

TRANSMITTAL OF RULES ADOPTED

FROM: OFFICE OF THE CODE REVISER
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 9
Emergency rules

relating to (Name of rules or description of subject matter)

Amendments to chapter 1-12 WAC concerning regulations for the drafting and filing of notices and rules; and

Amendments to chapter 1-13 WAC concerning regulations for the drafting and filing of notices and rules by Institutions of Higher Education.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4810 ^① filed with the code reviser on 8/21/74 ^② were regularly adopted as permanent rules of this (date) Offices of Lane, Powell, Moss and Miller agency at 1700 Washington Bldg. on 9/21/74 and are herewith (place)Seattle, Wa. (date) filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____ ^③.

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules 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 the public interest, were regularly adopted as emergency rules of this agency at _____ on _____ and are herewith filed in (place) (date) the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 21st day of September 1974.

STATE OF WASHINGTON
FILED
SEP 25 1974
CODE REVISER'S OFFICE
DOCKET # 3926 FILE # 1

(AGENCY)
Rowlett
By _____
CODE REVISER

Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)

② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)

③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.
FORM REVISED, EFFECTIVE 8/9/71 [FORM CR-2]

STATE OF WASHINGTON
OFFICE OF THE CODE REVISER

ADMINISTRATIVE ORDER NO. 9

(1) I, Richard O. White, Code Reviser of the state of Washington, by virtue of the authority vested in me under chapters 34.04 and 28B.19 RCW, WAC 1-12-005 and 1-13-005, after due notice and in meeting open to the public, held at Seattle, Washington, on September 21, 1974 as required by chapters 34.04, 28B.19, and 42.30 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

Certain amendments to chapter 1-12 WAC concerning Regulations for the Drafting and Filing of Notices and Rules; and

Certain amendments to chapter 1-13 WAC concerning Regulations for the Drafting and Filing of Notices and Rules by Institutions of Higher Education

as permanent rules of this agency.

(2) This order after being first recorded in the order register of this agency shall be filed in the office of the Code Reviser pursuant to chapters 34.04 and 28B.19 RCW and chapters 1-12 and 1-13 WAC.

APPROVED AND ADOPTED September 21, 1974.

By: RO White
RICHARD O. WHITE
Code Reviser

Amd.

WAC 1-12-030 NOTICES OF INTENTION TO ADOPT RULES. (1)

Statutory notice requirements; see RCW 34.04.025. ①

(2) Failure to comply with twenty days notice requirement--Code reviser not to publish rule and rule not effective for any purpose; see RCW 34.04.027. ②

(3) Form of notice. Notice shall be filed on forms provided by the reviser's office [Form CR-1]. As notices will be reproduced by the photo offset process and published in WAC, no other form will be accepted for filing.

(4) Number of copies; Notice numbers. Agencies shall file in the reviser's office an original and one copy of the notice whereupon the date of filing and the notice number will be affixed and a copy returned to the filing agency. Such notice number or numbers shall in the event of one or more continuances, be entered in paragraph (7) of all subsequent notices relating to the proposed adoption [Form CR-1], and the notice number and date (or the latest such number and date if due to continuances there be more than one) shall be entered by the agency on the ORDER ADOPTING RULES AND TRANSMITTAL OF RULES ADOPTED [Form CR-2] by which the order adopting rules is transmitted for filing.

(5) Computation of time with respect to the twenty day rule. The effect of RCW 34.04.025 and 34.04.027 is to require the reviser to ascertain agency compliance with the twenty day rule. Such compliance will be determined as follows:

(a) The reviser's office construes the twenty day notice requirement of RCW 34.04.025 and 34.04.027 as relating to the date upon which the first action will be taken by the agency upon the proposed rule changes; thus if the agency provides for a public hearing upon the matter, the twenty day requirement applies to the date of such hearing, otherwise it will apply to the date upon which the agency convenes to adopt, amend or repeal the rules in question. The dates of the hearing, if any, and of the decision shall be inserted in parts (2) and (3), respectively, of the notice form [CR-1], and such dates may, of course, be coincidental.

(Attention is also directed to the additional requirement embodied in RCW 34.04.025 (1) (b) which provides that "Prior to the adoption, amendment or repeal of any rule, each agency shall: ...Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing...")

(b) The reviser construes RCW 34.04.025 (1) (a) as requiring the actual physical filing of the notice in the reviser's office at least twenty days prior to the date of such first action; thus notices filed by mail must have been received at least twenty days prior to the date of such first action. The time from such date of receipt, to the time of such first action, will be computed according to RCW 1.12.040 which provides that:

"The time within which an act is to be done, as herein provided shall be computed by excluding the first day, and including the last, unless the last day is a holiday or Sunday, and then it is also excluded."

As a rule of thumb consider the date of filing in the reviser's office as day 20. Count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. State ex rel. Earley v. Batchelor, 15 Wn2d 149.

(c) If upon convening on any of the dates announced in parts (2) and (3) of the notice form [Form CR-1] the agency

desires to continue either the hearing or the decision meeting, or both, to a future time certain but does not desire to file a new notice which would be subject to the twenty day rule such agency may, if it has complied with the twenty day rule as to its original notice and has convened at the time and place specified in such notice, announce a continuance to a date certain and forthwith file with the reviser a continuation notice containing in part (1) thereof [Form CR-1] the same terms, substance or description as was contained in the original notice (or if some of the matters have been disposed of, the such portions thereof as remain applicable) and supplying the additional information required by part (7) of such form. In the event of one or more such continuances, the compliance of the original notice with the twenty day rule will be deemed to relate to the continuation notices.

Reviser's note:

RCW 34.04.025 as amended by §17, chapter 250, Laws of 1971 1st ex.sess. provides:

"(1) Prior to the adoption, amendment or repeal of any rule, each agency shall:

(a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in chapter 42.30, as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(2) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of non-compliance with the procedural requirements of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule."

RCW 34.04.027 provides:

"When twenty days notice of intended action to adopt, amend

or repeal a rule has not been filed with the code reviser, as required in RCW 34.04.027, the code reviser shall not publish such rule and such rule shall not be effective for any purpose."

Amd.

WAC 1-12-040 ADMINISTRATIVE ORDER--HOW PROMULGATED. The promulgation of new rules and of rules amending or rescinding existing rules shall be accomplished by an administrative order. Such order may be in the form of a resolution, minute order, or such other form as is usually employed by the agency to effect such promulgations. Orders shall be numbered serially by the agency and a record thereof shall be maintained by the agency. (See WAC 1-12-045 for maintaining order register.) (See suggested Forms appended to these rules.)

Four copies of the administrative order are required for filing in the code reviser's office, or the original and three copies of the administrative order if such order contains the text of the rules. The order shall be properly signed by an authorized agent of the agency.

New

WAC 1-12-045 -----DUTY TO MAINTAIN ORDER REGISTER. An order register shall be maintained by the agency, in which shall be entered the number of each order together with a brief description or digest of the subject matter of the order, including in the case of orders amending or repealing prior orders a list of the section numbers affected.

New

WAC 1-12-047 COMPLETION OF CR-2 FORM, TRANSMITTAL OF RULES. (1) The form for transmittal of rules adopted, designated as CR-2, can be obtained from the reviser's office upon request. (See WAC 1-12-050 for number of copies and filing instructions.)

(2) Alternative A on form CR-2 is to be used for the adoption of permanent rules. In the blank designated by ① insert the number from the most recent notice [Form CR-1] filed with the reviser's office relating to the rules being adopted. If there was a continuance of the proceedings, use the number on the latest notice.

In the blank designated by ② insert the date as it appears in the reviser's stamp on the notice, and if the proceedings were continued, show the date from the latest notice.

The blank designated by ③ should not be filled in, unless an effective date later than thirty days after filing of the CR-2 form is desired. Permanent rules, by the terms of RCW 34.04.040, cannot take effect earlier than thirty days.

(3) Alternative B on form CR-2 is to be used for the adoption of emergency rules. (See also WAC 1-12-190.) Note that a separate finding of emergency in the administrative order is required. Designate in the spaces provided the place and date of the execution of such administrative order, and be sure that the CR-2 form, as well as the order, is signed by an authorized person of the agency.

Amd.

WAC 1-12-050 FILING OF CR-2 FORM--ADMINISTRATIVE ORDER--
RULES ADOPTED. Each filing of rules, whether permanent or
emergency, shall be assembled and presented to the reviser's
office in the following order:

- (1) The CR-2 form; one original and three copies, all
with signatures;
- (2) The administrative order adopting said rules; four
signed copies (See WAC 1-12-040);
- (3) The text of rules adopted; one typed original and
three copies.

The adoption of permanent and emergency rules shall be
effected by separate administrative orders and transmittals
thereof.

Amd.

WAC 1-12-080 DRAFTING INSTRUCTIONS--TITLE NUMBER--CHAPTER
AND SECTION NAMES AND NUMBERS. (1) The agency's title number
has been assigned by the reviser. Chapter names and numbers,
and section captions and numbers within the chapter will be
henceforth selected by the agency with the advice of the re-
viser's office when such advice is requested. It is desirable
to coordinate chapter and section numbers within the depart-
ment to avoid discrepancies and inadvertant repeal of chapters
and sections. Do not duplicate section captions or catchlines
within the same chapter.

(2) In selecting chapter and section names, choose a
designation which expresses generally the subject matter of the
material to be contained in the chapter or section. The names
should be fairly concise and should be one having some meaning
to the industry being regulated and/or to the general public.

(3) In selecting chapter numbers, consider the general
outline of all subjects regulated or anticipated to be regu-
lated by the agency and assign chapter numbers in accordance
with this outline.

In order to provide for future expansion in an orderly
sequence, a gap of four numbers should be left between chapters
e.g. at the outset use chapter numbers -12, -16, -24, etc.
leaving the intervening numbers to be used for later inter-
polation of subjects related to those which have already been
assigned numbers. Chapter -08 of each title should be re-
served for the adoption of comprehensive rules of practice
and procedure before the agency (but note that under RCW
34.04.022 agencies no longer need to adopt their own practice
and procedure rules but may utilize the uniform rules of
practice and procedure contained in chapter 1-08 WAC).

Amd.

WAC 1-12-090 -----DIVISION OF CHAPTERS INTO SECTIONS.

(1) In numbering sections within a chapter, if the chapter
will initially contain less than ninety-eight sections, number
the section factor in a progression of tens, e.g. -010, -020,
-030, etc. If there are many sections within a proposed chap-
ter, number by threes, e.g. -003, -006, -009, -012, etc. or by
fives, e.g. -005, -010, -015, -020, etc. In special cases
where the volume of material requires progression of section
numbers by less than intervals of one, contact the reviser's
office.

(2) Material should be divided into short, concise sections. Short sections facilitate future amendment, since a section in its entirety is the smallest unit which can be amended. As a rule of thumb, if the contents of a section cannot be described in a one line "catchline", the section should be divided into two or more sections. Short sentences are likewise to be preferred.

(3) Sections should not begin with the word "That".

(4) Each section shall be preceded by its WAC number and a catchline which shall briefly describe the contents of the section.

Amd.

WAC 1-12-130 -----AMENDATORY SECTION. (1) Rules which amend a section or sections of existing rules shall set forth the full text of the section or sections as amended including the number and catchline but shall not indicate by use of deletion or addition marks or in any other manner the amendment being made.

(2) In the event the sections to be amended are exempt from publication under the provisions of RCW 34.04.050(3) and therefore not codified in the Washington Administrative Code, they shall be referred to by agency order and section numbers, or other appropriate description.

Amd.

WAC 1-12-140 -----REPEALER SECTIONS. (1) Orders or parts of orders which repeal existing code sections shall be mentioned in the Transmittal of Rules adopted (CR-2), in the Administrative order, and shall be set forth in the text of the rules adopted following the new and/or amended rules.

Great care should be taken in citing the proper section numbers. If a section has been repealed inadvertently a repeat of the regular and complete procedure of amending, adopting, and repealing is required in order to correct the error. The following is a sample of orders or parts of orders which repeal existing code sections:

REP	WAC 16-12-830 and 16-12-840 are each hereby repealed.
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Note: Once a section has been repealed the number and history note are listed in the chapter disposition of repealed sections.

(2) In repealing rules not published in WAC the description thereof shall be similar to that prescribed for amendment in WAC 1-12-130(2).

Amd.

WAC 1-12-150 -----SEQUENCE AND NUMBERING OF SECTIONS-- IDENTIFICATION OF SECTIONS AS NEW, AMENDATORY OR REPEALING. (1) New and amendatory sections within the same chapter shall be interspersed and shall be organized sequentially in ascending order according to their WAC number.

When amending or adding sections to more than one chapter begin each chapter on a new page. The sections are to be arranged sequentially with respect to title, chapter, and

section.

Repealer sections shall be placed following the new and amendatory sections.

Legislation style section numbering as "Section 1, Sec. 2., Sec. 3., etc., shall not be used.

(2) Each section shall be identified in the margin, on the first line thereof as new, amendatory, or repealing, using abbreviations as follows, e.g.:

NEW

WAC 16-12-825 LABELS TO CONFORM WITH DEFINITIONS. When inspected and passed products are labeled with the names of, or are represented as, articles for which definitions have been prescribed by regulation, the labels shall conform to such definitions.

AMD

WAC 16-12-840 APPROVED LABELS TO BE USED ONLY ON PRODUCTS TO WHICH THEY ARE APPLICABLE. Labels shall be used only on products for which they are approved. They shall not be applied to any product, the covering of which bears any false information.

REP

WAC 16-12-835 and 16-12-845 are each hereby repealed.

Amd.

WAC 1-12-170 TYPING INSTRUCTIONS--GENERAL. (1) Agency rules submitted to the reviser's office for filing shall be typed on legal size (8½" x 13") good quality white bond paper.

(2) Rules shall be typed on one side of the sheet only.

(3) Rules shall be typed on a pica typewriter. (Elite and other type styles smaller than pica cannot be accepted as they are not readable when photo-reduced to 66% for inclusion in the Washington Administrative Code.)

(4) An underlay guide sheet (Form CR-3) has been prepared by the reviser's office for distribution to all agencies upon request. This sheet when placed under the blank paper indicates the margins to be observed in typing the rules and facilitates keeping within such margins.

If typing without benefit of the underlay guide, the margin specifications are

Top - Begin typing on 7th line from top of page

Bottom - End typing on 8th line from bottom of page

Left - 10 spaces (pica) from left edge of page

Right - 13 spaces (pica) from right edge of page.

(5) Sections shall be typed single spaced, with only single space between paragraphs.

(6) Leave five spaces between sections. (This is to allow room for insertion of history notes by the reviser's office.)

(7) Indent 5 spaces to begin a section and for each paragraph within the section.

(8) Subsections, subdivisions, and items within a section

are all simply indented 5 spaces: e.g.

(1)		
(a)		
(i)		
(ii)		
(b)		
(2)		
<u>not</u> this		
(1)		
	(a)	
		(i)
		(ii)
	(b)	
(2)		

(9) The WAC number is always underlined. The catchline is always typed in upper case (Capital) letters.

If the catchline does not use up the whole line, skip two spaces and begin the body of the section on the same line, e.g.

<p><u>WAC 16-313-030</u> EQUIPMENT AND PROCEDURE. The equipment to be used and the procedure followed in blending shall be approved by the certifying agency.</p>

(10) Number all pages in the lower right hand corner.

(11) The agencies shall have no concern for the running heads at the top of the page and folio numbers at the bottom, as these will be supplied by the reviser prior to code publication.

Amd.

WAC 1-12-190 EMERGENCY RULES. (1) With respect to emergency rules and amendments filed by an agency pursuant to RCW 34.04.030, compliance with WAC 1-12-030, 1-12-060, 1-12-080, 1-12-090, 1-12-100, 1-12-110, 1-12-120, 1-12-160(3), 1-12-170, and 1-12-180 is not required: PROVIDED, That upon the subsequent regular adoption of any rules which were previously filed as emergency rules, all of said sections shall apply.

(2) Emergency rules shall be transmitted to the reviser's office on form entitled;

"Transmittal of Rules Adopted" (Form CR-2) dated revised 9/21/74.

(3) The finding of emergency and statement of reasons therefore required by RCW 34.04.030 must be incorporated into the emergency rule itself or shall appear in the administrative order, which is considered to be a part of such rule.

New

WAC 1-12-191 EMERGENCY RULES--FILING AFTER OFFICE HOURS. The reviser's office will be open for the filing of agency orders from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays. The reviser's office hereby delegates to the Washington State Patrol the authority to accept during the period outside such office hours the filing of emergency orders adopting, amending, or repealing rules and regulations

when the emergent nature of such orders requires the filing and immediate effectiveness thereof during such period. An agency requiring acceptance of an emergency filing during such period may telephone the office of the State Patrol, Capitol Security Unit, at 753-2191 to make arrangements for the receipt by the Patrol of such filing. The agency shall notify the reviser's office of such filing no later than 9:00 a.m. on the next business day following such filing.

Amd.

WAC 1-12-200 EXEMPTION FROM THESE RULES. Agency rules which are likely to be omitted from WAC by the reviser pursuant to the authority granted him by RCW 34.04.050(3) may, upon application in writing by the agency to the reviser for such exemption, be exempted by the reviser from the form and style requirements of these rules. Such application shall be made and approved prior to filing the rules in the reviser's office.

Amd.

WAC 1-12-210 OFFICIAL FORMS SUPPLIED ON REQUEST. The following official forms may be obtained on request from the office of the code reviser:

- (1) Form CR-1 NOTICE OF INTENTION TO ADOPT, AMEND OR REPEAL RULES DATED REVISED 9/21/74
- (2) Form CR-2 TRANSMITTAL OF RULES ADOPTED DATED REVISED 9/21/74
- (3) Form CR-3 TYPING GUIDE UNDERLAY SHEET

NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES

(Instructions for completion on back of page)
(Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 34.04.025 and (1), that the (name of agency) intends to adopt, amend, or repeal rules concerning: (2)

(2) (Use only if hearing is to be held) that such agency will at (time) (day) (date) (3) in the (place) conduct a public hearing relative thereto;

(3) and that the adoption, amendment, or repeal of such rules will take place at (time) (day) (date) (4) in the (place)

(4) The authority under which these rules are proposed is:

(5) Interested persons may submit data, views, or arguments to this agency -- (a) [] in writing to be received by this agency prior to (date) and/or (b) [] orally at (time) (day) (date) (3) (place)

(6) The additional notice required by RCW 34.04.025 has been made by mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings.

(7) This notice is connected to and continues the matter noticed in Notice Nos. filed with the reviser's office on (date) (5)

(AGENCY)
Dated:
By:
(TITLE)

NOTICE #
(Do not write in this space)

HEARING DATE & PLACE

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult Chapter 42.30 RCW.

THIS NOTICE WILL BE PHOTOGRAPHED AND PUBLISHED IN THE WASHINGTON ADMINISTRATIVE CODE BULLETIN: IF IT IS DESIRED ALSO TO FILE THE TEXT OF THE PROPOSED RULES THEY MAY IN ADDITION BE APPENDED HERETO.

INSTRUCTIONS FOR COMPLETION OF FORM CR-1

- ① Here cite additional statutes (if any) requiring notice by the rule making agency.
- ② Here insert a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved (cf. State v. Squally, 78 WD2d 475, 474 P2d 897).
- ③ The statute requires 20 days notice, see RCW 34.04.025 and 34.04-.027 and WAC 1-12-030(5).
- ④ This date may not be earlier than that noted in ③ ; see RCW 34.04.025 and WAC 1-12-030(5).
- ⑤ Use for continuance of matter previously noticed and enter here notice numbers of notice previously returned to you by reviser's office.

This space for additional information.

TRANSMITTAL OF RULES ADOPTED

FROM: _____
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. _____
Emergency rules

relating to (Name of rules or description of subject matter)

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____ ① filed with the code reviser
on _____ ② were regularly adopted as permanent rules of
(date)
this agency at _____ on _____ and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be _____ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,
that the immediate adoption of these rules 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 the
public interest, were regularly adopted as emergency rules of this
agency at _____ on _____ and
(place) (date)
are herewith filed in the office of the code reviser pursuant to
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW have been fulfilled.

Dated this _____ day of _____ 19__.

(AGENCY)

By _____

Title

① Notice number as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use no. of last notice)
② Stamped date as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use date of last notice)
③ Unless a later date is specified in this order or is prescribed in
another statute, rules are effective 30 days after filing:
RCW 34.04.040. Leave this space blank except in such special cases.
[FORM CR-2: Rev. 9/21/74]

(Sample form of order by board or commission)

State of Washington

DEPARTMENT OF _____
BOARD OF _____

RESOLUTION NO. _____

Administrative Order No. _____
(Agency) Order Register (WAC 1-12-040)

A RESOLUTION Relating to (permanent) (emergency) rules of the Department
of _____.

BE IT RESOLVED BY THE BOARD OF _____ OF THE DEPARTMENT OF _____,
STATE OF WASHINGTON:

Section 1. The annexed regulations, to wit:

(ALTERNATIVE A. USE ONLY FOR ADOPTION OF PERMANENT RULES.)

after due notice and in meeting open to the public, held at _____
_____ on _____
_____ as required by chapters 34.04 and 42.30 RCW,

are hereby approved and adopted as (permanent) (emergency) rules of
The Department of _____.

(ALTERNATIVE B. USE ONLY FOR ADOPTION OF EMERGENCY RULES.)

I, _____, find further 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 require-
ments 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:

The said rules are therefore adopted as emergency rules to take effect
immediately.

(2) This order after being first recorded in the order register of
this agency shall be forwarded to the Code Reviser for filing pursuant
to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED _____ 19 _____.

By _____

_____ Title

(Suggested form of order by agency having single head)

STATE OF WASHINGTON DEPARTMENT OF _____

ADMINISTRATIVE ORDER NO. _____

(1) I, _____, director of _____
_____ of the state of Washington, by virtue of
the authority vested in me under chapter 34.04 RCW and _____

(ALTERNATIVE A. USE ONLY FOR ADOPTION OF PERMANENT RULES.)

after due notice and in meeting open to the public, held at _____
_____ on _____
_____ as required by chapters 34.04 and 42.30 RCW,

do promulgate and adopt as (permanent) (emergency) rules of this agency,
the annexed rules and regulations to wit:

(ALTERNATIVE B. USE ONLY FOR ADOPTION OF EMERGENCY RULES.)

I, _____, find further 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 require-
ments 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:

The said rules are therefore adopted as emergency rules to take effect
immediately.

(2) This order after being first recorded in the order register of
this agency shall be forwarded to the Code Reviser for filing pursuant
to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED _____ 19 ____.

By _____

Title

WAC 1-13-030 NOTICES OF INTENTION TO ADOPT RULES. (1)

Statutory notice requirements; see RCW 28B.19.030. ①

(2) Failure to comply with twenty days notice requirement-- Code reviser not to publish rules and rule not effective for any purpose; see RCW 28B.19.030(3). ②

(3) Form of notice. Notices shall be filed on forms provided by the reviser's office [Form CR-4]. As notices will be reproduced by the photo offset process and published in WAC, no other form will be accepted for filing.

(4) Number of copies; Notice numbers. Agencies shall file in the reviser's office an original and one copy of the notice whereupon the date of filing and the notice number will be affixed and a copy returned to the filing agency. Such notice number or numbers shall in the event of one or more continuances, be entered in paragraph (7) of all subsequent notices relating to the proposed adoption [Form CR-4], and the notice number and date (or the latest such number and date if due to continuances there be more than one) shall be entered by the agency on the TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION [Form CR-5] by which the order adopting rules is transmitted for filing.

(5) Computation of time with respect to the twenty day rule. The effect of RCW 28B.19.030 is to require the reviser to ascertain agency compliance with the twenty day rule. Such compliance will be determined as follows:

(a) The reviser's office construes the twenty day notice requirement of RCW 28B.19.030 as relating to the date upon which the first action will be taken by the agency upon the proposed rule changes; thus if the agency provides for a public hearing upon the matter, the twenty day requirement applies to the date of such hearing, otherwise it will apply to the date upon which the agency convenes to adopt, amend or repeal the rules in question. The dates of the hearing, if any, and of the decision shall be inserted in parts (2) and (3), respectively, of the notice form [CR-4], and such dates may, of course, be coincidental.

(Attention is also directed to the additional requirement embodied in RCW 28B.19.030(1)(b) which provides that "Prior to the adoption, amendment or repeal of any rule, each agency shall: ...Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing...")

(b) The reviser construes RCW 28B.19.030(1)(a) as requiring the actual physical filing of the notice in the reviser's office at least twenty days prior to the date of such first action; thus notices filed by mail must have been received at least twenty days prior to the date of such first action. The time from such date of receipt, to the time of such first action, will be computed according to RCW 1.12.040 which provides that:

"The time within which an act is to be done, as herein provided shall be computed by excluding the first day, and including the last, unless the last day is a holiday or Sunday, and then it is also excluded."

As a rule of thumb consider the date of filing in the reviser's office as day 20. Count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. State ex rel. Earley v. Batchelor, 15 Wn2d 149.

(c) If upon convening on any of the dates announced in parts (2) and (3) of the notice form [Form CR-4] the agency desires to continue either the hearing or the decision meeting, or both, to a future time certain but does not desire to file

a new notice which would be subject to the twenty day rule such agency may, if it has complied with the twenty day rule as to its original notice and has convened at the time and place specified in such notice announce a continuance to a date certain and forthwith file with the reviser a continuation notice containing in part (1) thereof [Form CR-4] the same terms, substance or description as was contained in the original notice (or if some of the matters have been disposed of, then such portions thereof as remain applicable) and supplying the additional information required by part (7) of such form. In the event of one or more such continuances, the compliance of the original notice with the twenty day rule will be deemed to relate to the continuation notices.

Reviser's note:

① & ② RCW 28B.19.030 provides:

"(1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) Give at least twenty days' notice of its intended action by filing the notice with the code reviser and by mailing the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

(b) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days prior to the date of the rule-making proceeding. The notice shall state the time when, place where and manner in which interested persons may present their views thereon and the general subject matter to be covered.

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An opportunity for oral hearing must be granted if requested by twenty-five persons. The institution shall consider fully all written and oral statements respecting the proposed rule.

(2) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 28B.19.040, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of RCW 28B.19.040, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

(3) When twenty days notice of intended action to adopt, amend or repeal a rule has not been filed with the code reviser, as required by subsection (1) (a) of this section, the code reviser shall not publish such rule and such rule shall not be effective for any purpose."

AMD.

WAC 1-13-040 ADMINISTRATIVE ORDERS--HOW PROMULGATED. The promulgation of new rules and of rules amending or rescinding existing rules shall be accomplished by an administrative order. Such order may be in the form of a resolution, minute order, or such other form as is usually employed by the institution to effect such promulgations. Orders shall be numbered seriatim and a record thereof shall be maintained by the institution. (See WAC 1-13-045 for maintaining order register.) (See suggested Forms appended to these rules.)

Four copies of the administrative order are required for filing in the code reviser's office, or the original and three copies of the administrative order if such order contains the text of the rules. The order shall be properly signed by an authorized agent of the institution.

NEW

WAC 1-13-045 -----DUTY TO MAINTAIN ORDER REGISTER. An order register shall be maintained by the institution, in which shall be entered the number of each order together with a brief description or digest of the subject matter of the order, including in the case of orders amending or repealing prior orders a list of the section numbers affected.

NEW

WAC 1-13-047 COMPLETION OF CR-5 FORM, TRANSMITTAL OF RULES. (1) The form for transmittal of rules adopted, designated as CR-5, can be obtained from the reviser's office upon request. (See WAC 1-13-050 for number of copies and filing instructions.)

(2) Alternative A on form CR-5 is to be used for the adoption of permanent rules. In the blank designated by ① insert the number from the most recent notice [Form CR-4] filed with the reviser's office relating to the rules being adopted. If there was a continuance of the proceedings, use the number on the latest notice.

In the blank designated by ② insert the date as it appears in the reviser's stamp on the notice, and if the proceedings were continued, show the date from the latest notice.

The blank designated by ③ should not be filled in, unless an effective date later than thirty days after filing of the CR-5 form is desired. Permanent rules, by the terms of RCW 34.04.040, cannot take effect earlier than thirty days.

(3) Alternative B on form CR-5 is to be used for the adoption of emergency rules. (See also WAC 1-13-190.) Note that a separate finding of emergency in the administrative order is required. Designate in the spaces provided the place and date of the execution of such administrative order, and be sure that the CR-5 form, as well as the order, is signed by an authorized person of the institution.

AMD.

WAC 1-13-050 FILING OF CR-5 FORM--ADMINISTRATIVE ORDER--RULES ADOPTED. Each filing of rules, whether permanent or emergency, shall be assembled and presented to the reviser's

office in the following order:

- (1) The CR-5 form; one original and three copies, all with signatures;
- (2) The administrative order adopting said rules; four signed copies (See WAC 1-13-040);
- (3) The text of rules adopted; one typed original and three copies.

The adoption of permanent and emergency rules shall be effected by separate administrative orders and transmittals thereof.

AMD.

WAC 1-13-080 DRAFTING INSTRUCTIONS--TITLE NUMBER--CHAPTER AND SECTION NAMES AND NUMBERS. (1) The institution's title number has been assigned by the reviser. Chapter names and numbers, and section captions and numbers within the chapter will be henceforth selected by the institution with the advice of the reviser's office when such advice is requested. It is desirable to coordinate chapter and section numbers within the institution to avoid discrepancies and inadvertant repeal of chapters and sections. Do not duplicate section captions or catchlines within the same chapter.

(2) In selecting chapter and section names, choose a designation which expresses generally the subject matter of the material to be contained in the chapter or section. The chapter names should be fairly concise and should be one having some meaning to the subject matter being regulated and/or to the general public.

(3) In selecting chapter numbers, consider the general outline of all subjects regulated or anticipated to be regulated by the institution and assign chapter numbers in accordance with this outline.

In order to provide for future expansion in an orderly sequence, a gap of four numbers should be left between chapters, e.g. at the outset use chapter numbers -12, -16, -24, etc. leaving the intervening numbers to be used for later interpolation of subjects related to those which have already been assigned numbers. Chapter -08 of each title should be reserved for the adoption of comprehensive rules of practice and procedure before the agency or institution.

AMD.

WAC 1-13-090 -----DIVISION OF CHAPTERS INTO SECTIONS.

(1) In numbering sections within a chapter, if the chapter will initially contain less than ninety-eight sections, number the section factor in a progression of tens, e.g. -010, -020, -030, etc. If there are many sections within a proposed chapter, number by threes, e.g. -003, 006, 009, 012, etc. or by fives, e.g. -005, -010, -015, -020, etc. In special cases where the volume of material requires progression of section numbers by less than intervals of one, contact the reviser's office.

(2) Material should be divided into short, concise sections. Short sections facilitate future amendment, since a section in its entirety is the smallest unit which can be amended. As a rule of thumb, if the contents of a section cannot be described in a one line "catchline", the section should be divided into two or more sections. Short sentences are like-

wise to be preferred.

(3) Sections should not begin with the word "That".

(4) Each section should be preceded by its WAC number and a catchline which should briefly describe the contents of the section.

AMD.

WAC 1-13-130 -----AMENDATORY SECTIONS. (1) Rules which amend a section or sections of existing rules shall set forth the full text of the section or sections as amended including the number and catchline but shall not indicate by use of deletion or addition marks or in any other manner the amendment being made.

(2) In the event the sections to be amended are exempt from publication under the provisions of RCW 28B.19.070 and therefore not codified in the Washington Administrative Code, they shall be referred to by agency order and section numbers, or other appropriate description.

AMD.

WAC 1-13-140 -----REPEALER SECTIONS. (1) Orders or parts of orders which repeal existing code sections shall be mentioned in the Transmittal of Rules adopted (CR-5), in the Administrative Order, and shall be set forth in the text of the rules adopted following the new and/or amended rules.

Great care should be taken in citing the proper section numbers. If a section has been repealed inadvertently a repeat of the regular and complete procedure of amending, adopting and repealing is required in order to correct the error. The following is a sample of orders or parts of orders which repeal existing code sections:

REP	WAC 16-12-830 and 16-12-840 are each hereby repealed.
-----	---

Note: Once a section has been repealed the number and history note are listed in the chapter disposition of repealed sections.

(2) In repealing rules not yet codified in WAC the description thereof shall be similar to that prescribed for amendment in WAC 1-13-130(2).

WAC 1-13-150 -----SEQUENCE AND NUMBERING OF SECTIONS-- IDENTIFICATION OF SECTIONS AS NEW, AMENDATORY OR REPEALING. (1) New and amendatory sections within the same chapter shall be interspersed and shall be organized sequentially in ascending order according to their WAC number.

When amending or adding sections to more than one chapter begin each chapter on a new page. The sections are to be arranged sequentially with respect to title, chapter, and section.

Repealer sections shall be placed following the new and amendatory sections.

Legislation style section numbering as "Section 1, Sec. 2., Sec. 3., etc., shall not be used.

(2) Each section shall be identified in the margin, on the first line thereof as new, amendatory, or repealing, using abbreviations as follows, e.g.:

NEW

WAC 16-12-825 LABELS TO CONFORM WITH DEFINITIONS. When inspected and passed products are labeled with the names of, or are represented as, articles for which definitions have been prescribed by regulation, the labels shall conform to such definitions.

AMD

WAC 16-12-840 APPROVED LABELS TO BE USED ONLY ON PRODUCTS TO WHICH THEY ARE APPLICABLE. Labels shall be used only on products for which they are approved. They shall not be applied to any product, the covering of which bears any false information.

REP

WAC 16-12-835 and 16-12-845 are each hereby repealed.

WAC 1-13-190 EMERGENCY RULES. (1) With respect to emergency rules and amendments filed by an institution pursuant to RCW 28B.19.040, compliance with WAC 1-13-030, 1-13-060, 1-13-080, 1-13-090, 1-13-100, 1-13-110, 1-13-120, 1-13-160(3), 1-13-170 and 1-13-180 is not required: PROVIDED, That upon the subsequent regular adoption of any rules which were previously filed as emergency rules, all of said sections shall apply.

(2) Emergency rules shall be transmitted to the reviser's office on form entitled

"Transmittal of Rules Adopted by Institution of Higher Education" (Form CR-5) dated revised 9/21/74.

(3) The finding of emergency and statement of reasons therefore required by RCW 28B.19.040 must be incorporated into the emergency rule itself or shall appear in the administrative order, which is considered to be a part of such rule.

WAC 1-13-200 EXEMPTION FROM THESE RULES. Institution rules which are likely to be omitted from WAC by the reviser pursuant to the authority granted him by RCW 28B.19.070 may, upon application in writing by the institution to the reviser for such exemption, be exempted by the reviser from the form and style requirements of these rules. Such application shall be made and approved prior to filing the rules in the reviser's office.

WAC 1-13-210 OFFICIAL FORMS SUPPLIED ON REQUEST. The following official forms may be obtained on request from the office of the code reviser:

- (1) Form CR-3 TYPING GUIDE UNDERLAY SHEET
- (2) Form CR-4 NOTICE OF INTENTION TO ADOPT, AMEND OR REPEAL RULES BY INSTITUTION OF HIGHER EDUCATION DATED REVISED 9/21/74
- (3) Form CR-5 TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION DATED REVISED 9/21/74

NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES
BY INSTITUTION OF HIGHER EDUCATION

(Instructions for completion on back of page)
(Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of
RCW 28B.19.030 and _____ (1), that the _____
_____ (name of institution) intends to
adopt, amend, or repeal rules concerning: (2)

(2) (Use only if hearing is to be held)
that such institution will at _____ (time) _____ (day) _____ (date) (3)
in the _____ (place)
_____ conduct a public hearing relative thereto;

(3) and that the adoption, amendment, or repeal of such rules
will take place at _____ (time) _____ (day) _____ (date) (4)
in the _____ (place)

(4) The authority under which these rules are proposed is:

(5) Interested persons may submit data, views, or arguments to
this institution --
(a) in writing to be received by this institution prior to _____ (date)
and/or
(b) orally at _____ (time) _____ (day) _____ (date) (3)
_____ (place)

(6) The additional notice required by RCW 28B.19.030 has been
made by mailing copies of this notice to all persons who have made
timely request of this agency for advance notice of its rule-making
proceedings.

(7) This notice is connected to and continues the matter noticed
in Notice Nos. _____ filed with
the reviser's office on _____ (date) (5).

(INSTITUTION)
Date: _____
By: _____

(TITLE)

NOTICE #
(Do not write in this space)

HEARING
DATE & PLACE

N.B. These proceedings may require additional notice pursuant to the
Open Public Meetings Act of 1971; consult Chapter 42.30 RCW.

THIS NOTICE WILL BE PHOTOGRAPHED AND PUBLISHED IN THE WASHINGTON ADMINISTRATIVE CODE BULLETIN: IF IT IS DESIRED ALSO TO FILE THE TEXT OF THE PROPOSED RULES THEY MAY IN ADDITION BE APPENDED HERETO.

INSTRUCTIONS FOR COMPLETION OF FORM CR-4

- ① Here cite additional statutes (if any) requiring notice by the rule making agency.
- ② Here insert a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved (cf. State v. Squally, 78 Wn2d 475, 474 P2d 897).
- ③ The statute requires 20 days notice, see RCW 28B.19.030 and WAC 1-13-030(5).
- ④ This date may not be earlier than that noted in ③ ; see RCW 28B.19.030 and WAC 1-13-030(5).
- ⑤ Use for continuance of matter previously noticed and enter here notice numbers of notice previously returned to you by reviser's office.

This space for additional information.

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: _____
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. _____
Emergency rules
relating to (Name of rules or description of subject matter)

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____ ① filed with the code reviser
on _____ ② were regularly adopted as permanent rules of
(date)
this institution at _____ on _____ and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 28B.19
RCW. The effective date of such rules shall be _____. ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,
that the immediate adoption of these rules 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 the
public interest, were regularly adopted as emergency rules of this
institution at _____ on _____ and
(place) (date)
are herewith filed in the office of the code reviser pursuant to
chapter 28B.19 RCW.

The undersigned hereby certifies that the requirements of chapter
28B.19 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW have been fulfilled.

Dated this _____ day of _____ 19____.

(INSTITUTION)

By _____

Title _____

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 28B.19.050(2). Leave this space blank except in such special cases.

(Suggested form of order by agency having single head)

STATE OF WASHINGTON _____ (Name of Institution) _____

ADMINISTRATIVE ORDER NO. _____

(1) I, _____ (Name) _____, _____ (Position) _____ of

_____ (Institution) _____ of the state of Washington, by virtue of

the authority vested in me under chapter 28B.19 RCW and _____

(ALTERNATIVE A. USE ONLY FOR ADOPTION OF PERMANENT RULES.)

after due notice and in meeting open to the public, held at _____
_____ on _____
_____ as required by chapters 28B.19 and 42.30 RCW,

do promulgate and adopt as (permanent) (emergency) rules of this institution, the annexed rules and regulations to wit:

(ALTERNATIVE B. USE ONLY FOR ADOPTION OF EMERGENCY RULES.)

I, _____, find further 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:

The said rules are therefore adopted as emergency rules to take effect immediately.

(2) This order after being first recorded in the order register of this institution shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED _____ 19 ____.

By _____

_____ Title

(Sample form of order by board or commission)

State of Washington

(Institution)
BOARD OF _____

RESOLUTION NO. _____

Administrative Order No. _____
(Institution) Order Register (WAC 1-13-045)

A RESOLUTION Relating to (permanent) (emergency) rules of the (Institution) of _____.

BE IT RESOLVED BY THE BOARD OF _____ OF THE (Institution) STATE OF WASHINGTON:

Section 1. The annexed regulations, to wit:

(ALTERNATIVE A. USE ONLY FOR ADOPTION OF PERMANENT RULES.)

after due notice and in meeting open to the public, held at _____ on _____ as required by chapters 34.04 and 42.30 RCW,

are hereby approved and adopted as (permanent) (emergency) rules of The (Institution).

(ALTERNATIVE B. USE ONLY FOR ADOPTION OF EMERGENCY RULES.)

I, _____, find further 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:

The said rules are therefore adopted as emergency rules to take effect immediately.

(2) This order after being first recorded in the order register of this institution shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED _____ 19 ____.

By _____

Title