
SENATE BILL 5176

State of Washington

66th Legislature

2019 Regular Session

By Senators Braun, Becker, Padden, Honeyford, Wilson, L., Schoesler, O'Ban, and Short

Read first time 01/15/19. Referred to Committee on State Government, Tribal Relations & Elections.

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

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

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

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

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

15 (3) Beginning July 1, 2019, any rule adopted or amended before
16 November 1st of any year expires on June 1st of the year following
17 adoption unless the legislature by bill acts to postpone the
18 expiration, unless the agency adopting the rule has successfully
19 completed an excellence assessment by an independent examiner. The
20 postponement of the expiration of a rule does not constitute

1 legislative approval of the rule nor is the postponement admissible
2 in any court as evidence of legislative intent.

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

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

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

15 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of
17 the state government and its existing public institutions, and takes
18 effect July 1, 2019.

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