RCW 34.05.353 Expedited rule making. (1) An agency may file notice for the expedited adoption of rules in accordance with the procedures set forth in this section for rules meeting any one of the following criteria:

(a) The proposed rules relate only to internal governmental operations that are not subject to violation by a person;

(b) The proposed rules adopt or incorporate by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(c) The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(d) The content of the proposed rules is explicitly and specifically dictated by statute;

(e) The proposed rules have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or

(f) The proposed rule is being amended after a review under RCW 34.05.328.

(2) An agency may file notice for the expedited repeal of rules under the procedures set forth in this section for rules meeting any one of the following criteria:

(a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

(b) The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

(c) The rule is no longer necessary because of changed circumstances; or

(d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

(3) The expedited rule-making process must follow the requirements for rule making set forth in RCW 34.05.320, except that the agency is not required to prepare a small business economic impact statement under RCW 19.85.025, a statement indicating whether the rule constitutes a significant legislative rule under RCW 34.05.328(5)(c)(iii), or a significant legislative rule analysis under RCW 34.05.328. An agency is not required to prepare statements of inquiry under RCW 34.05.310 or conduct a hearing for the expedited rule making. The notice for the expedited rule making must contain a statement in at least ten-point type, that is substantially in the following form:

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF
THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR
OBJECTIONS IN WRITING AND THEY MUST BE SENT TO (INSERT NAME
AND ADDRESS) AND RECEIVED BY (INSERT DATE).

(4) The agency shall send either a copy of the notice of the
proposed expedited rule making, or a summary of the information on the
notice, to any person who has requested notification of proposals for
expedited rule making or of regular agency rule making, as well as the
joint administrative rules review committee, within three days after
its publication in the Washington State Register. An agency may charge
for the actual cost of providing a requesting party mailed copies of
these notices. The notice of the proposed expedited rule making must
be preceded by a statement substantially in the form provided in
subsection (3) of this section. The notice must also include an
explanation of the reasons the agency believes the expedited rule-
making process is appropriate.

(5) The code reviser shall publish the text of all rules proposed
for expedited adoption, and the citation and caption of all rules
proposed for expedited repeal, along with the notice required in this
section in a separate section of the Washington State Register. Once
the notice of expedited rule making has been published in the
Washington State Register, the only changes that an agency may make in
the noticed materials before their final adoption or repeal are to
correct typographical errors.

(6) Any person may file a written objection to the expedited rule
making. The objection must be filed with the agency rules coordinator
within forty-five days after the notice of the proposed expedited rule
making has been published in the Washington State Register. A person
who has filed a written objection to the expedited rule making may
withdraw the objection.

(7) If no written objections to the expedited rule making are
filed with the agency within forty-five days after the notice of the proposed expedited rule
making is published, or if all objections that
have been filed are withdrawn by the persons filing the objections,
the agency may enter an order adopting or repealing the rule without
further notice or a public hearing. The order must be published in the
manner required by this chapter for any other agency order adopting,
amending, or repealing a rule.

(8) If a written notice of objection to the expedited rule making
is timely filed with the agency and is not withdrawn, the notice of
proposed expedited rule making published under this section is
considered a statement of inquiry for the purposes of RCW 34.05.310,
and the agency may initiate further rule-making proceedings in
accordance with this chapter.

(9) As used in this section, "expedited rule making" includes
both the expedited adoption of rules and the expedited repeal of
rules. [2004 c 31 § 4; 2001 c 25 § 2.]