

2 **SB 5999** - S AMD 058
3 By Senator Hochstatter

4 NOT ADOPTED 03/12/01

5 On page 2, after line 27, insert the following:

6 "NEW SECTION. **Sec. 4.** Recognizing that agency rulemaking is the exercise of
7 delegated legislative power rather than an inherent executive function, the legislature
8 intends that the delegation of its legislative powers shall be strictly limited in this case. The
9 department may propose rules necessary to implement this act. However, those rules shall
10 remain proposed rules until approved by concurrent resolution of the legislature. After
11 legislative approval, the department shall adopt the rules as final rules without variance.

12 **Sec. 5.** RCW 34.05.335 and 1989 c 175 s 8 are each amended to read as follows:

13 (1) A proposed rule may be withdrawn by the proposing agency at any time before
14 adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance
15 with RCW 34.05.320.

16 (2) Before adopting a rule, an agency shall consider the written and oral submissions,
17 or any memorandum summarizing oral submissions.

18 (3) Except for rules promulgated pursuant to this act, rules not adopted and filed with
19 the code revise within one hundred eighty days after publication of the text as last
20 proposed in the register shall be regarded as withdrawn. An agency may not thereafter
21 adopt the proposed rule without refiling in accordance with RCW 34.05.320. The code
22 revise shall give notice of the withdrawal in the register.

23 (4) An agency may not adopt a rule before the time established in the published
24 notice or such later time established in the record or by publication in the state register."

25 Renumber the sections consecutively and correct any internal
26 references accordingly.

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4 On page 1, on line 2 of the title, after "80.36.410,", strike the
5 remainder of the title and insert "80.36.470, and 34.05.335; creating
6 a new section; and providing an expiration date."

« END «

EFFECT: Allows the agency to propose rules to implement the program, but provides that the rules will not be effective until approved by the legislature.