



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

<b>Agency:</b> Code Reviser's Office	<input type="checkbox"/> Permanent Rule
<b>(1) Date of adoption:</b> October 3, 2001.	<input type="checkbox"/> Emergency Rule
	<input checked="" type="checkbox"/> Expedited Rule Making

**(2) Purpose:** To amend chapter 1-21 WAC to delete the references to the expedited repeal and adoption processes and to include guidelines on the expedited rule-making process. An area code has also been added to the Washington State Patrol's phone number in WAC 1-21-160.

**(3) Citation of existing rules affected by this order:**  
 Repealed:  
 Amended: WAC 1-21-010, 1-21-160, and 1-21-170.  
 Suspended:

**(4) Statutory authority for adoption:** RCW 1.08.110, 34.05.385, 34.08.020, and 34.08.030.  
 Other Authority: Chapter 25, Laws of 2001.

**PERMANENT RULE ONLY (Including Expedited Rule Making)**  
 Adopted under notice filed as WSR 01-16-107 on 7/30/01 (date).  
 Describe any changes other than editing from proposed to adopted version:

**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:

**(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:**  
 Yes  No If Yes, explain:

<b>(6) Effective date of rule:</b> <b>Permanent Rules</b> <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____*	<b>Emergency Rules</b> <input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) _____
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\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

<b>Name (Type or Print)</b> Dennis W. Cooper	
<b>Signature</b> 	
<b>Title</b> Code Reviser	<b>Date</b> 10/3/01

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 3 2001

TIME 9:14 AM  
 ROOM 01-20-090 PM

(COMPLETE REVERSE SIDE)

**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	<u>1</u>	Amended	<u>2</u>	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>1</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>1</u>	Amended	<u>2</u>	Repealed	_____
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**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	<u>1</u>	Amended	<u>3</u>	Repealed	_____

**WAC 1-21-010 Preproposal statement of inquiry.** To solicit comments from the public as required by RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05.320, an agency shall complete and file with the code reviser's office a CR-101 form (Preproposal Statement of Inquiry). This requirement does **not** apply to all rule making. The exceptions are set forth in RCW 34.05.310(4).

The text of the new rule is neither required nor recommended at this stage, but if text is submitted for filing, it must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040. Note that the CR-101 must be published at least thirty days before the CR-102 form (Proposed Rule Making) may be filed.

~~((WAC sections proposed for expedited repeal under RCW 34.05.354 should be listed by citation and caption only, either individually or by entire chapter.))~~

## NEW SECTION

**WAC 1-21-015 Expedited rule making.** (1) Expedited rule making filed under RCW 34.05.353 includes both the expedited adoption of rules and the expedited repeal of rules.

(2) An agency shall file notice for the expedited rule making with the code reviser's office on a CR-105 form (Expedited Rule Making). The agency must file the full text of a proposed new or amendatory rule, along with the CR-105 form. The text must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040. The expedited rule making must be published in the Register at least forty-five days before the agency may file a CR-103 form (Rule Making Order).

(3) WAC sections proposed for expedited repeal should be listed by citation and caption only, either individually or by entire chapter.

(4) The agency shall file the original and six copies of the expedited rule making 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 a committee for purposes of legislative review. The agency should keep the remaining copy for its files.

AMENDATORY SECTION (Amending WSR 00-18-001, filed 8/23/00, effective 12/31/00)

**WAC 1-21-160 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 orders adopting, amending, or repealing rules when the nature of the order requires their immediate filing and/or effectiveness. To use this service, the agency may telephone the capitol security unit of the state patrol at (360) 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.

AMENDATORY SECTION (Amending WSR 00-18-001, filed 8/23/00, effective 12/31/00)

**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))~~ (3) Form CR-103 Rule-making Order
- ~~((5))~~ (4) Form CR-104 Review of Previously Adopted Rules~~((7))~~
- (5) Form CR-105 Expedited Rule Making.