

FROM: CODE REVISER
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 3
Emergency rules

relating to (Name of rules or description of subject matter)

regulations concerning notices of intention to adopt,
amend, or repeal rules; and Forms CR-1 and CR-2;

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

pursuant to Notice No. _____^① filed with the code reviser
on _____^② were regularly adopted as permanent rules of this
(date)
agency at _____ on _____ and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be _____^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
Olympia on 8/6/71 and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 6th day of August 1971.

STATE OF WASHINGTON
FILED
AUG 6 1971
CODE REVISER'S OFFICE
CKET # 3573 FILE # 1

CODE REVISER
(AGENCY)
Dowd
By
CODE REVISER
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVIS-
ER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED
IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

DEPARTMENT OF THE CODE REVISERADMINISTRATIVE ORDER NO. 3

(1) I, Richard O. White, director of The Code Reviser's Office of the state of Washington, by virtue of the authority vested in me under chapter 34.04 RCW and WAC 1-12-005, do promulgate and adopt the annexed rules and regulations, to wit:

WAC 1-12-030;

FORM CR-1;

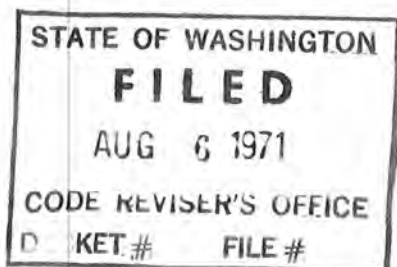
FORM CR-2;

The aforesaid rules are adopted as emergency rules of this agency so as to be effective upon the effective date (August 9, 1971) of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 ex.s. c 250) which impacts this rule and these forms and requires the revisions incorporated herein.

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

APPROVED AND ADOPTED 6 August 19 71.By Row WhiteCode Reviser

Title



Statutory notice requirements; see RCW 34.04.025. ①

(2) Failure to comply with twenty days notice requirement--Code reviser not to publish rule and rule not effective for any purpose; see RCW 34.04.027. ②

(3) Form of notice. Notices shall be filed on forms provided by the reviser's office [Form CR-1]. As notices will be reproduced by the photo offset process and published in WAC, no other form will be accepted for filing.

(4) Number of copies; Notice numbers. Agencies shall file in the reviser's office an original and two copies of the notice whereupon the date of filing and the notice number will be affixed and a copy returned to the filing agency. Such notice number or numbers shall in the event of one or more continuances, be entered in paragraph (5) of all subsequent notices relating to the proposed adoption [Form CR-1], and the notice number and date (or the latest such number and date if due to continuances there be more than one) shall be entered by the agency on the ORDER ADOPTING RULES AND TRANSMITTAL OF RULES ADOPTED [Form CR-2] by which the order adopting rules is transmitted for filing.

(5) Computation of time with respect to the twenty day rule. The effect of RCW 34.04.025 and 34.04.027 is to require the reviser to ascertain agency compliance with the twenty day rule. Such compliance will be determined as follows:

(a) The reviser's office construes the twenty day notice requirement of RCW 34.04.025 and 34.04.027 as relating to the date upon which the first action will be taken by the agency upon the proposed rule changes; thus if the agency provides for a public hearing upon the matter, the twenty day requirement applies to the date of such hearing, otherwise it will apply to the date upon which the agency convenes to adopt, amend or repeal the rules in question. The dates of the hearing, if any, and of the decision shall be inserted in parts (2) and (3), respectively, of the notice form [CR-1], and such dates may, of course, be coincidental.

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

(b) The reviser construes RCW 34.04.025 (1) (a) as requiring the actual physical filing of the notice in the reviser's office at least twenty days prior to the date of such first action; thus notices filed by mail must have been received at least twenty days prior to the date of such first action. The time from such date of receipt, to the time of such first action, will be computed according to RCW 1.12.040 which provides that:

"The time within which an act is to be done, as herein provided shall be computed by excluding the first day, and including the last, unless the last day is a holiday or Sunday, and then it is also excluded."

(c) If upon convening on any of the dates announced in parts (2) and (3) of the notice form [Form CR-1] the agency desires to continue either the hearing or the decision meeting, or both, to a future time certain but does not desire to file a new notice which would be subject to the twenty day rule such agency may, if it has complied with the twenty day

rule as to its original notice and has convened at the time and place specified in such notice, announce a continuance to a date certain and forthwith file with the reviser a continuation notice containing in part (1) thereof [Form CR-1] the same terms, substance or description as was contained in the original notice (or if some of the matters have been disposed of, then such portions thereof as remain applicable) and supplying the additional information required by part (7) of such form. In the event of one or more such continuances, the compliance of the original notice with the twenty day rule will be deemed to relate to the continuation notices.

Reviser's note:

① RCW 34.04.025 as amended by §17, chapter 250, Laws of 1971 ex. sess.

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

(a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in chapter 42.30, as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

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

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

② RCW 34.04.027

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

NOTICE OF INTENTION TO ADOPT, AMEND OR REPEAL RULES

(Instructions for completion on back of page) [Form CR-1: Rev. 8/9/71]
(Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 34.04.025 and _____ ①, that the _____ intends to _____
(name of agency)
adopt, amend or repeal rules concerning: ②

(2) (Use only if hearing is to be held)
that such agency will at _____
(time) (day) (date) ③
in the _____
(place)
conduct a public hearing relative thereto;

(3) and that the adoption, amendment or repeal of such rules will take place at _____
(time) (day) (date) ④
in the _____
(place)

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

(5) Interested persons may submit data, views or arguments to this agency --
(a) in writing to be received by this agency prior to _____
and/or (date) ④
(b) orally at _____
(time) (day) (date) ③
_____.
(place)

(6) The additional notice required by RCW 34.04.025 has been made by mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings.

(7) This notice is connected to and continues the matter noticed in Notice Nos. _____ filed with the reviser's office on _____ ⑤.
(dates)

(AGENCY)
Dated: ③ _____
By: _____

(TITLE)

NOTICE # _____
(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult Chapter 42.30 RCW (1971 ex. sess. c 250).

Instructions for completion of Form CR-1

- ① Here cite additional statutes (if any) requiring notice by the rule making agency.
- ② 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 WD2d 475, 474 P2d 897.) This notice will be photographed and published in the Washington Administrative Code: If it is desired also to file the text of the proposed rules they may in addition be appended hereto.
- ③ The statute requires 20 days notice, see RCW 34.04.025 and 34.04.027 and WAC 1-12-030(5).
- ④ This date may not be earlier than that noted in ③; see RCW 34.04.025 and WAC 1-12-030(5).
- ⑤ Use for continuance of matter previously noticed and enter here notice nos. of notices previously returned to you by reviser's office.

This space for additional information.

TRANSMITTAL OF RULES ADOPTED

FROM: _____
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. _____
Emergency rules
relating to (Name of rules or description of subject matter)

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

pursuant to Notice No. _____^① filed with the code reviser
on _____^② were regularly adopted as permanent rules of this
(date)
agency at _____ on _____ and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be _____^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this _____ day of _____ 19 .

(AGENCY)

By _____

Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVIS-
ER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED
IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.



STATUTE LAW COMMITTEE

OFFICE OF THE REVISER
LEGISLATIVE BUILDING
OLYMPIA

August 6, 1971

To all State Agencies and Interested Parties:

Enclosed you will find copies of WAC 1-12-030, Form CR-1, and Form CR-2. This rule and these forms have been amended effective 12:01 A.M., August 9, 1971, and are adopted as emergency rules of the Code Reviser's Office so as to be effective upon the effective date of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 ex.s. c 250) which impacts this rule and these forms and requires the revisions incorporated herein.

Sincerely yours,

GARY REID
Assistant Code Reviser

GR:nlb

Encl.

*Copy 17 shown
with rest sent
by the 7/2/71*

FROM: _____
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. _____
Emergency rules
relating to (Name of rules or description of subject matter)

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

pursuant to Notice No. _____^① filed with the code reviser
on _____^② were regularly adopted as permanent rules of this
(date)
agency at _____ on _____ and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be _____^③.

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this _____ day of _____ 19 .

(AGENCY)

By _____

Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
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NOTICE OF INTENTION TO ADOPT, AMEND OR REPEAL RULES

(Instructions for completion on back of page) [Form CR-1: Rev. 8/9/71]
(Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 34.04.025 and _____ ①, that the _____ intends to _____ (name of agency) adopt, amend or repeal rules concerning: ②

(2) (Use only if hearing is to be held) that such agency will at _____ (time) (day) (date) ③ in the _____ (place) conduct a public hearing relative thereto;

(3) and that the adoption, amendment or repeal of such rules will take place at _____ (time) (day) (date) ④ in the _____ (place)

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

(5) Interested persons may submit data, views or arguments to this agency --
(a) in writing to be received by this agency prior to _____ (date) ④ and/or
(b) orally at _____ (time) (day) (date) ③ _____ (place)

(6) The additional notice required by RCW 34.04.025 has been made by mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings.

(7) This notice is connected to and continues the matter noticed in Notice Nos. _____ filed with the reviser's office on _____ (dates) ⑤.

(AGENCY)
Dated: ③ _____
By: _____

(TITLE)

NOTICE #
(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult Chapter 42.30 RCW (1971 ex. sess. c 250).

Instructions for completion of Form CR-1

- ① Here cite additional statutes (if any) requiring notice by the rule making agency.
- ② 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 WD2d 475, 474 P2d 897.) This notice will be photographed and published in the Washington Administrative Code: If it is desired also to file the text of the proposed rules they may in addition be appended hereto.
- ③ The statute requires 20 days notice, see RCW 34.04.025 and 34.04.027 and WAC 1-12-030(5).
- ④ This date may not be earlier than that noted in ③ ; see RCW 34.04.025 and WAC 1-12-030(5).
- ⑤ Use for continuance of matter previously noticed and enter here notice nos. of notices previously returned to you by reviser's office.

This space for additional information.