

Rulemaking Process

The rulemaking process begins when:

Legislature enacts law needing implementing rules,
Federal law or rule changes,
State court decision, or
Public petition for rule making
If granted, the agency must make the rule. Requests can be denied.

Permanent rule

Agency prepares preproposal statement of inquiry
Files with Code Reviser's Office and
Published in the Register and sent to requesting persons

Publishing in State Register

Agency prepares a Small Business Economic Impact Statement and prepares a preliminary cost-benefit analysis, if necessary
Agency prepares proposed text and sends to the requesting person, if appropriate
File with Code Reviser's Office with copies sent to the Joint Administrative Rules Review Committee (JARCC)
Within 14 to 42 days, Proposal published in Register
Within 3 days, the proposed rules are sent to the requisition person, if necessary
Agency hearing on proposed rule occurs, no earlier than 20 days after filing with the Code Revisor's office

Agency Hearing

After the hearing, the agency may
Prepares a final cost-benefit analysis, if needed, and
Adopt,
Continue, or
Drop.

Adopted Proposals:
Files with the Code Reviser's Office,
Published in the Register,
Normally take effect in 31 days, and
Sent to JARCC

Continued Proposals are
Reconsidered by the Agency
Agencies may make substantial changes to the proposed rule or
If substantial changes are made to the rule, a supplemental notice is provided and
Filed with the Code Reviser's Office.
The rulemaking process continues as provided above.
Agencies can withdraw the rule.

Withdrawn proposed rules are also sent to JARCC

Permanent Rule: Expedited Rulemaking Process

Agency prepared expedited rulemaking process

Files with the Code Reviser's Office with copies sent to JARCC

Within 14-42 days, the rule is published in the Register

Within 3 days, information is sent to the requesting person

Any objections must be provided within 30-45 days.

If there are no objections after a minimum of 45 days, the agency adopts.

The new rule is filed with the Code of Reviser's Office, sent to JARCC, and published in the register.

If objections are made,

The Agency prepares proposed text and follows the regular rulemaking process.

Emergency Rulemaking

Emergency effect needed

Adopt and file with Code Reviser's Office and JARCC. Emergency rule effective for 120 days maximum.

The emergency rule is published in the Register.

A petition to the Governor for a repeal of the emergency rule can occur within 7 days of the emergency effect noted.

The Governor has 7 days to grant or deny the requested repeal.

Washington Register

Washington Administrative Procedure Act