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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

Read first time 01/19/16. Referred to Committee on Government Operations & Security.

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

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 34.05  
5 RCW to read as follows:

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

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

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

20 (4) Beginning July 1, 2016, any rule adopted or amended before  
21 November 1st of any year expires on June 1st of the year following

1 adoption unless the legislature by bill acts to postpone the  
2 expiration. The postponement of the expiration of a rule does not  
3 constitute legislative approval of the rule nor is the postponement  
4 admissible in any court as evidence of legislative intent.

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

8 NEW SECTION. **Sec. 2.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

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