

Title 1 WAC

CODE REVISER, OFFICE OF THE

Chapters

- 1-04** **General provisions.**
- 1-06** **Public records.**
- 1-08** **Uniform procedure rules.**
- 1-21** **Rule making.**

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 1-12

DRAFTING AND FILING OF NOTICES AND RULES

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| 1-12-005 | Declaration of purpose. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. | 1-12-033 | WAC 1-12-065. Order 15, § 1-12-065, filed 10/31/77, effective 12/1/77.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. |
| 1-12-010 | Who must file rules under chapter 34.04 RCW. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. | 1-12-034 | Review of previously adopted 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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. |
| 1-12-020 | What rules must be filed. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. | 1-12-035 | Time for filing material for inclusion in 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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. |
| 1-12-030 | Notices of intention to adopt rules. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. | 1-12-040 | Administrative order—How promulgated. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 80-07-025 (Order 21), § 1-12-040, filed 6/12/80; Order 12, § 1-12-040, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-040, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-040, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. |
| 1-12-032 | Rule purpose and implementation statement. [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 | 1-12-045 | Administrative order—Duty to maintain order register. [Order 12, § 1-12-045, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-045, filed 9/25/74, effective 10/25/74.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. |
| 1-12-033 | Rule purpose and implementation statement. [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. Formerly | 1-12-047 | Completion of Form CR-2—Transmittal of rules adopted. [Order 12, § 1-12-047, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-047, filed 9/25/74, effective 10/25/74.] Repealed by Order 15, § 1-12-047, filed 10/31/77, effective 12/1/77. |
| 1-12-065 | Rule purpose and implementation statement. [Order 15, § 1-12-065, filed 10/31/77, effective 12/1/77.] | 1-12-050 | Filing of administrative order—Rules adopted. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. |
| 1-12-066 | Formulation of agency orders creating, amending, or repealing rules. [Order 2, § 1-12-066, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. | 1-12-060 | Formulation of agency orders creating, amending, or repealing rules. [Order 2, § 1-12-060, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030. |

- Decodified by 80-07-025 (Order 21), filed 6/12/80. Statutory Authority: 1.08.110, 28B.19.080, 34.04.055 and 34.08.030. Later promulgation, see WAC 1-12-032.
- 1-12-070 Washington Administrative Code—Basic organization. [Order 15, § 1-12-070, filed 10/31/77, effective 12/1/77; Order 5, § 1-12-070, filed 10/4/71; Emergency Order 4, § 1-12-070, filed 9/3/71; Order 2, § 1-12-070, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-080 Drafting instructions—Title number—Chapter and section names and numbers. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-090 Drafting instructions—Division of chapters into sections. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-100 Drafting instructions—Subsections, subdivisions, items, and subitems. [Order 15, § 1-12-100, filed 10/31/77, effective 12/1/77; Order 2, § 1-12-100, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-110 Drafting instructions—Citations and references. [Order 12, § 1-12-110, filed 5/9/77, effective 6/9/77; Order 2, § 1-12-110, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-120 Drafting instructions—Title and chapter digests—History notes. [Order 12, § 1-12-120, filed 5/9/77, effective 6/9/77; Order 5, § 1-12-120, filed 10/4/71; Emergency Order 4, § 1-12-120, filed 9/3/71; Order 2, § 1-12-120, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-125 Drafting instructions—Use of underlining. [Order 15, § 1-12-125, filed 13/31/77, effective 12/1/77; Order 12, § 1-12-125, filed 5/9/77, effective 6/9/77.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-130 Drafting instructions—Amendatory section. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-140 Drafting instructions—Repealer sections. [Order 15, § 1-12-140, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-140, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-140, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-140, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-150 Drafting instructions—Sequence and numbering of sections. [Order 15, § 1-12-150, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-150, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-150, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-150, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-155 Drafting instructions—Identification of sections as new, amendatory, or repealed. [Order 15, § 1-12-155, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-155, filed 5/9/77, effective 6/9/77.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-160 Drafting instructions—Redesignation of WAC numbers—Amendment or repeal of inconsistent rules. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 80-07-025 (Order 21), § 1-12-160, filed 6/12/80; Order 15, § 1-12-160, filed 10/31/77, effective 12/1/77; Order 5, § 1-12-160, filed 10/4/71; Emergency Order 4, § 1-12-160, filed 9/3/71; Order 2, § 1-12-160, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-170 Typing instructions—General. [Order 15, § 1-12-170, filed 10/31/77, effective 12/1/77; Order 12, § 1-12-170, filed 5/9/77, effective 6/9/77; Order 9, § 1-12-170, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-170, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-180 Typing instructions—New chapters of WAC. [Order 12, § 1-12-180, filed 5/9/77, effective 6/9/77; Order 2, § 1-12-180, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-190 Emergency rules. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-13-099 (Order 23), § 1-12-190, 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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-191 Emergency rules—Filing after office hours. [Order 9, § 1-12-191, filed 9/25/74, effective 10/25/74.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-200 Exemption from these rules. [Order 15, § 1-12-200, filed 10/31/77, effective 12/1/77; Order 9, § 1-12-200, filed 9/25/74, effective 10/25/74; Order 2, § 1-12-200, adopted 12/11/67, effective 1/17/68.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-210 Official forms supplied upon request. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.

Chapter 1-13

DRAFTING AND FILING OF NOTICES AND RULES BY
INSTITUTIONS OF HIGHER EDUCATION

- 1-12-220 Order typing service (OTS). [Order 15, § 1-12-220, filed 10/31/77, effective 12/1/77.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-910 Notice of intention to adopt, amend, or repeal rules (Form CR-1). [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-920 Transmittal of rules adopted (CR-2). [Order 9, Form CR-2, filed 9/25/74, effective 10/25/74; Order 5, Form CR-2, filed 10/4/71; Emergency Order 3, Form CR-2, filed 8/6/71; Order 2, Form CR-2, filed 12/18/67, effective 1/17/68.] Repealed by Order 15, filed 10/31/77, effective 12/1/77.
- 1-12-930 Form of order and transmittal by agency having single head (Form CR-7). [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-940 Form of order and transmittal by board, commission, or council (Form CR-8). [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-12-950 Notice of review of previously adopted rules (Form CR-11). [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- Form CR-3 Underlay typing guide sheet. [Order 9, filed 9/25/74, effective 10/25/74; Order 2, filed 12/18/67, effective 1/17/68.] Repealed by Order 12, filed 5/9/77, effective 6/9/77.
- Form Suggested form of order by agency having single head. [Order 9, filed 9/25/74, effective 10/25/74; Order 2, filed 12/18/67, effective 1/17/68.] Repealed by Order 12, filed 5/9/77, effective 6/9/77.
- Form Sample form of order by board or commission. [Order 9, filed 9/25/74; Order 2, filed 12/18/67, effective 1/17/68.] Repealed by Order 12, filed 5/9/77, effective 6/9/77.
- 1-13-005 Declaration of purpose. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-010 Who must file rules. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-020 What rules must be filed. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-030 Notices of intention to adopt rules. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-032 Rule purpose and implementation statement. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-033 Withdrawal of proposed rule. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-034 Review of previously adopted 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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-035 Time for filing material for inclusion in 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.]

- Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-040 Administrative orders—How promulgated. [Order 12, § 1-13-040, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-040, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-040, filed 10/4/71; Emergency Order 4, § 1-13-040, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-045 Administrative orders—Duty to maintain order register. [Order 12, § 1-13-045, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-045, filed 9/25/74, effective 10/25/74.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-047 Completion of Form CR-5, transmittal of rules adopted. [Order 12, § 1-13-047, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-047, filed 9/25/74, effective 10/25/74.] Repealed by Order 15, filed 10/31/77, effective 12/1/77.
- 1-13-050 Filing of administrative order—Rules adopted. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-060 Formulation of institution orders creating, amending, or repealing rules. [Order 5, § 1-13-060, filed 10/4/71; Emergency Order 4, § 1-13-060, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-070 Washington Administrative Code—Basic organization. [Order 15, § 1-13-070, filed 10/31/77, effective 12/1/77; Order 5, § 1-13-070, filed 10/4/71; Emergency Order 4, § 1-13-070, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-080 Drafting instructions—Title number—Chapter and section names and numbers. [Order 12, § 1-13-080, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-080, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-080, filed 10/4/71; Emergency Order 4, § 1-13-080, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-090 Drafting instructions—Division of chapters into sections. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-100 Drafting instructions—Subsections, subdivisions, items, and subitems. [Order 15, § 1-13-100, filed 10/31/77, effective 12/1/77; Order 5, § 1-13-100, filed 10/4/71; Emergency Order 4, § 1-13-100, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-110 Drafting instructions—Citations and references. [Order 12, § 1-13-110, filed 5/9/77, effective 6/9/77; Order 5, § 1-13-110, filed 10/4/71; Emergency Order 4, § 1-13-110, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-120 Drafting instructions—Title and chapter digest—History notes. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-125 Drafting instructions—Use of underlining. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 80-07-025 (Order 21), § 1-13-125, filed 6/12/80; Order 15, § 1-13-125, filed 10/31/77, effective 12/1/77.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-130 Drafting instructions—Amendatory sections. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-140 Drafting instructions—Repealer sections. [Order 15, § 1-13-140, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-140, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-140, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-140, filed 10/4/71; Emergency Order 4, § 1-13-140, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-150 Drafting instructions—Sequence and numbering of sections. [Order 12, § 1-13-150, filed 5/9/77, effective 6/9/77; Order 9, § 1-13-150, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-150, filed 10/4/71; Emergency Order 4, § 1-13-150, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-155 Drafting instructions—Identification of sections as new, amendatory, or repealed. [Order 15, § 1-13-155, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-155, filed 5/9/77, effective 6/9/77.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-160 Drafting instructions—Redesignation of WAC numbers—Amendment or repeal of inconsistent rules. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 80-07-025 (Order 21), § 1-13-160, filed 6/12/80; Order 15, § 1-13-160, filed 10/31/77, effective 12/1/77; Order 5, § 1-13-160, filed 10/4/71; Emergency Order 4, § 1-13-160, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-170 Typing instructions—General. [Order 15, § 1-13-170, filed 10/31/77, effective 12/1/77; Order 12, § 1-13-170, filed 5/9/77, effective 6/9/77; Order 5, § 1-13-170, filed 10/4/71; Emergency Order 4, § 1-13-170, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-180 Typing instructions—New chapters of WAC. [Order 12, § 1-13-180, filed 5/9/77, effective 6/9/77; Order 5, § 1-13-180, filed 10/4/71; Emergency Order 4, § 1-13-180, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-190 Emergency rules. [Statutory Authority: RCW 1.08.110, 28B.19.080, 34.04.055, and 34.08.030. 82-

- 13-099 (Order 23), § 1-13-190, 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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-200 Exemption from these rules. [Order 9, § 1-13-200, filed 9/25/74, effective 10/25/74; Order 5, § 1-13-200, filed 10/4/71; Emergency Order 4, § 1-13-200, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-210 Official forms supplied upon request. [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 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.
- 1-13-230 Disposition of rules and notices filed under chapter 34.04 RCW. [Order 5, § 1-13-230, filed 10/4/71; Emergency Order 4, § 1-13-230, filed 9/3/71.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-240 Order typing service (OTS). [Order 15, § 1-13-240, filed 10/31/77, effective 12/31/77.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-910 Notice of intention to adopt, amend, or repeal rules by institution of higher education (Form CR-4). [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-920 Transmittal of rules adopted by institutions of higher education (CR-5). [Order 9, Form CR-5, filed 9/25/74, effective 10/25/74; Order 5, Form CR-5, filed 10/4/71; Emergency Order 4, Form CR-5, filed 9/3/71.] Repealed by Order 15, filed 10/31/77, effective 12/1/77.
- 1-13-930 Form of order and transmittal by institution having single head (Form CR-9). [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-940 Form of order and transmittal by board, commission, or council (Form CR-10). [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- 1-13-950 Notice of review of previously adopted rules by institution of higher education (Form CR-12). [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.] Repealed by 89-12-028 (Order 89-1), filed 5/31/89. Statutory Authority: RCW 34.05.385 and 34.08.030.
- Form CR-3 Typing guide underlay sheet. [Order 9, Form CR-3, filed 9/25/74; Order 5, Form CR-3, filed 10/4/71; Emergency Order 4, Form CR-3, filed 9/3/71.] Repealed by Order 12, filed 5/9/77, effective 6/9/77.
- Form Suggested form of order by agency having single head. [Order 9, filed 9/25/74; Order 5, filed 10/4/71; Emergency Order 4, filed 9/3/71.] Repealed by Order 12, filed 5/9/77, effective 6/9/77.
- Form Sample form of order by board or commission. [Order 9, filed 9/25/74; Order 5, Form CR-3, filed 10/4/71; Emergency Order 4, filed 9/3/71.] Repealed by Order 12, filed 5/9/77, effective 6/9/77.
- Form CR-6 Filing of rules adopted other than under chapter 34.04 RCW and prior to September 1, 1971. [Order 5, Form CR-6, filed 10/4/71.] Decodified December 31, 1972.

Chapter 1-04 WAC GENERAL PROVISIONS

WAC

1-04-010 State Environmental Policy Act.

WAC 1-04-010 State Environmental Policy Act. Pursuant to RCW 43.21C.120 and the SEPA guidelines, chapter 197-10 WAC, the office of the code reviser has reviewed its authorized activities and has found them all to be exempt under the provisions of chapter 197-10 WAC.

[Order 11, § 1-04-010, filed 9/14/76.]

Chapter 1-06 WAC PUBLIC RECORDS

WAC

1-06-010 Purpose.
1-06-020 Definitions.
1-06-030 Description of central and field organization.
1-06-040 Operations and procedures.
1-06-050 Public records available.
1-06-060 Public records officer.
1-06-070 Office hours.
1-06-080 Requests for public records.
1-06-090 Copying.
1-06-100 Exemptions.
1-06-110 Review of denials of public records request.
1-06-120 Protection of public records.
1-06-130 Records index.
1-06-140 Communications with the agency.

1-06-160 Request for public record—Form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 1-06-150 Adoption of form. [Order 8, § 1-06-150, filed 9/25/74, effective 10/25/74.] Repealed by 78-06-011 (Order 18), filed 5/10/78. Statutory Authority: RCW 42.17.250 and 42.17.300.
- 1-06-900 Appendix A—Request for public records. [Order 8, Appendix A (codified as WAC 1-06-900), filed 9/25/74, effective 10/25/74.] Repealed by 78-06-011 (Order 18), filed 5/10/78. Statutory Authority: RCW 42.17.250 and 42.17.300.

WAC 1-06-010 Purpose. The purpose of this chapter shall be to ensure compliance by the statute law committee and the office of the code reviser with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with sections 25 through 32 of that act, dealing with public records.

[Order 8, § 1-06-010, filed 9/25/74, effective 10/25/74.]

WAC 1-06-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by this agency regardless of physical form or characteristics, except (a) those records of the bill drafting functions of the code reviser deemed confidential pursuant to RCW 1.08.027 and (b) computer programs, products, and data bases deemed exempt pursuant to RCW 42.17.310.

Public record as relates to this agency does not include computer programs, products, and data bases prepared, owned, used, or retained by this agency for the benefit of another state agency. Applications for the disclosure of such records should be addressed to the agency in interest.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) "Committee" means the statute law committee created pursuant to chapter 1.08 RCW (chapter 157, Laws of 1951).

(4) "Reviser" means the code reviser employed by the committee pursuant to RCW 1.08.011, and where appropriate the term also refers to the staff and employees of the reviser's office.

(5) "Agency" means the committee, the code reviser, and the staff and employees thereof, unless the context clearly indicates otherwise.

(6) "Records of the bill drafting functions" means any file or writing in the reviser's office created in connection with a request for preparation of legislation or research thereon, and the confidentiality of such records may be waived only by the person who requested the services of the reviser's office.

[Order 8, § 1-06-020, filed 9/25/74, effective 10/25/74.]

[Title 1 WAC—p 6]

WAC 1-06-030 Description of central and field organization. (1) The office of the code reviser is located on the ground floor of the Legislative Building, Olympia, Washington, 98504.

(2) The committee consists of twelve attorneys. Five are appointed by the Washington state bar association, two each by the senate and house judiciary committees, and one each by the governor, the chief justice of the supreme court, and the speaker of the house. The committee employs a code reviser, who serves as its secretary.

(3) Among the primary responsibilities of the committee and the code reviser is the duty to periodically codify, index, and publish the Revised Code of Washington and to revise, correct, and harmonize the statutes by means of administrative or suggested legislative action as may be appropriate. The agency is also the official bill drafting arm of the legislature and its various committees, and prepares for the legislature all bills, memorials, resolutions, amendments, and conference reports which activities are pursued on a nonpartisan, professional, lawyer-client, confidential basis pursuant to RCW 1.08.027, and the reviser's office pursuant to RCW 1.08.028 is proscribed from rendering written opinions concerning the constitutionality of any proposal. Immediately following each session of the legislature, the committee indexes and publishes the temporary edition of the session laws and subsequently publishes the permanent edition; it also responds to citizen's requests for copies of recently enacted laws. The committee administers the Administrative Procedure Act and the State Higher Education Administrative Procedure Act, serving as official repository for the rules and regulations of the various state agencies and the institutions of higher learning, and creating and publishing the Washington Administrative Code. Through its legislative information system, the committee supplies data processing services to the legislative branch including special reports to legislative members and to the legislative leadership, as well as creating and publishing the legislative digest and history of bills and the daily status report. The legislative information system also supplies all branches of government with automated legal research services.

[Order 8, § 1-06-030, filed 9/25/74, effective 10/25/74.]

WAC 1-06-040 Operations and procedures. (1) Practice and procedure in and before the agency are governed by the uniform procedure rules, chapter 1-08 WAC.

(2) The operations of the agency, including meetings, selection of officers, filling of vacancies, and fiscal matters, are conducted according to the provisions of chapter 1.08 RCW.

[Order 8, § 1-06-040, filed 9/25/74, effective 10/25/74.]

WAC 1-06-050 Public records available. All public records of the agency, as defined in WAC 1-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 1-06-100.

[Order 8, § 1-06-050, filed 9/25/74, effective 10/25/74.]

WAC 1-06-060 Public records officer. The agency's public records shall be in charge of the public records officer designated by the code reviser. The public records officer shall be responsible for the following: The implementation of the agency's rules and regulations regarding release of public records, coordinating the staff of the agency in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Order 8, § 1-06-060, filed 9/25/74, effective 10/25/74.]

WAC 1-06-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes of this chapter, the customary office hours shall be from 8 a.m. to noon and from 1 p.m. to 5 p.m., Monday through Friday, excluding legal holidays.

[Order 8, § 1-06-070, filed 9/25/74, effective 10/25/74.]

WAC 1-06-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the agency which shall be available at its office. The form shall be presented to the public records officer; or to any member of the agency's staff, if the public records officer is not available, at the office of the agency during customary office hours. The request shall include the following information:

(a) The name, address, and organization represented, if any, of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the agency's current index, an appropriate description of the record requested;

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

[Order 8, § 1-06-080, filed 9/25/74, effective 10/25/74.]

WAC 1-06-090 Copying. No fee shall be charged for the inspection of public records. The agency shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the

agency's copy equipment. This charge is the amount necessary to reimburse the agency for its actual costs incident to such copying.

[Statutory Authority: RCW 42.17.250 and 42.17.300. 78-08-010 (Order 19), § 1-06-090, filed 7/11/78; Order 8, § 1-06-090, filed 9/25/74, effective 10/25/74.]

WAC 1-06-100 Exemptions. (1) The agency reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 1-06-080 is exempt under the provisions of RCW 1.08.027 or 42.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the agency reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

[Order 8, § 1-06-100, filed 9/25/74, effective 10/25/74.]

WAC 1-06-110 Review of denials of public records request. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the code reviser, who shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the agency has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 8, § 1-06-110, filed 9/25/74, effective 10/25/74.]

WAC 1-06-120 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the agency.

(2) Original copies of public records of the agency shall not be removed from the offices of the agency.

(3) Care and safekeeping of public records of the agency, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the agency shall not be permitted.

[Order 8, § 1-06-120, filed 9/25/74, effective 10/25/74.]

WAC 1-06-130 Records index. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated after June 30, 1972, which are deemed by the agency to fall within the purview of RCW 42.17.260 and which are not exempted under the provisions of RCW 1.08.027 [cf. RCW 40.14.180], RCW 42.17.310, or WAC 1-06-020.

(2) The current index promulgated by the agency shall be available to all persons under the same rules and

on the same rules and on the same conditions as are applied to public records available for inspection.

[Order 8, § 1-06-130, filed 9/25/74, effective 10/25/74.]

WAC 1-06-140 Communications with the agency. All communications with the agency including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the agency's rules and other matters, shall be addressed as follows: Office of the Code Reviser, c/o Public Records Officer, Legislative Building, Olympia, Washington 98504.

[Order 8, § 1-06-140, filed 9/25/74, effective 10/25/74.]

WAC 1-06-160 Request for public record--Form.



REQUESTER: Please complete form and submit to "Public Records Officer" of the state agency identified.

REQUEST FOR PUBLIC RECORD

NAME OF STATE AGENCY TO		DATE OF REQUEST	TIME OF REQUEST
STATUTE LAW COMMITTEE/OFFICE OF THE CODE REVISER		REQUESTED BY	
PUBLIC RECORDS OR INFORMATION REQUESTED			
COMPLETED BY AGENCY PUBLIC RECORDS OFFICER		ACKNOWLEDGEMENT OF RECEIPT	
NO. OF COPIES	AMOUNT RECEIVED	DATE OF RECEIPT	TIME OF RECEIPT
	\$		
PUBLIC RECORDS OFFICER		RECIPIENT'S SIGNATURE	
		I understand that I must abide by the Rules and Regulations published by the agency identified, for the protection of public records, a copy of which I have read and understand. I understand that I will be charged twenty-five cents per copy for all standard letter size copies I desire and that other size publications are available at cost.	
REASON IF AGENCY IS UNABLE TO COMPLY		REQUESTER'S SIGNATURE	

FORM S.F. 276 (6/75)

- Public records of the agency are provided for inspection and copying subject to the following regulations:
- (1) No person shall knowingly alter, deface, or destroy public records of the agency.
 - (2) Original copies of public records of the agency shall not be removed from the offices of the agency.
 - (3) Care and safekeeping of public records of the agency, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
 - (4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
 - (5) Boisterous or otherwise disruptive conduct by those requesting public records of the agency shall not be permitted.

I have read, understand, and will comply with the above-stated regulations.

(Signature and date)

[Statutory Authority: RCW 42.17.250 and 42.17.300. 78-06-011 (Order 18), § 1-06-160, filed 5/10/78.]

Chapter 1-08 WAC

UNIFORM PROCEDURE RULES

WAC

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WAC 1-08-005 Application and scope of chapter 1-08 WAC. Chapter 1-08 WAC has been added to the Washington Administrative Code by the code reviser pursuant to the mandate of section 12, chapter 237, Laws of 1967 ex. sess. (RCW 34.04.022) which provides as follows:

"On or before July 1, 1967, the code reviser shall add to Title 1 of the Washington Administrative Code a new chapter to be known as chapter 1-08 WAC—Uniform procedural rules, which shall become effective July 1, 1967, and shall govern the administrative practice and procedure in and before all agencies which have not adopted comprehensive rules of practice and procedure prior to that date. Except for the numbering thereof, such rules shall be identical with the rules contained in WAC 308-08-010 through 308-08-590 as the same existed on January 3, 1966: *Provided*, That in publishing chapter 1-08 WAC the reviser may revise such terms as are used in chapter 308-08 WAC to describe "agency," "department," "board," "commission," and like terms, so as to enable the use of such rules by multiple agencies.

This section shall not prohibit any such agency from hereafter adopting its own rules of practice and procedure in the manner provided by this chapter, if such agency shall elect to promulgate comprehensive rules on this subject and shall, in the order of adoption, expressly negative any further applicability to such agency of the rules contained in chapter 1-08 WAC. [1967 c 237 § 12.]"

[Order 1, § 1-08-005, effective 7/1/67.]

WAC 1-08-007 "Agency" defined. As used in this chapter "agency" means any agency as defined in RCW 34.04.010 to which the provisions of RCW 34.04.022 and WAC 1-08-005 are applicable.

[Order 1, § 1-08-007, effective 7/1/67.]

WAC 1-08-010 Appearance and practice before agency—Who may appear. No person may appear in a

representative capacity before the agency or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law;

(3) A bona fide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

[Order 1, § 1-08-010, effective 7/1/67.]

WAC 1-08-030 Appearance and practice before agency—Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the agency to solicit business by circulars, advertisement or by personal communication or interviews not warranted by personal relations: *Provided*, That such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

[Order 1, § 1-08-030, effective 7/1/67.]

WAC 1-08-040 Appearance and practice before agency—Standards of ethical conduct. All persons appearing in proceedings before the agency in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the agency involved may decline to permit such person to appear in a representative capacity in any proceeding before the agency.

[Order 1, § 1-08-040, effective 7/1/67.]

WAC 1-08-050 Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff. No former employee of the agency or member of the attorney general's staff may at any time after severing his employment with the agency or the attorney general appear in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the agency as provided by RCW 42.22.040.

[Order 1, § 1-08-050, effective 7/1/67.]

WAC 1-08-060 Appearance and practice before agency—Former employee as expert witness. No former employee of the agency shall at any time after severing his employment with the state of Washington appear, except with the written permission of the agency, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the agency.

[Order 1, § 1-08-060, effective 7/1/67.]

[Title 1 WAC—p 10]

WAC 1-08-070 Computation of time. In computing any period of time prescribed or allowed by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

[Order 1, § 1-08-070, effective 7/1/67.]

WAC 1-08-080 Notice and opportunity for hearing in contested cases. In any contested case all parties shall be served with a notice within the statutory time as required by statute governing the respective agency or proceeding involved, and in the absence of a statutory requirement, then not less than twenty days before the date set for hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090.

[Order 1, § 1-08-080, effective 7/1/67.]

WAC 1-08-090 Service of process—By whom served. The agency shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Order 1, § 1-08-090, effective 7/1/67.]

WAC 1-08-100 Service of process—Upon whom served. All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Order 1, § 1-08-100, effective 7/1/67.]

WAC 1-08-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Order 1, § 1-08-110, effective 7/1/67.]

WAC 1-08-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph.

[Order 1, § 1-08-120, effective 7/1/67.]

WAC 1-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail

properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Order 1, § 1-08-130, effective 7/1/67.]

WAC 1-08-140 Service of process--Filing with agency. Papers required to be filed with the agency shall be deemed filed upon actual receipt by the agency at the place specified in its rules accompanied by proof of service upon parties required to be served.

[Order 1, § 1-08-140, effective 7/1/67.]

WAC 1-08-150 Subpoenas--Where provided by law--Form. Every subpoena shall state the name of the agency and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

[Order 1, § 1-08-150, effective 7/1/67.]

WAC 1-08-160 Subpoenas--Issuance to parties. Upon application of counsel or other representative authorized to practice before the agency for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The director may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

[Order 1, § 1-08-160, effective 7/1/67.]

WAC 1-08-170 Subpoenas--Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand the fees for one day's attendance and the mileage allowed by law.

[Order 1, § 1-08-170, effective 7/1/67.]

WAC 1-08-180 Subpoenas--Fees. Witnesses summoned before the agency shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington.

[Order 1, § 1-08-180, effective 7/1/67.]

WAC 1-08-190 Subpoenas--Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgement of service with the agency or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the agency and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

[Order 1, § 1-08-190, effective 7/1/67.]

WAC 1-08-200 Subpoenas--Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the agency or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

[Order 1, § 1-08-200, effective 7/1/67.]

WAC 1-08-210 Subpoenas--Enforcement. Upon application and for good cause shown the agency will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

[Order 1, § 1-08-210, effective 7/1/67.]

WAC 1-08-220 Subpoenas--Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

[Order 1, § 1-08-220, effective 7/1/67.]

WAC 1-08-230 Depositions and interrogatories in contested cases--Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application, or petition. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

[Order 1, § 1-08-230, effective 7/1/67.]

WAC 1-08-240 Depositions and interrogatories in contested cases--Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Order 1, § 1-08-240, effective 7/1/67.]

WAC 1-08-250 Depositions and interrogatories in contested cases--Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the agency or agreed upon by the parties by stipulation in writing filed with the agency. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any

counsel of a party, or who is financially interested in the proceeding.

[Order 1, § 1-08-250, effective 7/1/67.]

WAC 1-08-260 Depositions and interrogatories in contested cases--Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Order 1, § 1-08-260, effective 7/1/67.]

WAC 1-08-270 Depositions and interrogatories in contested cases--Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the agency or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the agency or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents, or information enclosed in sealed envelopes to be opened as directed by the agency or the agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the agency, or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

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[Order 1, § 1-08-270, effective 7/1/67.]

WAC 1-08-280 Depositions and interrogatories in contested cases--Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

[Order 1, § 1-08-280, effective 7/1/67.]

WAC 1-08-290 Depositions and interrogatories in contested cases--Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Order 1, § 1-08-290, effective 7/1/67.]

WAC 1-08-300 Depositions and interrogatories in contested cases--Signing attestation and return. (1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges

therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Order 1, § 1-08-300, effective 7/1/67.]

WAC 1-08-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Order 1, § 1-08-310, effective 7/1/67.]

WAC 1-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

[Order 1, § 1-08-320, effective 7/1/67.]

WAC 1-08-330 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

[Order 1, § 1-08-330, effective 7/1/67.]

WAC 1-08-340 Depositions upon interrogatories—Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 1-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

[Order 1, § 1-08-340, effective 7/1/67.]

WAC 1-08-350 Depositions upon interrogatories—Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was

duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the agency, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

[Order 1, § 1-08-350, effective 7/1/67.]

WAC 1-08-360 Depositions upon interrogatories—Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Order 1, § 1-08-360, effective 7/1/67.]

WAC 1-08-370 Official notice—Matters of law. The hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser;

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Order 1, § 1-08-370, effective 7/1/67.]

WAC 1-08-380 Official notice—Material facts. In the absence of controverting evidence, the agency and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the agency;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to

accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the agency as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the agency may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the agency rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the agency may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the agency involved or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[Order 1, § 1-08-380, effective 7/1/67.]

WAC 1-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the agency, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

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(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, eligned suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Order 1, § 1-08-390, effective 7/1/67.]

WAC 1-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer of the agency that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Order 1, § 1-08-400, effective 7/1/67.]

WAC 1-08-410 Form and content of agency decisions in contested cases. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

[Order 1, § 1-08-410, effective 7/1/67.]

WAC 1-08-420 Definition of issues before hearing.

In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearing on relevant and material matter only.

[Order 1, § 1-08-420, effective 7/1/67.]

WAC 1-08-430 Prehearing conference rule—Authorized. In any proceeding the agency involved or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties of their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of issues;
- (2) The necessity of amendments to the pleading;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.

[Order 1, § 1-08-430, effective 7/1/67.]

WAC 1-08-440 Prehearing conference rule—Record of conference action. The agency or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

[Order 1, § 1-08-440, effective 7/1/67.]

WAC 1-08-450 Submission of documentary evidence in advance. Where practicable the agency or its designated hearing officer may require:

- (1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

[Order 1, § 1-08-450, effective 7/1/67.]

WAC 1-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Order 1, § 1-08-460, effective 7/1/67.]

WAC 1-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. That the hearing examiner or other appropriate officer in all classes of cases where practicable make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications.

[Order 1, § 1-08-470, effective 7/1/67.]

WAC 1-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. That the hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, require, and when not so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not

be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses.

[Order 1, § 1-08-480, effective 7/1/67.]

WAC 1-08-490 Expert or opinion testimony and testimony based on economic and statistical data--Supporting data. That the hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties shall cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 1-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record.

[Order 1, § 1-08-490, effective 7/1/67.]

WAC 1-08-500 Expert or opinion testimony and testimony based on economic and statistical data--Effect of noncompliance with WAC 1-08-470 or 1-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 1-08-470 or 1-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements.

[Order 1, § 1-08-500, effective 7/1/67.]

WAC 1-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the agency or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The agency or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Order 1, § 1-08-510, effective 7/1/67.]

WAC 1-08-520 Rules of evidence--Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence

reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Order 1, § 1-08-520, effective 7/1/67.]

WAC 1-08-530 Rules of evidence--Tentative admission--Exclusion--Discontinuance--Objections.

When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Order 1, § 1-08-530, effective 7/1/67.]

WAC 1-08-540 Petitions for rule making, amendment or repeal--Who may petition. Any interested person may petition the agency involved requesting the promulgation, amendment, or repeal of any rule.

[Order 1, § 1-08-540, effective 7/1/67.]

WAC 1-08-550 Petitions for rule making, amendment or repeal--Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

[Order 1, § 1-08-550, effective 7/1/67.]

WAC 1-08-560 Petitions for rule making, amendment or repeal--Agency must consider. All petitions shall be considered by the agency and the agency may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Order 1, § 1-08-560, effective 7/1/67.]

WAC 1-08-570 Petitions for rule making, amendment or repeal--Notice of disposition. The agency shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Order 1, § 1-08-570, effective 7/1/67.]

WAC 1-08-580 Declaratory rulings. As prescribed by RCW 34.04.080 any interested person may petition the agency for a declaratory ruling. The agency shall consider the petition and within a reasonable time the agency shall:

- (1) Issue a nonbinding declaratory ruling; or

(2) Notify the person that no declaratory ruling is to be issued; or

(3) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved.

If a hearing as provided in subsection (3) is conducted, the agency shall within a reasonable time:

- (a) Issue a binding declaratory rule; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued.

[Order 1, § 1-08-580, effective 7/1/67.]

WAC 1-08-590 Forms. Any interested person petitioning the agency for a declaratory ruling pursuant to RCW 34.04.080 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of agency)." On the left side of page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

Any interested person petitioning the agency requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of agency)." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be

referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

[Order 1, § 1-08-590, effective 7/1/67.]

Chapter 1-21 WAC RULE MAKING

WAC

1-21-005	Purpose.
1-21-010	Preproposal comments.
1-21-020	Notice—Form, contents, numbers.
1-21-030	Notice period—Register distribution date.
1-21-040	Notice—Time for filing.
1-21-050	Continuance.
1-21-060	Withdrawal of proposal.
1-21-070	Administrative order.
1-21-080	Numbering system—Captions.
1-21-090	Redesignation of WAC numbers.
1-21-100	Nontext rules.
1-21-110	Amendatory rules.
1-21-120	Underlining restricted.
1-21-130	Repealers.
1-21-140	Review of previously adopted rules.
1-21-150	Exemptions from publication.
1-21-160	Emergency rules—Filing after office hours.
1-21-170	Official forms.

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. 89-12-028 (Order 89-1), § 1-21-005, filed 5/31/89.]

WAC 1-21-010 Preproposal comments. An agency that wishes to solicit comments from the public under RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05-.320, may complete and file with the code reviser's office a CR-101 form (Preproposal Comments). The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-010, filed 5/31/89.]

WAC 1-21-020 Notice—Form, contents, numbers.
(1) An agency shall file 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).

(2) The agency shall file the original and six copies of the 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.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-020, filed 5/31/89.]

WAC 1-21-030 Notice period--Register distribution date. (1) Under RCW 34.05.320, notice of proposed rule making must be published in the State Register at least 20 days before the agency may hold a hearing on the proposal. The 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 Register will be delayed until Thursday.

(2) In counting the twenty-day notice period, consider the distribution date of the pertinent Register as day 20; 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 schedule of closing dates on page 2 of each Register applies this section and WAC 1-21-040 to the current year. In case of a discrepancy between the WAC rules and the schedule, the rules have priority.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-030, filed 5/31/89.]

WAC 1-21-040 Notice--Time for filing. To permit sufficient lead time for the editorial, data capture, and printing process, material to be published in a particular issue of the Register must be in the 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 code reviser's Order Typing Service (OTS), by 5:00 p.m. on the fourteenth day before the distribution date of that issue of the Register; or

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

(a) No more than 10 pages, by 5:00 p.m. on the fourteenth day before the distribution date of that Register; or

(b) More than 10 but less than 30 pages, by 5:00 p.m. on the twenty-eighth day before the distribution date of that Register; or

(c) 30 or more pages, by 5:00 p.m. on the forty-second day before the distribution date of that Register.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-040, filed 5/31/89.]

WAC 1-21-050 Continuance. (1) Under RCW 34.05.325(4), 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 Register, but before filing the administrative order adopting the rule, the agency shall give notice of the continuance to the code reviser's office on a CR-102 form. If no substantial change is made in the proposal, the continuance is not subject to the 20-day publication requirement of RCW 34.05.320.

(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 State Register consists of filing the continuance notice on a CR-102 form with the code reviser in time for it to appear in a Register that will be distributed at least five days before the originally scheduled proceeding.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-050, filed 5/31/89.]

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

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-060, filed 5/31/89.]

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.

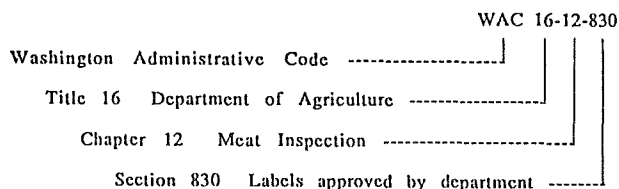
[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-070, filed 5/31/89.]

WAC 1-21-080 Numbering system--Captions. (1) The primary division of the Washington Administrative Code (WAC) is the Title. The code reviser assigns each agency a title number, which usually is in alphabetical order. A newly created agency shall apply to the code reviser's office 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 34.05.385 and 34.08.030. 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 code reviser's office 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 prepared by the code reviser and published with the appropriate chapter or title.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 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. 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 agency order number and 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 34.05.385 and 34.08.030. 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 code reviser's office if in doubt as to the proper method for indicating these styles.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-120, filed 5/31/89.]

WAC 1-21-130 Repealers. To repeal one or more current sections, list them individually by citation and current 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. 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 shall file notice of the review with the code reviser on a CR-104 form (Review of Previously Adopted Rules). The agency shall file the original and six copies of the notice. Four copies will be returned to the agency, three of which shall be delivered to the 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 34.05.385 and 34.08.030. 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 code reviser under the authority of RCW 34.05.210, may, upon application by the agency to the code reviser for an exemption, be exempted by 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 and approved before filing the rules.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-150, filed 5/31/89.]

WAC 1-21-160 Emergency rules--Filing after office hours.

The code reviser's office is open for the filing of agency rule-making notices and orders from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. The code reviser delegates to the Washington State Patrol the authority to accept at other times the filing of emergency orders adopting, amending or repealing rules when the emergency nature of the orders requires their filing and immediate effectiveness. To use this service, the agency may telephone the capitol security unit of the state patrol at 753-2191 to arrange for receipt of the filing by the state patrol. The agency shall notify the

code reviser's office of the filing by 9:00 a.m. on the next business day after the filing.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 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 code reviser's office upon request:

- (1) Form CR-101 Preproposal Comments
- (2) Form CR-102 Proposed Rule Making
- (3) Form CR-103 Rule-making Order
- (4) Form CR-104 Review of Previously Adopted Rules.

[Statutory Authority: RCW 34.05.385 and 34.08.030. 89-12-028 (Order 89-1), § 1-21-170, filed 5/31/89.]