RULE-MAKING PROCESS

Legislature enacts law needing implementing rules

OR

Federal law or rule changes

OR

State court decision

OR

Public petition for rule making

Denied

Granted

Agency must make rule

IF → Emergency effect needed → Adopt and file with Code Reviser's Office and JARRC. Emergency rule effective for 120 days maximum → Emergency rule published in Register

7 days maximum → Petition to governor for repeal of emergency rule → 7 days max. → Grant / Deny

IF

Permanent effect needed

OR → Agency prepares Expedited Rule Making CR-105 → File with Code Reviser's Office → 14 to 42 days → Copies sent to JARRC → 3 day max. → Send to requesting persons

Published in Register → 45 days minimum → No Objections Agency adopts

30 to 45 days → Objections CR-105 takes the place of CR-101

OR

Agency prepares preproposal statement of inquiry CR-101

File with Code Reviser's Office

Send to requesting persons

Publish in Register

Comment Period   34 to 222 days

30 days   minimum

Agency prepares proposed text and CR-102 → File with Code Reviser's Office → 14 to 42 days → Proposal published in Register → 20 days minimum → Agency hearing

180 days maximum

Copies sent to JARRC → 3 day max. → Send to requesting persons

Agency prepares SBEIS and determines if RCW 34.05.328 applies and prepares a preliminary cost-benefit analysis if necessary

Supplemental Notice

Makes substantial changes

Agency reconsiders proposal

Agency prepares a final cost-benefit analysis, if needed

Adopt

Continue

Drop

Rule normally takes effect in 31 days

File with Code Reviser's Office

Publish in Register

Withdrawal of proposal → Send to JARRC