
SENATE BILL 5372

State of Washington 64th Legislature 2015 Regular Session

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

Read first time 01/20/15. Referred to Committee on Natural Resources & Parks.

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

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

7 **Sec. 1.** RCW 77.04.090 and 1996 c 267 s 35 are each amended to
8 read as follows:

9 The commission shall adopt permanent rules and amendments to or
10 repeals of existing rules by approval of a majority of the members by
11 resolution, entered and recorded in the minutes of the commission(~~(+
12 PROVIDED, That))~~). However, the commission may not adopt rules after
13 July 23, 1995, that are based solely on a section of law stating a
14 statute's intent or purpose, on the enabling provisions of the
15 statute establishing the agency, or on any combination of such
16 provisions, for statutory authority to adopt any rule. Further, after
17 July 1, 2015, no rule or policy may be enforced unless and until it
18 has been adopted pursuant to chapter 34.05 RCW, codified in the
19 Washington Administrative Code, and ratified by act of the
20 legislature. The commission shall adopt emergency rules by approval
21 of a majority of the members. The commission, when adopting emergency

1 rules under RCW 77.12.150, shall adopt rules in conformance with
2 chapter 34.05 RCW. Judicial notice shall be taken of the rules filed
3 and published as provided in RCW 34.05.380 and 34.05.210.

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

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

16 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of
18 the state government and its existing public institutions, and takes
19 effect July 1, 2015.

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