

**Title 1 WAC
GENERAL PROVISIONS**

Chapters

- 1-12 Regulations for the drafting and filing of notices and rules.**
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Chapter 1-12 WAC

REGULATIONS FOR THE DRAFTING AND FILING OF NOTICES AND RULES

WAC

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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 34.04.058) 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.

This chapter is promulgated by the code reviser pursuant to the authority granted by RCW 1.08.110, 34.04.055, and 34.08.030 to help the agencies in preparing, promulgating, and disseminating their administrative rules in an expeditious, orderly, and uniform manner so as to produce a state register and an administrative code that are as concise and accurate as possible, and at minimum expense to the state. The format standards imposed by 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 afford such advice and assistance to requesting agencies regarding 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 published therein. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-005, filed 6/23/82; 80-07-025 (Order 21), § 1-12-005, filed 6/12/80; Order 15, § 1-12-005, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-005, filed 5/9/77, effective 6/9/77; Order 5, § 1-12-005, filed 10/4/71; Emergency Order 4, § 1-12-005, filed 9/3/71; Order 2, § 1-12-005, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-010 Who must file rules under chapter 34.04 RCW. (1) "Agency" defined; see RCW 34.04.010(1).

(2) Filing required; see RCW 34.04.040.

(3) State militia, board of prison terms and paroles, and institutions of higher education exempted from provisions of chapter 34.04 RCW; see RCW 34.04.150. Institutions of higher education must file under chapter 28B.19 RCW and chapter 1-13 WAC. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-010, filed 6/23/82; 81-14-021 (Order 22), § 1-12-010, filed 6/25/81, effective 7/26/81; Order 12, § 1-12-010, filed 5/9/77, effective 6/9/77; Order 5, § 1-12-010, filed 10/4/71; Emergency Order 4, § 1-12-010, filed 9/3/71; Order 2, § 1-12-010, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-020 What rules must be filed. (1) "Rule" defined; see RCW 34.04.010(2); "license" and "licensing" defined; see RCW 34.04.010(4) and (5).

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

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

(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) 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. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-020, filed 6/23/82; 81-14-021 (Order 22), § 1-12-020, filed 6/25/81, effective 7/26/81; Order 15, § 1-12-020, filed 10/31/77, effective 12/1/77; Order 5, § 1-12-020, filed 10/4/71; Emergency Order 4, § 1-12-020, filed 9/3/71;

Order 2, § 1-12-020, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-030 Notices of intention to adopt rules.

(1) Statutory notice requirements; see RCW 34.04.025, 34.04.045, 34.04.... [19.85.030] (section 3, chapter 6, Laws of 1982), and 34.08.020.

(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.

(3) Form of notice. The notice shall be filed on forms provided by the code reviser's office (Form CR-1). No other form will be accepted for filing. 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. The full text of a proposed rule shall be set forth according to the bill drafting style requirements of WAC 1-12-125 through 1-12-160. The rule purpose statement required by RCW 34.04.045 shall also be included with the notice. If a small business economic impact statement is required by RCW 34.04.... [19.85.030] (section 3, chapter 6, Laws of 1982), it shall be included in the rule purpose statement. (See WAC 1-12-032.)

(4) Number of copies; Notice numbers.

(a) Agencies shall file in the code reviser's office an original and three copies of the notice and rule purpose statement. The code reviser's office will stamp the date of filing and the notice number on the notice, and return a copy to the filing agency. The 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 original notice (Form CR-1). 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 administrative order and transmittal form by which the rules are adopted and transmitted for filing.

(b) The agency shall also file three copies of the complete notice package, bearing the filing stamp and number of the code reviser's office, with the rules review committee. Agencies filing by mail may send those extra copies to the code reviser's office along with an envelope addressed to the rules review committee, mail stop QW-11, and the copies will be sent by campus mail directly to the committee.

(5) Computation of time with respect to the twenty-day rule. RCW 34.04.025 and 34.04.027 require the code reviser to ascertain agency compliance with the twenty-day rule. 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 the 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). The dates may 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 twenty-day notice requirement applies to the publication of the notice and text of the proposal in the state register and begins 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 34.04.050(3)). A new notice is required under RCW 34.04.025(2) and (3) if "substantial changes" within the meaning of those subsections are made in the proposal after its publication in the register. This new notice is subject to the full twenty-day waiting period and is also subject to the register closing date schedule of WAC 1-12-035. 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.

(c) The distribution dates of registers are the first and third Wednesdays of each month. If a distribution date falls on a state holiday as determined by RCW 1.16.050, the distribution date of that register shall be delayed until Thursday, which will also delay the start of the twenty-day notice count. The last day to file material in the code reviser's office for inclusion in any particular register will be established according to WAC 1-12-035.

(d) 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 that would be subject to the twenty-day rule, the 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 paragraph (1) thereof 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 paragraph (7) of the form. In the event of one or more 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. If an agency determines in advance of a hearing or adoption that it desires to continue either or both actions, or if action of the rules review committee necessitates an extension of the rule-making proceedings, the agency may file notice of a continuance in advance of the action if the notice will appear in a register with a distribution date at least five days before the first action date of the

previous notice. The agency shall also post notice of the continuance at the site of the hearing or adoption during the time given in the original notice. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-030, filed 6/23/82; 81-14-021 (Order 22), § 1-12-030, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-12-030, filed 6/12/80; Order 15, § 1-12-030, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-030, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-030, filed 9/25/74, effective 10/25/74; Order 5, § 1-12-030, filed 10/4/71; Emergency Order 4, § 1-12-030, filed 9/3/71; Emergency Order 3, § 1-12-030, filed 8/6/71; Order 2, § 1-12-030, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-032 Rule purpose and implementation statement. RCW 34.04.045 requires that when notice of any proposed rule 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, including the small business economic impact statement, if required by RCW 34.04.... [19.85.030] (section 3, chapter 6, Laws of 1982). One copy of the purpose statement shall be attached to each copy of the notice filed with the code reviser's office. Also note that the agency must transmit three copies of the statement to the rules review committee. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-032, filed 6/23/82; 81-14-021 (Order 22), § 1-12-032, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-12-032, filed 6/12/80. Formerly WAC 1-12-065. Order 15, § 1-12-065, filed 10/31/77, effective 12/1/77.]

WAC 1-12-033 Withdrawal of proposed rule. Pursuant to RCW 34.04.048 a proposed rule may be withdrawn by the proposing agency at any time before adoption. Notice of withdrawal shall be provided to the code reviser's office in the form of a letter or memorandum from the proposing agency signed by the person signing the original notice or other properly designated person. The agency shall transmit three copies of the notice of withdrawal to the rules review committee. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-033, filed 6/23/82; 81-14-021 (Order 22), § 1-12-033, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-12-033, filed 6/12/80.]

WAC 1-12-034 Review of previously adopted rules. RCW 34.04.230 requires that within thirty days of the receipt of a notice from the rules review committee that certain existing rules of the agency are either "not within the intent of the legislature" or were not "adopted in accordance with all applicable provisions of law," the agency "shall file notice of a hearing on the rule in question with the code reviser. . . ." The agency shall transmit three copies of the review notice to the rules review committee. Notice of the review hearing shall be

given on Form CR-11 of the code reviser's office (WAC 1-12-950), and is subject to the twenty-day notice requirement of RCW 34.04.025(4). This applies to all previously adopted rules, whether permanent or emergency rules. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-034, filed 6/23/82; 81-14-021 (Order 22), § 1-12-034, filed 6/25/81, effective 7/26/81.]

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 34.08.020 in a particular register and notices and statements relating to action of the rules review committee 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 period'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 period'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 period'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 period's register. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 81-14-021 (Order 22), § 1-12-035, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-12-035, filed 6/12/80; Order 15, § 1-12-035, filed 10/31/77, effective 12/1/77.]

WAC 1-12-050 Filing of 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 administrative order adopting the rules, Form CR-7 or CR-8, as appropriate; four signed copies (See WAC 1-12-040);

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

Permanent and emergency rules shall be adopted by separate administrative orders and transmittals. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-050, filed 6/23/82; 80-07-025 (Order 21), § 1-12-050, filed 6/12/80; Order 15, § 1-12-050, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-050, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-050, filed 9/25/74, effective 10/25/74; Order 5, § 1-12-050, filed 10/4/71; Emergency Order 4, § 1-12-050, filed 9/3/71; Order 2, § 1-12-050, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-080 Drafting instructions—Title number—Chapter and section names and numbers. (1) The title number for an agency's rules has been assigned by the code reviser. Chapter names and numbers, and section captions and numbers within the chapter, will be selected by the agency with the advice of the code reviser's office when 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 within the same chapter.

(2) In selecting chapter and section names, choose a name that expresses generally the subject matter of the material to be contained in the chapter or section. The names should be fairly concise and should have some meaning to the industry being regulated and 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 use the uniform rules of practice and procedure contained in chapter 1-08 WAC). [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-080, filed 6/23/82; Order 12, § 1-12-080, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-080, filed 9/25/74, effective 10/25/74; Order 5, § 1-12-080, filed 10/4/71; Order 4, § 1-12-080, filed 9/3/71; Order 2, § 1-12-080, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-090 Drafting instructions—Division of chapters into sections. (1) In numbering sections within a chapter, if the chapter will initially contain fewer 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 an entire section is the smallest unit that 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 similarly preferred.

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

(4) Each section shall be preceded by its WAC number and a caption that briefly describes the contents of the section.

(5) All tables, charts, maps, appendices, and forms that an agency intends to enforce or 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 revision of the material. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-090, filed 6/23/82; Order 15, § 1-12-090, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-090, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-090, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-090, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-130 Drafting instructions—Amendatory section. (1) Both proposed and adopted rules that amend existing rules shall set forth the full text of the most current version of the rules, including the WAC citation number, caption, text of the section, and associated agency explanatory notes, and shall indicate by use of deletion and addition marks the amendment being made (RCW 34.04.058).

(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 that 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 1-12-155 for the 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 used 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.

(5) 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. (See WAC 1-12-220.)

(6) Note that rules that amend existing WAC sections and 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 34.04.058).

(7) If any section to be amended is 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 in subsequent orders amending or repealing the section by the original agency order and section number, or other appropriate description. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-130, filed 6/23/82; 80-07-025 (Order 21), § 1-12-130, filed 6/12/80; Order 15, § 1-12-130, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-130, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-130, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-130, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-190 Emergency rules. (1) With respect to emergency rules filed by an agency pursuant to RCW 34.04.030, compliance with the twenty-day notice requirement of WAC 1-12-030 is not required.

(2) Emergency rules shall be transmitted to the code reviser's office in the same manner as permanent rules; see WAC 1-12-050. Note that RCW 34.04.030 also requires emergency rules to be filed with the rules review committee. The committee has requested that agencies send the committee three copies with the code reviser's filing date and number stamped on them.

(3) The finding of emergency and statement of reasons therefor required by RCW 34.04.030 shall appear in alternative B of paragraph (2) of 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 that period an existing WAC section reverts to its permanent form as it was before the emergency action affecting it. 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 should either (a) specifically supersede the previous emergency order or part thereof which amended the section or (b) reincorporate the previous emergency amendment, depending on the effect desired by the agency. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-190, filed 6/23/82; 81-14-021 (Order 22), § 1-12-190, filed 6/25/81, effective 7/26/81; Order 15, § 1-12-190, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-190, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-190, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-190, adopted 12/11/67, effective 1/17/68.]

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 7/23/82 (WAC 1-12-910).
- (2) Form CR-7 Form of order and transmittal by agency having single head—Dated 7/23/82 (WAC 1-12-930).

- (3) Form CR-8 Form of order and transmittal by board, commission, or council—Dated 7/23/82 (WAC 1-12-940).
- (4) Form CR-11 Notice of review of previously adopted rules—Dated 7/23/82 (WAC 1-12-950).

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-210, filed 6/23/82; 81-14-021 (Order 22), § 1-12-210, filed 6/25/81, effective 7/26/81; Order 15, § 1-12-210, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-210, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-210, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-210, adopted 12/11/67, effective 1/17/68.]

WAC 1-12-910 Notice of intention to adopt, amend, or repeal rules (Form CR-1).

NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES

(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 34.04.025 that the (name of agency) intends to adopt, amend, or repeal rules concerning: ¹

(HEARING DATE AND PLACE)

(2) (Use only if hearing is to be held) that the agency will at (time) (day) (date) ² in the (place) conduct a public hearing on the proposed rules.

- (3)
 - (a) The adoption, amendment, or repeal of the rules will take place immediately following the hearing. —OR—³
 - (b) The formal decision regarding adoption, amendment, or repeal of the rules will take place on (date).⁴

(4) (a) The authority under which these rules are proposed is: -----

(b) The specific statute these rules are intended to implement is: -----

(5) Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before (date).

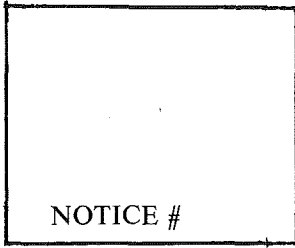
(6) The additional notice required by RCW 34.04.025 has been made by (a) mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings, and (b) filing copies of this notice with the rules review committee.

(7) This notice is connected to and continues the matter in Notice No(s). WSR _____ filed with the code reviser's office on _____ (date) ⁵.

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

(AGENCY)
Dated: -----
By: -----

(TITLE)



(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

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

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____ These rules shall take effect:
 thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
 at a later date, such date being _____

[Form CR-1: Rev. 7/23/82]

INSTRUCTIONS FOR COMPLETION OF FORM CR-1

NOTES:

- ¹Here 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).
- ²The statute requires 20 days notice from the distribution date of the register in which this notice will appear, see RCW 34.04.025, 34.04.027, and 34.08.020 and WAC 1-12-030(5) and 1-12-035.
- ³Indicate only one choice, (a) or (b).
- ⁴This date may not be earlier than that noted in²; see RCW 34.04.025 and WAC 1-12-030(5).
- ⁵Use for continuance of matter previously noticed and enter here notice number(s) of notice(s) previously returned to you by reviser's office.

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

I, _____, find that an emergency exists and that this 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 the emergency is:

This space for additional information.

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

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-910, filed 6/23/82; 81-14-021 (Order 22), § 1-12-910, filed 6/25/81, effective 7/26/81; Order 15, § 1-12-910, filed 10/31/77, effective 12/1/77; Order 9, Form CR-1, filed 9/25/74, effective 10/25/74; Order 5, Form CR-1, filed 10/4/71; Emergency Order 3, Form CR-1, filed 8/6/71; Order 2, Form CR-1, filed 12/18/67, effective 1/17/68.]

(3) Pursuant to the requirements of RCW 34.04.026¹ 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:

WAC 1-12-930 Form of order and transmittal by agency having single head (Form CR-7).

State of Washington

(agency name)

Administrative Order No. -----

- (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 declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State

Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, 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: Rev. 7/23/82]

NOTE:

¹RCW 34.04.026 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."

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-930, filed 6/23/82; 81-14-021 (Order 22), § 1-12-930, filed 6/25/81, effective 7/26/81. Statutory Authority: RCW 34.04.040(2), 34.04.055, 34.08.040 and chapter 34.04 RCW. 78-02-074 (Order 17), § 1-12-930, filed 1/26/78; Order 15, § 1-12-930, filed 10/31/77, effective 12/1/77; Emergency Order 13, § 1-12-930, filed 6/16/77; Order 14, § 1-12-930, filed 7/28/77; Order 12, § 1-12-930, filed 5/9/77, effective 6/9/77.]

WAC 1-12-940 Form of order and transmittal by board, commission, or council (Form CR-8).

State of Washington

..... (name of governing body)

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

Resolution No.

Administrative Order No.

(1) Be it resolved by the, acting at (place), that it does adopt the annexed rules relating to:

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

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect:

thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

at a later date, such date being

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

We,, find that an emergency exists and that this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026¹ 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 declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, 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: Rev. 7/23/82]

NOTE:

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

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-940, filed 6/23/82; 81-14-021 (Order 22), § 1-12-940, filed 6/25/81, effective 7/26/81. Statutory Authority: RCW 34.04.040(2), 34.04.055, 34.08.040, and chapter 34.04 RCW. 78-02-074 (Order 17), § 1-12-940, filed 1/26/78; Order 15, § 1-12-940, filed 10/31/77, effective 12/1/77; Emergency Order 13, § 1-12-940, filed 6/16/77; Order 14, § 1-12-940, filed 7/28/77; Order 12, § 1-12-940, filed 5/9/77, effective 6/9/77.]

WAC 1-12-950 Notice of review of previously adopted rules (Form CR-11).

NOTICE OF REVIEW OF PREVIOUSLY ADOPTED RULES

(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 34.04.230 that the (name of agency) intends to review the following rules:¹

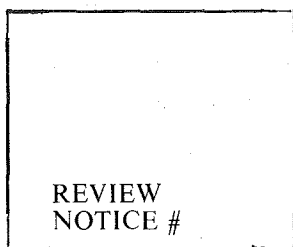
(2) The agency will at (time) (day) (date)² in the (place) conduct a public hearing on the rules.

(3) The additional notice required by RCW 34.04.230 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.

(4) The rules review committee's findings and the reasons for the findings were stated to this agency as follows:³

(AGENCY)
Dated: -----
By: -----

(TITLE)



(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

[Form CR-11: Rev. 7/23/82]

INSTRUCTIONS FOR COMPLETION OF FORM CR-11

NOTES:

¹Here list previously adopted rules of which the Rules Review Committee has given you notice of requested review.

²This date may not be earlier than 20 days after the distribution date of the issue of the Washington State Register in which this notice will appear; See WAC 1-12-034 and 1-12-035.

³Here set forth the Rules Review Committee's findings and reasons therefor relating to the rules being reviewed, or attach a copy of the findings and reasons to this notice.

This space for additional information.

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-950, filed 6/23/82; 81-14-021 (Order 22), § 1-12-950, filed 6/25/81, effective 7/26/81.]

Chapter 1-13 WAC

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

WAC

- 1-13-005 Declaration of purpose.
- 1-13-010 Who must file rules.
- 1-13-020 What rules must be filed.
- 1-13-030 Notices of intention to adopt rules.
- 1-13-032 Rule purpose and implementation statement.
- 1-13-033 Withdrawal of proposed rule.
- 1-13-034 Review of previously adopted rules.
- 1-13-035 Time for filing material for inclusion in register.
- 1-13-050 Filing of administrative order—Rules adopted.
- 1-13-090 Drafting instructions—Division of chapters into sections.
- 1-13-120 Drafting instructions—Title and chapter digest—History notes.
- 1-13-130 Drafting instructions—Amendatory sections.
- 1-13-190 Emergency rules.
- 1-13-210 Official forms supplied upon request.
- 1-13-220 Repealed.
- 1-13-910 Notice of intention to adopt, amend, or repeal rules by institution of higher education (Form CR-4).
- 1-13-930 Form of order and transmittal by institution having single head (Form CR-9).
- 1-13-940 Form of order and transmittal by board, commission, or council (Form CR-10).
- 1-13-950 Notice of review of previously adopted rules by institution of higher education (Form CR-12).

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

1-13-220 Temporary filing of rules. [Order 5, § 1-13-220, filed 10/4/71; Emergency Order 4, § 1-13-220, filed 9/3/71.] Repealed by 82-13-099 (Order 23), filed 6/23/82. Statutory Authority: RCW 1.08.110, 28B.19.080, 34.08.030, and 34.04.055.

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 and 28B.19.077) 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.

This chapter is promulgated by the code reviser pursuant to the authority granted by RCW 1.08.110, 28B.19.080, and 34.08.030 to help institutions of higher education in preparing, promulgating, and disseminating their administrative rules in an expeditious, orderly, and uniform manner so as to produce a state register and an administrative code that are as concise and accurate as possible, and at minimum overall expense to the state. The format standards imposed by 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 afford such advice and assistance to requesting agencies regarding 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 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 apply only to those institutions. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-005, filed 6/23/82; 81-14-021 (Order 22), § 1-13-005, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-13-005, filed 6/12/80; Order 15, § 1-13-005, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-005, filed 5/9/77, effective 6/9/77; Order 5, § 1-13-005, filed 10/4/71; Emergency Order 4, § 1-13-005, filed 9/3/71.]

WAC 1-13-010 Who must file rules. (1) "Institutions of higher education" defined; see RCW 28B.19.020(1).

(2) Filing required; see RCW 28B.19.050. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-010, filed 6/23/82; 81-14-021 (Order 22), § 1-13-010, filed 6/25/81, effective 7/26/81; Order 5, § 1-13-010, filed

10/4/71; Emergency Order 4, § 1-13-010, filed 9/3/71.]

WAC 1-13-020 What rules must be filed. (1) "Rule" defined; see RCW 28B.19.020(2).

(2) Orders adopting, amending, or repealing rules must be in accordance with style, format, and numbering system of WAC; see RCW 28B.19.090. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-020, filed 6/23/82; 81-14-021 (Order 22), § 1-13-020, filed 6/25/81, effective 7/26/81; Order 5, § 1-13-020, filed 10/4/71; Emergency Order 4, § 1-13-020, filed 9/3/71.]

WAC 1-13-030 Notices of intention to adopt rules. (1) Statutory notice requirements; see RCW 28B.19.030, 28B.19.033, and 34.08.020.

(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).

(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. 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. The full text of a proposed rule shall be set forth according to the bill drafting style requirements of WAC 1-13-125 through 1-13-160. The rule purpose statement required by RCW 28B.19.033 shall also be included with the notice. (See WAC 1-13-032.)

(4) Number of copies; notice numbers.

(a) Institutions of higher education shall file in the code reviser's office an original and three copies of the notice and rule purpose statement. The code reviser's office will stamp the date of filing and the notice number on the notice, and return a copy to the filing institution. The 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 original notice (Form CR-4). 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 institution on the administrative order and transmittal form by which the rules are adopted and transmittal form transmitted for filing.

(b) The institution shall also file three copies of the complete notice package, bearing the filing stamp and number of the code reviser's office, with the rules review committee.

(5) Computation of time with respect to the twenty-day rule. RCW 28B.19.030 requires the code reviser to ascertain institution compliance with the twenty-day rule. 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 institution upon the proposed rule changes; thus if the institution provides for a public hearing upon the matter, the twenty-day requirement applies to the date of the hearing, otherwise it will apply to the date upon which

the institution 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). The dates may be coincidental.

(Attention is also directed to the additional requirement embodied in RCW 28B.19.030(1)(d) which provides that "Prior to the adoption, amendment, or repeal of any rule, each institution. . . shall: . . . Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing . . .")

(b) The twenty-day notice requirement applies to the publication of the notice and the text of the proposal in the state register and begins 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). A new notice is required under RCW 28B.19.030(2) and (3) if "substantial changes" within the meaning of those subsections are made in the proposal after its publication in the register. This new notice is subject to the full twenty-day waiting period and is also subject to the register closing date schedule of WAC 1-13-035. 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.

(c) The distribution dates of registers are the first and third Wednesdays of each month. If a distribution date falls on a state holiday as determined by RCW 1.16.050, the distribution date of that register shall be delayed until Thursday, which will also delay the start of the twenty-day notice count. The last day to file material in the code reviser's office for inclusion in any particular register will be established according to WAC 1-13-035.

(d) If upon convening on any of the dates announced in parts (2) and (3) of the notice form (Form CR-4) the institution 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 that would be subject to the twenty-day rule, the institution 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 paragraph (1) thereof 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 paragraph (7) of such form. In the event of one or more 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. If an institution determines in advance of a hearing or adoption that it desires to continue either or both actions, or if action of the rules review committee necessitates an extension of the rule-making proceeding, the

institution may file a notice of continuance in advance of the action if the notice will appear in a register with a distribution date at least five days before the first action date of the previous notice. The institution shall also post notice of the continuance at the site of the hearing or adoption during the time given in the original notice. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-030, filed 6/23/82; 81-14-021 (Order 22), § 1-13-030, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-13-030, filed 6/12/80; Order 15, § 1-13-030, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-030, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-030, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-030, filed 10/4/71; Emergency Order 4, § 1-13-030, filed 9/3/71.]

WAC 1-13-032 Rule purpose and implementation statement. RCW 28B.19.033 requires that when notice of any proposed rule 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. One copy of the purpose statement shall be attached to each copy of the notice filed with the code reviser's office. Also note that the institution must transmit three copies of the statement to the rules review committee. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-032, filed 6/23/82; 81-14-021 (Order 22), § 1-13-032, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-13-032, filed 6/12/80.]

WAC 1-13-033 Withdrawal of proposed rule. Pursuant to RCW 28B.19.037 a proposed rule may be withdrawn by the proposing institution at any time before adoption. Notice of withdrawal shall be provided to the code reviser's office in the form of a letter or memorandum from the proposing institution signed by the person signing the original notice or other properly designated person. The institution shall transmit three copies of the notice of withdrawal to the rules review committee. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-033, filed 6/23/82; 81-14-021 (Order 22), § 1-13-033, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-13-033, filed 6/12/80.]

WAC 1-13-034 Review of previously adopted rules. RCW 28B.19.163 requires that within thirty days of the receipt of a notice from the rules review committee that certain existing rules of the institution are either "not within the intent of the legislature" or were not "adopted in accordance with all applicable provisions of law," the institution "shall file notice of a hearing on the rule in question with the code reviser. . . ." The institution shall transmit a copy of the review notice to the rules review committee. Notice of the review hearing shall be given on Form CR-12 of the code reviser's office (WAC

1-13-950), and is subject to the twenty-day notice requirement of RCW 28B.19.030(4). This applies to all previously adopted rules, whether permanent or emergency rules. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-034, filed 6/23/82; 81-14-021 (Order 22), § 1-13-034, filed 6/25/81, effective 7/26/81.]

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 34.08.020 in a particular register and notices and statements relating to action of the rules review committee 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 period'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 1-13-170; by 5:00 p.m. on the fourteenth day prior to the distribution date of that period's register; or

(b) Contains more than ten but less than thirty pages in conformance with WAC 1-13-170; by 5:00 p.m. on the twenty-eighth day prior to the distribution date of that period's register; or

(c) Contains thirty or more pages in conformance with WAC 1-13-170; by 5:00 p.m. on the forty-second day prior to the distribution date of that period's register. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 81-14-021 (Order 22), § 1-13-035, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-13-035, filed 6/12/80; Order 15, § 1-13-035, filed 10/31/77, effective 12/1/77.]

WAC 1-13-050 Filing of 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 administrative order adopting the rules, Form CR-9 or CR-10, as appropriate; four signed copies (See WAC 1-13-040);

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

Permanent and emergency rules shall be adopted by separate administrative orders and transmittals. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-050, filed 6/23/82; Order 15, § 1-13-050, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-050, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-050, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-050, filed 10/4/71; Emergency Order 4, § 1-13-050, filed 9/3/71.]

WAC 1-13-090 Drafting instructions—Division of chapters into sections. (1) In numbering sections within a chapter, if the chapter will initially contain fewer 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 an entire section is the smallest unit that can be amended. As a rule of thumb, if the contents cannot be described in a one line caption, the section should be divided into two or more sections. Short sentences are similarly preferred.

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

(4) Each section should be preceded by its WAC number and a caption that briefly describes the contents of the section.

(5) All tables, charts, maps, appendices, and forms that an institution intends to enforce or 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 revision of the material. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-090, filed 6/23/82; Order 15, § 1-13-090, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-090, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-090, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-090, filed 10/4/71; Emergency Order 4, § 1-13-090, filed 9/3/71.]

WAC 1-13-120 Drafting instructions—Title and chapter digest—History notes. At the beginning of each title of WAC is a title digest which lists all chapters within the title. Each chapter also begins with a chapter digest which lists all sections within the chapter. Title and chapter digests may be prepared by the institution, or they will be added later by the code reviser's office.

Each section of WAC is followed by a history note which shows the institution's order number and filing date or effective date of the section.

History notes shall be omitted by the promulgating institution and will be added later by the code reviser's office. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-120, filed 6/23/82; Order 12, § 1-13-120, filed 5/9/77, effective 6/9/77; Order 5, § 1-13-120, filed 10/4/71; Emergency Order 4, § 1-13-120, filed 9/3/71.]

WAC 1-13-130 Drafting instructions—Amendatory sections. (1) Both proposed and adopted rules that amend existing rules shall set forth the full text of the most current version of the rules, including the WAC citation number, caption, text of the section, and associated agency explanatory notes, and shall indicate by use of deletion and addition marks the amendment being made (RCW 28B.19.077).

(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 that replaces deleted language shall follow the deleted language.

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

(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.)

(6) Note that rules that amend existing WAC sections and 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 has no legal effect and is not enforceable by the institution (RCW 28B.19.077).

(7) If any section to be amended is 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 in subsequent orders amending or repealing the section by the original institution order and section number, or other appropriate description. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-130, filed 6/23/82; 81-14-021 (Order 22), § 1-13-130, filed 6/25/81, effective 7/26/81; 80-07-025 (Order 21), § 1-13-130, filed 6/12/80; Order 15, § 1-13-130, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-130, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-130, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-130, filed 10/4/71; Emergency Order 4, § 1-13-130, filed 9/3/71.]

WAC 1-13-190 Emergency rules. (1) With respect to emergency rules filed by an institution pursuant to RCW 28B.19.040, compliance with the twenty-day notice requirement of WAC 1-13-030 is not required.

(2) Emergency rules shall be transmitted to the code reviser's office in the same manner as permanent rules;

see WAC 1-13-050. Note that RCW 28B.19.040 also requires emergency rules to be filed with the rules review committee. The committee has requested that institutions send the committee three copies with the code reviser's filing date and number stamped on them.

(3) The finding of emergency and statement of reasons therefor required by RCW 28B.19.040 shall appear in alternative B of paragraph (2) of 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 that period an existing WAC section reverts to its permanent form as it was before the emergency action affecting it. 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 should either (a) specifically supersede the previous emergency order or part thereof which amended the section or (b) reincorporate the previous emergency amendment, depending on the effect desired by the institution. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-190, filed 6/23/82; 81-14-021 (Order 22), § 1-13-190, filed 6/25/81, effective 7/26/81; Order 15, § 1-13-190, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-190, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-190, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-190, filed 10/4/71; Emergency Order 4, § 1-13-190, filed 9/3/71.]

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 institution of higher education—Dated 7/23/82 (WAC 1-13-910).
- (2) Form CR-9 Form of order and transmittal by institution having single head—Dated 7/23/82 (WAC 1-13-930).
- (3) Form CR-10 Form of order and transmittal by board, commission, or council—Dated 7/23/82 (WAC 1-13-940).
- (4) Form CR-12 Notice of review of previously adopted rules by institution of higher education—Dated 7/23/82 (WAC 1-13-950).

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-210, filed 6/23/82; 81-14-021 (Order 22), § 1-13-210, filed 6/25/81, effective 7/26/81; Order 15, § 1-13-210, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-210, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-210, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-210, filed 10/4/71; Emergency Order 4, § 1-13-210, filed 9/3/71.]

WAC 1-13-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 1-13-910 Notice of intention to adopt, amend, or repeal rules by institution of higher education (Form CR-4).

NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES BY INSTITUTION OF HIGHER EDUCATION

(Instructions for completion on back of page) (Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 28B.19.030 that the (name of institution) intends to adopt, amend, or repeal rules concerning:

(HEARING DATE AND PLACE)

(2) (Use only if hearing is to be held) that the institution will at (time) (day) (date) in the (place), conduct a public hearing on the proposed rules.

- (3) (a) [] The adoption, amendment, or repeal of the rules will take place immediately following the hearing. —OR— (b) [] The formal decision regarding adoption, amendment, or repeal of the rules will take place on (date).

(4) (a) The authority under which these rules are proposed is:

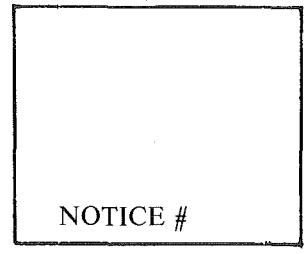
(b) The specific statute these rules are intended to implement is:

(5) Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before (date).

(6) The additional notice required by RCW 28B.19.030 has been made by (a) mailing copies of this notice to all persons who have made timely request of this institution for advance notice of its rule-making proceedings, and (b) filing copies of this notice with the rules review committee.

(7) This notice is connected to and continues the matter in Notice No(s). WSR filed with the code reviser's office on (date).

(INSTITUTION) Dated: By: (TITLE)



(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

[Form CR-4: Rev. 7/23/82]

INSTRUCTIONS FOR COMPLETION OF FORM CR-4

NOTES:

1 Here insert a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved. (cf. State v. Squally, 78 Wn.2d 475, 474 P.2d 897).

2 The statute requires 20 days notice from the distribution date of the register in which this notice will appear, see RCW 28B.19.030 and 34.08.020 and WAC 1-13-030(5) and 1-13-035.

3 Indicate only one choice, (a) or (b).

4 This date may not be earlier than that noted in 2; see RCW 28B.19.030 and WAC 1-13-030(5).

5 Use for continuance of matter previously noticed and enter here notice number(s) of notice(s) previously returned to you by reviser's office.

This space for additional information.

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-910, filed 6/23/82; 81-14-021 (Order 22), § 1-13-910, filed 6/25/81, effective 7/26/81; Order 15, § 1-13-910, filed 10/31/77, effective 12/1/77; Order 9, Form CR-4, filed 9/25/74, effective 10/25/74; Order 5, Form CR-4, filed 10/4/71; Emergency Order 4, Form CR-4, filed 9/3/71.]

WAC 1-13-930 Form of order and transmittal by institution having single head (Form CR-9).

State of Washington

(name of institution)

Administrative Order No.

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

(5) This order, after being first recorded in the order register of this institution, 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: Rev. 7/23/82]

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-930, filed 6/23/82. Statutory Authority: RCW 28B.19.080, 34.04.055, 34.08.040 & chapters 28B.19, 34.04 RCW. 78-02-074 (Order 17), § 1-13-930, filed 1/26/78. Order 15, § 1-13-930, filed 10/31/77, effective 12/1/77; Order 14, § 1-13-930, filed 7/28/77; Emergency Order 13, § 1-13-930, filed 6/16/77; Order 12, § 1-13-930, filed 5/9/77, effective 6/9/77.]

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

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____ These rules shall take effect:

thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

at a later date, such date being _____

WAC 1-13-940 Form of order and transmittal by board, commission, or council (Form CR-10).

State of Washington

_____ (name of governing body)

_____ (name of institution)

Resolution No. _____ Administrative Order No. _____

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

I, _____, find that an emergency exists and that this 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 the emergency is:

(1) Be it resolved by the board of _____ of the (institution) acting at (place), that it does adopt the annexed rules relating to:

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

(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 _____

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

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____ These rules shall take effect:

thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

at a later date, such date being _____

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

We, _____, find that an emergency exists and that this 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 the emergency is:

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

(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 declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, 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: Rev. 7/23/82]

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-940, filed 6/23/82. Statutory Authority: RCW 28B.19.080, 34.04.055, 34.08.040 & chapters 28B.19, 34.04 RCW. 78-02-074 (Order 17), § 1-13-940, filed 1/26/78. Order 15, § 1-13-940, filed 10/31/77, effective 12/1/77; Order 14, § 1-13-940, filed 7/28/77; Emergency Order 13, § 1-13-940, filed 6/16/77; Order 12, § 1-13-940, filed 5/9/77, effective 6/9/77.]

WAC 1-13-950 Notice of review of previously adopted rules by institution of higher education (Form CR-12).

NOTICE OF REVIEW OF PREVIOUSLY ADOPTED RULES

BY INSTITUTION OF HIGHER EDUCATION

(Instructions for completion on back of page) (Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 28B.19.163 that the (name of institution) intends to review the following rules:¹

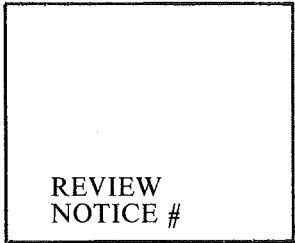
(2) The institution will at (time) (day) (date) ² in the (place) conduct a hearing on the rules.

(3) The additional notice required by RCW 28B.19.163 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.

(4) The rules review committee's findings and the reasons for the findings were stated to this institution as follows:³

(INSTITUTION)
Dated: -----
By: -----

(TITLE)



(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

[Form CR-12: Rev. 7/23/82]

INSTRUCTIONS FOR COMPLETION OF FORM CR-12

NOTES:

¹Here list previously adopted rules of which the Rules Review Committee has given you notice of requested review.

²This date may not be earlier than 20 days after the distribution date of the issue of the Washington State Register in which this notice will appear; See WAC 1-13-034 and 1-13-035.

³Here set forth the Rules Review Committee's findings and reasons therefor relating to the rules being reviewed, or attach a copy of the findings and reasons to this notice.

This space for additional information.

[Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-13-950, filed 6/23/82; 81-14-021 (Order 22), § 1-13-950, filed 6/25/81, effective 7/26/81.]