



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/23/95)

Agency: Code Reviser's Office

- Permanent Rule**
- Emergency Rule**
- Expedited Repeal**

(1) Date of adoption: August 17, 1995

(2) Purpose: To amend chapter 1-21 WAC to reflect new requirements imposed by sections 301, 302, 701, and 704, chapter 403, Laws of 1995.

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

Repealed:

Amended: WAC 1-21-010, 1-21-020, 1-21-040 and 1-21-170.

Suspended:

(4) Statutory authority for adoption: RCW 1.08.110, 34.05.385, 34.08.020, and 34.08.030

Other authority: RCW 34.05.310, 34.05.320 and sections 701 and 704, chapter 403, Laws of 1995.

PERMANENT RULE ONLY

Adopted under notice filed as WSR 95-14-044 on June 27, 1995 (date).

Describe any changes other than editing from proposed to adopted version: WAC 1-21-010, in the last paragraph the words "filed by June 30th" were changed to "filed June 10th through June 30th." This change was made to put all the expedited repeal notices into one filing window for a single annual Register publication. WAC 1-21-040, in the last paragraph the words ", excluding federal rules that are not published (see attachment)

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

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

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

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

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

31 days after filing

Other (specify) _____*

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

Emergency Rules

Immediately

Later (specify) _____

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 17 1995

TIME: 11:15

WSR 95-17-070

NAME (TYPE OR PRINT) Dennis W. Cooper

SIGNATURE *Dennis W. Cooper*

TITLE Code Reviser

DATE 8/17/95

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

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

The number of sections adopted in order to comply with:

| | | | |
|--|--------------|------------------|-------------------|
| Federal statute: | New <u>0</u> | Amended <u>0</u> | Repealed <u>0</u> |
| Federal rules or standards: | New <u>0</u> | Amended <u>0</u> | Repealed <u>0</u> |
| Recently enacted* state statutes: | New <u>1</u> | Amended <u>5</u> | Repealed <u>0</u> |

*(current calendar year)

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

New 0 Amended 0 Repealed 0

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

New 0 Amended 0 Repealed 0

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

New 0 Amended 0 Repealed 0

The number of sections adopted using:

| | | | |
|---------------------------------------|--------------|------------------|-------------------|
| Negotiated rule making: | New <u>0</u> | Amended <u>0</u> | Repealed <u>0</u> |
| Pilot rule making: | New <u>0</u> | Amended <u>0</u> | Repealed <u>0</u> |
| Other alternative rule making: | New <u>1</u> | Amended <u>5</u> | Repealed <u>0</u> |

Attachment

in the State Register" were added for clarity. WAC 1-21-170, added a new subsection (2), referring to Form CR-101X Preproposal Statement of Inquiry (for expedited repeal only). The rest of the paragraph numbers were changed accordingly. WAC 1-21-180, changed two typographical errors in the last full line of the section. References to subsections (1)(f) and (g) were changed to (1)(g) and (h).

AMENDATORY SECTION (Amending WSR 94-12-075, filed 5/31/94, effective 6/9/94)

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

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

WAC sections proposed for expedited repeal under RCW 34.05.--- (1995 c 403 s 701) should be listed by citation and caption only, either individually or by entire chapter, and filed between June 10th and June 30th of each year.

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

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

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

AMENDATORY SECTION (Amending WSR 91-22-006, filed 10/24/91, effective 1/1/92)

WAC 1-21-040 ((Notice)) Register material--Time for filing. To permit sufficient lead time for the editorial, data capture, and

printing process, material to be published in a particular issue of the Register must be in the 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 code reviser's Order Typing Service (OTS), by 12:00 noon on the fourteenth day before the distribution date of that issue of the Register; or

(2) If the material has been prepared by any means other than OTS and it contains:

(a) No more than 10 pages, by 12:00 noon on the fourteenth day before the distribution date of that Register; or

(b) More than 10 but less than 30 pages, by 12:00 noon on the twenty-eighth day before the distribution date of that Register; or

(c) 30 or more pages, by 12:00 noon on the forty-second day before the distribution date of that Register.

The code reviser's filing forms are not included in this page count, but all other material submitted for filing is counted for purposes of this section, excluding federal rules that are not published in the State Register.

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

WAC 1-21-050 Continuance. (1) Under RCW 34.05.325(~~(+4)~~) (5), an agency may continue a proceeding that has already started by establishing the later time and place on the record. No publication is required in the Register, but before filing the administrative order adopting the rule, the agency shall give notice of the continuance to the code reviser's office on a CR-102 form. If no substantial change is made in the proposal, the continuance is not subject to the 20-day publication requirement of RCW 34.05.320. Note that RCW 34.05.335(4) prohibits an agency from adopting a rule before the time established in the published notice.

(2) An agency may change the date or the location, or both, of a rule-making proceeding before the proceeding has begun if the agency gives adequate notice to the public through the same methods that were used for the original notice. Adequate notice for purposes of the State Register consists of filing the continuance notice on a CR-102 form with the code reviser in time for it to appear in a Register that will be distributed at least five days before the originally scheduled proceeding.

AMENDATORY SECTION (Amending WSR 94-12-075, filed 5/31/94, effective 6/9/94)

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

(1) Form CR-101 Preproposal Statement of (~~Intent~~) Inquiry

(2) Form CR-101X Preproposal Statement of Inquiry (for expedited repeal only)

(3) Form CR-102 Proposed Rule Making

~~((3))~~ (4) Form CR-103 Rule-making Order

~~((4))~~ (5) Form CR-104 Review of Previously Adopted Rules.

NEW SECTION

WAC 1-21-180 Rule-making activity report. To implement RCW 1.08.--- (1995 c 403 s 704), agencies shall supply the information required by RCW 1.08.--- (1)(a) through (f) and (i) (1995 c 403 s 704 (1)(a) through (f) and (i)) by completing the appropriate parts of the CR-103 form. Agencies shall report information required by RCW 1.08.--- (1)(g) and (h) (1995 c 403 s 704 (1)(g) and (h)) by a memorandum on agency letterhead to the code reviser.