



WACO on WAC

Jennifer Wallace, Executive Director
Washington Association of County Officials

What is WAC?

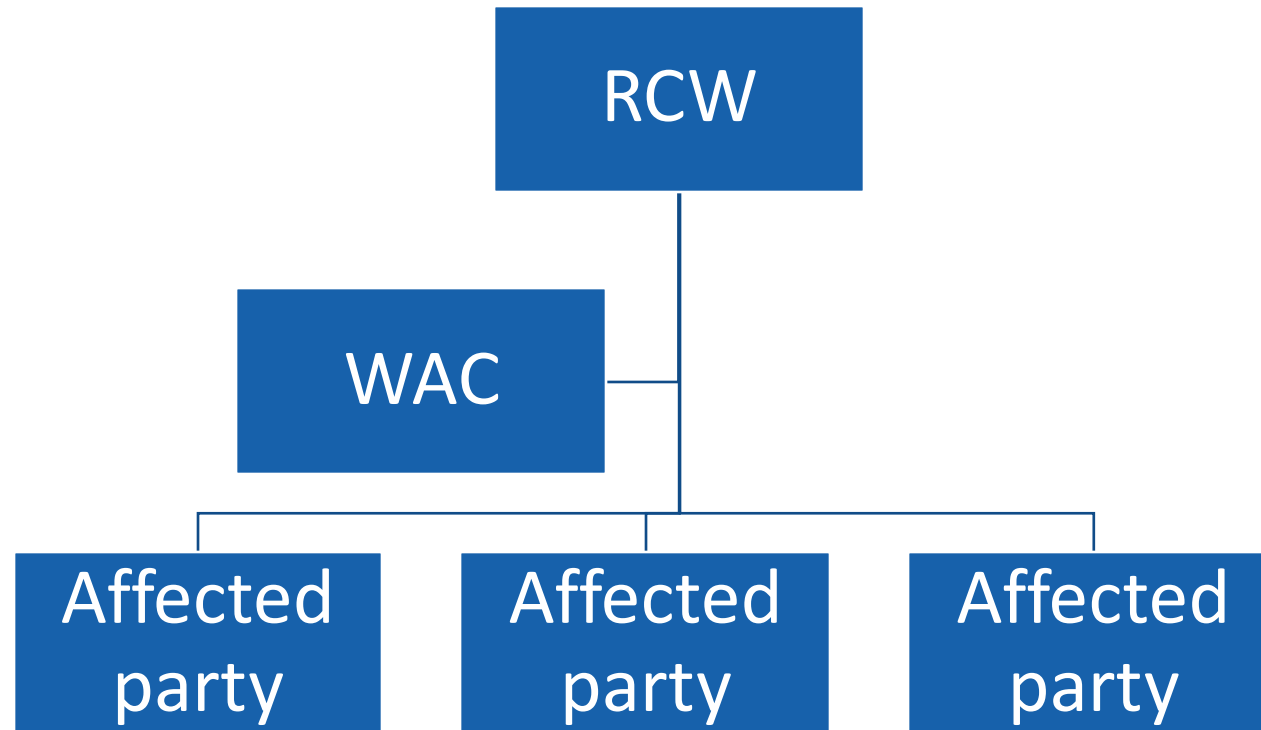


- Washington Administrative Code (WAC) is a collection of rules and regulations adopted by designated rulemaking agencies in Washington to implement state and federal laws.
 - Includes executive agencies designated by legislature to adopt rules and includes boards, commissions, colleges and universities.
 - There are 231 Titles of WAC organized by agency and subject. Each title may have many sections and subsections – no longer printed.
 - <https://app.leg.wa.gov/wac/>
 - <https://app.leg.wa.gov/wac/default.aspx?cite=458>

How do agencies get to be rulemaking bodies?



- State Legislature “authorizes” the creation of WAC by a specified agency. The rule must comply with the intent of the RCW.





app.leg.wa.gov/RCW/default.aspx?cite=84.08.070

go back, hold to see history

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RCWs > Title 84 > Chapter 84.08 > Section 84.08.070

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84.08.060 << 84.08.070 >> 84.08.080

PDF

RCW 84.08.070

Rules and regulations authorized.

The department of revenue shall make such rules and regulations as may be necessary to carry out the powers granted by this chapter, and for conducting hearings and other proceedings before it.

[1975 1st ex.s. c 278 s 151; 1961 c 15 s 84.08.070. Prior: 1939 c 206 s 4, part; 1931 c 15 s 1, part; 1927 c 280 s 5, part; 1925 c 18 s 5, part; 1921 c 7 ss 50, 53; RRS s 11091 (first), part. FORMER PART OF SECTION: 1935 c 123 s 18 now codified as RCW 84.12.390.]



What is the Rulemaking Process?



- Governed by the Administrative Procedures Act and Open Public Meetings Act in RCW, it is the process by which the governing body charged by the Legislature with a Title of WAC deliberates and decides on administrative rules and regulations.

Types of Rulemaking



- “Permanent” Adoption – regular 3-step process
- Expedited – when rule change is necessitated by change in law
- Emergency – conditions warrant change for public health, safety, welfare, public interest - but must be followed by permanent adoption process

Types of Rulemaking



- “Permanent” Adoption – regular 3-step process
 - CR 101 – Preproposal statement of inquiry – the issue on which rule may be considered / adopted and why
 - CR 102 – Proposed Rulemaking – Details of proposed rule/change, date and location of public hearing, anticipated fiscal impact.
 - CR 103P – Rulemaking Order – Notice of rule adoption / change; final language and effect
- Expedited – when rule change is necessitated by change in law; 45 days to object / send to permanent adoption process
- Emergency – conditions warrant change, but must be followed by permanent adoption process above, started within 120 days

Timeline – Permanent Adoption Process



- File CR 101 by WSR publication deadline for next WSR (e.g. June 20 for July 5 WSR)

At least 30 DAYS later

- File CR 102

At least 20 days after but no more than 180 days

Public hearing on rule change on CR102. If enacted, file CR103P and rule goes into effect 31 days later

Total = at least 81 days – slow timeline is deliberate – allow for adequate public review / comment

How can I track? / influence?



Slow timeline deliberate to allow for public review / comment

At AGENCY level -

- Start with knowing what agency/agencies and Title(s) of WAC affect you
- Follow agendas of agency / governing body adopting WAC
 - Agency websites often have sign up for notification of WAC changes
 - <https://dor.wa.gov/laws-rules/rule-making-activities/frequently-asked-questions-about-rule-making>
- Testify at required hearing? Not as first response.

How can I track? / influence?



At State level -

- Office of Code Reviser / Washington State Register
 - Not best insights – but earlier - because agencies must submit CR 101s as first step. These identify broad potential subject of rule change / potential sections affected well in advance of actual deliberation / rule change.

← → ↺ leg.wa.gov/CodeReviser/Pages/default.aspx

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Highlights

Contact us at (360)786-6777 or email CROFrontDesk@leg.wa.gov.
Interim office hours are Monday – Friday 8 a.m. – 4:45 p.m.

RCW

- Revised Code of Washington (RCW)
- RCW List of Titles
- RCW List of Titles & Chapters
- RCW Archive
- Session Laws
- Codification Tables
- Sections Affected Tables
- General Indexes

WAC/Register

- Washington Administrative Code (WAC)
- WAC Archive
- Washington State Register (WSR)
- WSR Electronic Filing
- CRO Rule-Making Activity
- Rule Drafting Service (OTS)
- Agency Rule-Making Links
- Maximum Interest Rates



https://leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx

<https://leg.wa.gov/CodeReviser/Documents/AgencyRuleMakingLinks.htm>

How can I track? / influence?



. . . And whether WAC or RCW or anything related to potential legislation / rule – RELATIONSHIP BUILDING – be part of the formulation not just the reaction.

WACO CAN HELP!



THANK YOU!

Questions?