

TRANSMITTAL OF RULES ADOPTED

FROM: Code Reviser (Name of Agency)

TO: CODE REVISER LEGISLATIVE BLDG. (Southwest Corner, Ground Floor) Olympia 98504

The enclosed rules Permanent rules [ ] / Emergency rules [X], being Order No. 16 relating to (Name of rules or description of subject matter)

- WAC 1-12-930 (Form CR-7), 1-12-940 (Form CR-8), 1-13-930 (Form CR-9), 1-13-940 (Form CR-10).

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

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

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

pursuant to its finding in the attached administrative order, 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 the office of the Code Reviser, Olympia, Washington on November 21, 1977 (place) (date) and are herewith filed in 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 have been fulfilled.

Dated this 21st day of November 19 77.

STATE OF WASHINGTON FILED

NOV 21 1977

CODE REVISER'S OFFICE DOCKET # 8646 FILE # 1

CODE REVISER (AGENCY) By [Signature] Code Reviser Title

NOTES: 1Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice) 2Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice) 3Unless 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. [Form CR-2: Rev. 9/21/74]

State of Washington

CODE REVISER

(agency name)

Administrative Order No. 16

(1) I, Richard O. White, Code Reviser, director of

of the State of Washington,

ALTERNATIVE A. Use only for Adoption of Permanent Rules.

after due notice and in a meeting open to the public, held at on as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this agency, the annexed rules:

ALTERNATIVE B. Use only for Adoption of Emergency Rules.

do promulgate and adopt as emergency rules of this agency, the annexed rules:

- Amendments of WAC 1-12-930 (Form CR-7), 1-12-940 (Form CR-8), 1-13-930 (Form CR-9), 1-13-940 (Form CR-10).

I, Richard O. White, State Code Reviser, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: Section 5, chapter 240, Laws of 1977 1st ex. sess. requires a declaration of compliance with certain statutes by a rule-making agency. The versions of the above forms which will become effective December 1, 1977, do not provide for such declarations. Therefore the emergency amendment of such forms is necessary to comply with the statutory directive and to have an effective date simultaneous with that of Administrative Order No. 15, which made permanent amendments to chapter 1-12 and 1-13 WAC.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser December 1, 1977.

(2) Pursuant to the requirements of RCW 34.04 (1977 c 19 § 2) 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):

[x] (a) This rule is promulgated pursuant to RCW 28B.19.080 and 34.04.055 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

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

APPROVED AND ADOPTED November 21, 1977

By [Signature]

Code Reviser

Title

## NOTE:

RCW 34.04.\_\_\_\_ (1977 c 19 § 2) provides:

"(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW \_\_\_\_\_."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

State of Washington  
**STATUTE LAW COMMITTEE**

LEGISLATIVE BUILDING  
OLYMPIA, WASHINGTON 98504



STATEMENT OF RULE PURPOSE AND IMPLEMENTATION

(a) Adopting agency: Code reviser's office, administrative order number 16.

Statutory authority: WAC 1-12-930 and 1-12-940 pursuant to RCW 34.04.055, and WAC 1-13-930 and 1-13-940 pursuant to RCW 28B.19-.080.

Rule's purpose: To implement section 5, chapter 240, Laws of 1977 1st ex. sess.

(b) Summary of rule: Section 5, chapter 240, Laws of 1977 1st ex. sess. requires a declaration of compliance with certain statutes by a rule-making agency. The versions of the above forms which will become effective December 1, 1977, do not provide for such declarations. Therefore the emergency amendment of such forms is necessary to comply with the statutory directive and to have an effective date simultaneous with that of Administrative Order No. 15, which made permanent amendments to chapters 1-12 and 1-13 WAC.

(c) Agency personnel responsible for --  
Drafting: Gary Reid, Code Reviser's Office, Legislative Building, Olympia, phone (206)753-6804, SCAN 234-6804.  
Implementation and Enforcement: Same as above, and in addition Loma Barmore (753-7471) and Gaylynn Holt (753-7470) at same address as above.

(d) Proponent of rule: Code reviser's office.  
Opponents of rule: None.

(e) Agency comments or recommendations: These same changes will be adopted on a permanent basis in a forthcoming rule-making action.

AMENDATORY SECTION (Amending Order 14, filed 7/28/77)

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

State of Washington

.....  
(agency name)

Administrative Order No. ....

(1) I, ....., director of ..... ((of the State of Washington)), do promulgate and adopt at \_\_\_(place)\_\_\_ the annexed rules relating to:

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

after due notice and in a meeting open to the public, held at ..... on ....., as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this agency, the annexed rules:)) This action is taken pursuant to Notice No. .... filed with the code reviser on ..... Such rules shall take effect:

- pursuant to RCW 34.04.040(2).
- at a later date, such date being .....

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

do promulgate and adopt as emergency rules of this agency, the annexed rules:))

I, ....., find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

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

.....

((2)) (3) Pursuant to the requirements of RCW 34.04..... (1977 c 19 § 2)<sup>1</sup> 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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

((3)) (5) This order after being first recorded in the order register of this agency ((shall be forwarded)) 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: Effective ((6/46/77)) 12/1/77]

NOTE:

<sup>1</sup>RCW 34.04..... (1977 c 19 § 2) provides:

"(1) In addition to the provisions of RCW 34.04.025(1) (a) (i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW ..... and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW ..... which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW ....."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply

with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

AMENDATORY SECTION (Amending Order 14, filed 7/28/77)

WAC 1-12-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (CR-8).

State of Washington

.....  
(name of governing body)

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

Resolution No. .... Administrative Order No. ....

(1) Be it resolved by the ....., ((State of Washington)) acting at \_\_\_(place)\_\_\_, that it does promulgate and adopt the annexed rules relating to:

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

after due notice and in a meeting open to the public, held at ..... on ....., as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this governing body; the annexed rules:)) This action is taken pursuant to Notice No. .... filed with the code reviser on ....., Such rules shall take effect:

- pursuant to RCW 34.04.040(2).
- at a later date, such date being .....

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

promulgate and adopt as emergency rules of this governing body; the annexed rules:))

We, ....., find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the

proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

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

.....

((2)) (3) Pursuant to the requirements of RCW 34.04..... (1977 c 19 § 2)<sup>1</sup> 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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

((3)) (5) This order after being first recorded in the order register of this governing body (~~shall be forwarded~~) 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: Effective ((6/16/77)) 12/1/77 ]

NOTE:

<sup>1</sup>See WAC 1-12-930, Note 1 for an explanation.



AMENDATORY SECTION (Amending Order 14, filed 7/28/77)

WAC 1-13-930 FORM OF ORDER AND TRANSMITTAL BY INSTITUTION  
HAVING SINGLE HEAD (CR-9).

State of Washington

.....  
(name of institution)

Administrative Order No. ....

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

.....

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

(((.....  
after due notice and in a meeting open to the public, held at  
..... on ....., as required by chapters 28B.19 and  
42.30 RCW, do promulgate and adopt as permanent rules of this  
institution, the annexed rules:)) This action is taken pursuant to  
Notice No. .... filed with the code reviser on ..... Such  
rules shall take effect:

- pursuant to RCW 28B.19.050(2).
- at a later date, such date being .....

.....

.....

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

(((.....  
do promulgate and adopt as emergency rules of this institution, the  
annexed rules:))

I, ....., find that an emergency exists and that the  
foregoing order is necessary for the preservation of the public  
health, safety, or general welfare and that observance of the  
requirements of notice and opportunity to present views on the  
proposed action would be contrary to public interest. A statement of  
the facts constituting such emergency is:

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

.....

((2)) (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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

~~((3))~~ (5) This order after being first recorded in the order register of this institution ((shall be forwarded)) 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: Effective ((6/16/77)) 12/1/77]

AMENDATORY SECTION (Amending Order 14, filed 7/28/77)

WAC 1-13-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (CR-10).

State of Washington

.....  
(name of governing body)

.....  
(name of institution)

Resolution No. .... Administrative Order No. ....

(1) Be it resolved by the board of ..... ((7)) of the (institution) ((of the State of Washington)) acting at (place), that it does promulgate and adopt the annexed rules relating to:

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

after due notice and in a meeting open to the public, held at ..... on ..... as required by chapters 28B.19 and 42.30 RCW, do promulgate and adopt as permanent rules of this governing body, the annexed rules;)) This action is taken pursuant to Notice No. .... filed with the code reviser on ..... Such rules shall take effect:  
 pursuant to RCW 28B.19.050(2).

at a later date, such date being .....

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

~~((~~ promulgate and adopt as emergency rules of this governing body, the annexed rules:))

We, ....., find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

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

~~((2))~~ (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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

~~((3))~~ (5) This order after being first recorded in the order register of this governing body (~~shall be forwarded~~) 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: Effective ((6/16/77)) 12/1/77 ]