office of financial management
7 shall prescribe by rule the format for such petitions and the
8 procedure for their submission, consideration, and disposition and
9 provide a standard form that may be used to petition any agency.
10 Within sixty days after submission of a petition, the agency shall
11 either (a) deny the petition in writing, stating (i) its reasons for
12 the denial, specifically addressing the concerns raised by the
13 petitioner, and, where appropriate, (ii) the alternative means by
14 which it will address the concerns raised by the petitioner, or (b)
15 initiate rule-making proceedings in accordance with RCW 34.05.320.

16 ~~(2) ((If an agency denies a petition to repeal or amend a rule
17 submitted under subsection (1) of this section, and the petition
18 alleges that the rule is not within the intent of the legislature or
19 was not adopted in accordance with all applicable provisions of law,
20 the person may petition for review of the rule by the joint
21 administrative rules review committee under RCW 34.05.655.~~

22 ~~(3))~~ If an agency denies a petition to repeal or amend a rule
23 submitted under subsection (1) of this section, the petitioner,
24 within thirty days of the denial, may appeal the denial to the
25 governor. The governor shall immediately file notice of the appeal
26 with the code reviser for publication in the Washington state
27 register. Within forty-five days after receiving the appeal, the
28 governor shall either (a) deny the petition in writing, stating (i)
29 his or her reasons for the denial, specifically addressing the
30 concerns raised by the petitioner, and, (ii) where appropriate, the
31 alternative means by which he or she will address the concerns raised
32 by the petitioner; (b) for agencies listed in RCW 43.17.010, direct
33 the agency to initiate rule-making proceedings in accordance with
34 this chapter; or (c) for agencies not listed in RCW 43.17.010,
35 recommend that the agency initiate rule-making proceedings in
36 accordance with this chapter. The governor's response to the appeal
37 shall be published in the Washington state register and copies shall
38 be submitted to the chief clerk of the house of representatives and
39 the secretary of the senate.

1 ((+4)) (3) In petitioning for repeal or amendment of a rule
2 under this section, a person is encouraged to address, among other
3 concerns:

4 (a) Whether the rule is authorized;

5 (b) Whether the rule is needed;

6 (c) Whether the rule conflicts with or duplicates other federal,
7 state, or local laws;

8 (d) Whether alternatives to the rule exist that will serve the
9 same purpose at less cost;

10 (e) Whether the rule applies differently to public and private
11 entities;

12 (f) Whether the rule serves the purposes for which it was
13 adopted;

14 (g) Whether the costs imposed by the rule are unreasonable;

15 (h) Whether the rule is clearly and simply stated;

16 (i) Whether the rule is different than a federal law applicable
17 to the same activity or subject matter without adequate
18 justification; and

19 (j) Whether the rule was adopted according to all applicable
20 provisions of law.

21 ((+5)) (4) The department of (~~community, trade, and economic~~
22 ~~development~~) commerce and the office of financial management shall
23 coordinate efforts among agencies to inform the public about the
24 existence of this rules review process.

25 ((+6)) (5) The office of financial management shall initiate the
26 rule making required by subsection (1) of this section by September
27 1, 1995.

28 **Sec. 9.** RCW 34.05.350 and 2011 1st sp.s. c 2 s 1 are each
29 amended to read as follows:

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

31 (a) That immediate adoption, amendment, or repeal of a rule is
32 necessary for the preservation of the public health, safety, or
33 general welfare, and that observing the time requirements of notice
34 and opportunity to comment upon adoption of a permanent rule would be
35 contrary to the public interest;

36 (b) That state or federal law or federal rule or a federal
37 deadline for state receipt of federal funds requires immediate
38 adoption of a rule; or

1 (c) In order to implement the requirements or reductions in
2 appropriations enacted in any budget for fiscal year 2009, 2010,
3 2011, 2012, or 2013, which necessitates the need for the immediate
4 adoption, amendment, or repeal of a rule, and that observing the time
5 requirements of notice and opportunity to comment upon adoption of a
6 permanent rule would be contrary to the fiscal needs or requirements
7 of the agency,
8 the agency may dispense with those requirements and adopt, amend, or
9 repeal the rule on an emergency basis. The agency's finding and a
10 concise statement of the reasons for its finding shall be
11 incorporated in the order for adoption of the emergency rule or
12 amendment filed with the office of the code reviser under RCW
13 34.05.380 (~~and with the rules review committee~~).

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

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

37 **Sec. 10.** RCW 34.05.353 and 2004 c 31 s 4 are each amended to
38 read as follows:

1 (1) An agency may file notice for the expedited adoption of rules
2 in accordance with the procedures set forth in this section for rules
3 meeting any one of the following criteria:

4 (a) The proposed rules relate only to internal governmental
5 operations that are not subject to violation by a person;

6 (b) The proposed rules adopt or incorporate by reference without
7 material change federal statutes or regulations, Washington state
8 statutes, rules of other Washington state agencies, shoreline master
9 programs other than those programs governing shorelines of statewide
10 significance, or, as referenced by Washington state law, national
11 consensus codes that generally establish industry standards, if the
12 material adopted or incorporated regulates the same subject matter
13 and conduct as the adopting or incorporating rule;

14 (c) The proposed rules only correct typographical errors, make
15 address or name changes, or clarify language of a rule without
16 changing its effect;

17 (d) The content of the proposed rules is explicitly and
18 specifically dictated by statute;

19 (e) The proposed rules have been the subject of negotiated rule
20 making, pilot rule making, or some other process that involved
21 substantial participation by interested parties before the
22 development of the proposed rule; or

23 (f) The proposed rule is being amended after a review under RCW
24 34.05.328.

25 (2) An agency may file notice for the expedited repeal of rules
26 under the procedures set forth in this section for rules meeting any
27 one of the following criteria:

28 (a) The statute on which the rule is based has been repealed and
29 has not been replaced by another statute providing statutory
30 authority for the rule;

31 (b) The statute on which the rule is based has been declared
32 unconstitutional by a court with jurisdiction, there is a final
33 judgment, and no statute has been enacted to replace the
34 unconstitutional statute;

35 (c) The rule is no longer necessary because of changed
36 circumstances; or

37 (d) Other rules of the agency or of another agency govern the
38 same activity as the rule, making the rule redundant.

39 (3) The expedited rule-making process must follow the
40 requirements for rule making set forth in RCW 34.05.320, except that

1 the agency is not required to prepare a small business economic
2 impact statement under RCW 19.85.025, a statement indicating whether
3 the rule constitutes a significant legislative rule under RCW
4 34.05.328(5)(c)(iii), or a significant legislative rule analysis
5 under RCW 34.05.328. An agency is not required to prepare statements
6 of inquiry under RCW 34.05.310 or conduct a hearing for the expedited
7 rule making. The notice for the expedited rule making must contain a
8 statement in at least ten-point type, that is substantially in the
9 following form:

10 **NOTICE**

11 THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-
12 MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO
13 HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC
14 IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A
15 SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF
16 THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR
17 OBJECTIONS IN WRITING AND THEY MUST BE SENT TO (INSERT NAME
18 AND ADDRESS) AND RECEIVED BY (INSERT DATE).

19 (4) The agency shall send either a copy of the notice of the
20 proposed expedited rule making, or a summary of the information on
21 the notice, to any person who has requested notification of proposals
22 for expedited rule making or of regular agency rule making, (~~as well~~
23 ~~as the joint administrative rules review committee,~~) within three
24 days after its publication in the Washington State Register. An
25 agency may charge for the actual cost of providing a requesting party
26 mailed copies of these notices. The notice of the proposed expedited
27 rule making must be preceded by a statement substantially in the form
28 provided in subsection (3) of this section. The notice must also
29 include an explanation of the reasons the agency believes the
30 expedited rule-making process is appropriate.

31 (5) The code reviser shall publish the text of all rules proposed
32 for expedited adoption, and the citation and caption of all rules
33 proposed for expedited repeal, along with the notice required in this
34 section in a separate section of the Washington State Register. Once
35 the notice of expedited rule making has been published in the
36 Washington State Register, the only changes that an agency may make
37 in the noticed materials before their final adoption or repeal are to
38 correct typographical errors.

1 (6) Any person may file a written objection to the expedited rule
2 making. The objection must be filed with the agency rules coordinator
3 within forty-five days after the notice of the proposed expedited
4 rule making has been published in the Washington State Register. A
5 person who has filed a written objection to the expedited rule making
6 may withdraw the objection.

7 (7) If no written objections to the expedited rule making are
8 filed with the agency within forty-five days after the notice of
9 proposed expedited rule making is published, or if all objections
10 that have been filed are withdrawn by the persons filing the
11 objections, the agency may enter an order adopting or repealing the
12 rule without further notice or a public hearing. The order must be
13 published in the manner required by this chapter for any other agency
14 order adopting, amending, or repealing a rule.

15 (8) If a written notice of objection to the expedited rule making
16 is timely filed with the agency and is not withdrawn, the notice of
17 proposed expedited rule making published under this section is
18 considered a statement of inquiry for the purposes of RCW 34.05.310,
19 and the agency may initiate further rule-making proceedings in
20 accordance with this chapter.

21 (9) As used in this section, "expedited rule making" includes
22 both the expedited adoption of rules and the expedited repeal of
23 rules.

24 **Sec. 11.** RCW 34.05.534 and 1997 c 409 s 302 are each amended to
25 read as follows:

26 A person may file a petition for judicial review under this
27 chapter only after exhausting all administrative remedies available
28 within the agency whose action is being challenged, or available
29 within any other agency authorized to exercise administrative review,
30 except:

31 (1) A petitioner for judicial review of a rule need not have
32 participated in the rule-making proceeding upon which that rule is
33 based, have petitioned for its amendment or repeal, (~~have petitioned~~
34 ~~the joint administrative rules review committee for its review,~~) or
35 have appealed a petition for amendment or repeal to the governor;

36 (2) A petitioner for judicial review need not exhaust
37 administrative remedies to the extent that this chapter or any other
38 statute states that exhaustion is not required; or

1 (3) The court may relieve a petitioner of the requirement to
2 exhaust any or all administrative remedies upon a showing that:

3 (a) The remedies would be patently inadequate;

4 (b) The exhaustion of remedies would be futile; or

5 (c) The grave irreparable harm that would result from having to
6 exhaust administrative remedies would clearly outweigh the public
7 policy requiring exhaustion of administrative remedies.

8 **Sec. 12.** RCW 42.40.010 and 2017 c 44 s 1 are each amended to
9 read as follows:

10 It is the policy of the legislature that employees should be
11 encouraged to disclose, to the extent not expressly prohibited by
12 law, improper governmental actions, and it is the intent of the
13 legislature to protect the rights of state employees making these
14 disclosures, regardless of whether an investigation is initiated
15 under RCW 42.40.040. It is also the policy of the legislature that
16 employees should be encouraged to identify rules warranting review
17 (~~or provide information to the rules review committee~~), and it is
18 the intent of the legislature to protect the rights of these
19 employees.

20 **Sec. 13.** RCW 42.40.020 and 2017 c 44 s 2 are each amended to
21 read as follows:

22 As used in this chapter, the terms defined in this section shall
23 have the meanings indicated unless the context clearly requires
24 otherwise.

25 (1) "Auditor" means the office of the state auditor.

26 (2) "Employee" means any individual employed or holding office in
27 any department or agency of state government.

28 (3) "Good faith" means the individual providing the information
29 or report of improper governmental activity has a reasonable basis in
30 fact for reporting or providing the information. An individual who
31 knowingly provides or reports, or who reasonably ought to know he or
32 she is providing or reporting, malicious, false, or frivolous
33 information, or information that is provided with reckless disregard
34 for the truth, or who knowingly omits relevant information is not
35 acting in good faith.

36 (4) "Gross mismanagement" means the exercise of management
37 responsibilities in a manner grossly deviating from the standard of

1 care or competence that a reasonable person would observe in the same
2 situation.

3 (5) "Gross waste of funds" means to spend or use funds or to
4 allow funds to be used without valuable result in a manner grossly
5 deviating from the standard of care or competence that a reasonable
6 person would observe in the same situation.

7 (6)(a) "Improper governmental action" means any action by an
8 employee undertaken in the performance of the employee's official
9 duties:

10 (i) Which is a gross waste of public funds or resources as
11 defined in this section;

12 (ii) Which is in violation of federal or state law or rule, if
13 the violation is not merely technical or of a minimum nature;

14 (iii) Which is of substantial and specific danger to the public
15 health or safety;

16 (iv) Which is gross mismanagement;

17 (v) Which prevents the dissemination of scientific opinion or
18 alters technical findings without scientifically valid justification,
19 unless state law or a common law privilege prohibits disclosure. This
20 provision is not meant to preclude the discretion of agency
21 management to adopt a particular scientific opinion or technical
22 finding from among differing opinions or technical findings to the
23 exclusion of other scientific opinions or technical findings. Nothing
24 in this subsection prevents or impairs a state agency's or public
25 official's ability to manage its public resources or its employees in
26 the performance of their official job duties. This subsection does
27 not apply to de minimis, technical disagreements that are not
28 relevant for otherwise improper governmental activity. Nothing in
29 this provision requires the auditor to contract or consult with
30 external experts regarding the scientific validity, invalidity, or
31 justification of a finding or opinion; or

32 (vi) Which violates the administrative procedure act or analogous
33 provisions of law that prohibit ex parte communication regarding
34 cases or matters pending in which an agency is party between the
35 agency's employee and a presiding officer, hearing officer, or an
36 administrative law judge. The availability of other avenues for
37 addressing ex parte communication by agency employees does not bar an
38 investigation by the auditor.

39 (b) "Improper governmental action" does not include personnel
40 actions, for which other remedies exist, including but not limited to

1 employee grievances, complaints, appointments, promotions, transfers,
2 assignments, reassignments, reinstatements, restorations,
3 reemployments, performance evaluations, reductions in pay,
4 dismissals, suspensions, demotions, violations of the state civil
5 service law, alleged labor agreement violations, reprimands, claims
6 of discriminatory treatment, or any action which may be taken under
7 chapter 41.06 RCW, or other disciplinary action except as provided in
8 RCW 42.40.030.

9 (7) "Public official" means the attorney general's designee or
10 designees; the director, or equivalent thereof in the agency where
11 the employee works; an appropriate number of individuals designated
12 to receive whistleblower reports by the head of each agency; or the
13 executive ethics board.

14 (8) "Substantial and specific danger" means a risk of serious
15 injury, illness, peril, or loss, to which the exposure of the public
16 is a gross deviation from the standard of care or competence which a
17 reasonable person would observe in the same situation.

18 (9) "Use of official authority or influence" includes
19 threatening, taking, directing others to take, recommending,
20 processing, or approving any personnel action such as an appointment,
21 promotion, transfer, assignment including but not limited to duties
22 and office location, reassignment, reinstatement, restoration,
23 reemployment, performance evaluation, determining any material
24 changes in pay, provision of training or benefits, tolerance of a
25 hostile work environment, or any adverse action under chapter 41.06
26 RCW, or other disciplinary action.

27 (10)(a) "Whistleblower" means:

28 (i) An employee who in good faith reports alleged improper
29 governmental action to the auditor or other public official, as
30 defined in subsection (7) of this section; or

31 (ii) An employee who is perceived by the employer as reporting,
32 whether they did or not, alleged improper governmental action to the
33 auditor or other public official, as defined in subsection (7) of
34 this section.

35 (b) For purposes of the provisions of this chapter and chapter
36 49.60 RCW relating to reprisals and retaliatory action, the term
37 "whistleblower" also means:

38 (i) An employee who in good faith provides information to the
39 auditor or other public official, as defined in subsection (7) of
40 this section, and an employee who is believed to have reported

1 asserted improper governmental action to the auditor or other public
2 official, as defined in subsection (7) of this section, or to have
3 provided information to the auditor or other public official, as
4 defined in subsection (7) of this section, but who, in fact, has not
5 reported such action or provided such information; or

6 (ii) An employee who in good faith identifies rules warranting
7 review (~~(or provides information to the rules review committee)~~), and
8 an employee who is believed to have identified rules warranting
9 review (~~(or provided information to the rules review committee)~~), but
10 who, in fact, has not done so.

11 **Sec. 14.** RCW 42.40.030 and 2008 c 266 s 3 are each amended to
12 read as follows:

13 (1) An employee shall not directly or indirectly use or attempt
14 to use the employee's official authority or influence for the purpose
15 of intimidating, threatening, coercing, commanding, influencing, or
16 attempting to intimidate, threaten, coerce, command, or influence any
17 individual for the purpose of interfering with the right of the
18 individual to: (a) Disclose to the auditor (or representative
19 thereof) or other public official, as defined in RCW 42.40.020,
20 information concerning improper governmental action; or (b) identify
21 rules warranting review (~~(or provide information to the rules review
22 committee)~~).

23 (2) Nothing in this section authorizes an individual to disclose
24 information otherwise prohibited by law, except to the extent that
25 information is necessary to substantiate the whistleblower complaint,
26 in which case information may be disclosed to the auditor or public
27 official, as defined in RCW 42.40.020, by the whistleblower for the
28 limited purpose of providing information related to the complaint.
29 Any information provided to the auditor or public official under the
30 authority of this subsection may not be further disclosed.

31 **Sec. 15.** RCW 43.15.020 and 2017 3rd sp.s. c 6 s 814 are each
32 amended to read as follows:

33 The lieutenant governor serves as president of the senate and is
34 responsible for making appointments to, and serving on, the
35 committees and boards as set forth in this section.

36 (1) The lieutenant governor serves on the following boards and
37 committees:

38 (a) Capitol furnishings preservation committee, RCW 27.48.040;

1 (b) Washington higher education facilities authority, RCW
2 28B.07.030;

3 (c) Productivity board, also known as the employee involvement
4 and recognition board, RCW 41.60.015;

5 (d) State finance committee, RCW 43.33.010;

6 (e) State capitol committee, RCW 43.34.010;

7 (f) Washington health care facilities authority, RCW 70.37.030;

8 (g) State medal of merit nominating committee, RCW 1.40.020;

9 (h) Medal of valor committee, RCW 1.60.020; and

10 (i) Association of Washington generals, RCW 43.15.030.

11 (2) The lieutenant governor, and when serving as president of the
12 senate, appoints members to the following boards and committees:

13 (a) Civil legal aid oversight committee, RCW 2.53.010;

14 (b) Office of public defense advisory committee, RCW 2.70.030;

15 (c) Washington state gambling commission, RCW 9.46.040;

16 (d) Sentencing guidelines commission, RCW 9.94A.860;

17 (e) State building code council, RCW 19.27.070;

18 (f) Financial education public-private partnership, RCW
19 28A.300.450;

20 (g) (~~(h)~~) ~~Joint administrative rules review committee, RCW 34.05.610;~~
21 ~~(h)~~) Capital projects advisory review board, RCW 39.10.220;

22 (~~(i)~~) (h) Select committee on pension policy, RCW 41.04.276;

23 (~~(j)~~) (i) Legislative ethics board, RCW 42.52.310;

24 (~~(k)~~) (j) Washington citizens' commission on salaries, RCW
25 43.03.305;

26 (~~(l)~~) (k) Legislative oral history committee, RCW 44.04.325;

27 (~~(m)~~) (l) State council on aging, RCW 43.20A.685;

28 (~~(n)~~) (m) State investment board, RCW 43.33A.020;

29 (~~(o)~~) (n) Capitol campus design advisory committee, RCW
30 43.34.080;

31 (~~(p)~~) (o) Washington state arts commission, RCW 43.46.015;

32 (~~(q)~~) (p) PNWER-Net working subgroup under chapter 43.147 RCW;

33 (~~(r)~~) (q) Community economic revitalization board, RCW
34 43.160.030;

35 (~~(s)~~) (r) Washington economic development finance authority,
36 RCW 43.163.020;

37 (~~(t)~~) (s) Life sciences discovery fund authority, RCW
38 43.350.020;

39 (~~(u)~~) (t) Joint legislative audit and review committee, RCW
40 44.28.010;

1 ~~((v))~~ (u) Joint committee on energy supply and energy
2 conservation, RCW 44.39.015;
3 ~~((w))~~ (v) Legislative evaluation and accountability program
4 committee, RCW 44.48.010;
5 ~~((x))~~ (w) Agency council on coordinated transportation, RCW
6 47.06B.020;
7 ~~((y))~~ (x) Washington horse racing commission, RCW 67.16.014;
8 ~~((z))~~ (y) Correctional industries board of directors, RCW
9 72.09.080;
10 ~~((aa))~~ (z) Joint committee on veterans' and military affairs,
11 RCW 73.04.150;
12 ~~((bb))~~ (aa) Joint legislative committee on water supply during
13 drought, RCW 90.86.020;
14 ~~((cc))~~ (bb) Statute law committee, RCW 1.08.001; and
15 ~~((dd))~~ (cc) Joint legislative oversight committee on trade
16 policy, RCW 44.55.020.

17 **Sec. 16.** RCW 43.180.110 and 1983 c 161 s 11 are each amended to
18 read as follows:

19 The commission shall submit the initial policies adopted under
20 RCW 43.180.090 and 43.180.100 to the chief clerk of the house and the
21 secretary of the senate for transmittal to and review by the
22 appropriate standing committees (~~and the joint administrative rules
23 review committee~~). By January 1, 1984 the commission shall have
24 adopted policies in the form of rules and regulations under chapter
25 34.05 RCW. Such rules and regulations may only be changed or revised
26 in accordance with chapter 34.05 RCW.

27 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 34.05.610 (Joint administrative rules review committee—
30 Members—Appointment—Terms—Vacancies) and 2015 2nd sp.s. c 11 s 1,
31 1998 c 280 s 9, 1996 c 318 s 2, 1988 c 288 s 601, 1983 c 53 s 1, &
32 1981 c 324 s 5;

33 (2) RCW 34.05.620 (Review of proposed rules—Notice) and 1996 c
34 318 s 3, 1994 c 249 s 17, 1988 c 288 s 602, 1987 c 451 s 1, & 1981 c
35 324 s 6;

36 (3) RCW 34.05.630 (Review of existing rules—Policy and
37 interpretive statements, etc.—Notice—Hearing) and 1998 c 21 s 1,

1 1996 c 318 s 4, 1994 c 249 s 18, 1993 c 277 s 1, 1988 c 288 s 603,
2 1987 c 451 s 2, & 1981 c 324 s 7;

3 (4) RCW 34.05.640 (Committee objections to agency intended action
4 —Statement in register and WAC—Suspension of rule) and 1998 c 21 s
5 2, 1996 c 318 s 5, 1994 c 249 s 19, 1993 c 277 s 2, 1988 c 288 s 604,
6 1987 c 451 s 3, & 1981 c 324 s 8;

7 (5) RCW 34.05.650 (Recommendations by committee to legislature)
8 and 1988 c 288 s 605, 1987 c 451 s 4, & 1981 c 324 s 9;

9 (6) RCW 34.05.655 (Petition for review) and 2015 2nd sp.s. c 11 s
10 2, 1998 c 21 s 3, 1996 c 318 s 7, & 1995 c 403 s 502;

11 (7) RCW 34.05.660 (Review and objection procedures—No presumption
12 established) and 2001 c 64 s 2, 1988 c 288 s 606, & 1981 c 324 s 10;

13 (8) RCW 34.05.665 (Submission of rule for review—State employees
14 protected) and 1995 c 403 s 503;

15 (9) RCW 34.05.671 (Reports—Advisory boards—Staff) and 1995 c 403
16 s 505;

17 (10) RCW 34.05.675 (Inspection of properties—Oaths, subpoenas,
18 witnesses, depositions) and 1995 c 403 s 506; and

19 (11) RCW 34.05.681 (Enforcement—Committee subpoena—Refusal to
20 testify) and 1995 c 403 s 507.

21 NEW SECTION. **Sec. 18.** Section 15 of this act takes effect July
22 1, 2018.

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