

## **CONCISE EXPLANATORY STATEMENT**

### **Chapter 1-21 WAC, Rule Making**

The Office of the Code Reviser is adding and clarifying rules for the Washington State Register, including acceptable formatting for emphasis and font size; acceptable font types; corrections and withdrawals; electronic filing system down protocol; when to contact the Office of the Code Reviser directly; Joint Administrative Rules Review Committee requests for review; rules coordinator, public records officer, and notice of public meetings publication requirements and available templates; and interpretive/policy statements and rules development agenda publication requirements.

The Office of the Code Reviser anticipates that agencies will benefit from the clarification of the filing and rule-making process and the public will benefit from a streamlined and consistent process and formatting.

The Office of the Code Reviser held the hearing on rule making for chapter 1-21 WAC on Friday, October 4, 2019. In attendance were: Members of the Office of the Code Reviser, Jennifer Meas, Kerry Radcliff, Barbara Purdue, and hearing officer Mark Lally; and a representative from the Department of Transportation, Karen Engle. A representative from the Department of Ecology, Laura Ballard, was present after the hearing had adjourned and was only in attendance to observe. There was no testimony by hearing attendees. The hearing adjourned without plans to continue the hearing to a later date and no plan to accept more comments on the rules.

Changes from the proposed to adopted rules were summarized for those in attendance at the hearing. The suggested changes came from the Office of the Code Reviser staff, Wendy Barcus of the Health Care Authority, Gloriann Robinson of the Department of Agriculture, Ann Myers of the Health Care Authority, and Laura Ballard of the Department of Ecology (by phone). The suggestions to the rules are summarized in the table (following) with notations indicating who made the suggestions, whether or not they were accepted, and, if rejected, why they were rejected.

Following the hearing, after adjournment, the Office of the Code Reviser decided to go forward with suggested changes from Wendy Barcus, Health Care Authority, to each occurrence of the word "shall" which will now be changed to "must" for adoption. This change is consistent with clear rule-writing standards and commonly used language in rule and law.

## Changes to Proposed Rules

All changes are grammatical and/or for clarification unless otherwise noted.

<b>WAC 1-21</b>	<b>Recommended Changes</b>	<b>Yes/No</b>	<b>Who Recommended</b>	<b>Why</b>
008(1)	Add comma after "filing" Add "'s" to "reviser" Close up "web site" to one word Replace "that will" with "to" After "registration" add "letter"	Yes	CRO	
008(2)	After "agencies" add "must" Delete "you will receive" After "reply" add "is" Delete "your" and add "the agency" Replace "you do not receive this" with "the" After "reply" add "is not received" Delete "please"	Yes	CRO	
008(2)	Add "must"	Yes	Wendy Barcus	
008(3)	Delete "If the agency needs" Add "the agency must" Delete "by phone or by email" Delete "please" Delete "by phone"	Yes	Wendy Barcus and Gloriann Robinson	
008(4)	Replace "our" with "the" Add "of the code reviser"	Yes	CRO	
008(5)	Delete "you do not receive" Add "is not returned to the agency" Replace "your" with "the" Delete "by phone" Add "regarding the status of the official stamped copy"	Yes	CRO	
010 (1)-(4)	Numbered paragraphs	Yes	Wendy Barcus	
010(1)	Replace "shall" with "must"	Yes	Wendy Barcus	CRO opted to change "shall" to "must" to keep language clear to readers.
010(3)	Delete "You must" Replace "plus" with "and" Add "hard" before "copies"	Yes	CRO and Wendy Barcus	
015(2)	Replace "shall" with "must"	Yes	Wendy Barcus	CRO opted to change "shall" to "must" to keep

				language clear to readers.
015(2)	Add "and include the full text of a proposed new, amended, or repealed rule" Delete "The agency must file the full text of a proposed new or amendatory rule, along with the CR-105 form"	No	Wendy Barcus	CRO opts not to change existing code which is accurate and effective.
015(2)	Replace "CR-103" with "CR-103P"	Yes	CRO	
015(3)	Replace "should" with "must"	Yes	CRO	CRO opted to change "should" to "must" to keep language clear to readers.
015(4)	Replace "shall" with "must"	Yes	Wendy Barcus	CRO opts not to change existing code which is accurate and effective.
015(4)	Add "(form and text)" Add "electronic" Add "hard"	Yes	Wendy Barcus	
015(4)	Add "stamped hard copy" "additional stamped hard" ". The code reviser will" "the remaining" "hard"	No	Wendy Barcus	Accepted partial changes and kept remaining text as was proposed for simplicity.
020(1)	Replace "shall" with "must"	Yes	Wendy Barcus	CRO opted to change "shall" to "must" to keep language clear to readers.
020(2)	Add "hard"	Yes	Wendy Barcus	
020(2)	Add "hard copy" "additional" "stamped hard copy" "additional stamped hard" "hard" "stamped hard" "stamped hard"	No	Wendy Barcus	Accepted partial changes and kept remaining text as was proposed for simplicity.
030(3)	Add "office of the code reviser provides a" Delete "provided" Replace "or" with "and" Strike "applies this section and WAC 1-21-040 to the current year"	Yes	CRO	
035(2)	Add "The office of the code reviser automatically forwards" Delete "are automatically forwarded" and "by the office of the code reviser"	No	Wendy Barcus	Accepted partial changes and kept remaining text as was proposed for simplicity.
035(2)	Replace "WSR" with "Washington State Register"	Yes	CRO and Wendy Barcus	

	Delete "the" Add "that" and "deliver" Replace "delivered" with "hard copy" Delete "will need" Add "the office of the code reviser must"			
040 (1)-(3)	Number first paragraph and renumber all paragraphs accordingly	Yes	CRO	
040(1)	Replace "have <b>received</b> " with "be <b>received</b> by the office of the code reviser via" Add "with attachment(s)"	Yes	CRO, Ann Myers, and Wendy Barcus	
040(3)	Add paragraph "The office of the code reviser provides a schedule of closing dates online at <a href="http://leg.wa.gov/CodeReviser/Documents/basecalendar.pdf">http://leg.wa.gov/CodeReviser/Documents/basecalendar.pdf</a> ; and on page 2 of each published <i>Washington State Register</i> . In case of a discrepancy between the WAC rules and the schedule, the rules have priority."	Yes	CRO	
060 (1)-(2)	Number paragraphs Add comma	Yes	Wendy Barcus	
060(1)	Replace "shall" with "must"	Yes	Wendy Barcus	CRO opted to change "shall" to "must" to keep language clear to readers.
060(2)	After "designee." Strike from "The" to end of paragraph and add new paragraph "(2) The joint administrative rules review committee must receive a copy of the notice of withdrawal. If the agency provides an electronic copy of the notice of withdrawal to the office of the code reviser, then the office of the code reviser must forward an electronic copy of the notice of withdrawal to the joint administrative rules review committee. However, if the agency provides a hard copy of the notice of withdrawal to the office of the code reviser, then the agency must also submit three hard copies of the notice of withdrawal to the joint administrative rules review committee.	Yes	CRO, Ann Myers, and Wendy Barcus	
070(1)	Replace "shall" with "must" Replace "done" with "submitted"	Yes	CRO and Wendy Barcus	
070(2)	Replace "shall" with "may either" Add "the permanent or emergency package" Add "electronic" Add "hard" Remove "forward electronic copy of the stamped filing or the agency is required to" Restore remainder of the paragraph to what is currently in effect.	Yes	CRO, Ann Myers, and Wendy Barcus	
072	Replace "shall" with "must" in two places Add "office of the"	Yes	CRO and Wendy Barcus	

	Add "'s" and close up "web site" Replace "You" with "An agency" Add "office of the" Add "'s" and close up "web site"			
074	In first paragraph, Replace "shall" with "must" In second paragraph, add "office of the"; add "'s" and close up "web site"; replace "You" with "An agency" ; add "office of the"; add "'s" and close up "web site" In third paragraph, delete the last sentence of paragraph	Yes	CRO and Wendy Barcus	
076 (1)(a)	Add comma Replace "shall" with "must" Add "office of the" Replace "such" with "the public" Replace "meeting" with "meetings" Replace "You" with "An agency" Add "office of the" Add "'s" and close up "web site"	Yes	CRO and Wendy Barcus	
076 (1)(b)	Replace "from such" with "to a public" Replace "meeting" with "meetings" twice Replace "You" with "An agency" Add "office of the" Add "'s" and close up "web site"	Yes	CRO	
076(2)	Delete last sentence in paragraph	Yes	CRO and Ann Myers	
076 (3), (4)	Add "(3) Special meetings are not required to be published in the Washington State Register. For information on special meetings, see RCW 42.30.080. (4) Local agencies are not required to publish their meetings in the Washington State Register."	Yes	CRO and Ann Myers	
078	Replace "it shall" with "the agency must" Add "office of the"	Yes	CRO and Wendy Barcus	
079	Replace three occurrences of "shall" with "must" Add "office of the" Replace "not later than" with "by" Add "hard"	Yes	CRO and Wendy Barcus	
079	Delete "for publication in the <i>Washington State Register</i> not" Add "for publication in the <i>Washington State Register</i> "	No	Wendy Barcus	Original proposed language is consistent with language in statute.
125(1)	Replace "should" with "must" Add "a minimum of" and spell out "10" and "8" Add "using recommended accessible font, such as" Add ", Verdana, Arial, Tahoma, Helvetica, or Calibri"	Yes	CRO and Laura Ballard	Changes to the suggested font styles comply with the standards proscribed by the federal Health and Human Services.

125(2)	Delete “, on behalf of the reader” Add “the addition of” Replace “in” with “when amending existing” Replace two occurrences of “should” with “may”	Yes	CRO	
125(4)	Add “of these types of addresses”	Yes	CRO	
125(5)	Add “The document should be free of background images or watermarks. (6)”	Yes	CRO	
140	Replace “shall” with “must”	Yes	Wendy Barcus	CRO opted to change “shall” to “must” to keep language clear to readers.
140	Add “stamped hard”	No	Wendy Barcus	CRO opts not to change existing code which is accurate and effective.
140	Add “the notice of review” Add “hard” Add “of review to the office of the code reviser”	Yes	CRO and Wendy Barcus	
150	Delete “, upon application by the agency to the office of the code reviser for an exemption,” Replace “An application for” with “The agency must apply for an” Replace “must be made and” with “to the office of the code reviser and be”	No	Wendy Barcus	CRO opts not to change existing code which is accurate and effective.
150	Add “by the agency” Add “by the office of the code reviser”	Yes	CRO and Wendy Barcus	
170	No changes.			