

TRANSMITTAL OF RULES ADOPTED

FROM: Code Reviser's Office

(Name of Agency)

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

The enclosed rules Permanent rules / Emergency rules , being Order No. 15
relating to (Name of rules or description of subject matter)

Chapters 1-12 and 1-13 WAC, the drafting and filing of notice and rules by state agencies and by institutions of higher education

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

pursuant to Notice No. 7790¹ filed with the code reviser on October 3, 1977²
(date)

were regularly adopted as permanent rules of this agency at
the code reviser's office, Olympia on October 31, 1977,
(place) (date)

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 December 1, 1977³

(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 _____
(place) (date)

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 have been fulfilled.

Dated this 31st day of October 19 77.

STATE OF WASHINGTON

FILED

OCT 31 1977

CODE REVISER'S OFFICE

DOCKET # 8597 FILE # 1

CODE REVISER

(AGENCY)

Robert

By

Code Reviser

Title

NOTES:

¹Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)

²Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)

³Unless 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 OF ORDER BY AGENCY HAVING SINGLE HEAD

State of Washington

CODE REVISER'S OFFICE

(agency name)

Administrative Order No. 15

(1) I, Richard O. White, Code Reviser, director of

of the State of Washington,

ALTERNATIVE A. Use only for Adoption of Permanent Rules.

after due notice and in a meeting open to the public, held at the Code Reviser's Office Legislative Building, Olympia, Washington on October 31, 1977 as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this agency, the annexed rules: Various amendments, additions, and repeals within chapters 1-12 and 1-13 WAC, concerning the drafting and filing of notices and rules by state agencies and by institutions of higher education.

ALTERNATIVE B. Use only for Adoption of Emergency Rules.

do promulgate and adopt as emergency rules of this agency, the annexed rules:

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

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

(2) Pursuant to the requirements of RCW 34.04 (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[X] (a) This rule is promulgated pursuant to RCW ~~§§~~ 2 and 4, c240, Laws of 1977 1st ex. sess. and is intended to administratively implement that statute.

[X] (b) This rule is ^{also} promulgated pursuant to RCW 28B.19.080 and 34.04.055 which directs that the code reviser

(agency)

has authority to implement the provisions of chapter 28B.19 and 34.04 RCW

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the (agency)

as authorized in RCW

(3) 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 October 31 19 77

By [Signature]

Code Reviser

Title

NOTE:

RCW 34.04.____ (1977 c 19 § 2) provides:

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

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

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

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

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

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

State of Washington
STATUTE LAW COMMITTEE

LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON 98504



STATEMENT OF RULE PURPOSE AND IMPLEMENTATION

(a) Adopting agency: Code reviser's office, administrative order number 15.

Statutory authority: Chapter 1-12 WAC pursuant to RCW 34.04.025 and 34.04.055 and sections 2 and 4 of chapter 240, Laws of 1977 1st ex. sess.

Chapter 1-13 WAC pursuant to RCW 28B.19.030 and 28B.19.080 and sections 2 and 4 of chapter 240, Laws of 1977 1st ex. sess.

Rule's purpose: To implement the State Register Act, chapter 240, Laws of 1977 1st ex. sess.

(b) Summary of rule: Makes various changes to both chapter 1-12 WAC (applicable to state agencies) and chapter 1-13 WAC (applicable to institutions of higher education) concerning the full text notice requirement, change of start of twenty day notice period, schedule of register publication, abolition of forms CR-2 and CR-5, Transmittal of Rules Adopted, and style requirements for agency rules to facilitate editorial and publication process of State Register.

(c) Agency personnel responsible for --
Drafting: Gary Reid, Code Reviser's Office, Legislative Building, Olympia, phone (206) 753-6804, SCAN 234-6804.
Implementation and Enforcement: Same as above, and in addition Loma Barmore (753-7471) and Gaylyne Holt (753-7470) at same address as above.

(d) Proponent of rule: Code reviser's office.
Opponents of rule: None, although comments were received from approximately a dozen agencies.

(e) Agency comments or recommendations: The time schedule for filing material in the code reviser's office for publication in the monthly register (WAC 1-12-035 and 1-13-035) will require greater lead time in the agency rule-making process and will undoubtedly cause an increase in the emergency adoption of rules.

Chapter 1-12

REGULATIONS FOR THE DRAFTING AND FILING OF NOTICES AND RULES

WAC	
1-12-005	Declaration of purpose.
1-12-020	What rules must be filed.
1-12-030	Notices of intention to adopt rules.
1-12-035	Time for filing material for inclusion in register.
1-12-050	Filing of administrative order--Rules adopted.
1-12-065	Rule purpose and implementation statement.
1-12-070	Washington Administrative Code--Basic organization.
1-12-090	Drafting instructions--Division of chapters into sections.
1-12-100	Drafting instructions--Subsections, subdivisions, items, and subitems.
1-12-125	Drafting instructions--Use of underlining.
1-12-130	Drafting instructions--Amendatory section.
1-12-140	Drafting instructions--Repealer sections.
1-12-150	Drafting instructions--Sequence and numbering of sections.
1-12-155	Drafting instructions--Identification of sections as new, amendatory, or repealed.
1-12-160	Drafting instructions--Redesignation of WAC numbers--Amendment or repeal of inconsistent rules.
1-12-170	Typing instructions--General.
1-12-190	Emergency rules.
1-12-200	Exemption from these rules.
1-12-210	Official forms supplied upon request.
1-12-220	Order typing service (OTS).
1-12-910	Notice of intention to adopt, amend, or repeal rules (CR-1).
1-12-930	Form of order and transmittal by agency having single head (CR-7).
1-12-940	Form of order and transmittal by board, commission, or council (CR-8).

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

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, the legislature has placed responsibilities upon the individual agencies by requiring (RCW 34.04.057 and 34.04..... (1977 c 19 § 1)) that they formulate both newly created and amendatory rules in the bill drafting style of the legislature and further in accordance with the style, format, and numbering system of the Code.

((These rules are)) This chapter is promulgated by the Code Reviser pursuant to the authority granted by RCW 1.08..... (1977 1st ex.s. c 240 § 2), 34.04.055, and 34.08..... (1977 1st ex.s. c 240 § 4) 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 a state register and 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)) this chapter are necessary to enable the inclusion of the rules as part of the register and the code in an orderly and efficient manner.

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

The code reviser expressly reserves the power to create new code titles, chapters, and sections ~~((7))~~ 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.

AMENDATORY SECTION (Amending Order 5, filed 10/4/71)

WAC 1-12-020 WHAT RULES MUST BE FILED. (1) "Rule" defined; see RCW 34.04.010(2) ~~((f; j))~~; "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 and 42.17.250.

(3) All agencies must adopt rules pertaining to the integration of the policies and procedures of chapter 43.21C RCW (the state environmental policy act of 1971) into the various programs under their jurisdiction for implementation; see RCW 43.21C.120.

NOTES:

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

"(1) . . .

(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.

(3) . . .

(4) "License" includes the whole or part of any agency permit, certificate, approval, 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."

²RCW 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."

³RCW 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."

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-12-030 NOTICES OF INTENTION TO ADOPT RULES. (1) Statutory notice requirements; see RCW 34.04.025 ((7))¹ and 34.08..... (1977 1st ex.s. c 240 § 3).³

(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 code reviser's office (Form CR-1). No other form will be accepted for filing. On and after January 1, 1978, the notice shall also include the full text of any proposed new or amendatory rule and the citation and caption of any existing rule to be repealed. Such proposal shall be done according to the bill drafting style requirements of WAC 1-12-125 through 1-12-160.

(4) Number of copies; Notice numbers. Agencies shall file in the code reviser's office an original and ((one copy)) 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)) original notice (Form CR-1) ((7 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 (Form CR-2) by which the order adopting rules is)) administrative order and transmittal form by which the rules are adopted and 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 code reviser to ascertain agency compliance with the twenty day rule. Such compliance will be determined as follows:

(a) The code 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) Prior to January 1, 1978, the code reviser construes RCW 34.04.025(1) (a) as requiring the actual physical filing of the notice in the code 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 code reviser's office as day twenty. 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 Wn.2d 149.

(c) On and after January 1, 1978, the twenty day notice requirement will apply to the publication of the notice and text of the proposal in the state register and not to its filing with the code reviser. The twenty day count will begin with the distribution date of the register in which the notice has been published for a notice regarding the omission of a rule has been published pursuant to RCW 34.04.050(3)). Consider the distribution date of the pertinent register as day twenty; count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. RCW 1.12.040 and State ex rel. Earley v. Batchelor, 15 Wn.2d 149.

(d) The distribution date of each monthly register shall be the third Wednesday of that month; the last day to file material in the code reviser's office for inclusion in that month's register will be established according to WAC 1-12-035.

(e) 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 code reviser a continuation notice (Form CR-1) 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, and the text of the proposal need not be submitted with a notice of continuance.

NOTES:

¹RCW 34.04.025 as amended by § ((47)) 7, chapter ((250)) 240, Laws of ((1974)) 1977 1st ex. sess. (effective January 1, 1978) provides:

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

(a) File notice thereof with the code reviser in accordance with RCW 34.08..... (1977 1st ex.s. c 240 § 3(1)) for publication in the state register, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings. Such notice shall also 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 proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(3) 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 RCW 34.08..... (1977 1st ex.s. c 240 § 3(1)), 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."

²RCW 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 34.04.025, the code reviser shall not publish such rule and such rule shall not be effective for any purpose."

³RCW 34.08..... (1977 1st ex.s. c 240 § 3) provides: "There is hereby created a state publication to be called the Washington State Register, which shall be published on a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rules, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof shall take action on any such rule except on

emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010; and

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification."

NEW SECTION

WAC 1-12-035 TIME FOR FILING MATERIAL FOR INCLUSION IN REGISTER. To permit sufficient lead time for the editorial, data capture, and printing process, material to be published under RCW 34.08..... (1977 1st ex.s. c 240 § 3) in a particular monthly register shall be in the actual physical possession of and filed in the code reviser's office according to the following schedule:

(1) If the material has been prepared and completed by the order typing service (OTS) of the code reviser's office; by 5:00 p.m. on the fourteenth day prior to the distribution date of that month's register; or

(2) If the material has been prepared other than by the code reviser's order typing service (OTS) and:

(a) Contains no more than ten pages in conformance with WAC 1-12-170; by 5:00 p.m. on the fourteenth day prior to the distribution date of that month's register; or

(b) Contains more than ten but less than thirty pages in conformance with WAC 1-12-170; by 5:00 p.m. on the twenty-eighth day prior to the distribution date of that month's register; or

(c) Contains thirty or more pages in conformance with WAC 1-12-170; by 5:00 p.m. on the forty-second day prior to the distribution date of that month's register.

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

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

(1) ((The ER-2 form; one original and three copies, all with signatures;

(2)) The administrative order adopting said rules, Form CR-7 or CR-8, as appropriate; four signed copies (See WAC 1-12-040);

(2) The rule purpose statement; one copy (see WAC 1-12-065);

(3) The text of rules adopted; one original and three identical copies.

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

NEW SECTION

WAC 1-12-065 RULE PURPOSE AND IMPLEMENTATION STATEMENT. RCW 34.04..... (1977 1st ex.s. c 84 § 1)¹ requires that when any adopted rule, whether permanent or emergency, is filed with the code reviser it shall be accompanied by a statement generally describing the rule's purpose and how it is to be implemented. Such statement shall also contain, as a minimum, the other items required by that statute. Also note that it is the responsibility of the adopting agency to transmit three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives.

NOTE:

¹RCW 34.04..... (1977 1st ex.s. c 84 § 1) provides:

(1) For the purpose of legislative review of agency rules filed pursuant to this chapter, any new or amendatory rule promulgated after September 21, 1977, shall be accompanied by a statement prepared by the adopting agency which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall contain, but is not limited to, the following:

(a) A title, containing a description of the rule's purpose, the name of the agency, the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;

(b) A summary of the rule;

(c) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(d) The names of the proponents and opponents of the rule, if any; and

(e) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

(2) Upon filing the rule with the code reviser, the adopting agency shall have copies of the statement on file and available for public inspection and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward the statement to the majority and minority caucuses and to the appropriate legislative committees.

AMENDATORY SECTION (Amending Order 5, filed 10/4/71)

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 code 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.

.....

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

.....

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-12-090 DRAFTING INSTRUCTIONS—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 code 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 caption, 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 caption which shall briefly describe the contents of the section.

(5) All tables, charts, maps, appendices, and forms which an agency intends to enforce or which otherwise constitute a rule, must be either a part of another WAC section or be assigned their own WAC numbers and adopted as independent sections. The latter method is preferred, as it will greatly simplify upkeep and revision of such material.

AMENDATORY SECTION (Amending Order 2, filed 12/11/67)

WAC 1-12-100 DRAFTING INSTRUCTIONS—SUBSECTIONS, SUBDIVISIONS, ((AND)) ITEMS, AND SUBITEMS. 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., which may be further divided into subitems (A), (B), (C), etc., all according to the following hierarchy, e.g.

.....

requesting agencies regarding the style in which rules amending existing WAC sections must be drafted. (See WAC 1-12-220.)

((5)) (6) Note that rules which amend existing WAC sections and which are not drafted in the required style cannot be accepted for filing by the code reviser, and any addition to or deletion from an existing WAC section not promulgated in the required style will have no legal effect and will not be enforceable by the agency (RCW 34.04.....¹ (1977 c 19 § 1)).

((6)) (7) In the event that any section to be amended is ((empt)) exempted from publication under the provisions of RCW 34.04.050(3) and therefore not codified in the Washington Administrative Code, it shall be referred to by agency order and section number, or other appropriate description.

NOTE:

¹RCW 34.04..... (1977 c 19 § 1) provides:

"(1) Rules promulgated by an agency pursuant to RCW 34.04.025 or 34.04.030 which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule shall be forwarded by any agency to the code reviser, nor shall the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the bulletin [register] published pursuant to RCW 34.04.050(2), include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the agency in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section."

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-12-140 DRAFTING INSTRUCTIONS--REPEALER SECTIONS. (1) Orders or parts of orders which repeal existing code sections shall be mentioned generally in the ((Transmittal of Rules Adopted (ER-2) and in the)) Administrative Order and Transmittal (Form CR-7 or CR-8), and shall be set forth specifically by WAC citation and caption in the text of the rules adopted following the new and/or amended rules.

Great care should be taken in citing the proper WAC section numbers. If a section has been repealed inadvertently a repetition of the entire rule-making procedure is required in order to correct the error.

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 ((4-42-430(6))) 1-12-130(7).

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-12-150 DRAFTING INSTRUCTIONS—SEQUENCE AND NUMBERING OF SECTIONS. New and amendatory sections within the same chapter shall be organized sequentially and interspersed in ascending order according to their WAC number. Repealers shall be placed in a separate group following the new and/or amendatory sections.

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.

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

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-12-155 DRAFTING INSTRUCTIONS—IDENTIFICATION OF SECTIONS AS NEW, AMENDATORY, OR REPEALED. Each section shall be preceded by an identifier, as set forth below, indicating whether such section is new, amendatory, or repealed. One line shall be skipped before beginning the section, e.g.:

.....

SAMPLE
NEW SECTION

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.

SAMPLE
AMENDATORY SECTION (Amending Order 76-5, filed 6/17/76)

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 or container of which bears any (~~false information~~) statement that is false or misleading.

SAMPLE
REPEALER

The following sections of the Washington Administrative Code are each repealed:
(1) WAC 16-12-835 INSPECTOR TO PERMIT CERTAIN MODIFICATIONS OF APPROVED LABELS.
(2) WAC 16-12-865 RELABELING PRODUCT; REQUIREMENTS REGARDING.

.....

- (ii) -----
----- item
- (b) -----
----- subdivision

or they may be shown in the hanging style at the item level and with deeper indents below that level: e.g.

- (1) -----
----- subsection
- (a) -----
----- subdivision
- (i) -----
----- item
- (A) -----
----- subitem
- (B) -----
----- subitem
- (ii) -----
----- item
- (b) -----
----- subdivision

(6) The WAC number at the beginning of each section ((is always)) will appear in boldface type in the code reviser's publication, and should not be underlined. The caption is always typed in upper case (capital) letters. If the caption does not use up the whole line, skip two spaces and begin the body of the section on the same line ((7 erg)).

NEW SECTION

---WAC 16-343-030---EQUIPMENT AND PROCEDURE;--The equipment to be used and the procedure followed in blending shall be approved by the certifying agency.

(7) Number each page at the bottom to indicate its sequence within the adopted rules.

((8) 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 code reviser prior to code publication:))

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-12-190 EMERGENCY RULES. (1) With respect to emergency rules filed by an agency pursuant to RCW 34.04.030, compliance with WAC 1-12-030 is not required.

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

"Transmittal of Rules Adopted" (Form ER-2) dated revised 9/24/74)) in the same manner as permanent rules; see WAC 1-12-050.

(3) The finding of emergency and statement of reasons therefor required by RCW 34.04.030 shall appear in the administrative order, which is considered to be a part of the rules.

(4) Since an emergency rule is effective only for ninety days from its filing with the code reviser, upon the expiration of such period an existing WAC section reverts to its permanent form prior to the emergency action affecting it. Such temporary changes in the WAC are not codified, and an emergency amendment of an existing WAC

section should always be to the current permanently adopted version of that section. If an intervening emergency amendment is still within its ninety day effective period, the subsequent emergency amendment either should specifically supersede the previous emergency order or part thereof which amended the section or should incorporate the previous emergency amendment if that is the effect desired by the agency.

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

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

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

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

- (1) Form CR-1 Notice of intention to adopt, amend, or repeal rules--Dated ~~((9/24/74))~~ 12/1/77 (WAC 1-12-910).
- (2) ~~((Form-CR-2---Transmittal of rules adopted--Dated 9/24/74 (WAC 1-12-920);~~
- ~~(3))~~ (3) Form CR-7 Form of order and transmittal by agency having single head--Dated ~~((6/9/77))~~ 12/1/77 (WAC 1-12-930).
- ~~((4))~~ (4) (3) Form CR-8 Form of order and transmittal by board, commission, or council--Dated ~~((6/9/77))~~ 12/1/77 (WAC 1-12-940).

NEW SECTION

WAC 1-12-220 ORDER TYPING SERVICE (OTS). The order typing service (OTS) of the code reviser's office functions on a voluntary, cooperative basis between the code reviser and rule-making agencies in order to prepare new, amendatory, and repealing rules with minimal duplicated effort. The entire WAC is stored in a computerized data base, and a printout of existing rules can be given to an agency for rule drafting purposes. The agency can show its proposed changes directly on this copy which is then returned to the code reviser's office. The proposal is then entered into the computer, the output is proofed against the agency markup, and a printout is sent to the agency.

At this point it is the agency's responsibility to carefully proofread the markup copy and the printout to make sure that the printout reflects exactly what the agency wants. If further changes are desired, a second or subsequent draft will be prepared by OTS.

When the agency is satisfied with the OTS printout it can adopt the proposal in accordance with the other requirements of this chapter

.....

 (AGENCY)
 Dated:
 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.

[Form CR-1: Rev. ((9/24/74)) 12/1/77]

((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

NOTES:

¹Here cite additional statutes (if any) requiring notice by the rule making agency.

²Here 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).

³The statute requires 20 days notice from the distribution date of the register in which this notice will appear, see RCW 34.04.025, (and) 34.04.027, and 34.08..... (1977 1st ex.s. c 240 § 3) and WAC 1-12-030(5) and 1-12-035.

⁴This date may not be earlier than that noted in³; see RCW 34.04.025 and WAC 1-12-030(5).

⁵Use 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.

AMENDATORY SECTION (Amending Order 14, filed 7/28/77)

WAC 1-12-930 FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD (CR-7).

State of Washington

.....
(agency name)

Administrative Order No.

(1) I,, director of ((of the State of Washington)), do promulgate and adopt at ___(place)___ the annexed rules relating to:

.....

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

after due notice and in a meeting open to the public, held at on, as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this agency, the annexed rules:)) This action is taken pursuant to Notice No. filed with the code reviser on, Such rules shall take effect:

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

.....

.....

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

do promulgate and adopt as emergency rules of this agency, the annexed rules:))

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

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

.....

((2)) (3) Pursuant to the requirements of RCW 34.04..... (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

□ (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

□ (b) This rule is promulgated pursuant to RCW which directs that the _____ (agency) has authority to implement the provisions of _____ (name of act or RCW citation).

□ (c) This rule is promulgated under the general rule-making authority of the _____ (agency) as authorized in RCW

(4) The undersigned hereby certifies that, to the best of his or her knowledge, the applicable requirements of the Administrative Procedure Act, chapter 34.04 RCW, have been fulfilled.

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

APPROVED AND ADOPTED 19...

By

.....
Title

[Form CR-7: Effective ((6/46/77)) 12/1/77]

NOTE:

1RCW 34.04..... (1977 c 19 § 2) provides:

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

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

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

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

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

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

AMENDATORY SECTION (Amending Order 14, filed 7/28/77)

WAC 1-12-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (CR-8).

State of Washington

.....
(name of governing body)

.....
(agency name, if applicable)

Resolution No. Administrative Order No.

(1) Be it resolved by the, ((State of Washington)) acting at ___(place)___, that it does promulgate and adopt the annexed rules relating to:

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

after due notice and in a meeting open to the public, held at on, as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this governing body, the annexed rules:) This action is taken pursuant to Notice No. filed with the code reviser on, Such rules shall take effect:

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

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

promulgate and adopt as emergency rules of this governing body, the annexed rules:)

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

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

.....

((2)) (3) Pursuant to the requirements of RCW 34.04..... (1977 c 19 § 2)¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the _____ (agency) has authority to implement the provisions of _____ (name of act or RCW citation)_____.

(c) This rule is promulgated under the general rule-making authority of the _____ (agency)_____ as authorized in RCW

(4) The undersigned hereby certifies that, to the best of his or her knowledge, the applicable requirements of the Administrative Procedure Act, chapter 34.04 RCW, and of the Open Public Meetings Act, chapter 42.30 RCW, have been fulfilled.

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

APPROVED AND ADOPTED, 19...

By
.....
Title

[Form CR-8: Effective ((6/46/77)) 12/1/77]

NOTE:

¹See WAC 1-12-930, Note 1 for an explanation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 1-12-047 COMPLETION OF FORM CR-2—TRANSMITTAL OF RULES ADOPTED.
- (2) WAC 1-12-920 TRANSMITTAL OF RULES ADOPTED (FORM CR-2).

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.
1-13-030	Notices of intention to adopt rules.
1-13-035	Time for filing material for inclusion in register.
1-13-050	Filing of administrative order--Rules adopted.
1-13-070	Washington Administrative Code--Basic organization.
1-13-090	Drafting instructions--Division of chapters into sections.
1-13-100	Drafting instructions--Subsections, subdivisions, items, and subitems.
1-13-125	Drafting instructions--Use of underlining.
1-13-130	Drafting instructions--Amendatory sections.
1-13-140	Drafting instructions--Repealer sections.
1-13-155	Drafting instructions--Identification of sections as new, amendatory, or repealed.
1-13-160	Drafting instructions--Redesignation of WAC numbers--Amendment or repeal of inconsistent rules.
1-13-170	Typing instructions--General.
1-13-190	Emergency rules.
1-13-210	Official forms supplied upon request.
1-13-240	Order typing service (OTS).
1-13-910	Notice of intention to adopt, amend, or repeal rules by institutions of higher education (CR-4).
1-13-930	Form of order and transmittal by institution having single head (CR-9).
1-13-940	Form of order and transmittal by board, commission, or council (CR-10).

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

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 legislature has placed responsibilities upon the individual institutions of higher education by requiring (RCW 28B.19-.090) that they formulate both newly created and amendatory rules in accordance with the style, format, and numbering system of the Code.

((These rules are)) This chapter is promulgated by the code reviser pursuant to the authority granted by RCW 1.08..... (1977 1st ex.s. c 240 §2), 28B.19.080, and 34.08..... (1977 1st ex.s. c 240 § 4) 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 a state register and 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)) this chapter are necessary to enable the inclusion of the rules as part of the register and the code in an orderly and efficient manner.

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

The code 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, established separate procedures for institutions of higher education, and the provisions of this chapter shall apply only to those institutions.

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-13-030 NOTICES OF INTENTION TO ADOPT RULES. (1) Statutory notice requirements; see RCW 28B.19.030((7))¹ and 34.08..... (1977 1st ex.s. c 240 § 3).³

(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 code reviser's office (Form CR-4). No other form will be accepted for filing. On and after January 1, 1978, the notice shall also include the full text of any proposed new or amendatory rule and the citation and caption of any existing rule to be repealed. Such proposal state be done according to the bill drafting style requirements of WAC 1-13-125 through 1-13-160.

(4) Number of copies; Notice numbers. Agencies shall file in the code reviser's office an original and ((one copy)) 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)) original notice (Form CR-4) ((7 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 INSTITUTIONS OF HIGHER EDUCATION (Form CR-5) by which the order adopting rules is)) administrative order and transmittal form by which the rules are adopted and transmittal form 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 code reviser to ascertain agency compliance with the twenty day rule. Such compliance will be determined as follows:

(a) The code 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) Prior to January 1, 1978, the code 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 code reviser's office as day twenty. 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 Wn.2d 149.

(c) On and after January 1, 1978, the twenty day notice requirement will apply to the publication of the notice and the text of the proposal in the state register and not to its filing with the code reviser. The twenty day count will begin with the distribution date of the register in which the notice has been published (or a notice regarding the omission of a rule has been published pursuant to RCW 28B.19.070). Consider the distribution date of the pertinent register as day twenty; count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. RCW 1.12.040 and State ex rel. Earley v. Batchelor, 15 Wn.2d 149.

(d) The distribution date of each monthly register shall be the third Wednesday of that month; the last day to file material in the code reviser's office for inclusion in that month's register will be established according to WAC 1-13-035.

(e) 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 code reviser a continuation notice (Form CR-4) 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, and the text of the proposal need not be submitted with a notice of continuance.

NOTES:

1 & 2 RCW 28B.19.030 as amended by § 10, chapter 240, Laws of 1977 1st ex. sess. (effective January 1, 1978) 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) File notice thereof with the code reviser in accordance with RCW 34.08..... (1977 1st ex.s. c 240 § 3(1)) for publication in the state register, and mail 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 also 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 proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an institution of higher education giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(3) 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 RCW 34.08..... (1977 1st ex.s. c 240 § 3(1)), 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.

(4) 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 (2) of this section, the code reviser shall not publish such rule and such rule shall not be effective for any purpose."

RCW 34.08..... (1977 1st ex.s. c 240 § 3) provides: "There is hereby created a state publication to be called the Washington State Register, which shall be published on a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rules, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof shall take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010; and

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification."

NEW SECTION

WAC 1-13-035 TIME FOR FILING MATERIAL FOR INCLUSION IN REGISTER. To permit sufficient lead time for the editorial, data capture, and printing process, material to be published under RCW 34.08..... (1977 1st ex.s. c 240 § 3) in a particular monthly register shall be in the actual physical possession of and filed in the code reviser's office according to the following schedule:

(1) If the material has been prepared and completed by the order typing service (OTS) of the code reviser's office; by 5:00 p.m. on the fourteenth day prior to the distribution date of that month's register; or

NEW SECTION

WAC 1-13-125 DRAFTING INSTRUCTIONS--USE OF UNDERLINING. Words in the text of rules shall not be underlined, except to indicate language added to an existing section as explained in WAC 1-13-130. The designations "AMENDATORY SECTION," "NEW SECTION," and "REPEALER" shall also be underlined. No other use of underlining will be permitted as other uses present the codifier with an ambiguous situation.

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-13-130 DRAFTING INSTRUCTIONS--AMENDATORY SECTIONS. (1) Both proposed and adopted rules which amend a section or sections of existing rules shall set forth the full text of the most current version of the section or sections including the WAC citation number, caption, text of the section, and associated agency explanatory notes and shall indicate by use of deletion and/or addition marks the amendment being made.

(2) Amendments shall be to the most current permanent version of a WAC section and shall be drafted in the following manner only:

- (a) Language added to an existing WAC section shall be underlined;
- (b) Language to be deleted from an existing WAC section shall be
- (i) preceded by two left parentheses,
 - (ii) struck over with hyphens, and
 - (iii) followed by two right parentheses;
- (c) New language which replaces deleted language shall follow the deleted language.

(3) Each amendatory section shall be headed "AMENDATORY SECTION" followed by reference to the agency order number and filing date of the latest permanent order affecting that section. (See WAC 1-13-155 for style of this reference.)

(4) Special care must be taken to make sure that punctuation is not neglected. Addition and deletion of punctuation must be indicated in the above manner also. Existing punctuation should, however, be utilized to the extent possible. For example, if new language is to follow the last word of a sentence, insert the new language (underlined) between the existing last word and the existing period.

~~((4))~~ (5) The code reviser's office will be pleased to afford such advice and assistance as its time and resources will permit to requesting institutions regarding the style in which rules amending existing WAC sections must be drafted. (See WAC 1-13-240.)

~~((5))~~ (6) In the event that any section to be amended is ~~(exempt)~~ exempted from publication under the provisions of RCW 28B.19.070 and therefore not codified in the Washington Administrative Code, it shall be referred to by agency order and section number, or other appropriate description.

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-13-140 DRAFTING INSTRUCTIONS--REPEALER SECTIONS. (1) Orders or parts of orders which repeal existing code sections shall be

mentioned generally in the ((Transmittal of Rules Adopted (CR-5) and in the)) Administrative Order and Transmittal (Form CR-9 or CR-10), and shall be set forth specifically by WAC citation and caption in the text of the rules adopted following (([the new])) the new and/or amended rules.

Great care should be taken in citing the proper WAC section numbers. If a section has been repealed inadvertently a repetition of the entire rule-making procedure is required in order to correct the error.

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 ((4-43-430(5))) 1-13-130(6).

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-13-155 DRAFTING INSTRUCTIONS--IDENTIFICATION OF SECTIONS AS NEW, AMENDATORY, OR REPEALED. Each section shall be preceded by an identifier, as set forth below, indicating whether such section is new, amendatory, or repealed. One line shall be skipped before beginning the section, e.g.:

.....

SAMPLE
NEW SECTION

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.

SAMPLE
AMENDATORY SECTION (Amending Order 76-5, filed 6/17/76)

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 or container of which bears any ((false information)) statement that is false or misleading.

SAMPLE
REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 16-12-835 INSPECTOR TO PERMIT CERTAIN MODIFICATIONS OF APPROVED LABELS.
- (2) WAC 16-12-865 RELABELING PRODUCT; REQUIREMENTS REGARDING.

.....

AMENDATORY SECTION (Amending Order 5, filed 10/4/71)

WAC 1-13-160 DRAFTING INSTRUCTIONS--REDESIGNATION OF WAC NUMBERS--AMENDMENT OR REPEAL OF INCONSISTENT RULES. (1) WAC numbers assigned to chapters or sections are permanent and shall not be changed ((except with the advice and consent of the reviser's office)) by the use of addition and deletion marks; the only way to change the WAC number originally assigned to a section is to repeal the entire section and readopt it under the new WAC number desired.

(2) Unless special permission is obtained from the code 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.

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-13-170 TYPING INSTRUCTIONS--GENERAL. (1) Institution rules submitted to the code reviser's office for filing shall be typed or typeset on good quality white paper which shall be eight and one-half inches wide and from eleven to fourteen inches long.

(2) Sections shall be single spaced, with no space between paragraphs.

(3) Leave five lines between sections.

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

(5) Subsections, subdivisions, ((and)) items, and subitems within a section ((are all)) may be simply indented 5 spaces: e.g.

((-----))

- {1} [subsection]
- {a} [subdivision]
- {i} [item]
- {ii} [item]
- {b} [subdivision]
- {2} [subsection]

{(NOT THIS)}

- {1}-----[subsection]
- {a}-----[subdivision]
- {i}-----[item]
- {ii}-----[item]
- {b}-----[subdivision]
- {2}-----[subsection]

-----))

- {1}-----
-----subsection
- {a}-----
-----subdivision
- {i}-----
-----item
- {A}-----
-----subitem

- (B) -----
----- subitem
- (ii) -----
----- item
- (b) -----
----- subdivision

or they may be shown in the hanging style at the item level and with deeper indents below that level: e.g.

- (1) -----
----- subsection
- (a) -----
----- subdivision
- (i) -----
----- item
- (A) -----
 subitem
- (B) -----
 subitem
- (ii) -----
----- item
- (b) -----
----- subdivision

(6) The WAC number at the beginning of each section ((is always)) will appear in boldface type in the in the code reviser's publication and should not be underlined. The caption is always typed in upper case (capital) letters. If the caption does not use up the whole line, skip two spaces and begin the body of the section on the same line ((7 e.g)).

NEW SECTION

-----WAC 46-343-030--EQUIPMENT AND PROCEDURE--The equipment to be used and the procedure followed in blending shall be approved by the certifying agency:

(7) Number each page at the bottom to indicate its sequence within the adopted rules.

((8) 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 code reviser prior to code publication:))

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-13-190 EMERGENCY RULES. (1) With respect to emergency rules filed by an institution pursuant to RCW 28B.19.040, compliance with WAC 1-13-030 is not required.

(2) Emergency rules shall be transmitted to the code reviser's office ((on form entitled "Transmittal of Rules Adopted by Institutions of Higher Education" (Form ER-5) dated revised 9/24/74)) in the same manner as permanent rules; see WAC 1-13-050.

(3) The finding of emergency and statement of reasons therefor required by RCW 28B.19.040 shall appear in the administrative order, which is considered to be a part of the rules.

(4) Since an emergency rule is effective only for ninety days from its filing with the code reviser, upon the expiration of such period an existing WAC section reverts to its permanent form prior to the emergency action affecting it. Such temporary changes in the WAC are not codified, and an emergency amendment of an existing WAC section should always be to the current permanently adopted version of that section. If an intervening emergency amendment is still within its ninety day effective period, the subsequent emergency amendment either should specifically supersede the previous emergency order or part thereof which amended the section or should incorporate the previous emergency amendment if that is the effect desired by the institution.

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

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

- (1) Form CR-4 Notice of intention to adopt, amend, or repeal rules by institutions of higher education--Dated ((6/9/77)) 12/1/77 (WAC 1-13-910).
- (2) ((Form--CR-5---Transmittal of rules adopted by institutions of higher education--Dated 6/9/77 (WAC 1-13-920)-
- (3)) Form CR-9 Form of order and transmittal by institution having single head--Dated ((6/9/77)) 12/1/77 (WAC 1-13-930).
- ((4)) (3) Form CR-10 Form of order and transmittal by board, commission, or council--Dated ((6/9/77)) 12/1/77 (WAC 1-13-940).

NEW SECTION

WAC 1-13-240 ORDER TYPING SERVICE (OTS). The order typing service (OTS) of the code reviser's office functions on a voluntary, cooperative basis between the code reviser and rule-making institutions in order to prepare new, amendatory, and repealing rules with minimal duplicated effort. The entire WAC is stored in a computerized data base, and a printout of existing rules can be given to an institution for rule drafting purposes. The institution can show its proposed changes directly on this copy which is then returned to the code reviser's office. The proposal is then entered into the computer, the output is proofed against the institution markup, and a printout is sent to the institution.

At this point it is the institution's responsibility to carefully proofread the markup copy and the printout to make sure that the printout reflects exactly what the institution wants. If further changes are desired, a second or subsequent draft will be prepared by OTS.

When the institution is satisfied with the OTS printout it can adopt the proposal in accordance with the other requirements of this chapter and submit the final printout to the code reviser for filing. Any changes in the proposal which the institution may wish to make between the hearing and the final filing must be incorporated by the OTS into a computer printout.

The time schedule, format options, and other details relating to the OTS may be discussed with the code reviser. The service is presently offered on a time-available basis, but every effort is made to accommodate the particular needs of an institution. The most

important point however, is that the final responsibility for the accuracy of an institution rule-making order still rests with the institution itself.

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

WAC 1-13-910 NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES BY INSTITUTIONS OF HIGHER EDUCATION (CR-4).

NOTICE OF INTENTION
TO ADOPT, AMEND, OR REPEAL
RULES BY INSTITUTIONS
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

.....
(HEARING DATE AND PLACE)

(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)⁵, _____ (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 code reviser's office on _____ (date).⁵

.....

 (INSTITUTION)
 Dated:
 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.

[Form CR-4: Rev. ((9/24/74 [6/9/77]) 12/1/77]

((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 BE APPENDED HERETO.))

INSTRUCTIONS FOR COMPLETION OF FORM CR-4

NOTES:

¹Here cite additional statutes (if any) requiring notice by the rule making agency.

²Here 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).

³The statute requires 20 days notice from the distribution date of the register in which this notice will appear, see RCW 28B.19.030 and 34.08..... (1977 1st ex.s. c 240 § 3(1)) and WAC 1-13-030 (5) and 1-13-035.

⁴This date may not be earlier than that noted in³; see RCW 28B.19.030 and WAC 1-13-030 (5).

⁵Use 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.

AMENDATORY SECTION (Amending Order 14, filed 7/28/77)

WAC 1-13-930 FORM OF ORDER AND TRANSMITTAL BY INSTITUTION
HAVING SINGLE HEAD (CR-9).

State of Washington

.....
(name of institution)

Administrative Order No.

(1) I,, (position) ((of))
of the (institution) ((of the State of Washington)), do
promulgate and adopt at (place) the annexed rules relating to:

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

~~(I~~
~~after due notice and in a meeting open to the public, held at~~
~~..... on, as required by chapters 28B.19 and~~
~~42.30 RCW, do promulgate and adopt as permanent rules of this~~
~~institution, the annexed rules:)) This action is taken pursuant to~~
~~Notice No. filed with the code reviser on~~ Such
~~rules shall take effect:~~

- pursuant to RCW 28B.19.050(2).
- at a later date, such date being

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

~~(I~~
~~do promulgate and adopt as emergency rules of this institution, the~~
~~annexed rules:))~~

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

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

.....
~~((2))~~ (3) Pursuant to the requirements of WAC 1-13-040 that
each order shall set forth an appropriate statement of state statutory
authority (fill in statement (a), (b), or (c) as appropriate):

- (a) This rule is promulgated pursuant to RCW and is
intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the (institution) has authority to implement the provisions of (name of act or RCW citation) .

(c) This rule is promulgated under the general rule-making authority of the (institution) as authorized in RCW

(4) The undersigned hereby certifies that, to the best of his or her knowledge, the applicable requirements of the Higher Education Administrative Procedure Act, chapter 28B.19 RCW, have been fulfilled.

~~((3))~~ (5) This order after being first recorded in the order register of this institution ((shall be forwarded)) is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED 19...

By

.....
Title

[Form CR-9: Effective ((6/46/77)) 12/1/77]

AMENDATORY SECTION (Amending Order 14, filed 7/28/77)

WAC 1-13-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (CR-10).

State of Washington

.....
(name of governing body)

.....
(name of institution)

Resolution No. Administrative Order No.

(1) Be it resolved by the board of ((7)) of the (institution) ((of the State of Washington)) acting at (place), that it does promulgate and adopt the annexed rules relating to:

.....

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

((-----
after due notice and in a meeting open to the public, held at ----- on -----, as required by chapters 28B.19 and 42.30 RCW, do promulgate and adopt as permanent rules of this governing body, the annexed rules:)) This action is taken pursuant to Notice No. filed with the code reviser on
Such rules shall take effect:

pursuant to RCW 28B.19.050(2).

at a later date, such date being

.....
.....

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

(-----
promulgate and adopt as emergency rules of this governing body, the
annexed rules:))

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

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

.....

((2)) (3) Pursuant to the requirements of WAC 1-13-040 that
each order shall set forth an appropriate statement of state statutory
authority (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW and is
intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which
directs that the ___(institution)___ has authority to implement the
provisions of ___(name of act or RCW citation)___.

(c) This rule is promulgated under the general rule-making
authority of the ___(institution)___ as authorized in RCW

(4) The undersigned hereby certifies that, to the best of his or
her knowledge, the applicable requirements of the Higher Education
Administrative Procedure Act, chapter 28B.19 RCW, and of the Open
Public Meetings Act, chapter 42.30 RCW, have been fulfilled.

((3)) (5) This order after being first recorded in the order
register of this governing body ((shall be forwarded)) is herewith
transmitted to the Code Reviser for filing pursuant to chapter 28B.19
RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED, 19...

By

.....
Title

[Form CR-10: Effective ((6/46/77)) 12/1/77]

REPEALER

The following sections of the Washington Administrative Code are
repealed:

(1) WAC 1-13-047 COMPLETION OF FORM CR-5--TRANSMITTAL OF RULES ADOPTED.

(2) WAC 1-13-920 TRANSMITTAL OF RULES ADOPTED BY INSTITUTIONS OF HIGHER EDUCATION (FORM CR-5).