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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)

READ FIRST TIME 02/17/17.

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, 2017, 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, 2017.

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