



State of Washington
STATUTE LAW COMMITTEE

LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON 98504

May 4, 1977

TO: All state agencies and their legal advisers
FROM: Gary Reid, Assistant Code Reviser
RE: Amendment of Chapter 1-12 WAC

On May 5, 1977, at 10:00 a.m., the code reviser will hold a public hearing on the attached proposed rules amending chapter 1-12 WAC necessary to implement chapter 19, Laws of 1977 (Substitute Senate Bill No. 2130) which requires that agency rules be promulgated in bill drafting style and that a more specific statement of statutory authority be given when adopting rules. This statute will take effect June 9, 1977, and on and after that date rules filed in our office must conform to those requirements.

Your suggestions and comments on the proposed rules would be appreciated. The hearing will be held in the office of the code reviser on the ground floor of the Legislative Building at 10:00 a.m., Thursday, May 5.

AMENDATORY SECTION

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

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

AMENDATORY SECTION

WAC 1-12-010 WHO MUST FILE RULES UNDER CHAPTER 34.04
 RCW. (1) "Agency" defined; see RCW 34.04.010 (1).¹
 (2) Filing required; see RCW 34.04.040.²
 (3) State militia, board of prison terms and paroles, and institutions of higher education exempted from provisions of 34.04 RCW; see RCW 34.04.150.³ Institutions of higher education must file under chapter 28B.19 RCW (1971 ex.s. c 57) and chapter 1-13 WAC.

NOTES:

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

"For the purpose of this chapter ((;)):

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

²RCW 34.04.040 provides:

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

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

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

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

"This chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to ((sections 43 or 48 of chapter 267 Laws of 1967 extraordinary session)) RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of motor vehicles. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act."

AMENDATORY SECTION

WAC 1-12-030 NOTICES OF INTENTION TO ADOPT RULES. (1) Statutory notice requirements; see RCW 34.04.025.¹

(2) Failure to comply with twenty days notice requirement—Code reviser not to publish rule and rule not effective for any purpose; see RCW 34.04.027.²

(3) Form of Notice. Notice shall be filed on forms provided by the code reviser's office ((F)) (Form CR-1) ((J)). ((As notices will be reproduced by the photo offset process and published in WAC;)) No other form will be accepted for filing.

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

(5) Computation of time with respect to the twenty day rule. The effect of RCW 34.04.025 and 34.04.027 is to require the 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 ((F)) [CR-1] ((F)), and such dates may, of course, be coincidental.

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

(b) The 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 ((20)) 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) If upon convening on any of the dates announced in parts (2) and (3) of the notice form ((F)) [Form CR-1] ((F)) 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 containing in part (1) thereof ((F)) [Form CR-1] ((F)) 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.

NOTES:

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

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

(a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in chapter 42.30 RCW, as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a

statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

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

(2) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of RCW 34.04-.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule."

RCW 34.04.027 provides:

"When twenty days notice of intended action to adopt, amend or repeal a rule has not been filed with the code reviser, as required in RCW ((34.04.027)) 34.04.025, the code reviser shall not publish such rule and such rule shall not be effective for any purpose."

AMENDATORY SECTION

WAC 1-12-040 ADMINISTRATIVE ORDER--HOW PROMULGATED. The promulgation of new rules and of rules amending or ((rescinding)) repealing existing rules shall be accomplished by an administrative order. Such order ((may)) shall be in the form ((of a resolution, minute order, or such other form as is usually employed by the agency to effect such promulgations)) appended to this chapter. (See Forms CR-7 and CR-8.) Orders shall be numbered seriatim by the agency and a record thereof shall be maintained by the agency. (See WAC 1-12-045 for maintaining order register.) ((See suggested Forms appended to these rules:))

Four copies of the administrative order are required for filing in the code reviser's office ((7 or the original and three copies of the administrative order if such order contains the text of the rules)). The order shall be properly signed by an authorized agent of the agency.

Each order shall set forth an appropriate statement of state statutory authority as required by RCW 34.04..... (1977 c 19 § 2).

AMENDATORY SECTION

WAC 1-12-045 ADMINISTRATIVE ORDER--DUTY TO MAINTAIN ORDER REGISTER. An order register shall be maintained by the agency, in which shall be entered the number of each order

together with a brief description or digest of the subject matter of the order, including in the case of orders amending or repealing prior orders a list of the WAC section numbers affected.

AMENDATORY SECTION

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

(2) Alternative A on form CR-2 is to be used for the adoption of permanent rules. In the blank designated ((by¹)) by superscript one insert the number from the most recent notice ((F)) (Form CR-1) ((J)) filed with the code reviser's office relating to the rules being adopted. If there was a continuance of the proceedings, use the number on the latest notice.

In the blank designated ((by²)) by superscript two insert the date as it appears in the code reviser's stamp on the notice, and if the proceedings were continued, show the date from the latest notice.

The blank designated ((by³)) by superscript three should not be filled in, unless an effective date later than thirty days after filing of the CR-2 form is desired. Permanent rules, by the terms of RCW 34.04.040, cannot take effect earlier than thirty days after filing.

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

AMENDATORY SECTION

WAC 1-12-050 FILING OF ((CR-2 FORM)) FORM CR-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 CR-2 form; one original and three copies, all with signatures;

(2) The administrative order adopting said rules; four signed copies (See WAC 1-12-040);

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

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

AMENDATORY SECTION

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

advice of the code reviser's office when such advice is requested. It is desirable to coordinate chapter and section numbers within the department to avoid discrepancies and inadvertent repeal of chapters and sections. Do not duplicate section captions ((or catchlines)) within the same chapter.

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

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

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

AMENDATORY SECTION

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 (("catchline")) 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 ((catchline)) caption which shall briefly describe the contents of the section.

AMENDATORY SECTION

WAC 1-12-110 DRAFTING INSTRUCTIONS—CITATIONS AND REFERENCES. (1) In referring to other parts of the rules or to other rules, refer to specific WAC sections or parts thereof. Avoid references such as "above," "below," "hereinbefore," "hereinafter," "preceding," and "following" since the relative position of the material referred to may be changed in future drafts.

(2) If the first draft and subsequent drafts require revision before they are promulgated, the ((draftsman)) drafter

must check all internal references to be sure they are still accurate, i.e., that any rearrangement of sections referred to has been reflected by correcting the references thereto where necessary.

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

(a) Title 16 — Title 16 WAC

(b) Chapter 16-24 -- chapter 16-24 WAC

(c) Section 16-24-580 — WAC 16-24-580

(d) Subsection 1 of section 16-24-580 -- WAC 16-24-580(1)

(e) Inclusive string of sections — WAC 16-24-580 through 16-24-600.

AMENDATORY SECTION

WAC 1-12-120 DRAFTING INSTRUCTIONS—TITLE AND CHAPTER DIGESTS—HISTORY NOTES. At the fore of each title of WAC is a title digest which lists all chapters within the title. Each chapter is likewise preceded by a chapter digest which lists all sections within the chapter. Title and chapter digests ((shall not)) may be prepared by the agency ((but)) or they will be added later by the code reviser's office.

Each section of WAC is followed by a history note which recites the agency's order number and filing date or effective date of the section ((e.g. [Order 936, Reg. 4, sec. 4, filed 4/29/64])). History notes shall ((likewise)) be omitted by the promulgating agency ((but five lines shall be left between sections to provide room for their insertion by the reviser prior to publication in the code)) and shall be added later by the code reviser's office.

NEW SECTION

WAC 1-12-125 DRAFTING INSTRUCTIONS—USE OF UNDERLINING.

(1) Words in the text of rules shall not be underlined, except to indicate language added to an existing WAC section as explained in WAC 1-12-130, or as required by WAC 1-12-170(6).

(2) If it is desirable to emphasize certain text within the section for agency publication purposes, then consult with the code reviser's office for the appropriate style.

AMENDATORY SECTION

WAC 1-12-130 DRAFTING INSTRUCTIONS—AMENDATORY SECTION.

(1) 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 ((as amended)) including the WAC citation number ((and catchline but shall not)), caption, text of the section, and associated agency explanatory notes and shall indicate by use of deletion ((or)) and/or addition marks ((or in any other manner)) the amendment being made (RCW 34.04..... (1977 c 19 § 1)).

(2) Amendments shall be to the most current 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) 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) The code reviser's office will be pleased to afford such advice and assistance as its time and resources will permit to requesting agencies regarding the style in which rules amending existing WAC sections must be drafted.

(5) 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) In the event ((the sections)) that any section to be amended ((are)) is exempt from publication under the provisions of RCW 34.04.050(3) and therefore not codified in the Washington Administrative Code, ((they)) it shall be referred to by agency order and section number((s)), 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 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

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 (CR-2) ~~((r))~~ and in the Administrative Order, 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 ~~((repeat))~~ repetition of the ~~((regular and complete procedure of amending, adopting, and repealing))~~ entire rule-making procedure is required in order to correct the error. ~~((The following is a sample of orders or parts of orders which repeal existing code sections:~~

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

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

(2) In repealing rules not published in WAC the description thereof shall be similar to that prescribed for amendment in WAC ~~((1-12-130(2)))~~ 1-12-130(6).

AMENDATORY SECTION

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

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

~~((Repealer sections))~~ Repealers shall be placed at the end of the rules following the new ~~((and))~~ and/or amendatory sections.

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

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

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

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

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

-----))

NEW SECTION

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.:

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.

AMENDATORY SECTION

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.

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

WAC 1-12-170 TYPING INSTRUCTIONS—GENERAL. (1) Agency rules submitted to the code reviser's office for filing shall be typed or typeset on ((legal size (8 1/2" x 13")) good

quality white ((bond)) paper which shall be eight and one-half inches wide and from eleven to fourteen inches long.

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

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

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

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

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

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

Left - 10 spaces {pica} from left edge of page

Right - 13 spaces {pica} from right edge of page:

{5}) Sections shall be ((typed)) single spaced, with ((only single)) no space between paragraphs.

((6)) {3} Leave five ((spaces)) lines between sections. ((This is to allow room for insertion of history notes by the reviser's office:}

{7}) {4} Indent 5 spaces to begin a section and for each paragraph within the section.

((8)) {5} Subsections, subdivisions, and items within a section are all 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]

((9)) {6} The WAC number at the beginning of each section is always underlined. The ((catchline)) caption is always typed in upper case (capital) letters.

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

NEW SECTION

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

~~((40))~~ (7) Number ((all pages in the lower right hand corner)) each page at the bottom to indicate its sequence within the adopted rules.

~~((44))~~ (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

WAC 1-12-180 TYPING INSTRUCTIONS--NEW CHAPTERS OF WAC. ~~((4)~~ Page 4 of the rules should contain only) A new chapter of WAC should begin with the number and name of the chapter being created, centered on the page ((with the chapter number on the 7th line from the top of the page and the chapter name beginning on the 9th line; e.g.)), followed by the chapter digest, which is a list of WAC section numbers and their associated captions within such chapter, as follows:

Chapter 16-312

STANDARDS FOR BLENDING CERTIFIED SEED OF ALFALFA AND RED CLOVER

WAC

16-312-010 Approval prior to blending.

16-312-020 Miscellaneous contents--Percentage.

.....

((The remainder of page 4 will be used by the reviser's office for creating the chapter digest {table of sections within the chapter};

{2} Begin the first section of new chapter on line 7 of page 2;)

The first section of the rules shall follow five lines after the last section number and caption listed in the chapter digest.

AMENDATORY SECTION

WAC 1-12-190 EMERGENCY RULES. (1) With respect to emergency rules ((and amendments)) filed by an agency pursuant to RCW 34.04.030, compliance with WAC 1-12-030 ((7 1-12-060, 1-12-080, 1-12-090, 1-12-100, 1-12-110, 1-12-120, 1-12-160(3), 1-12-170, and 1-12-180)) is not required ((: PROVIDED, That upon the subsequent regular adoption of any rules which were previously filed as emergency rules, all of said sections shall apply)).

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

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

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

AMENDATORY SECTION

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

- (1) Form CR-1 Notice of intention to adopt, amend, or repeal rules--Dated 9/21/74 (WAC 1-12-910).
- (2) Form CR-2 Transmittal of rules adopted--Dated 9/21/74 (WAC 1-12-920).
- (3) ((Form CR-3---TYPING GUIDE UNDERLAY SHEET))
Form CR-7 Form of order by agency having single head--Dated 6/9/77 (WAC 1-12-930).
- (4) Form CR-8 Form of order by board, commission, or council--Dated 6/9/77 (WAC 1-12-940).

NEW SECTION

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

State of Washington

.....
(agency name)

Administrative Order No.

(1) I,, 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 on, as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this agency, the annexed rules:

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) Appropriate statement of state statutory authority as required by RCW 34.04..... (1977 c 19 § 2).¹.....

(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 19...

By

.....

Title

[Form CR-7: Effective 6/9/77]

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."

NEW SECTION

WAC 1-12-940 FORM OF ORDER 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,

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:

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) Appropriate statement of state statutory authority as required by RCW 34.04..... (1977 c 19 § 2).¹

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

APPROVED AND ADOPTED, 19...

By

..... Title

[Form CR-8: Effective 6/9/77]

NOTE:

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) Form CR-3 TYPING GUIDE UNDERLAY SHEET.
- (2) SUGGESTED FORM OF ORDER BY AGENCY HAVING SINGLE HEAD.
- (3) SAMPLE FORM OF ORDER BY BOARD OR COMMISSION.