



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Code Reviser's Office

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: August 23, 2000.

(2) Purpose: To make housekeeping changes and to delete the references to the expedited adoption process which expires December 31, 2000.

**(3) Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 1-04-010, 1-06-010, 1-06-030, 1-06-040, 1-06-130, 1-06-140, 1-06-160, 1-21-020, 1-21-070, 1-21-110, 1-21-140, 1-21-160, and 1-21-170.

(4) Statutory authority for adoption: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030.

Other Authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**

Adopted under notice filed as WSR 00-13-109 on June 21, 2000. (date).

Describe any changes other than editing from proposed to adopted version: None.

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
- No
- If Yes, explain:

**(6) Effective date of rule:**

**Permanent Rules  
or Expedited Repeal**

- 31 days after filing
- Other (specify) 12/31/00\*

**Emergency Rules**

- Immediately
- Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Dennis W. Cooper

Signature

Title  
Code Reviser

Date  
8/23/00

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

AUG 23 2000

TIME 1:24 AM  
PM

WSR 00-18-001

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>13</u>	Repealed	_____
-----	-------	---------	-----------	----------	-------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order 11, filed 9/14/76)

**WAC 1-04-010 State Environmental Policy Act.** ((Pursuant to))  
Under RCW 43.21C.120 and the SEPA guidelines, chapter ((197-10))  
197-11 WAC, the office of the code reviser has reviewed its  
authorized activities and has found them all to be exempt under  
((the provisions of)) chapter ((197-10)) 197-11 WAC.

AMENDATORY SECTION (Amending Order 8, filed 9/25/74, effective 10/25/74)

**WAC 1-06-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the statute law committee and the office of the code reviser with the provisions of chapter 42.17 RCW (Initiative 276), and in particular (~~with sections 25 through 32 of that act~~) RCW 42.17.250 through 42.17.348, dealing with public records.

AMENDATORY SECTION (Amending Order 8, filed 9/25/74, effective 10/25/74)

**WAC 1-06-030 Description of central and field organization.**

(1) The office of the code reviser is located on the ground floor of the Legislative Building, Olympia, Washington, 98504.

(2) The committee consists of twelve attorneys. Five are appointed by the Washington State Bar Association, two each by the senate and house judiciary committees, and one each by the governor, the chief justice of the supreme court, and the speaker of the house. The committee employs a code reviser, who serves as its secretary.

(3) Among the primary responsibilities of the committee and the code reviser is the duty to periodically codify, index, and publish the Revised Code of Washington and to revise, correct, and harmonize the statutes by means of administrative or suggested legislative action as may be appropriate. The agency is also the official bill drafting arm of the legislature and its various committees, and prepares for the legislature all bills, memorials, resolutions, amendments, and conference reports, which activities are pursued on a nonpartisan, professional, lawyer-client, confidential basis (~~pursuant to~~) under RCW 1.08.027, and RCW 1.08.028 prohibits the reviser's office (~~pursuant to RCW 1.08.028 is proscribed~~) from rendering written opinions concerning the constitutionality of any proposal. The agency also produces the legislative digest and history of bills and the daily status report. Immediately following each session of the legislature, the committee indexes and publishes the temporary edition of the session laws and subsequently publishes the permanent edition; it also responds to citizen's requests for copies of recently enacted laws. The committee administers the Administrative Procedure Act (~~and the State Higher Education Administrative Procedure Act~~), serving as official repository for the rules (~~and regulations~~) of

the various state agencies and the institutions of higher learning, and creating and publishing the Washington Administrative Code. ((Through its legislative information system, the committee supplies data processing services to the legislative branch including special reports to legislative members and to the legislative leadership, as well as creating and publishing the legislative digest and history of bills and the daily status report. The legislative information system also supplies all branches of government with automated legal research services.))

AMENDATORY SECTION (Amending WSR 91-10-010, filed 4/19/91, effective 5/20/91)

**WAC 1-06-040 Operations and procedures.** (1) Practice and procedure in and before the agency are governed by the ((uniform procedure)) model rules of procedure, chapter 10-08 WAC.

(2) The operations of the agency, including meetings, selection of officers, filling of vacancies, and fiscal matters, are conducted according to the provisions of chapter 1.08 RCW.

AMENDATORY SECTION (Amending Order 8, filed 9/25/74, effective 10/25/74)

**WAC 1-06-130 Records index.** (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated after June 30, 1972, ((which)) that are deemed by the agency to fall within the purview of RCW 42.17.260 and ((which)) that are not exempted under ((the provisions of)) RCW 1.08.027 ((cf. RCW)) 40.14.180 ((, RCW)) 42.17.310, or WAC 1-06-020.

(2) The current index promulgated by the agency ((shall)) must be available to all persons under the same rules and on the same rules and on the same conditions as are applied to public records available for inspection.

AMENDATORY SECTION (Amending Order 8, filed 9/25/74, effective 10/25/74)

**WAC 1-06-140 Communications with the agency.** All communications with the agency including but not limited to the



submissions pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the agency's rules and other matters, shall be addressed as follows: Office of the Code Reviser, c/o Public Records Officer, ((Legislative Building)) P.O. Box 40551, Olympia, ((Washington)) WA 98504-0551.

AMENDATORY SECTION (Amending Order 18, filed 5/10/78)

**WAC 1-06-160 Request for public record--Form.**



**REQUEST FOR PUBLIC RECORD**

REQUESTER: Please complete form and submit to "Public Records Officer" of the state agency identified.

TO	NAME OF STATE AGENCY STATUTE LAW COMMITTEE/OFFICE OF THE CODE REVISER	DATE OF REQUEST	TIME OF REQUEST
PUBLIC RECORDS OR INFORMATION REQUESTED		REQUESTED BY	
REQUESTER READ AND SIGN			
COMPLETED BY AGENCY PUBLIC RECORDS OFFICER		ACKNOWLEDGEMENT OF RECEIPT	
NO. OF COPIES	AMOUNT RECEIVED \$	DATE OF RECEIPT	TIME OF RECEIPT
PUBLIC RECORDS OFFICER		RECIPIENT'S SIGNATURE ⇒	
REASON IF AGENCY IS UNABLE TO COMPLY		I understand that I must abide by the Rules and Regulations published by the agency identified, for the protection of public records, a copy of which I have read and understand.  I understand that I will be charged twenty-five cents per copy for all standard letter size copies I desire and that other size publications are available at cost.	
		REQUESTER'S SIGNATURE ⇒	

Form S.F. 276 (6/75)

Public records of the agency are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface, or destroy public records of the agency.
- (2) Original copies of public records of the agency shall not be removed from the offices of the agency.
- (3) Care and safekeeping of public records of the agency, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
- (4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
- (5) Boisterous or otherwise disruptive conduct by those requesting public records of the agency shall not be permitted.

I have read, understand, and will comply with the above-stated regulations.

.....  
(Signature and date)

A copy of the request for public records form may be obtained from the code reviser's office.

AMENDATORY SECTION (Amending WSR 98-14-048, filed 6/24/98, effective 7/25/98)

**WAC 1-21-020 Notice--Form, contents, numbers.** (1) ~~((a))~~ An agency shall file a regular notice of proposed rule making under RCW 34.05.320 with the code reviser's office on a CR-102 form (Proposed Rule Making). The agency must file the full text of the proposed rule along with the Notice form (RCW 34.08.020). This filing must be at least thirty days after the CR-101 form, if required, was published (RCW 34.05.310) ~~((, or~~

~~((b) An agency shall file notice for the expedited adoption of rules under RCW 34.05.356 with the code reviser's office on a CR-102XA form (Expedited Adoption--Proposed Rule Making). The agency must file the full text of the proposed rule along with the CR-102XA form (RCW 34.05.356). This filing must be published in the Register at least forty-five days before the agency may adopt the proposal and file a CR-103 form (Rule-Making Order))~~).

(2) The agency shall file the original and six copies of ~~((either))~~ the notice package (form and text). The code reviser's office will keep the original and two copies and return four stamped copies to the agency. The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

AMENDATORY SECTION (Amending WSR 97-15-035, filed 7/10/97, effective 7/27/97)

**WAC 1-21-070 Administrative order.** (1) The administrative order by which an agency adopts a rule shall be done on a CR-103 form (Rule-making Order) provided by the code reviser's office or, if required by agency practice, on an agency form that provides the information required by RCW 34.05.360.

(2) The agency shall file with the code reviser's office the original and three copies of the text of permanent rules, along with four copies of the administrative order. Emergency rules require an additional three copies of the order and the text, which the agency shall file with the joint administrative rules review committee after the copies have been stamped by the code reviser's office.



AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

**WAC 1-21-110 Amendatory rules.** (1) Designate each amendatory section with the heading "AMENDATORY SECTION" followed by a reference to the WSR number or agency order number and the filing date of the latest permanent order affecting that section. Show amendments to the text in terms of the latest permanent version of the section that has been filed with the code reviser.

(2) If a section to be amended has been exempted from publication under RCW 34.05.210 and is not published in the WAC, in later orders amending or repealing the section refer to it by the original agency order and section number or other appropriate description.

AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

**WAC 1-21-140 Review of previously adopted rules.** When an agency is required under RCW 34.05.630 to review permanent or emergency rules previously adopted, the agency shall file notice of the review with the code reviser on a CR-104 form (Review of Previously Adopted Rules). The agency shall file the original and six copies of the notice. Four copies will be returned to the agency, three of which shall be delivered to the joint administrative rules review committee. The notice is subject to the twenty-day requirement of RCW 34.05.320. The text of the rule under review is not needed with this notice.

AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

**WAC 1-21-160 ((~~Emergency rules~~)) Filing after office hours.** The code reviser's office is open for the filing of agency rule-making notices and orders from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. The code reviser delegates to the Washington State Patrol the authority to accept at other times the filing of ((~~emergency~~)) orders adopting, amending, or repealing rules when the ((~~emergency~~)) nature of the order((~~s~~)) requires their immediate filing and/or ((~~immediate~~)) effectiveness. To use this service, the agency may telephone the capitol security unit of the state patrol at 753-2191 to arrange for receipt of the filing by the state patrol. The agency shall notify the code reviser's office of the filing by 9:00 a.m. on the next business day after the filing.

**WAC 1-21-170 Official forms.** Agencies may obtain the following official forms from the code reviser's office upon request:

- (1) Form CR-101 Preproposal Statement of Inquiry
- (2) Form CR-101XR Expedited Repeal--Preproposal Statement of Inquiry
- (3) Form CR-102 Proposed Rule Making
- (4) (~~Form CR-102XA Expedited Adoption--Proposed Rule Making~~  
~~5))~~ Form CR-103 Rule-making Order
- (~~6))~~ (5) Form CR-104 Review of Previously Adopted Rules.