
HOUSE BILL 1013

State of Washington

67th Legislature

2021 Regular Session

By Representatives Klippert, Eslick, and Graham

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1 AN ACT Relating to limiting the duration of emergency rules; and
2 amending RCW 34.05.350.

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

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

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

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

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

15 (c) In order to implement the requirements or reductions in
16 appropriations enacted in any budget for fiscal year 2009, 2010,
17 2011, 2012, or 2013, which necessitates the need for the immediate
18 adoption, amendment, or repeal of a rule, and that observing the time
19 requirements of notice and opportunity to comment upon adoption of a
20 permanent rule would be contrary to the fiscal needs or requirements
21 of the agency,

1 the agency may dispense with those requirements and adopt, amend, or
2 repeal the rule on an emergency basis. The agency's finding and a
3 concise statement of the reasons for its finding shall be
4 incorporated in the order for adoption of the emergency rule or
5 amendment filed with the office of the code reviser under RCW
6 34.05.380 and with the rules review committee.

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

18 (3) Within seven days after the rule is adopted, any person may
19 petition the governor requesting the immediate repeal of a rule
20 adopted on an emergency basis by any department listed in RCW
21 43.17.010. Within seven days after submission of the petition, the
22 governor shall either deny the petition in writing, stating his or
23 her reasons for the denial, or order the immediate repeal of the
24 rule. In ruling on the petition, the governor shall consider only
25 whether the conditions in subsection (1) of this section were met
26 such that adoption of the rule on an emergency basis was necessary.
27 If the governor orders the repeal of the emergency rule, any sanction
28 imposed based on that rule is void. This subsection shall not be
29 construed to prohibit adoption of any rule as a permanent rule.

30 (4) If an emergency rule is adopted by an agency in response to
31 the governor proclaiming a state of emergency under RCW 43.06.010,
32 leadership of the senate and the house of representatives may
33 petition the agency to limit the duration of the emergency rule. If
34 at least three of the four leaders sign the petition, the rule may
35 not remain in effect for longer than 30 days after the petition is
36 sent to the agency. Identical or substantially similar emergency
37 rules may not be adopted in sequence unless conditions have changed
38 or the agency has filed notice of its intent to adopt the rule as a
39 permanent rule, and is actively undertaking the appropriate
40 procedures to adopt the rule as a permanent rule. This subsection

1 does not prohibit adoption of any rule as a permanent rule. For
2 purposes of this section, "leadership of the senate and the house of
3 representatives" means the majority and minority leaders of the
4 senate and the speaker and the minority leader of the house of
5 representatives.

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