

**Chapter 1-21 WAC
RULE MAKING**

Last Update: 10/11/19

WAC

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WAC 1-21-005 Purpose. This chapter implements RCW 34.05.210 and 34.05.310 through 34.05.395, the provisions of the Administrative Procedure Act on agency rule making. It also implements chapter 34.08 RCW, the State Register Act. It replaces the former chapters 1-12 and 1-13 WAC on drafting and filing of notices and rules. It covers both institutions of higher education and all other administrative agencies, since chapter 34.05 RCW merged chapters 28B.19 and 34.04 RCW.

[Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-005, filed 5/31/89.]

WAC 1-21-008 Electronic filing. Agencies are encouraged to use the office of the code reviser's electronic filing system for the filing of documents to be published in the *Washington State Register*.

(1) To participate in electronic filing, agencies must first complete and submit a physical copy of the registration letter for electronic filing, which may be found at the office of the code reviser's website in the *Washington State Register* section (<http://leg.wa.gov/CodeReviser/Pages/E-Filing.aspx>). The agency must designate a contact person, phone number, and the email address to receive all official stamped filings returned by the office of the code reviser. Only one registration letter per agency.

(2) To file electronically, agencies must submit only Word documents (CR forms or agency typed documents) and .pdfs of rules text prepared by a typing service (provided by our office), if applicable, to EFileWSR@leg.wa.gov. Submit only one filing per email (one filing may have multiple attachments). Documents in alternative formats will not be accepted. Required signatures must be affixed to the Word documents where applicable. After submitting an email to the electronic filing system, an automatically generated reply is sent from the elec-

tronic filing system to confirm that the agency email was received. **IMPORTANT:** If the auto-generated reply is not received within a matter of minutes, contact the office of the code reviser **immediately** by phone to ascertain if the electronic filing system is not functioning properly. **DO NOT** resend your document(s) until instructed to do so by code reviser staff.

(3) To correct or withdraw submitted document(s) before that filing has been published, the agency must contact the office of the code reviser's editor or assistant editor immediately. **IMPORTANT:** Do not send regular correspondence or questions to the electronic filing email address. For corrections to electronic filings or withdrawals from publication, contact the office of the code reviser for guidance on how to proceed.

(4) Electronic filings must be **received** by the office of the code reviser by noon on the cut-off date for inclusion in a particular issue. Filings received at 12:01 p.m. or later on the date of cutoff will appear in the next issue and hearing and adoption dates may need to be delayed so the agency is in compliance with the Administrative Procedure Act.

(5) If the official stamped copy from the office of the code reviser is not returned to the agency by 9:00 a.m. on the day after submitting the document(s), contact the office of the code reviser by phone to inquire regarding the status of the submission.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-008, filed 10/11/19, effective 11/11/19.]

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

(2) The text of the new rule is neither required nor recommended at this stage, but if text is submitted for filing, it must meet the form and style requirements of WAC 1-21-110 through 1-21-130.

(3) Submit the Word version electronically to EFileWSR@leg.wa.gov or submit the original, and a minimum of three hard copies, in person or by mail.

(4) The filing will appear in the *Washington State Register* in accordance with the schedule provided in WAC 1-21-040. Note that the CR-101 must be published at least thirty days before the CR-102 form (proposed rule making) may be filed.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-010, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-010, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030 and 2001 c 25. WSR 01-20-090, § 1-21-010, filed 10/3/01, effective 11/3/01. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030 and 34.05.354 as amended by 1998 c 280 §§ 6 and 2. WSR 98-14-048, § 1-21-010, filed 6/24/98, effective 7/25/98. Statutory Authority: RCW 1.08.110, 34.05.385,

34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. WSR 97-15-035, § 1-21-010, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. WSR 95-17-070, § 1-21-010, filed 8/17/95, effective 9/17/95. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.030 and 34.05.310 as amended by 1994 c 249 § 1. WSR 94-12-075, § 1-21-010, filed 5/31/94, effective 6/9/94. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-010, filed 5/31/89.]

WAC 1-21-015 Expedited rule making. (1) Expedited rule making filed under RCW 34.05.353 includes both the expedited adoption of rules and the expedited repeal of rules.

(2) An agency must file notice for the expedited rule making with the office of the code reviser on a CR-105 form (expedited rule making). The agency must file the full text of a proposed new or amendatory rule, along with the CR-105 form. The text must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the *Washington State Register* in accordance with the schedule provided in WAC 1-21-040. The expedited rule making must be published in the *Washington State Register* at least forty-five days before the agency may file a CR-103P form (rule-making order).

(3) WAC sections proposed for expedited repeal must be listed by citation and caption only, either individually or by entire chapter.

(4) The agency must either file the expedited rule-making package (form and text) electronically and the office of the code reviser will forward a stamped electronic copy to the joint administrative rules review committee; or the agency may submit, in person or by mail, the original and six hard copies of the expedited rule-making package (form and text). The office of the code reviser will keep the original and two copies and return four stamped copies to the agency. The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-015, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-015, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030 and 2001 c 25. WSR 01-20-090, § 1-21-015, filed 10/3/01, effective 11/3/01.]

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

(2) The agency must either file the rule-making package electronically and the office of the code reviser will forward a stamped copy to the joint administrative rules review committee; or the agency may submit, in person or by mail, the original and six hard copies of the

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

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-020, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-020, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-21-020, filed 8/23/00, effective 12/31/00. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030. 34.05.354 as amended by 1998 c 280 §§ 6 and 2. WSR 98-14-048, § 1-21-020, filed 6/24/98, effective 7/25/98. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. WSR 97-15-035, § 1-21-020, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. WSR 95-17-070, § 1-21-020, filed 8/17/95, effective 9/17/95. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-020, filed 5/31/89.]

WAC 1-21-030 Notice period—Washington State Register distribution date. (1) Under RCW 34.05.320, notice of proposed rule making must be published in the *Washington State Register* at least twenty days before the agency may hold a hearing on the proposal. The *Washington State Register* is distributed on 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 *Washington State Register* will be delayed until Thursday.

(2) In counting the twenty-day notice period, consider the distribution date of the pertinent *Washington State Register* as day twenty; count down to day zero to find the first day on which a hearing may be held; cf. RCW 1.12.040 and *State ex rel. Earley v. Batchelor*, 15 Wn.2d 149 (1942).

(3) The office of the code reviser provides a schedule of closing dates online at <http://leg.wa.gov/CodeReviser/Documents/basecalendar.pdf>; and on page 2 of each published *Washington State Register*. In case of a discrepancy between the WAC rules and the schedule, the rules have priority.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-030, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-030, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-030, filed 5/31/89.]

WAC 1-21-035 Joint administrative rules review committee—Review rules. (1) The joint administrative rules review committee (JARRC) reviews all proposed, expedited (or withdrawals of either), and adopted (permanent and emergency) WAC rules.

(2) Electronically submitted *Washington State Register* filings are automatically forwarded to the JARRC by the office of the code reviser. Agencies that hand deliver or mail hard copy filings to the office of the code reviser must forward three copies of the stamped filing to JARRC.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-035, filed 10/11/19, effective 11/11/19.]

WAC 1-21-040 *Washington State Register* material—Time for filing. (1) To permit sufficient lead time for the editorial, data capture, and printing process, material to be published in a particular issue of the *Washington State Register* must be received by the office of the code reviser via the electronic filing email with attachment(s) or be in the physical possession of and filed in the office of the code reviser according to the following schedule:

(a) If the material has been prepared and completed by the office of the code reviser's order typing service (OTS), by 12:00 noon on the fourteenth day before the distribution date of that issue of the *Washington State Register*; or

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

(i) No more than fourteen pages, by 12:00 noon on the fourteenth day before the distribution date of that *Washington State Register*; or

(ii) More than fourteen but less than thirty-four pages, by 12:00 noon on the twenty-eighth day before the distribution date of that *Washington State Register*; or

(iii) Thirty-four or more pages, by 12:00 noon on the forty-second day before the distribution date of that *Washington State Register*.

(2) The office of the code reviser's filing forms will be included in this page count.

(3) The office of the code reviser provides a schedule of closing dates online at <http://leg.wa.gov/CodeReviser/Documents/basecalendar.pdf>; and on page 2 of each published *Washington State Register*. In case of a discrepancy between the WAC rules and the schedule, the rules have priority.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-040, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, and 34.08.030. WSR 17-12-039, § 1-21-040, filed 6/1/17, effective 8/2/17. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-040, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. WSR 95-17-070, § 1-21-040, filed 8/17/95, effective 9/17/95. Statutory Authority: RCW 1.08.110, 34.05.385, and 34.08.030. WSR 91-22-006, § 1-21-040, filed 10/24/91, effective 1/1/92. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-040, filed 5/31/89.]

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

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

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-050, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. WSR 95-17-070, § 1-21-050, filed 8/17/95, effective 9/17/95. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-050, filed 5/31/89.]

WAC 1-21-060 Withdrawal of proposal. (1) Under RCW 34.05.335, a proposed rule may be withdrawn any time before adoption. The agency must provide notice of withdrawal to the office of the code reviser by a letter or memorandum signed by the person who signed the original notice, or by that person's designee.

(2) The joint administrative rules review committee must receive a copy of the notice of withdrawal. If the agency provides an electronic copy of the notice of withdrawal to the office of the code reviser, then the office of the code reviser must forward an electronic copy of the notice of withdrawal to the joint administrative rules review committee. However, if the agency provides a hard copy of the notice of withdrawal to the office of the code reviser, then the agency must also submit three hard copies of the notice of withdrawal to the joint administrative rules review committee.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-060, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-060, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-060, filed 5/31/89.]

WAC 1-21-070 Administrative order. (1) The permanent rule making must be submitted on a CR-103P form or an emergency rule on a CR-103E form provided by the office of the code reviser or, if required by agency practice, on an agency form that provides the information required by RCW 34.05.360.

(2) The agency may either file the permanent or emergency package electronically and the office of the code reviser will forward a stamped electronic copy to the joint administrative rules review committee; or the agency may submit, in person or by mail, the original and six hard copies of the permanent or emergency package (form and text). The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of legislative review. The agency should keep the remaining copy for its files.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-070, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-070, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.030, and Executive Order 03-01. WSR 04-02-071, § 1-21-070, filed 1/7/04, effective 2/7/04. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-21-070, filed 8/23/00, effective 12/31/00. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. WSR 97-15-035, § 1-21-070, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-070, filed 5/31/89.]

WAC 1-21-072 Rules coordinator designation. Under RCW 34.05.312, each agency must designate a rules coordinator. The agency and mailing address of the rules coordinator must be submitted for publication in the *Washington State Register* at the time of designation and maintained thereafter on the office of the code reviser's website for the duration of the designation. To submit a new designation or make changes to an existing designation, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser. An agency may use the template found on the office of the code reviser's website at http://leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-072, filed 10/11/19, effective 11/11/19.]

WAC 1-21-074 Public records officer designation. Under RCW 42.56.580, each state and local agency must appoint and publicly identify a public records officer.

For state agencies, the name and contact information of the agency's public records officer must be published in the *Washington State Register* at the time of designation and maintained thereafter on the office of the code reviser's website for the duration of the designation. To submit a new designation or make changes to an existing designation, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser. An agency may use the template found on the office of the code reviser's website at http://leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx.

Local agencies are not required to publish their designations in the *Washington State Register*.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-074, filed 10/11/19, effective 11/11/19.]

WAC 1-21-076 Notices of public meetings. (1)(a) Under RCW 42.30.075, state agencies that hold regular meetings must file with the office of the code reviser a schedule of the time and place of the public meetings on or before January 1st of each year for publication in the *Washington State Register*. To submit a public meetings notice, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser. An agency may use the template found on the office of the code reviser's website at http://leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx.

(b) Notice of any change to a public meetings schedule must be published in the *Washington State Register* for distribution at least twenty days prior to the rescheduled meeting date. To submit a change to a public meetings notice already published, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser. An agency may use the template found on the office of the code reviser's website at http://leg.wa.gov/CodeReviser/Pages/Washington_State_Register.aspx.

(2) Agendas of public meetings are not published in the *Washington State Register*.

(3) Special meetings are not required to be published in the *Washington State Register*. For information on special meetings, see RCW 42.30.080.

(4) Local agencies are not required to publish their meetings in the *Washington State Register*.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-076, filed 10/11/19, effective 11/11/19.]

WAC 1-21-078 Interpretive and/or policy statements. Under RCW 34.05.230(4), whenever an agency issues an interpretive or policy statement, the agency must submit to the office of the code reviser for publication in the *Washington State Register* a statement describing the subject matter of the interpretive or policy statement and listing the person at the agency from whom a copy of the interpretive or policy statement may be obtained. To submit a summary of an interpretive or policy statement, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three copies to the office of the code reviser.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-078, filed 10/11/19, effective 11/11/19.]

WAC 1-21-079 Rules development agenda. Under RCW 34.05.314, each state agency must prepare a semiannual agenda for rules under development. The agency must file the agenda with the office of the code reviser for publication in the *Washington State Register* by January 31st and July 31st of each year. To submit a rules development agenda, send a Word document (preferably on the agency letterhead) to the electronic filing system or send the original and three hard copies to the office of the code reviser. The agency must also submit the agenda to the director of financial management, the joint administrative rules review committee, and any other state agency that may reasonably be expected to have an interest in the subject of rules that will be developed.

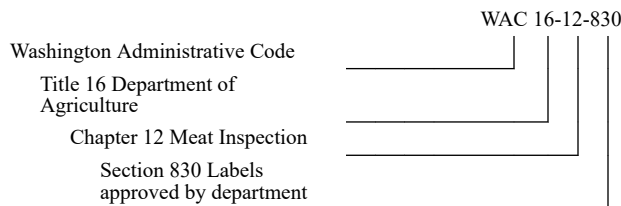
[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-079, filed 10/11/19, effective 11/11/19.]

WAC 1-21-080 Numbering system—Captions. (1) The primary division of the Washington Administrative Code (WAC) is the **Title**. The office of the code reviser assigns each agency a title number, which usually is in alphabetical order. A newly created agency shall apply to the office of the code reviser for assignment of a title number. If an agency's name is changed, the title number stays the same. The list of titles is published in volume 1 of the WAC.

(2) Each title is divided into **chapters**, which are the major subject matter divisions of the agency's title.

(3) Each chapter is divided into **sections**, which are the individual rules and are the smallest unit that can be amended. The agency shall place a short caption on each section to describe its contents. Sections should be as short as reasonably possible to facilitate finding an individual rule and amending it in the future.

(4) The WAC citation number is a composite of these three divisions:



[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-080, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-080, filed 5/31/89.]

WAC 1-21-090 Redesignation of WAC numbers. (1) WAC numbers are permanent and may not be changed by the use of addition and deletion marks used for text amendments. If an agency wishes to recodify its permanent rules, it should consult with the office of the code reviser for the method to be used.

(2) WAC numbers previously assigned to repealed sections or chapters may not be reused to designate other sections or chapters. The numbers of the repealed rules are shown in a disposition table pre-

pared by the office of the code reviser and published with the appropriate chapter or title.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-090, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-090, filed 5/31/89.]

WAC 1-21-100 Nontext rules. All tables, charts, maps, and other material that are rules under RCW 34.05.010 must be either part of another rule or be assigned WAC numbers and adopted as individual sections. The latter method is preferred, and it simplifies future amendment.

[Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-100, filed 5/31/89.]

WAC 1-21-110 Amendatory rules. (1) Designate each amendatory section with the heading "AMENDATORY SECTION" followed by a reference to the WSR number or agency order number and the filing date of the latest permanent order affecting that section. Show amendments to the text in terms of the latest permanent version of the section that has been filed with the code reviser.

(2) If a section to be amended has been exempted from publication under RCW 34.05.210 and is not published in the WAC, in later orders amending or repealing the section refer to it by the original agency order and section number or other appropriate description.

[Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-21-110, filed 8/23/00, effective 12/31/00. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-110, filed 5/31/89.]

WAC 1-21-120 Underlining restricted. Since RCW 34.05.395 requires the use of the legislature's bill-drafting style to show amendments in previously adopted rules, underlined text may be used only to show new material added to an existing section. Underlining may not be used for emphasis, as it would not permit codification of the section in the usual manner. *Italics* or **boldface** may be used for emphasis. Consult with the office of the code reviser if in doubt as to the proper method for indicating these styles.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-120, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-120, filed 5/31/89.]

WAC 1-21-125 Style and formatting. (1) All material must be submitted in a minimum of ten point type and using recommended accessible font, such as Times New Roman, Verdana, Arial, Tahoma, Helvetica, or Calibri fonts. If needed, eight point type is acceptable for tables. Tables must not exceed regular page width and landscape tables must be published as an image.

(2) Excessive use of emphasis is not recommended. Avoid unnecessary bold, italics, and all caps. Underscore is only used to indicate the addition of new material when amending existing agency rules and may not be used for emphasis. Color may not be used for emphasis.

(3) Lower case the names of state agencies, divisions, commissions, committees, etc.

(4) Do not underscore web and email addresses. Neither of these types of addresses will appear as hyperlinks in the published products.

(5) The document(s) should be free of track changes, background images, or watermarks.

(6) For filings other than CR forms, leave the bottom right corner of the first page vacant for the placement of the office of the code reviser's stamp.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-125, filed 10/11/19, effective 11/11/19.]

WAC 1-21-130 Repealers. To repeal one or more current sections, list them individually by citation and caption under a heading of "REPEALER." An entire chapter may be repealed section by section or as one complete unit. The first method preserves the unrepealed section numbers for future use, while the second method eliminates the entire chapter number from future use.

[Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-130, filed 5/31/89.]

WAC 1-21-140 Review of previously adopted rules. When an agency is required under RCW 34.05.630 to review permanent or emergency rules previously adopted, the agency must file notice of the review with the code reviser on a CR-104 form (review of previously adopted rules). The agency must file the notice of review electronically at EFileWSR@leg.wa.gov or submit the original and six hard copies of the notice of review to the office of the code reviser. Four copies will be returned to the agency, three of which must be delivered to the joint administrative rules review committee. The notice is subject to the twenty-day requirement of RCW 34.05.320. The text of the rule under review is not needed with this notice.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-140, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-140, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-21-140, filed 8/23/00, effective 12/31/00. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-140, filed 5/31/89.]

WAC 1-21-150 Exemptions from publication. Agency rules that are likely to be omitted from WAC publication by the office of the code reviser under the authority of RCW 34.05.210 may, upon application by the agency to the office of the code reviser for an exemption, be ex-

empted by the office of the code reviser from the form and style requirements of this chapter, other than requirements that are imposed by statute. An application for exemption must be made by the agency and approved by the office of the code reviser before filing the rules.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-150, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-150, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-150, filed 5/31/89.]

WAC 1-21-160 Filing after office hours. The office of the code reviser is open for the filing of agency rule-making notices and orders from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

An electronic filing system is available to all state agencies seven days a week, twenty-four hours per day. Each state agency must submit a registration letter before using this system.

The office of the code reviser delegates to the Washington state patrol the authority to accept at other times the filing of orders adopting, amending, or repealing rules when the nature of the order requires their immediate filing and/or effectiveness. To use this service, the agency may telephone the Washington state patrol communications center at 360-586-1999. When your call is answered, request a zone 4 trooper and arrange for receipt of the filing(s). The agency shall give the original and three copies of each filing to the trooper. The trooper shall mark each copy with the trooper's name, badge number, date, and time and arrange for all of the copies to be delivered to the office of the code reviser as early as possible on the next business day. The agency filing the rules with the state patrol shall notify the office of the code reviser of the filing by 9:00 a.m. on the next business day after filing and arrange to receive the stamped copies.

[Statutory Authority: RCW 1.08.110 and 34.05.385. WSR 09-14-023, § 1-21-160, filed 6/23/09, effective 8/1/09; WSR 06-22-040, § 1-21-160, filed 10/26/06, effective 11/26/06. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-160, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030 and 2001 c 25. WSR 01-20-090, § 1-21-160, filed 10/3/01, effective 11/3/01. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-21-160, filed 8/23/00, effective 12/31/00. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-160, filed 5/31/89.]

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

- (1) Form CR-101 Preproposal statement of inquiry;
- (2) Form CR-102 Proposed rule making;
- (3) Form CR-103P Rule-making order (permanent);
- (4) Form CR-103E Rule-making order (emergency);
- (5) Form CR-104 Review of previously adopted rules; and

(6) Form CR-105 Expedited rule making.

[Statutory Authority: RCW 1.08.110, 34.05.210, 34.05.385, 34.08.030 and chapter 34.05 RCW. WSR 19-21-072, § 1-21-170, filed 10/11/19, effective 11/11/19. Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-170, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030 and 2001 c 25. WSR 01-20-090, § 1-21-170, filed 10/3/01, effective 11/3/01. Statutory Authority: RCW 1.08.110, 34.05.356, 34.05.385, and 34.08.030. WSR 00-18-001, § 1-21-170, filed 8/23/00, effective 12/31/00. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. WSR 97-15-035, § 1-21-170, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. WSR 95-17-070, § 1-21-170, filed 8/17/95, effective 9/17/95. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.030 and 34.05.310 as amended by 1994 c 249 § 1. WSR 94-12-075, § 1-21-170, filed 5/31/94, effective 6/9/94. Statutory Authority: RCW 34.05.385 and 34.08.030. WSR 89-12-028 (Order 89-1), § 1-21-170, filed 5/31/89.]

WAC 1-21-180 Rule-making activity report. To implement RCW 1.08.112, agencies shall supply the information required by RCW 1.08.112 (1)(a) through (f) and (i) by completing the appropriate parts of the CR-103 form. Agencies shall report information required by RCW 1.08.112 (1)(g) and (h) by a memorandum on agency letterhead to the office of the code reviser.

[Statutory Authority: RCW 1.08.110, 34.05.385, 1.08.001, and Executive Order 97-2. WSR 06-16-019, § 1-21-180, filed 7/24/06, effective 8/24/06. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. WSR 97-15-035, § 1-21-180, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. WSR 95-17-070, § 1-21-180, filed 8/17/95, effective 9/17/95.]