S-1636.1

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**SUBSTITUTE SENATE BILL 5798**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate State Government (originally sponsored by Senators Braun, O'Ban, Brown, King, Short, Fortunato, Sheldon, Warnick, Angel, Becker, Schoesler, Zeiger, and Wilson)

AN ACT Relating to administrative procedures; adding a new section to chapter 34.05 RCW; providing an effective date; and declaring an emergency.

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, 2017, 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, unless the agency adopting the rule has successfully completed an excellence assessment by an independent examiner. 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.

(4) Any rule that is expired under subsection (3) of this section may not be readopted by an agency unless expressly authorized by statute.

(5) For the purpose of this section "excellence assessment" means an assessment of agency operational performance by a trained national or state examiner using an excellence framework published by the national institutes of standards and technology, United States department of commerce.

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.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

**--- END ---**