
WASHINGTON ADMINISTRATIVE LAW



As with federal agencies, Washington agencies are a function of the executive branch. The Governor appoints agency heads and can issue executive orders.

Agencies have legislative, adjudicative, and enforcement functions.

Legislative



Adjudicative



Enforcement



Delegation: How WA Agencies Get Authority

Agencies have no independent authority. They may create regulations only when the authority to do so is delegated to them by the legislature or the Governor.

In addition to state legislation or executive orders, a federal law or executive order can also require a state agency to create a regulation.

Organic Act

- ✦ The act passed by the legislature that creates the agency.
- ✦ Sets forth the functions, authority, and duties of the agency.

Enabling Act

- ✦ The act passed by the legislature that authorizes an agency to create regulations.



Chapter 15.24 RCW

WASHINGTON APPLE COMMISSION

Complete Chapter | RCW Dispositions

Sections

15.24.010	Definitions.
15.24.015	Commission—Purpose.
15.24.020	Commission created—Generally.
15.24.030	Members—Appointment—Terms—District representation—Meetings.
15.24.035	Members—Appointments by director—Meeting to nominate candidates—Advisory ballot.
15.24.045	Members—Removal from commission—Process.
15.24.050	Vacancies—Quorum—Compensation—Travel expenses.
15.24.065	Plans, programs, and projects—Approval by director.
15.24.070	Powers and duties—Agency of state government.
15.24.073	Rule-making proceedings—Exemptions.
15.24.080	Research, advertising, and educational campaign—Beneficial purposes.
15.24.090	Assessment—Modification process—Referendum.
15.24.100	Procedure for eliminating assessment.
15.24.110	Collection of assessments—Rule-making authority—Assessment imposed under RCW 15.26.120.
15.24.120	Records kept by dealers, handlers, processors.
15.24.130	Returns rendered by dealers, handlers, processors.
15.24.140	Right to inspect.
15.24.150	Treasurer—Bond—Duties—Funds.
15.24.160	Promotional plans—Purpose—Authority of commission—Limitation on liability.
15.24.180	Enforcement.
15.24.190	Claims enforceable against commission assets—Nonliability of other persons and entities— Exception—Application of chapter 4.92 RCW.
15.24.200	Penalties.
15.24.210	Prosecutions.
15.24.215	Funding staff support—Rules.
15.24.900	Purpose of chapter—Regulation of apples and apple products—Existing comprehensive scheme— Applicable laws.

Washington State Rulemaking Process

Administrative Procedure Act

- ★ The state Administrative Procedure Act details the specific procedures which must be followed by all administrative agencies.
- ★ If agencies act in violation of the APA, their regulations or decisions may be overturned by the courts.

See RCW 34.05.310 et seq.

Rulemaking Process

RULEMAKING BASICS:

Rulemaking Agenda: Twice a year, the agency must notify the public about its plans for rulemaking in the coming 6 months.

Preproposal Inquiry: The agency must publish a brief description of the rule and solicit comments.

Proposed Rule: After at least 30 days following publication of the Preproposal Inquiry, the agency can publish the text of the proposed rule. The agency will also publish the date and time of the hearings associated with the rule.

Permanent Rule: After consideration of the submitted comments and hearing testimony, the agency will publish the final rule and it will have legal effect on the effective date. For permanent rules, the effective date is 31 days after filing.

EXCEPTIONS:

Emergency: If there are extenuating circumstances, an agency can by-pass the notice and comment process and create an emergency rule. The rule is effective immediately, but can only remain in effect for 120 days.

Publication of WA Regulations

Washington Register

Washington Administrative Code (WAC)

Rulemaking Agendas



Preproposal Inquiries



Proposed Rules/Notice of Hearings



Permanent Rules



Emergency Rules



Executive Orders (Governor)



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