
SENATE BILL 6541

State of Washington

65th Legislature

2018 Regular Session

By Senator Braun

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

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, 2018, any rule adopted or amended before
15 November 1st of any year expires on June 1st of the year following
16 adoption unless the legislature by bill acts to postpone the
17 expiration, unless the agency adopting the rule has successfully
18 completed an excellence assessment by an independent examiner. The
19 postponement of the expiration of a rule does not constitute
20 legislative approval of the rule nor is the postponement admissible
21 in any court as evidence of legislative intent.

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

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

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

13 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2018.

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