

5254

Sponsor(s): Senators Roach, Hale, Stevens, T. Sheldon, Mulliken, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

Brief Description: Shifting the burden of proof in actions against rules. (REVISED FOR ENGROSSED: Describing where a petition to determine the validity of a rule may be brought.)

**SB 5254.E - DIGEST**

(AS OF SENATE 2ND READING 3/07/03)

Amends RCW 34.05.570 relating to the burden of proof in actions asserting invalidity of agency rules.

Declares that the validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of:

- (1) Thurston county;

- (2) The county of the petitioner's residence or principal place of business; or

- (3) In a county where property owned by the petitioner and affected by the contested rule is located.

Provides that, if the legislature appropriates funds for distribution to counties as reimbursement for the cost of hearing a petition for a declaratory judgment under this act, the total distribution shall reflect the relative caseload among the counties where such petitions are filed.