S-0549.1

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**SENATE BILL 5372**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Warnick, Honeyford, Becker, Padden, Pearson, and Roach

AN ACT Relating to limiting the enforcement of policies of the department of fish and wildlife and providing for abrogation of policies by act of the governor or either house of the legislature; amending RCW 77.04.090; providing an effective date; and declaring an emergency.

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

**Sec.**  RCW 77.04.090 and 1996 c 267 s 35 are each amended to read as follows:

The commission shall adopt permanent rules and amendments to or repeals of existing rules by approval of a majority of the members by resolution, entered and recorded in the minutes of the commission((~~: PROVIDED, That~~)). However, the commission may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. Further, after July 1, 2015, no rule or policy may be enforced unless and until it has been adopted pursuant to chapter 34.05 RCW, codified in the Washington Administrative Code, and ratified by act of the legislature. The commission shall adopt emergency rules by approval of a majority of the members. The commission, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

Whenever the governor by executive order or either house of the legislature by resolution declares any administrative rule or policy of the department to be abrogated, such a rule or policy is null and void and of no force or effect. The abrogation takes effect immediately upon the issuance of the executive order or passage of the resolution in either house of the legislature, unless the executive order or resolution expressly states that it is to be effective retroactively to an earlier date.

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, 2015.

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