

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

OFFICE OF ADMINISTRATIVE HEARINGS

(agency name)

Administrative Order No. 1

(1) I, David R. LaRose, Chief Administrative Law Judge, director of the Office of Administrative Hearings do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

NEW SECTION WAC 10-01-010 - Administrative Hearings - Procedural Rules

NEW SECTION WAC 10-01-020 - Administrative Hearings - Presiding Officers

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- checkbox pursuant to RCW 34.04.040(2).
checkbox at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, David R. LaRose, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Interim procedures pending adoption of permanent uniform procedural rules pursuant to RCW 34.04.022, RCW 34.12.080.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- checkbox (a) This rule is promulgated pursuant to RCW 34.04.022 and is intended to administratively implement that statute.
checkbox (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- checkbox (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 30, 1982

STATE OF WASHINGTON FILED

JUN 30 1982

By [Signature]

Chief Administrative Law Judge Title

CODE REVISER'S OFFICE WSR 82-14-036

NOTE:

¹RCW 34.04.026 provides:

"(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW _____."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

NEW SECTION

WAC 10-01-010 *Open* INTERIM EXTENSION OF EXISTING PROCEDURAL RULES. Pending the adoption of uniform procedural rules for contested cases pursuant to Ch. 67, Laws of 1981, contested case hearings conducted by or on behalf of a state agency shall be conducted under the rules of practice and procedure which governed the agency's hearings as of June 30, 1982.

NEW SECTION

WAC 10-01-020 *✓* TRANSITIONAL ASSIGNMENT OF PRESIDING OFFICERS. When a state agency as defined in RCW 34.12.020(4) conducts a hearing which is not presided over by the officials of the agency who are to render the final decision, and the agency has appointed or assigned an individual prior to July 1, 1982 to preside over the hearing, such individual may, at the election of the agency, continue to preside until the conclusion of the proceeding.