



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (4/25/96)

Agency: Code Reviser's Office

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: July 10, 1997

(2) Purpose: To amend chapter 1-21 WAC to reflect new requirements imposed by sections 202 and 208, chapter 409, Laws of 1997, and to make housekeeping changes.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 1-21-010, 1-21-020, 1-21-070, 1-21-170, and 1-21-180.

Suspended:

(4) Statutory authority for adoption: RCW 1.08.110, 34.05.385, 34.08.020, and 34.08.030.

Other authority: RCW 34.05.230, 34.05.354, §§ 202 & 208, ch. 409, Laws of 1997.

PERMANENT RULE ONLY

Adopted under notice filed as WSR WSR 97-12-068 on June 3, 1997 (date).

Describe any changes other than editing from proposed to adopted version: The names of the forms were changed from CR-101X and CR-102X to CR-101XR and CR-102XA

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain: These rules implement chapter 409, Laws of 1997, which goes into effect on 7/27/97, so they should be in effect also.

(6) Effective date of rule:

**Permanent Rules
or Expedited Repeal**

- 31 days after filing
- Other (specify) 7/27/97*

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- Immediately
- Later (specify) _____

NAME (TYPE OR PRINT)

Dennis W. Cooper

SIGNATURE

TITLE

Code Reviser

DATE

7/10/97

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 10 1997

TIME 8:45 AM PM

WSR 97-15-035

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New <u>0</u>	Amended <u>0</u>	Repealed <u>0</u>
Federal rules or standards:	New <u>0</u>	Amended <u>0</u>	Repealed <u>0</u>
Recently enacted state statutes:	New <u>0</u>	Amended <u>5</u>	Repealed <u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New 0 Amended 0 Repealed 0

The number of sections adopted on the agency's own initiative:

New 0 Amended 0 Repealed 0

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New 0 Amended 5 Repealed 0

The number of sections adopted using:

Negotiated rule making:	New <u>0</u>	Amended <u>0</u>	Repealed <u>0</u>
Pilot rule making:	New <u>0</u>	Amended <u>0</u>	Repealed <u>0</u>
Other alternative rule making:	New <u>0</u>	Amended <u>5</u>	Repealed <u>0</u>



AMENDATORY SECTION (Amending WSR 95-17-070, filed 8/17/95, effective 9/17/95)

WAC 1-21-010 Preproposal statement of inquiry. 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 shall complete and file with the code reviser's office 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).

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. The filing will appear in the 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.

WAC sections proposed for expedited repeal under RCW (~~34.05.--- (1995 e 403 s 701)~~) 34.05.354 should be listed by citation and caption only, either individually or by entire chapter, and filed (~~between June 10th and June 30th~~) either March 10th through April 1st or September 10th through October 1st of each year.

AMENDATORY SECTION (Amending WSR 95-17-070, filed 8/17/95, effective 9/17/95)

WAC 1-21-020 Notice--Form, contents, numbers. (1)(a) An agency shall file a regular notice of proposed rule making under RCW 34.05.320 with the code reviser's office 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); or

(b) An agency shall file notice for the expedited adoption of rules under RCW 34.05.230 with the code reviser's office on a CR-102XA form (Expedited Adoption--Proposed Rule Making). The agency must file the full text of the proposed rule along with the CR-102XA form (RCW 34.05.230). This filing must be published in the Register at least forty-five days before the agency may adopt the proposal and file a CR-103 form (Rule-Making Order).

(2) The agency shall file the original and six copies of (~~the~~) either notice package (form and text). The code reviser's office 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.

WAC 1-21-070 Administrative order. (1) The administrative order by which an agency adopts a rule shall be done on a CR-103 form (Rule-making Order) provided by the code reviser's office or, if required by agency practice, on an agency form that provides the information required by RCW 34.05.360. (~~The agency shall number administrative orders sequentially, with a unique number for each rule making proceeding.~~)

(2) The agency shall file with the code reviser's office the original and three copies of the text of permanent rules, along with four copies of the administrative order. Emergency rules require an additional three copies of the order and the text, which the agency shall file with the rules review committee after the copies have been stamped by the code reviser's office.

AMENDATORY SECTION (Amending WSR 95-17-070, filed 8/17/95, effective 9/17/95)

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

- (1) Form CR-101 Preproposal Statement of Inquiry
- (2) Form CR-101XR Expedited Repeal--Preproposal Statement of Inquiry (~~((for expedited repeal only))~~)
- (3) Form CR-102 Proposed Rule Making
- (4) Form CR-102XA Expedited Adoption--Proposed Rule Making
- (5) Form CR-103 Rule-making Order
- (~~((5))~~) (6) Form CR-104 Review of Previously Adopted Rules.

AMENDATORY SECTION (Amending WSR 95-17-070, filed 8/17/95, effective 9/17/95)

WAC 1-21-180 Rule-making activity report. To implement RCW (~~1.08.--- (1995 e 403 s 704)~~) 1.08.112, agencies shall supply the information required by RCW (~~1.08.---~~) 1.08.112 (1)(a) through (f) and (i) (~~((1995 e 403 s 704 (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.---~~) 1.08.112 (1)(g) and (h) (~~((1995 e 403 s 704 (1)(g) and (h)))~~) by a memorandum on agency letterhead to the code reviser.