S-3812.1

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**SENATE BILL 6396**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senators Braun, Roach, Bailey, Rivers, Angel, Becker, Brown, Dammeier, Parlette, Sheldon, Schoesler, Honeyford, Warnick, Padden, and Pearson

AN ACT Relating to administrative procedures; and adding a new section to chapter 34.05 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 34.05 RCW to read as follows:

(1) When any agency is required or authorized by law to adopt rules under this chapter, this section applies.

(2) No rule may be adopted except within the power delegated to the agency and as authorized by law. A rule is not deemed to be within the statutory authority of an agency merely because the rule is not contrary to the specific provisions of a statute. Any rule or amendment to an existing rule adopted by any agency that conflicts with a statute is void.

(3) Beginning July 1, 2016, no rule may be adopted or amended by an agency unless the adoption or amendment is first submitted by the agency to the attorney general for the attorney general's opinion as to its constitutionality and legality. Any rule or rule amendment adopted by an agency without being so submitted to the attorney general is void.

(4) Beginning July 1, 2016, any rule adopted or amended before November 1st of any year expires on June 1st of the year following adoption unless the legislature by bill acts to postpone the expiration. The postponement of the expiration of a rule does not constitute legislative approval of the rule nor is the postponement admissible in any court as evidence of legislative intent.

(5) Any rule that is expired under subsection (4) of this section may not be readopted by an agency unless expressly authorized by statute.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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