

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. 5
Emergency rules

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

Chapter 1-12 WAC, the drafting and filing of notices and rules; Forms CR-1 and CR-2;
Chapter 1-13 WAC, the drafting and filing of notices and rules by institutions of higher education; and Forms CR-3, Forms CR-4, CR-5, and CR-6;

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

pursuant to Notice No. 3159 ① filed with the code reviser on 9/8/71 ② were regularly adopted as permanent rules of this agency at The Code Reviser's Off. on Oct. 4, 1971 and are herewith 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 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 fourth day of October 1971.

STATE OF WASHINGTON
FILED
OCT - 4 1971
CODE REVISER'S OFFICE
CKET # 32 FILE #/

CODE REVISER'S OFFICE
(AGENCY)
R. White
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.

STATE OF WASHINGTON

OFFICE OF THE CODE REVISER

ADMINISTRATIVE ORDER NO. 5

(1) I, Richard O. White, director of the Code Reviser's Office of the state of Washington, by virtue of the authority vested in me under chapters 34.04 RCW, 28B.19 RCW (1971 ex.s. c57), WAC 1-12-005 and 1-13-005, after due notice and in meeting open to the public, held at Olympia, Washington on September 30, 1971 as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

Chapter 1-12 WAC, the drafting and filing of notices and rules; Forms CR-1 and CR-2; Chapter 1-13 WAC, the drafting and filing of notices and rules by institutions of higher education; and Forms CR-3, CR-4, CR-5, and CR-6

as permanent rules of this agency.

(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 chapters 34.04 and 28B.19 RCW and chapters 1-12 and 1-13 WAC.

APPROVED AND ADOPTED October 4, 1971.

BY: *Richard O. White*

RICHARD O. WHITE
Code Reviser

NOTICE OF INTENTION TO ADOPT, AMEND OR REPEAL RULES

(Instructions for completion on back of page) [Form CR-1: Rev. 8/9/71]
(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 WAC 1-12-030 ①, that the Code Reviser intends to (name of agency) adopt, amend or repeal rules concerning: ②

Chapter 1-12 WAC, the drafting and filing of notices and rules; and CR-1, CR-2; Chapter 1-13 WAC, the drafting and filing of notices and rules by institutions of higher education; and Forms CR-4, CR-5, and CR-6

(2) (Use only if hearing is to be held) that such agency will at 2:00 P.M., Thursday, September 30, 1971 (time) (day) (date) ③ in the House Hearing Room 2, Legislative Building, Olympia, Wa. (place), conduct a public hearing relative thereto;

(3) and that the adoption, amendment or repeal of such rules will take place at 10:00 A.M., Monday, October 4, 1971, (time) (day) (date) ④ in the Code Reviser's Office, Legislative Bldg, Olympia. (place)

(4) The authority under which these rules are proposed is: RCW 34.04.055 and section 8, chapter 57, Laws of 1971 1st ex.sess.

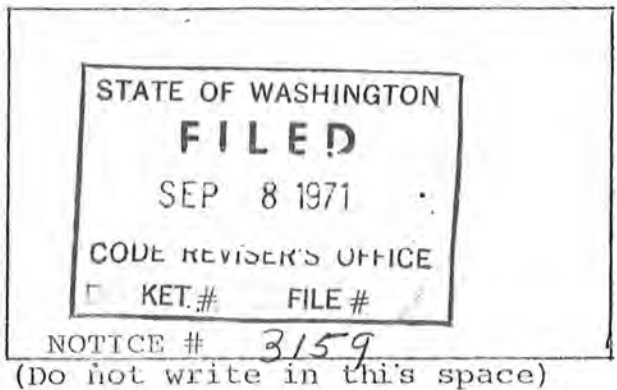
(5) Interested persons may submit data, views or arguments to this agency --

(a) in writing to be received by this agency prior to 9/30/71 (date) ④ and/or
(b) orally at 2:00 P.M., Thursday, September 30, 1971, (time) (day) (date) ③ House Hearing Room 2, Legislative Building (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 _____ (dates) ⑤.

OFFICE OF THE _____
CODE REVISER _____
(AGENCY)
Dated: ③ September 7, 1971
BY: [Signature]
CODE REVISER _____
(TITLE)



(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult Chapter 42.30 RCW (1971 ex. sess. c 250).

AMD

WAC 1-12-005 DECLARATION OF PURPOSE. The creation and maintenance of the WASHINGTON ADMINISTRATIVE CODE is a task of considerable magnitude. In recognition of the amount of total effort involved, and in order to effect overall economies in this important function of state government, in 1967 legislature has placed greater responsibilities upon the individual agencies by requiring [RCW 34.04.057] that they formulate both newly created and amendatory rules in accordance with the style, format, and numbering system of the Code.

These rules are promulgated by the Code Reviser pursuant to the authority granted by RCW 34.04.055 in the interest of assisting the agencies in preparing, promulgating and disseminating their administrative rules and regulations in an expeditious, orderly and uniform manner so as to produce an administrative code which shall be as concise and accurate as possible, and at minimum overall expense to the state. The format standards imposed by these rules are necessary to enable the inclusion of the rules as part of the code by means of the photo offset process and with a minimum of editing and retyping.

The reviser's office will be pleased to afford such advice and assistance to requesting agencies regarding these rules as its time and resources will permit.

The reviser expressly reserves the power to create new code titles, chapters, and sections, of the Washington Administrative Code, or otherwise revise the title, chapter and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the rules and regulations published therein.

AMD

WAC 1-12-010 WHO MUST FILE RULES UNDER 34.04 RCW. (1) "Agency" defined; see RCW 34.04.010(1). ①

(2) Filing required; see RCW 34.04.040. ②

(3) State militia board of prison terms and paroles, and institutions of higher education exempted from provisions of 34.04 RCW; see RCW 34.04.150. ③ Institutions of higher education must file under chapter 28B.19 RCW (1971 1st ex.s. c 57) and chapter 1-13 WAC.

Reviser's note:

① RCW 34.04.010(1) as amended by 1967 c 237 §1 provides:

"For the purpose of this chapter;

(1) 'Agency' means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches."

② RCW 34.04.040 provides:

"(1) Each agency shall file forthwith in the office of the code reviser a certified copy of all rules now in effect and hereafter adopted, except the rules contained in tariffs filed with or published by the Washington public service commission. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 34.04.030 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

(3) The code reviser shall report to each regular session of the legislature on the state of compliance of the agencies with this section. For this purpose, all agencies shall supply the code reviser with such information as he may request."

③RCW 34.04.150 as last amended by 1971 1st ex.s. c 57 §17 provides:

"This chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to sections 43 or 48 of chapter 26, Laws of 1967 extraordinary session. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act."

AMD WAC 1-12-020 WHAT RULES MUST BE FILED. (1) "Rule" defined; see RCW 34.04.010(2). ① "License" and "Licensing" defined; see RCW 34.04.010(4) and (5). ①

(2) (a) Rules of practice and procedure; see RCW 34.04.020. ②

(b) Certain agencies may use the uniform rules of practice and procedure codified in chapter 1-08 WAC; see RCW 34.04.022. ③

(c) Each agency must adopt a rule descriptive of its organization stating the general course and methods of its operations and the methods whereby the public may obtain information and make requests; see RCW 34.04.020(2). ②

Reviser's note:

①RCW 34.04.010(2) as amended by 1967 c 237 §1 provides in part:

"(2) 'Rule' means any agency order, directive or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters or revokes any procedure, practice or requirement relating to agency hearings; (c) which establishes, alters or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters or revokes any qualifications or standards for the issuance, suspension or revocation of licenses to pursue any commercial activity, trade or profession; or (e) which establishes, alters or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) speed restrictions for motor vehicles established by the state highway commission."

"(4) 'License' includes the whole or part of any agency permit, certificate, approved, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes."

"(5) 'Licensing' includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license."

② RCW 34.04.020 as amended by 1967 c 237 §2 provides:

"In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions: PROVIDED, That RCW 34.04.022 shall apply to agencies which have not adopted comprehensive rules of practice and procedure, in accordance with the provisions of this chapter, prior to July 1, 1967.

(2) To assist interested persons dealing with it, each agency shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests. No person shall be required to comply with agency procedure not adopted as a rule as herein required.

(3) To the extent not prohibited by federal law or regulation, nor prohibited for reasons of confidentiality by state law, each agency shall keep on file for public inspection all final orders, decisions and opinions in contested cases and any digest or index to those orders, decisions or opinions prepared by the agency for its own use. No agency order, decision or opinion is valid or effective against any person, nor may it be invoked by the agency for any purpose, unless it is available for public inspection as herein required. This provision is not applicable in favor of any person who has actual knowledge thereof."

③ RCW 34.04.022 provides:

"On or before July 1, 1967, the code reviser shall add to Title 1 of the Washington Administrative Code a new chapter to be known as chapter 1-08 WAC--Uniform Procedural Rules, which shall become effective July 1, 1967, and shall govern the administrative practice and procedure in and before all agencies which have not adopted comprehensive rules of practice and procedure prior to that date. Except for the numbering thereof, such rules shall be identical with the rules contained in WAC 308-08-010 through 308-08-590 as the same existed on January 3, 1966: PROVIDED, That in publishing chapter 1-08 WAC the reviser may revise such terms as are used in chapter 308-08 WAC to describe 'agency', 'department', 'board', 'commission', and like terms, so as to enable the use of such rules by multiple agencies.

This section shall not prohibit any such agency from hereafter adopting its own rules of practice and procedure in the manner provided by this chapter, if such agency shall elect to promulgate comprehensive rules on this subject and shall, in the order of adoption, expressly negative any further applicability to such agency of the rules contained in chapter 1-08 WAC."

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. Notices 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 two copies 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."

(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, 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 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 noncompliance 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."

② 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 1-12-050 LETTER OF TRANSMITTAL OF RULES ADOPTED. Four copies of each administrative order together with the original and three copies of the rules adopted under such order shall be forwarded to the Code Reviser's office for filing under cover of the original and three copies of the letter of transmittal which shall be executed on forms [Form CR-2] provided by the reviser's office.

AMD WAC 1-12-070 WASHINGTON ADMINISTRATIVE CODE--BASIC ORGANIZATION. (1) The primary division is the Title. Each agency has been assigned a Title number which falls in alphabetical sequence according to the name of the agency. Subsequent name changes by an agency shall not necessitate a change in title number. A list of titles assigned or reserved may be found in the prefatory material of Volume 1, WAC. Newly created agencies shall apply to the reviser's office for assignment of a title number.

(2) Each title is divided into chapters which constitute the major breakdown by subject matter of the rules adopted by the agency.

(3) Each chapter is divided into sections.

(4) Each code number is a composite of these three factors

e.g.

	WAC - 16 - 12 - 830
WASHINGTON ADMINISTRATIVE CODE -----	
TITLE 16 Agriculture, Department of -----	
Chapter 12 Meat Inspection -----	
Section 830 Labels to be approved by department -----	

AMD

WAC 1-12-080 DRAFTING INSTRUCTIONS--TITLE NUMBER--CHAPTER NAMES AND NUMBERS. (1) The agency's title number has been assigned by the reviser. Chapter names and numbers, and section numbers within the chapter will be henceforth selected by the agency with the advice of the reviser's office.

(2) In selecting chapter names, choose a designation which expresses generally the subject matter of the material to be contained in the chapter. The chapter name 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 regulated 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 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, (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 1-12-120 -----TITLE AND CHAPTER DIGESTS--HISTORY NOTES. At the fore of each Title of WAC is a Title Digest which lists all chapters within the title. Each chapter is likewise preceded by a chapter digest which lists all sections within the chapter. Title and chapter digests shall not be prepared by the agency but will be added later by the reviser's office.

Each section of WAC is followed by a history note which recites the agency's order number and filing date or effective date of the section: e.g. [Order 936, Reg. 1, sec. 4, filed 1/29/64.]

History notes shall likewise be omitted by the promulgating agency but five lines shall be left between sections to provide room for their insertion by the reviser prior to publication in the code.

AMD

WAC 1-12-160 -----REDESIGNATION OF WAC NUMBERS--AMENDMENT OR REPEAL OF INCONSISTENT RULES. (1) WAC numbers assigned to chapters or sections shall not be changed except with the advice and consent of the reviser's office.

(2) Unless special permission is obtained from the reviser's office, the WAC numbers previously assigned to repealed sections or chapters shall not again be used to designate other sections or chapters as the sections or chapters repealed will continue to be

referenced in the code as memorial sections or chapters.

(3) In drafting new rules, the draftsman must be cognizant of rules already in existence, and must expressly amend or repeal existing chapters or sections which would not be consistent with the new rules.

NOTICE OF INTENTION TO ADOPT, AMEND OR REPEAL RULES

(Instructions for completion on back of page) [Form CR-1: Rev. 8/9/71]
(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 _____ intends to _____ (name of agency) 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) ④ 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 _____ (dates) ⑤.

(AGENCY)

Dated: ③ _____

By: _____

(TITLE)

NOTICE #
(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult Chapter 42.30 RCW (1971 ex. sess. c 250).

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.) This notice will be photographed and published in the Washington Administrative Code: If it is desired also to file the text of the proposed rules they may in addition be appended hereto.
- 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 nos. of notices 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 98501

The enclosed 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 this
(date)
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 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 _____ day of _____ 19 .

(AGENCY)

By _____

Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'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 REVIS-
ER'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.

Chapter 1-13

REGULATIONS FOR THE DRAFTING AND FILING OF NOTICES AND RULES BY INSTITUTIONS OF HIGHER EDUCATION

WAC

- 1-13-005 Declaration of purpose.
 - 1-13-010 Who must file rules.
 - 1-13-020 What rules must be filed.
 - 1-13-030 Notices of intention to adopt rules.
 - 1-13-040 Administrative orders--How promulgated--Duty to maintain order register.
 - 1-13-050 Letter of transmittal of rules adopted.
 - 1-13-060 Formulation of institution orders creating, amending, or repealing rules.
 - 1-13-070 Washington administrative code--Basic organization.
 - 1-13-080 Drafting instructions--Title number--Chapter names and numbers.
 - 1-13-090 -----Division of chapters into sections.
 - 1-13-100 -----Subsections, subdivisions, and items.
 - 1-13-110 -----Citations and references.
 - 1-13-120 -----Title and chapter digest--History notes.
 - 1-13-130 -----Amendatory sections.
 - 1-13-140 -----Repealer sections.
 - 1-13-150 -----Sequence and numbering of sections--Identification of sections as new, amendatory or repealing.
 - 1-13-160 -----Redesignation of WAC numbers--Amendment or repeal of inconsistent rules.
 - 1-13-170 Typing instructions--General.
 - 1-13-180 -----New chapters of WAC.
 - 1-13-190 Emergency rules.
 - 1-13-200 Exemption from these rules.
 - 1-13-210 Official forms supplied on request.
 - 1-13-220 Temporary filing of rules.
 - 1-13-230 Disposition of rules and notices filed under 34.04 RCW.
- FORM CR-3 Underlay sheet
 - FORM CR-4 Notice of intention to adopt, amend or repeal rules by institution of higher education
 - FORM CR-5 Transmittal of rules adopted by institution of higher education
 - FORM CR-6 Filing of rules adopted other than under chapter 34.04 RCW and prior to September 1, 1971

new

WAC 1-13-005 DECLARATION OF PURPOSE. The creation and maintenance of the WASHINGTON ADMINISTRATIVE CODE is a task of considerable magnitude. In recognition of the amount of total effort involved, and in order to effect overall economies in this important function of state government, the 1971 legislature has placed greater responsibilities upon the individual institutions of higher education by requiring [RCW 28B.19.090 (1971 1st ex.s. c 57 §9)] that they formulate both newly created and amendatory rules in accordance with the style, format, and numbering system of the Code.

These rules are promulgated by the Code Reviser pursuant to the authority granted by RCW 28B.19.080 (1971 1st ex.s. c 57 §8) in the interest of assisting the agencies in preparing, promulgating and disseminating their administrative rules and regulations in an expeditious, orderly and uniform manner so as to produce an administrative code which shall be as concise and accurate as possible, and at minimum overall expense to the state. The format standards imposed by these rules are necessary to enable the inclusion of the rules as part of the code by means of the the photo offset process and with a minimum of editing and retyping.

The reviser's office will be pleased to afford such advice and assistance to requesting agencies regarding these rules as its time and resources will permit.

The reviser expressly reserves the power to create new code titles, chapters, and sections of the Washington Administrative Code, or otherwise revise the title, chapter and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the rules and regulations published therein.

Chapter 28B.19 RCW, the State Higher Education Administrative Procedure Act (1971 1st ex.s. c 57), establishes separate procedures for institutions of higher education, and the provisions of this chapter shall apply only to those institutions.

new

WAC 1-13-010 WHO MUST FILE RULES. (1) "Institutions of higher education" defined; see RCW 28B.19.020(1) (1971 1st ex.s. c 57 §2(1)). ①

(2) Filing required; see RCW 28B.19.050 (1971 1st ex.s. c 57 §5). ②

Reviser's note:

① RCW 28B.19.020(1) (1971 1st ex.s. c 57 §2(1)) provides:
 "(1) 'Institutions of higher education' are the University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as 'institutions.' The various state community colleges are sometimes referred to in this chapter as 'community colleges.'"

② RCW 28B.19.050 (1971 1st ex.s. c 57 §5) provides:
 "(1) Any rules adopted after the effective date of this chapter shall be filed forthwith with the office of the code reviser. The code reviser shall keep a permanent register of

such rules open to public inspection.

(2) Emergency rules adopted under RCW 28B.19.040 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

(3) The code reviser shall report to each regular session of the legislature on the state of compliance of the institutions of higher education with this section. For this purpose, all institutions of higher education shall supply the code reviser with such information as he may request."

new WAC 1-13-020 WHAT RULES MUST BE FILED. (1) "Rule" defined; see RCW 28B.19.020(2) (1971 1st ex.s. c 57 §2(2)). ①

(2) Orders adopting, amending, or repealing rules must be in accordance with style, format, and numbering system of WAC; see RCW 28B.19.090 (1971 1st ex.s. c 57 §9). ②

Reviser's note:

①RCW 28B.19.020(2) (1971 1st ex.s. c 57 §2(2)) provides:

"(2) 'Rule' means any order, directive, or regulation of any institution of higher education which affects the relationship of the general public with the institution, or the relationship of particular segments of the particular educational community such as students, faculty, or other employees, with the institution or with each other, (a) the violation of which subjects a person to a penalty or administrative sanction; or (b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or (c) which establishes, alters or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law. The term includes the amendment or repeal of a prior rule but does not include rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law."

②RCW 28B.19.090 (1971 1st ex.s. c 57 §9) provides:

"After the rules of institutions of higher education have been published by the code reviser all institution of higher education orders amending or rescinding such rules, or creating new rules, shall be formulated in accordance with the style, format, and numbering system of the Washington administrative code."

new WAC 1-13-030 NOTICES OF INTENTION TO ADOPT RULES. (1) Statutory notice requirements; see RCW 28B.19.030 (1971 1st ex.s.

c 57 §3). 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) (1971 1st ex.s. c 57 §3(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 two copies 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 (1971 1st ex.s. c 57 §3) 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 (1971 1st ex.s. c 57 §3) 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) (1971 1st ex.s. c 57 §3(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) (1971 1st ex.s. c 57 §3(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."

(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 (1971 1st ex.s. c 57 §3) 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 non-compliance 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."

new WAC 1-13-040 ADMINISTRATIVE ORDERS--HOW PROMULGATED--DUTY TO MAINTAIN ORDER REGISTER. 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

new

WAC 1-13-080 DRAFTING INSTRUCTIONS--TITLE NUMBER--CHAPTER NAMES AND NUMBERS. (1) The institution's title number has been assigned by the reviser. Chapter names and numbers, and section numbers within the chapter will be henceforth selected by the institution with the advice of the reviser's office.

(2) In selecting chapter names, choose a designation which expresses generally the subject matter of the material to be contained in the chapter. The chapter name 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.

new

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.

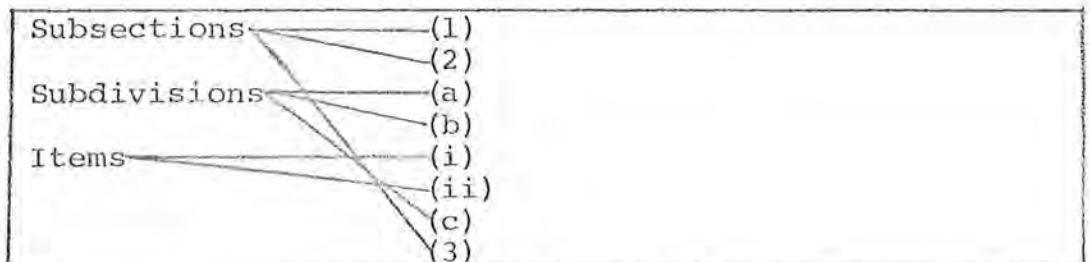
(2) Material should be divided into short, concise sections. Short sections facilitate future amendment. As a rule of thumb, if the contents of a section cannot be described in a one line "catchline", the section should be divided into two or more sections. Short sentences are likewise to be preferred.

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

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

new

WAC 1-13-100 -----SUBSECTIONS, SUBDIVISIONS, AND ITEMS. Sections may be divided into subsections (1), (2), (3), etc., which may in turn be divided into subdivisions (a), (b), (c), etc., which may be further divided into items (i), (ii), (iii), etc., all according to the following hierarchy, e.g.



new WAC 1-13-110 -----CITATIONS AND REFERENCES. (1) In referring to other parts of the rules or to other rules, refer to specific sections or parts thereof. Avoid references such as "above", "below", "hereinbefore", "hereinafter", "preceding" and "following" since the relative position of the material referred to may be changed in future drafts.

(2) If the first draft and subsequent drafts require revision before they are promulgated, the draftsman must check all internal references to be sure they are still accurate i.e. that any rearrangement of sections referred to has been reflected by correcting the references thereto where necessary.

(3) Cite and refer to the various parts of the Washington Administrative Code as follows:

- (a) Title 16 -- Title 16 WAC
- (b) Chapter 16-24 -- Chapter 16-24 WAC
- (c) section 16-24-580 -- WAC 16-24-580
- (d) subsection 1 of section 16-24-580 -- WAC 16-24-580(1)
- (e) inclusive string of sections -- WAC 16-24-580 through 16-24-600.

new WAC 1-13-120 -----TITLE AND CHAPTER DIGEST--HISTORY NOTES. At the fore of each Title of WAC is a Title Digest which lists all chapters within the title. Each chapter is likewise preceded by a chapter digest which lists all sections within the chapter. Title and chapter digests shall not be prepared by the institution but will be added later by the reviser's office.

Each section of WAC is followed by a history note which recites the institution's order number and filing date or effective date of the section: e.g. [Order 936, Reg. 1, sec. 4, filed 1/29/64.]

History notes shall likewise be omitted by the promulgating institution but five lines shall be left between sections to provide room for their insertion by the reviser prior to publication in the code.

new 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 have not yet been codified in WAC, they shall be referred to by institution order and section numbers (or other appropriate description as follows:
e.g.

amd	Section 12 of Order No. 15 dated March 15, 1967 (uncodified) is amended to read as follows: (here set forth in full the section as amended)
-----	--

new WAC 1-13-140 -----REPEALER SECTIONS. (1) Orders or parts of orders which repeal existing code sections shall be prepared as follows: e.g.

rep. WAC 16-12-080 and 16-12-840 are each hereby repealed.

(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).

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

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

Traditional 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.

and 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.

new WAC 1-13-160 -----REDESIGNATION OF WAC NUMBERS--AMENDMENT OR REPEAL OF INCONSISTENT RULES. (1) WAC numbers assigned to chapters or sections shall not be changed except with the advice and consent of the reviser's office.

(2) Unless special permission is obtained from the reviser's office, the WAC numbers previously assigned to repealed sections or chapters shall not again be used to designate other sections or chapters as the sections or chapters repealed will continue to be referenced in the code as memorial sections or chapters.

(3) In drafting new rules, the draftsman must be cognizant of rules already in existence, and must expressly amend or repeal existing chapters or sections which would not be consistent with the new rules.

new

WAC 1-13-170 TYPING INSTRUCTIONS--GENERAL. (1) Institution 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 institutions 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) Five lines 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 this</u>		
(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.

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

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

(11) The institutions 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.

new WAC 1-13-180 -----NEW CHAPTERS OF WAC. (1) Page 1 of the rules should contain only the number and name of the chapter being created, centered on the page with the chapter number on the 7th line from the top of the page and the chapter name beginning on the 9th line; e.g.

Chapter 16-312
STANDARDS FOR BLENDING CERTIFIED SEED
OF ALFALFA AND RED CLOVER

The remainder of page 1 will be used by the reviser's office for creating the chapter digest (table of sections within the chapter).

(2) Begin the first section of new chapter on line 7 of page 2.

new WAC 1-13-190 EMERGENCY RULES. (1) With respect to emergency rules and amendments filed by an institution pursuant to RCW 28B.19.040 (1971 1st ex.s. c 57 §4), 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).

new 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 (1971 1st ex.s. c 57 §7) may, upon application 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.

new 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
- (3) Form CR-5 TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION
- (4) Form CR-6 FILING OF RULES ADOPTED OTHER THAN UNDER CHAPTER 34.04 RCW AND PRIOR TO SEPTEMBER 1, 1971

new WAC 1-13-220 TEMPORARY FILING OF RULES. Rules adopted by an institution of higher education prior to September 1, 1971, and not according to the requirements of chapter 34.04 RCW may be filed with the code reviser prior to March 1, 1972; see RCW 28B.19.060 (1971 1st ex.s. c 57 §6). ①

(2) Such rules shall not be valid after December 31, 1972, except as provided by RCW 28B.19.060 (1971 1st ex.s. c 57 §6). ②

(3) One copy of such rules may be filed with the code reviser accompanied by two copies of a form entitled "Filing of Rules Adopted other than under Chapter 34.04 RCW and Prior to September 1, 1971" [Form CR-6] as provided by the code reviser's office. One copy of Form CR-6 will be returned to the filing institution as a receipt.

Reviser's note:

① & ② RCW 28B.19.060 (1971 1st ex.s. c 57 §6) provides:
"Any rules which have been adopted prior to September 1, 1971 shall be filed within six months of that date with the code reviser, who is not authorized to prescribe the form of nor required to publish such rules. Such rules shall not be valid after December 31, 1972, except that they shall continue to be valid for the purpose of proceedings pending as of that date, unless readopted pursuant to this chapter in the form and style of the code reviser: PROVIDED, HOWEVER, That any rules previously adopted and filed in accordance with chapter 34.04 RCW need not be refiled and they shall remain valid as though they had been adopted under this chapter."

new WAC 1-13-230 DISPOSITION OF RULES AND NOTICES FILED UNDER 34.04 RCW. Notices or rules filed with the reviser's office prior to the effective date of this chapter (September 7, 1971) will be accorded the same force and effect as if such filing had been made according to the provisions of chapter 28B.19 RCW (1971 1st ex.s. c 57) and of chapter 1-13 WAC if such filing was executed according to the provisions of chapter 34.04 RCW and chapter 1-12 WAC.

Underlay typing guide sheet (Form CR-3)

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 (1971 1st ex.s. c 57 §3) 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) ④ and/or
(b) orally at _____ (time), _____ (day), _____ (date) ③ _____ (place).

(6) The additional notice required by RCW 28B.19.030 (1971 1st ex.s. ch 57 §3) has been made by mailing copies of this notice to all persons who have been timely request of this institution for advance notice of its rule-making proceedings.

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

(INSTITUTION)

Dated: ③ _____

By: _____

(TITLE)

NOTICE #
(Do Not Write in This Space)

Instruction for completion of Form CR-4

- ① Here cite additional statutes (if any) requiring notice by the rule-making institution.
- 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.) 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.
- ③ The statute requires 20 days notice, see RCW 28B.19.030 (1971 1st ex.s. c 57 §3) and WAC 1-13-030 (5).
- ④ This date may not be earlier than that noted in ③; see RCW 28B.19.030 (1971 1st ex.s. c 57 §3) and WAC 1-13-030 (5).
- ⑤ Use for continuance of matter previously noticed and enter here notice numbers of notices previously returned to you by reviser's office.

This space for additional information.

TRANSMITTAL OF RULES ADOPTED BY INSTRUCTION OF HIGHER EDUCATION
(Instruction for Completion of Back of Page)

FROM: _____
(Name of Institution)

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

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

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 this
(date)
institution at _____ on _____ and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter
28B.19 RCW (1971 1st ex.s. c 57). 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 institution at
_____ on _____ and are herewith filed in the office
(place) (date)
of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s.
c 57).

The undersigned hereby certifies that the requirements of chapter
28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings
Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) 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) (1971 1st ex.s. c 57 §5 (2)). Leave this space blank except in such special cases.

FILING OF RULES ADOPTED OTHER THAN UNDER CHAPTER 34.04 RCW AND
PRIOR TO SEPTEMBER 1, 1971
(Use reverse side for additional information)

FROM: _____
(Name of Institution of Higher Education)

The enclosed rules relating to:

were adopted prior to September 1, 1971, the effective date of the State Higher Education Administrative Procedure Act, chapter 28B.19 RCW (1971 1st ex.s. c 57) and are herewith filed in the office of the code reviser pursuant to RCW 28B.19.060 (1971 1st ex.s. c 57 §6).

These rules shall not be valid after December 31, 1972, except for the purposes provided in RCW 28B.19.060.

Dated this _____ day of _____ 19 ____ ①

(Institution)

By

Title

① This form is to be used only for the transmittal of rules adopted prior to September 1, 1971, which have NOT been adopted and previously filed in accordance with the provisions of chapter 34.04 RCW. The terminal date for filing this class of rules is March 1, 1972; see RCW 28B.19.060 (1971 1st ex.s. c 57 §6).

(Suggested form of order by institution 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 (1971 1st ex.s. c 57) and _____,

do promulgate and adopt the annexed rules and regulations, to wit:

as permanent emergency rules of this institution.

(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 (1971 1st ex. s. c 57) 1-13 WAC.

APPROVED AND ADOPTED _____ 19 ____.

By _____

Title

(Sample form of order by board or commission)

STATE OF WASHINGTON
UNIVERSITY OF WASHINGTON
Board of Regents

RESOLUTION NO. _____

Administrative Order No. _____
UW Order Register (WAC 1-13-040)

A RESOLUTION Relating to permanent rules of the University of Washington.

BE IT RESOLVED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON, STATE OF WASHINGTON:

Section 1. The annexed regulations, to-wit:

are hereby approved and adopted as permanent rules of the University of Washington.

Sec. 2. This resolution and annexed regulations, after being first recorded as an administrative order in the Order Register of the University of Washington, shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW (1971 1st ex.s. c 57) and WAC 1-13-050.

APPROVED and ADOPTED _____, 19__.

Attest: _____
Chairman of the Board of Regents



STATUTE LAW COMMITTEE

OFFICE OF THE REVISER
LEGISLATIVE BUILDING
OLYMPIA

August 31, 1971

TO ALL INSTITUTIONS OF HIGHER EDUCATION:

The provisions of the State Higher Education Administrative Procedure Act, chapter 28B.19 RCW (1971 1st ex. s. c 57) become effective September 1, 1971. The code reviser's office is preparing emergency rules for the implementation of this chapter which will be in your hands by Tuesday, September 7, and which will be effective upon that date. Meanwhile, institutions required to file rules during the intervening days are reminded that they should file in accordance with chapter 28B.19 RCW instead of chapter 34.04 RCW.

CODE REVISER'S OFFICE

Agency

Gary Reid

Gary Reid
Assistant Code
Reviser