

MARCH 15, 1978

OLYMPIA, WASHINGTON

ISSUE 78-03

Codified



IN THIS ISSUE

Agriculture, Department of
Bellevue Community College
Chiropractic Disciplinary Board
Chiropractic Examiners, Board of
Community College District No. 12
Community Development, Office of
Eastern Washington University
Ecology, Department of
Education, Board of
Energy Facility Site Evaluation Council
Fisheries, Department of
Gambling Commission
Game, Department of
General Administration, Department of
Governor, Office of the
Green River Community College
Health, Board of
Higher Education Personnel Board
Horse Racing Commission
Insurance Commissioner
Interagency Committee for Outdoor
Recreation
Labor and Industries, Department of

Licensing, Department of
Liquor Control Board
Natural Resources, Department of
Parks and Recreation Commission
Personnel Board
Pharmacy, Board of
Planning and Community Affairs
Agency
Public Disclosure Commission
Public Employment Relations
Commission
Public Instruction, Superintendent of
Retirement Systems, Department of
Revenue, Department of
Shorelines Hearings Board
Social and Health Services, Department of
State Employees Insurance Board
Urban Arterial Board
Utilities and Transportation Commission
Washington State University
Whatcom Community College

(Subject/Agency index at back of issue)

This issue contains documents officially
filed no later than March 1, 1978

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 123rd item in the February, 1978, Register would be cited as WSR 78-02-123.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Code Reviser pursuant to chapter 28B.19 RCW or 34.04 RCW is available for public inspection during normal office hours. The Code Reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Acting Code Reviser

WASHINGTON STATE REGISTER

published monthly by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate \$50 per year, postpaid to points in the United States. Application to mail at second-class postage rates is pending at Olympia, Washington.

Changes of address notices, subscription orders, and undelivered copies should be sent to:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

The Washington State Register is an official publication of the State of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the Code Reviser pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

Robert L. Charette,
Chairman, Statute Law Committee
Dennis W. Cooper,
Acting Code Reviser
Gary Reid,
Assistant Code Reviser
For WAC and WSR

GayLynne Holt,
Editor
Jeanie Simmons,
Subscriptions

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

3. PRINTING STYLE — INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections —
 - (i) underlined matter is new matter;
 - (ii) ~~deleted matter is ((lined out and bracketed between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
78-1	Jan 18	Feb 7	Jan 4	— ⁴	— ⁴
78-2	Feb 15	Mar 7	Feb 1	Jan 18	Jan 4
78-3	Mar 15	Apr 4	Mar 1	Feb 15	Feb 1
78-4	Apr 19	May 9	Apr 5	Mar 22	Mar 8
78-5	May 17	Jun 6	May 3	Apr 19	Apr 5
78-6	Jun 21	Jul 11	Jun 7	May 24	May 10
78-7	Jul 19	Aug 8	Jul 5	Jun 21	Jun 7
78-8	Aug 16	Sep 5	Aug 2	Jul 19	Jul 5
78-9	Sep 20	Oct 10	Sep 6	Aug 23	Aug 9
78-10	Oct 18	Nov 7	<u>Oct 4</u>	Sep 20	Sep 6
78-11	Nov 15	Dec 5	Nov 1	Oct 18	Oct 4
78-12	Dec 20	Jan 9, 1979	Dec 6	Nov 22	Nov 8

¹All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²"No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediately preceding Register.

³OTS is the acronym used for the Order Typing Service offered by the Code Reviser's Office which is briefly explained in WAC 1-12-220 and WAC 1-13-240.

⁴Material having this quantity of pages will not appear in Register No. 78-1 but will appear in Issue No. 78-2 if filed by the pertinent closing date for that issue.

WSR 78-03-001

NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF GAME

[Letter, Assistant Director—January 31, 1978]

Attached is a schedule of public meetings held by the State Game Commission annually. The 1978 meetings will be held as follows:

- January - Yakima
- April - Olympia
- May - Seattle
- July - Tacoma
- August - Ellensburg
- October - Spokane

The State Game Commission holds regular meetings on the first Mondays of January, April, July, and October of each year, and special meetings at such times as may be called by the Chairman or by two-thirds majority of the members. Following is a sample of seasons established at these meetings:

- January - Spring and Summer Hunting Seasons (All black bear; cougar; bobcat; racoon; and rockchuck seasons; black-tailed jack rabbit and spring turkey seasons)
Hunting season opening date only.
- April - Mountain Goat, Mountain Sheep and Moose Hunting Seasons
- *May - Big Game Hunting Seasons and Game Bag Limits (Entire forest grouse species including Blue, Ruffed and Spruce; early partridge season for Chukars, Redleg and Hungarians; entire deer, elk other rabbits, archery and muzzleloading seasons)
Game Management Unit Descriptions
- July - Trapping Seasons and Regulations
Mourning Dove and Pigeon Seasons
- *August - Migratory Waterfowl and Upland Game Bird Seasons (Balance of game bird seasons)
General Fishing and Steelhead Seasons
- October - Routine Department business

Following is a list of the seven major pamphlets, including one single sheet, distributed by the Department and which month of the year the pamphlet is available to the public:

1. Spring and Summer Hunting Seasons (March)
2. Mountain Goat, Sheep and Moose (June)
3. Big Game (July)
4. Game Management Unit Descriptions (July)
5. Mourning Dove and Pigeon SINGLE SHEET ONLY (July)
6. Migratory Waterfowl and Upland Game Bird (September)
7. Trapping Seasons and Regulations (October)
8. Game Fish Seasons and Catch Limits (December)

*Special meetings of Game Commission, other four meetings are statutory.

WSR 78-03-002

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 73—Filed Feb. 2, 1978—Eff. Feb. 5, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, do promulgate and adopt at Olympia, Washington, the annexed rule relating to sports fishery in the Skagit River and tributaries.

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

Current data from creel census monitoring indicate that certain area closures on the Skagit River are necessary to protect wild steelhead stocks while allowing the harvest of surplus hatchery fish. Therefore, it is necessary that the sports fishery be terminated in all of the Skagit River and tributaries with the exception of the Skagit River from mouth to railroad bridge at Mount Vernon and from the Dalles Bridge to Marblemount Bridge, which areas can support a harvest of surplus hatchery fish.

This rule is adopted as an emergency rule.

This rule is promulgated under the authority of the Director of the Game Department as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedures Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED this 2nd day of February, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-28-600000A. CLOSURE OF THE SKAGIT RIVER AND TRIBUTARIES TO THE TAKING OF STEELHEAD BY SPORTS FISHERY. Notwithstanding the provisions of WAC 232-28-600, it shall be unlawful for any sports fishermen to take, fish for, or possess steelhead trout from the Skagit River and tributaries with the exception of the following areas:

(1) Skagit River - mouth to railroad bridge at Mount Vernon.

(2) Skagit River - Dalles Bridge at Concrete to the Marblemount Bridge.

Daily bag limit shall be one fish. Possession limits and size remain as outlined in WAC 232-28-600, the 1978 Washington Game Fish Seasons and Catch Limits.

This partial closure shall become effective 6:00 p.m., Sunday, February 5, 1978.

WSR 78-03-003
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
[Memorandum from Administrator, Feb. 2, 1978]

At its meeting of January 27, 1978 (Special Session), the Interagency Committee for Outdoor Recreation changed its Fall Funding Session from September 25-26, 1978 to OCTOBER 30-31, 1978. Will you please make this change in the Registry of meetings.

WSR 78-03-004 *Codified*

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

(Industrial Welfare Committee)

[Order 78-1—Filed Feb. 3, 1978]

Be it resolved by the Industrial Welfare Committee, acting at General Administration Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to employment standards for counselor staff occupations in organized seasonal recreational camps.

This action is taken pursuant to Notice No. 7706 filed with the code reviser on 8/5/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Industrial Welfare Committee as authorized in RCW 49.12.091.

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

APPROVED AND ADOPTED August 25, 1977.

By John C. Hewitt
Director

NEW SECTION

WAC 296-126-200 **APPLICABILITY.** WAC 296-126-200 through WAC 296-126-226 shall apply to persons employed in counselor staff occupations in organized seasonal recreational camps as herein defined.

NEW SECTION

WAC 296-126-202 **DEFINITIONS.** (1) "Department" shall mean the Department of Labor and Industries.

(2) "Committee" shall mean the Industrial Welfare Committee of the Department of Labor and Industries.

(3) "Organized camps," as used herein, shall refer to established resident group camps, which are established and maintained for recreation, education, vacation, or religious purposes, for use by organized groups wherein the activities are conducted on a closely supervised basis,

and where day-to-day living facilities, including food and lodging, are provided either free-of-charge or by payment of fee.

(4) "Employ" means to engage, suffer, or permit to work.

(5) "Employee" shall mean any person who is employed in a counselor staff occupation in an organized seasonal recreational camp as herein defined.

(6) "Employer" means any person, association, partnership, private or public corporation who employs or exercises control over wages, hours, or working conditions of one or more employees.

(7) "Minor" shall mean any person under eighteen (18) years of age.

(8) "Counselor staff occupations" shall include all work involving duties primarily relating to guidance, instruction, supervision, and care of campers in organized camps, whether such work involves direct charge of, or responsibility for, such activities, or merely assistance to persons in charge; but shall not include pre-season training courses. Counselor staff occupations include, but are not limited to: head counselor, assistant head counselor, specialist counselor or instructor (such as swimming counselor, arts and crafts counselor, etc.), group or division leader, camp parent, teacher, supervising counselor, senior counselor, counselor, general counselor, bunk counselor, assistant counselor, junior counselor, counselor aide, and kitchen helpers working no more than 27 hours in a given work week.

(9) "Resident counselor staff" shall mean staff who receive lodging and meals from the employer.

(10) "Non-resident counselor staff" shall mean staff who do not receive lodging and meals from the employer.

(11) "Counselor I," "Counselor II," and "Counselor III," shall be defined for purposes of this standard as follows: "Counselor I" is one never before employed in any counselor staff occupations; "Counselor II" is one who has had at least one season's employment in a counselor staff occupation; "Counselor III" is one who has had at least three seasons of employment in a counselor staff occupation.

(12) "Season of employment" is defined as a period of not less than six weeks, nor more than 12 weeks in any one calendar year, except that counselors employed less than six weeks in any one season may accumulate their employment experience from year to year to meet the minimum requirements for counselor grade.

NEW SECTION

WAC 296-126-204 **MINIMUM WAGE.** Except as otherwise provided by Chapter 49.46 RCW: (1) The minimum wage for kitchen helpers working in excess of 27 hours per week, camp cooks, and all employees other than counselor staff, shall be no less than \$2.00 per hour for employees 18 years of age or older, and no less than \$1.75 for employees under age 18.

(2) Minimum wage rates for counselor staff occupations shall be as follows:

MINIMUM WEEKLY RATE

	Non-Resident Employee (6-day week)	Resident Employee (6-day week)
COUNSELOR III	\$66.00	\$51.00
COUNSELOR II	45.00	30.00
COUNSELOR I	36.00	21.00

(3) The minimum daily wage rate for resident or non-resident counselor staff shall be prorated from the six-day basis.

(4) Minimum wage provisions shall not apply to resident campers under the age of 18 who are engaged in an in-training program, which provides prepared instructions and supervision by qualified counselor staff, and which requires no more than 24 on-duty hours weekly. Such resident campers shall (a) carry no responsibility for other campers and no bunk responsibility, except as a defined part of the training program and (b) shall not enter such a program unless their parents or guardians sign an authorization, which includes an outline of the program and a description of the duties and responsibilities involved.

NEW SECTION

WAC 296-126-206 LIMITATION ON NUMBER OF EMPLOYEES PAID IN COUNSELOR I AND COUNSELOR II RATES. In any week, an employer may pay the Counselor I rate to no more than 30 percent of the total number of employees in counselor staff occupations. Furthermore, the total number of employees paid at the Counselor I and Counselor II rates may not exceed 80 percent of the total staff. In small camps (40 campers or under) where the above percentage limitations may be unworkable, the Supervisor of Employment Standards shall have authority to make reasonable adjustments of these limitations upon a showing that the above limitations will work a hardship.

NEW SECTION

WAC 296-126-208 PREMIUM PAY FOR RESIDENT COUNSELOR STAFF OCCUPATIONS. At termination of employment, a resident counselor staff member shall be entitled to premium payment of an additional 25 percent of the staff member's weekly rate of pay for each week of employment, unless he or she received 24 hours per week off-duty, 12 hours of which must have been in sequence. The 24 hours off-duty time need not have been accumulated in any one week.

NEW SECTION

WAC 296-126-210 BOARD, LODGING, AND OTHER SERVICES. The minimum wage rates of resident counselor staff shall be subject to no charge by an employer for lodging or meals furnished by the employer or for any other services furnished in connection with camp business within reason.

NEW SECTION

WAC 296-126-212 TRAVEL EXPENSES. The employer shall pay the fare or make transportation available for any counselor staff member who is required or permitted to supervise, or assist in supervising, campers in transit.

NEW SECTION

WAC 296-126-214 RECORDS. Records showing the names of employees, dates of employment, wages paid, and days worked by them shall be kept by every employer for a period of at least three years and available for inspection by the representatives of the Industrial Welfare Committee of the Department of Labor and Industries at all reasonable times.

NEW SECTION

WAC 296-126-216 AGREEMENTS. All employees must enter into a written agreement with the camp administration setting forth the remuneration, room and board, special services provided, and the nature of the work assignment as counselors and leaders. Resident camper parental authorizations and employee agreements are to be kept on file for a three-year period.

NEW SECTION

WAC 296-126-218 WORK PERMITS. No minor shall be employed until the employer has applied for and received a permit to employ minors from the Department of Labor and Industries, and has obtained a parental authorization and proof of age document for each minor employee.

NEW SECTION

WAC 296-126-220 MINORS' OCCUPATIONS. No minor worker shall be employed in any occupation which the Department of Labor and Industries, through the Industrial Welfare Committee, shall declare to be particularly hazardous for minors under the age specified in the minor work permit regulation, WAC 296-125.

NEW SECTION

WAC 296-126-222 SANITATION AND SAFETY. (1) All places of employment shall be maintained in a sanitary condition in conformity with the requirements for sanitation for camps set by the Health Services Division, Department of Social and Health Services and/or the Washington Industrial Safety and Health Act (WISHA).

(2) All places of employment shall be maintained in a safe condition in conformity with the WISHA standards of the Department of Labor and Industries, Division of Industrial Safety and Health.

(3) First aid requirements of the WISHA standards of the Department of Labor and Industries shall be met. In addition, the provision of an infirmary with the full-time services of a physician and/or registered nurse is recommended for camps operated by one organized group for more than two weeks.

(4) Transportation shall be available at all times for use in case of an emergency and shall be of a nature to render reasonable comfort to an injured person.

(5) If pre-employment physical examinations, including preventive inoculations, recommended by public health authorities are required of employees, such examinations shall not be at the expense of the employee.

(6) No employee shall be required or permitted to lift or carry excessive weights. Where weights in excess of 20 pounds are to be lifted, carried, pushed, or pulled as a normal part of an employee's responsibility:

(i) The lifting, carrying, pushing or pulling duties shall be made known to the prospective employee at the time of recruitment, initial employment or reassignment to a lifting job.

(ii) Instruction shall be given such employees on proper lifting techniques in accordance with instructions provided or approved by the Department of Labor and Industries.

(iii) Assurance that adequate instruction in weight lifting techniques have been given as provided in (ii) shall be furnished the Committee or its authorized agent upon request.

(7) Employee assignments to counseling duties shall be in keeping with the employee's maturity, knowledge, and skills. The health and welfare of the employee shall be considered in the determination of adequate counselor staff-camper ratios. Personnel should be selected on the basis of standards currently prescribed in the American Camping Association Resident Camp standards.

NEW SECTION

WAC 296-126-224 WEARING APPAREL.

Whenever an employer requires the employees to wear a uniform or other article of wearing apparel of a specific style or color, it must be furnished by the employer. Usual and customary wearing apparel in conformance to a general dress standard need not be furnished by the employer.

NEW SECTION

WAC 296-126-226 PENALTIES. The Department shall investigate the complaint of any individual alleging that these standards have been violated. Any employer employing any person in violation of these standards shall upon conviction thereof be punished in accordance with RCW 49.12.170, which states as follows: "Any employer employing any person for whom a minimum wage or standards, conditions and hours of labor have been specified, at less than said minimum wage, or under standards or conditions of labor or at hours of labor prohibited by the rules and regulations of the committee; or violating any other of the provisions of this 1973 amendatory act; shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one thousand dollars (\$1,000.00)."

**WSR 78-03-005
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed Feb. 3, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030 that the Liquor Control Board intends to adopt, amend, or repeal rules concerning:

Amend: WAC 314-62-020 ANNUAL REPORTS.

The terms and substance of the above proposed amended rule are set forth in Attachment A.

that such agency will at 9:30 a.m., Thursday, April 6, 1978, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, Washington 98504 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, April 6, 1978, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 66.08.030, RCW 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 6, 1978 and/or orally at 9:30 a.m., Thursday, April 6, 1978, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg., 1025 East Union Avenue, Olympia, Washington 98504.

Dated: February 3, 1978
By: L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 63, filed 1/17/78)

WAC 314-62-020 ANNUAL REPORTS. Pursuant to RCW 66.08.028, the Board makes annual reports to the Governor covering the administration and enforcement of the Liquor Act during the preceding fiscal year. Copies of this report shall be available through the Board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. A charge of \$2.80 shall be made for each copy of this report; PROVIDED, HOWEVER, That copies of the annual report shall be provided without charge as follows: (1) to the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensed agents of suppliers of liquor with whom the board does business, one copy each; (6) to recognized news reporting services maintaining permanent offices at the capitol, one copy each. One copy of the annual report shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers.

**WSR 78-03-006
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed Feb. 3, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Social

and Health Services intends to adopt, amend, or repeal rules concerning:

Amend: WAC 388-24-107 relating to eligibility conditions applicable to AFDC-R and AFDC-E—registration for WIN.

that such agency will at 10:00 a.m., Wednesday, April 12, 1978, in the Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 19, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.23.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 12, 1978 and/or orally at 10:00 a.m., Wednesday, April 12, 1978, Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

Dated: February 2, 1978

By: Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—REGISTRATION FOR WIN. (1) As a condition of eligibility for AFDC, every individual shall register for the work incentive program unless such individual is

(a) A dependent child who is under age 16 or is a dependent child who is age 16 but not yet 18 who is enrolled as, or has been accepted for enrollment as, a full time student for the next school term,

(b) A person who is ill, incapacitated, or 65 years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the work incentive program,

(c) A person so remote from a work incentive project that his effective participation is precluded,

(d) A person whose presence in the home is required because of illness or incapacity of another of the household,

(e) A mother or other needy caretaker relative of a child under the age of six who is caring for the child,

(f) A mother of an unborn child,

(g) A mother or other female caretaker of a child, if the father or another relative in the home is required to register. This exemption shall be terminated when the male required to register has failed to register or has been found to have refused without good cause to participate under a work incentive program or accept employment.

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his status is finally determined. (See WAC 388-57-090).

(3) If an individual who is required to register for the work incentive program fails to register he shall be ineligible for assistance and his financial need shall not be taken into account in determining the requirements of the family. Assistance will be granted to the eligible members of the family.

(4) A mother or other relative of a child or unborn child under the age of six, who is caring for the child, shall be advised of her option to register if she so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by employment security.

(5) An AFDC recipient who has been exempt from WIN registration must register within thirty days after the date the reason for his exemption ceases to exist.

WSR 78-03-007
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed Feb. 6, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

AMD: Ch. 388-80 WAC relating to medical care—definitions;

AMD: Ch. 388-86 WAC relating to medical care—services provided; and

AMD: Ch. 388-87 WAC relating to medical care—payment;

that such agency will at 10:00 a.m., Wednesday, April 12, 1978, in the Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 19, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 12, 1978, and/or orally at 10:00 a.m., Wednesday, April 12, 1978, Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

Dated: February 6, 1978

By: Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1196, filed 3/3/77)

WAC 388-80-005 DEFINITIONS. (1) "Acute and emergent" signify an acute condition, defined as having a short and relatively severe course, not chronic; and an emergent condition, defined as occurring unexpectedly and demanding immediate action.

(2) "Applicant" is any person who has made an application or on behalf of whom an application has been made to the department for medical care.

(3) "Applicant-recipient" or "A/R" is an applicant for or recipient of medical care provided according to these rules.

(4) "Application" shall mean a request for medical care made to the ESSO by a person in his own behalf or in behalf of another person. A verbal application must be reduced to writing before considered complete unless the death of the applicant intervenes.

(5) "Assignment" is the method by which the provider receives payment for services under part B of medicare.

(6) "Available income" is income available to meet the cost of medical care after deducting from net income items specified by the rules.

(7) "Beneficiary" is an eligible individual who receives a federal cash benefit and/or state supplement under Title XVI.

(8) "Benefit period" is the term used by social security administration to denote a period of consecutive days during which services furnished to a patient, up to a certain specified maximum amount, can be paid for by the hospital insurance plan. The term applies to medicare beneficiaries only. See also "spell of illness".

(9) "Carrier" is the agency having a contract to serve as a third-party agency in behalf of the federal government for Part B of medicare.

(10) "Categorically related" refers to a resident of the state of Washington who is:

(a) A recipient of a federal aid grant, or

(b) A child receiving foster care, or
 (c) An individual who meets the eligibility requirements for a federal aid grant, except that his income and/or resources exceed budgetary standards for a federal aid grant.

(11) "Central disbursements" is the state office section which audits nonmedicaid medical claims for payment billed on form DSHS 6-06 (A-19).

(12) Certification is a document confirming that an applicant has met the financial and medical eligibility requirements for the federal aid medical assistance (MA) or fully state-financed care services (MS) programs.

(13) "Chiropractor" is a person licensed by the state of Washington to practice chiropractic according to chapter 18.25 RCW.

(14) "Coinsurance" is a portion of the medicare cost for covered services, after the deductible is met, which the patient must pay.

(15) "Deductible" is the initial cost of medical care for which the recipient is responsible. It applies specifically to:

(a) All recipients who are beneficiaries of Title XVIII medicare. This is the amount the individual accrues on a yearly basis and is paid by the department to the social security administration for authorized recipients;

(b) Applicants or recipients of noncontinuing general assistance who cannot be categorically related and applicants or recipients of medical only. Medical assistance can be certified after such recipients have accrued medical expenses as prescribed in WAC 388-83-045(7).

(16) "Department" shall mean the state department of social and health services, the single state agency with authority to administer the Title XIX medical care program.

(17) "Detoxification" (alcohol) means three-day treatment of acute alcoholism for which the department will pay under the medical care program.

(18) "EPSDT" shall mean a program providing early and periodic screening, diagnosis and treatment to persons under 21 years of age who are eligible under Title XIX of the Social Security Act.

(19) "Essential person" is the "grandfathered" spouse of a former OAA, AB, or DA recipient for whom a cash allowance is included in the SSI benefit of a beneficiary.

(20) "ESSO" (Economic and Social Service Office) is an office of the department which administers the medical care program at the county level.

(21) "Extended care facility" (ECF) See "skilled nursing facility".

(22) "Extended care patient" is a recently hospitalized medicare patient who needs relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

(23) "Federal aid" shall mean the medical assistance or aid to families with dependent children programs for which the state receives matching funds from the federal government.

(24) "Federal aid medical care only" (FAMCO) is medical care provided to a person not eligible for a federal aid grant or for foster care but who can otherwise be categorically related or who is otherwise eligible under the "H" category.

(25) "Financially eligible" shall mean the determination by the department that an applicant meets the financial requirements to receive medical care under the medical assistance (MA) or state medical care services (MS) programs.

(26) "Fiscal intermediary" is the agency having a contract to serve as fiscal agent for Part A of medicare.

(27) "Grandfathering" refers to certain individuals specified below who on December 31, 1973, were receiving medical assistance (or had an application pending which was subsequently approved) and who continue to be eligible under Title XVI for purposes of medicaid beginning January 1, 1974:

(a) Aged, blind and disabled recipients of FAMCO.

(b) Disabled recipients of categorical cash assistance who did not meet Title XVI disability criteria.

(c) Essential persons in adult federal-aid grant programs. All individuals above remain "grandfathered" as long as they continue to meet original program criteria or continue to be an essential person to the same individual who was converted to SSI, and as long as the latter remains eligible.

(28) "H category" is a federal aid category in the medical assistance (MA) program. An applicant under this category is an individual under 21, or a pregnant woman of any age, who cannot be categorically related but whose income and/or resources are insufficient to meet the cost of medical care.

(29) "Home" shall mean real property owned and used by an applicant-recipient as a place of residence, together with reasonable amount

of property surrounding or contiguous thereto which is used and useful to him.

(30) "Home health agency" is an agency or organization certified under medicare to provide skilled nursing and other therapeutic services to the patient in his place of residence.

(31) "Hospital" shall mean any institution licensed as a hospital by the official state licensing authority.

(32) "Institution" shall mean a medical institution as defined in WAC 388-34-015.

(33) "Intermediate care facility" shall mean a licensed facility certified to provide intermediate care for which an agreement has been executed.

(34) "Legal dependents" are persons whom an individual is required by law to support.

(35) "Local office": See ESSO.

(36) "Medical assistance" or "MA" shall mean the federal aid Title XIX program under which medical care is provided to:

(a) A recipient of a federal aid grant or of SSI benefit or a child receiving foster care

(b) A recipient of general assistance who is categorically related

(c) A recipient of general assistance who is eligible for care under the "H" category

(d) A categorically related recipient or a recipient under the "H" category who is eligible for federal aid medical care only (ineligible for a grant)

(e) The spouse of an aged, blind or disabled beneficiary for whom a cash allowance is included in the SSI benefit.

(37) "Medical audit". See "professional audit."

(38) "Medical care program" is the total program under which medical care is provided through medical assistance (MA) and medical care services (MS) according to the rules in chapters 388-80 through 388-95 WAC.

(39) "Medical care services" or "MS" shall mean the fully state-financed program under which medical care is provided to:

(a) A recipient of general assistance who cannot be categorically related,

(b) A recipient of general assistance who does not qualify in the "H" category,

(c) A recipient of medical only (MO).

(40) "Medical consultant" shall mean a physician employed by the department at the ESSO level.

(41) "Medicare" is a commonly used term for the federal government health insurance program for certain aged or disabled recipients under Titles II and XVII of the Social Security Act.

(42) "Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the department at the ESSO level.

(43) "Outpatient" is a nonhospitalized patient receiving care in an outpatient or emergency department of a hospital, or away from a hospital such as in a physician's office or the patient's own home.

(44) "Part A" is the hospital insurance portion of medicare.

(45) "PAS" - professional activity study is a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, which resulted in the determination of an average length of stay for patients. These data were published in a book entitled "Length of Stay in PAS Hospitals, United States". The department has adopted this book as the basis for authorizing the maximum number of days of inpatient hospital care for which the department is responsible for payment.

(46) "Part B" is the supplementary medical insurance benefit (SMIB) or the "doctor portion" of medicare.

(47) "Participation" is that part of the cost of medical care which the recipient who has available resources must pay.

(48) "Physician" is a doctor of medicine, osteopathy or podiatry who is legally authorized to perform the functions of his profession by the state in which he performs them.

(49) "Professional audit" shall mean that unit of the department which audits and authorizes payment for Title XIX provider billings.

(50) "Professional services review organization" (PSRO) is the community based organization designated to approve hospital admissions and stays for recipients related to federal programs.

(51) "Provider" or "Provider of service" means those institutions, agencies, or individuals furnishing medical care and goods and/or services to recipients and who are eligible to receive payment from the department. See also "vendor".

((51)) (52) "Recipient of continuing assistance" is a person certified by the ESSO as eligible to receive a continuing maintenance

grant, that is, a recipient of federal aid or continuing general assistance (GAU) or a child receiving foster care.

((52)) (53) "Recipient of medical assistance" (MA) is a resident of the state of Washington who is receiving medical care as a recipient of a federal aid grant or SSI benefit, as a foster child, as a recipient of general assistance categorically related or under the H category, as an "essential person", or who has been certified as eligible to receive federal aid medical care only (FAMCO).

((53)) (54) "Recipient of medical only" (MO) is a resident of the state of Washington who is not eligible for a grant or for medical assistance (MS), and who has been certified for the treatment of acute and emergent conditions only, under that part of the state funded medical care services (MS) program known as "medical only".

((54)) (55) "Recipient of noncontinuing general assistance" is a person certified by the department as eligible to receive temporary general assistance (GAN).

((55)) (56) "Resident" is a person who is living in the state of Washington voluntarily and not for a temporary purpose; that is, one who has indicated his intent to maintain his residence in the state and has no present intention of leaving the state to take up residence. No requirement of durational residence is imposed as a condition of eligibility.

((56)) (57) "Resource" is any asset which could be applied toward meeting the costs of medical care. A nonexempt resource is one which is available to meet the costs of medical care. An exempt resource is not considered available to meet the costs of medical care.

((57)) (58) "Retroactivity" is the process used to certify applicant/recipients related to federal programs no earlier than the first day of the third month prior to the month of application to cover unpaid bills for covered medical care.

((58)) (59) "Skilled nursing facility" shall mean a licensed facility certified to provide skilled nursing care for which an agreement has been executed.

((59)) (60) "Skilled nursing home", unless otherwise described, shall mean any institution or facility licensed by the department as a nursing home, or is a nursing home unit of a hospital licensed by the state department of social and health services. Also known as "skilled nursing facility".

((60)) (61) "Spell of illness" (benefit period) begins on the first day a person eligible for medicare receives covered services in a hospital or extended care facility. A spell of illness ends as soon as he has been out of any hospital, extended care facility, or a nursing home providing skilled nursing service, for sixty consecutive days.

((61)) (62) "Spouse" -

(a) Eligible spouse is a person in a two-person household who, in addition to the eligible individual, is eligible for cash benefits under SSI. This person is automatically eligible for medicaid.

(b) Ineligible spouse is a person in a two person household of an eligible individual who is not eligible for a cash benefit under SSI. This person is not automatically eligible for medicaid and must apply in his or her own right.

((62)) (63) "State office" or "SO" shall mean the office of medical assistance of the health services division of the department.

((63)) (64) "Supplementary security income" is a cash benefit provided as a federal payment and/or state supplement under Title XVI for the aged, blind and disabled.

((64)) (65) "Title XVI" is a program administered by the social security administration which provides supplementary security income to the aged, blind and disabled.

((65)) (66) "Transfer of property" shall mean any act or any omission to act whereby title to property is assigned or set over or otherwise vested or allowed to vest in another person, including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing whole or partial title of property.

((66)) (67) "Vendor" is a provider of medical goods or services under these rules.

NOTE* Specific definitions applicable to: medical assistance to the aged and those under 21 years of age in mental institutions are in WAC 388-95-005, Title XVI related recipients are in WAC 388-92-005, and "Grandfathered" recipients are in WAC 388-93-005.

AMENDATORY SECTION (Amending Order 1196, filed 3/3/77)

WAC 388-86-030 EYEGLASSES AND EXAMINATIONS.

(1) The department shall provide (~~eyeglasses and examinations~~) eye

examinations and eyeglasses when a refractive error of sufficient magnitude exists to require corrective lenses. Payment shall be made on the basis of rates established by the department or through HMO or optical supplier contracts.

(2) Prior authorization by the ESSO medical consultant or his designee in the county of residence is required for eye examinations performed for the purpose of prescribing corrective lenses and the provision of certain eyeglasses (lenses or frames). Eye examinations performed on Saturdays or holidays when ESSO's are closed may be post-authorized if such authority would have been issued normally.

(3) Examinations, unless medically indicated, are limited to one in a twelve-month period, except for eye examinations and eyeglasses provided to recipients of EPSDT, see WAC 388-86-027(1)(c) and (3).

(4) A choice of frames listed in current DSHS numbered memoranda is offered recipients. Frames are not provided for cosmetic effect or psychological support.

(5) Sunglasses, photochromic or varalux lenses are not provided.

(6) Two pair of glasses in lieu of bifocal or trifocal lenses are not provided.

(7) Contact lenses are not provided.

AMENDATORY SECTION (Amending Order 1196, filed 3/3/77)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations listed below, the recipient will have free choice of hospitalization.

(2) Approval by the local medical consultant is required for admission to a hospital for recipients of GAV and MO and for those undergoing elective surgery. The professional services review organization (PSRO) approves admissions for recipients on federally-related programs.

(3) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, United States", unless prior contractual arrangements are made by the department for a specified length of stay (see WAC 388-80-005(44) and 388-87-013(2)). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with specified information shall be submitted by the hospital to the local medical consultant. In rare instances medical complications develop or new medical conditions are diagnosed which may require care exceeding the maximum number of days of hospitalization provided for under the specified PAS time limits. In such cases, when presented within sixty days of final service and adequately justified by the attending physician, extensions may be granted by the chief of the office of medical assistance, or by his professional designee, or by the full time medical consultant in the ESSO or regional office where such is employed for recipients of GAV and MO and for recipients undergoing elective surgery. The professional services review organization (PSRO) approves extensions for recipients on federally-related programs.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age 21 and for all recipients age 65 and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs. (See WAC 388-82-025).

(4) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established. (See WAC 388-82-025.)

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only

deductibles and coinsurance for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) Except for an emergency no hospital admission shall be made on Friday or Saturday. For scheduled surgery on Monday, the attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) (~~Local medical consultant~~) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

AMENDATORY SECTION (Amending Order 1244, filed 10/10/77)

WAC 388-87-012 CONDITIONS OF PAYMENT—CONSULTANT'S AND SPECIALIST'S SERVICES AND FEES. (1) When services of a consultant or specialist are required, whether the patient has been referred by a physician or is being treated by the specialist as the attending physician, the approval of the medical consultant is not necessary. This rule applies to consultation or treatment in the home, office, or medical institution. See WAC 388-87-027(2)(c).

(2) A copy of the consultation report must accompany the claim for consultant fees. If the report is not submitted with the billing, the fee for an initial office or hospital call will be paid dependent upon where consultation was given.

(3) When a specialist treats a patient for minor conditions or for chronic conditions of long duration, the standard fee for initial and subsequent office calls is allowed.

(4) Consultant's fees shall not be paid when the consulting physician specialist or other provider subsequently performs surgery or renders treatment for which flat fees are applicable, see WAC 388-86-095(4).

(5) If more than one specialist is called in to examine a patient during a spell of illness, billings are subject to review and approval by the chief of the office of medical assistance.

(6) Payment will be made for a psychological evaluation only when a physician has obtained the necessary approval to refer an eligible patient, whom he is treating, for such evaluation. Treatment by a psychologist is not provided. (See WAC ((388-87-027(3))) 388-87-027(2)(p)).

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-87-025 SERVICES REQUIRING APPROVAL OF MEDICAL CONSULTANT. (1) All services rendered recipients of medical only or recipients of noncontinuing general assistance not related to federal aid or Title XVI program require approval of the local medical consultant. When a medical emergency is alleged but not apparent, the otherwise eligible applicant for noncontinuing general assistance or medical only may be referred to a participating physician for diagnosis and medical treatment if indicated. Such applicant may not be authorized this one office call unless \$100 in medical costs have been accrued within seven days prior to application. Subsequent to such denial a noncontinuing general assistance or medical only applicant has twelve months from the date of application to incur \$100 in medical costs. For this one office call only, the signature on the authorization form may be by an ESSO designee whose signature is on file in the professional audit section.

(2) Services to recipients of medical assistance and continuing general assistance requiring approval are

(a) All surgical procedures and X-ray therapy require approval by the local medical consultant - see WAC 388-86-095(6) and 388-86-110. The requesting physician shall submit form 525-100 to the ESSO. Only the surgeon need obtain written approval for surgery. The services of the surgical assistant and the anesthesiologist or anesthesiologist do not require approval. Their billings for payment, however, must show the patient's diagnosis and a cross reference to the surgeon.

(i) Prior approval for all nonemergent surgical procedures shall be obtained from the chief of the office of medical assistance from his professional designee, or from the full-time medical consultant in the ESSO or regional office where such is employed.

(b) Requests for medical appliances and prosthetic devices must have prior approval with the following exceptions:

- (i) External braces involving neck, trunk and/or extremities.
- (ii) Other nonreusable items costing less than \$150 if provision of the item will expedite a recipient's release from a hospital.

(c) All requests for reusable medical equipment and requests for surgical appliances provided, other than as described in subdivision (b), must be submitted on form 525-101 for the medical consultant's approval. If approval is received and the material to be supplied is to be billed by another provider of service it is necessary for the physician to transmit the approved form 525-101 to the provider for billing purposes - see WAC 388-86-100.

(d) Requests for allergy testing shall be submitted on appropriate state form for prior approval by the local medical consultant. The extent of service to be provided shall be indicated. In the event an independent laboratory bills for the allergy testings, the requesting physician shall send the approved state form to the laboratory as the billing authority.

(e) Drugs not listed in the department's formulary or any single prescription exceeding the maximum limit established - see WAC 388-91-020.

(f) Admission to a hospital - see WAC 388-87-070 and 388-86-050(2).

(g) Prior approval of special duty nursing care - see WAC 388-86-070.

(h) Initial provision of oxygen service for a recipient under sixty-five years of age in his own home. Repeat deliveries of oxygen for the same illness do not require medical consultant approval - see 388-86-080(1) and 388-87-080.

(i) Approval of physical therapy on an outpatient basis or in a nursing home when prescribed by the attending physician - see WAC 388-86-090(1).

(j) For certain border situations and out-of-state medical care - see WAC 388-82-030(4) and (5), and WAC 388-86-115.

(k) All major appliances - see WAC 388-86-100.

(l) Eyeglasses and examinations (may also be approved by ESSO designee) - see WAC 388-86-030.

(m) For consultant or specialist referral when such referrals exceed two such consultants or specialists - see WAC 388-86-095(4).

(n) Respiratory therapy in excess of five treatments requires approval.

(o) Speech therapy requires an initial evaluation; both the evaluation and subsequent therapy require prior approval - see WAC 388-86-098.

(p) Psychological evaluation provided in connection with medical diagnosis and treatment (see WAC 388-87-012(6)).

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL BY STATE OFFICE. (1) The following services requiring approval of the local medical consultant shall also receive prior approval of the chief of the office of medical assistance:

- (a) Nonemergent surgical procedures - see WAC 388-86-095(6);
- (b) Prosthetic devices and major appliances - see WAC 388-86-100.

(i) Purchase of reusable medical appliances and aids to mobility costing more than five hundred dollars,

(ii) Purchase of nonreusable surgical appliances or prosthetic devices costing more than five hundred dollars except those described in WAC 388-87-025(2)(b).

(2) With the exception of prosthetic devices and major appliances, subsection (1) does not apply to ESSOs or regions which have full time medical consultants who are authorized to give approval.

~~(((3) Prior approval of the office of medical assistance is required for psychological evaluation provided in connection with medical diagnosis and treatment (see WAC 388-87-012(6)).))~~

WSR 78-03-008

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 1-78—Filed Feb. 6, 1978]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at the Old Capitol Building, Olympia, Washington the annexed rules relating to the distribution of state funds to certified educational clinics, setting forth the following:

- (a) certain definitions
- (b) eligibility for application and reimbursement
- (c) fees for initial diagnosis
- (d) fees for instruction
- (e) payment procedures
- (f) method for requesting fee revisions and an appeal process.

Also included is provision for terminating payment if a student has a certain number of absences, a requirement for on-site monitoring, authorization for audit review, provision for a student's return to the regular school program and a provision that a student completing an individual program may take the tests of General Educational Development.

This action is taken pursuant to Notice No. 7953 filed with the code reviser on 12/29/77. Such rules shall take effect March 9, 1978.

This rule is promulgated pursuant to RCW 28A.97-.050 and section 95, chapter 339, Laws of 1977, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 6, 1978.

By Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-185-005 PURPOSE. The purpose of this chapter is to establish the regulations and procedures necessary to distribute funds to certified educational clinics as provided in chapter 28A.97 RCW as enacted or hereafter amended and section 95(2) of chapter 339, laws of 1977, 1st extraordinary session.

NEW SECTION

WAC 392-185-010 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) The terms, "educational clinic," "basic academic skills," "a clinical-client centered basis," "individual diagnostic procedures," "general educational development tests," "educational gains," and "employment orientation," as defined in chapter 180-95-010 WAC as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) "Eligible common school dropout" shall mean a child who is under 18 years of age, and who leaves a common school before high school graduation without transferring to another school at such time as he or she terminates: PROVIDED, That the child has not attended a duly constituted common school for a period of at least three consecutive months of a school year or years unless: (a) a certificated educational clinic has been requested to admit such a child by written communication of the board of directors or superintendent of the common school district in which the child is a resident, or

(b) the child has been expelled or suspended pursuant to chapter 180-40 WAC: PROVIDED Further, a child who has not completed the ninth grade and is otherwise subject to the compulsory school attendance law, chapter 28A.27 RCW, is not qualified as an "eligible common school dropout" within the meaning of this chapter unless the principal, head teacher, or similar school official states in writing that the child may attend a certified educational clinic.

In addition, to qualify as an "eligible common school dropout" a child must have on file with the appropriate certified educational clinic a written waiver allowing the superintendent of public instruction to examine his or her records at the certified educational clinic at any time and for purposes consistent with the intent of this chapter and chapter 180-95 WAC.

(3) "Class size" is defined to be that number of students assigned to a single certificated teacher during the period of time for which reimbursement is requested regardless of whether or not the students are working on similar courses, subjects, or activities.

NEW SECTION

WAC 392-185-020 APPLICATION FOR FUNDING. Any certified educational clinic shall be eligible to apply for state reimbursement for costs pursuant to WAC 392-185-040 and WAC 392-185-050 incurred in diagnostic screening of and/or instructional activities provided to eligible common school dropouts. Such applications shall be prepared in accordance with guidelines provided by the superintendent of public instruction. Neither certification of an educational clinic nor completion of required application materials shall guarantee receipt of funds.

NEW SECTION

WAC 392-185-030 REIMBURSEMENT ELIGIBILITY—CONTRACTS. The superintendent of public instruction shall provide reimbursement pursuant to contractual agreements with certified clinics. Contracts may be awarded by the superintendent of public instruction to private educational institutions which (1) are certified as educational clinics by the state board of education pursuant to chapter 180-95 WAC, (2) are nonsectarian, (3) are financially sound pursuant to WAC 180-95-020(8); (4) are capable of fulfilling their educational commitment and (5) demonstrate past superior performance. Superior performance shall be based upon consideration of individual educational gains achieved by students, the backgrounds of those students, and the cost effectiveness of the clinic's program, as follows:

(a) Educational gains shall be evaluated by considering:

(1) measured increases in academic achievement as determined by instruments approved by the superintendent of public instruction, and

(2) the student's subsequent participation in constructive activities, such as enrollment in a common or private school, employment, attendance at an institution of higher or vocational education, or military service.

(b) In evaluating educational gains, consideration shall be given to those factors in each student's background which might tend to reduce the cost effectiveness of those educational gains.

(c) In determining cost effectiveness of any educational clinic, the cost of services provided to students shall be computed by taking into consideration the reasonable value of all sources of support which are used in whole or in part, directly or indirectly, to provide services to students, including payments made under this chapter, and for nonprofit clinics, tax exemptions and any other costs to taxpayers at any level of government which result from such nonprofit status.

NEW SECTION

WAC 392-185-040 INITIAL DIAGNOSTIC PROCEDURE—FEES AND RECORDS. (1) For each initial diagnosis completed for an eligible student applicant, a certified educational clinic, consistent with the terms of its contract with the superintendent of public instruction, shall be entitled to a fee of fifty dollars per eligible student.

(2) A written record of the initial diagnostic process for each student served shall be available. This record shall include, but not be limited to: (a) a transcript of the student's previous academic history when available; (b) a description of the assessment processes used to determine ability, achievement, interest and aptitudes; (c) a summary of all diagnostic findings; and (d) a listing of the specific instructional objectives and program placement recommendations.

(3) The records of each student shall be signed and dated by the qualified person(s) conducting the diagnosis and making program recommendations.

(4) The records shall be completed prior to student admission to educational clinic classes for which state reimbursement for costs is sought under this chapter.

(5) For all students 17 years or older, the initial diagnostic procedure shall include the administration of the General Educational Development Tests. Any such student who completes the GED tests at a level to qualify for a certificate of educational competence according to RCW 41.04.015 shall not be eligible for reimbursement for instruction in basic academic skills in those areas in which he or she scores a standard score of 45 or above, pursuant to chapter 28A.97 RCW and this chapter.

NEW SECTION

WAC 392-185-050 INSTRUCTION—FEES. The fees paid for each 60 minute hour of instruction shall be as follows:

(1) sixteen dollars per hour per enrollee if the class size is no greater than one; or

(2) ten dollars per hour per enrollee if the class size is at least two and no greater than five; or

(3) five dollars per hour per enrollee if the class size is at least six. Revisions in such fees proposed by an educational clinic shall be allowed pursuant to WAC 392-185-070.

NEW SECTION

WAC 392-185-060 FEES—PAYMENT AND PROCEDURES. Consistent with the provisions of chapter 28A.97 RCW as enacted or hereafter amended, fee reimbursements made to certified educational clinics shall be made in accordance with the following:

(1) There shall be no reimbursement prior to the actual delivery of services.

(2) Payments related to diagnostic procedures and course activities shall be made from available funds first to those clinics which demonstrate superior performance in the judgment of the superintendent of public instruction in accordance with WAC 392-185-030.

(3) No certified educational clinic shall be entitled to receive payment for any student's course work undertaken prior to the completion of the initial diagnostic procedure.

(4) Upon submission of vouchers, the superintendent of public instruction shall reimburse certified educational clinics under contract for services provided to identified, eligible common school dropouts on the basis of records of diagnostic and instructional services rendered.

(5) Vouchers shall include the following:

(a) a roster of names of students;

(b) diagnostic fees; and

(c) fees for instruction based upon class sizes, subject areas and other pertinent data to allow for computation of reimbursement: PROVIDED, That in the event of changes in class size, vouchers shall reflect appropriate changes and documentation shall appear in the records of the educational clinic: PROVIDED FURTHER, That this information is submitted on voucher claim forms as provided by the superintendent of public instruction in accordance with written instructions.

(6) After a student has been in attendance in an educational clinic on 75 instructional days, for all or a portion of each such day, no further reimbursement fees shall be paid by the superintendent of public instruction for that student until the educational clinic submits a report explaining the student's educational difficulties, establishing a specific learning program for the student and estimating the additional time required to achieve the educational objectives established at the time the student entered the program. An educational clinic may petition for such additional time prior to the seventy-fifth instructional day, but not sooner than the sixtieth instructional day. The superintendent of public instruction or his or her designee shall promptly review the report and continue reimbursement fees for not more than 60 days of additional instruction if the instructional plan appears reasonably likely to succeed.

NEW SECTION

WAC 392-185-070 FEE REVISIONS. A certified educational clinic may submit a written request for fee revision to the superintendent of public instruction. A proposed fee revision must be accompanied by documentation supporting the need for the fee revision, including documentation of increased employee costs, increased non-employee related costs, and must include

or be supplemented by such other information as the superintendent of public instruction may request.

The superintendent of public instruction may allow fee revisions if he or she finds that the proposed fee revision is reasonable. The superintendent of public instruction shall notify the clinic of approval or disapproval of such request within 30 days of receipt of the request: PROVIDED, That no revision of fees shall be allowed during a contract period which shall not exceed one year from date of execution.

NEW SECTION

WAC 392-185-080 FEE REVISION—APPEAL PROCEDURE. A decision of the superintendent of public instruction to deny a request for fee revision may be appealed by a certified educational clinic to the state board of education. The notification of appeal must be filed with the secretary of the state board of education within 15 days following the date of the superintendent's decision. The appeal will be conducted pursuant to WAC 180-95-060.

NEW SECTION

WAC 392-185-090 ABSENCES. The superintendent of public instruction shall reimburse certified educational clinics under contract with the superintendent of public instruction for eligible common school dropouts for absences, but after three consecutive absences or two unexcused absences in any one week, the student's enrollment will be terminated and no further fees will be payable: PROVIDED, That students may be re-enrolled at any time: PROVIDED FURTHER, That written records with excuses are available for review: AND PROVIDED FURTHER, That student records include entry and withdrawal dates.

NEW SECTION

WAC 392-185-100 TUITION—LIMITATIONS. No certified educational clinic shall make any charge to any student or his or her parent, guardian, or custodian for whom a fee is being received under the provisions of chapter 28A.97 RCW and this chapter.

NEW SECTION

WAC 392-185-110 ON-SITE MONITORING. The instructional program activities and procedures and records of students for whom fees are paid shall be monitored on-site on a schedule established by the superintendent of public instruction.

NEW SECTION

WAC 392-185-120 STATE AUDIT REVIEW. Any certified educational clinic under contract with the superintendent of public instruction pursuant to chapter 28A.97 RCW and this chapter shall permit, without prior notice, a review of its records by the state auditor and/or the superintendent of public instruction during normal business hours.

NEW SECTION

WAC 392-185-130 FUND REALLOCATION. Any fund balances remaining in a contract which is not fully performed shall revert to the original fund for reallocation by the superintendent of public instruction.

NEW SECTION

WAC 392-185-140 RETURN TO REGULAR SCHOOL PROGRAM. Upon recommendation of a certified educational clinic, a common school dropout shall be permitted to re-enter the common school program at the grade level agreed upon following consultation between the certified educational clinic and appropriate common school authorities: PROVIDED, That such individual shall be placed with the class he or she would have been in had he or she not dropped out and will be permitted to graduate with that class, if his or her ability allows, notwithstanding any loss of credits prior to re-entry, and if such student earns credits at the normal rate subsequent to re-entry. Documentation of educational achievement while the student is enrolled in a certified educational clinic is the responsibility of that clinic. The final student placement decision shall be the responsibility of the receiving school authority. No student who has attended a certified educational clinic shall be eligible to receive a diploma issued by an accredited high school unless that student has attended such high school during the last full term prior to graduation.

NEW SECTION

WAC 392-185-150 ELIGIBILITY TO TAKE THE GENERAL EDUCATIONAL DEVELOPMENT (GED) TESTS. Any student of a certified educational clinic, upon completion of an individual student program, shall be eligible to take the General Educational Development (GED) Tests at an authorized testing center as defined in WAC 180-95-010(5).

WSR 78-03-009

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF RETIREMENT SYSTEMS

[Memorandum, Director—Feb. 6, 1978]

PUBLIC MEETINGS:

Public Employees' and Law Enforcement Officers' and Fire Fighters' Retirement Board:

Meeting is monthly in the Board room of the Retirement Systems' office at 1025 East Union, Olympia, WA 98504. Meeting day is on the third Monday of each month unless it falls on a holiday.

Teachers' Retirement Board:

Meeting is quarterly in the Board room of the Retirement Systems' office at 1025 East Union, Olympia. Meeting day is the second Monday of January, April, July and October.

State Patrol Retirement Board:

Meeting is quarterly in the Board room of the Retirement Systems' office at 1025 East Union, Olympia. Meeting days have been established as:

- 10:00 a.m. - January 25, 1978
- 10:00 a.m. - April 26, 1978
- 10:00 a.m. - July 26, 1978
- 10:00 a.m. - October 26, 1978
- 10:00 a.m. - January 24, 1979

Judicial Retirement Board:

Meeting is annually in July and as requested by the Chairman in the Board room of the Retirement Systems' office at 1025 East Union, Olympia. Meeting date is not pre-established for the year, but is set for the following meeting only.

WSR 78-03-010
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed Feb. 7, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning amending chapter 388-28 WAC relating to AFDC and GAU—Eligibility—Need.

that such agency will at 10:00 a.m., Wednesday, April 5, 1978, in the Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 12, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 5, 1978 and/or orally at 10:00 a.m., Wednesday, April 5, 1978, Auditorium, State Office Bldg. #2, 12th & Jefferson, Olympia, WA.

Dated: February 7, 1978

By: Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1221, filed 8/8/77)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) A child may receive income which is paid in his behalf to the parent(s) or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, or veterans benefits, court ordered support payments, trust fund payments, or other income which is legally designated for the benefit of an individual child.

(a) When such income meets or exceeds the child's requirements, the family shall have the option to

(i) include the child as a member of the assistance unit with all income considered as available to the assistance unit, or

(ii) exclude the child from the assistance unit. In this instance none of the child's income is available to the assistance unit.

(b) If a child's income includes a portion for his caretaker relative that portion shall be available to meet the need of the assistance unit.

(c) The child's requirements shall be the difference between the requirements of the assistance unit including the child and the requirements of the assistance unit excluding the child.

(d) If a child out of school has earnings which exceed his individual need, the family has the option of including him or excluding him from the assistance unit. If the child is included in the assistance unit, his earnings shall be treated as specified in item (3)(a)(iii). Determination of the child's net income is made with the caretaker relative and with the child when indicated.

(2) If the child is not included in the assistance unit, his eligibility for federal aid medical care only (FAMCO) shall be determined individually ((as specified in chapter 388-83 WAC)).

(3) Computing earned income—child in assistance unit

(a) In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he is a member, the following rules apply:

(i) Child under 14 years of age. If the child is under 14 years of age, no inquiry shall be made of the amount of his earnings since data show that the average earnings of such children are small.

(ii) Child 14 through 17 years of age - full or part time student

(A) All earned income of a child in an assistance unit shall be disregarded when he or she is a full time student or a part time student who is not a full time employee.

(B) A student is one who attends a school, college or university, or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the job corps program under the Economic Opportunity Act. A full time student must have a school schedule equal to a full time curriculum. A part time student must have a school schedule equal to at least one-half of a full time curriculum. A student who was enrolled during the school term just completed and who plans to return to school when it reopens shall retain his status as a student during the summer vacation.

(C) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part time student who is working less than full time.

(D) To be employed full time, a child must be working 35 hours a week or the number of hours considered full time by the industry for which he works, whichever is less.

(E) Summer employment of students shall not be considered as full time employment due to the temporary nature of such employment, even though the hours worked may exceed 35 hours a week.

(F) See item (3)(a)(iv) for savings which may be accumulated under a casework service plan from these earnings.

(iii) Other AFDC child 14 through 17 years of age (nonstudent). In determining the amount of a child's earned income available to meet the current needs of the assistance unit when he (she) is not covered by rules in items (3)(a)(ii), net income shall be computed according to WAC 388-28-570.

(iv) Earned income disregarded under items (3)(a)(i), (ii) or (iii) may be retained by the child earning the income to cover the cost of special future identifiable needs.

(A) Such future identifiable needs may include amounts to meet future costs of identified employment training, education, health service or other plans which are necessary to carry out a casework service plan for the child and which are not otherwise available from DSHS or other community sources.

(B) A casework service plan must be developed in order to conserve savings for future identifiable needs. The plan should make possible realization of the child's maximum potential as an independent and useful citizen. The plan must be recorded in the case record and be approved by the supervisor.

(C) If the plan includes post-high school education or training, the total amount conserved for this purpose shall not exceed the cost of two years of education and may include in this cost a car if approved by the caseworker and included as an essential part of the casework plan.

(D) Savings accumulated for future identifiable needs shall not be considered as part of the personal property holdings of the family and shall not be subject to the combined resource ceiling ((in WAC 388-28-430(2)) maximum).

(4) Earnings received by any youth under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 shall be disregarded in determining need and the amount of the public assistance payment under any federally assisted programs.

AMENDATORY SECTION (Amending Order 1229, filed 8/23/77)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under Section 21(a) of that Act.

(f) From August 1, 1975 to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) Earnings received by any youth under Title III, Part C Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.

(c) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

(d) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

(e) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(f) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(g) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended.

WSR 78-03-011

EMERGENCY RULES

PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Order 78-1—Filed Feb. 8, 1978]

Be it resolved by the Public Employment Relations Commission acting at Tacoma, Washington, that it does promulgate and adopt the annexed rules relating to chapter 391-70 WAC, Collective Bargaining Rules—Marine Employees.

We, the Public Employment Relations Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health,

safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is continuation of previous emergency rules without change. Commission presently engaged in comprehensive review of these rules and intends to adopt permanent rules in the near future.

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

This rule is promulgated pursuant to RCW 47.64.040 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 41.58.050 which directs that the Public Employment Relations Commission has authority to implement the provisions of chapter 47.64 RCW.

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

APPROVED AND ADOPTED January 19, 1978.

By Marvin L. Schurke
Executive Director

Chapter 391-70 WAC
RULES OF PRACTICE AND PROCEDURE—
MARINE EMPLOYEES

<p>WAC 388-28-535 388-28-575 180-80-200 180-80-610 180-95-005 180-95-010 180-95-020 180-95-030 180-95-040 180-95-050 180-95-060 212-02-020 212-02-030</p>	<p><i>Net cash income—Determination—Deductions from gross income—Income of child.</i> <i>Disregard of income and resources.</i> <i>Teachers—General provisions.</i> <i>Educational experience acceptable for teacher certification.</i> <i>Purpose.</i> <i>Definitions.</i> <i>Criteria for certification of educational clinics.</i> <i>Application procedures for certification as an educational clinic.</i> <i>Length of certification.</i> <i>Withdrawal of certification as an educational clinic.</i> <i>Fee revision—appeal procedure.</i> <i>Organization and operations.</i> <i>Functions.</i></p>
--	--

NEW SECTION

WAC 391-70-010 GENERAL APPLICATION. *These rules of practice and procedure before the public employment relations commission are for general application to proceedings and hearings before the commission pursuant to chapter 47.64 RCW.*

NEW SECTION

WAC 391-70-020 SPECIAL RULES. Special rules may in the future be adopted applying to particular proceedings, and in case such special rules are inconsistent with these general rules, the special rules shall govern.

NEW SECTION

WAC 391-70-030 MODIFICATIONS AND EXCEPTIONS. These rules and regulations are subject to such changes, modifications and additions as the commission from time to time may prescribe, and such exceptions as may be just and reasonable in individual cases as determined by the commission.

NEW SECTION

WAC 391-70-040 ADDRESS FOR COMMUNICATIONS—TIME OF OFFICIAL RECEIPT. All written communications and documents should be addressed to "Public Employment Relations Commission, 603 Evergreen Plaza Building, Olympia, Washington 98504" and not to individual members of the commission.

NEW SECTION

WAC 391-70-050 OFFICE HOURS. The office of the commission is open on each business day between the hours of 8:00 a.m. and 5:00 p.m., except Saturday.

NEW SECTION

WAC 391-70-070 DEFINITIONS. (1) "Washington toll bridge authority" and "authority" shall mean the Washington toll bridge authority or the Washington state ferries operated by the director of highways.

(2) "Public employment relations commission" and "commission" shall mean the public employment relations commission of this state or its authorized agents.

(3) "Washington state ferries" or "ferry" shall mean any Puget Sound ferry, ferry system and wharves and terminals operated or constructed by the authority or the director of highways.

(4) "Employee" or "individual" shall mean any person employed aboard any Puget Sound ferry, wharf, or terminal operated or constructed under the authority of the authority or the director of highways.

(5) "Person" or "party" when used in these rules may include a corporation, partnership, labor union, association, the authority, or any public officer or agency.

(6) "Parties to proceedings" before the commission shall be styled petitioners, respondents or interveners, according to the relationship of the parties thereto.

(7) "Petitioner." A person who files a notice of labor dispute with the commission shall be styled "petitioner." In any proceeding which the commission brings on its own motion, it shall be styled "petitioner."

(8) "Respondent." A person against whom any notice of labor dispute is filed shall be styled "respondent."

(9) "Representative" when used in these rules may mean an attorney, a counsel or other person authorized

to represent a party to a proceeding before the commission.

(10) "Labor dispute" shall mean a bona fide labor dispute concerning either an employer, employee, labor union, or any other person arising in the operations of the Washington state ferries, or which shall be the subject of a notice of labor dispute, formal or informal, to the commission. To be bona fide, the parties to the labor dispute must have negotiated concerning the same and reach a stalemate making adjudication of the labor dispute necessary. The commission will refuse to consider trivial or frivolous notices of labor disputes as true labor disputes and may demand proof before acceptance of a notice for formal or informal disposal of bona fide efforts on the part of the parties at settlement.

NEW SECTION

WAC 391-70-080 INFORMAL PROCEDURE.

(1) Informal notice. An informal notice to the commission concerning a labor dispute may be given by letter or other writing. Matters thus presented may be taken up by the commission with the parties affected, by correspondence or otherwise, in an endeavor to bring about an adjustment of the subject matter of the notice without formal hearing or order. Informal procedure will be used wherever practicable.

(2) Informal notices—contents. No form of informal notice is prescribed, but in substance the letter or other writing should contain all facts essential to a disposition of the matter, including the dates of acts or omissions complained against. Proceedings instituted by informal notice shall be without prejudice to the right of any party or the commission to file a formal notice. Since informal notices are not in themselves a basis of formal action, all parties desiring a formal order of the commission should file a formal notice. Informal procedure is designed to facilitate the amicable adjustment of disputes, and no mandatory or prohibitory order may be issued in an informal proceeding, unless the parties interested stipulate in writing that an order may be entered in such proceeding.

NEW SECTION

WAC 391-70-090 FORMAL PROCEDURE. (1) Formal notices. Formal notices are those notices of labor disputes filed in accordance with RCW 47.64.040, and may be required by the commission in cases which indicate to the discretion of the commission that informal procedures would be ineffectual or inadequate.

(2) Verification. A formal notice of labor dispute shall be verified by the petitioner in the manner prescribed for verification of the pleadings in the superior court of Washington.

(3) Defective notice. Upon the filing of any notice, it will be inspected by the commission and if found to be defective or insufficient, it may be returned to the party filing it for correction.

(4) Liberal construction. All notices shall be liberally construed with a view to effect justice between the parties, and the commission will, at every stage of any proceeding, disregard errors or defects in the notice or

proceeding which do not affect the substantial rights of the parties.

(5) Amendments. The commission may allow amendments to the notice or other relevant documents at any time upon such terms as may be lawful and just, provided that such amendments do not adversely affect the interest of persons who are not parties to the proceeding.

(6) Consolidation of proceedings. Two or more proceedings where the facts or principles of law are related may be consolidated and heard together.

(7) Formal notice—contents. Formal notice as to any acts or omissions by any person, or for the redress of alleged grievances, must be in writing setting forth clearly and concisely the labor dispute and ground of complaint with a statement of the acts or things done or omitted to be done by any person, if required. Facts constituting such acts or omissions, should be stated, together with the dates on which the acts or omissions occurred. The name of any person complained against must be stated in full, and the address of the person filing the same, together with the name and address of his attorney, if any, must appear upon the notice.

NEW SECTION

WAC 391-70-105 FORMAL NOTICES—NUMBER OF COPIES—FILING—SERVICE. Formal notices shall be typewritten, mimeographed or printed. The original and 3 copies thereof shall be filed with the agency at its Olympia office. The party filing the notice shall cause a copy thereof to be served on each of the other parties to the cause.

NEW SECTION

WAC 391-70-110 INTERVENTION. (1) Intervention. Any person, other than the original parties to the proceedings, who shall desire to appear and participate in any proceeding before the commission, may move in writing for leave to intervene in the proceeding prior to, or at the time it is called for hearing, or may make an oral motion for leave to intervene at the time of the hearing. No such motion shall be filed or made after the proceeding is under way, except for good cause shown. The motion to intervene must disclose the name and address of the party intervening, the name and address of his attorney, if any, his interest in the proceeding; and his position in regard to the matter in controversy.

(2) Disposition of motions to intervene. Motions to intervene shall be considered first at all hearings, or may be set for prior hearing, and an opportunity shall be afforded the original parties to be heard thereon. If it appears, after such consideration, that the motion discloses an interest in the subject matter of the hearing, or that participation by the moving party is in the public interest, the commission shall grant the same, which may be done by oral order at the time of the hearing. Thereafter such person shall become a party to the proceeding and shall be known as an "intervener," with the same right to produce witnesses and of cross-examination as other

parties to the proceeding. Whenever it appears, during the course of a proceeding, that an intervener has no substantial interest in the proceeding the commission may dismiss him from the proceeding.

NEW SECTION

WAC 391-70-120 APPEARANCES. (1) General. Parties shall enter their appearances at the beginning of any formal hearing by giving their names and addresses in writing to the reporter who will include the same in the minutes of the hearing. Appearance may be made on behalf of any party by his attorney or other authorized representative, and thereupon all future orders may be served upon such attorney or representative, and such service shall be considered valid service for all purposes upon the party represented. The presiding officer conducting the hearing may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those at the hearing.

(2) Answers and replies. An answer in writing or a reply in writing to an answer may be required by the commission and opportunity to file same will be given on timely request. The same number of copies shall be required as is required for a petition. The commission shall fix the time allowable for filing an answer or reply which, unless otherwise fixed, shall be twenty days.

NEW SECTION

WAC 391-70-140 VOLUNTARY SETTLEMENT. Parties to the proceeding may, with the approval of the commission, enter into a voluntary settlement of the subject matter of the notice prior or subsequent to a formal hearing, and in furtherance of a voluntary settlement, the commission may, in its discretion, invite the parties to confer with it. Such conferences shall be informal and without prejudice to the rights of the parties, and no statement, admission or offer of settlement made at such informal conference shall be admissible in evidence in any formal hearing before the commission.

NEW SECTION

WAC 391-70-170 HEARINGS. (1) General. The time and place of holding formal hearings will be set by the commission and notice thereof served upon all parties at least ten days in advance of the hearing date, unless the commission finds that an emergency exists requiring the hearing to be held upon less notice. An effort will be made to set all formal hearings sufficiently in advance so that all parties will have a reasonable time to prepare their cases, and so that continuances will be reduced to a minimum.

(2) Dismissals. At the time and place set for hearing, if petitioner fails to appear, the commission may recess said hearing for a further period to be set by the presiding officer to enable said petitioner to attend upon said hearing, but if at the time set for the resumption of the hearing said petitioner is not present or represented, the commission may dismiss the petition.

NEW SECTION

WAC 391-70-220 ORDER OF PROCEDURE.

(1) **General.** Evidence will ordinarily be received in the following order:

(a) Upon investigation on motion of the commission:

(i) Commission's staff, (ii) respondent and (iii) rebuttal by commission's staff.

(b) Upon formal notices of labor dispute: (i) Petitioner, (ii) respondent, (iii) commission's staff and (iv) rebuttal.

(2) **Modification of procedure.** The order of presentation above prescribed shall be followed, except where the presiding officer may otherwise direct. In hearings of several proceedings upon a consolidated record, the presiding officer shall designate who shall open or close. Interveners shall follow the party in whose behalf the intervention is made. If the intervention is not in support of either original party, the presiding officer shall designate at what stage such interveners shall be heard.

NEW SECTION

WAC 391-70-245 INSPECTION OF CONDITIONS. In addition to any other evidence, the commission may, at its discretion and upon being requested by all parties to the proceeding to do so, take official notice of the results of its own inspection of the conditions involved.

NEW SECTION

WAC 391-70-250 RULES OF EVIDENCE—EXHIBITS AND DOCUMENTARY EVIDENCE. (1) **Designation of part of document as evidence.** When relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same must plainly designate the matter so offered. If other matter is in such volume as would necessarily encumber the record, such book, paper or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding officer so directs, a true copy of such matter in proper form shall be received as an exhibit, and like copies delivered by the party offering the same to all other parties or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the book, paper or document, and to offer in evidence in like manner other portions thereof if found to be material and relevant.

(2) **Official records.** An official rule, report, order, record or other document, prepared and issued by any governmental authority, when admissible for any purpose may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody thereof, or his deputy, and accompanied by a certificate that such officer has the custody, made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. In

cases where such official records, otherwise admissible, are contained in the official publications are in general circulation and readily accessible to all parties, they may be introduced by reference: PROVIDED, HOWEVER, That proper and definite reference to the record in question is made by the party offering the same.

(3) **Commission's files.** Papers and documents on file with the commission, if otherwise admissible, and whether or not the commission has authority to take official notice of the same under WAC 391-70-240, may be introduced by reference to number, date or by any other method of identification satisfactory to the presiding officer. If only a portion of any such paper or document is offered in evidence, the part so offered shall be clearly designated.

(4) **Records in other proceedings.** In case any portion of the record in any other proceeding is admissible for any purpose and is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless—

(a) The party offering the same agrees to supply such copies later at his own expense, if and when required by the commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference; and

(d) The presiding officer directs such incorporation.

(5) **Copies of exhibits to opposing party.** When specially prepared exhibits of a documentary character are offered in evidence, copies must be furnished to opposing parties, four to the presiding officer, and one to the reporter, unless the presiding officer otherwise directs. Whenever practicable, the parties should interchange copies of exhibits before, or at the commencement of the hearing.

NEW SECTION

WAC 391-70-260 BRIEFS. Briefs may be filed in any proceeding before the commission by any interested party, and shall be filed by any party to the proceeding upon the request of the commission, and within such time as shall be directed by the commission. The commission may require the filing of all briefs within three days after the close of the hearing if it considers the proceeding to be such that an order should issue promptly; and in the case of matters requiring an immediate decision, may require the parties, or their counsel, to present their arguments and authority orally at the close of the hearing, instead of by written brief. Briefs should set out the leading facts and conclusion which the evidence tends to prove, and point out the particular evidence relied upon to support such conclusion. Three copies of each brief shall be filed with the commission and copies thereof shall be served on all parties to the case, or their counsel, and proof of such service furnished to the commission.

NEW SECTION

WAC 391-70-280 NO DISCUSSION OF PROCEEDING UNTIL DECISION. *The commission declares its policy to be that after the filing of a petition in a contested formal proceeding and prior to the issuance of an order thereon, no parties to the proceeding, or their counsel, shall discuss the merits of such matter or proceeding with the commissioners, unless reasonable notice is given to all parties who have appeared therein, to enable such parties to be present at the conference. When, after filing of a petition and prior to the issuance of an order thereon, letters are directed to the commission, or any member of its staff, regarding a formal proceeding, copies of such letters shall be mailed to all parties of record and proof of such service furnished to the commission.*

NEW SECTION

WAC 391-70-300 COMPLIANCE WITH ORDERS—NOTIFICATION TO COMMISSION. *When an order has been issued by the commission any party named therein, who is, by such order, required to do or refrain from doing any act or thing, shall notify the commission on or before the date upon which compliance with such order is required, whether or not there has been compliance with said order.*

**WSR 78-03-012
PROPOSED RULES**

**PLANNING AND COMMUNITY AFFAIRS AGENCY
(Office of Community Development)
[Filed Feb. 8, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Planning and Community Affairs Agency (Office of Community Development) intends to adopt, amend, or repeal rules concerning chapter 314, Law of 1977 rules for the provisions of Security and Privacy safeguards and controls over the dissemination of information pertaining to subjects named in criminal history files and non-conviction data.

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, February 22, 1978 in the Planning and Community Affairs Agency, 4th Floor, Capitol Center Building, Olympia, WA.

The authority under which these rules are proposed is RCW 10.97.090

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 21, 1978.

This notice is connected to and continues the matter noticed in Notice Nos. 7857, 7909, 7929, WSR 78-02-057 and WSR 78-02-103 filed with the code reviser's office on February 1, 1978 (last notice filed).

Dated: February 8, 1978
By: Eugene Wiegman
Director

✓
WSR 78-03-013

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 1-78—Filed Feb. 8, 1978]

✓ *codified*

Be it resolved by the State Board of Education, acting at Bellevue, Washington, that it does promulgate and adopt the annexed rules relating to amendments to chapter 180-80 WAC, Teacher Education and Certification—establishing rules and regulations relevant to qualifications of professional personnel serving in educational clinics.

This action is taken pursuant to Notice No. 7946 filed with the code reviser on 12/28/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04-.120 which directs that the State Board of Education has authority to implement the provisions of chapter 341, Laws of 1977 ex. sess.

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

APPROVED AND ADOPTED January 27, 1978.

By Wm. Ray Broadhead
Secretary, State Board of Education

AMENDATORY SECTION (Amending Order 11-77, filed 9/13/77)

WAC 180-80-200 TEACHERS—GENERAL PROVISIONS. (1) Age. No person who is less than eighteen years of age shall receive a certificate to teach in the common schools of the state of Washington.

(2) Citizenship requirement—Alien permits—Limitations. (a) No person who is not a citizen of the United States of America shall be permitted to teach in the common schools of this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state. A permit will be granted if such teacher:

- (i) Has declared his or her intention of becoming a citizen of the United States of America, and
- (ii) has met all other qualifications required by law.

PROVIDED FURTHER, That after a one year probationary period the superintendent of public instruction, at the written request of the superintendent or his designee of the school district which employed such teacher on a permit, may grant to an alien who is otherwise qualified as determined by the office of superintendent of public instruction under this chapter a certificate to teach in the common schools of this state.

(b) The superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved under the standards of this chapter a permit to teach as an exchange teacher in the common schools of this state: PROVIDED, That the granting of such permit shall be subject to the conditions prescribed in RCW 28A.67.020.

(3) Health certificate. In compliance with provisions of RCW 28A.31.010, each teacher shall file with the school district and/or educational service district superintendent a valid health certificate issued by the state department of social and health services.

(4) Character. Applicants for Washington state teacher certification must be of good moral character and personal fitness.

(5) Scholastic requirement. A candidate's academic record in total teacher preparation must show a cumulative grade point average of "C" or better as a prerequisite for Washington state teacher certification.

(6) Fee for certification. The fee for the provisional, standard, initial, or continuing certificate/credential for teacher, administrator, or educational staff associate, or for any renewal thereof, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be ten dollars. The fee for any other certificate/credential, or for any renewal thereof, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be one dollar. The fee must accompany the application for the certificate and be transmitted to the educational service district superintendent for disposition in accordance with provisions of RCW 28A.70.110. The fee shall not be refunded unless the application is withdrawn before a certificate is finally considered.

(a) No less than 50 per cent of the funds accrued from certification fees shall be used to support program activities related to precertification preparation. The remaining funds shall be used to support staff development programs for professional personnel serving in the common schools.

(b) The State Board of Education shall adopt guidelines which detail criteria and specify procedures for distribution of such funds; guidelines shall be reviewed periodically.

(7) Qualifications—Certificate or permit required.

(a) Consistent with the provisions of RCW 28A.67.010, no person shall be accounted as a qualified teacher within the meaning of the school law who is not the holder of a valid certificate or permit to teach issued by lawful authority of this state. A person must hold a Washington state certificate to teach in the common schools of the state of Washington. These provisions are applicable to substitute and part time teachers as well as full time teachers.

(b) Consistent with the provisions of RCW 28A.67.010 no person shall be accounted as a qualified teacher in a state board of education certified educational clinic who is not certificated under provisions set forth hereinafter in chapter 180-80 WAC.

(8) Certificate validity. Certificates are governed for their duration by the laws under which they are issued.

AMENDATORY SECTION (Amending Order 1-76, filed 2/3/76)

WAC 180-80-610 EDUCATIONAL EXPERIENCE ACCEPTABLE FOR TEACHER CERTIFICATION. (1) Experience for obtaining standard

certification. (a) Educational service consistent with recommendations of teacher education institutions as provided for in the guidelines and standards for programs of preparation leading to teacher certification is acceptable experience for standard certification: PROVIDED, That a minimum of one hundred sixty-five days of service within a seven-year period shall be required to qualify for one year of experience.

(b) Educational service in state board of education certified educational clinics shall be deemed equal to experience in a state board of education approved common or private school.

(2) Experience for maintaining standard certification. Experience as set forth below is acceptable for maintaining standard certification:

(a) Teaching, administration or specialized professional service in regular school programs or planned educational programs in state institutions in which there must be the equivalent of one hundred sixty-five full time teaching days in the ~~((five-year))~~ seven-year period (a full time day is defined as five clock hours).

(b) Professional service in offices of county and/or intermediate school district superintendents, and/or educational service district superintendents, office of superintendent of public instruction and in institutions of higher education to the minimum extent indicated in subdivision (a) above or equivalent experience in other educational service.

(c) Educational experience in state board of education certified educational clinics shall be deemed equal to experience in a state board of education approved common or private school.

(d) The standard or continuing certificate of a teacher, administrator, or educational staff associate who has completed at least one hundred and sixty-five days of service in an educational clinic as defined in WAC 180-95-010(1) or nonpublic school as defined in RCW 28A-.02.201 within the seven-year period immediately prior to the clinic's certification or the nonpublic school's approval by the state board of education shall be deemed not to have lapsed and reinstatement requirements set forth in WAC 180-80-215(4) shall not apply.

WSR 78-03-014

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 2-78—Filed Feb. 8, 1978]

Be it resolved by the State Board of Education, acting at Bellevue, Washington, that it does promulgate and adopt the annexed rules relating to new chapter 180-95 WAC, Educational Clinics—relating to establishment of criteria and procedures to be used in certification of educational clinics.

This action is taken pursuant to Notice No. 7947 filed with the code reviser on 12/28/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04-.120 which directs that the State Board of Education has

Carl Paul

authority to implement the provisions of chapter 341, Laws of 1977 ex. sess.

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

APPROVED AND ADOPTED January 27, 1978.

By Wm. Ray Broadhead
Secretary, State Board of Education

Chapter 180-95 WAC
EDUCATIONAL CLINICS

WAC	
180-95-005	Purpose.
180-95-010	Definitions.
180-95-020	Criteria for certification of educational clinics.
180-95-030	Application procedures for certification as an educational clinic.
180-95-040	Length of certification.
180-95-050	Withdrawal of certification as an educational clinic.
180-95-060	Fee revision—appeal procedure.

NEW SECTION

Cashed
WAC 180-95-005 PURPOSE. The purpose of this chapter is to implement RCW 28A.97.010, 28A.97.020, 28A.97.030, 28A.97.040, 28A.97.050 and to establish the purpose of this chapter is to implement RCW 28A.97.010, 28A.97.020, 28A.97.030, 28A.97.040, 28A.97.050 and to establish the criteria and procedures to be used in certification of an educational clinic.

NEW SECTION

Copy
WAC 180-95-010 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) "Educational clinic" shall mean a private educational institution certified by the state board of education which employs a clinical, client-centered approach and is devoted to (a) teaching the basic academic skills including specific attention to improvement of student motivation for achieving and (b) employment orientation: PROVIDED, That no educational clinic certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.01-060 or a private school for the purposes of RCW 28A.02.201 through 28A.02.250, or proprietary school under chapter 18.82 RCW.

(2) "Basic academic skills" shall mean the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and courses deemed nonessential to the accrediting of common schools or the approval of private schools under RCW 28A.04.120.

(3) "A clinical, client-centered basis" shall mean an approach to education which includes the individual diagnosis of the person's educational abilities, determining

and setting of individual goals, prescribing and providing individual programs of instruction, and evaluating the individual student's progress in his or her educational program.

(4) "Individual diagnostic procedure" shall mean the individual assessment by a certified teacher, or when deemed necessary, by a psychometrist, psychologist, and/or another professional who is appropriately certified or licensed to conduct specific diagnostic evaluations and to prescribe an individual educational and instructional program in conjunction with the teacher, student, parents, and others as necessary.

(5) "General educational development (GED) tests" shall mean that battery of tests designed and published by the GED testing service of the American council on education to measure the major outcomes and concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American council on education and be authorized by the state superintendent of public instruction.

(6) "Educational gain" shall mean (a) measurable increases in the student's achievement, (b) increased motivation for achieving, and/or (c) increased knowledge and skills relevant to employment orientation as defined in (8) below: PROVIDED, That consideration is given to the student's background in determining the extent of such gain.

(7) "Eligible common school dropout" shall be defined as set forth in WAC 392-185-010(2).

(8) "Employment orientation" shall normally include, but not be restricted to instruction and practical experience in the following areas: Job applications, interview techniques, expectations for attendance and production, learning to translate skills and abilities in terms of job needs, examination by the student of job descriptions and exploration of the student's ability to fulfill the job needs.

NEW SECTION

Cashed
WAC 180-95-020 CRITERIA FOR CERTIFICATION OF EDUCATIONAL CLINICS. To be certified as an educational clinic, a private educational institution must apply to the state board of education and provide evidence that it:

(1) Qualifies under the definition set forth in WAC 180-95-010(1).

(2) Offers instruction in the basic academic skills as defined in WAC 180-95-010(2) and employment orientation as defined in WAC 180-95-010(8).

(3) Employs, for purposes of diagnosing and instructing students, professionally trained personnel who meet requirements for certification set forth in chapters 180-80 and/or 180-84 WAC: PROVIDED, That for specific diagnostic evaluations, a professional who is otherwise appropriately licensed does not have to meet certification requirements.

(4) Operates on a clinical, client-centered basis as defined in WAC 180-95-010(3).

(5) Conducts individualized diagnosis and instruction which includes as a minimum:

Certified

- (a) consideration by qualified personnel of the student's achievement, abilities, interests, and aptitudes;
 - (b) delineation of individual learning objectives and education and/or employment goals;
 - (c) development and implementation of curriculum and instruction appropriate to diagnosed needs and specified objectives and goals;
 - (d) provision for evaluation of the student's progress toward and attainment of learning objectives and education and/or employment goals.
- (6) Produces educational gains in students which relate directly to the individual learning objectives and educational and/or employment goals established for the student.
- (7) Maintains accurate and complete financial and personnel records.
- (8) Is financially sound and capable of fulfilling its educational commitment, i.e., that it has definite and certain resources to meet its current obligations.

NEW SECTION

WAC 180-95-060 FEE REVISION—APPEAL PROCEDURE. The state board of education shall either grant or deny proposed fee revisions no later than its second regularly scheduled meeting after receipt of notification of such appeal and shall conduct such an appeal as follows:

- (1) The time and place for filing an appeal from the decision of the superintendent of public instruction to deny a requested fee revision shall be as stated in WAC 392-185-080.
- (2) The decision on appeal will be based solely on the record. The record will consist of (a) the documentation in support of the increase submitted by the certified educational clinic to the superintendent of public instruction, (b) a statement by the superintendent of public instruction setting forth the reasons the fee revision was denied, (c) any other information or documentation the state board of education may request, and (d) the additional documentation (if any) that the certified educational clinic may submit in rebuttal of the superintendent of public instruction's statement.
- (3) The decision of the state board of education shall be final. The decision of the state board of education may not be appealed to superior court.

NEW SECTION

WAC 180-95-030 APPLICATION PROCEDURES FOR CERTIFICATION AS AN EDUCATIONAL CLINIC. A private educational institution shall apply for certification to the state board of education on a form provided by the state board of education. The state board of education or its designee(s) shall determine by on-site visitation and documentary evidence submitted by the applicant whether all criteria set forth in WAC 180-95-020 are satisfied. The state board of education shall notify the applicant institution of its certification status within ten weeks after the date state board of education receives a completed application.

Certified

NEW SECTION

WAC 180-95-040 LENGTH OF CERTIFICATION. A private educational institution shall be certified as an educational clinic by the state board of education for no more than three years and shall report annually any changes relevant to certification criteria set forth in WAC 180-95-020 to the state board of education on a form provided by the state board of education.

Certified

NEW SECTION

WAC 180-95-050 WITHDRAWAL OF CERTIFICATION AS AN EDUCATIONAL CLINIC. The state board of education may withdraw certification if the board finds that a clinic fails:

- (1) To provide adequate instruction in basic academic skills which shall mean:
 - (a) the clinic does not offer or make provision for instruction in all the basic skills defined in WAC 180-95-010(2), or
 - (b) evidence/data do not verify educational gains which relate directly to the individual learning objectives and the educational and/or employment goals established, or
 - (c) the clinic does not provide opportunities for employment orientation.
- (2) To meet any of the criteria for certification of educational clinics as established in WAC 180-95-020.

Certified

**WSR 78-03-015
PROPOSED RULES
STATE INSURANCE COMMISSIONER
AND
STATE FIRE MARSHAL
[Filed Feb. 8, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the State Insurance Commissioner and State Fire Marshal intends to adopt, amend, or repeal rules concerning description of Fire Marshal Office, chapter 212-02 WAC.

and that the adoption, amendment, or repeal of such rules will take place at 8 a.m., Tuesday, April 4, 1978, in the Office of the State Fire Marshal, Olympia, Washington.

The authority under which these rules are proposed is chapter 48.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 4, 1978.

Dated: February 8, 1978
By: Tom Brace
Chief Fire Marshal

AMENDATORY SECTION (Amending Order FM-77-1, filed 11/17/77)

WAC 212-02-020 ORGANIZATION AND OPERATIONS. (1) Administration. The administrative staff and technical specialists are situated on the capitol campus in Olympia. The majority of the staff is assigned to specific functions and is situated at various locations throughout the state, but under the direction of the administrative division.

(2) Health care inspection division. A supervisor, clerical help and a team of deputy fire marshals are assigned to work directly with department of social and health services in fulfilling the fire marshal's

responsibilities in inspecting and approving all hospitals, nursing homes, boarding homes, maternity homes, and facilities treating mental illness or inebriacy prior to licensing by the state. This team operates from offices within the department of social and health services in Olympia, Seattle and Spokane. Their primary duty is the inspection, at least annually, of all the aforementioned licensed facilities and issuing approvals or disapprovals for future operation. Facilities not approved must make the necessary corrections or risk denial, revocation or suspension of their license to operate. Secondary duties of this team includes training facility staffs in fire prevention and fire emergency procedures and the investigation of fires in the facilities to determine the effectiveness of fire-safety features, proficiency of the staff and evaluation of the fire prevention efforts of both the facility and the state.

Also assigned to work directly with the department of social and health services in their Olympia office is a plan review team, which reviews all plans for new construction or major remodeling of licensed facilities and makes field inspections at the construction site to insure compliance. This function is performed under a contract with the department of social and health services, rather than a statutory responsibility on the part of the fire marshal.

(3) Residential inspection division. A supervisor, clerical help and a team of deputy fire marshals operate out of offices in Olympia, Seattle and Spokane and work in close association with the department of social and health services in the inspection and approval for licensing of facilities encompassing several categories of full time and part time care of children, and transient accommodations. The primary duties of this team is the inspection or coordination of local inspections for the purpose of issuing approvals or disapprovals for licensing by the state. Secondary duties include fire prevention and fire investigation, in the same manner as the health care team.

(4) ((Zone deputies)) Fire investigation division. A team of deputy fire marshals operate from combination insurance commissioner/fire marshal offices in Olympia, Mount Vernon, Vancouver, Yakima, Richland and Spokane. Their primary function is the investigation of fires of criminal, suspected or undetermined origin, as reported by fire departments, police departments or insurance adjusters. Results of such investigations are referred to local prosecuting attorneys. Secondary duties include assisting in the enforcement of local fire codes, responding to complaints, answering inquiries and public education in fire-related matters. Seasonal duties also include inspections and enforcement of the fireworks law.

(5) Technical assistance. Specialists in fire prevention, building design, pyrotechnics, codes and related matters are maintained in the administrative office in Olympia to provide assistance to the other deputies and local officials in technical fire-related matters.

AMENDATORY SECTION (Amending Order FM-77-1, filed 11/17/77)

WAC 212-02-030 FUNCTIONS. (1) The licensing function involves the adoption of recognized standards applicable to each category or licensed facility and the inspection prior to licensing to insure compliance. Where local officials are qualified and agreeable, they may make the inspections on behalf of the fire marshal. The specific requirements and manner of enforcement are covered in detail in other regulations.

(2) The fire investigation function involves all deputy fire marshals in varying degrees and for different specific purposes. Deputies assigned to inspection teams investigate fires in those specific facilities to evaluate the effectiveness/ineffectiveness of the regulations and to prevent future similar occurrences.

((Zone deputies concentrate)) The fire investigation division concentrates primarily on those fires which cannot be definitely determined to be accidental by the local investigator. Where criminality can be established, the deputy works directly with the local law enforcement agency in developing sufficient factual evidence for prosecution.

With the advent of recent legislation mandating the investigation of all fires by each city, town and county to determine the cause, origin and circumstances, the role of the fire marshal has become that of a technical specialist, assisting local investigators when requested, and monitoring the effectiveness of fire investigations in general. The fire marshal assigns all fires of criminal, suspected or undetermined origin reported or made known to him to ((Zone Deputies)) the fire investigation division for follow-up. Assistance may or may not be provided, in accordance with local needs. Deputies follow these fires through the investigation and prosecution phases in order to establish state-wide statistics and ascertain other factors which will produce better results.

Another important function in fire investigation is that of establishing responsibility for noncriminal fires. Negligence, product liability and design deficiencies play a key role in fire cause and spread. The fire marshal attempts to document these factors with sufficient certainty to allow recovery by innocent victims and establish the need and justification for additional standards by industry or regulatory agencies.

The ultimate failure in any fire is where serious injury or death results. The fire marshal attempts to expend special effort in the investigation of these fires to accurately determine not only the cause of the fire but the reason the victims were unable to escape unharmed.

(3) The fireworks function involves the administration of the fireworks law, including the regulation of fireworks and the licensing of manufacturers, wholesalers, retailers, importers/exporters, public displays, and pyrotechnic operators. Included in this general function but the subject of separate rules, is the regulation of model and experimental rocketry.

(4) Local support, assistance. Recent legislation established building and fire codes in each city, town and county and mandated enforcement at the local level. This responsibility was new to many municipalities and an increasingly greater amount of the fire marshal's time and effort is being directed toward assisting the smaller towns and counties in fulfilling this responsibility through training, advice and assistance.

(5) Public education. The fire marshal is committed to the principle that more can be accomplished in the furtherance of fire prevention through education than by enforcement or regulation. An informed populace will voluntarily comply with the majority of fire safety standards, which are based on common sense and experience. The mandated responsibilities of the fire marshal must be accomplished first with the discretionary functions, such as public education, limited to the time and resources available. By a greater involvement of local officials in performing some of the duties required of the fire marshal, more time and resources are available to, in turn, assist these same officials in public education efforts.

(6) Other functions. The fire marshal serves as a source of information and advice to all levels of government, business, industry and the general public. The headquarters and zone offices are staffed with full time clerical persons to receive telephone, mail and personal inquiries. The Deputies and the technical specialists are qualified to answer questions on most all inquiries involving fire and life safety, regulations, etc. A substantial part of the fire marshal's time is involved in this activity.

WSR 78-03-016

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
(Letter, Secretary to the President—Feb. 8, 1978)**

In compliance with the State Register Act, attached is the 1978 meeting schedule of the Board of Trustees of Eastern Washington University as approved at their January 26, 1978, meeting.

BOARD OF TRUSTEES

Meeting Schedule 1978

DATE	TIME	LOCATION
Thursday, January 26	6:00 p.m.	Pence Union Building, Council Chambers, EWU
Thursday, February 23	6:00 p.m.	Pence Union Building, Council Chambers, EWU
Thursday, March 30	6:00 p.m.	Pence Union Building, Council Chambers, EWU
Thursday, April 27	6:00 p.m.	Pence Union Building, Council Chambers, EWU
Thursday, May 25	6:00 p.m.	Pence Union Building, Council Chambers, EWU
Thursday, June 22	6:00 p.m.	Seattle—First National Bank, Spokane—Eastern Building, W. 601 Riverside, Spokane

Thursday, July 27	6:00 p.m.	Spokane Community College District #17 District Administration Building N. 2000 Greene, Spokane
Thursday, September 28	6:00 p.m.	Pence Union Building, Council Chambers, EWU
Thursday, October 26	6:00 p.m.	Whitworth College New Music Building, Spokane
Thursday, November 16	6:00 p.m.	Pence Union Building, Council Chambers, EWU
Thursday, December 14	6:00 p.m.	Spokane School District #81 W.825 Spokane Falls Blvd. Spokane

WSR 78-03-017
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1268—Filed Feb. 10, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington the annexed rules relating to AFDC and GAU—Eligibility—Need, amend chapter 388-28 WAC.

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

These rules are necessary to comply with Public Law 93-203, which is already in effect.

Such rules are therefore adopted as emergency rules to take effect on February 11, 1978.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 10, 1978.

By Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1221, filed 8/8/77)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) A child may receive income which is paid in his behalf to the parent(s) or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, or veterans benefits, court ordered support payments, trust fund payments, or other income

which is legally designated for the benefit of an individual child.

(a) When such income meets or exceeds the child's requirements, the family shall have the option to

(i) include the child as a member of the assistance unit with all income considered as available to the assistance unit, or

(ii) exclude the child from the assistance unit. In this instance none of the child's income is available to the assistance unit.

(b) If a child's income includes a portion for his caretaker relative that portion shall be available to meet the need of the assistance unit.

(c) The child's requirements shall be the difference between the requirements of the assistance unit including the child and the requirements of the assistance unit excluding the child.

(d) If a child out of school has earnings which exceed his individual need, the family has the option of including him or excluding him from the assistance unit. If the child is included in the assistance unit, his earnings shall be treated as specified in item (3)(a)(iii). Determination of the child's net income is made with the caretaker relative and with the child when indicated.

(2) If the child is not included in the assistance unit, his eligibility for federal aid medical care only (FAMCO) shall be determined individually (~~as specified in chapter 388-83 WAC~~).

(3) Computing earned income—child in assistance unit

(a) In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he is a member, the following rules apply:

(i) Child under 14 years of age. If the child is under 14 years of age, no inquiry shall be made of the amount of his earnings since data show that the average earnings of such children are small.

(ii) Child 14 through 17 years of age - full or part time student

(A) All earned income of a child in an assistance unit shall be disregarded when he or she is a full time student or a part time student who is not a full time employee.

(B) A student is one who attends a school, college or university, or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the job corps program under the Economic Opportunity Act. A full time student must have a school schedule equal to a full time curriculum. A part time student must have a school schedule equal to at least one-half of a full time curriculum. A student who was enrolled during the school term just completed and who plans to return to school when it reopens shall retain his status as a student during the summer vacation.

(C) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part time student who is working less than full time.

(D) To be employed full time, a child must be working 35 hours a week or the number of hours considered full time by the industry for which he works, whichever is less.

(E) Summer employment of students shall not be considered as full time employment due to the temporary nature of such employment, even though the hours worked may exceed 35 hours a week.

(F) See item (3)(a)(iv) for savings which may be accumulated under a casework service plan from these earnings.

(iii) Other AFDC child 14 through 17 years of age (nonstudent). In determining the amount of a child's earned income available to meet the current needs of the assistance unit when he (she) is not covered by rules in items (3)(a)(ii), net income shall be computed according to WAC 388-28-570.

(iv) Earned income disregarded under items (3)(a)(i), (ii) or (iii) may be retained by the child earning the income to cover the cost of special future identifiable needs.

(A) Such future identifiable needs may include amounts to meet future costs of identified employment training, education, health service or other plans which are necessary to carry out a casework service plan for the child and which are not otherwise available from DSHS or other community sources.

(B) A casework service plan must be developed in order to conserve savings for future identifiable needs. The plan should make possible realization of the child's maximum potential as an independent and useful citizen. The plan must be recorded in the case record and be approved by the supervisor.

(C) If the plan includes post-high school education or training, the total amount conserved for this purpose shall not exceed the cost of two years of education and may include in this cost a car if approved by the caseworker and included as an essential part of the casework plan.

(D) Savings accumulated for future identifiable needs shall not be considered as part of the personal property holdings of the family and shall not be subject to the combined resource ceiling (~~in WAC 388-28-430(2))~~ maximum.

(4) Earnings received by any youth under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 shall be disregarded in determining need and the amount of the public assistance payment under any federally assisted programs.

AMENDATORY SECTION (Amending Order 1229, filed 8/23/77)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the

Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under Section 21(a) of that Act.

(f) From August 1, 1975 to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) Earnings received by any youth under Title III, Part C Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.

(c) The value of the U.S. Department of Agriculture donated foods (surplus commodities).

(d) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.

(e) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(f) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(g) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended.

WSR 78-03-018

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed Feb. 10, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Ecology intends to adopt, amend, or repeal rules concerning clarifying Quincy subarea depth zones and management units, and distinguishing Quincy subarea; amending chapter 173-124 WAC—Quincy Ground-Water Management Subarea and Zones;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Tuesday, April 4,

1978, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapters 90.03, 90.44 and 43.21A RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 28, 1978, and/or orally at 10:30 a.m., Tuesday, April 4, 1978, Hearings Room, Department of Ecology, Lacey, Washington.

This notice is connected to and continues the matter noticed in Notice No. 7958 filed with the code reviser's office on December 29, 1977.

Dated: February 8, 1978
 By: Elmer C. Vogel
 Deputy Director

WSR 78-03-019
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1553—Filed Feb. 10, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Order 1508 (Uncodified) of chapter 16-230 WAC, Regulation 1. Deleting the requirement for pesticide user permits.

I, Bob J. Mickelson, find that an emergency exists and that the foregoing order is necessary for the preservation of public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the issuing of these user permits required by Regulation 1 of Order 1508 works a hardship on both pesticide dealers and the Department of Agriculture. The sale of these restricted use herbicides is now restricted to certified applicators by Order No. 1538, WAC 16-228-165 and the user permit requirement is no longer needed.

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

This rule is promulgated pursuant to chapters 15.58 and 17.21 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 10, 1978.

By Bob J. Mickelson
 Director

AMENDATORY SECTION (Order No. 1508 (Uncodified) filed 3/31/77)

REGULATION 1. AREA UNDER ORDER, SPECIFIC COUNTY ORDER, RESTRICTED USE HERBICIDES AND DEFINITIONS.

AREA UNDER ORDER: ALL counties located east of the crest of the Cascade Mountains.

SPECIFIC COUNTY ORDERS: The regulations in this order will not preclude any additional restrictions on the application of restricted use herbicides provided for in regulations for specific counties located east of the Cascade Mountains.

RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

~~((USER PERMITS: User Permits are required for all liquid formulations of restricted use herbicides distributed in packages of one gallon and larger in counties located east of the crest of the Cascade Mountains.))~~

LOW VOLATILE: The sale of low volatile formulations of restricted use herbicides in containers of less than one gallon is prohibited.

DEFINITION: COMMERCIAL VINEYARD. A commercial vineyard is a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market.

DEFINITION: HIGH AND LOW VOLATILE ESTERS. High and low volatile esters are those formulations labeled as high and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide, and Rodenticide Act. High volatile 2,4-D includes those esters with five or less carbon atoms, such as but not limited to methyl, ethyl, isopropyl, n-butyl, isobutyl, and n-pentyl.

WSR 78-03-020
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 74—Filed Feb. 14, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, acting at Olympia, Washington, do hereby repeal WAC 232-32-200, relating to treaty Indian steelhead fishing in the Green/Duwamish Rivers and tributaries and Elliott Bay.

I, Ralph W. Larson, find that an emergency exists and the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is data agreed to by Department of Game and tribal biologists have indicated there are harvestable numbers of steelhead trout remaining in the Green/Duwamish River systems and Elliott Bay. If the treaty Indian fishery is not reopened immediately, that fishery will not have an opportunity to take a share of available harvestable numbers of steelhead trout to which they are entitled under federal court rulings. Therefore, it is necessary that the prior emergency treaty Indian closure of the Green/Duwamish River and tributaries and Elliott Bay be repealed.

Such rule is therefore repealed by this emergency order.

This rule is repealed under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 14, 1978.
By Ralph W. Larson
Director

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-32-200 CLOSURE OF THE GREEN/DUWAMISH RIVER AND TRIBUTARIES AND ELLIOTT BAY TO THE TAKING OF STEELHEAD BY TREATY INDIANS.

WSR 78-03-021
ADOPTED RULES

STATE EMPLOYEES INSURANCE BOARD
[Order 3-78—Filed Feb. 14, 1978]

Be it resolved, by the State Employees Insurance Board, acting at Highways Material Lab Building, Tumwater, Wa., that it does promulgate and adopt the annexed rules relating to the amending of WAC 182-08-160, Group Coverage when not on pay status.

This action is taken pursuant to Notice No. 7911 filed with the code reviser on 12/7/77.

This rule is promulgated under the general rule-making authority of the State Employees Insurance Board as authorized in chapter 41.05 RCW.

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

APPROVED AND ADOPTED February 10, 1978.
By E. W. Lahn
Benefits Supervisor

AMENDATORY SECTION (Amending Order 7228, filed 12/8/76)

WAC 182-08-160 GROUP COVERAGE WHEN NOT ON PAY STATUS. An employee who is temporarily not in pay status may retain state group coverage ~~((: (1) Up to 24))~~, except long term disability and

dental, by self-payment of premium up to twenty-nine months during ((an)) any authorized ((educational)) leave without pay or during a layoff because of a reduction-in-force((, provided the employee does not enroll in any other employer sponsored plan; (2) Up to 12 months during any other employer authorized leave. Premium payments for the continuance of coverage shall be sent to the employee's agency payroll office, payable to the State Treasurer or Higher Education Institution. Payment must be made prior to the month of coverage)). Employees not on pay status are ineligible to receive credit for the ((State)) employer premium contribution.

WSR 78-03-022
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
[Filed Feb. 15, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 that the Bellevue Community College intends to adopt, amend, or repeal rules concerning the amending of chapter 132H-120 WAC, The Student Code, Section 200 pertaining to Student Responsibilities; New section WAC 132H-120-205 Application for Utilization of Alcoholic Beverages.

that such institution will at 1:30 p.m., Tuesday, April 4, 1978, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, Wa. 98007, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, April 4, 1978, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, Wa. 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 4, 1978 and/or orally at 1:30 p.m., Tuesday, April 4, 1978, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, Wa. 98007

Dated: February 6, 1978
By: Thomas E. O'Connell
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order 44, filed 9-11-76)

WAC 132H-120-200 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action who either as a principal actor or aide or abettor: (1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

- (2) Violates any provision of this chapter; or
- (3) Commits any of the following acts which are hereby prohibited:
 - (a) Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which has the special written authorization of the college President or his designee.
 - (b) Procedural guidelines for liquor policy implementation are as follows:

- (i) When approved by the President ~~((and/or the Board of Trustees))~~ or his designee alcoholic beverages may be served by a recognized student organization and administrative unit at the college((;)).

or a community organization. Such groups must adhere to the stipulation of building use policies (WAC 132H-140) and fully meet all laws, rules and regulations set forth in the Washington State Liquor Control Board regulations RCW 66.20.010, which permits consumption of spirits.

(ii) Approval for the serving of alcoholic beverages must be requested at least seven (7) calendar days prior to the date of use. A student organization request Form 010-1161-78 must be filed with the Office of the Dean for Student Services and Development where it will be forwarded to the Office of the President for final approval. All other requests (Form 010-1161-78) shall be filed with the Office of the President. The request shall be approved or denied at least three (3) calendar days prior to the proposed event. The application for utilization of alcoholic beverages must be completed by an authorized representative who accepts responsibility for compliance with college and other governmental rules and regulations, where applicable, and agrees to be present at the function. The Associate Dean for Student Programs and Activities (:) or designee (:) shall be available at all student functions involving alcoholic beverages and is empowered to make decisions that might arise covering college policies or procedures.

(iii) Upon approval for the use of alcoholic beverages at Bellevue Community College, it shall be the responsibility of the sponsor to obtain all necessary licenses from the Washington State Liquor Control Board and to display such licenses at the time of the event.

(iv) Banquet events (sit-down dinners) are recognized as different in nature from program events. At program events, permission to serve alcoholic beverages shall be restricted to beer and light wine along with an appropriate serving of food. Banquet events shall be approved in accordance with Washington State Liquor Control Board regulations RCW 66.20.010 which permits the consumption of spirits.

(v) The matrix shall be set aside as the only location for the sale of beer and wine at program-sponsored events. There shall be no out-of-room consumption of any alcoholic beverage at such program sponsored events.

(vi) Driver licenses with picture or Washington State Liquor Control Board identification cards are the only acceptable identification sources in determining legal age.

(vii) The policing of identification cards shall be the responsibility of campus security.

(viii) No person who is under the influence of alcohol or dangerous substances or who is disorderly in conduct shall be allowed to serve, consume or dispense alcoholic beverages.

(ix) All sales and use of alcoholic beverages shall be governed by the Washington State Law as interpreted by the Washington State Liquor Control Board. The regulation will be posted outside of the room where alcoholic beverages are consumed.

(x) No alcoholic beverages may be consumed outside the approved area for the event (building, room, etc.).

(xi) Non-alcoholic beverages shall be available to persons under the legal age at all events where alcoholic beverages are permitted.

(xii) No state monies shall be used to purchase any alcoholic beverages or to pay any license fees or related expense. All revenues generated by the sale of alcoholic beverages shall be processed in accordance with normal college policy and procedures.

(xiii) To insure variety in programming, the use of alcoholic beverages shall be approved for only a limited number of major collegewide activities.

(c) Using, possessing, or selling any narcotic drug as defined in RCW 69.50.101 now law or hereafter amended, or any dangerous drug as defined in RCW 69.50.308 as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 29.04.005 [69.04.005] as now law or hereafter amended.

(d) Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Forgery, as defined in RCW 9A.60.010 [9A.60.010] of any district record or instrument or tendering any forged record of [or] instrument to an employee or agent of the district acting in his official capacity as such.

(f) Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(g) Intentionally destroying or damaging any college facility or other public or private real or personal property.

(h) Failure to comply with directions of properly identified college officials acting in performance of their duties.

(i) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(j) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(k) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers; unless written approval has been obtained from the Dean for Student Services and Development; or any other person designated by the President.

(l) Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm or other device established for the safety of individuals and/or college facilities.

NEW SECTION

WAC 132H-120-205 APPLICATION FOR UTILIZATION OF ALCOHOLIC BEVERAGES

COMMUNITY COLLEGE DISTRICT VIII
Bellevue Community College
3000 Landerholm Circle S.E.
Bellevue, Washington 98007

APPLICATION FOR UTILIZATION OF ALCOHOLIC BEVERAGES

Authorized representative please complete the information requested and file with: 1. Student Request - Dean for Student Services and Development; or 2. Administrative Unit or Community Organization - President's Office.

DATE OF EVENT DATE OF REQUEST

NAME OF SPONSORING GROUP

AUTHORIZED REPRESENTATIVE

ADDRESS: PHONE NO.:

TYPE OF EVENT: (Circle appropriate group. Describe function and the appropriate serving of food)

STUDENT PROGRAM:

ADMINISTRATIVE/COMMUNITY GROUP OR ORGANIZATION:

FACILITY REQUESTED:

I have read "Procedural Guidelines for Liquor Policy Implementation" which are excerpted from WAC 132H-120-200 STUDENT RESPONSIBILITIES and agree to abide by these regulations.

.....
Signature of Administrator in Charge (if Student Program)

.....
Signature of Authorized Representative (if other)

Person responsible for purchasing banquet license and liquor:

NAME:

ADDRESS:

Granted Denied Date Granted
Denied Date

Dean for Student Services President or Designee
& Development
Form 010-116(1-78)

WSR 78-03-023

**ADOPTED RULES
DEPARTMENT OF RETIREMENT SYSTEMS
(Order IV—Filed Feb. 15, 1978)**

I, Robert L. Hollister, Jr., director of Department of Retirement Systems, do promulgate and adopt at my office, Capitol Plaza Building in Olympia, Washington, the annexed rules relating to the operation and administration of the Public Employees' Retirement System and the Law Enforcement and Fire Fighters' Retirement System, Washington State Teachers' Retirement System.

This action is taken pursuant to Notice No. 7948 filed with the code reviser on 12/28/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.50.050(6) and RCW 41.50.090 which directs that the Director of the Department of Retirement Systems has authority to implement the provisions of chapter 41.50 RCW (Chapter 105, Laws of 1975-76, 2nd ex. sess.).

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

APPROVED AND ADOPTED January 27, 1978.

By Robert L. Hollister, Jr.
Director

NEW SECTION

WAC 415-02-060 REFUND OF CONTRIBUTIONS—APPLICATION. A request for a refund of contributions will not be honored if it was executed more than thirty days prior to its receipt by the department. A member may cancel the request for a refund of accumulated contributions at any time prior to the mailing of the warrant representing the refund of contributions.

NEW SECTION

WAC 415-02-070 APPLICATION OF PARTICULAR RULES TO PLAN II MEMBERS. The following provisions of chapters 415-104, 415-108, and 415-112 WAC do not have application to Plan II members of the Washington state teachers' retirement system, the public employees' retirement system or the law enforcement officers' and fire fighters' retirement system: WAC 415-112-200, 415-112-210, 415-112-220, 415-112-230, 415-112-240, 415-112-250, 415-112-270, 415-112-290, 415-112-420, 415-112-430, 415-112-500, 415-112-510, 415-112-520, 415-112-540, 415-112-550, 415-112-600, 415-112-610, 415-112-620, 415-112-630, 415-112-700, and 415-112-710; 415-104-210, 415-104-220, 415-104-250, 415-104-310, 415-108-070, 415-108-210 and 415-108-220.

NEW SECTION

WAC 415-02-080 IDENTIFICATION OF MEMBERS. Records of members of the retirement systems will be filed and identified in part by social security number. Each member of the systems shall be required to supply his or her social security number for such record keeping purposes. Such disclosure shall be voluntary and shall only be used for record keeping and identification purposes. Failure to supply a social security number shall not result in the loss of any benefits supplied by these systems.

NEW SECTION

WAC 415-104-010 DEFINITIONS. As used in this chapter, unless a different meaning is plainly required by the context:

- (1) "Retirement system" has the meaning established by RCW 41.26.030(1) as now existing or hereafter amended;
- (2) "Employer" has the meaning established by RCW 41.26.030(2) as now existing or hereafter amended;
- (3) "Law enforcement officer" has the meaning established by RCW 41.26.030(3) as now existing or hereafter amended;
- (4) "Fire fighter" has the meaning established by RCW 41.26.030(4) as now existing or hereafter amended;
- (5) "LEOFF retirement board" means the law enforcement officer and fire fighters' retirement board as provided in RCW 41.26.030(5) as now existing or hereafter amended;
- (6) "Employee" has the meaning established by RCW 41.26.030(10) as now existing or hereafter amended;

NEW SECTION

WAC 415-02-040 DEFINITION OF PLAN II. Wherever used in this title, the term "Plan II" has reference to the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess. The term "Plan I" shall have reference to those plans in existence prior to the enactment of the above-referenced laws.

NEW SECTION

WAC 415-02-050 STATE ENVIRONMENTAL POLICY ACT—INTERFACE. The actions and activities of the department of retirement systems are not major actions significantly affecting the quality of the environment as described in chapter 43.21C RCW. All of the activities of the department are exempted from the threshold determination and environmental impact statement requirements of the State Environmental Policy Act (SEPA) by WAC 197-10-175.

The responsible official of the agency for the purposes of SEPA is the director.

(7) "Disability board" has the meaning established by RCW 41.26.030(18) as now existing or hereafter amended;

(8) "Disability leave" has the meaning established by RCW 41.26.030(19) as now existing or hereafter amended;

(9) "Disability retirement" has the meaning established by RCW 41.26.030(20) as now existing or hereafter amended;

(10) "Director" means the director of the department of retirement systems as provided in chapter 41.50 RCW as now existing or hereafter amended;

(11) "Department" means the department of retirement systems established pursuant to chapter 41.50 RCW as now existing or hereafter amended;

(12) "Legal adviser" means the attorney general of the state of Washington or a designated member of his staff assigned to the department.

NEW SECTION

WAC 415-104-020 PUBLIC RECORDS. See chapter 415-06 WAC.

NEW SECTION

WAC 415-104-030 DEDUCTIONS FROM PENSION PAYMENTS FOR INSURANCE PURPOSES. Deductions for any insurance premiums will only be authorized (pursuant to RCW 41.26.180) where the preliminary authorization and information is coordinated by a representative of the insurer acceptable to the director. Where such deductions are withheld, the retirement system is not responsible or liable for any failure to make premium payments on time or in the proper amount.

GENERAL ADMINISTRATION

NEW SECTION

WAC 415-104-100 MEMBERS. The LEOFF retirement board is an independent agency of the state of Washington and is composed of the members specified by RCW 41.26.050 as now existing or hereafter amended.

NEW SECTION

WAC 415-104-105 ELECTION OF LEOFF MEMBER TO LEOFF RETIREMENT BOARD. The election of the law enforcement officer and the fire fighter member of the Washington Law enforcement officers' and fire fighters' retirement board, as provided for in RCW 41.26.050, as now existing or as hereafter amended, shall be conducted as provided in this section.

(1) The first regular election will be held during April, 1970, to elect a representative of the law enforcement officer members for a one-year term, and a representative of the fire fighter members for a two-year term. The second regular election shall be held during April, 1971, to elect a representative of the law enforcement officer members for a two-year term. Thereafter, a regular election shall be held during each ensuing April to elect, alternatively, a fire fighter member representative and a

law enforcement officer representative for two-year terms respectively.

(2) All terms of office shall commence on the first day of May of the year of election, and the representatives elected shall serve until their successors are duly elected and qualified unless they shall die, resign, or cease to be members of the retirement system except while on disability leave in the classification represented. In the event of a vacancy thus occurring prior to the normal expiration of the term, a special election shall be called by the LEOFF retirement board for a date certain for the election of a successor from the same service to fill out the remaining part of the term.

(3) Any member desiring to become a candidate to represent members in his classification may, during the third week of March of the year in which the election for representative of his classification is to occur (or in the event of a special election to fill a vacancy, during such period as the LEOFF retirement board in its call shall specify) file with the director of the retirement system a typewritten statement that he desires to be a candidate for the LEOFF retirement board. The letter supporting his candidacy must be signed by at least twenty active members of the retirement system in his classification.

(4) Each regular or special election shall be conducted under the supervision of the Washington law enforcement officers' and fire fighters' retirement board, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. In order to be counted, ballots shall be received by the director not later than the fourth Tuesday in April in the case of a regular election, and at least one full week prior to the date specified in the call in the case of a special election to fill a vacancy. The LEOFF retirement board shall thereupon proceed to count the ballots and shall certify to the Secretary of State the candidate receiving the highest number of votes, who shall be deemed to have been elected.

NEW SECTION

WAC 415-104-110 ADMINISTRATION. The administration of the retirement system is vested in the director as provided in in chapter 41.50 RCW as now existing or hereafter amended, and in the rules adopted in accordance with that chapter and codified in Title 415 WAC.

NEW SECTION

WAC 415-104-120 FUNCTION. The LEOFF retirement board shall be vested with those powers retained by the LEOFF retirement board pursuant to chapter 41.50 RCW relating to proposed legislation, rules, investments, and disability retirements.

All final orders, decisions, or awards of the LEOFF retirement board pertaining to administration of the retirement system and to disposition of disability retirement applications, shall be in the form of resolutions passed by a majority vote of members of the LEOFF retirement board and subscribed to by the director or an assistant director. A majority of the LEOFF retirement

board shall constitute a quorum for transaction of business at any meetings of the LEOFF retirement board. For the purpose of this chapter, all final orders, decisions, or awards of the LEOFF retirement board shall be passed by resolutions.

Service retirement awards shall be processed and made by the director, assistant director, or administrative officer of the law enforcement officers' and fire fighters' retirement system.

NEW SECTION

✓ WAC 415-104-140 LOCATION. The LEOFF retirement board shall meet in the office of the department at the Capitol Plaza Building, Union and Eastside, Olympia, Washington.

NEW SECTION

✓ WAC 415-104-150 MEETINGS. The LEOFF retirement board shall meet on the third Monday each month unless that is a holiday, or when the board determines otherwise, in advance, in which case another date may be established by the director. The LEOFF retirement board may also meet on more frequent occasions if deemed advisable, on a convenient day set by the director.

NEW SECTION

✓ WAC 415-104-160 OFFICE OF THE CHAIRMAN. The office of the chairman of the LEOFF retirement board is located in the headquarters of the department at the Capitol Plaza Building, Union and Eastside, Olympia, Washington.

NEW SECTION

✓ WAC 415-104-170 BUSINESS HOURS. The office of the department is open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

NEW SECTION

✓ WAC 415-104-180 CORRESPONDENCE. All correspondence and official communications, including notices, appeals, and pleadings must be in writing, served and filed with the director at the department's offices.

NEW SECTION

✓ WAC 415-104-190 IDENTIFICATION. The record of each member of the retirement system will be filed and identified in part by Social Security number. Each member of the system shall be required to supply his or her Social Security number for such record keeping purposes. Such disclosure shall be voluntary and shall only be used for record keeping and identification purposes. Failure to supply a Social Security number shall not result in the loss of any benefits supplied by this system.

NEW SECTION

✓ WAC 415-104-200 DECISION AND ORDER OF THE LOCAL DISABILITY BOARD. Every decision and order of a local disability board granting a disability retirement allowance shall be forwarded to the LEOFF retirement board through the director. The LEOFF retirement board shall review such decision and order in compliance with RCW 41.26.120, and the decision and order shall be affirmed or reversed and remanded to the local disability board.

NEW SECTION

✓ WAC 415-104-210 PROCESSING APPLICATIONS. The processing of disability applications shall commence when the director receives the written decision and order required by RCW 41.26.120.

NEW SECTION

✓ WAC 415-104-220 RECORDING. The director shall examine the materials and forms for completeness, make arrangements for filing and docketing the same, and refer them to the legal adviser for examination.

NEW SECTION

✓ WAC 415-104-230 LEGAL EXAMINATION OF APPLICATION. The director or the legal adviser shall examine the member's file for adequacy of the information presented to support the legal basis of the application. If it is felt that certain statements may be subject to question or that additional information may be needed, the director or the legal adviser shall attempt to obtain such information.

NEW SECTION

✓ WAC 415-104-240 RECOMMENDATION AND CONCLUSION. The director or the legal adviser shall prepare a summary and recommendation, based on all the facts in the member's file, and submit it to the LEOFF retirement board for review.

NEW SECTION

✓ WAC 415-104-250 LEOFF RETIREMENT BOARD DECISION ON APPLICATION. The LEOFF retirement board shall act on appeals for acts of the LEOFF retirement board or local disability board as follows:

- (1) Affirmance, by resolution;
- (2) Reversal or reversal and remand, by resolution;
- (3) Referral back to the director for further investigation or information.

NEW SECTION

✓ WAC 415-104-260 NOTIFICATION OF MEMBER. The director shall forthwith notify the member and his employer of the LEOFF retirement board's action. If the decision of the LEOFF retirement board is adverse to the member's position, the director shall notify the member of his right to appeal.

DISABILITY ORDER AND DENIALS

NEW SECTION

WAC 415-104-270 MISCELLANEOUS APPLI-
CATIONS. Miscellaneous applications from decisions involving payment or nonpayment of benefits, requiring the LEOFF retirement board's decision shall be subject to the same general procedures as are set forth in WAC 415-104-200 through 415-104-260.

NEW SECTION

WAC 415-104-300 DISABILITY RETIREMENT
APPLICATIONS—APPEALS. (See RCW 41.26-
.200 through 41.26.210.)

Any person aggrieved by any final decision of the retirement board must, before he appeals to a superior court, invoke the jurisdiction of the LEOFF retirement board by filing with the director or an assistant director, either personally or by mail, within sixty days from the date such decision was communicated to such person, a notice of appeal before the board. The notice of appeal must comply with the provisions of WAC 415-08-020.

NEW SECTION

WAC 415-104-310 GRIEVANCES. Any person aggrieved by an order of the local disability board must submit a notice of appeal, as set forth in WAC 415-08-020, within thirty days in accordance with RCW 41.26.200.

NEW SECTION

WAC 415-104-320 RULES ON APPEALS. All appeals from decisions of the LEOFF retirement board will be governed by the rules of the department of retirement systems as set forth in chapter 415-08 WAC.

Appeals from decisions of the local disability boards will be reviewed on the basis of the record established by the local disability board in accordance with RCW 41.26.120 as now existing or hereafter amended.

APPEALS TO THE SUPERIOR COURT

NEW SECTION

WAC 415-104-400 NOTICE OF APPEAL TO
THE SUPERIOR COURT. Upon an appeal from the decision and order of the LEOFF retirement board to the superior court pursuant to RCW 41.26.210, the appealing party within thirty days from the decision and order of the LEOFF retirement board must perfect his appeal by serving notice of appeal on the director of the LEOFF retirement board by personal service or by mailing a copy thereof and filing the notice of appeal together with proof of service with the clerk of the superior court. The service and the filing together with proof of service of the notice of appeal all within thirty days shall be jurisdictional.

NEW SECTION

WAC 415-104-410 CERTIFICATION OF
RECORD. The director shall promptly serve upon the appellant or his attorney of record and file with the clerk of the court a certified copy of the complete record of

the hearing before the LEOFF retirement board which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the court of appeals or the supreme court as in other cases.

MINIMUM MEDICAL AND HEALTH
STANDARDS

NEW SECTION

WAC 415-104-500 PURPOSE. The regulations contained in WAC 415-104-510 through 415-104-750 are adopted as the minimum medical and health standards which must be met or exceeded before a law enforcement officer or firefighter may become a member of the retirement system contained in chapter 41.26 RCW as now existing or hereafter amended. Such regulations are adopted pursuant to chapter 41.26 RCW (chapter 257, Laws of 1971 1st ex. sess.) and are to be applied consistent with the provisions of that act. The minimum medical and health standards are not hiring standards. They relate only to membership in the LEOFF system.

NEW SECTION

WAC 415-104-510 MINIMUM STANDARDS
FOR MEMBERSHIP—PHYSICAL EXAMINA-
TION. (1) Requirements: (a) Medical examination administered by a licensed physician or surgeon as set forth under provisions of chapter 18.71 RCW. Physician or surgeon to be appointed by the appropriate city or county disability board. Causes for rejection will be consistent with recommendations outlined in these standards.

(b) A medical history will be supplied by each applicant to the examining physician. The medical history will include information on past and present diseases, injuries, and operations.

(c) The applicant must possess normal vision. He must demonstrate normal visual functions and visual acuity not less than 20/100 vision in each eye without correction and corrected to 20/20 in the better eye and 20/30 in the lesser eye. He must possess normal color vision.

(d) Applicant must possess normal hearing. Hearing acuity level to be determined by audiometric hearing test.

(e) Applicant must be at least eighteen years of age, and shall not have reached thirty-five years of age at the time of appointment.

(f) Retention on a permanent basis by the employer of the results of the physical examination on all applicants employed under these standards is required.

(2) Procedure: (a) Completion of the report of medical history by the applicant.

(b) The physical examination will be conducted by a licensed physician or surgeon after a review of the report of medical history completed by the applicant.

(c) The physician shall record his findings on the report of medical history and shall note thereon, for evaluation by the hiring authority, any past or present

physical defects, diseases, injuries, operations, or conditions of an abnormal or unusual nature and whether applicant is or is not qualified. Reports of medical history shall be typewritten or printed, and the summary of defects and diagnosis shall refer to the applicable section of these standards as cause for rejection.

(d) Physical examination reports shall be placed in permanent files by the employer and must be available for examination at any reasonable time by representatives of the retirement system board.

NEW SECTION

WAC 415-104-520 ABDOMEN AND GASTRO-INTESTINAL SYSTEM. The following conditions of the abdomen and gastrointestinal system are causes for rejection of membership:

(1) Cholecystectomy, sequelae of, such as postoperative stricture of common bile duct, reforming of stones in hepatic or common bile ducts, or incisional hernia, or postcholecystectomy syndrome when symptoms are so severe as to interfere with normal performance of duty;

(2) Cholecystitis, acute or chronic, with or without cholelithiasis if diagnosis is confirmed by usual laboratory procedures or authentic medical records;

(3) Cirrhosis, regardless of the absence of manifestations such as jaundice, ascites or known esophageal varices, abnormal liver function tests with or without history of chronic alcoholism;

(4) Fistula, in ano;

(5) Gastritis, chronic hypertrophic, severe;

(6) Hemorrhoids: (a) External hemorrhoids producing marked symptoms;

(b) Internal hemorrhoids, if large or accompanied with hemorrhage or protruding intermittently or constantly;

(7) Hepatitis, within the preceding six months, or persistence of symptoms after a reasonable period of time with objective evidence of impairment of liver function;

(8) Hernia: (a) Hernia other than small asymptomatic umbilical or hiatal;

(b) History of operation for hernia within the preceding sixty days;

(9) Intestinal obstruction, or authenticated history of more than one episode, if either occurred during the preceding five years, or if resulting conditions remain which produces significant symptoms or requires treatment;

(10) Megacolon, of more than minimal degree, diverticulitis, regional enteritis, and ulcerative colitis. Irritable colon of more than moderate degree;

(11) Pancreas, acute or chronic disease of, if proven by laboratory tests, or authenticated medical records;

(12) Rectum, stricture or prolapse of;

(13) Resection, gastric or of bowel; or gastroenterostomy, but minimal intestinal resection in infancy or childhood is acceptable if the individual has been asymptomatic since the resection and if surgical consultation (to include upper and lower gastrointestinal series) gives complete clearance. For example: Intussusception or pyloric stenosis;

(14) Scars: (a) Scars, abdominal, regardless of cause, which show hernial bulging or which interfere with movements;

(b) Scar pain associated with disturbance of function of abdominal wall or contained visceral;

(15) Sinuses, of the abdominal wall;

(16) Splenectomy, except when accomplished for the following:

(a) Trauma;

(b) Causes unrelated to diseases of the spleen;

(c) Hereditary spherocytosis;

(d) Disease involving the spleen when followed by correction of the condition for a period of at least two years;

(17) Tumors, see WAC 415-104-720 and 415-104-725;

(18) Ulcer: (a) Ulcer of the stomach or duodenum if diagnosis is confirmed by x-ray examination, or authenticated history thereof;

(b) Authentic history of surgical operation(s) for gastric or duodenal ulcer;

(19) Other congenital or acquired abnormalities and defects which preclude satisfactory performance of duties or which require frequent and prolonged treatment.

NEW SECTION

WAC 415-104-530 BLOOD AND BLOOD-FORMING TISSUE DISEASES. The following conditions of the blood and blood-forming tissue diseases are causes for rejection of membership:

(1) Anemia: (a) Blood loss anemia—until both condition and basic cause are corrected;

(b) Deficiency anemia, not controlled by medication;

(c) Abnormal destruction of RBC's: Hemolytic anemia;

(d) Faulty RBC construction: Hereditary hemolytic anemia, thalassemia and sickle cell anemia;

(e) Myelophthisic anemia: Myelomatosis, leukemia, Hodgkin's disease;

(f) Primary refractory anemia: Aplastic anemia, DiGuglielmo's syndrome;

(2) Hemorrhagic states: (a) Due to changes in coagulation system (hemophilia, etc.);

(b) Due to platelet deficiency;

(c) Due to vascular instability;

(3) Leukopenia, chronic or recurrent, associated with increased susceptibility to infection;

(4) Myeloproliferative disease (other than leukemia):

(a) Myelofibrosis;

(b) Megakaryocytic myelosis;

(c) Polycythemia vera;

(5) Splenomegaly until the cause is remedied;

(6) Thromboembolic disease except for acute, nonrecurrent conditions.

NEW SECTION

WAC 415-104-540 DENTAL. The following dental conditions are causes for rejection of membership:

(1) Diseases of the jaws or associated tissues, which are not easily remediable and which will incapacitate the

individual or prevent the satisfactory performance of duty;

(2) Malocclusion, severe, which interferes with the mastication of a normal diet;

(3) Orthodontic appliances: Individuals with orthodontic appliances attached to the teeth are administratively unacceptable so long as active treatment is required. Individuals with retainer orthodontic appliances who are not considered to require active treatment are administratively acceptable;

(4) Oral tissues, extensive loss of, in an amount that would prevent replacement of missing teeth with a satisfactory prosthetic appliance;

(5) Relationship between the mandible and maxilla of such a nature as to preclude future satisfactory prosthodontic replacement.

NEW SECTION

WAC 415-104-550 EARS. The following conditions of the ear are causes for rejection of membership:

(1) Auditory canal: (a) Atresia or severe stenosis of the external auditory canal;

(b) Tumors of the external auditory canal except mild exostoses;

(c) Severe external otitis, acute or chronic;

(2) Auricle: Agenesis, severe; or severe traumatic deformity, unilateral or bilateral;

(3) Mastoids: (a) Mastoiditis, acute or chronic;

(b) Residual or mastoid operation with marked external deformity which precludes or interferes with the wearing of a gas mask or helmet;

(c) Mastoid fistula;

(4) Meniere's syndrome;

(5) Middle ear: (a) Acute or chronic suppurative otitis media. Individuals with a recent history of acute suppurative otitis media will not be accepted unless the condition is healed and a sufficient interval of time subsequent to treatment has elapsed to insure that the disease is in fact not chronic;

(b) Adhesive otitis media associated with hearing level by audiometric test of 20 db or more average for the speech frequencies (500, 1000, and 2000 cycles per second) in either ear regardless of the hearing level in the other ear;

(c) Acute or chronic serous otitis media;

(d) Presence of attic perforation in which presence of cholesteatoma is suspected;

(e) Repeated attacks of catarrhal otitis media; intact greyish, thickened drum(s);

(6) Tympanic membrane: (a) Any perforation of the tympanic membrane;

(b) Severe scarring of the tympanic membrane associated with hearing level by audiometric test of 20 db or more average for the speech frequencies (500, 1000, and 2000 cycles per second) in either ear regardless of the hearing level in the other ear;

(7) Other diseases and defects of the ear which obviously preclude satisfactory performance of duty or which require frequent and prolonged treatment.

NEW SECTION

WAC 415-104-555 HEARING. The following hearing condition is cause for rejection of membership: Hearing acuity level by audiometric testing (regardless of conversational or whispered voice hearing acuity) greater than that described in WAC 415-104-560 (Table 1).

There is no objection to conducting the whispered voice test or the spoken voice test as a preliminary to conducting the audiometric hearing test.

NEW SECTION

WAC 415-104-560 TABLE 1—TABLE OF ACCEPTABLE AUDIOMETRIC HEARING LEVEL.

Acceptable Audiometric Hearing Level (Present American Standard) For Appointment								
250	500	1000	2000	3000	4000	6000	8000	
256	512	1024	2048	2896	4096	6144	8192	

a. Both ears	(1)	(1) Average of six readings in these speech frequencies not greater than 20 decibels with no level greater than 25 decibels. (divide by six)				50	(2)	(1)
or								
b. Better ear	(1)	15	15	15	(2)	30	(2)	(1)
Worse ear	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

- (1) No requirement
 - (2) Not yet standardized
- "Better ear" is interpreted to mean the ear with better hearing at the frequency level being tested.

Medical history report to contain ASA readings; consult table below:

CONVERSION TABLE			
ASA		ISO	
Hz	Db	Hz	Db
500	15	500	30
1000	15	1000	25
2000	15	2000	25
4000	30	4000	35

NEW SECTION

WAC 415-104-570 ENDOCRINE AND METABOLIC DISORDERS. The following endocrine and metabolic disorders or conditions are causes for rejection of membership:

- (1) Adrenal gland, malfunction of, of any degree;
- (2) Cretinism;
- (3) Diabetes insipidus;
- (4) Diabetes mellitus;
- (5) Gigantism or acromegaly;
- (6) Glycosuria, persistent, regardless of cause;

(7) Goiter: (a) Simple goiter with definite pressure symptoms or so large in size as to interfere with the wearing of a uniform or fire fighting equipment;

(b) Thyrotoxicosis;

(8) Gout;

(9) Hyperinsulinism, confirmed, symptomatic;

(10) Hyperparathyroidism and hypoparathyroidism;

(11) Hypopituitarism, severe;

(12) Myxedema, spontaneous or postoperative with clinical manifestations and not based solely on low basal metabolic rate;

(13) Nutritional deficiency diseases, (including spru, beriberi, pellagra, and scurvy) which are more than mild and not readily remediable or in which permanent pathological changes have been established;

(14) Other endocrine or metabolic disorders which obviously preclude satisfactory performance of duty which require frequent and prolonged treatment.

NEW SECTION

WAC 415-104-580 UPPER EXTREMITIES. The following conditions of the upper extremities are causes for rejection of membership:

(1) Limitation of motion: An individual will be considered unacceptable if the joint ranges of motion are less than the measurements listed below;

(a) Shoulder: (i) Forward elevation to 90°; (ii) Abduction to 90°;

(b) Elbow: (i) Flexion to 100°; (ii) Extension to 15°;

(c) Wrist: A total range of 15° (extension plus flexion);

(d) Hand: Pronation to the first quarter of the normal arc;

(e) Fingers: Inability to clench fist, pick up a pin or needle, and grasp an object;

(2) Hand and fingers: (a) Absence (or loss) of more than 1/3 of the distal phalanx of either thumb;

(b) Absence or loss of distal and middle phalanx of an index, middle, or ring finger of either hand irrespective of the absence (or loss) of little finger;

(c) Absence of more than the distal phalanx of any two of the following fingers: index, middle, or ring finger, of either hand;

(d) Absence of hand or any portion thereof except for fingers as noted above;

(e) Hyperdactylia;

(f) Scars and deformities of the fingers and/or hand which impair circulation, are symptomatic, are so disfiguring as to make the individual objectionable in ordinary social relationships, or which impair normal function to such a degree as to interfere with the satisfactory performance of duty;

(3) Wrist, forearm, elbow, arm, and shoulder: Healed disease or injury of wrist, elbow, or shoulder with residual weakness or symptoms of such a degree as to preclude satisfactory performance of duty.

NEW SECTION

WAC 415-104-584 LOWER EXTREMITIES. See WAC 415-104-588. The following conditions of the lower extremities are causes for rejection of membership:

(1) Limitation of motion: An individual will be considered unacceptable if the joint ranges of motion are less than the measurements listed below;

(a) Hip: (i) Flexion to 90°; (ii) Extension to 10° (beyond 0);

(b) Knee: (i) Full extension; (b) Flexion to 90°;

(c) Ankle: (i) Dorsiflexion to 10°;

(ii) Plantar flexion to 10°;

(2) Foot and ankle: (a) Absence of one or more small toes of one or both feet, if function of the foot is poor or running or jumping is precluded, or absence of foot or any portion thereof except for toes as noted herein;

(b) Absence (or loss) of great toe(s) or loss of dorsal flexion thereof if function of the foot is impaired;

(c) Claw toes precluding the wearing of service boots;

(d) Clubfoot;

(e) Flatfoot, pronounced cases, with decided eversion of the foot and marked bulging of the inner border, due to inward rotation of the astragalus, regardless of the presence or absence of symptoms;

(f) Flatfoot, spastic;

(g) Hallux valgus, if severe and associated with marked exostosis or bunion;

(h) Hammer toe which interferes with the wearing of boots;

(i) Healed disease, injury, or deformity including hyperdactylia which precludes running, is accompanied by disabling pain, or which prohibits wearing of service boots;

(j) Ingrowing toe nails, if severe, and not remediable;

(k) Obliteration of the transverse arch associated with permanent flexion of the small toes;

(l) Pes cavus, with contracted plantar fascia, dorsiflexed toes, tenderness under the metatarsal heads, and callosity under the weight bearing areas;

(3) Leg, knee, thigh, and hip: (a) Dislocated semilunar cartilage, loose or foreign bodies within the knee joint, or history of surgical correction of same if—

(i) Within the preceding six months;

(ii) Six months or more have elapsed since operation without recurrence, and there is instability of the knee ligaments in lateral or anteroposterior directions in comparison with the normal knee or abnormalities noted on x-ray, there is significant atrophy or weakness of the thigh musculature in comparison with the normal side, there is not acceptable active motion in flexion and extension, or there are other symptoms of internal derangement;

(b) Authentic history or physical findings of an unstable or internally deranged joint causing disabling pain or seriously limiting functions. Individuals with verified episodes of buckling or locking of the knee who have not undergone satisfactory surgical correction or if, subsequent to surgery, there is evidence of more than mild instability of the knee ligaments in lateral and anteroposterior directions in comparison with the normal knee, weakness or atrophy of the thigh musculature in comparison with the normal side, or if the individual requires medical treatment of sufficient frequency to interfere with the performance of duty;

(4) General: (a) Deformities of one or both lower extremities which have interfered with function to such a

degree as to prevent the individual from following a physically active vocation in life or which would interfere with the satisfactory completion of prescribed training and performance of duty;

(b) Diseases or deformities of the hip, knee, or ankle joint which interfere with walking, running, or weight bearing;

(c) Pain in lower back or leg which is intractable and disabling to the degree of interfering with walking, running, and weight bearing;

(d) Shortening of a lower extremity resulting in any limp of noticeable degree.

NEW SECTION

✓ **WAC 415-104-588 MISCELLANEOUS EXTREMITIES.** See also WAC 415-104-580 and 415-104-584. The following conditions of the miscellaneous extremities are causes for rejection of membership:

(1) Arthritis: (a) Active or subacute arthritis, including Marie-Strumpell type;

(b) Chronic osteoarthritis or traumatic arthritis of isolated joints of more than minimal degree, which has interfered with the following of a physically active vocation in civilian life or which precludes the satisfactory performance of duty;

(c) Documented clinical history of rheumatoid arthritis;

(d) Traumatic arthritis of a major joint of more than minimal degree;

(2) Disease of any bone or joint, healed, with such resulting deformity or rigidity that function is impaired to such a degree that it will interfere with service;

(3) Dislocation, old unreduced; substantiated history of recurrent dislocations of major joints; instability of a major joint, symptomatic and more than mild; or if, subsequent to surgery, there is evidence of more than mild instability in comparison with the normal joint, weakness or atrophy in comparison with the normal side, or if the individual requires medical treatment of sufficient frequency to interfere with the performance of duty;

(4) Fractures: (a) Malunited fractures that interfere significantly with function;

(b) Ununited fractures;

(c) Any old or recent fracture in which a plate, pin, or screws were used for fixation and left in place and which may be subject to easy trauma, i.e., as a plate tibia, etc;

(5) Injury of a bone or joint within the preceding six weeks, without fracture or dislocation, of more than a minor nature;

(6) Muscular paralysis, contracture, or atrophy, if progressive or of sufficient degree to interfere with service;

(7) Myotonia congenita, confirmed;

(8) Osteomyelitis, active or recurrent, of any bone or substantiated history of osteomyelitis of any of the long bones unless successfully treated two or more years previously without subsequent recurrence or disqualifying sequelae as demonstrated by both clinical and x-ray evidence;

(9) Osteoporosis;

(10) Scars, extensive, deep or adherent, of the skin and soft tissues or neuromas of an extremity which are painful, which interfere with muscular movements, which preclude the wearing of equipment, or that show a tendency to break down;

(11) Chondromalacia, manifested by verified history of joint effusion, interference with function, or residuals from surgery.

NEW SECTION

✓ **WAC 415-104-590 EYES.** The following conditions of the eye are causes for rejection of membership:

(1) Lids: (a) Blepharitis, chronic, more than mild. Cases of acute blepharitis will be rejected until cured;

(b) Blepharospasm;

(c) Dacryocystitis, acute or chronic;

(d) Destruction of the lids, complete or extensive, sufficient to impair protection of the eye from exposure;

(e) Disfiguring cicatrices and adhesions of the eyelids to each other or to the eyeball;

(f) Growth or tumor of the eyelid other than small early basal cell tumors of the eyelid, which can be cured by treatment, and small nonprogressive symptomatic benign lesions;

(g) Marked inversion or eversion of the eyelids sufficient to cause unsightly appearance or watering of eyes (entropion or ectropion);

(h) Lagophthalmos;

(i) Ptosis interfering with vision;

(j) Trichiasis, severe;

(2) Conjunctive: (a) Conjunctivitis, chronic, including vernal catarrh and trachoma. Individuals with acute conjunctivitis are unacceptable until the condition is cured;

(b) Pterygium:

(i) Pterygium recurring after three operative procedures;

(ii) Pterygium encroaching on the cornea in excess of three millimeters or interfering with vision;

(3) Cornea: (a) Dystrophy, corneal, of any type including keratoconus of any degree;

(b) Keratitis, acute or chronic;

(c) Ulcer, corneal; history of recurrent ulcers or corneal abrasions (including herpetic ulcers);

(d) Vascularization or opacification of the cornea from any cause which interferes with visual function or is progressive;

(4) Uveal tract: Inflammation of the uveal tract except healed traumatic choroiditis;

(5) Retina: (a) Angiomatoses, phakomatoses, retinal cysts, and other congenito-hereditary conditions that impair visual function;

(b) Degenerations of the retina to include macular cysts, holes and other degenerations (hereditary as acquired degenerative changes) and other conditions affecting the macula. All types of pigmentary degenerations (primary and secondary);

(c) Detachment of the retina or history of surgery for same;

(d) Inflammation of the retina (retinitis or other inflammatory conditions of the retina to include Coat's

disease, diabetic retinopathy, Earles' disease, and retinitis proliferans);

(6) Optic nerve: (a) Congenito-hereditary conditions of the optic nerve or any other central nervous system pathology affecting the efficient function of the optic nerve;

(b) Optic neuritis, neuroretinitis, or secondary optic atrophy resulting therefrom or document history of attacks of retrovulbar neuritis;

(c) Optic atrophy (primary or secondary);

(d) Papilledema;

(7) Lens: (a) Aphakia (unilateral or bilateral);

(b) Dislocation, partial or complete, of a lens;

(c) Opacities of the lens which interfere with vision or which are considered to be progressive;

(8) Ocular mobility and motility: (a) Diplopia, documented, constant or intermittent from any cause or of any degree interfering with visual function (i.e., may suppress);

(b) Diplopia, monocular, documented, interfering with visual function;

(c) Mystagmus, with both eyes fixing, congenital or acquired;

(d) Strabismus of forty prism diopters or more, uncorrectable by lenses to less than forty diopters;

(e) Strabismus of any degree accompanied by documented diplopia;

(f) Strabismus, surgery for the correction of, within the preceding six months;

(9) Miscellaneous defects and diseases;

(a) Abnormal conditions of the eye or visual fields due to diseases of the central nervous system;

(b) Absence of an eye;

(c) Asthenopia severe;

(d) Exophthalmos, unilateral or bilateral;

(e) Glaucoma, primary or secondary;

(f) Hemianopsia of any type;

(g) Loss of normal pupillary reflex reactions to light or accommodation to distance or Adies syndrome;

(h) Loss of visual fields due to organic disease;

(i) Night blindness associated with objective disease of the eye. Verified congenital night blindness;

(j) Residuals of old contusions, lacerations, penetrations, etc., which impair visual function required for satisfactory performance of duty;

(k) Retained intra-ocular foreign body;

(l) Tumors, see WAC 415-104-590(1)(f), 415-104-720, and 415-104-725;

(m) Any organic disease of the eye or adnexa not specified above which threatens continuity of vision or impairment of visual functions.

NEW SECTION

WAC 415-104-595 VISION. The following vision conditions are causes for rejection of membership:

(1) Distant visual acuity not less than 20/100 vision in each eye without correction and corrected to 20/20 in the better eye and 20/30 in the lesser eye within eight diopters of plus or minus refractive error;

(2) Near visual acuity: Near visual acuity of any degree which does not correct to at least J-6 in the better eye;

(3) Refractive error: Any degree of refractive error in spherical equivalent of over -8.00 or +8.00; or if ordinary spectacles cause discomfort by reason of ghost images, prismatic displacement, etc.; or if an ophthalmological consultation reveals a condition which is disqualifying;

(4) Contact lens: Complicated cases requiring contact lens for adequate correction of vision as keratoconus, corneal scars, and irregular astigmatism.

NEW SECTION

WAC 415-104-600 GENITALIA. The following conditions of the genitalia are causes for rejection of membership:

(1) Bartholinitis, Bartholin's cyst;

(2) Cervicitis, acute or chronic manifested by leukorrhea;

(3) Dysmenorrhea, incapacitating to a degree which necessitates recurrent absences of more than a few hours from routine activities;

(4) Endometriosis, or confirmed history thereof;

(5) Hemaphroditism;

(6) Menopausal syndrome, either physiologic or artificial if manifested by more than mild constitutional or mental symptom, or artificial menopause if less than thirteen months have elapsed since cessation of menses. In all cases of artificial menopause, the clinical diagnosis will be reported; if accomplished by surgery, the pathologic report will be obtained and recorded;

(7) Menstrual cycle, irregularities of, including menorrhagia, if excessive; metrorrhagia; polymenorrhea; amenorrhea, except as noted in WAC 415-104-600(6);

(8) New growths of the internal or external genitalia except single uterine fibroid, subserous, asymptomatic, less than three centimeters in diameter, with no general enlargement of the uterus, see also WAC 415-104-720 and 415-104-725;

(9) Oophoritis, acute or chronic;

(10) Ovarian cysts, persistent and considered to be of clinical significance;

(11) Pregnancy;

(12) Salpingitis, acute or chronic;

(13) Testicle(s): (a) Absence or nondescent of both testicles;

(b) Undiagnosed enlargement or mass of testicle or epididymis;

(c) Undescended testicle;

(14) Urethritis, acute or chronic, other than gonorrheal urethritis without complications;

(15) Uterus: (a) Cervical polyps, cervical ulcer, or marked erosion;

(b) Endocervicitis, more than mild;

(c) Generalized enlargement of the uterus due to any cause;

(d) Malposition of the uterus if more than mildly symptomatic;

(16) Vagina: (a) Congenital abnormalities or severe lacerations of the vagina;

(b) Vaginitis, acute or chronic, manifested by leukorrhea.

(17) Varicocele or hydrocele, if large or painful;

- (18) Vulva: (a) Leukoplakia;
- (b) Vulvitis, acute or chronic.
- (19) Major abnormalities and defects of the genitalia such as a change of sex, a history thereof, or complications (adhesions, disfiguring scars, etc.) residual to surgical correction of these conditions.

NEW SECTION

WAC 415-104-605 URINARY SYSTEM. See WAC 415-104-570(1), 415-104-720, and 415-104-725. The following conditions of the urinary system are causes for rejection of membership:

- (1) Albuminuria if persistent or recurrent including so-called orthostatic or functional albuminuria;
- (2) Cystitis, chronic: Individuals with acute cystitis are unacceptable until the condition is cured;
- (3) Enuresis determined to be a symptom of an organic defect not amendable to treatment, see also WAC 415-104-688;
- (4) Epispadias or hypospadias when accompanied by evidence of infection of the urinary tract or if clothing is soiled when voiding;
- (5) Hematuria, cylindruria, or other findings indicative of renal tract disease;
- (6) Incontinence of urine;
- (7) Kidney: (a) Absence of one kidney, regardless of cause;
- (b) Acute or chronic infections of the kidney;
- (c) Cystic or polycystic kidney, confirmed history of;
- (d) Hydronephrosis or pyonephrosis;
- (e) Nephritis, acute or chronic;
- (f) Pyelitis, pyelonephritis;
- (8) Penis, amputation of, if the resulting stump is insufficient to permit micturition in a normal manner;
- (9) Peyronie's disease;
- (10) Prostate gland, hypertrophy of, with urinary retention;
- (11) Renal calculus: (a) Substantiated history of bilateral renal calculus at any time;
- (b) Verified history of renal calculus at any time with evidence of stone formation within the preceding twelve months, current symptoms or positive x-ray for calculus;
- (12) Skeneitis;
- (13) Urethra: (a) Stricture of the urethra;
- (b) Urethritis, acute or chronic, other than gonorrheal urethritis without complications;
- (14) Urinary fistula;
- (15) Other diseases and defects of the urinary system which obviously preclude satisfactory performance of duty or which require frequent and prolonged treatment.

NEW SECTION

WAC 415-104-610 HEAD. The following conditions of the head are causes for rejection of membership:

- (1) Abnormalities which are apparently temporary in character resulting from recent injuries until a period of three months has elapsed. These include severe contusions and other wounds of the scalp and cerebral concussion;
- (2) Deformities of the skull in the nature of depressions, exostoses, etc., of a degree which would prevent

the individual from the wearing of a gas mask or headgear;

(3) Deformities of the skull of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves;

(4) Depressed fractures near central sulcus with or without convulsive seizures;

(5) Loss or congenital absence of the bony substance of the skull, except that the examiner may find individuals acceptable when—

(a) The area does not exceed 2.5 centimeters square, and does not overlie the motor cortex or a dural sinus;

(b) There is no evidence of alteration of brain function in any of its several spheres (intelligence, judgment, perception, behavior, motor control, sensory function, etc.);

(c) There is no evidence of bone degeneration, disease, or other complications of such a defect;

(6) Unsightly deformities, such as large birthmarks, large hairy moles, extensive scars, and mutilations due to injuries or surgical operations; ulcerational fistulae, atrophy, or paralysis of part of the face or neck.

NEW SECTION

WAC 415-104-615 NECK. The following conditions of the neck are causes for rejection of membership:

(1) Cervical ribs if symptomatic, or so obvious that they are found on routine physical examination. (Detection based primarily on x-ray is not considered to meet this criterion);

(2) Congenital cysts of branchial cleft origin or those developing from the remnants of the thyroflossal duct, with or without fistulous tracts;

(3) Fistula, chronic draining, of any type;

(4) Healed tuberculosis lymph nodes when extensive in number or densely calcified;

(5) Nonspastic contraction of the muscles of the neck or cicatricial contracture of the neck to the extent that it interferes with the wearing of a uniform or equipment or is so disfiguring as to make the individual objectionable in common social relationships;

(6) Spastic contraction of the muscles of the neck, persistent, and chronic;

(7) Tumor of thyroid or other structures of the neck, see WAC 415-104-720 and 415-104-725.

NEW SECTION

WAC 415-104-620 HEART. The following conditions of the heart are causes for rejection of membership:

(1) All organic valvular diseases of the heart, including those improved by surgical procedures;

(2) Coronary artery disease or myocardial infarction, old or recent or true angina pectoris, at any time;

(3) Electrocardiographic evidence of major arrhythmias such as—

(a) Atrial tachycardia, flutter, or fibrillation, ventricular tachycardia or fibrillation;

(b) Conduction defects such as first degree atrio-ventricular block and right bundle branch block (These

conditions occurring as isolated findings are not unfitting when cardiac evaluation reveals no cardiac disease.);

(c) Left bundle branch block, second and third degree aV block;

(d) Unequivocal electrocardiographic evidence of old or recent myocardial infarction; coronary insufficiency at rest or after stress; or evidence of heart muscle disease;

(4) Hypertrophy or dilation of the heart as evidenced by clinical examination or roentgenographic examination and supported by electrocardiographic examination. Care should be taken to distinguish abnormal enlargement from increased diastolic filling as seen in the well conditioned subject with a sinus bradycardia;

(5) Myocardial insufficiency (congestive circulatory failure, cardiac decompensation) obvious or covert, regardless of cause;

(6) Paroxysmal tachycardia within the preceding five years, or at any time if recurrent or disabling or if associated with electrocardiographic evidence of accelerated aV conduction (Wolff-Parkinson-White);

(7) Pericarditis; endocarditis; or myocarditis, history or finding of, except for a history of a single acute idiopathic or coxsackie pericarditis with no residuals;

(8) Tachycardia persistent with a resting pulse rate of 100 or more, regardless of cause.

NEW SECTION

WAC 415-104-624 VASCULAR SYSTEM. The following conditions of the vascular system are causes for rejection of membership:

(1) Congenital or acquired lesions of the aorta and major vessels, such as syphilitic aortitis, demonstrable atherosclerosis which interferes with circulation, congenital or acquired dilatation of the aorta (especially is associated with other features of Marfan's syndrome), and pronounced dilatation of the main pulmonary artery;

(2) Hypertension evidenced by preponderant blood pressure readings of 150-mm or more systolic in an individual over thirty-five years of age or preponderant readings of 140-mm or more systolic in an individual thirty-five years of age or less. Preponderant diastolic pressure over 90-mm diastolic is cause for rejection at any age;

(3) Marked circulatory instability as indicated by orthostatic hypotension, persistent tachycardia, severe peripheral vasomotor disturbances, and sympatheticotonia;

(4) Peripheral vascular disease including Raynaud's phenomena, Buerger's disease (thromboangitis obliterans), erythromelalgia, arteriosclerotic and diabetic vascular diseases. Special tests will be employed in doubtful cases;

(5) Thrombophlebitis: (a) History of thrombophlebitis with persistent thrombus or evidence of circulatory obstruction or deep venous incompetence in the involved veins;

(b) Recurrent thrombophlebitis;

(6) Varicose veins, if more than mild, or if associated with edema, skin ulceration, or residual scars from ulceration.

NEW SECTION

WAC 415-104-628 HEART AND VASCULAR SYSTEM—MISCELLANEOUS. The following conditions of the heart and vascular system are causes for rejection of membership:

(1) Aneurysm of the heart or major vessel, congenital or acquired;

(2) History and evidence of a congenital abnormality which has been treated by surgery but with residual abnormalities or complications, for example: Patent ductus arteriosus with residual cardiac enlargement or pulmonary hypertension; resection of a coarctation of the aorta without a graft when there are other cardiac abnormalities or complications; closure of a secundum type atrial septal defect when there are residual abnormalities or complications;

(3) Major congenital abnormalities and defects of the heart and vessels unless satisfactorily corrected without residuals or complications. Uncomplicated dextrocardia and other minor asymptomatic anomalies are acceptable;

(4) Substantiated history of rheumatic fever or chorea within the previous two years, recurrent attacks of rheumatic fever or chorea at any time, or with evidence of residual cardiac damage.

NEW SECTION

WAC 415-104-630 HEIGHT. The following conditions are causes for rejection of membership:

(1) Men: Height below inches or over inches, as specified by hiring agency;

(2) Women: Height below inches or over inches, as specified by hiring agency.

NEW SECTION

WAC 415-104-634 WEIGHT. The following conditions are causes for rejection of membership:

(1) Weight related to height which is below the minimum shown in WAC 415-104-650 (Table 2);

(2) Weight related to age and height which is in excess of the maximum shown in WAC 415-104-650 (Table 2) for all applicants.

NEW SECTION

WAC 415-104-638 BODY BUILD. The following conditions of body build are causes for rejection of membership:

(1) Congenital malformation of bones and joints;

(2) Deficient muscular development which would interfere with the completion of required training;

(3) Evidence of congenital asthenia (slender bones; weak thorax; visceroptosis, severe chronic constipation; or "drop heart" if marked in degree);

(4) Obesity: Even though the individual's weight is within the maximum shown in WAC 415-104-650 (Table 2) he will be reported as medically unacceptable when the medical and musculature, constitutes obesity of such a degree as to interfere with the satisfactory completion of prescribed training.

NEW SECTION

WAC 415-104-640 LUNGS AND CHEST WALL—GENERAL. The following conditions of the lungs and chest are causes for rejection of membership, until study indicates recovery without disqualifying sequelae:

- (1) Abnormal elevation of the diaphragm on either side;
- (2) Acute abscess of the lung;
- (3) Acute bronchitis until the condition is cured;
- (4) Acute fibrinous pleurisy, associated with acute nontuberculous pulmonary infection;
- (5) Acute mycotic disease of the lung such as coccidioidomycosis and histoplasmosis;
- (6) Acute nontuberculous pneumonia;
- (7) Foreign body in trachea or bronchus;
- (8) Foreign body of the chest wall causing symptoms;
- (9) Lobectomy, history of, for a nontuberculous non-malignant lesion with residual pulmonary disease. Removal of more than one lobe is cause for rejection regardless of the absence of residuals;
- (10) Other traumatic lesions of the chest or its contents;
- (11) Pneumothorax, regardless of etiology or history thereof;
- (12) Recent fracture of ribs, sternum, clavicle, or scapula;
- (13) Significant abnormal findings on physical examination of the chest.

NEW SECTION

WAC 415-104-644 LUNGS AND CHEST—TUBERCULOUS LESIONS. See also WAC 415-104-710. The following tubercular lesions of the lungs and chest are causes for rejection of membership:

- (1) Active tuberculosis in any form or location;
- (2) Pulmonary tuberculosis, active within the past five years;
- (3) Substantiated history or x-ray findings of pulmonary tuberculosis of more than minimal extent at any time; or minimal tuberculosis not treated with a full year of approved chemotherapy or combined chemotherapy and surgery; or a history of pulmonary tuberculosis with reactivation, relapse, or other evidence of poor host resistance.

NEW SECTION

WAC 415-104-648 LUNGS AND CHEST—NONTUBERCULOUS LESIONS. The following nontubercular lesions of the lungs and chest are causes for rejection of membership:

- (1) Acute mastitis, chronic cystic mastitis, if more than mild;
- (2) Bronchial asthma, except for childhood asthma with a trustworthy history of freedom from symptoms since the twelfth birthday;
- (3) Bronchitis, chronic with evidence of pulmonary function disturbance;
- (4) Bronchiectasis;
- (5) Bronchopleura fistula;

- (6) Bullous or generalized pulmonary emphysema;
- (7) Chronic abscess of lung;
- (8) Chronic fibrous pleuritis of sufficient extent to interfere with pulmonary function or obscure the lung field in the roentgenogram;
- (9) Chronic mycotic diseases of the lung including coccidioidomycosis; residual cavitation or more than a few small-sized inactive and stable residual modules demonstrated to be due to mycotic disease;
- (10) Empyema, residual sacculation or unhealed sinuses of chest wall following operation for empyema;
- (11) Extensive pulmonary fibrosis from any cause, producing dyspnea on exertion;
- (12) Foreign body of the lung or mediastinum causing symptoms or active inflammatory reaction;
- (13) Multiple cystic disease of the lung or solitary cyst which is large and incapacitating;
- (14) New growth on breast, history of mastectomy;
- (15) Osteomyelitis of rib, sternum, clavicle, scapula, or vertebra;
- (16) Pleurisy with effusion of unknown origin within the preceding five years;
- (17) Sarcoidosis, see WAC 415-104-710;
- (18) Suppurative periostitis of rib, sternum, clavicle, scapula, or vertebra.

NEW SECTION

WAC 415-104-650 TABLE 2—TABLE OF WEIGHT. Table of Acceptable Weight (in Pounds) as Related to Age and Height for Applicants

Height (Inches)	Minimum (regardless of age)	Maximum			
		19—20 years	21—24 years	25—30 years	31—35 years
60—	94	163	173	173	173
61—	96	171	176	175	175
62—	98	174	178	178	177
63—	100	178	182	181	180
64—	102	183	184	185	185
65—	104	187	190	191	190
66—	106	191	196	197	196
67—	109	196	201	202	201
68—	112	202	207	208	207
69—	115	208	213	214	212
70—	118	214	219	219	218
71—	122	219	224	225	223
72—	125	225	231	232	230
73—	129	231	239	238	237
74—	135	237	246	246	243
75—	140	243	253	253	251
76—	143	248	260	260	257
77—	147	254	267	267	264
78—	149	260	275	273	271

NEW SECTION

WAC 415-104-660 MOUTH. The following conditions of the mouth are causes for rejection of membership:

- (1) Hard palate, perforation of;
- (2) Harelip, unless satisfactorily repaired by surgery;
- (3) Leukoplakia, if severe;
- (4) Lips, unsightly mutilations of, from wounds, burns, or disease;
- (5) Ranula, if extensive, see also WAC 415-104-720 and 415-104-725.

NEW SECTION

WAC 415-104-663 NOSE AND SINUSES. The following conditions of the nose and sinuses are causes for rejection of membership:

- (1) Allergic manifestations: (a) Chronic atrophic rhinitis;
- (b) Hay fever if severe; or if not controllable by anti-histamines or by desensitization, or both;
- (2) Choana, atresia, or stenosis of, if symptomatic;
- (3) Nasal septum, perforation of: (a) Associated with interference of function, ulceration or crusting, and when the result of organic disease;
- (b) If progressive;
- (c) If respiration is accompanied by a whistling sound;
- (4) Sinusitis, acute;
- (5) Sinusitis, chronic, when more than mild: (a) Evidenced by any of the following: Chronic purulent nasal discharge, large nasal polyps, hyperplastic changes of the nasal tissues, or symptoms requiring frequent medical attention;
- (b) Confirmed by transillumination or x-ray examination or both.

NEW SECTION

WAC 415-104-666 PHARYNX, TRACHEA, ESOPHAGUS, AND LARYNX. The following conditions of the pharynx, trachea, esophagus, and larynx are causes for rejection of membership:

- (1) Esophagus, organic disease of, such as ulceration, varices, achalsia; peptic esophagitis; if confirmed by appropriate x-ray or esophagosopic examinations;
- (2) Laryngeal paralysis, sensory or motor, due to any cause;
- (3) Larynx, organic disease of, such as neoplasm, polyps, granuloma, ulceration, and chronic laryngitis;
- (4) Plica dysphonia venricularis;
- (5) Tracheostomy or tracheal fistula.

NEW SECTION

WAC 415-104-668 MISCELLANEOUS MOUTH, THROAT, AND NOSE DISEASES. The following miscellaneous mouth, throat, and nose diseases are causes for rejection of membership:

- (1) Aphonia;
- (2) Deformities or conditions of the mouth, throat, pharynx, larynx, esophagus, and nose, which interfere with mastication and swallowing of ordinary food, with speech, or with breathing;

(3) Destructive syphilitic disease of the mouth, nose, throat, larynx, esophagus, see WAC 415-104-730;

(4) Pharyngitis and nasopharyngitis, chronic, with positive history of objective evidence, if of such a degree as to result in excessive time lost in the fire or law enforcement environment.

NEW SECTION

WAC 415-104-670 NEUROLOGICAL DISORDERS. The following neurological disorders are causes for rejection of membership:

- (1) Degenerative disorders: (a) Cerebellar and Friedreich's ataxia;
- (b) Cerebral arteriosclerosis;
- (c) Encephalomyelitis, residuals of, which preclude the satisfactory performance of duties;
- (d) Huntington's chorea;
- (e) Multiple sclerosis;
- (f) Muscular atrophies and dystrophies of any type;
- (2) Miscellaneous: (a) Congenital malformations if associated with neurological manifestations and meningocele even if uncomplicated;
- (b) Migraine when frequent and incapacitating;
- (c) Paralysis or weakness, deformity, discoordination, pain, sensory disturbances of consciousness, or personality abnormalities regardless of cause which are of such a nature or degree as to preclude the satisfactory performance of duty;
- (d) Tremors, spasmodic torticollis, athetosis or other abnormal movements more than mild;
- (3) Neurosyphilis of any form (general paresis, tabes dorsalis, meningovascular syphilis);
- (4) Paroxysmal convulsive disorders, disturbances of consciousness, all forms of psychomotor or temporal lobe epilepsy or history thereof except for seizures associated with toxic states or fever during childhood up to the age of twelve;
- (5) Peripheral nerve disorder: (a) Polyneuritis;
- (b) Mononeuritis or neuralgia which is chronic or recurrent and of an intensity that is periodically incapacitating;
- (c) Neurofibromatosis;
- (6) Spontaneous subarachnoid hemorrhage, verified history of, unless cause has been surgically corrected.

NEW SECTION

WAC 415-104-680 PSYCHOSES. The following psychotic conditions are causes for rejection of membership: Psychosis or authenticated history of a psychotic illness other than those of a brief duration associated with a toxic or infectious process.

NEW SECTION

WAC 415-104-684 PSYCHONEUROSES. The following psychoneurotic conditions are causes for rejection of membership:

- (1) History of a psychoneurotic reaction which caused: (a) Hospitalization;
- (b) Prolonged care by a physician;
- (c) Loss of time from normal pursuits for repeated periods even if of brief duration, or

(d) Symptoms or behavior of a repeated nature which impaired school or work efficiency;

(2) History of a brief psychoneurotic reaction or nervous disturbance within the preceding twelve months which was sufficiently severe to require medical attention or absence from work or school for a brief period (maximum of seven days).

NEW SECTION

WAC 415-104-688 PERSONALITY DISORDERS. The following personality disorders are causes for rejection of membership:

(1) Character and behavior disorders, as evidenced by:
 (a) Frequent encounters with law enforcement agencies, or anti-social attitudes or behavior which, while not a cause for administrative rejection, are tangible evidence of an impaired characterological capacity to adapt to the service;

(b) Sexual deviant practices such as exhibitionism, transvestism, voyeurism, etc;

(c) Chronic alcoholism or alcohol addiction;

(d) Drug use or addiction;

(2) Character and behavior disorders where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy, and dependency will seriously interfere with adjustment in the service as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers and fellow workers, and other society groups;

(3) Other symptomatic immaturity reactions such as authenticated evidence of enuresis which is habitual or persistent, not due to an organic condition occurring beyond early adolescence (age twelve to fourteen) and stammering or stuttering of such a degree that the individual is normally unable to express himself clearly or to repeat commands;

(4) Specific learning defects secondary to organic or functional mental disorders.

NEW SECTION

WAC 415-104-690 SKIN AND CELLULAR TISSUES. The following conditions of the skin and cellular tissues are causes for rejection of membership:

(1) Acne: Severe, when the face is markedly disfigured, or when extensive involvement of the neck, shoulders, chest, or back would be aggravated by or interfere with the wearing of required equipment;

(2) Atopic dermatitis: With active or residual lesions in characteristic areas (face and neck, antecubital and popliteal fossae, occasionally wrists and hands), or documented history thereof;

(3) Cysts: (a) Pilonidal cysts: If evidenced by the presence of a tumor mass or a discharging sinus;

(b) All other cysts. Of such a size or location as to interfere with the normal wearing of required equipment;

(4) Dermatitis factitia;

(5) Dermatitis herpetiformis;

(6) Eczema: Any type which is chronic and resistant to treatment;

(7) Elephantiasis or chronic lymphedema;

(8) Epidermolysis bullosa; pemphigus;

(9) Fungus infections, systemic or superficial types: If extensive and not amendable to treatment;

(10) Furunculosis: Extensive, recurrent, or chronic;

(11) Hyperhidrosis of hands or feet: Chronic or severe;

(12) Ichthyosis: Severe;

(13) Leprosy: Any type;

(14) Leukemia cutis; mycosis fungoides, Hodgkins' disease;

(15) Lichen planus;

(16) Lupus erythematosus (acute, subacute, or chronic) or any other dermatosis aggravated by sunlight;

(17) Neurofibromatosis (Von Recklinghausen's disease);

(18) Nevi or vascular tumors: If extensive, unsightly, or exposed to constant irritation;

(19) Psoriasis or verified history thereof;

(20) Radiodermatitis;

(21) Scars which are so extensive, deep, or adherent that they may interfere with the wearing of required equipment, or that show a tendency to ulcerate;

(22) Scleroderma: Diffuse type;

(23) Tuberculosis, see WAC 415-104-710;

(24) Warts, plantar, which have materially interfered with the following of a useful vocation in civilian life;

(25) Urticaria: Chronic;

(26) Xanthoma: If disabling or accompanied by hypercholesterolemia or hyperlipemia;

(27) Any other chronic skin disorder of a degree or nature which requires frequent outpatient treatment or hospitalization, interferes with the satisfactory performance of duty, or is so disfiguring as to make the individual objectionable in ordinary social relationships.

NEW SECTION

WAC 415-104-700 SPINE AND SACROILIAC JOINTS. The report of the medical history by the examining physician requires a full back x-ray (Cervical-Dorsal-Lumbar-Sacral). See WAC 415-104-588. The following conditions of the spine and sacroiliac joints are causes for rejection of membership:

(1) Arthritis, see WAC 415-104-588(1);

(2) Complaint of disease or injury of the spine or sacroiliac joints either with or without objective signs and symptoms which have prevented the individual from successfully following a physically active vocation in civilian life. Substantiation or documentation of the complaint without symptoms and objective signs is required;

(3) Deviation or curvature of spine from normal alignment, structure, or function (scoliosis, kyphosis, or lordosis, spina bifida occulta, spondylolysis, etc.) if:

(a) Mobility and weight-bearing power is poor;

(b) More than moderate restriction of normal physical activities is required;

(c) Of such a nature as to prevent the individual from following a physically active vocation in civilian life;

(d) Of a degree which will interfere with the wearing of required equipment;

(e) Symptomatic, associated with positive physical finding(s) demonstrable by x-ray;

(4) Disease of the lumbosacral or sacroiliac joints of a chronic type and obviously associated with pain referred to the lower extremities, muscular spasm, postural deformities and limitation of motion in the lumbar region of the spine;

(5) Granulomatous diseases either active or healed;

(6) Healed fracture of the spine or pelvic bones with associated symptoms which have prevented the individual from following a physically active vocation in civilian life or which preclude the satisfactory performance of required duties;

(7) Ruptured nucleus pulposus (herniation of intervertebral disk) or history of operation for this condition;

(8) Spondylolysis or spondylolisthesis that is symptomatic or is likely to interfere with performance of duty or is likely to require assignment limitations.

NEW SECTION

WAC 415-104-705 SCAPULAE, CLAVICLES, AND RIBS. See WAC 415-104-588. The following conditions of the scapulae, clavicles, and ribs are causes for rejection of membership:

(1) Fractures, until well healed, and until determined that the residuals thereof will not preclude satisfactory performance of required duties;

(2) Injury within the preceding six weeks, without fracture, or dislocation, of more than a minor nature;

(3) Osteomyelitis of rib, sternum, clavicle, scapula, or vertebra;

(4) Prominent scapulae interfering with function or with the wearing of required equipment.

NEW SECTION

WAC 415-104-710 SYSTEMIC DISEASES. The following systemic diseases are causes for rejection of membership:

(1) Dermatomyositis;

(2) Lupus erythematosus; acute, subacute, or chronic;

(3) Progressive systemic sclerosis;

(4) Reiter's Disease;

(5) Sarcoidosis;

(6) Scleroderma, diffuse type;

(7) Tuberculosis: (a) Active tuberculosis in any form or location;

(b) Pulmonary tuberculosis;

(c) Confirmed history of tuberculosis of a bone or joint, genitourinary organs, intestines, peritoneum or mesenteric glands at any time;

(d) Meningeal tuberculosis; disseminated tuberculosis.

NEW SECTION

WAC 415-104-715 MISCELLANEOUS CONDITIONS AND DEFECTS. The following miscellaneous conditions and defects are causes for rejection of membership:

(1) Allergic manifestations: (a) Allergic rhinitis (hay fever), see WAC 415-104-570(2);

(b) Asthma, see WAC 415-104-670(2)(c);

(c) Allergic dermatoses, see WAC 415-104-690;

(d) Visceral, abdominal, and cerebral allergy, if severe or not responsive to treatment;

(2) Any acute pathological condition, including acute communicable diseases, until recovery has occurred without sequelae;

(3) Any deformity which is markedly unsightly or which impairs general functional ability to such an extent as to prevent satisfactory performance of duty;

(4) Chronic metallic poisoning especially beryllium, manganese, and mercury. Undesirable residuals from lead, arsenic, or silver poisoning make the examinee medically unacceptable;

(5) Cold injury, residuals, of (example: frostbite, chilblain, immersion foot, or trench foot) such as deep seated acne, paresthesia, hyperhidrosis, easily traumatized skin, cyanosis, amputation of any digit or ankylosis;

(6) Positive tests for syphilis with negative TPI test unless there is a documented history of adequately treated lues or any of the several conditions which are known to give a false-positive S.T.S. (vaccinia, infectious hepatitis, immunizations, a typical pneumonia, etc.) or unless there has been a reversal to a negative S.T.S. during an appropriate follow-up period (three to six months);

(7) Filariasis; trypanosomiasis; amebiasis; schistosomiasis; (hookworm) associated with anemia, malnutrition, etc., if more than mild, and other similar worm or animal parasitic infestations, including the carrier states thereof;

(8) Heat pyrexia (heatstroke, sunstroke, etc.): Documented evidence of predisposition (includes disorders of sweat mechanism and previous serious episode), recurrent episodes requiring medical attention, or residual injury resulting therefrom (especially cardiac, cerebral, hepatic, and renal);

(9) Industrial solvent and other chemical intoxication, chronic including carbon bisulfide, trichlorethylene, carbon tetrachloride, and methyl cellosolve;

(10) Mycotic infection of internal organs;

(11) Myositis or fibrositis severe, chronic;

(12) Residuals of tropical fevers and various parasitic or protozoal infestations which in the opinion of the medical examiner preclude the satisfactory performance of duty.

NEW SECTION

WAC 415-104-720 TUMORS. The following tumors are causes for rejection of membership:

(1) Any tumor of the: (a) Auditory Canal, if obstructive;

(b) Eye or orbit;

(c) Kidney, bladder, testicle, or penis

(d) Central nervous system and its membraneous coverings unless five years after surgery and no otherwise disqualifying residuals of surgery or original lesion;

(2) Benign tumors of the thyroid or other structures of the neck, including enlarged lymph nodes, if the enlargement is of such degree as to interfere with the wearing of required equipment;

(3) Benign tumors of the abdominal wall if sufficiently large to interfere with required duties;

(4) Benign tumors of bone likely to continue to enlarge, be subjected to trauma during service, or show malignant potential;

(5) Tongue, benign tumor of, if it interferes with function;

(6) Breast, thoracic contents, or chest wall tumors, of other than fibromata lipomata, and inclusion of sebaceous cysts which do not interfere with required duties;

(7) Tumors of the internal or external female genitalia.

NEW SECTION

WAC 415-104-725 MALIGNANT DISEASES AND TUMORS. The following malignant diseases and tumors are causes for rejection of membership:

- (1) Leukemia, acute or chronic;
- (2) Malignant lymphomata;
- (3) Malignant tumor of any kind, at any time, substantiated diagnosis of, even though surgically removed, confirmed by accepted laboratory procedures, except as noted in WAC 415-104-590(1)(f).

NEW SECTION

WAC 415-104-730 VENEREAL DISEASES. In general the finding of acute, uncomplicated venereal disease which can be expected to respond to treatment is not a cause for medical rejection of membership.

However, the following conditions are causes for rejection of membership:

- (1) Chronic venereal disease which has not satisfactorily responded to treatment. The finding of a positive serologic test for syphilis following adequate treatment of syphilis is not in itself considered evidence of chronic venereal disease which has not responded to treatment. See WAC 415-104-715(6);
- (2) Complications and permanent residuals of venereal disease if progressive, of such nature as to interfere with the satisfactory performance of duty, or if subject to aggravation in the performance of required duties;
- (3) Neurosyphilis, see WAC 415-104-670(1)(c).

NEW SECTION

WAC 415-104-740 MENTAL EXAMINATION. The following mental conditions are causes for rejection of membership:

- (1) Psychosis or authenticated history of a psychotic illness other than those of a brief duration associated with a toxic or infectious process;
- (2) A history of a psychoneurotic reaction which caused:
 - (a) Hospitalization;
 - (b) Prolonged care by a physician;
 - (c) Loss of time from normal pursuits for repeated periods even if of brief duration;
 - (d) Symptoms or behavior of a repeated nature which impaired school or work efficiency;
- (3) A history of a brief psychoneurotic reaction or nervous disturbance within the preceding twelve months which was sufficiently severe to require medical attention or absence from work or school for a brief period;

(4) Character or behavior (personality) disorders as evidenced by:

- (a) Frequent encounters with the law enforcement agencies, or antisocial attitudes or behavior which, while not a cause for rejection, are tangible evidence of an impaired characterological capacity to adapt to the demands of the service;
- (b) Sexual deviant practice such as exhibitionism, transvestism, voyeurism, etc.;
- (c) Chronic alcoholism or alcohol addiction;
- (d) Drug addiction, including the use of drugs;
- (5) Character and behavior disorders where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy and dependency will seriously interfere with the performance of duties as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers, and fellow workers and other social groups;
- (6) Other symptomatic immaturity reactions such as authenticated evidence of neurosis which is habitual or persistent, not due to an organic condition occurring beyond early adolescence (age twelve to fourteen) and stammering and stuttering of such degree that the individual is normally unable to express himself clearly or to converse in a normal manner;
- (7) Specific learning defects secondary to organic or functional mental disorders.

NEW SECTION

WAC 415-104-745 MENTAL EXAMINATION—REQUIREMENT. All applicants must be screened by a licensed physician, who may at his discretion, request the assistance of a psychiatrist or clinical psychologist.

NEW SECTION

WAC 415-104-750 MENTAL EXAMINATION—PROCEDURE. (1) Applicants will complete preliminary history forms as required by the examiner. The "Report of Medical History" completed by the applicant will be made available to the examiner.

- (2) During the psychiatric interview, the examining physician will evaluate each individual sufficiently to eliminate those with symptoms of a degree that would impair their effective performance of duty.
 - (a) The applicant's behavior will be observed and an estimate made of his current mental status.
 - (b) Any evidence of disorganized or unclear thinking, or unusual thought control, or undue suspiciousness, or of apathy or "strangeness" will be noted.
 - (c) Any unusual emotional expression such as depression, expansiveness, withdrawal, or marked anxiety, which is out of keeping with the content of the interview will be noted and carefully evaluated.
- (3) The results of the examination will be recorded and that record or a summary of recommendations will be forwarded to the hiring authority.
- (4) The mental examination report will be retained in permanent files by the employing fire department and must be available for examination at any reasonable time by representatives of the retirement system board.

NEW SECTION

WAC 415-104-755 MENTAL EXAMINATION—RETENTION BY EMPLOYING DEPARTMENT. The employing fire department shall permanently retain the results of the mental examination as conducted by the examiner under WAC 415-104-750.

REPEALER *See Title 297 Div. (Accounts For)*

The following sections of the Washington Administrative Code are repealed:

(1) **WAC 297-10-010 ELECTION OF LAW ENFORCEMENT OFFICER AND FIRE FIGHTER REPRESENTATIVES.** For later promulgation, see WAC 415-104-105.

(2) **WAC 297-15-010 DEFINITIONS.** For later promulgation, see WAC 415-104-010.

(3) **WAC 297-20-010 MEMBERS.** For later promulgation, see WAC 415-104-100.

(4) **WAC 297-20-020 OFFICERS.** For later promulgation, see WAC 415-104-110.

(5) **WAC 297-20-030 FUNCTION.** For later promulgation, see WAC 415-104-120.

(6) **WAC 297-25-010 LOCATION OF THE BOARD.** For later promulgation, see WAC 415-104-140.

(7) **WAC 297-25-020 MEETINGS OF THE BOARD.** For later promulgation, see WAC 415-104-150.

(8) **WAC 297-25-030 OFFICE OF THE DIRECTOR.** For later promulgation, see WAC 415-104-160 and 415-104-170.

(9) **WAC 297-25-040 CORRESPONDENCE WITH THE BOARD.** For later promulgation, see WAC 415-104-180.

(10) **WAC 297-25-050 IDENTIFICATION.** For later promulgation, see WAC 415-104-190.

(11) **WAC 297-30-010 DECISION AND ORDER OF THE LOCAL BOARD.** For later promulgation, see WAC 415-104-200.

(12) **WAC 297-30-020 PROCESSING APPLICATIONS.** For later promulgation, see WAC 415-104-210.

(13) **WAC 297-30-030 RECORDING.** For later promulgation, see WAC 415-104-220.

(14) **WAC 297-30-040 LEGAL EXAMINATION.** For later promulgation, see WAC 415-104-230.

(15) **WAC 297-30-050 RECOMMENDATION AND CONCLUSION.** For later promulgation, see WAC 415-104-240.

(16) **WAC 297-30-060 BOARD DECISION ON APPLICATION.** For later promulgation, see WAC 415-104-250.

(17) **WAC 297-30-070 NOTIFICATION OF MEMBER.** For later promulgation, see WAC 415-104-260.

(18) **WAC 297-30-080 MISCELLANEOUS APPLICATIONS.** For later promulgation, see WAC 415-104-270.

(19) **WAC 297-35-010 FILING APPEALS IN CASES INVOLVING DISABILITY RETIREMENT**

APPLICATIONS. For later promulgation, see WAC 415-104-300.

(20) **WAC 297-35-020 GRIEVANCES.** For later promulgation, see WAC 415-104-310.

(21) **WAC 297-35-030 FILING APPEALS IN CASES INVOLVING MISCELLANEOUS ORDERS.** For later promulgation, see WAC 415-104-320.

(22) **WAC 297-35-040 APPEARANCE.**

(23) **WAC 297-35-050 PARTIES.**

(24) **WAC 297-35-060 RESPONSIVE**

PLEADINGS.

(25) **WAC 297-35-070 CORRECTION AND AMENDMENT OF NOTICES AND PLEADINGS.**

(26) **WAC 297-35-080 NOTICE OF APPEAL.**

(27) **WAC 297-35-090 NOTICE OF HEARING.**

(28) **WAC 297-35-100 HEARING.**

(29) **WAC 297-35-110 ORDER OF PROCEEDINGS AT HEARINGS.**

(30) **WAC 297-35-120 CONTINUANCES.**

(31) **WAC 297-35-130 EVIDENCE.**

(32) **WAC 297-35-140 IN GENERAL.**

(33) **WAC 297-35-150 ORDERS ON**

HEARINGS.

(34) **WAC 297-35-160 DECISION AND ORDER ON AGREEMENT OF THE PARTIES.**

(35) **WAC 297-40-010 REPRESENTATION.**

(36) **WAC 297-40-040 STANDARDS OF ETHICAL CONDUCT.**

(37) **WAC 297-40-050 APPEARANCE OF CERTAIN PERSONS PROHIBITED.**

(38) **WAC 297-40-060 COMPUTATION OF**

TIME.

(39) **WAC 297-40-070 NOTICE OF HEARING.**

(40) **WAC 297-40-080 SERVICE OF PROCESS—BY WHOM SERVED.**

(41) **WAC 297-40-090 UPON WHOM SERVED.**

(42) **WAC 297-40-100 SERVICE UPON PARTIES.**

(43) **WAC 297-40-110 METHOD OF SERVICE.**

(44) **WAC 297-40-120 WHEN SERVICE**

COMPLETE.

(45) **WAC 297-40-130 FILING WITH BOARD.**

(46) **WAC 297-40-140 FORM.**

(47) **WAC 297-40-150 ISSUANCE TO PARTIES.**

(48) **WAC 297-40-160 SERVICE.**

(49) **WAC 297-40-170 FEES.**

(50) **WAC 297-40-180 PROOF OF SERVICE.**

(51) **WAC 297-40-190 QUASHING.**

(52) **WAC 297-40-200 ENFORCEMENT.**

(53) **WAC 297-40-210 GEOGRAPHICAL**

SCOPE.

(54) **WAC 297-40-220 DEPOSITIONS—**

RIGHT TO TAKE.

(55) **WAC 297-40-230 SCOPE.**

(56) **WAC 297-40-240 OFFICER BEFORE**

WHOM TAKEN.

(57) **WAC 297-40-250 AUTHORIZATION.**

(58) **WAC 297-40-260 PROTECTION OF PAR-**

TIES AND DEPONENTS.

(59) **WAC 297-40-265 EXTENSION AND**

CONTINUANCE.

(60) WAC 297-40-270 ORAL EXAMINATION AND CROSS EXAMINATION.
 (61) WAC 297-40-280 RECORDATION.
 (62) WAC 297-40-290 SIGNING ATTESTATION AND RETURN.
 (63) WAC 297-40-300 USE AND EFFECT.
 (64) WAC 297-40-310 FEES OF OFFICERS AND DEONENTS.
 (65) WAC 297-40-320 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION.
 (66) WAC 297-40-330 INTERROGATION.
 (67) WAC 297-40-340 ATTESTATION AND RETURN.
 (68) WAC 297-40-350 PROVISIONS OF DEPOSITION RULE.
 (69) WAC 297-40-360 OFFICIAL NOTICE—MATTERS OF LAW.
 (70) WAC 297-40-370 OFFICIAL NOTICE—MATERIAL FACTS.
 (71) WAC 297-40-380 PRESUMPTIONS.
 (72) WAC 297-40-390 STIPULATIONS AND ADMISSIONS OF RECORD.
 (73) WAC 297-40-400 FORM AND CONTENT OF DECISION AND ORDER.
 (74) WAC 297-40-410 DEFINITION OF ISSUES BEFORE HEARING.
 (75) WAC 297-40-420 PREHEARING CONFERENCE RULE.
 (76) WAC 297-40-430 CONCLUSION OF PREHEARING CONFERENCES.
 (77) WAC 297-40-440 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE.
 (78) WAC 297-40-450 EXCERPTS FROM DOCUMENTARY EVIDENCE.
 (79) WAC 297-40-460 EXPERT OR OPINION TESTIMONY.
 (80) WAC 297-40-470 REQUIREMENT OF WRITTEN TESTIMONY.
 (81) WAC 297-40-480 INSPECTION OF DATA.
 (82) WAC 297-40-490 CERTAIN TESTIMONY INADMISSABLE.
 (83) WAC 297-40-500 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL.
 (84) WAC 297-40-510 CONTENTS OF PETITION.
 (85) WAC 297-40-520 CONSIDERATION OF PETITION.
 (86) WAC 297-40-530 NOTICE OF DISPOSITION OF PETITION.
 (87) WAC 297-40-540 DECLARATORY RULINGS.
 (88) WAC 297-40-550 FORMS.
 (89) WAC 297-45-010 NOTICE OF APPEAL TO THE SUPERIOR COURT. For later promulgation, see WAC 415-104-400.
 (90) WAC 297-45-020 CERTIFICATION OF RECORD. For later promulgation, see WAC 415-104-410.
 (91) WAC 297-50-010 PURPOSE. For later promulgation, see WAC 415-104-500.

(92) WAC 297-50-020 MINIMUM STANDARDS FOR MEMBERSHIP—PHYSICAL EXAMINATION. For later promulgation, see WAC 415-104-510.
 (93) WAC 297-50-030 ABDOMEN AND GASTROINTESTINAL SYSTEM. For later promulgation, see WAC 415-104-520.
 (94) WAC 297-50-040 BLOOD AND BLOOD-FORMING TISSUE DISEASES. For later promulgation, see WAC 415-104-530.
 (95) WAC 297-50-050 DENTAL. For later promulgation, see WAC 415-104-540.
 (96) WAC 297-50-060 EARS AND HEARING. For later promulgation, see WAC 415-104-550.
 (97) WAC 297-50-070 TABLE 1—TABLE OF ACCEPTABLE AUDIOMETRIC HEARING LEVEL. For later promulgation, see WAC 415-104-560.
 (98) WAC 297-50-080 ENDOCRINE AND METABOLIC DISORDERS. For later promulgation, see WAC 415-104-570.
 (99) WAC 297-50-090 EXTREMITIES. For later promulgation, see WAC 415-104-580, 415-104-584, and 415-104-588.
 (100) WAC 297-50-100 EYES AND VISION. For later promulgation, see WAC 415-104-590 and 415-104-595.
 (101) WAC 297-50-110 GENITO-URINARY SYSTEM. For later promulgation, see WAC 415-104-600 and 415-104-605.
 (102) WAC 297-50-120 HEAD AND NECK. For later promulgation, see WAC 415-104-610 and 415-104-615.
 (103) WAC 297-50-130 HEART AND VASCULAR SYSTEM. For later promulgation, see WAC 415-104-620, 415-104-624, and 415-104-628.
 (104) WAC 297-50-140 HEIGHT, WEIGHT, AND BODY BUILD. For later promulgation, see WAC 415-104-630, 415-104-634, and 415-104-638.
 (105) WAC 297-50-150 LUNGS AND CHEST WALL. For later promulgation, see WAC 415-104-640, 415-104-644, and 415-104-648.
 (106) WAC 297-50-160 TABLE 2—TABLE OF WEIGHT—MEN. For later promulgation, see WAC 415-104-650.
 (107) WAC 297-50-170 TABLE 3—TABLE OF WEIGHT—WOMEN.
 (108) WAC 297-50-180 MOUTH, NOSE, PHARYNX, TRACHEA, ESOPHAGUS, AND LARYNX. For later promulgation, see WAC 415-104-660, 415-104-663, 415-104-666, and 415-104-668.
 (109) WAC 297-50-190 NEUROLOGICAL DISORDERS. For later promulgation, see WAC 415-104-670.
 (110) WAC 297-50-200 PSYCHOSES, PSYCHONEUROSES, AND PERSONALITY DISORDERS. For later promulgation, see WAC 415-104-680, 415-104-684, and 415-104-688.
 (111) WAC 297-50-210 SKIN AND CELLULAR TISSUES. For later promulgation, see WAC 415-104-690.

(112) WAC 297-50-220 SPINE, SCAPULAE, RIBS AND SACROILIAC JOINTS. For later promulgation, see WAC 415-104-700 and 415-104-705.

(113) WAC 297-50-230 SYSTEMIC DISEASES AND MISCELLANEOUS CONDITIONS AND DEFECTS. For later promulgation, see WAC 415-104-710 and 415-104-715.

(114) WAC 297-50-240 TUMORS AND MALIGNANT DISEASES. For later promulgation, see WAC 415-104-720 and 415-104-725.

(115) WAC 297-50-250 VENEREAL DISEASES. For later promulgation, see WAC 415-104-730.

(116) WAC 297-50-260 REQUIREMENT—MENTAL EXAMINATION. For later promulgation, see WAC 415-104-740, 415-104-745, and 415-104-755.

(117) WAC 297-50-270 PROCEDURE—MENTAL EXAMINATION. For later promulgation, see WAC 415-104-750.

(118) WAC 297-55-010 PURPOSE. For later promulgation, see WAC 415-104-020.

(119) WAC 297-55-020 DEFINITIONS.

(120) WAC 297-55-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM.

(121) WAC 297-55-040 OPERATIONS AND PROCEDURES.

(122) WAC 297-55-050 PUBLIC RECORDS AVAILABLE.

(123) WAC 297-55-060 PUBLIC RECORDS OFFICER.

(124) WAC 297-55-070 OFFICE HOURS.

(125) WAC 297-55-080 REQUESTS FOR PUBLIC RECORDS.

(126) WAC 297-55-090 COPYING.

(127) WAC 297-55-100 EXEMPTIONS.

(128) WAC 297-55-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.

(129) WAC 297-55-120 RECORDS INDEX.

(130) WAC 297-55-130 AGENCY ADDRESS.

(131) WAC 297-55-140 ADOPTION OF FORM.

(132) Appendix A REQUEST FOR PUBLIC RECORDS.

(133) WAC 297-60-010 DEDUCTIONS FROM PENSION PAYMENTS FOR INSURANCE PURPOSES. For later promulgation, see WAC 415-104-030.

NEW SECTION

WAC 415-108-010 DEFINITIONS. As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Director" means the director of the department of retirement systems as provided in chapter 41.50 RCW as now existing or hereafter amended;

(2) "Department" means the department of retirement systems established pursuant to chapter 41.50 RCW as now existing or hereafter amended;

(3) "Public employees' retirement board" means the Washington public employees' retirement board established by chapter 41.40 RCW;

(4) "Legal adviser" means the attorney general of the state of Washington or a designated member of his staff assigned to the department.

NEW SECTION

WAC 415-108-020 PUBLIC RECORDS. See chapter 415-06 WAC.

NEW SECTION

WAC 415-108-030 STATE-WIDE CITIES RETIREMENT SYSTEM. The former state-wide cities retirement system has been merged into the Washington public employees retirement system pursuant to RCW 41.40.405, 41.40.406, and 41.40.407. The statutes and rules applying to the public employees retirement system and the department of retirement system (as provided in chapters 41.40 and 41.50 RCW and Title 415 WAC) govern the administration and operation of the former state-wide cities retirement system.

NEW SECTION

WAC 415-108-040 APPEALS—DISABILITY CASES. See RCW 41.40.412. Any person aggrieved by any final decision of the public employees' retirement board must, before he appeals to a superior court, invoke the jurisdiction of the public employees' retirement board by filing with the director personally or by mail, within sixty days from the date such decision was communicated to such person, a notice of appeal before the public employees' retirement board. The notice of appeal must contain the information required by WAC 415-08-020 as now existing or hereafter amended.

Appeals will be governed by the provisions of chapter 415-08 WAC as now existing or hereafter amended.

NEW SECTION

WAC 415-108-050 APPEAL TO SUPERIOR COURT—NOTICE. Upon an appeal from the decision and order of the board to the superior court pursuant to RCW 41.40.420, the appealing party within thirty days from the decision and order of the board must perfect his appeal by serving notice of appeal on the director by personal service or by mailing a copy thereof and filing the notice of appeal together with proof of service with the clerk of a superior court. The service and the filing together with proof of service of the notice of appeal all within thirty days shall be jurisdictional.

NEW SECTION

WAC 415-108-060 APPEAL TO SUPERIOR COURT—CERTIFICATION OF RECORD. The director shall promptly serve upon the appellant or his attorney of record and file with the clerk of the court a certified copy of the complete record of the hearing before the board which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the supreme court as in other cases. See RCW 41.40.420, 41.40.430, and 41.40.440.

NEW SECTION

WAC 415-108-070 EXCESS CONTRIBUTIONS TO EMPLOYEES' SAVINGS FUND. Pursuant to authority granted by RCW 41.40.330(2) this section shall cover all applications by members of the retirement system for permission to make excess contributions to the employees' savings fund.

The total contributions of a member of the state employees' retirement system to the employees' savings fund in any calendar year shall in no event exceed ten percent of the member's earnable compensation for that calendar year.

NEW SECTION

WAC 415-108-100 MEMBERS. The public employees' retirement board is an independent agency of the state of Washington and is composed of members as set forth in RCW 41.40.030 and 41.26.050 as now existing or hereafter amended.

NEW SECTION

WAC 415-108-110 ADMINISTRATION—OFFICERS. The director of the department of retirement systems shall be responsible for the administration and operation of the public employees retirement system as provided in chapter 41.50 RCW and Title 415 WAC.

The public employees' retirement board will, normally within the month of February each year, elect a chairman and a vice-chairman from its membership.

NEW SECTION

WAC 415-108-120 FUNCTION. The public employees' retirement board shall be vested with those powers granted it by chapter 41.40 RCW as affected by chapter 41.50 RCW relating to proposed legislation, rules, investments, and disability retirement.

NEW SECTION

WAC 415-108-130 LOCATION. The public employees' retirement board shall normally meet in the office of the department at the Capital Plaza Building, Union and Eastside, Olympia, Washington.

NEW SECTION

WAC 415-108-150 MEETINGS. The public employees' retirement board shall meet on the third Monday of each month except when that date falls upon a holiday, or when the public employees' retirement board determines otherwise, in advance, in which case another meeting date shall be established by the chairman. Other meetings may be called by the chairman as needed.

NEW SECTION

WAC 415-108-160 OFFICE OF CHAIRMAN. The office of the chairman of the public employees' retirement board is located in the headquarters of the department at the Capitol Plaza Building, Union and Eastside, Olympia, Washington.

NEW SECTION

WAC 415-108-170 BUSINESS HOURS. The office of the department is open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

NEW SECTION

WAC 415-108-180 CORRESPONDENCE. All correspondence and official communications, including notices, appeals, and pleadings must be in writing, served, and filed with the director at the department's office.

NEW SECTION

WAC 415-108-190 NOMINATIONS. Pursuant to RCW 41.40.030, nominations of candidates for the office of employee representative to the public employees' retirement board shall be conducted as follows: (1) Any employee desiring to become a candidate to represent employees in his classification may during the first two weeks of April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the public employees' retirement board;

(2) The letter supporting his candidacy must be signed by at least twenty active or retired members of the retirement system in his classification;

(3) In those instances in which, at the close of the period for the submission of letters supporting candidacy, nor more than one individual has filed a statement that he desires to become a candidate, with the supporting signatures, that individual shall be deemed to have been elected the employee representative of the classification of employees or retired employees for which he has filed his nomination.

NEW SECTION

WAC 415-108-200 DISABILITY AND BENEFIT CLAIMS. A member, the employer or any other interested person, shall notify the director by written or oral statement when it is considered that a member is suffering a disability or entitled to claim a disability benefit under chapter 41.40 RCW.

NEW SECTION

WAC 415-108-210 DISABILITY AND BENEFIT CLAIMS—ACKNOWLEDGMENT AND FORMS. The director shall forthwith acknowledge any statement and provide the member and his employer with the following forms for completion: (1) 7812-A, application for disability retirement; (2) 7812-B, certification of employment and employer's statement; (3) 7812-C, examining physician's report.

NEW SECTION

WAC 415-108-220 DISABILITY AND BENEFIT CLAIMS—PROCESSING APPLICATIONS. The processing of duty disability applications shall commence when the director receives the completed forms required in WAC 415-108-020.

NEW SECTION

WAC 415-108-230 DISABILITY AND BENEFIT CLAIMS—RECORDING. The director shall examine the application and forms for completeness, make arrangements for filing and docketing the same, and refer them to the legal adviser for examination.

NEW SECTION

WAC 415-108-240 DISABILITY AND BENEFIT CLAIMS—LEGAL EXAMINATION. The director or the legal adviser shall examine the member's file for adequacy of the information presented to support the legal basis of the application. If it is felt that certain statements may be subject to question or that additional information cannot be supplied through correspondence, then the director shall take the necessary steps to secure the additional information needed.

NEW SECTION

WAC 415-108-250 DISABILITY AND BENEFIT CLAIMS—MEDICAL EXAMINATION. The director or the legal adviser shall transmit the member's file to the medical adviser of the department. If the medical adviser concludes that there are insufficient medical facts, then the director shall, at the request of the medical adviser, authorize a special examination of the member in a suitable locality, convenient to all parties.

NEW SECTION

WAC 415-108-260 DISABILITY AND BENEFIT CLAIMS—MEDICAL RECOMMENDATION. When the medical adviser has reached a conclusion on the medical facts, he shall return the member's file to the director or legal adviser with his written recommendation regarding the disability application.

NEW SECTION

WAC 415-108-270 DISABILITY AND BENEFIT CLAIMS—RECOMMENDATION AND CONCLUSION. The director or the legal adviser shall review the conclusion of the medical adviser and prepare a summary and recommendation, based on all the facts in the member's file, and submit it to the board for review.

NEW SECTION

WAC 415-108-280 DISABILITY AND BENEFIT CLAIMS—BOARD DECISION ON APPLICATION. The public employees' retirement board shall act on the application as follows:

- (1) Approval or denial by resolution;
- (2) Referral back to the director for further investigation or information.

NEW SECTION

WAC 415-108-290 DISABILITY AND BENEFIT CLAIMS—NOTIFICATION OF MEMBER.

The director shall forthwith notify the member of the public employees' retirement board's action and, in case the decision is adverse to the member's application, shall notify the member of his right to appeal.

NEW SECTION

WAC 415-108-300 IDENTIFICATION. Records of members of the retirement system will be filed and identified in part by Social Security number. Each member of the system shall be required to supply his or her Social Security number for such record keeping purposes. Such disclosure shall be voluntary and shall only be used for record keeping and identification purposes. Failure to supply a Social Security number shall not result in the loss of any benefits supplied by this system.

NEW SECTION

WAC 415-108-400 PURPOSE AND SCOPE. WAC 186-16-400 through 186-16-440 are hereby promulgated by the director in order to implement and give effect to the provisions of RCW 41.40.380 allowing a beneficiary of a retirement allowance to authorize deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions, in accordance with rules and regulations that may be promulgated by the director.

NEW SECTION

WAC 415-108-410 DEFINITIONS. As used in WAC 186-16-400 through 186-16-440, unless a different meaning is plainly required by the context:

(a) "Group life insurance policy or plan" means a contract of group life insurance issued by an insurance carrier authorized to do business in the state of Washington which meets one of the group requirements set forth in chapter 48.24 RCW;

(b) "Group disability insurance policy or plan" means a group disability insurance contract issued by an insurance carrier authorized to do business in the state of Washington which meets the requirements of chapter 48.21 RCW, and the term shall also include a group health care service contract as issued pursuant to, and regulated by, the provisions of chapter 48.40 RCW;

(c) To the extent that they are defined by RCW 41.40.010, all other terms used in WAC 186-16-400 through 186-16-440 which are thereby defined shall be given the same meaning herein as is set forth in the cited statute.

NEW SECTION

WAC 415-108-420 SCOPE OF AUTHORITY. Any beneficiary of a retirement allowance payable for service or disability under the provisions of chapter 41.40 RCW may, in the manner provided for by WAC 415-108-430, authorize the director to deduct therefrom, on a monthly basis only, such amounts as are due as premiums on any group life or disability insurance policy or plan currently covering the beneficiary, issued

to the employer by which he was employed prior to his retirement for the benefit of a group comprised of himself and his fellow public employees, under authority granted to the employer by act of the Washington legislature. The department and the director are not and will not be liable for any failure to make such deduction payments on time or in the proper amount.

NEW SECTION

WAC 415-108-430 PROCEDURE. Any beneficiary, who desires to authorize a retirement allowance deduction for payment of insurance premiums provided for by these rules, shall notify the retirement board of his intention in writing at least thirty days prior to the date upon which the first deduction is to be made and shall execute and file with the director a formal authorization on such form as may be hereinafter provided by the director.

NEW SECTION

WAC 415-108-440 REVOCABILITY. No authorization for a retirement allowance deduction for payment of insurance premiums, as made pursuant to WAC 186-16-400 through 186-16-440, shall be revocable except upon submission to the director of an express written revocation, which shall be first applicable to the retirement allowance deduction which would otherwise be made at the end of the calendar month following the month within which the statement of revocation is filed.

REPEALER See Title 184 Dir

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 184-01-010 MEMBERS. For later promulgation, see WAC 415-108-100.
- (2) WAC 184-01-020 OFFICERS. For later promulgation, see WAC 415-108-110.
- (3) WAC 184-01-025 REFERENCE TO "EXECUTIVE SECRETARY" AMENDED TO READ "DIRECTOR". For later promulgation, see WAC 415-108-010.
- (4) WAC 184-01-030 FUNCTION. For later promulgation, see WAC 415-108-120.
- (5) WAC 184-01-035 NAME. For later promulgation, see WAC 415-108-010.
- (6) WAC 184-01-040 LOCATION. For later promulgation, see WAC 415-108-140. ← Data not kept
- (7) WAC 184-01-050 MEETINGS. For later promulgation, see WAC 415-108-150.
- (8) WAC 184-01-060 OFFICE OF DIRECTOR. For later promulgation, see WAC 415-108-160 and 415-108-170.
- (9) WAC 184-01-070 CORRESPONDENCE WITH THE BOARD. For later promulgation, see WAC 415-108-180.
- (10) WAC 184-01-07001 NOMINATIONS. For later promulgation, see WAC 415-108-190.
- (11) WAC 184-03-010 DISABILITY AND BENEFIT CLAIMS. For later promulgation, see WAC 415-108-200.

(12) WAC 184-03-020 DISABILITY AND BENEFIT CLAIMS—ACKNOWLEDGMENT AND FORMS. For later promulgation, see WAC 415-108-210.

(13) WAC 184-03-030 DISABILITY AND BENEFIT CLAIMS—PROCESSING APPLICATIONS. For later promulgation, see WAC 415-108-220.

(14) WAC 184-03-040 DISABILITY AND BENEFIT CLAIMS—RECORDING. For later promulgation, see WAC 415-108-230.

(15) WAC 184-03-050 DISABILITY AND BENEFIT CLAIMS—LEGAL EXAMINATION. For later promulgation, see WAC 415-108-240.

(16) WAC 184-03-060 DISABILITY AND BENEFIT CLAIMS—MEDICAL EXAMINATION. For later promulgation, see WAC 415-108-250.

(17) WAC 184-03-070 DISABILITY AND BENEFIT CLAIMS—MEDICAL RECOMMENDATION. For later promulgation, see WAC 415-108-260.

(18) WAC 184-03-080 DISABILITY AND BENEFIT CLAIMS—RECOMMENDATION AND CONCLUSION. For later promulgation, see WAC 415-108-270.

(19) WAC 184-03-090 DISABILITY AND BENEFIT CLAIMS—BOARD DECISION ON APPLICATION. For later promulgation, see WAC 415-108-280.

(20) WAC 184-03-100 DISABILITY AND BENEFIT CLAIMS—NOTIFICATION OF MEMBER. For later promulgation, see WAC 415-108-290.

(21) WAC 184-03-110 MISCELLANEOUS APPLICATIONS.

(22) WAC 184-03-120 IDENTIFICATION. For later promulgation, see WAC 415-108-300.

(23) WAC 184-05-010 FILING APPEALS—DISABILITY CASES. For later promulgation, see WAC 415-108-040.

(24) WAC 184-05-020 FILING APPEALS—IN CASES INVOLVING MISCELLANEOUS ORDERS.

(25) WAC 184-05-030 APPEARANCE.

(26) WAC 184-05-040 PARTIES.

(27) WAC 184-05-050 RESPONSIVE PLEADINGS.

(28) WAC 184-05-060 CORRECTION AND AMENDMENT OF NOTICES AND PLEADINGS.

(29) WAC 184-05-070 BOARD ACTION—NOTICE OF APPEAL.

(30) WAC 184-05-080 BOARD ACTION—NOTICE OF HEARING—OBJECTIONS.

(31) WAC 184-05-090 BOARD ACTION—HEARING.

(32) WAC 184-05-100 BOARD ACTION—ORDER OF PROCEEDINGS AT HEARINGS.

(33) WAC 184-05-110 BOARD ACTION—CONTINUANCES.

(34) WAC 184-05-120 BOARD ACTION—EVIDENCE.

(35) WAC 184-05-130 DISPOSITION OF APPEALS—IN GENERAL.

(36) WAC 184-05-140 DISPOSITION OF APPEALS—ORDERS ON HEARINGS.

(37) WAC 184-05-150 DISPOSITION OF APPEALS—DECISION AND ORDER ON AGREEMENT OF PARTIES.

(38) WAC 184-08-010 APPEARANCE AND PRACTICE BEFORE THE BOARD—WHO MAY APPEAR.

(39) WAC 184-08-020 APPEARANCE AND PRACTICE BEFORE THE BOARD—APPEARANCE IN CERTAIN PROCEEDINGS MAY BE LIMITED TO ATTORNEYS.

(40) WAC 184-08-030 APPEARANCE AND PRACTICE BEFORE THE BOARD—SOLICITATION OF BUSINESS UNETHICAL.

(41) WAC 184-08-040 APPEARANCE AND PRACTICE BEFORE THE BOARD—STANDARDS OF ETHICAL CONDUCT.

(42) WAC 184-08-050 APPEARANCE AND PRACTICE BEFORE THE BOARD—APPEARANCE BY FORMER EMPLOYEE OF AGENCY OR FORMER MEMBER OF ATTORNEY GENERAL'S STAFF.

(43) WAC 184-08-070 COMPUTATION OF TIME.

(44) WAC 184-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.

(45) WAC 184-08-090 SERVICE OF PROCESS—BY WHOM SERVED.

(46) WAC 184-08-100 SERVICE OF PROCESS—UPON WHOM SERVED.

(47) WAC 184-08-110 SERVICE OF PROCESS—SERVICE UPON PARTIES.

(48) WAC 184-08-120 SERVICE OF PROCESS—METHOD OF SERVICE.

(49) WAC 184-08-130 SERVICE OF PROCESS—WHEN SERVICE COMPLETE.

(50) WAC 184-08-140 SERVICE OF PROCESS—FILING WITH BOARD.

(51) WAC 184-08-150 SUBPOENAS—FORM.

(52) WAC 184-08-160 SUBPOENAS—ISSUANCE TO PARTIES.

(53) WAC 184-08-170 SUBPOENAS—SERVICE.

(54) WAC 184-08-180 SUBPOENAS—FEES.

(55) WAC 184-08-190 SUBPOENAS—PROOF OF SERVICE.

(56) WAC 184-08-200 SUBPOENAS—QUASHING.

(57) WAC 184-08-210 SUBPOENAS—ENFORCEMENT.

(58) WAC 184-08-220 SUBPOENAS—GEOGRAPHICAL SCOPE.

(59) WAC 184-08-230 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.

(60) WAC 184-08-240 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE.

(61) WAC 184-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.

(62) WAC 184-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION.

(63) WAC 184-08-270 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEONENTS.

(64) WAC 184-08-275 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—EXTENSION AND CONTINUANCE.

(65) WAC 184-08-280 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS EXAMINATION.

(66) WAC 184-08-290 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RECORDATION.

(67) WAC 184-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.

(68) WAC 184-08-310 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT.

(69) WAC 184-08-320 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEONENTS.

(70) WAC 184-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION.

(71) WAC 184-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION.

(72) WAC 184-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.

(73) WAC 184-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.

(74) WAC 184-08-370 OFFICIAL NOTICE—MATTERS OF LAW.

(75) WAC 184-08-380 OFFICIAL NOTICE—MATERIAL FACTS.

(76) WAC 184-08-390 PRESUMPTIONS.

(77) WAC 184-08-400 STIPULATIONS AND ADMISSIONS OF RECORD.

(78) WAC 184-08-410 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

(79) WAC 184-08-420 DEFINITION OF ISSUES BEFORE HEARING.

(80) WAC 184-08-430 PREHEARING CONFERENCE RULE—AUTHORIZED.

(81) WAC 184-08-440 PREHEARING CONFERENCE RULE—CONCLUSION OF PREHEARING CONFERENCES.

(82) WAC 184-08-450 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE.

(83) WAC 184-08-460 EXCERPTS FROM DOCUMENTARY EVIDENCE.

(84) WAC 184-08-470 EXPERT OR OPINION TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—NUMBER AND QUALIFICATIONS OF WITNESSES.

(85) WAC 184-08-480 EXPERT OR OPINION TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—WRITTEN SWORN STATEMENTS.

(86) WAC 184-08-490 EXPERT OR OPINION TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—SUPPORTING DATA.

(87) WAC 184-08-500 EXPERT OR OPINION TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—EFFECT OF NON-COMPLIANCE WITH WAC 184-08-470 OR 184-08-480.

(88) WAC 184-08-540 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION.

(89) WAC 184-08-550 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—REQUISITES.

(90) WAC 184-08-560 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—AGENCY MUST CONSIDER.

(91) WAC 184-08-570 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—NOTICE OF DISPOSITION.

(92) WAC 184-08-580 DECLARATORY RULINGS.

(93) WAC 184-08-590 DECLARATORY RULINGS—FORMS.

(94) WAC 184-09-010 NOTICE OF APPEAL TO SUPERIOR COURT. For later promulgation, see WAC 415-108-050.

(95) WAC 184-09-020 CERTIFICATION OF RECORD. For later promulgation, see WAC 415-108-060.

(96) WAC 184-12-010 EXCESS CONTRIBUTIONS TO EMPLOYEES' SAVINGS FUND. For later promulgation, see WAC 415-108-070.

(97) WAC 184-16-010 PURPOSE AND SCOPE. For later promulgation, see WAC 415-108-400.

(98) WAC 184-16-020 DEFINITIONS. For later promulgation, see WAC 415-108-410.

(99) WAC 184-16-030 SCOPE OF AUTHORITY. For later promulgation, see WAC 415-108-420.

(100) WAC 184-16-040 PROCEDURE. For later promulgation, see WAC 415-108-430.

(101) WAC 184-16-050 REVOCABILITY. For later promulgation, see WAC 415-108-440.

(102) WAC 184-16-060 EFFECTIVE DATE.

(103) WAC 184-20-010 PURPOSE. For later promulgation, see WAC 415-108-020.

(104) WAC 184-20-020 DEFINITIONS.

(105) WAC 184-20-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

(106) WAC 184-20-040 OPERATIONS AND PROCEDURES.

(107) WAC 184-20-050 PUBLIC RECORDS AVAILABLE.

(108) WAC 184-20-060 PUBLIC RECORDS OFFICER.

(109) WAC 184-20-070 OFFICE HOURS.

(110) WAC 184-20-080 REQUESTS FOR PUBLIC RECORDS.

(111) WAC 184-20-090 COPYING.

(112) WAC 184-20-100 EXEMPTIONS.

(113) WAC 184-20-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.

(114) WAC 184-20-120 RECORDS INDEX.

(115) WAC 184-20-130 REQUEST FOR RECORDS BY MAIL—ADDRESS.

(116) WAC 184-20-140 ADOPTION OF FORM.

(117) Appendix A REQUEST FOR PUBLIC RECORDS

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 186-12-010 CONTRIBUTION BY CITIES—USE OF RELEASED MATCHING CONTRIBUTIONS.

(2) WAC 186-12-050 PRIOR SERVICE CREDIT—CERTIFICATION.

(3) WAC 186-12-060 PRIOR SERVICE CREDIT—MILITARY SERVICE.

(4) WAC 186-12-100 CONTRIBUTIONS BY EMPLOYEES—EMPLOYEE'S AGE.

(5) WAC 186-12-110 CONTRIBUTIONS BY EMPLOYEES—ADDITIONAL EMPLOYEE CONTRIBUTIONS.

(6) WAC 186-12-120 CONTRIBUTIONS BY EMPLOYEES—SAME—COMMENCEMENT DATE.

(7) WAC 186-12-200 RETIREMENT—EFFECTIVE DATE.

(8) WAC 186-12-210 RETIREMENT—VOLUNTARY—APPLICATION FOR.

(9) WAC 186-12-300 WITHDRAWALS FROM SYSTEM—EMPLOYEES' CONTRIBUTIONS—WHEN PAYABLE.

(10) WAC 186-12-310 WITHDRAWALS FROM SYSTEM—APPLICATION, PRESENTMENT TO BOARD.

(11) WAC 186-12-330 WITHDRAWALS FROM SYSTEM—ASSIGNMENT BY MEMBER OF CONTRIBUTION.

(12) WAC 186-12-350 REDEPOSIT OF MEMBER'S CONTRIBUTIONS PREVIOUSLY WITHDRAWN.

(13) WAC 186-12-400 RULES PROMULGATED UNDER CHAPTER 98, LAWS OF 1951 [RCW 41.04.070-41.04.110] RELATING TO SERVICE CREDITS.

NEW SECTION

WAC 415-112-010 DESCRIPTION OF TEACHERS' RETIREMENT SYSTEM. (1) The Washington state teachers' retirement system, established effective April 1, 1938, is an agency of the State of Washington operating under chapter 41.32 RCW, for the benefit of the public school teachers of the state. The teachers' retirement system is a joint-contributory system with the members and the state contributing jointly to provide a

variety of benefit programs, including disability benefits, survivor benefits, death benefits, and retirement benefits. The members and the state share equally in the operating costs of the teachers' retirement system. The liabilities of the teachers' retirement system are funded on an actuarial reserve basis. Reserve funds are invested in long term, high quality securities. The earnings on these investments accrue to the benefit of the members of the teachers' retirement system in a variety of ways and help to meet the state's pension liability.

(2) The teachers' retirement system is governed by a board of nine trustees, including the state superintendent of public instruction, the state insurance commissioner, five members of the teachers' retirement system who are appointed for three-year terms by the state board of education. Three of the appointed members must be classroom teachers. Two former members retired for service or disability who are appointed by the state board of education. The director of the department of retirement systems is responsible for the administration of the teachers' retirement system in accordance with the provisions of state law and the board of trustees policy. The board of trustees meetings are held in the department of retirement system's office in Olympia on the second Monday of the month which is not a holiday of January, April, July, and October.

(3) Anyone desiring information or wishing to submit a request should contact:

Department of Retirement Systems
Capitol Plaza Building
1025 E. Union (Union and Eastside)
Olympia, Washington 98504

NEW SECTION

WAC 415-112-020 PUBLIC RECORDS. See chapter 415-06 WAC.

NEW SECTION

WAC 415-112-030 APPEALS—FORMS AND PROCEDURES. Appeals from the board of trustees shall be made in the form and manner required by WAC 415-08-020. The disposition of such appeals shall be governed by the provisions of chapter 415-08 WAC.

MEMBERSHIP

NEW SECTION

WAC 415-112-100 MINIMUM REQUIREMENT FOR MEMBERSHIP. Ninety calendar days of employment within a fiscal year as a full time teacher, or the equivalent of ninety days of service within a fiscal year as a teacher employed on a part time, occasional, hourly, or daily basis, shall be required, together with necessary contributions, before membership in the teachers' retirement system is established and before the director may approve an application for cancellation of exemption, for the granting of additional credit for previous service, or for the payment of any benefit.

NEW SECTION

WAC 415-112-110 TEACHERS' RETIREMENT SYSTEM EMPLOYEES ELIGIBLE FOR MEMBERSHIP. New employees of the department who are qualified teachers and former members of the teachers' retirement system will be eligible for membership in the teachers' retirement system with the director's permission.

SERVICE CREDIT

NEW SECTION

WAC 415-112-200 ESTABLISHING CREDIT FOR PREVIOUS SERVICE. (1) Additional credit for previous creditable service may be established or reestablished only by a member of the teachers' retirement system. If a member interrupts Washington public school service but does not terminate his membership in the teachers' retirement system, and subsequently renders creditable service such as military service, professional preparation, or other creditable service for which service credit is not established with the teachers' retirement system, he must return to Washington public school service for twenty or more days within a fiscal year in order to establish additional credit for any such creditable service.

(2) Once a member becomes eligible to establish or reestablish additional credit for previous service, he retains the right to establish or reestablish such additional credit while his membership is in effect and whether or not he is continuously employed in Washington public school service, provided he applies to the department, submits satisfactory proof of his service, and makes the required initial payment within the time limit established by law.

NEW SECTION

WAC 415-112-210 WITHDRAWAL BEFORE FINAL DATE FOR ESTABLISHING ADDITIONAL CREDIT. Any member who withdraws from the teachers' retirement system within the period provided by law for establishing additional service credit may, upon returning to membership, have another opportunity to establish credit for previous creditable service, subject to the laws in effect when his membership is reestablished.

NEW SECTION

WAC 415-112-220 WITHDRAWAL BEFORE MAKING FINAL PAYMENT TO ESTABLISH ADDITIONAL CREDIT. A member who has completed arrangements to establish or reestablish additional credit for previous service, but who withdraws before the final payment is due and before making the final payment may, upon returning to membership, have another opportunity to establish such additional credit, subject to the laws in effect when he returns to membership.

NEW SECTION

WAC 415-112-230 FAILURE TO MAKE FINAL PAYMENT TO ESTABLISH CREDIT. When a member enters into an arrangement to establish or reestablish additional credit for previous service and fails to make the final payment within the time limit established by law, such arrangement is terminated, and any payments made for such service credit shall be returned to the member.

NEW SECTION

WAC 415-112-240 SERVICE CREDIT TO BE RETROACTIVE. Service rendered during the ninety days of employment or the ninety days of service required to establish membership after July 1, 1964, shall qualify as creditable service after membership has been established, except as to plan II members.

NEW SECTION

WAC 415-112-250 CREDIT ALLOWED FOR LEAVE WITH PAY. If a plan I member is otherwise eligible, service credit shall be allowed for any time subsequent to July 1, 1960, during which a member is on official leave from his position, provided he is still listed as employed by his employer and is receiving compensation for the time of his leave.

Plan II members may receive such credit in accordance with chapter 295, Laws of 1977 ex. sess. as now or hereafter amended.

NEW SECTION

WAC 415-112-260 CREDIT FOR SERVICE IN HIGHER INSTITUTIONS. Service credit for teaching in public higher educational institutions shall be evaluated under the same rules and regulations as apply to service credit in public common schools.

NEW SECTION

WAC 415-112-270 EVALUATING CREDIT FOR PROFESSIONAL PREPARATION. If a member is otherwise eligible, professional preparation credit may be allowed for additional study at an institution of higher learning, or at a commercial or technical school where the courses supplement the member's professional preparation. Thirty-six quarter hours of credit, or the equivalent, shall be considered a year's work. Any less credits shall be evaluated as a fractional part of a year.

NEW SECTION

WAC 415-112-280 CREDIT FOR TEACHING UNITED STATES MILITARY PERSONNEL. A member who accepts teaching or educational employment involving service to United States military personnel may be allowed service credit for the same upon application after his return to Washington public school employment and payment of annuity fund contributions within the time limit provided by law, but the service for which credit is requested must be supervised and/or paid for by a public educational institution, and such service rendered for an employer located outside the state of

Washington shall be subject to the limitations which govern the granting of credit for out-of-state service.

Military service credits for plan II members will be governed by the provisions of chapter 293, Laws of 1977 ex. sess.

NEW SECTION

WAC 415-112-290 CREDIT FOR OUT-OF-STATE SERVICE. (1) A member who leaves Washington public school service and terminates his membership in the teachers' retirement system by lapsation or withdrawal and who subsequently returns to service and membership may establish or reestablish only such credit for out-of-state service as may be credited under the laws in effect at the time when he reestablishes membership.

(2) Effective July 1, 1964, a new member or a former member who returns to membership after his former membership was cancelled by lapsation or withdrawal may not establish or reestablish out-of-state prior service credit of any kind, including out-of-state prior service credit for teaching, professional preparation, or military service.

(3) Out-of-state membership service credit, regardless of when the service was rendered, may be established or reestablished after July 1, 1964, within the limitations of existing law, only if the out-of-state service was rendered while the member was on official leave of absence granted by a state of Washington employer.

NEW SECTION

WAC 415-112-300 RED CROSS SERVICE. Service credit shall not be allowed for service with the National Red Cross organization.

NEW SECTION

WAC 415-112-310 CIVILIAN CONSERVATION CORPS SERVICE. Service credit shall not be allowed for service as a teacher or educational advisor in the civilian conservation corps camps.

NEW SECTION

WAC 415-112-320 SERVICE AS A PEACE CORPS VOLUNTEER. A member of the teachers' retirement system who serves as a Peace Corps volunteer shall not be considered as employed in public school teaching service and shall, therefore, not be eligible under RCW 41.32.300 and 41.32.320 to establish out-of-state service credit for service rendered as a Peace Corps volunteer.

EARNABLE COMPENSATION—MEMBER CONTRIBUTIONS

NEW SECTION

WAC 415-112-400 SALARY DEDUCTIONS REQUIRED BY EMPLOYER. (1) Plan I.

(a) Salary deductions for retirement shall be made from the beginning of the employment of every teacher

employed full time (four-fifths or more) when the employment contract of such teacher calls for ninety or more days of employment in a school year. Salary deductions for retirement shall be required for every member employed full time when his employment contract calls for twenty or more days of employment in a school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school year, and thus fails to establish membership, any salary deductions for retirement shall be refunded in full upon termination of his employment as a teacher and upon filing a refund application with the department. If a member is employed by an employer for less than twenty days in a school year, any salary deductions for retirement based on service during that year shall be refunded in full upon termination of his employment for that year and the filing of a refund application with the department.

(c) Membership for plan II members will be governed by the provisions of chapter 493, Laws of 1977 ex. sess., as now or hereafter amended.

NEW SECTION

WAC 415-112-410 EARNABLE COMPENSATION TO INCLUDE ALL SALARY AND WAGES.

Earnable compensation for plan I members shall be based on salaries and wages paid by the employer to the employee member on the basis of when the service was rendered, rather than when the payment was made, and shall include all salary and wages paid by the employer to the employee member of the teachers' retirement system for personal services rendered during each calendar year, including not only the basic salary for services as a teacher but also all salary or wages paid for extra-curricular activity assignments, evening school and summer school teaching, sabbatical leave, paid sick leave, other paid leave, school bus driving, other non-teaching services, and all other personal services for which salaries or wages are paid by the employer to the employee member of the teachers' retirement system. Payment made to a member by an employer for services rendered as a private contractor shall not be regarded as earnable compensation.

Earnable compensation for plan II members will be governed by chapter 293, Laws of 1977 ex. sess. as now or hereafter amended.

NEW SECTION

WAC 415-112-420 DETERMINING THE EARNABLE COMPENSATION.

(1) A member's total contributions to the teachers' retirement system based on salary and wages paid by a Washington employer for services rendered during a fiscal year, beginning July 1, 1967, shall serve as the basis for determining a member's earnable compensation for each fiscal year. Contributions made by the member for out-of-state service, military service, professional preparation, or other service not paid for by a Washington employer shall not be included in determining a member's earnable compensation for computing his retirement allowance.

(2) In determining a member's earnable compensation for any fiscal year prior to July 1, 1967, the director shall in all cases of doubt secure confirmation from the employer of all salary and wages paid to a member for any fiscal year in question.

NEW SECTION

WAC 415-112-430 COMPUTING THE AVERAGE EARNABLE COMPENSATION. In computing a member's average earnable compensation, the computations shall include only the service during which a member was employed for salary or wages by a state of Washington employer and for which he established Washington membership service credit with the teachers' retirement system. This excludes out-of-state service, military service and professional preparation or other service for which credit may have been established but for which no salary or wages were paid to the member by a state of Washington employer. Contributions based on sabbatical leave, paid sick leave, or other leave paid for by a state of Washington employer and for which credit has been established with the teachers' retirement system shall be included in computing the earnable compensation.

NEW SECTION

WAC 415-112-440 WITHDRAWAL OF CONTRIBUTIONS.

(1) A member who is employed in the public schools of this state for consecutive school years shall be considered as employed during the summer months and, therefore, may not qualify for withdrawal of his accumulated contributions. Termination of Washington public school employment at the close of a school year with one employer to accept employment with another Washington public school employer for the ensuing school year shall not qualify a member for withdrawal of his accumulated contributions.

(2) A member who is on official leave of absence from a Washington public school employer shall not be considered to have terminated his employment and, therefore, shall not be eligible to qualify for withdrawal of his accumulated contributions.

SERVICE RETIREMENT

NEW SECTION

WAC 415-112-500 MINIMUM SERVICE REQUIRED FOR RETIREMENT.

In qualifying a member for a retirement allowance the minimum service requirement of "five years of credit for public school service in this state" as set forth in RCW 41.32.470 shall not include credit for professional preparation or credit for military service, but shall be limited to credit for Washington public school service.

NEW SECTION

WAC 415-112-510 ELIGIBILITY FOR RETIREMENT WITH LESS THAN FIVE YEARS OF WASHINGTON SERVICE CREDIT. A member whose membership was established prior to July 1, 1964,

and who continued his membership without interruption beyond July 1, 1964, may, if otherwise eligible, qualify for a retirement allowance even though he has less than five years of credit for public school service in this state, provided he has been a member of the teachers' retirement system, the former state fund or a local fund, or both together, for at least five years.

NEW SECTION

WAC 415-112-520 DATE FROM WHICH SERVICE RETIREMENT ALLOWANCE ACCRUES. (1) Upon approval by the board of trustees of an application for service retirement, the teachers' retirement allowance shall accrue from the first of the month following that in which a member terminated public school service, unless a full year of Washington service credit is established for the school year in which a member retires, in which case the date of accrual of his retirement allowance shall be July first following the member's final year of service. In no case shall the accrual date be prior to the first of the month following that in which proof and payment are received to establish membership or additional service credit.

(2) If a member terminates public school employment prior to eligibility for a service retirement allowance and at some future date qualifies for a deferred retirement allowance on the basis of age, the accrual date of such member's retirement allowance shall be the date on which the member reaches the minimum age required for such an allowance, provided the member is not employed in public education at the time. (Cross reference: WAC 415-112-620)

NEW SECTION

WAC 415-112-530 BALANCE OF MONTHLY PAYMENT DUE ON DATE OF DEATH. In the event of death between allowance payment dates of an individual receiving a monthly retirement allowance, the proportionate amount accrued to and including the date of death shall be paid to the designated beneficiary or to the decedent's estate.

NEW SECTION

WAC 415-112-540 EMPLOYMENT IN PUBLIC EDUCATION LIMITED FOR RETIREES. A retiree who returns to any type of service with any public educational institution shall be considered to be employed throughout the time during which he is engaged in such service or is under contract for such employment, even though he does not return to membership in the teachers' retirement system. If a retiree's service in public education exceeds the maximum permitted under RCW 41.32.570 without reduction of pension, his monthly pension shall be reduced by one-twentieth for each day of service rendered beyond the statutory maximum. If a retiree continues in service until he is no longer eligible for monthly pension payments, further pension payments shall be withheld and may not be restored until he terminates his employment in public education and further contracts, written or oral, for continuing employment in public education. Any retiree whose pension payments

have been terminated because of employment in public education shall be considered as employed during the summer months if under contract for consecutive school years, and he shall, therefore, not be eligible for pension payments during the summer months. Pension payments shall be resumed effective the day following termination of his employment in public education.

NEW SECTION

WAC 415-112-550 PEACE CORPS VOLUNTEERS NOT EMPLOYED IN PUBLIC EDUCATION. In administering the provisions of RCW 41.32.570, retired teachers who serve as volunteers in the Peace Corps of the United States shall not be considered as employed in a public educational institution and shall, therefore, continue to receive pension payments while engaged as Peace Corps volunteers.

DISABILITY BENEFITS

NEW SECTION

WAC 415-112-600 ELIGIBILITY FOR TEMPORARY DISABILITY BENEFITS. A member of the teachers' retirement system shall be covered for benefits under the temporary disability program only while employed on a full time basis. The disability premium paid by a member during one school year shall afford disability protection until the beginning of the regular school term the following school year.

NEW SECTION

WAC 415-112-610 PAYMENT OF TEMPORARY DISABILITY BENEFITS DUE UPON DEATH OF A MEMBER. Any disability benefits which have accrued and are payable upon the death of a member who had applied for or who had qualified for a temporary disability allowance, shall be paid to the deceased member's designated beneficiary as recorded and filed with the department in connection with his application for temporary disability benefits, or to his estate.

NEW SECTION

WAC 415-112-620 DATE FROM WHICH DISABILITY RETIREMENT ALLOWANCES ACCRUE. (1) A member who qualifies directly for a disability retirement allowance without first qualifying for temporary disability benefits shall receive a retirement allowance to be effective in accordance with WAC 415-112-520 governing service retirement.

(2) If a member qualifies for a disability retirement allowance after having first qualified for temporary disability benefits, the effective date of his disability retirement allowance shall be the first of the month following termination of his temporary disability allowance, and shall otherwise be consistent with WAC 415-112-520 which governs service retirement.

NEW SECTION

WAC 415-112-630 EMPLOYMENT OF PERSONS RETIRED FOR DISABILITY. The provisions

of RCW 41.32.570 with regard to service in public education by a retired teacher shall apply equally to teachers retired for disability.

SURVIVOR BENEFITS

NEW SECTION

WAC 415-112-700 DETERMINING DEPENDENCY UNDER RCW 41.32.520. In order for a beneficiary under RCW 41.32.520 to qualify as the dependent of a deceased member, the following conditions shall prevail:

(1) The deceased member shall have provided financial support for the beneficiary to the extent of one-half or more of reasonable living expense. Such financial support shall have been in effect at the time of the member's death and shall have been reasonably continuous prior to that time;

(2) The term "financial support" shall include the cost of food, clothing, shelter, education, medical and dental expenses, and other similar expenses.

NEW SECTION

WAC 415-112-710 ACCRUAL DATE OF SURVIVOR BENEFITS UNDER RCW 41.32.520. (1) The accrual date of a monthly survivor benefit under RCW 41.32.520(1) shall be the date following the date of the member's death or the fiftieth birthday of the beneficiary if the latter follows the date of the member's death.

(2) The accrual date of a survivor retirement allowance under RCW 41.32.520(2) shall be the day following the date of death of the member who was eligible for retirement, unless the deceased member had established a full year of service credit for his final year of service, in which case the effective date of the survivor retirement allowance shall be July 1st of the ensuing fiscal year. In all cases the rate of the annuity benefit shall be computed as of the date following the date of the member's death.

REPEALER

See Title Dig.

The following sections of the Washington Administrative Code are repealed:

- (1) 462-04-010 DESCRIPTION OF TEACHERS' RETIREMENT SYSTEM. For later promulgation, see WAC 415-112-010.
- (2) 462-05-001 PURPOSE. For later promulgation, see WAC 415-112-020.
- (3) 462-05-002 DEFINITIONS.
- (4) 462-05-003 OPERATIONS AND PROCEDURES.
- (5) 462-05-004 PUBLIC RECORDS AVAILABLE.
- (6) 462-05-005 PUBLIC RECORDS OFFICER.
- (7) 462-05-006 OFFICE HOURS.
- (8) 462-05-007 REQUESTS FOR PUBLIC RECORDS.
- (9) 462-05-008 COPYING.
- (10) 462-05-009 EXEMPTIONS.
- (11) 462-05-010 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.

- (12) 462-05-011 RECORDS INDEX.
- (13) 462-05-012 AGENCY ADDRESS.
- (14) 462-05-013 ADOPTION OF FORM.
- (15) Appendix A REQUEST FOR PUBLIC RECORDS.
- (16) 462-08-010 APPEARANCE AND PRACTICE BEFORE AGENCY—WHO MAY APPEAR. For later promulgation, see WAC 415-112-030.
- (17) 462-08-020 APPEARANCE AND PRACTICE BEFORE AGENCY—APPEARANCE IN CERTAIN PROCEEDINGS MAY BE LIMITED TO ATTORNEYS.
- (18) 462-08-030 APPEARANCE AND PRACTICE BEFORE AGENCY—SOLICITATION OF BUSINESS.
- (19) 462-08-040 APPEARANCE AND PRACTICE BEFORE AGENCY—STANDARDS OF ETHICAL CONDUCT.
- (20) 462-08-050 APPEARANCE AND PRACTICE BEFORE AGENCY—APPEARANCE BY FORMER EMPLOYEE OF BOARD OR FORMER MEMBER OF ATTORNEY GENERAL'S STAFF.
- (21) 462-08-060 APPEARANCE AND PRACTICE BEFORE AGENCY—FORMER EMPLOYEE AS EXPERT WITNESS.
- (22) 462-08-070 COMPUTATION OF TIME.
- (23) 462-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.
- (24) 462-08-090 SERVICE OF PROCESS—BY WHOM SERVED.
- (25) 462-08-100 SERVICE OF PROCESS—UPON WHOM SERVED.
- (26) 462-08-110 SERVICE OF PROCESS—SERVICE UPON PARTIES.
- (27) 462-08-120 SERVICE OF PROCESS—METHOD OF SERVICE.
- (28) 462-08-130 SERVICE OF PROCESS—WHEN SERVICE COMPLETE.
- (29) 462-08-140 SERVICE OF PROCESS—FILING WITH AGENCY.
- (30) 462-08-230 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.
- (31) 462-08-240 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE.
- (32) 462-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.
- (33) 462-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION.
- (34) 462-08-270 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEPONENTS.
- (35) 462-08-280 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS-EXAMINATION.
- (36) 462-08-290 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RECORDATION.

- (37) 462-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.
- (38) 462-08-310 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT.
- (39) 462-08-320 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEONENTS.
- (40) 462-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.
- (41) 462-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION.
- (42) 462-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.
- (43) 462-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.
- (44) 462-08-370 OFFICIAL NOTICE—MATTERS OF LAW.
- (45) 462-08-380 OFFICIAL NOTICE—MATERIAL FACTS.
- (46) 462-08-390 PRESUMPTIONS.
- (47) 462-08-400 STIPULATIONS AND ADMISSIONS OF RECORD.
- (48) 462-08-410 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.
- (49) 462-08-420 DEFINITION OF ISSUES BEFORE HEARING.
- (50) 462-08-430 PREHEARING CONFERENCE RULE.
- (51) 462-08-440 PREHEARING CONFERENCE RULE—RECORD OF.
- (52) 462-08-450 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE.
- (53) 462-08-460 EXCERPTS FROM DOCUMENTARY EVIDENCE.
- (54) 462-08-470 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—NUMBER AND QUALIFICATIONS OF WITNESSES.
- (55) 462-08-480 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—WRITTEN SWORN STATEMENTS.
- (56) 462-08-490 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—SUPPORTING DATA.
- (57) 462-08-500 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—EFFECT OF NONCOMPLIANCE WITH WAC 462-08-470 OR 462-08-480.
- (58) 462-08-510 CONTINUANCES.
- (59) 462-08-520 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.
- (60) 462-08-530 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.
- (61) 462-08-540 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION.
- (62) 462-08-550 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—REQUISITES.
- (63) 462-08-560 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—BOARD MUST CONSIDER.
- (64) 462-08-570 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—NOTICE OF DISPOSITION.
- (65) 462-08-580 DECLARATORY RULINGS.
- (66) 462-08-590 FORMS.
- (67) 462-16-010 MINIMUM REQUIREMENT FOR MEMBERSHIP. For later promulgation, see WAC 415-112-100.
- (68) 462-16-020 TEACHERS' RETIREMENT SYSTEM EMPLOYEES ELIGIBLE FOR MEMBERSHIP. For later promulgation, see WAC 415-112-110.
- (69) 462-20-005 ESTABLISHING CREDIT FOR PREVIOUS SERVICE. For later promulgation, see WAC 415-112-200.
- (70) 462-20-010 WITHDRAWAL BEFORE FINAL DATE FOR ESTABLISHING ADDITIONAL CREDIT. For later promulgation, see WAC 415-112-210.
- (71) 462-20-015 WITHDRAWAL BEFORE MAKING FINAL PAYMENT TO ESTABLISH ADDITIONAL CREDIT. For later promulgation, see WAC 415-112-220.
- (72) 462-20-020 FAILURE TO MAKE FINAL PAYMENT TO ESTABLISH CREDIT. For later promulgation, see WAC 415-112-230.
- (73) 462-20-025 SERVICE CREDIT TO BE RETROACTIVE. For later promulgation, see WAC 415-112-240.
- (74) 462-20-030 CREDIT ALLOWED FOR LEAVE WITH PAY. For later promulgation, see WAC 415-112-250.
- (75) 462-20-035 CREDIT FOR SERVICE IN HIGHER INSTITUTIONS. For later promulgation, see WAC 415-112-260.
- (76) 462-20-040 EVALUATING CREDIT FOR PROFESSIONAL PREPARATION. For later promulgation, see WAC 415-112-270.
- (77) 462-20-045 CREDIT FOR TEACHING UNITED STATES MILITARY PERSONNEL. For later promulgation, see WAC 415-112-280.
- (78) 462-20-050 MILITARY SERVICE CREDIT FOR NEW MEMBERS.
- (79) 462-20-055 CREDIT FOR OUT-OF-STATE SERVICE. For later promulgation, see WAC 415-112-290.
- (80) 462-20-060 RED CROSS SERVICE. For later promulgation, see WAC 415-112-300.
- (81) 462-20-065 CIVILIAN CONSERVATION CORPS SERVICE. For later promulgation, see WAC 415-112-310.
- (82) 462-20-070 SERVICE AS A PEACE CORPS VOLUNTEER. For later promulgation, see WAC 415-112-320.

(83) 462-24-010 SALARY DEDUCTIONS REQUIRED BY EMPLOYER. For later promulgation, see WAC 415-112-400.

(84) 462-24-020 EARNABLE COMPENSATION TO INCLUDE ALL SALARY AND WAGES. For later promulgation, see WAC 415-112-410.

(85) 462-24-030 DETERMINING THE EARNABLE COMPENSATION. For later promulgation, see WAC 415-112-420.

(86) 462-24-040 COMPUTING THE AVERAGE EARNABLE COMPENSATION. For later promulgation, see WAC 415-112-430.

(87) 462-24-050 WITHDRAWAL OF CONTRIBUTIONS. For later promulgation, see WAC 415-112-440.

(88) 462-28-005 MINIMUM SERVICE REQUIRED FOR RETIREMENT. For later promulgation, see WAC 415-112-500.

(89) 462-28-010 ELIGIBILITY FOR RETIREMENT WITH LESS THAN FIVE YEARS OF WASHINGTON SERVICE CREDIT. For later promulgation, see WAC 415-112-510.

(90) 462-28-015 ELIGIBILITY FOR RETIREMENT UNDER RCW 41.32.497.

(91) 462-28-020 DATE FROM WHICH SERVICE RETIREMENT ALLOWANCE ACCRUES. For later promulgation, see WAC 415-112-520.

(92) 462-28-025 BENEFIT ADJUSTMENTS UNDER OPTION 2 AND OPTION 3.

(93) 462-28-030 ACCUMULATED CONTRIBUTIONS RESTORED WHEN RETIRANT RETURNS TO MEMBERSHIP.

(94) 462-28-035 BALANCE OF MONTHLY PAYMENT DUE ON DATE OF DEATH. For later promulgation, see WAC 415-112-530.

(95) 462-28-040 EMPLOYMENT IN PUBLIC EDUCATION LIMITED FOR RETIRANTS. For later promulgation, see WAC 415-112-540.

(96) 462-28-045 PEACE CORPS VOLUNTEERS NOT EMPLOYED IN PUBLIC EDUCATION. For later promulgation, see WAC 415-112-550.

(97) 462-28-050 MEMBERS ELIGIBLE FOR TEMPORARY DISABILITY JUNE 30, 1964 QUALIFY UNDER RCW 41.32.497.

(98) 462-32-010 ELIGIBILITY FOR TEMPORARY DISABILITY BENEFITS. For later promulgation, see WAC 415-112-600.

(99) 462-32-020 PAYMENT OF TEMPORARY DISABILITY BENEFITS DUE UPON DEATH OF A MEMBER. For later promulgation, see WAC 415-112-610.

(100) 462-32-050 DATE FROM WHICH DISABILITY RETIREMENT ALLOWANCES ACCRUE. For later promulgation, see WAC 415-112-620.

(101) 462-32-060 EMPLOYMENT OF PERSONS RETIRED FOR DISABILITY. For later promulgation, see WAC 415-112-630.

(102) 462-36-010 DETERMINING DEPENDENCY UNDER RCW 41.32.520. For later promulgation, see WAC 415-112-700.

(103) 462-36-020 ACCRUAL DATE OF SURVIVOR BENEFITS UNDER RCW 41.32.520. For later promulgation, see WAC 415-112-710.

WSR 78-03-024
NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD
[Letter, Feb. 16, 1978]

NOTICE OF MEETING
URBAN ARTERIAL BOARD
HIGHWAY ADMINISTRATION BUILDING
OLYMPIA, WASHINGTON 98504

Beginning at 9:30 a.m., Tuesday, February 28, 1978

- 1) Minutes of UAB meeting, January 19, 1978.
- 2) Review obligation status of urban arterial trust funds.
- 3) Proposed authorization of urban arterial trust funds for preliminary proposal projects within NON-FEDERAL URBAN AREAS (small cities).
- 4) Proposed authorization of urban arterial trust funds for preliminary proposal projects within FEDERAL URBAN AREAS .
- 5) Review proposed change in scope on projects requesting urban arterial trust funds for preliminary proposal projects within FEDERAL URBAN AREAS .
- 6) Review proposed deviation from design standards on projects requesting urban arterial trust funds for preliminary proposal projects within FEDERAL URBAN AREAS .

WSR 78-03-025
EMERGENCY RULES
DEPARTMENT OF GAME
[Order 75—Filed Feb. 16, 1978—Eff. Feb. 19, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, acting at Olympia, Washington, do hereby adopt WAC 232-28-600000B relating to sport steelhead fishing in the Green River and tributaries.

I, Ralph W. Larson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is current data from creel census monitoring indicate that certain area closures of the Green River are necessary to protect wild steelhead stocks while allowing the harvest of surplus hatchery fish. Therefore, it is necessary that the sports fishery be terminated in all of the Green River and tributaries with the exception of the Green River from the Spokane

Street bridge to the Freeway 167 bridge and Flaming Geyser bridge to Kanasket bridge.

Such rule is therefore adopted by this emergency order.

This rule is adopted under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 16, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-32-600000B. CLOSURE OF THE GREEN RIVER AND TRIBUTARIES TO THE TAKING OF STEELHEAD BY SPORTS FISHERY. Notwithstanding the provisions of WAC 232-28-600, it shall be unlawful for any sports fishermen to take, fish for, or possess steelhead trout from the Green River and tributaries with the exception of the following areas:

- (1) Green River - from the Spokane Street bridge to the freeway 167 bridge.
- (2) Green River - from the Flaming Geyser bridge to Kanasket bridge.

Daily bag limit shall be one fish. Possession limits and size remain as outlined in WAC 232-28-600, the 1978 Washington Game Fish Seasons and Catch Limits.

This partial closure shall become effective 6:00 PM, Sunday, February 19, 1978.

WSR 78-03-026

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 76-Filed Feb. 16, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, acting at Olympia, Washington, do hereby adopt WAC 232-28-600000C, relating to sport steelhead fishing in the Quileute River system and its tributaries, and adopt WAC 232-32-109 and repeal WAC 232-32-300, relating to treaty Indian fishing in the Quileute River system and its tributaries.

I, Ralph W. Larson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, and general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is data gathered by Department of Game creel census indicates the harvestable surplus of steelhead in the Quileute River system and

tributaries will be harvested in February, 1978. Therefore, a closure of the Quileute River system and its tributaries to the taking of all species is necessary to insure conservation of steelhead stocks returning to the river system.

Such rules are therefore adopted by this emergency order.

These rules are adopted under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of the governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 16, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-28-600000C. CONSERVATION CLOSURE OF THE QUILEUTE RIVER SYSTEM AND ITS TRIBUTARIES TO SPORTS FISHING. Notwithstanding the provisions of WAC 232-28-600, it shall be unlawful for any sports fishermen to take, fish for, or possess game fish from the Quileute River system and tributaries. This closure shall be effective 6:00 PM February 26, 1978.

NEW SECTION

WAC 232-32-109. CONSERVATION CLOSURE OF THE QUILEUTE RIVER SYSTEM AND ITS TRIBUTARIES TO TREATY INDIAN FISHING. It shall be unlawful for treaty Indian fishermen to take, fish for or possess game fish from the Quileute River system and tributaries. This closure shall be effective 6:00 PM, February 26, 1978.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-32-300 CLOSURE OF THE QUILEUTE RIVER AND TRIBUTARIES TO THE TAKING OF STEELHEAD BY TREATY INDIANS

WSR 78-03-027

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed Feb. 17, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 that the Eastern Washington

University intends to adopt, amend, or repeal rules concerning Equal Opportunity Policy and Affirmative Action Program, chapter 172-150 WAC.

and that the adoption, amendment, or repeal of such rules will take place at 6:00 p.m., Thursday, April 27, 1978, in the Pence Union Building Council Chambers, Eastern Washington University, Cheney, WA.

The authority under which these rules are proposed is RCW 28B.40.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 27, 1978, and/or orally at 6:00 p.m., Thursday, April 27, 1978, Pence Union Building Council Chambers, EWU, Cheney, WA.

By: H. Geo. Frederickson
President

NEW SECTION

WAC 172-150-165 RETALIATION PROHIBITED. Retaliation by any employee of the University against a person who files a complaint or assists in a case filed with the Human Rights Commission shall be subject to discipline up to and including possible termination.

WSR 78-03-028
PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY
[Filed Feb. 17, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 that the Eastern Washington University intends to adopt, amend, or repeal rules concerning Delegated Authorization to Hire, Dismiss and Discipline Classified Personnel, chapter 172-180 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 6:00 p.m., Thursday, April 27, 1978, in the Pence Union Building Council Chambers, Eastern Washington University, Cheney, WA.

The authority under which these rules are proposed is RCW 28B.40.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 27, 1978, and/or orally at 6:00 p.m., Thursday, April 27, 1978, Pence Union Building Council Chambers, Eastern Washington University, Cheney, WA.

By: H. Geo. Frederickson
President

Chapter 172-180 WAC
**DELEGATED AUTHORIZATION TO HIRE, DISMISS AND
DISCIPLINE CLASSIFIED PERSONNEL.**

WAC	
172-180-010	Introduction and Purpose.
172-180-020	Delegation of Appointing Authority Power.
172-180-030	Scope of Powers Delegated to Appointing Authorities.
172-180-040	Effective Date.

AMENDATORY SECTION (Amending Order 73-7, filed 3/20/73)

WAC 172-180-010 INTRODUCTION AND PURPOSE. In accordance with the requirements of WAC 251-12-010, through

which the Higher Education Personnel Board of the State of Washington did authorize "appointing authorities" to demote, suspend, and reduce in salary or dismiss any employee under its jurisdiction for the causes stated in such rule, the Board of Trustees at Eastern Washington ~~((State-College))~~ University hereby promulgates the following rules delegating the powers conferred upon it as an appointing authority. Such power is expressly derived from RCW 28B.40.120, which statute accords the Board of Trustees the power and duty to employ, discipline, and discharge ~~((college))~~ University employees within the limitations provided by law, and RCW 28B.40.528, which statute expressly accords the Board of Trustees the power, when exercised by resolution, to delegate to any designee powers and duties vested in or imposed upon the Board by law.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 73-7, filed 3/20/73)

WAC 172-180-020 DELEGATION OF APPOINTING AUTHORITY POWER.

In accordance with the statutory powers referred to in WAC 172-180-010 and in accordance with the rules promulgated by the Higher Education Personnel Board, the Board of Trustees of Eastern Washington ~~((State-College))~~ University, in accordance with the resolution adopting this WAC chapter, hereby designates the following positions, and the persons occupying such positions, as appointing authorities at Eastern Washington ~~((State-College))~~ University:

- (1) The President;
- (2) The Executive Vice President;
- ~~((2))~~(3) The ~~((Vice-President))~~ Provost for Academic Affairs;
- (4) The vice Provost for Graduate and Undergraduate Studies;
- ~~((3))~~(5) The vice President for Business and ~~((Management))~~ Finance;
- ~~((4))~~(6) The ~~((Vice-President))~~ Provost for Student Services;
- (7) The Director of University Relations;
- ~~((5))~~(8) The Dean, College of Letters and Sciences;
- ~~((6))~~~~((The Dean, Division of General and Special Studies));~~
- ~~((7))~~(9) The Dean, School of Fine Arts;
- ~~((8))~~(10) The Dean, School of Human Learning and Development;
- ~~((9))~~(11) The Dean, Division of Health Sciences;
- ~~((10))~~(12) The Dean, School of Business and Administration;
- (13) The Dean, School of Social Work and Human Services
- ~~((11))~~ ~~((The Dean of Graduate Studies));~~
- ~~((12))~~ ~~((The Dean of Undergraduate Studies));~~
- ~~((13))~~ ~~((The Dean of Continuing Education; and))~~
- (14) The ~~((College))~~ University Librarian; and
- (15) The Business Manager

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 73-7, filed 3/20/73)

WAC 172-180-030 SCOPE OF POWERS DELEGATED TO APPOINTING AUTHORITIES. The persons occupying the positions denominated in WAC 172-180-020 are delegated authority to terminate, suspend, or demote any classified service employee at Eastern Washington ~~((State-College))~~ University without the prior approval of the Board of Trustees. Additionally, such appointing authorities previously denominated are authorized to make such appointments of eligible persons to classified positions at Eastern Washington ~~((State-College))~~ University.

AMENDATORY SECTION (Amending Order 73-7, filed 3/20/73)

WAC 172-180-040 EFFECTIVE DATE. Upon the date this rule becomes effective, in accordance with the Higher Education Personnel Act, this rule shall supersede the resolution adopted by the Board of Trustees of Eastern Washington ~~((State-College))~~ University dated ~~((February 20, 1970))~~ March 20, 1973.

WSR 78-03-029
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Order 1270—Filed Feb. 17, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington the annexed rules relating to the amending of chapter 275-16 WAC relating to liability for costs of care and hospitalization of the mentally ill and chapter 275-20 WAC relating to costs of care for mentally deficient persons residing in state institutions.

This action is taken pursuant to Notice No. 7957 filed with the code reviser on 12/29/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 72.01.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 15, 1978.
 By Gerald E. Thomas
 Deputy Secretary

AMENDATORY SECTION (Amending Order 1, filed 2/23/68)

WAC 275-16-010 ((DEFINITIONS))
AUTHORITY ((As used in these rules and regulations

(1) "Director" shall mean the Director of the Department of Institutions of the State of Washington, or such officer of the department as he may designate to carry out in whole or in part the administration of the provisions of those rules and regulations, and chapter 127 of the Laws of 1967, Extraordinary Session [RCW 71.02.230, 71.02.320, and 71.02.410-71.02.417].

(2) "Department" shall mean the Department of Institutions of the State of Washington.

(3) "Act" shall mean chapter 127 of the Laws of 1967, Extraordinary Session, [Chapter 71.02] the law relating to costs and liability for care and hospitalization of the mentally ill.)

(1) The following rules regarding hospitalization charges are hereby adopted under the authority of Title 71 RCW.

((4)) (2) "Hospitalization" includes treatment, transportation, examination, diagnosis, care, detention, training, pharmaceutical services, outpatient services and other services provided for patients needing mental health treatment.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1190, filed 2/18/77)

WAC 275-16-030 SCHEDULE OF CHARGES.

(1) Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) **COSTING AND BILLING RATES**

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
((a) INPATIENT SERVICES -			
Per diem			
Combined Psychiatric Care			
Hospital Costs	\$34.55	\$48.81	\$49.73
Physicians' Costs	1.09	1.28	2.47
Total	35.64	50.09	52.20
Medical-Surgical Costs			
Hospital Costs	51.22		31.84
Physicians' Costs	2.83		1.42
Total	54.05		33.26

(b) OUTPATIENT SERVICES

Per diem			
Psychiatric Care Outpatient		19.49	
Psychiatric Care Day Care		12.21	

(c) Ancillary Services - Per Relative Value Unit

Anesthesia	7.38	7.38	2.68
Surgery	48.63	48.63	79.45
Radiology			
- Technical Component	2.82	2.82	1.26
- Professional Component	.96	.96	.59
Total - Radiology	3.78	3.78	1.85
- Pathology			
- Technical Component	.24	.24	.16
- Professional Component	.07	.07	.04
Total - Pathology	.31	.31	.20
Medical Clinics	.87	.87	.59
Electroencephalogram	2.15	2.15	.69
Electrocardiogram	.87	.87	.69
Inhalation Therapy	.87	.87	.92
Physical Therapy	.48	.48	.59
Occupational Therapy	.87	.87	.59
Speech Therapy	.87	.87	.59
Dental	.87	.87	.59
Podiatry	.87	.87	.59

(a) INPATIENT SERVICES - Per diem

Hospital Costs	\$58.44	\$76.12	\$57.39
Physician Costs	2.00	2.38	2.51
	60.44	78.50	59.90

(b) OUTPATIENT SERVICES -

Per diem			
Outpatient	—	\$67.13	—
Day Care	—	18.53	—

(c) ANCILLARY SERVICES -

Per Relative Value Unit / 1			
Radiology:			
<u>Technical</u>			
Component	3.23	3.23	2.80
<u>Professional</u>			
Component	1.19	1.19	.51
<u>Total</u>			
Radiology	4.42	4.42	3.31
Pathology:			
<u>Technical</u>			
Component	.26	.26	.09
<u>Professionals</u>			
Component	.10	.10	.06
<u>Total</u>			
Pathology	.36	.36	.15
Medical Clinics	.83	.83	.71
Electroencephalogram	2.23	2.23	1.74
Electrocardiogram	—	—	.16
Inhalation Therapy	—	—	1.54
Physical Therapy	.50	.50	—
<u>Occupational</u>			
Therapy	—	—	29.29
Speech Therapy	—	—	2.03
Dental	—	—	21.17
Podiatry	—	—	.75

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

¹ /California Medical Association. "Relative Value Studies". Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1, filed 2/23/68)

WAC 275-16-040 **FACTORS IN DETERMINING ABILITY TO PAY.** Ability to pay will be determined on the following basis:

(1) * MONTHLY FAMILY INCOME RANGE	** RANGE OF MONTHLY PAYMENT DUE
\$ 0 — \$ 300	\$ 0 — \$ 200
\$ 301 — \$ 600	\$ 0 — \$ 500
\$ 601 — \$ 1000	\$ 0 — \$ 900
\$ 1001 — \$ 1500	\$ 0 — \$ 1400

* MONTHLY INDIVIDUAL INCOME RANGE	** RANGE OF MONTHLY PAYMENT DUE
\$ 0 — \$ 300	\$ 0 — \$ 275
\$ 301 — \$ 600	\$ 0 — \$ 575
\$ 601 — \$ 1000	\$ 0 — \$ 925
\$ 1001 — \$ 1500	\$ 0 — \$ 1475
\$ 1501 — \$ 2000	\$ 0 — \$ 1975

(2) Nothing herein is to be construed as precluding the consideration of assets other than monthly income in making findings of financial responsibility.

*((This)) The family income range is also intended to enable payment to the state for situations in which support for a family is available from other sources during the period of hospitalization of the person who normally provides for the family income.

**Actual amount of payment due for each patient within each range to be determined by Department ((of Institutions)) in accordance with the provisions of these regulations.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION - 275 ← Code failed ok

WAC ~~388-16-045~~ **EXEMPT INCOME.** Patients whose total resources are insufficient to pay for the actual cost of care shall be entitled to a monthly exemption from income in the amount of \$25 or such amount as specified in WAC 388-29-125.

REPEALER (Amending Order 1, filed 2/23/68)

The following sections of the Washington Administrative Code are each repealed:

WAC 275-16-020 **INVESTIGATION AND DETERMINATION OF LIABILITY.**

WAC 275-16-050 **NOTICE OF RESPONSIBILITY—CONTENTS AND SERVICE.**

WAC 275-16-060 **APPEAL PROCEDURE—COURT REVIEW.**

WAC 275-16-070 **JUDGMENT UPON FINDING OF RESPONSIBILITY.**

WAC 275-16-080 **MODIFICATION OR VACATION OF FINDINGS.**

WAC 275-16-090 **SUBSEQUENT ENRICHMENT RECOVERY.**

WAC 275-16-100 **PAYMENT UNDER PRIOR LAW.**

AMENDATORY SECTION (Amending Order 2, filed 2/23/68)

WAC 275-20-010 **((DEFINITIONS))** ((For the purposes of these rules and regulations, unless the context requires otherwise:)) **AUTHORITY** ((+)) ^aMental deficiency is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming

those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and rehabilitation of mentally and/or physically deficient persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in the state by continuously residing within the state for a period of not less than one year before application for admission is made. PROVIDED, That the residence of an unemancipated minor shall be imputed from the residence of the father, if such minor is a legitimate child, otherwise from the residence of the mother, and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean the right of immediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted by the superintendent after reasonable notice and consultation with the parents or guardian of such resident.

(12) "Discharge" shall mean the relinquishment by a state school of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident.)

The following rules regarding costs of care of mentally/physically deficient persons are hereby adopted under the authority of RCW 72.33.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1191, filed 2/18/77)

WAC 275-20-030 SCHEDULE OF PER CAPITA COST. Resident charges will be collected on the basis of the following:

	((Per Capita Monthly Rate	Per Capita Daily Rate
Lakeland Village	\$ 860.49	\$ 28.29
Rainier School	829.77	27.28
Yakima Valley School	1,251.04	41.13
Fircrest School	1,550.03	50.96
Interlake School	1,129.07	37.12))

	Per Capita Monthly Rate	Per Capita Daily Rate
Lakeland Village	\$ 1,049.38	\$ 34.50
Rainier School	1,052.11	34.59
Yakima Valley School	1,287.84	42.34
Fircrest School	1,741.96	57.27
Interlake School	1,308.53	43.02
Frances Haddon Morgan	1,861.80	61.21
School for Blind - resident	1,110.50	36.61
School for Deaf - resident	645.19	21.27
School for Blind - nonresident	1,480.99	48.69
School for Deaf - nonresident	1,067.93	35.11

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 275-20-035 EXEMPT INCOME. Residents whose total resources are insufficient to pay the actual cost of care shall be entitled to a monthly exemption from income in the amount of \$25 or such amount as specified in WAC 388-29-125.

REPEALER (Amending Order 1191, filed 2/18/77)

The following sections of the Washington Administrative Code are each repealed:

- WAC 275-20-020 FINANCIAL RESPONSIBILITY ESTABLISHED.
- WAC 275-20-040 DATE PAYABLE—RESERVE FOR PERSONAL AND SPECIAL NEEDS—CLOTHING.
- WAC 275-20-050 SUPERINTENDENTS TO SUPPLY INFORMATION.
- WAC 275-20-060 PER CAPITA COST—DETERMINATION OF ABILITY TO PAY.
- WAC 275-20-070 APPEAL PROCEDURE—JUDICIAL REVIEW.

WSR 78-03-030

ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1269—Filed Feb. 17, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington the annexed rules relating to the amending of chapter 275-

32 WAC relating to special supervision—county juvenile probation programs.

This action is taken pursuant to Notice No. 7935 filed with the code reviser on 12/21/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 13.06.030 which directs that the secretary of the Department of Social and Health Services has authority to implement the provisions of chapter 13.06 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 15, 1978.

By Gerald E. Thomas
Deputy Secretary

NEW SECTION

WAC 275-32-115 TREATMENT PLAN. A written program plan shall be prepared for each youth assigned to a special supervision program. The plan shall include, but not be limited to, an identification of client problems, reasons for referral to a special supervision program, assessment of treatment needs, and a rehabilitation plan. The department may perform periodic reviews to insure that the program plans are developed and followed to the best ability of the court.

NEW SECTION

WAC 275-32-125 RECEIPTS THAT EXCEED PROGRAM COSTS. Receipts during any one payment period that exceed program cost may be applied toward program cost during the next succeeding operational year. Expenditures of such surplus funds must be limited to the juvenile court special supervision program and must further be restricted to the purchase of special services and programs; expenditures for the purchase of equipment, capital outlay, existing or new employees will not be permitted. The financial officer of the county shall certify, annually, that all such surplus funds will be spent as specified herein. Such certification shall be a precondition to the county's receipt of any funds under this program.

NEW SECTION

WAC 275-32-135 STANDARD COST AND WORKLOAD STANDARDS. The standard cost and workload standards as defined below shall be established biennially by the Bureau of Juvenile Rehabilitation. Standard cost is the per capita cost of providing community treatment services for youths assigned to the special supervision programs. Workload standards is defined as the ratio of youths receiving special supervision services to the commitment reduction number.

NEW SECTION

WAC 275-32-145 EARNING OF CREDITS. Earning of credits as identified in RCW 13.06.050(6) will be limited to regular commitments.

NEW SECTION

WAC 275-32-155 COUNTY PLANNING PROCESS. Annual application for county participation in the probation subsidy program shall include the county's plan for services to be performed with funds dispensed through the program. During the preparation of such plan, the county shall solicit and consider responsible comments and advice as presented by interested local residents and the region law and justice planning committee as established pursuant to 42 USC 3701 et seq. Prior to the county's adoption of each annual plan, the county shall hold a public hearing whereat all public comments and criticism shall be recorded, considered and preserved.

NEW SECTION

WAC 275-32-165 COUNTY'S COOPERATION WITH OTHER AGENCIES. In reviewing each submitted application as per WAC 275-32-035, the secretary, shall consider the general coordination of services available in that county. The secretary may make such county's cooperation with local public and private agencies providing services to juveniles, a condition to the county's receipt of funds under this program.

NEW SECTION

WAC 275-32-175 ALTERNATE PLANS. For those counties, who as an alternate plan, elect to receive from the state the salary of one full-time probation officer, the salary level will be the same as the salary schedule adopted by the Washington State Department of Personnel for compensating juvenile parole counselors. The annual salary will be that in effect on January 1, of each year. In the event a probation officer has a bachelor's degree, preferably with major study in psychology, sociology or other social services and one year of social service experience or graduate training in social work, psychology or closely allied field, he/she will be paid at the level of Juvenile Parole Counselor I; and in the event a probation officer under this plan has the basic qualifying education, plus two years experience in social work, probation, parole, counseling, youth group work, or two years of graduate study in social work, psychology or a closely related field, or a combination of the two, then the Juvenile Parole Counselor II salary schedule will apply.

WSR 78-03-031

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 78-7—Filed Feb. 17, 1978]

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fish receiving ticket regulations.

This action is taken pursuant to Notice No. 7980 filed with the code reviser on 12/30/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 78.08.080, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 27, 1978.

By Gordon Sandison
Director

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-220 DEFINITION OF TERMS. (1) DEPARTMENT OF FISHERIES as referred to in this chapter shall mean:

Department of Fisheries
Data Processing Section
Room 115 General Administration Building
Olympia, Washington 98504
Telephone (206) 753-2540 or (206) 753-6580

(2) DEALER as referred to in this chapter shall mean the original purchaser or receiver of food fish, shellfish, or parts thereof.

(3) FISHERMAN as referred to in this chapter shall mean the person who catches or delivers ((of)) food fish, shellfish, or parts thereof.

(4) IPSFC as referred to in this chapter shall mean: International Pacific Salmon Fisheries Commission
P.O. Box 30
New Westminster, British Columbia CANADA

(5) TREATY as referred to in this chapter shall mean any person, group, or activity thereof made unique by virtue of descendance from Indian tribes signatory to treaties made with the United States Government in the mid-1850's where such treaties reserved certain rights in what is now the State of Washington or waters bordering that state.

(6) NONTREATY as used in this chapter shall mean all entities not qualified by definition as treaty.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-230 DESCRIPTION OF CANNERY FISH RECEIVING TICKET. (1) There is hereby created a Cannery Fish Receiving Ticket form to

be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or Owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.
- (c) Boat Name: Name or Coast Guard number of landing vessel.
- (d) ~~((Plate Number))~~ WDF Boat Registration: Washington Department of Fisheries Boat ~~((Plate))~~ Registration Number ~~((or Vessel Delivery Permit number))~~.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's Signature: Signature of seller or deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, ((or)) and Department of Fisheries' number assigned to dealer.
- (i) Buyer: Name of buyer, ((or)) and Department of Fisheries' number assigned to buyer.
- (j) Dealer's Signature: Signature of purchaser or receiver.
- (k) Number of Days Fished: Days spent catching fish.
- (l) Fish Caught Inside or Outside 3-Mile Limit: Check one box.
- (m) Catch Area: Salmon catch area code.
- (n) Tally Space for Dealer's Use: Used at dealer's discretion.
- (o) Species Code: Department of Fisheries' assigned species code.
- (p) Number of Fish, Species Description Pounds, and ((Price)) Value: Summary information for species landed.
- (q) Work Area for Dealer's Use: Used at dealer's discretion.
- (r) Total Amount: Total value of landing.
- (s) ((+)) 2 1/2% Tax: ((+)) 2 1/2% tax collected.
- (t) ((-)) 1% Tax: ((-)) 1% tax collected.
- (u) 1% Tax: 1% tax collected.
- (v) Amount Paid: Value paid to seller.

(2) The Cannery Fish Receiving Ticket shall be used for:

- (a) Deliveries of nontreaty salmon caught in inland waters.
- (b) Any other delivery of nontreaty salmon where the catch may be easily recorded.
- (c) Any imports of fresh salmon into the state of Washington.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-69-231 DESCRIPTION OF TROLL FISH RECEIVING TICKET. (1) There is hereby created a Troll Fish Receiving Ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or Owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.
- (c) Boat Name: Name or Coast Guard number of landing vessel.

(d) ~~((Plate Number))~~ WDF Boat Registration: Washington Department of Fisheries' ((Boat)) Registration Number((, or Vessel Delivery Permit number)).

(e) Gear: Code number or name of specific type of gear used.

(f) Fisherman's Signature: Signature of seller or deliverer.

(g) Date: Date of landing.

(h) Dealer: Name of dealer, ~~((or))~~ and Department of Fisheries' number assigned to dealer.

(i) Buyer: Name of buyer, ~~((or))~~ and Department of Fisheries' number assigned to buyer.

(j) Dealer's Signature: Signature of purchaser or receiver.

(k) Number of Days Fished: Days spent catching fish.

(l) Fish Caught Inside or Outside 3-mile Limit: Check one box.

(m) Catch Area: Salmon Management and Catch Reporting Area((s)) if any salmon are landed; Marine fish shellfish management and catch reporting area no salmon are landed.

(n) Tally Space for Dealer's Use: Used at dealer's discretion.

(o) Grade and Species Code: Department of Fisheries' assigned grades and species codes.

(p) Number of Fish, Species Distribution, Pounds, and ~~((Price))~~ Value: Information for each species landed.

(q) Total Amount: Total value of landing.

(r) ~~((+))~~ 2 1/2% Tax: ((+)) 2 1/2% tax collected.

(s) ~~((2))~~ 1 1/2% Tax: ((2)) 1 1/2% tax collected.

(t) 1% tax: 1% tax collected.

(u) Amount Paid: Value paid to seller.

(2) The Troll Fish Receiving Ticket shall be used for:

(a) Deliveries of nontreaty coastal salmon and incidental catch.

(b) Any other nontreaty deliveries where the species delivered may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-232 DESCRIPTION OF MARINE FISH RECEIVING TICKET. (1) There is hereby created a Marine Fish Receiving Ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

(a) Fisherman or Owner: Name of seller or deliverer.

(b) Address: Address of seller or deliverer.

(c) Boat Name: Name or Coast Guard number of landing vessel.

(d) ~~((Plate Number))~~ WDF Boat Registration: Washington Department of Fisheries Boat ((Plate)) Registration Number((, or Vessel Delivery Permit number)).

(e) Gear: Code number or name of specific type of gear used.

(f) Fisherman's Signature: Signature of seller or deliverer.

(g) Date: Date of landing.

(h) Dealer: Name of dealer, ~~((or))~~ and Department of Fisheries' number assigned to dealer.

(i) Buyer: Name of buyer, ~~((or))~~ and Department of Fisheries' number assigned to buyer.

(j) Dealer's Signature: Signature of purchaser or receiver.

(k) Number of Days Fished: Days spent catching fish.

(l) Fish Caught Inside or Outside 3-Mile Limit: Check one box.

(m) Catch Area: Marine fish/shellfish catch area code.

(n) Physical gear used: Circle the physical gear actually used to catch the fish.

(o) Tally Space for Dealer's Use: Used at dealer's discretion.

(p) Species Code: Department of Fisheries' species code.

(q) Species Description, Pounds of Fish, and ~~((Price))~~ Value: Information for each species landed.

(r) Total Amount: Total value of landing.

(s) ~~((+))~~ 2 1/2% Tax: ((+)) 2 1/2% tax collected.

(t) ~~((2))~~ 1 1/2% Tax: ((2)) 1 1/2% tax collected.

(u) 1% tax: 1% tax collected.

(v) Amount Paid: Value paid to seller.

(2) The Marine Fish Receiving Ticket shall be used for:

(a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon.

(b) Any imports of fresh marine fish or bottomfish.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-233 DESCRIPTION OF UTILITY FISH RECEIVING TICKET. (1) There is hereby created a Utility Fish Receiving Ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

(a) Fisherman or Owner: Name of seller or deliverer.

(b) Address: Address of seller or deliverer.

(c) Boat Name: Name or Coast Guard number of landing vessel.

(d) ~~((Plate Number))~~ WDF Boat Registration: Washington Department of Fisheries Boat ((Plate)) Registration Number((, or Vessel Delivery Permit number)).

(e) Gear: Code number or name of specific type of gear used.

(f) Fisherman's Signature: Signature of seller or deliverer.

(g) Date: Date of landing.

(h) Dealer: Name of dealer, ~~((or))~~ and Department of Fisheries' number assigned to dealer.

(i) Buyer: Name of buyer, ~~((or))~~ and Department of Fisheries' number assigned to buyer.

(j) Dealer's Signature: Signature of purchaser or receiver.

(k) Number of Days Fished: Days spent catching fish.

(l) Fish Caught Inside or Outside 3-Mile Limit: Check one box.

- (m) Catch Area: Marine fish/shellfish catch area code.
- (n) Tally Space for Dealer's Use: Used at dealer's discretion.
- (o) Species Code: Department of Fisheries species code.
- (p) Number of Fish, Species Description, Pounds, and ~~((Price))~~ Value: Information for each species landed.
- (q) Total Amount: Total value of landing.
- (r) ~~((+))~~ 2 1/2% Tax: ~~((+))~~ 2 1/2% tax collected.
- (s) ~~((2))~~ 1 1/2% Tax: ~~((2))~~ 1 1/2% tax collected.
- (t) 1% tax: 1% tax collected.
- (u) Amount Paid: Value paid to seller.

(2) The Utility Fish Receiving Ticket shall be used for:

(a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate.

(b) Any imports of fresh foodfish or shellfish that do not include salmon.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-234 DESCRIPTION OF TREATY INDIAN FISH RECEIVING TICKET. (1) There is hereby created a Treaty Indian Fish Receiving Ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Tribal Name: Name of tribe.
- (b) Fisherman: Name of seller or deliverer.
- (c) Identification Card Number: Treaty Indian identification number.
- (d) Signature: Signature of seller or deliverer.
- (e) Date: Date of landing.
- (f) Dealer: Name of dealer, ~~((or))~~ and Department of Fisheries' number assigned to dealer.
- (g) Buyer: Name of buyer, ~~((or))~~ and Department of Fisheries' number assigned to buyer.
- (h) Gear: Code name or number of specific gear type used.

(i) On-Reservation Catch Area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.

~~((+))~~ (j) Off-Reservation Catch Area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.

- ~~((+))~~ (k) Gear Type: Numerical gear code.
- ~~((+))~~ (l) Number of Nets: Number of nets used.
- ~~((+))~~ (m) Species and Description: Species name of fish landed.
- ~~((m))~~ (n) Number of Fish, Pounds, and ~~((Price))~~ Value: Information for each species landed.

- ~~((n))~~ (o) Subtotal: Total price of catch landed.
 - ~~((or))~~ (p) Tribal Tax: Tribal tax collected.
 - ~~((p))~~ (q) Total: Total price paid seller or deliverer.
- (2) The Treaty Indian Fish Receiving Ticket shall be used for:

(a) Any deliveries of fish caught by treaty Indians exercising a treaty fishing right in established treaty waters.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-235 DESCRIPTION OF OYSTER PRODUCTION REPORT. (1) There is hereby created an Oyster Production Report form to be prepared, printed, and distributed on request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Dealer's Name: Name of purchaser or receiver.
- (b) Address: Address of purchaser or receiver.
- (c) Plant Location: City where plant is located.
- (d) Number of Employees: Number of employees employed by the firm.

(e) Report for Month of: Month and year covered by the report.

~~((e)) Summary Line: Showing district, dealer, port, year, month, day, ticket number, and gear:))~~

(f) Received From: Name of grower, seller, or deliverer.

(g) Location of Beds: Geographical location of oyster beds.

(h) Area Code: Department of Fisheries' geographical area code.

(i) Species: Species of oyster.

(j) Species Code: Department of Fisheries' species code.

(k) Pounds, Bushels, or Gallons: Quantity of oysters received.

(l) Price: Price per unit received.

(m) Amount: Total price.

(n) Signature: Signature of purchaser or receiver.

(2) The Oyster Production Report shall be used for monthly reporting of oysters received, purchased, shucked, or shipped as specified in WAC 220-69-242(2).

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-254 REQUIRED INFORMATION ON TREATY INDIAN FISH RECEIVING TICKETS. Entries (a) through (j) and entries ~~((+))~~ (m) and ~~((m))~~ (n) of subsection (1) of WAC 220-69-234 shall be required on each completed Treaty Indian Fish Receiving Ticket.

PROVIDED, That a valid treaty Indian identification card may be used in lieu of entries (a) through (d) of subsection (1) of WAC 220-69-234.

PROVIDED FURTHER, That a valid dealer or buyer card issued by the Department of Fisheries may be used in lieu of entries (f) and (g) of subsection (1) of WAC 220-69-234.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-255 REQUIRED INFORMATION ON OYSTER PRODUCTION REPORT. Entries (a) through ~~((d))~~ (e) and entries ~~((f), (g), (i);)~~ (k),

((and)) (l) ((through)) and (n) of subsection (1) of WAC 220-69-235 shall be required on each completed Oyster Production Report.

WSR 78-03-032

codified

ADOPTED RULES

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Order 78-1—Filed Feb. 17, 1978]

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-271 DEALER AND BUYER PLATES. (1) Upon lawful application for a wholesale dealer's license, a dealer's plate will be issued by the Department of Fisheries for any dealer acting as or intending to act as an original dealer. The dealer's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, and Department of Fisheries' dealer number.

(2) Upon lawful application for a wholesale buyer's license or a branch plant license, a buyer's plate will be issued by the Department of Fisheries for any buyer acting or intending to act on the behalf of an original receiver. The buyer's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, Department of Fisheries' dealer number, buyer name, and Department of Fisheries' buyer number.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-280 FISH RECEIVING TICKET ACCOUNTABILITY. Only Series G or Series H State of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official State of Washington fish receiving tickets may be ordered free of charge from the Department of Fisheries.

(2) Fish receiving ticket books shall be used in numerical sequence, starting with the lowest numbered ticket book issued to the purchaser or receiver. All Series G tickets shall be used before using Series H.

(3) Fish receiving tickets or ticket books shall not be transferred from one purchaser or receiver to another purchaser or receiver without written permission from the Department of Fisheries.

(4) Any purchaser or receiver terminating business shall notify the Department of Fisheries in writing and shall return all unused fish receiving tickets and ticket books to the Department of Fisheries within 30 days after termination of business.

(5) All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, shall be submitted to the Department of Fisheries accompanying, and in sequence with, other fish receiving tickets.

(6) All fish receiving tickets that are lost, destroyed, or otherwise missing, shall be accounted for in writing to the Department of Fisheries.

Be it resolved by the Interagency Committee for Outdoor Recreation, acting at Transportation Commissioners' Board Room, Wing D-1, Highways Administration Building, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to semantic changes to Title 286 WAC, as well as revisions to specifically amend the Code to comply with Legislative amendments to the Off-Road Vehicle Act (ORV) (originally passed in 1972 as All-Terrain Vehicle Act), and WAC 286-26-010 through 286-26-070, concerning definitions (changing the term "All-terrain" to "Off-road"), and rewriting of Eligibility (chapter 286-16 WAC), Procedure (chapter 286-20 WAC), repealing WAC 286-20-030, and rewriting of funding of projects (chapter 286-24 WAC), repealing apportionment of funds WAC 286-26-050 to conform to the law. Also adding new section WAC 286-04-060 pertaining to Procedural Guidelines of the Interagency Committee for Outdoor Recreation.

This action is taken pursuant to Notice No. 7962 filed with the code reviser on 12/30/77, (Continuation Notice No. 78-02-101, filed 1/31/78). Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 43.99 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 7, 1978.

By Robert L. Wilder
Administrator

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-04-020 ORGANIZATION AND OPERATIONS. (1) The Interagency Committee for Outdoor Recreation is an unsalaried committee consisting of the (a) Commissioner of Public Lands, (b) ~~((Director))~~ Secretary of the ~~((Highways))~~ Department of Transportation, (c) Director of the Ecology Department, (d) Director of the Game Department, (e) Director of the Fisheries Department, (f) Director of the Parks and Recreation Commission, (g) Director of the Department of Commerce and Economic Development, and five citizens appointed by the governor from the public-at-large for a term of three years. The Chairman of the Committee is appointed by the governor from the five citizen members. (RCW 43.99.110)

(2) The Interagency Committee was created by Initiative 215 (Marine Recreation Land Act of 1964). It is authorized to allocate and administer funds to local

codified OK

and state agencies from the State General Fund Outdoor Recreation Account. This account includes monies derived from (a) unclaimed marine fuel tax refunds; (b) sales of bonds under Referenda 11, 18, and 28; (c) the state apportionments of the federal land and water conservation funds, and (4) from such other sources as the legislature may provide. (RCW 43.99.060)

(3) The Interagency Committee is authorized and obligated to prepare, maintain and update a comprehensive state-wide outdoor recreation and open space plan. (RCW 43.99.122)

(4) The Interagency Committee does not operate any outdoor recreation facilities.

(5) The work of the Interagency Committee is performed by a staff under the direction of an administrator appointed by the Committee. The office of the committee and its staff is 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504.

(6)(a) Regular meetings of the Interagency Committee are held according to a schedule adopted by the Interagency Committee which schedule is reviewed from time to time as need dictates.

(b) Special meetings may be called by the chairman at any time. (RCW 34.04.020(2))

(7) Reimbursement of Expenses. Members of the Interagency Committee appointed from the public-at-large shall (~~receive per diem and travel expenses while engaged~~) be reimbursed pursuant to a special schedule at the daily per diem rate prescribed in accordance with subsection (1) of RCW 43.03.050 for each day or portion thereof spent on official business away from their homes and shall be entitled to receive all necessary travel expenses other than per diem on the same basis as is provided by law for state officials and employees generally(~~(RCW 43.99.110)~~)).

NEW SECTION

WAC 286-04-060 PROCEDURAL GUIDELINES. The Committee shall cause to be formulated for use by project sponsors, potential sponsors, and others "Procedural Guidelines" that describe the procedures to be following in order to conform to the policies of the Committee. Such "Procedural Guidelines" shall not have the force and/or effect of Washington Administrative Code rules.

Proposed "Procedural Guidelines" shall be considered by the Committee in an open public meeting and may be approved, by resolution or motion, with a quorum of the members present. Informal notice of such considerations will be given by distribution of the agenda for the meeting, press releases, or other such means.

Project sponsors or other interested parties may petition the Administrator for a waiver or waivers of those procedural guidelines dealing with general administrative matters and procedures. Determinations on petitions for waivers made by the Administrator are subject to review by the Committee at the request of the petitioner.

Petitions for waivers of procedural guidelines having subject matter dealing with Committee policy, and those petitions that in the judgment of the Administrator

require Committee review, shall be referred to the Committee for its deliberation.

Petitions for waivers referred to the Committee may be granted after consideration by the Committee at an open public meeting with a quorum of the members present.

AMENDATORY SECTION (Amending Order 73-4, filed 12/19/73)

WAC 286-06-020 DEFINITIONS. (1) Public Records. "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or 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.((^a))

(3) Interagency Committee for Outdoor Recreation. The Interagency Committee for Outdoor Recreation is the 12 member committee comprised of the Commissioner of Public Lands, (~~(Director)~~) Secretary of ((Highways)) the Department ~~(of)~~ Transportation, Director of the Ecology Department, Director of the Game Department, Director of the Fisheries Department, Director of the Parks and Recreation Commission, Director of the Department of Commerce and Economic Development and five citizens appointed by the Governor from the public for a term of three years. The chairman of the Committee is appointed by the Governor from the five citizen members. (RCW 43.99.110). The Interagency Committee for Outdoor Recreation shall hereinafter be referred to as the "Committee." Where appropriate, the term Committee also refers to the staff and employees of the Interagency Committee for Outdoor Recreation.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 73-4, filed 12/19/73)

WAC 286-06-040 OPERATIONS AND PROCEDURES. The Committee staff workers perform under the direction of an administrator appointed by the Committee. The office of the Committee and its staff are located at 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504. The Committee functions through regular meetings which are held according to a schedule adopted by the Committee which schedule is reviewed periodically as the need dictates. Special meetings are authorized to be called by the chairman at any time. See WAC 286-04-030 for specific rules and objectives adopted by the Committee for its own guidance.

AMENDATORY SECTION (Amending Order 73-4, filed 12/19/73)

WAC 286-06-060 PUBLIC RECORDS OFFICER. The Committee's public records shall be in charge of a public records officer designated by the ~~((Committee chairman))~~ [Administrator]. The person so designated shall be located in the Administrative Office of the Committee. The public records officer shall be responsible for the following: The implementation of the Committee's rules and regulations regarding release of public records, coordinating the staff of the Committee in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

~~Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.~~

AMENDATORY SECTION (Amending Order 73-4, filed 12/19/73)

WAC 286-06-140 COMMITTEE ADDRESS. All communications with the Committee pertaining to the administration of chapter 1, Laws of 1973 and these rules shall be addressed as follows: I.A.C., c/o Public Records Officer, 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-16-010 SCOPE OF CHAPTER. This chapter contains rules affecting the eligibility of local and state agencies to share outdoor recreation account money for eligible projects available from or through the Interagency Committee except for funds deposited in the Outdoor Recreation Account to be administered and distributed by the Interagency Committee for Outdoor Recreation for the planning, acquisition, development and management of ~~((All Terrain))~~ Off-Road Vehicle trails and areas.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-16-020 ELIGIBILITY FOR FUNDING ASSISTANCE. Only public agencies authorized to acquire or improve public outdoor recreation land, including Indian tribes now or hereafter recognized as such by the federal government for participation in the Land and Water Conservation ~~((program))~~ Fund, are eligible for funding assistance by the Interagency Committee.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-16-030 APPORTIONMENT OF MONIES BETWEEN STATE AND LOCAL AGENCIES. Unless otherwise specified in the enabling legislation, monies available from all sources, including the United States government, shall be divided into two equal shares, one for aid to state agencies and one for

aid to local public agencies; except that this provision shall not apply to federal Land and Water Conservation Fund monies apportioned or reapportioned from the Secretary of the Interior's Contingency Fund.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-16-040 MATCHING REQUIREMENTS. (1) Local Agencies-Matching Requirements. (a) Insofar as it is possible under the state-wide outdoor recreation plan, local project applications will be administered and approved for funding from the outdoor recreation account in a manner that will maximize federal assistance available for the benefit of state and local outdoor recreation projects in Washington.

(b) The Interagency Committee will not approve any local project where the local share is less than 25 percent of the total project cost, with the remaining share of up to, but not exceeding, 75 percent being composed of state funds, federal funds, or state and federal funds, regardless of federal source.

(2) State Agencies, Matching Requirements. (a) The Interagency Committee may approve 100 percent funding from the outdoor recreation account for projects proposed by state agencies.

(b) If federal matching money, regardless of federal source, is available, the state agency may be assisted by Interagency Committee funds so as to achieve 100% funding.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-16-070 STATE AGENCY REQUIREMENTS. Before the Interagency Committee will consider any project proposed by a state agency, ~~((the following steps must be taken by))~~ that agency ~~((:~~ (1) ~~Submission~~) must submit to the Interagency Committee ~~((of))~~ a six-year capital improvement program ~~((:~~

(2) ~~Submission of a long range capital plan~~) which ~~((is to))~~ shall include a long term ~~((20 years))~~ statement of agency outdoor recreation acquisition and development goals.

AMENDATORY SECTION (Amending Order 76-2, filed 6/30/76)

WAC 286-16-080 REIMBURSEMENT POLICY. State aid for acquisition or development of outdoor recreation land is intended to supplement and expand the existing capacity of a state or local agency; it is not intended to supplant the agency's own program, or to reimburse the agency for the cost of projects it would have undertaken without the state matching money. Therefore, except as hereinafter provided, the interagency committee will not approve the disbursement of outdoor recreation funds for a project when land has been purchased or the development has been undertaken before the interagency committee has approved the project and a project contract has been signed.

(1) Retroactive costs. Acquisition: Retroactive costs on an acquisition project are those costs incurred after receipt of application but prior to the execution of the project contract ((or project contract amendments)).

(a) When it is determined by an applicant that an emergency exists, which may jeopardize the project, the administrator may, upon a showing in writing of necessity for action prior to normal processing of the application, grant permission to proceed by issuance of a written waiver of retroactivity which letter will not be construed as a qualitative approval of the proposed project, but if the project is subsequently approved, the retroactive costs thus incurred will be eligible for assistance. If the project is to remain eligible for grant-in-aid support from federal funds, the administrator shall not grant a waiver of retroactivity to the applicant agency until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

(b) After a project ((contract)) application for acquisition has been ((executed)) approved by the Interagency Committee, the applicant agency will not lose its approved state assistance because it thereafter acquires the subject property prior to action on the agency's application for assistance from a federal agency if (1) the applicant agency requests in writing, and receives the permission of the administrator to purchase and (2) the federal agency has notified the administrator that acquisition of the land will not jeopardize the proposed federal funding.

(2) Retroactive Costs. Development: Retroactive costs on a development project are defined as those site improvement and/or construction costs incurred ((after receipt of an application but)) prior to execution of the project contract ((or project contract amendments)). Retroactive development costs as defined herein are not eligible for reimbursement.

~~((a) When it is determined by an applicant that an emergency exists, which may jeopardize the project's progress and/or benefits, the administrator may, upon a showing in writing of necessity for action prior to normal processing of the application, grant permission by waiver of retroactivity, which letter will not be construed as a qualitative approval of the proposed project, but if the project is subsequently approved, the retroactive costs thus incurred will be eligible for assistance.~~

~~(b) Necessary costs for the preparation of a development project incurred prior to project approval may be eligible, but must be specifically listed in the project proposal.~~

~~(c) After a project contract for development, which has been funded wholly or partially with federal funds has been executed, no costs will be eligible for consideration as retroactive, except as provided in WAC 286-16-080(2)(b), unless the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.~~

~~Provided, that the administrator shall file said rule with the code reviser.))~~

~~[(3)] Preliminary Expense. Development: Preliminary expense on a development project is defined as consisting~~

of costs incurred prior to project approval that are necessary for the preparation of a development project. Preliminary expense attributable to a development project may be eligible for reimbursement, but only if it is specifically mentioned in the project application.

~~(((3))) (4) Cost Increases((:)). Cost increases for approved projects may be granted by the Interagency Committee provided that financial resources are available.~~

~~(a) If an agency has applied for financial assistance for an outdoor recreation project, and the project has been approved, the applicant agency may request the Interagency Committee to increase such financial assistance ((under these circumstances;)) and the request shall be considered on its merits ((and in relation to competing requests for any available funds)).~~

~~(b) If an approved project recommended for federal funding is denied by the appropriate federal agency, the applicant agency may request the interagency committee to increase the state fund assistance by an equivalent amount((;)) and the request shall be considered on its merits ((and in relation to competing requests for available funds)).~~

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-20-010 SCOPE OF CHAPTER. This chapter contains the mandatory procedural requirements that must be met by all agencies applying for state aid for acquisition or development of outdoor recreation land and facilities except application for ~~((All Terrain))~~ Off-Road Vehicle Funds.

REPEALER (Amending Order 3, filed 7/31/73)

The following section of the Washington Administrative Code is repealed:

WAC 286-20-030 DEADLINES.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-24-010 SCOPE OF CHAPTER. This chapter contains rules relating to the manner of funding projects and the duties of an agency after its project has been funded in whole or part with monies, other than Off-Road Vehicle funds, administered by the Interagency Committee ~~((except All Terrain Vehicle funds)).~~

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-24-020 PROJECT CONTRACT. For every funded project, a project contract must be executed as provided in this section.

(1) The project contract shall be prepared by the Interagency Committee staff ~~((prior))~~ subsequent to approval of the project by the Committee at a public meeting ((when the proposed project will be considered for approval)). The ~~((agency))~~ administrator or his designee shall execute the contract ~~((prior to that meeting))~~ on behalf of the Interagency Committee and

Code

Code

Code

X

tender the document to the grantee agency for execution. Upon execution by the grantee agency the parties will thereafter be bound by the project contract terms.

(2) ~~((After approval))~~ If the project is approved by the Interagency Committee to receive grant-in-aid from the federal Land and Water Conservation Fund, the administrator or his designee ~~((with))~~ shall not execute ~~((the))~~ a project contract ~~((and))~~ with the ~~((applicant))~~ grantee agency ~~((will thereafter be bound by))~~ until the federal funding has been authorized through the execution of a concurrent project ~~((contract terms))~~ agreement between the Interagency Committee and the United States Department of the Interior, Bureau of Outdoor Recreation.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-24-040 DISBURSEMENT OF FUNDS. Except as otherwise provided herein the administrator or his designee will ~~((provide))~~ authorize disbursement of funds allocated to a project only on reimbursable basis, after the agency has acquired or developed the outdoor recreation land with its own funds and ~~((on))~~ has presented a billing showing satisfactory evidence of property rights and compliance with partial and/or total provisions of the project contract.

(1) Exception. Funds are appropriated to state agencies by the Legislature.

(2) Advances. Advance payments may be made for acquisition ~~((or development))~~ projects following Interagency Committee approval when the applicant agency demonstrates to the administrator that it lacks financial resources to purchase the proposed property ~~((or complete the development))~~ and then seek reimbursement.

(3) Partial payment. Partial payments may be made during the course of an acquisition or development project ~~((upon))~~ on a reimbursement basis ~~((pursuant to))~~ upon presentation of a billing showing satisfactory evidence of partial acquisition or development.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-010 SCOPE OF CHAPTER. This chapter contains rules affecting the eligibility of agencies to share in ~~((all terrain))~~ off-road vehicle funds for ~~((all terrain))~~ off-road vehicle trails and areas.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-020 DEFINITIONS. For purposes of this chapter, the following definitions shall ~~((be defined as follows))~~ apply:

(1) "Non-highway vehicle" means any self-propelled vehicle when used for recreation travel on trails and non-highway roads or for recreation cross-country travel on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, two or four-wheel drive vehicles,

motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Non-highway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

~~((1))~~ (2) "~~((All-Terrain))~~ Off-road Vehicle" ~~((ATV))~~ (ORV) means any ~~((self-propelled))~~ non-highway vehicle when used for cross-country travel on trails ~~((and non-vehicle roads))~~ or any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain~~((; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, logging and private forestry vehicle, snowmobiles or any military or law enforcement vehicles))~~.

~~((2))~~ (3) "~~((All-terrain))~~ Interagency Committee for Outdoor Recreation Off-Road Vehicle funds" ~~((ATV Funds))~~ (IAC-ORV Funds) means those funds deposited in the Outdoor Recreation Account to be administered and distributed by the Interagency Committee in conformance with this WAC, RCW 46.09, and IAC-ORV Procedural Guidelines for the planning, acquisition, development and management of ~~((ATV))~~ ORV trails and areas.

~~((3))~~ (4) "~~((All-terrain))~~ Off-road vehicle trail" ~~((ATV trail))~~ (ORV trail) means a corridor designated and maintained for public ORV recreational ~~((ATV travel))~~ use which ~~((may be either a trail not generally traversable by a conventional two-wheel drive vehicle or a non-highway road which: (1) is any road other than a highway generally capable of travel by a conventional two wheel drive passenger automobile during most of the year and in use by such vehicles, and (2) is private or controlled and maintained by the Department of Natural Resources, the State Parks and the Recreation Commission or the State Game Department, and (3) may not be built or maintained by appropriation from the motor vehicle fund))~~ is not normally suitable for travel by conventional two-wheel drive vehicles and which is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

~~((4))~~ (5) "~~((All-terrain))~~ Off-road vehicle use area" ~~((shall be divided into two types: (a) Intensive use = a designated area suitable for high density public use with a sufficient percentage of total site free enough of vegetative cover and of gentle slope to be traversed by ATV vehicles, and (b) dispersed use = an area suitable for low-density, off-ATV trail public recreational ATV use and not normally requiring support facilities or on-site staffing))~~ means the entire area of a parcel of land except for camping and approved buffer areas where it is posted or designated for ORV use in accordance with rules adopted by the managing authority.

~~((5)) "Highway" means the entire width between the boundary lines of every way publicly maintained by the State Department of Highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right. (RCW 46.09))~~

(6) "Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ~~((ATV))~~ ORV trails and ~~((ATV))~~ ORV areas.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-030 ELIGIBILITY. Those agencies of government which are eligible to receive ~~((ATV))~~ ORV Funds are: Departments of state government, counties, and municipalities. The Interagency Committee may make intergovernmental agreements with federal agencies for the use of ORV monies.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-040 QUALIFICATION. To ~~((qualify))~~ be considered to receive up to 100 percent ~~((ATV))~~ ORV funds an eligible recipient must file with the Interagency Committee(:

(1) ~~An action plan. This plan must be accompanied by proof of official adoption by the appropriate public administrative bodies.~~

(2) ~~An All-terrain vehicle trails and area inventory which shall consist of all present and proposed ATV trails and areas on which the applicant permits or will permit public, recreational ATV use.~~

(3) ~~an application form supplied by the Interagency Committee. ((The action plan and the inventory must be submitted on or before November 30 of each odd numbered year.))~~

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-060 ~~((DISTRIBUTION))~~ DISBURSEMENT OF FUNDS. ~~((1))~~ Fund distribution will be made in a timely manner according to a schedule or schedules adopted by the IAC.

(2) In the event a qualified recipient does not apply for all-terrain vehicle funds available to it, such amounts shall immediately revert to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients in the next funding cycle.) Except as otherwise provided herein the Administrator or his designee will authorize disbursement of funds allocated to a project only on a reimbursable basis, after the agency has acquired or developed the outdoor recreation land with its own funds or has expended monies for planning or management activities and has presented a billing showing satisfactory evidence of compliance with the project contract. Partial payments may be made during the course of a project on a reimbursement basis upon presentation of a billing showing satisfactory evidence of partial compliance with the contract.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-26-070 FUND ACCOUNTABILITY. ~~((1))~~ Each agency having received all-terrain vehicle funds during any year, shall provide a summary certified statement of expenditures of ATV funds and corresponding accomplishments to the interagency committee at the time the action plan or plan updated is submitted.

(2) ~~Expenditures shall be made for and summarized by planning, acquisition, development and management categories.~~

(3) ~~All expenses defrayed with ATV funds must be associated with ATV programs identified within an agency's action plan.)~~

~~((4))~~ (1) State agencies shall account for ((ATV)) ORV funds ((as unanticipated receipts)) following all pertinent accounting requirements of the Budget and Accounting Act of 1959 (RCW 43.88). Municipalities and counties shall account for ((ATV)) ORV funds as Special Revenue Funds following all pertinent accounting procedures of the Budgeting, Accounting, Reporting System Manual for Counties and Cities and other Local Governments (BARS).

~~((5))~~ (2) Any expenditure made by a recipient of ((ATV)) ORV funds not in conformance with the Act must be repaid to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients as part of the next funding cycle.

~~((6))~~ Any portion of an ATV fund apportionment not expended by a recipient within five years of the date on which it was distributed shall be returned to the Outdoor Recreation Account for reapportionment and distribution to qualified recipients as part of the next funding cycle.)

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER (Amending Order 3, filed 7/31/73)

The following section of the Washington Administrative Code is repealed:

WAC 286-26-050 APPORTIONMENT OF FUNDS.

WSR 78-03-033
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO-78-3]

REVOKING THE DESIGNATION OF THE DSHS
OFFICE OF HEARINGS
AS HEARING AGENCY FOR THE
COMPREHENSIVE HEALTH PLANNING

**PROGRAM
OF SECTION 1122, TITLE XI, SOCIAL SECURITY
ACT**

WHEREAS, Section 1122 in Title XI of the Social Security Act, together with implementing regulations in 42 CFR part 100, create a federal health planning program, hereafter referred to as the 1122 program; and

WHEREAS, the Governor of the State of Washington by Executive Order EO-77-8, dated September 19, 1977, designated the Office of Hearings, Department of Social and Health Services, to serve as 1122 hearing agency and according to a letter dated 27 January 1978 from the Department of Health, Education, and Welfare, this designation does not adequately conform to 42 CFR § 100.106(c)(2); and

WHEREAS, a section 1122 hearing arrangement is being developed which will fully conform to the requirements of the regulation just cited;

NOW, THEREFORE, I, Dixy Lee Ray, as Governor of the State of Washington and by the powers vested in me by RCW 43.06.010(1), do hereby fully revoke Executive Order 77-8, dated September 19, 1977.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the State of Washington to
be affixed at Olympia this
16th day of February, 1978.

DIXY LEE RAY

Governor of Washington

BY THE GOVERNOR:

Bruce K. Chapman

Secretary of State

APPROVED AND ADOPTED January 16, 1978.

By Gordon Sandison
Director



AMENDATORY SECTION (Amending Order 77-3,
filed 1/28/77)

WAC 220-56-010 DEFINITIONS. (1) "Personal-use possession" and "daily bag limits" are defined as the numbers or pounds of food fish or shellfish which may be taken in a single day or held in possession at one time, unless otherwise provided.

(2) A "single hook" is defined as a hook having a single point or barb; a "double hook" as a hook having two points or barbs on a common shank; and a "treble hook" as a hook having three points or barbs on a common shank.

(3) A "lure" is defined as any object made of animal, vegetable or mineral materials which has attached thereto one or more hooks and is used as bait while angling for food fish.

(4) The term "processed fish" is defined as salmon or other food fish which has been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(5) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish provided fresh salmon in WAC 220-56-013 shall not include frozen.

(6) "Hook and line" or "angling" shall be identical in meaning and, except for the provision noted below, shall be defined as the use of not more than one ((+)) line with one ((+)) lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than one ((+)) lure. NOTE: In freshwater, or from shore, piers and jetties in saltwater, angling shall also be defined as the use of not more than one ((+)) line with not more than two ((2)) natural baits, with one single hook per natural bait.

(7) The term "snag or snagging" is defined as any method of taking or attempting to take food fish with one or more hooks in such a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(8) The term "underwater spearfishing" is defined as any method of taking or attempting to take food fish by using any object or objects to impale or hook fish while the fisherman is swimming or floating in the water.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisherman is above the surface of the water.

(10) The term "natural bait" is defined as a lure consisting of an animal or part of an animal with one single hook.

(11) The term "Marine Area Code Numbers" is defined as the catch area for the Salmon Catch Record Card. The following is a list of the catch areas:

WSR 78-03-034

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 78-8—Filed Feb. 21, 1978—Eff. April 1, 1978]

I, Gordon Sandison, director of Washington State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to 1978 Sport Fishing Regulations.

This action is taken pursuant to Notice No. 7940 filed with the code reviser on 12/21/77. Such rules shall take effect at a later date, such date being 4/1/78.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

(a) Area 1 (Ilwaco): west of the Megler-Astoria Bridge - north to Leadbetter Point.

(b) Area 2 (Westport-Ocean Shores): from Leadbetter Point north to the Queets River.

(c) Area 3 (La Push): from the Queets River north to Cape Alava.

(d) Area 4 (Neah Bay): from Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(e) Area 5 (Sekiu and Pillar Point): from mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(f) Area 6 (East Juan de Fuca Strait): from Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island-Point Colville-Langley Point and west of the 77 Line fronting Deception Pass.

(g) Area 7 (San Juan Islands): all marine waters north of the Trial Island Line described under Area 6 to the United States-Canadian boundary.

(h) Area 8 (Deception Pass, Hope and Camano Islands): the 77 Line east through Deception Pass, including all waters east of Whidbey Island to Mukilteo-Columbia Beach Line.

(i) Area 9 (Admiralty Inlet): all waters inside and south of the Partridge Point-Point Wilson Line and the Mukilteo-Columbia Beach Line to Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(j) Area 10 (Seattle-Bremerton): from the Apple Cove Point-Edwards Point Line to the north tip of Vashon Island (east-west).

(k) Area 11 (Tacoma-Vashon Island): from the north tip of Vashon Island to the Tacoma Narrows Bridge.

(l) Area 12 (Hood Canal): all waters south of the Hood Canal Bridge.

(m) Area 13 (South Puget Sound): all waters south of the Tacoma Narrows Bridge.

(12) It is unlawful for any person to fish for or take salmon in or from waters restricted to fly fishing only by use of any metal, plastic, or wooden lure, plug, spinner, or spinner fly, or to use tackle where a weight of any kind is attached externally to either the line or the leader. Fixed spool reels and/or monofilament lines may not be used in fishing those waters restricted to fly fishing only. Under this regulation, monofilament line may be used for backing and leader, provided this backing is attached to not less than twenty-five feet of conventional fly line and the leader does not exceed fifteen feet in length. Any type of angling whereby the fly is cast directly from the reel shall be prohibited.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-56-013 DEFINITIONS—BAG LIMIT CODE DEFINITIONS. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of which may exceed 24 inches in length. The possession limit of fresh salmon is the same as the daily bag limit.

(2) Code B: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of which may

exceed 20 inches in length. The possession limit of fresh salmon is the same as the daily bag limit.

(3) Code C: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches or more than 24 inches in length. The possession limit of fresh salmon is the same as the daily bag limit.

(4) Code D: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches or more than 20 inches in length. The possession limit of fresh salmon is the same as the daily bag limit.

(5) Code F: In waters having this code designation, the bag limit in any one day is three salmon. Chinook salmon must be not less than 24 inches in length, ~~((and other))~~ Coho salmon must be not less than 16 inches in length and no minimum size on other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits ~~((in any form))~~ of fresh salmon.

(6) Code H: In waters having this code designation, the bag limit in any one day is three salmon. Chinook salmon must be not less than 20 inches in length but there is no minimum size limit for other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits ~~((in any form))~~ of fresh salmon.

(7) Code I: In waters having this code designation, the bag limit in any one day is 12 salmon, not less than 6 inches in length or an aggregate daily catch of 12 salmon and other fish not exceeding 6 pounds and 1 fish. The possession limit shall be the same as the daily catch limit. Salmon angling catch record card is not required.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-56-020 DEFINITIONS—LAWFUL AND UNLAWFUL PROVISIONS. (1) It shall be unlawful for any one person to use more than one line with one lure at any one time while angling for food fish for personal use; provided, that it shall be lawful to use two natural baits per line when angling for food fish in salt-water from shore, jetties, or docks and except as provided in subsection (2) and WAC 220-56-021.

(2) It shall be unlawful for any person to take, fish for or possess food fish for personal use by any means other than angling with one line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel not utilizing power to retract the line in either case; except it shall be unlawful to take, fish for or possess salmon taken for personal use with hand lines (lines not attached to a hand held pole) in those waters west of Koitlah Point at Neah Bay, Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line from the inshore end of the north jetty to the knuckle of the south jetty, Grays Harbor, and Willapa Bay (Marine Area Code 1 through 4)((:)); ((provided)) PROVIDED, That while angling for food fish in the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands and Puget Sound it shall be lawful to use:

(a) two lines with one lure per line.

(b) one line with two lures per line.

(3) It shall be lawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use with rake, hand dip net gear not exceeding 36 inches across the bag frame and jigger gear having not more than three treble or nine single hooks. Bait fish jigger gear as defined herein is considered as one lure.

(4) It shall be lawful to take, fish for and possess bottomfish taken for personal use with jigger gear having not more than three hooks.

(5) It shall be lawful to take, fish for and possess in any quantity carp taken for personal use by angling or spearing or with bow and arrow.

(6) It shall be lawful to take, dig for and possess clams, cockles, and mussels taken for personal use by hand or with hand-operated forks, picks, mattocks and shovels, and with cylindrical cans or tubes(~~(:)~~): ~~((provided))~~ PROVIDED, That when used for digging razor clams, the opening of these cans or tubes be either circular or elliptical; with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter.

(7) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

~~((7))~~ (8) It shall be lawful to take, fish for and possess crabs, shrimp, and crawfish taken for personal use by hand or with hand dip nets, ring nets, shellfish pots and any hand-operated instrument that will not penetrate the shell; provided, it shall be unlawful to use more than two ring nets, two shellfish pots or one ring net and one shellfish pot at any one time.

~~((8))~~ (9) It shall be lawful to take, fish for and possess oysters and scallops taken for personal use by hand or with any hand-operated instrument.

~~((9))~~ (10) It shall be lawful to take, fish for and possess squid taken for personal use by hand or with hand dip net gear, and octopus may be taken by hand or any instrument which will not penetrate or mutilate the body.

~~((10))~~ (11) It shall be unlawful to take, fish for or possess salmon for personal use by angling from a boat or any other floating device in that portion of the Cowlitz River from a point 400 feet below the Cowlitz Salmon Hatchery Barrier Dam to the mouth of Mill Creek.

(12) It shall be unlawful to take or fish for food fish, for personal use, from a boat in that portion of Shilshole Bay upstream of the Burlington Northern Railroad Bridge, to the Chittendon Locks.

~~((11))~~ (13) It shall be lawful to take, fish for and possess food fish except salmon or crabs, taken for personal use in saltwater with underwater spearfishing gear commonly used in the sport of "skin diving" ~~((; provided, that it shall be unlawful to take, fish for or possess lingcod taken with underwater spearfishing gear from the waters of Puget Sound and Hood Canal lying southerly of lines drawn from Otlet Point to Bush Point and from Possession Point true east to the mainland from~~

~~December 1 through March 31))~~ during seasons provided in WAC 220-56-065.

~~((13))~~ (14) It shall be lawful to take, fish for and possess food fish, except salmon, shad, sturgeon, and shellfish, for personal use in marine waters by bow and arrow fishing, unless otherwise restricted.

~~((13))~~ (15) It shall be unlawful to take, fish for or possess salmon or sturgeon taken for personal use in all freshwater areas with the exception of the Columbia River, Chehalis River, Snake River, Willapa River and the Duwamish River downstream of the First Avenue South Bridge from one hour after official sunset to one hour before official sunrise.

~~((14))~~ (16) It shall be unlawful to possess in the field for any purpose any salmon and other food fish in such a condition that its size or weight cannot be determined, if a size or weight limit is prescribed for said species.

~~((15))~~ (17) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

~~((16))~~ (18) Oysters taken for personal use from the waters or beaches of the State of Washington must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which originally taken and it shall be unlawful for any person to fail to so do.

~~((17))~~ (19) It shall be unlawful for any person to take, fish for or possess for personal use any female Dungeness crabs, and it shall be unlawful to take, fish for or possess any male Dungeness crabs which measure less than 6 inches horizontally across the back (caliper measurement) immediately in front of the points.

~~((18))~~ (20) It shall be unlawful to possess in the field any crab or parts thereof without retaining the back shell.

~~((19))~~ (21) It is unlawful for any person to possess more than his lawful limit of oysters.

~~((20))~~ (22) It shall be unlawful for any person using shellfish traps for personal-use shellfishing to allow said traps to become uncovered by water.

~~((21))~~ (23) It shall be unlawful for any person digging hardshell clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene. Broken clams must be retained as part of the bag limit.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-56-022 DEFINITIONS—SPECIAL FISHERY—ELDERLY AND HANDICAPPED PERSONS. (1) Budd Inlet at Olympia: Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed to food fish angling at all times, except ~~((from the Special Fishing Float. All anglers must possess an identification card from the Olympia Parks and Recreation Department. Youths 12 years of age or younger when accompanied by a responsible adult,))~~ persons 65 years of age or older, blind people and other physically or mentally handicapped people (as judged eligible by Olympia Parks and Recreation Department) may angle

for food fish from the Special Fishing Float immediately below Capitol Lake Dam ~~((the entire year))~~ during the months of July, August, September and October. All anglers must possess an identification card from the Olympia parks and recreation department.

(2) Daily bag limit: B - female chinook must be released.

(3) Gear and hook restrictions as defined in WAC 220-56-021 for freshwater areas shall apply for this special fishery.

(4) It shall be unlawful to fish from one hour after official sunset to one hour before official sunrise.

AMENDATORY SECTION (Amending Order 1186, filed 1/13/75)

WAC 220-56-030 DEFINITIONS—POSSESSION LIMITS—FOOD FISH OTHER THAN SALMON. It shall be lawful, unless otherwise provided, for any one person to take in any one day or possess at any one time in the State of Washington the following quantities and sizes of food fish for personal use:

1. Lingcod ~~((—————))~~ ((3 fish:)):
 - (a) Coastal (punch card areas 1 - 4) 3 fish.
 - (b) All other open areas - 2 fish.
2. Halibut ————— 2 fish.
3. Sturgeon ————— 3 fish not less than 36 inches nor more than 72 inches in length.
4. All species of greenling and rockfish, ~~((Sebastodes), true))~~ Pacific cod, ~~((sablefish (Black Cod))~~ and ~~((greenling))~~ walleye pollock—15 fish in the aggregate of all species but not to exceed 10 rockfish in salmon punch card areas 5 through 13.
5. Smelt ~~((, herring, candiefish, anchovies and pitchards))~~ ————— 20 pounds ~~((in the aggregate of all species))~~.
6. Herring ————— 20 pounds.
- ~~((6))~~ 7. All other food fish No limit.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-56-040 DEFINITIONS—SHELLFISH—POSSESSION LIMITS. It shall be unlawful for any person to take in any one day or possess for personal use at any one time more than the following quantities and sizes of shellfish:

- (1) Cockles, borers and clams in the shell, except razor clams, geoduck clams and horse clams.
 - (a) All areas except Willapa Bay, seven pounds in the aggregate not to exceed a count of forty clams.
 - (b) Willapa Bay - clams and borers five pounds in the aggregate.

- (c) Willapa Bay - twenty-four cockles.
- (2) Razor clams: 15 clams.
- (3) Geoduck clams: 3 clams.
- (4) Horse clams: first 7 clams taken.
- (5) Oysters: 18 oysters.
- (6) Rock scallops: 12 scallops.
- (7) Sea scallops: 12 scallops (over 4 inches).
- (8) Common or pink scallops: 20 pounds or 10 quarts in the shell.
- (9) Shrimp: 10 pounds or 10 quarts in the shell.
- (10) Octopus: 2 octopus.
- (11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.
- (12) Crawfish: ~~((no limit))~~ 10 pounds in the shell.
- (13) Squid: ~~((no limit))~~ 10 pounds or 5 quarts.
- (14) Sea cucumbers: 25 sea cucumbers.
- (15) Red sea urchins: 18 sea urchins.
- (16) Purple sea urchins: 18 sea urchins.
- (17) Green sea urchins: 36 sea urchins.
- (18) Dungeness crabs: 6 male crabs.
- (19) Red crabs: 18 crabs.
- (20) Blue mussels and sea mussels: 10 pounds in shell.

AMENDATORY SECTION (Amending Order 978, filed 12/10/71)

WAC 220-56-060 GENERAL PROVISIONS—PERSONAL USE FISHERY—AREAS AND SEASONS—SALMON. (1) It shall be unlawful to take, fish for or possess salmon ~~((and other food fish))~~ taken for personal use in those waters lying within one mile below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) It shall be lawful to take, fish for or possess salmon ~~((and other food fish))~~ in waters outside of or downstream from the following described lines and as provided in WAC 220-56-019:

- (a) Hood Canal: a radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery.
- (b) Sinclair Inlet: a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton.
- (c) Budd Inlet: the Fourth Avenue Bridge at Olympia except as provided in WAC 220-56-022.
- (d) Shilshole Bay: ~~((a line 400 feet below the fish ladder at the Chittendon Locks))~~ the Burlington Northern Railroad Bridge.
- (e) Chinook River: the tide gate at the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 77-31, filed 5/11/77)

WAC 220-56-064 SPECIAL PROVISIONS—SALTWATER SEASONS AND BAG LIMITS. (1) ~~((It shall be unlawful to take, fish for or possess pink salmon from Puget Sound Punch Card Areas 8, 9, 10, 11, 12, 13, that portion of Area 6 southerly of a line from Angeles Point to Point Partridge, and that portion~~

~~of Area 7 easterly of the Initiative 77 Line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Goosberry Point.~~

(2)) It shall be unlawful to take, fish for or possess salmon from those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, and northerly of the State Highway 532 Bridge between Camano Island and the mainland from April 16 through June 15.

((3)) (2) It shall be unlawful to take fish for or possess salmon for personal use by angling within a 3 nautical mile radius of the following river mouths during the times specified:

- (a) Quillayute River - May 1 to June 15;
- (b) Hoh River - May 1 to September 15;
- (c) Queets River - May 1 to September 15.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-56-065 PERSONAL-USE FISHERY—AREAS AND SEASONS—OTHER FOOD FISH AND SHELLFISH. (1) It shall be unlawful to take, fish for or possess food fish and shellfish by any means from within the boundaries of the City of Edmonds underwater marine park located inside the following lines:

That portion of Edmonds Tidelands fronting on Government Lot 2, Section 23, Township 27 North, Range 3 East, W.M., described as extending between the mean high tide and the Outer Harbor Line, and lying between the northeasterly line of Main Street and its westerly projection and a line parallel with and 250 feet northerly of (measured at right angles) the northeasterly line of aforesaid Main Street.

(2) It shall be unlawful to take, fish for, or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Edmonds Public Fishing Pier to be constructed in 1977 as described below, except while fishing from the Edmonds Public Fishing Pier.

(a) Underwater artificial reef area: Those waters lying northerly and easterly of the north breakwater of the Port of Edmonds Marina inside of a line from a boundary marker on the north breakwater, northwesterly 275 feet to a marker buoy thence northeasterly ((1,050)) 1350 feet to a marker buoy thence southeasterly to the northeastern end of the City of Edmonds public beach.

(b) Daily bag limit: Pier anglers' daily bag limits for all food fish and shellfish are those posted on the sign at the entrance to the Edmonds Public Fishing Pier due to possible frequent change by emergency regulation action.

(c) Lawful gear and practices: Lawful gear and practices for pier anglers are the same as those stated for other anglers in the current Washington sport fishing regulation pamphlet unless otherwise restricted and posted on the sign at the entrance to the Edmonds Public Fishing Pier.

(3) It shall be unlawful to take, fish for or possess food fish taken by any means in Percival Cove.

(4) It shall be unlawful to take, fish for or possess lingcod for personal use except during the areas and seasons herein provided:

(a) Coastal area (salmon punch card areas 1 through 4) open the entire year;

(b) Salmon punch card areas 5, 6, 7 and that portion of area 9 north of a line between Liplip Point and Bush Point - April 1 through November 30;

(c) all other areas closed the entire year.

(5) It shall be unlawful to take, fish for or possess bottomfish and other food fish taken for personal use in those waters lying within 1 mile below any fish rack, fishway, dam, or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(6) It shall be lawful to take, fish for or possess bottomfish and other food fish in waters outside of or downstream from the following described lines and as provided in WAC 220-56-019:

(a) Hood Canal: A radius of 100 ft from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery;

(b) Sinclair Inlet: A line 50 yd from the pierhead line of the Puget Sound Naval Shipyard at Bremerton;

(c) Budd Inlet: The 4th Avenue Bridge at Olympia;

(d) Shilshole Bay: A line 400 ft below the fish ladder at the Chittendon Locks from October 1 through May 31; and below the Burlington Northern Railroad Bridge all year;

(e) Chinook River: The tidegate at the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-56-080 GENERAL PROVISIONS—CLAMS—AREAS AND SEASONS. (1) It shall be lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year; provided, that it shall be unlawful to take, dig for or possess such shellfish taken for personal use:

(a) West of the tip of Dungeness Spit from April 1 through October 31.

(b) From state-owned tidelands along the east shore of Garrison Bay between Bell Point and a boundary marker approximately 1,010 yards southerly of Bell Point except from August 1 through December 31. Those tidelands south of the above-described boundary marker to the head of the bay and tidelands around Guss Island are closed to clam digging the entire year.

(c) ((from State-owned tidelands at Kopachuck State Park inside a marked 70 square yard area north of the park midpoint)) Camano Island State Park—All state-owned tidelands at Camano Island State Park from the NW most boundary to a boundary marker approximately 650 yd south easterly shall be closed to the personal-use harvest of all species of clams through March 31, 1979.

(d) From that portion of the Sequim Bay State Park public beach from the launch ramp southeast to the park boundary ((from January 1, 1977)) through March ((3-1978)) 31, 1979.

(e) Saltwater State Park—All state-owned tidelands at Saltwater State Park shall be closed to the personal-use harvest of all species of clams through December 31, 1978.

(f) Twanoh State Park—All state-owned tidelands at Twanoh State Park shall be closed to the personal-use harvest of all species of clams and oysters from June 16 through December 31.

(2) It shall be unlawful to take, dig for or possess razor clams taken for personal use from Pacific Ocean beaches in Razor Clam Areas 1, 2 and 3, provided, that:

(a) From January 1 through March 15, it is lawful to dig 24 hours per day.

(b) From March 16 through June 30, it is unlawful to dig except from 12 midnight to 12 noon daily.

(c) It is unlawful to dig during the months of July, August and September.

(d) From October 1 through December 31, it is lawful to dig 24 hours per day.

(3) It shall be lawful to take, dig for or possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year; and from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-56-082 GENERAL PROVISIONS—CRAB—AREAS AND SEASONS. (1) It shall be lawful to take, fish for or possess male crabs taken for personal use in any area the entire year: PROVIDED, That it shall be unlawful to take, fish for, or possess ((Dungeness)) crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear for crab in ((the)) Puget Sound from April 15 through May 25.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-56-084 GENERAL PROVISIONS—SHRIMP—AREAS AND SEASONS. (1) It shall be unlawful to take, fish for or possess shrimp taken for personal use except from May 15 through September 15: PROVIDED, That all waters of Hood Canal southerly of the Hood Canal floating bridge and Carr Inlet inside and northerly of a line projected from Penrose Point to Green Point shall remain closed except as specifically provided for by emergency regulation.

(2) It shall be unlawful to take, fish for or possess shrimp taken for personal-use from the waters of Hood Canal southerly of the Hood Canal floating bridge that are less than 200 ft in depth.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-56-086 GENERAL PROVISIONS—OYSTERS—AREAS AND SEASONS. (1) It shall be ((lawful)) unlawful to take, fish for or possess oysters taken for personal use from ((public tidelands the entire year)) the waters of the state from July 15 through September 15; provided that:

(a) It shall be unlawful to take oysters for any purpose from State oyster reserves without written permission of the Director of Fisheries.

(b) It shall be unlawful to take, fish for and possess oysters from the Point Whitney public beach, Seal Rock Forest Camp public beach, Dosewallips State Park public beach, and the Hoodspout Salmon Hatchery public beach from July 15 to September 15.

(c) It shall be unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

(d) It shall be lawful for private beach owners to harvest oysters for their own personal use from their own tidelands.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-56-088 GENERAL PROVISIONS—SHELLFISH GEAR—UNLAWFUL. (1) It shall be unlawful for the owner or operator of any personal-use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the name and address of the operator.

(2) Effective January 1, 1977 it shall be unlawful to take, fish for, or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4 1/8 inches inside diameter located in the upper half of the crab pot.

(3) Effective with the beginning of the 1979 Hood Canal shrimp season, it shall be unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the Hood Canal floating bridge unless such gear meets the following requirements:

(a) The top, bottom, and at least one-half of the area of the sides of the shellfish pots shall have the minimum mesh size defined below.

(b) The minimum mesh size for shrimp pots is defined as a square or rectangular mesh such that the distance between the inside of one knot or corner to the inside of the next adjacent knot or corner shall be no less than 7/8-inch, provided that the shortest inside diagonal of each mesh shall be no less than 1-1/8 inches.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-001 FRESHWATER SEASONS AND BAG LIMITS. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use, except from the following areas during the seasons, in the quantities, sizes, and for the species designated as follows in chapters 220-57 and 220-57A WAC and for the bag limits as defined in WAC 220-56-013.

((+)) It shall be unlawful to take, fish for or possess by angling for personal use, any pink salmon from any Puget Sound tributary as defined in WAC 220-16-21+))

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-200 DICKEY RIVER. Bag limit C - July 1 through November 30: Downstream of the mouth of East Fork of the Dickey River to the National Park Boundary.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-255 GREEN RIVER (COWLITZ COUNTY). (1) Bag limit A - September 1 through November 30 - upstream from salmon hatchery intake. Chinook salmon over 28 inches must be released.

(2) Bag limit A - September 1 through December 31 - downstream from salmon hatchery intake to the mouth is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring no more than 1/2 inch between shank and point. Chinook salmon over 28 inches must be released.

(3) That portion of the Green River 400 feet above to 400 feet below the barrier dam at the Toutle Salmon Hatchery is closed to the taking of salmon the entire year.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-270 HOH RIVER. (1) Bag limit C May ((+)) 27 through November 30: upstream from ((Winfield-Creek)) a marker approximately one-quarter mile above Highway 101 bridge.

(2) Bag limit C - May ((+)) 27 through September 15: downstream from ((Winfield-Creek)) a marker approximately one-quarter mile above Highway 101 bridge.

(3) Bag limit A - September 16 through November 30: downstream from ((Winfield-Creek)) a marker approximately one-quarter mile above Highway 101 bridge.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-290 ICICLE RIVER. Bag limit A - May ((30)) 27 through June 30: downstream from a point 400 feet below the Leavenworth National Fish Hatchery rack to mouth of Icicle River.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-310 KALAMA RIVER. (1) Bag limit A - May ((30)) 27 through November 30: from Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring not more than 1/2 inches between shank and point.

(2) Bag limit A - May ((30)) 27 through November 30: downstream from the mouth of Summers Creek to

the markers at the Kalama Falls (Upper) Salmon Hatchery.

(3) Bag limit A - ((May 30 through November 30)) open the entire year: downstream from markers at ((Kalama Falls (Upper) Salmon Hatchery)) Italian Creek with the following exception: during the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground will be ((closed to salmon angling)) open for fly fishing only.

September 1 through December 31: chinook salmon over 28 inches caught in the area downstream from markers at ((Kalama Falls Hatchery to the Modrow Bridge)) Italian Creek to the natural gas pipeline must be released.

(4) During the time the department of fisheries temporary rack is installed just below the Modrow Bridge, that portion of the river from the rack, downstream 400 feet will be closed to angling.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-320 LEWIS RIVER (NORTH FORK). (1) Bag limit A - January 1 through September 30: downstream from ((Merwin Powerhouse Bridge)) the overhead powerlines below Ariel Dam.

(2) Bag limit A - open entire year: from markers approximately 700 feet upstream from the salmon hatchery building, downstream to the East Fork.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-385 QUILLAYUTE RIVER. Bag limit A - ((open entire year)) May 27 through November 30: outside the boundaries of the Quillayute Indian Reservation. Chinook Salmon over 28 inches caught after October 31 must be released.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-460 SOLEDUCK RIVER. (1) Bag limit A - ((January 1)) May 27 through ((October 31)) November 30: ((downstream from lowermost Highway 101 Bridge near Forks:

((2) Bag limit A - May 1 through October 31:)) downstream from the mouth of Spring Creek at Soleduck Hatchery ((to Highway 101 Bridge near Forks)). Chinook salmon over 28 inches caught after October 31 must be released.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-480 TOUTLE RIVER. (1) Bag limit A - open entire year: downstream from mouth of North Fork.

October 1 through December 31 - chinook salmon over 28 inches must be released.

(2) North Fork - bag limit A - ((June 1)) May 27 through December 31: downstream from Weyerhaeuser

Railroad Bridge above Green River mouth to the South Fork. During the period October 1 through December 31, chinook salmon over 28 inches must be released.

September 1 through October 31 - taking of salmon from the area between the Weyerhaeuser Railroad Bridge and the Cook Road Bridge is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring no more than 1/2 inch between shank and point.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-515 WIND RIVER. (1) Bag limit A - January 1 through June 30: downstream from markers 400 feet below Wind River Fishway No. 1 (~~Shippard~~) Shippard Falls) to the mouth.

(2) Bag limit A - May (~~30~~) 27 through October 31: beginning 1-1/2 River Miles upstream from the High Bridge to the south boundary of Section 36, Township 4 North, Range 7-1/2 East as posted (about 2-1/2 miles). Fly fishing only. Legal angling tackle is limited to single-hook artificial flies measuring no more than 1/2 inch between the shank and point.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-005 AMERICAN LAKE (PIERCE COUNTY). Bag limit I - April ((+7)) 16 through October 31.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-010 ARMSTRONG LAKE (SNOHOMISH COUNTY). Bag limit I - April ((+7)) 16 through September ((5)) 4.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-030 CAPITOL LAKE. Bag limit B - July 1 through November 30: downstream from the Interstate 5 Bridge to the shear boom at the north end of the lake. Female chinook salmon must be released. Percival Cove shall be defined as those waters of Capitol Lake lying westerly of a set of markers on the western shoreline of the south basin of Capitol Lake. Percival Cove is closed to food fish angling the entire year.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-040 CUSHMAN LAKE (MASON COUNTY). Bag limit I - April ((+7)) 16 through October 31.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-065 DUCK LAKE (GRAYS HARBOR COUNTY). Bag limit I - April ((+7)) 16 through October 31.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-080 GOODWIN LAKE (SNOHOMISH COUNTY). Bag limit I - April ((+7)) 16 through October 31.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-095 HICKS LAKE (THURSTON COUNTY). Bag limit I - April ((+7)) 16 through October 31.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-115 MERIDIAN LAKE (KING COUNTY). Bag limit I - April ((+7)) 16 through October 31.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57A-120 MERWIN LAKE (RESERVOIR). Bag limit ((A)) I - ((September +)) April 16 through November 30 (~~=entire lake, Rock Creek, Canyon Creek and those water of Spectyai Creek downstream from the water intake barrier at hatchery~~).

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-125 OZETTE LAKE. Bag limit C ((April 15)) July 1 through October 31.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-155 SHOECRAFT LAKE (SNOHOMISH COUNTY). Bag limit I - April ((+7)) 16 through September ((5)) 4.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-185 WILDERNESS LAKE (KING COUNTY). Bag limit I - April ((+7)) 16 through September ((5)) 4.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57A-190 WYNOOCHEE RESERVOIR (GRAYS HARBOR COUNTY). Bag limit I - April ((+7)) 16 through October 31.

AMENDATORY SECTION (Amending Order 77-121, filed 10/19/77)

WAC 220-105-045 LICENSE ISSUING PROCEDURES. Salmon angling license validation stamps will be distributed and sold by the Department ((and by authorized)) to deputized distribution agents and to ((the)) salmon angling license dealers. The stamps will be sold ((only)) or issued in sheets of 25 stamps.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 220-105-046 BOND REQUIREMENTS.

Persons requesting deputization as a bonded dealer must post a minimum \$2,000.00 surety bond. The total face value of stamps issued to bonded dealers at any one time shall not exceed that dealer's bond. Dealers who pre-pay stamps are not required to be bonded.

NEW SECTION

WAC 220-105-047 STAMP SALES REPORTING AND FEE REMITTANCES. Bonded dealers shall report stamp sales on forms provided by the Department and remit receipts from those sales to the Department no later than the tenth day of each month following the close of business for the previous calendar month.

WSR 78-03-035

NOTICE OF PUBLIC MEETINGS

SHORELINES HEARINGS BOARD

[Memorandum, Exec. Secretary—Feb. 17, 1978]

WAC 461-12-032 ADMINISTRATION OF THE BOARD. The administrative offices of the Board and its staff shall be located at Number One South Sound Center, Lacey, Washington 98504. The Board has no established field organization and all available records relating to Board functions shall be in the custody of the Clerk of the Board at the foregoing address.

WAC 461-12-033 MEETINGS OF THE BOARD. The Board shall meet in formal sessions at its principal office at 10 a.m. on the fourth Wednesday of each month; and shall meet at such other times and places as the Board may designate.

WSR 78-03-036

EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Order 78-2—Filed Feb. 21, 1978]

Be it resolved by the Board of Boiler Rules, acting at Department of Labor and Industries, 300 West Harrison St., Seattle, WA, in Room 412;

that it does promulgate and adopt the annexed rules relating to the amending of WAC 296-104-050 Examination for (Boiler) inspector; 296-104-065 Reciprocal Commissions; 296-104-170 Shop Inspections; 296-104-235 Safety Relief Valves; 296-104-245 Fuel Oil Heaters; 296-104-315 New Installations - Blow Off Tanks; Repeal WAC 296-104-250 Hot Water Heating Systems; 296-104-275 Hydro-Pneumatic Tanks; 296-104-280 Electric Steam Generators; New WAC 296-104-

285 Exempting certain pressure vessels in places of public assembly from the rules of this chapter.

We, Board of Boiler Rules, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the rule changes will remove the hardship unfairly imposed by the existing rules. It is necessary to adopt these changes immediately in order to provide this relief.

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

This rule is promulgated pursuant to RCW 70.79.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 21, 1978.

By John C. Hewitt
Director

AMENDATORY SECTION (Amending Part II § 7, filed 3/23/60)

WAC 296-104-050 ADMINISTRATION—EXAMINATION FOR INSPECTOR. Examination for certificate of competency as inspector of boilers shall be held at the office of the chief boiler inspector for the state of Washington, or at any location to be selected by the board, four times each year, namely, the first Wednesday of the months of March, June, September and December. Special examinations will be held when considered necessary by the board.

Applications for examination (~~shall be at least twenty-five years of age and~~) shall have had at least three years practical experience in the construction, maintenance, repair or operation of high pressure boilers or unfired pressure vessels as a mechanical engineer, steam engineer or boiler maker, or shall have had at least three years experience as an inspector of high pressure boilers. A credit of two years of the required experience will be given to applicants holding a mechanical engineering degree from a recognized college of engineering.

Application for examination for certificate of competency shall be in writing upon a form to be furnished by the director stating the school education of the applicant, a list of his employers, his period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's history and experience meet with the approval of the board of boiler rules, he shall be given a written examination dealing with the construction, installation, operation, maintenance and repair of boilers and unfired pressure vessels and their appurtenance, and the applicant shall be accepted or rejected on the merits of this examination. If the applicant

is successful in meeting the requirements of the examining board, a certificate of competency will be issued by the chief inspector. After the expiration of ninety days, an applicant who fails to pass the examination will be permitted to take another written examination, and his acceptance or rejection will be determined by the board on the basis of this examination.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 37, filed 11/8/74)

WAC 296-104-065 ADMINISTRATION—RECIPROCAL COMMISSIONS. Upon the request of a boiler insurance company authorized to insure and insuring against loss from explosion of boilers and pressure vessels in this State, a Commission as a Special Inspector shall be issued by the Chief Inspector to an Inspector in the employ of such company provided the inspector (~~is at least twenty-five (25) years of age,~~) has had the experience prescribed in (~~RCW 70.79.120~~) RCW 70.79.130 and holds a Certificate of Competency or Commission issued by a State which has adopted one or more sections of the ASME Code and which holds a written examination equivalent to that required by the State of Washington and a National Board Commission. Application for a reciprocal Commission shall be made on a form to be furnished by the Chief Inspector, and shall be accompanied by a photostatic copy of the applicant's Commission and Certificate of Competency.

AMENDATORY SECTION (Amending Part III, § 15, filed 3/23/60)

WAC 296-104-170 INSPECTION OF SYSTEMS—SHOP INSPECTIONS. Shop inspections shall be as outlined in the applicable sections of the ASME code. Only inspectors holding a national board commission and a (~~certificate of competency~~) commission issued by the state of Washington shall make shop inspections in this state. (~~Fees for shop inspections shall be as set forth in RCW 70.79.340.~~)

AMENDATORY SECTION (Amending Part IV, § 8, filed 3/23/60)

WAC 296-104-235 INSPECTION OF SYSTEMS—SAFETY RELIEF VALVES. (~~The above boilers and tanks~~) The boilers and tanks covered by WAC 296-104-230 shall be protected by the installation of ASME code relief valves with relief levers, set pressure not to exceed (~~±25~~) 160 psi. Relief valves shall be installed on top of tank or on outlet piping as close as possible to the boiler or tank, with a minimum of fittings and no valves intervening. The outlet of the relief valve shall be run full size to a safe place.

AMENDATORY SECTION (Amending Part IV, § 8, filed 3/23/60)

WAC 296-104-245 INSPECTION OF SYSTEM—(~~FUEL~~) OIL HEATERS. Steam or hot

water (~~fuel~~) oil heaters shall be so designed and constructed that in the event of failure of any part, oil cannot enter the boiler water. (~~Acceptable designs for steam employ a trap, the condensate going to a filter tank or drain. An acceptable design for hot water employs a two-stage heater with an ambient fluid, with sight glass.~~)

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 296-104-285 UNFIRED PRESSURE VESSELS IN PLACES OF PUBLIC ASSEMBLY. Unfired pressure vessels in places of public assembly shall be exempt from the rules of this chapter when they do not exceed 1 1/2 cubic feet in volume and have a safety value setting of 150 psi, or less, or when they are less than 6 inches in diameter, and do not exceed 5 cubic feet in volume regardless of pressure.

AMENDATORY SECTION (Amending Part V, § 4, filed 3/23/60)

WAC 296-104-315 NEW INSTALLATIONS—BLOW OFF TANKS. Blow off tanks, if of metal, shall be designed in accordance with the "National Board Blowoff Equipment" standards, 1973 edition. (~~to withstand the working pressure of the boiler, or they shall be designed for a minimum of 50 psi working pressure with the following openings: water outlet to be equal to or greater than the inlet with a vent to atmosphere at least 4 times the inlet in area. The appropriate formulas in ASME code are to be used to determine the above working pressure. In no case shall the shell thickness be less than 5/16 inches.~~)

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER (Amending Part V, § 4, filed 3/23/60)

The following sections of the Washington Administrative Code are each repealed:

- (1) **WAC 296-104-250 INSPECTION OF SYSTEMS—HOT WATER HEATING SYSTEMS.**
- (2) **WAC 296-104-275 INSPECTION OF SYSTEMS—HYDRO-PNEUMATIC TANKS.**
- (3) **WAC 296-104-280 INSPECTION OF SYSTEMS—ELECTRIC STEAM GENERATORS.**

WSR 78-03-037
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW that the Department of Agriculture intends to adopt, amend, or repeal rules concerning procedures for organization

for economic cooperation and development scheme for varietal certification.

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7963 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-038
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning quarantine for bacterial diseases in beans;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7964 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-039
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning prohibited and restricted noxious weed seeds;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7965 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-040
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning sod quality certified seed standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7966 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-041
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning standards for interagency seed certification;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7967 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-042
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning regulations for implementing the annual bluegrass quarantine;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7968 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
 By: Art G. Losey
 Assistant Director

WSR 78-03-043
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning soybean seed certification;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Department of Agriculture, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7969 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
 By: Art G. Losey
 Assistant Director

WSR 78-03-044
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend,

or repeal rules concerning field pea seed certification standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7970 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
 By: Art G. Losey
 Assistant Director

WSR 78-03-045
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning small grain seed certification standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7971 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
 By: Art G. Losey
 Assistant Director

WSR 78-03-046
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning lentil seed certification standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7972 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-047
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning red clover seed certification standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7973 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-048
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning white clover and trefoil seed certification standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7974 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-049
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning general seed certification standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7975 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-050
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW that the Department of Agriculture intends to adopt, amend, or repeal rules concerning alfalfa seed certification standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Department of Agriculture, Olympia.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7976 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-051
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW that the Department of Agriculture intends to adopt, amend,

or repeal rules concerning the issuing of phyto-sanitary certificates for seed;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7977 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-052
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW that the Department of Agriculture intends to adopt, amend, or repeal rules concerning grass seed certification standards;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7978 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-053
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed Feb. 21, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW that the Department of Agriculture intends to adopt, amend, or repeal rules concerning varieties eligible for seed certification;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, March 1, 1978, in the Director's Office, Olympia, Washington.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 1, 1978.

This notice is connected to and continues the matter noticed in Notice No. 7979 filed with the code reviser's office on December 30, 1977.

Dated: February 21, 1978
By: Art G. Losey
Assistant Director

WSR 78-03-054
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1271—Filed Feb. 22, 1978]

I, Gerald E. Thomas, Deputy Secretary of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington the annexed rules relating to the amending of chapter 388-28 WAC relating to AFDC and GAU—Eligibility—Need.

I, Gerald E. Thomas, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is; these amendments are necessary to comply with a court order in the case of Zaragoza v. DSHS.

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

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 21, 1978.
By Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-457 TRANSFER OF PROPERTY.
WAC 388-28-457 through 388-28-465 deal((s)) with the transfer of property prior to or at the time of application. If previously owned property was transferred for less than adequate consideration, the value of such transferred resource affects the ((current and future)) eligibility of the applicant.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-459. TRANSFER OF PROPERTY WITH INTENT TO QUALIFY FOR PUBLIC ASSISTANCE. (1) ~~In the absence of an admission ((that a transfer was made with intent to qualify for public assistance, an applicant shall be presumed to have transferred property to qualify for public assistance only when)) by the applicant, the department shall investigate the facts of the transfer of the nonexempt property on the presumption that an applicant made the transfer with intent to qualify for assistance only when:~~

~~(a) He has transferred nonexempt property for an inadequate consideration within two years immediately prior to application, that is, the transfer has failed to meet one or more of the conditions of WAC 388-28-461, and~~

~~(b) Such transfer has reduced the applicant's nonexempt property holdings to the extent that ((he has created a probable need for public assistance in the foreseeable future)) the remaining holdings are within the department's resource limit.~~

~~(2) ((The presumption can be removed by a positive showing by the applicant that one or more of the conditions in WAC 388-28-461 and 388-28-462 existed and were factors in his transfer)) The applicant shall have the opportunity to demonstrate that the transfer was for reasons other than to qualify for public assistance.~~

~~(a) The reasons contained with WAC 388-28-462 shall, if proven, establish that the transfer was not for the purpose of qualifying for public assistance.~~

~~(3) ((If the presumption is not removed)) If the applicant does not overcome the presumption, the rules in WAC 388-28-460 pertain and shall be followed.~~

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-460. TRANSFER WITHIN TWO YEARS PRIOR TO APPLICATION. (1) An applicant who transfers any nonexempt real or personal property within two years immediately prior to the date of application (or during the application period) without having received adequate consideration for such property shall be deemed to have a resource available to meet his/her needs under normal conditions of living. Personal property as used in this rule means any form of nonexempt property, including money, which is not real property.

(2) The amount considered available to meet need shall be the difference between the reasonable value of the consideration received for the transferred property and the reasonable value of the property transferred. In determining this amount the rules in WAC 388-28-461 and 388-28-462 shall be considered.

(3) If the transfer is taken into account before assistance is authorized the applicant is ineligible from the date of transfer for a period of time determined by dividing the amount considered available to meet need, computed according to subsection (2), by need under normal conditions of living as defined in WAC 388-28-458.

(4) If the transfer is taken into account after assistance is authorized

(a) The amount of need under normal conditions of living is determined for the period from date of transfer to date of authorization.

(b) If the amount determined according to subsection (4)(a) equals or exceeds the amount considered available to meet need, the transfer does not affect past, current or future eligibility.

(c) If the amount determined according to subsection (4)(a) is less than the amount considered available to meet need, the individual is ineligible for assistance granted, up to the value of this difference, for the period from grant authorization to the date of grant adjustment to correct the mistake. The amount for which he is ineligible is an overpayment subject to the definition in WAC 388-44-010.

(d) If the sum of the amount of need prior to date of authorization ((4)(a)) and the overpayment ((4)(c)), is less than the amount considered available to meet need, the difference is deemed available to meet future need from the date of grant adjustment to correct the mistake. The individual is ineligible during a future period determined by dividing the difference by need under normal conditions of living. See WAC 388-28-463 for adjustments during this period of ineligibility.

(5) The period of ineligibility shall not exceed two (2) years.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-461. TRANSFER OF PROPERTY—ADEQUATE CONSIDERATION. In determining whether the value of the consideration which the applicant received from the transfer of property is adequate or less than adequate in respect to WAC 388-28-459 and 388-28-460 the following factors shall be taken into account:

(1) Circumstances necessitating the transaction. If the applicant's circumstances were such that a forced sale was reasonably indicated, with little time for seeking possible purchasers, the amount realized may be considered adequate although less than the amount which could have been realized by a more leisurely sale.

(2) The business experience or acumen of the seller. One with little experience in business will probably not make as advantageous a deal as one who is experienced and knows how to get the best possible trade.

(3) The market demand for the type of resource transferred. Certain property, such as some securities, automobile, etc., can be readily sold; whereas other property can only be sold on forced sale to speculators, who presumably would pay very little. This might apply to real estate in a locality where there is little demand for property.

(4) Market value of the item transferred may be used as a guide to the reasonableness of the consideration which should have been received. However, less than market value shall not be considered unreasonable if, in view of all existing circumstances and factors, the individual's plan in regard to the transfer had any reasonable basis as illustrated below:

(a) A consideration shall not be deemed reasonable in terms of what should have been received when the consideration received only reduced or diminished the applicant's existent rights and there were no conditioning factors present. For example, an applicant who was the holder of a \$1,000 note, but who settled the note by accepting \$500 would ordinarily be considered to have received less than reasonable consideration. It might be reasonable consideration, however, if there were disputes about the note, etc., and a reasonable compromise seemed desirable.

(b) A transfer of property in settlement of a legally enforceable debt approximately equal to the current fair market value of the property transferred represents reasonable consideration. Likewise, settlement of an unresolved claim (such as a claim for damages) by the transfer of property of approximately equal value is regarded as reasonable consideration in the absence of evidence indicating fraud or collusion. (The advice of the applicant's attorney suggesting settlement would, of course, be substantiating evidence.) The existence of a debt must be established by one or more of the following types of evidence:

(i) A legally recorded instrument evidencing the existence of the debt and executed at or about the time the debt was allegedly incurred

(ii) Other documentary evidence—for example, cancelled checks, receipts, notes, mortgages, or written agreements executed by the principals at or about the time the debt was allegedly incurred

(iii) The sworn affidavits or testimony of at least two disinterested persons not parties to the transaction or directly or indirectly benefiting therefrom, who were in a position to have first-hand knowledge of the situation and arrangements between the principals at the time the debt was allegedly incurred and whose statement corroborates the sworn statement or testimony of the principals.

(iv) Such other evidence as would be accepted by a court of law to establish a debt, such as record of account, etc.

(c) The transfer of property due to a legally enforceable foreclosure procedure.

(d) The transfer of property by an accelerated sale due to necessity to relocate to accept employment or training or to retain a cohesive family unit.

(5) Debts incurred from the services of a minor child or for loans from a minor child are not recognized as legal obligations.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-462 TRANSFER OF PROPERTY—EXCEPTIONS. ((The act or omission to act whereby an interest in property is set over to another under the following circumstances is not a transfer.)) The following circumstances are examples of transfers of nonexempt property which shall not be considered a transfer with intent to qualify for assistance regardless of the consideration received.

(1) The applicant was the victim of fraud, misrepresentation or coercion and the transfer was based upon

such fraud, misrepresentation or coercion; providing that the applicant has initiated and taken any and all possible steps to recover such property or the equivalent thereof in damages. Such facts are established by competent legal advice from the applicant's attorney or, if he has none, the prosecuting attorney. In the event that action has been taken for restitution or damages the applicant may be eligible until the action is concluded providing he proceeds with due diligence.

(2) At the time of the transfer, the applicant was not receiving assistance and did not consider any probable need for assistance in the foreseeable future. The outward demonstration of such an intent shall be corroborated by statements from two disinterested parties.

(3) The property was transferred to a spouse pursuant to a divorce or legal separation settlement approved by or ordered by a court of competent jurisdiction.

~~((3))~~ (4) The applicant held title only as a trustee for the use and benefit of another person with no beneficial interest himself.

~~((4))~~ (5) The transfer was to clear title to property in which the applicant had no real beneficial enforceable interest.

~~((5))~~ (6) The act was the execution of a mortgage of exempt property to secure antecedent debts, the only consideration for which was the forbearance of suit by the mortgagee. "Antecedent debts" means debts which occurred prior to and apart from the transaction giving rise to the execution of the note and mortgage. "Forbearance of suit" refers to the creditor's promise not to enforce his right to payment of the debt by legal proceedings in court. Situations coming under this provision are cleared in writing with the assistant attorney general in the state office.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-464 TRANSFER OF PROPERTY—ASSISTANCE DURING PERIOD OF INELIGIBILITY. An applicant who transferred nonexempt property to qualify for assistance or for an inadequate consideration as determined by investigation by the department and who has been determined not to be in need for a future period of time, not to exceed two years, may be granted public assistance only if undue hardship exists and an exception to policy is approved according to chapter 388-20 WAC. Assistance paid as a result of an exception to policy under this rule shall not be considered an overpayment.

WSR 78-03-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed Feb. 22, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Social and Health Services intends to adopt, amend, or repeal

rules concerning the amending of chapter 388-28 WAC relating to AFDC and GAU—Eligibility—Need;

that such agency will at 10:00 a.m., Wednesday, April 5, 1978, in the Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 12, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 5, 1978, and/or orally at 10:00 a.m., Wednesday, April 5, 1978, Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

Dated: February 21, 1978

By: Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-457 TRANSFER OF PROPERTY. WAC 388-28-457 through 388-28-465 deal((s)) with the transfer of property prior to or at the time of application. If previously owned property was transferred for less than adequate consideration, the value of such transferred resource affects the ((current and future)) eligibility of the applicant.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-459 TRANSFER OF PROPERTY WITH INTENT TO QUALIFY FOR PUBLIC ASSISTANCE. (1) In the absence of an admission ((that a transfer was made with intent to qualify for public assistance, an applicant shall be presumed to have transferred property to qualify for public assistance only when)) by the applicant, the department shall investigate the facts of the transfer of the nonexempt property on the presumption that an applicant made the transfer with intent to qualify for assistance only when:

(a) He has transferred nonexempt property for an inadequate consideration within two years immediately prior to application, that is, the transfer has failed to meet one or more of the conditions of WAC 388-28-461, and

(b) Such transfer has reduced the applicant's nonexempt property holdings to the extent that ((he has created a probable need for public assistance in the foreseeable future)) the remaining holdings are within the department's resource limit.

(2) ((The presumption can be removed by a positive showing by the applicant that one or more of the conditions in WAC 388-28-461 and 388-28-462 existed and were factors in his transfer)) The applicant shall have the opportunity to demonstrate that the transfer was for reasons other than to qualify for public assistance.

(a) The reasons contained with WAC 388-28-462 shall, if proven, establish that the transfer was not for the purpose of qualifying for public assistance.

(3) ((If the presumption is not removed)) If the applicant does not overcome the presumption, the rules in WAC 388-28-460 pertain and shall be followed.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-460 TRANSFER WITHIN TWO YEARS PRIOR TO APPLICATION. (1) An applicant who transfers any nonexempt real or personal property within two years immediately prior to the date of application (or during the application period) without having received adequate consideration for such property shall be deemed to have a resource available to meet his/her needs under normal conditions of living. Personal property as used in this rule means any form of nonexempt property, including money, which is not real property.

(2) The amount considered available to meet need shall be the difference between the reasonable value of the consideration received for the transferred property and the reasonable value of the property

transferred. In determining this amount the rules in WAC 388-28-461 and 388-28-462 shall be considered.

(3) If the transfer is taken into account before assistance is authorized the applicant is ineligible from the date of transfer for a period of time determined by dividing the amount considered available to meet need, computed according to subsection (2), by need under normal conditions of living as defined in WAC 388-28-458.

(4) If the transfer is taken into account after assistance is authorized

(a) The amount of need under normal conditions of living is determined for the period from date of transfer to date of authorization.

(b) If the amount determined according to subsection (4)(a) equals or exceeds the amount considered available to meet need, the transfer does not affect past, current or future eligibility.

(c) If the amount determined according to subsection (4)(a) is less than the amount considered available to meet need, the individual is ineligible for assistance granted, up to the value of this difference, for the period from grant authorization to the date of grant adjustment to correct the mistake. The amount for which he is ineligible is an overpayment subject to the definition in WAC 388-44-010.

(d) If the sum of the amount of need prior to date of authorization ((4)(a)) and the overpayment ((4)(c)), is less than the amount considered available to meet need, the difference is deemed available to meet future need from the date of grant adjustment to correct the mistake. The individual is ineligible during a future period determined by dividing the difference by need under normal conditions of living. See WAC 388-28-463 for adjustments during this period of ineligibility.

(5) The period of ineligibility shall not exceed two (2) years.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-461 TRANSFER OF PROPERTY—ADEQUATE CONSIDERATION. In determining whether the value of the consideration which the applicant received from the transfer of property is adequate or less than adequate in respect to WAC 388-28-459 and 388-28-460 the following factors shall be taken into account:

(1) Circumstances necessitating the transaction. If the applicant's circumstances were such that a forced sale was reasonably indicated, with little time for seeking possible purchasers, the amount realized may be considered adequate although less than the amount which could have been realized by a more leisurely sale.

(2) The business experience or acumen of the seller. One with little experience in business will probably not make as advantageous a deal as one who is experienced and knows how to get the best possible trade.

(3) The market demand for the type of resource transferred. Certain property, such as some securities, automobile, etc., can be readily sold; whereas other property can only be sold on forced sale to speculators, who presumably would pay very little. This might apply to real estate in a locality where there is little demand for property.

(4) Market value of the item transferred may be used as a guide to the reasonableness of the consideration which should have been received. However, less than market value shall not be considered unreasonable if, in view of all existing circumstances and factors, the individual's plan in regard to the transfer had any reasonable basis as illustrated below:

(a) A consideration shall not be deemed reasonable in terms of what should have been received when the consideration received only reduced or diminished the applicant's existent rights and there were no conditioning factors present. For example, an applicant who was the holder of a \$1,000 note, but who settled the note by accepting \$500 would ordinarily be considered to have received less than reasonable consideration. It might be reasonable consideration, however, if there were disputes about the note, etc., and a reasonable compromise seemed desirable.

(b) A transfer of property in settlement of a legally enforceable debt approximately equal to the current fair market value of the property transferred represents reasonable consideration. Likewise, settlement of an unresolved claim (such as a claim for damages) by the transfer of property of approximately equal value is regarded as reasonable consideration in the absence of evidence indicating fraud or collusion. (The advice of the applicant's attorney suggesting settlement would, of course, be substantiating evidence.) The existence of a debt must be established by one or more of the following types of evidence:

(i) A legally recorded instrument evidencing the existence of the debt and executed at or about the time the debt was allegedly incurred

(ii) Other documentary evidence—for example, cancelled checks, receipts, notes, mortgages, or written agreements executed by the principals at or about the time the debt was allegedly incurred

(iii) The sworn affidavits or testimony of at least two disinterested persons not parties to the transaction or directly or indirectly benefiting therefrom, who were in a position to have first-hand knowledge of the situation and arrangements between the principals at the time the debt was allegedly incurred and whose statement corroborates the sworn statement or testimony of the principals.

(iv) Such other evidence as would be accepted by a court of law to establish a debt, such as record of account, etc.

(c) The transfer of property due to a legally enforceable foreclosure procedure.

(d) The transfer of property by an accelerated sale due to necessity to relocate to accept employment or training or to retain a cohesive family unit.

(5) Debts incurred from the services of a minor child or for loans from a minor child are not recognized as legal obligations.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-462 TRANSFER OF PROPERTY—EXCEPTIONS. ~~((The act or omission to act whereby an interest in property is set over to another under the following circumstances is not a transfer:))~~ The following circumstances are examples of transfers of nonexempt property which shall not be considered a transfer with intent to qualify for assistance regardless of the consideration received.

(1) The applicant was the victim of fraud, misrepresentation or coercion and the transfer was based upon such fraud, misrepresentation or coercion; providing that the applicant has initiated and taken any and all possible steps to recover such property or the equivalent thereof in damages. Such facts are established by competent legal advice from the applicant's attorney or, if he has none, the prosecuting attorney. In the event that action has been taken for restitution or damages the applicant may be eligible until the action is concluded providing he proceeds with due diligence.

(2) At the time of the transfer, the applicant was not receiving assistance and did not consider any probable need for assistance in the foreseeable future. The outward demonstration of such an intent shall be corroborated by statements from two disinterested parties.

(3) The property was transferred to a spouse pursuant to a divorce or legal separation settlement approved by or ordered by a court of competent jurisdiction.

~~((3))~~ (4) The applicant held title only as a trustee for the use and benefit of another person with no beneficial interest himself.

~~((4))~~ (5) The transfer was to clear title to property in which the applicant had no real beneficial enforceable interest.

~~((5))~~ (6) The act was the execution of a mortgage of exempt property to secure antecedent debts, the only consideration for which was the forbearance of suit by the mortgagee. "Antecedent debts" means debts which occurred prior to and apart from the transaction giving rise to the execution of the note and mortgage. "Forbearance of suit" refers to the creditor's promise not to enforce his right to payment of the debt by legal proceedings in court. Situations coming under this provision are cleared in writing with the assistant attorney general in the state office.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-464 TRANSFER OF PROPERTY—ASSISTANCE DURING PERIOD OF INELIGIBILITY. An applicant who transferred nonexempt property to qualify for assistance or for an inadequate consideration as determined by investigation by the department and who has been determined not to be in need for a future period of time, not to exceed two years, may be granted public assistance only if undue hardship exists and an exception to policy is approved according to chapter 388-20 WAC. Assistance paid as a result of an exception to policy under this rule shall not be considered an overpayment.

**WSR 78-03-056
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Board of Health)
[Filed Feb. 22, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning new chapter 248-55 WAC relating to waterworks operator certification;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 1, 1979, in William B. Pope's office, 3-D-14, 12th and Jefferson, State Office Building #2, Olympia, WA.

The authority under which these rules are proposed is RCW 70.119.050.

This notice is connected to and continues the matter noticed in Notice No. 7952 filed with the code reviser's office on Dec. 29, 1977.

Dated: February 15, 1978

By: Gerald Thomas
Deputy Secretary

WSR 78-03-057 *✓ Codified*

**ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)**

[ORDER NO. 78-3—Filed Feb. 22, 1978]

Be it resolved by the Board of Boiler Rules, acting at Department of Labor and Industries, 300 West Harrison St., Seattle, in Room 412, that it does promulgate and adopt the annexed rules relating to the amending of WAC 296-104-050 Examination for (Boiler) inspector; 296-104-065 Reciprocal Commissions; 296-104-170 Shop Inspections; 296-104-235 Safety Relief Valves; 296-104-245 Fuel Oil Heaters; 296-104-315 New Installations—Blow Off Tanks;

Repeal WAC 296-104-250 Hot Water Heating System; **C**296-104-275 Hydro-Pneumatic Tanks; **C**296-104-280 Electric Steam Generators; New WAC 296-104-285 Exempting certain pressure vessels in places of public assembly from the rules of this chapter.

This action is taken pursuant to Notice No. 7937 filed with the code reviser on 12/21/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.79.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 17, 1978.

By John C. Hewitt
Director

AMENDATORY SECTION (Amending Part II § 7, filed 3/23/60)

WAC 296-104-050 ADMINISTRATION—EXAMINATION FOR INSPECTOR. Examination for certificate of competency as inspector of boilers shall be held at the office of the chief boiler inspector for the state of Washington, or at any location to be selected by the board, four times each year, namely, the first Wednesday of the months of March, June, September and December. Special examinations will be held when considered necessary by the board.

Applicants for examination (~~shall be at least twenty-five years of age and~~) shall have had at least three years practical experience in the construction, maintenance, repair or operation of high pressure boilers or unfired pressure vessels as a mechanical engineer, steam engineer or boiler maker, or shall have had at least three years experience as an inspector of high pressure boilers. A credit of two years of the required experience will be given to applicants holding a mechanical engineering degree from a recognized college of engineering.

Application for examination for certificate of competency shall be in writing upon a form to be furnished by the director stating the school education of the applicant, a list of his employers, his period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's history and experience meet with the approval of the board of boiler rules, he shall be given a written examination dealing with the construction, installation, operation, maintenance and repair of boilers and unfired pressure vessels and their appurtenance, and the applicant shall be accepted or rejected on the merits of this examination. If the applicant is successful in meeting the requirements of the examining board, a certificate of competency will be issued by the chief inspector. After the expiration of ninety days, an applicant who fails to pass the examination will be permitted to take another written examination, and his acceptance or rejection will be determined by the board on the basis of this examination.

AMENDATORY SECTION (Amending Order 37, filed 11/8/74)

WAC 296-104-065 ADMINISTRATION—RECIPROCAL COMMISSIONS. Upon the request of a boiler insurance company authorized to insure and insuring against loss from explosion of boilers and pressure vessels in this State, a Commission as a Special Inspector shall be issued by the Chief Inspector to an Inspector in the employ of such company provided the inspector (~~is at least twenty-five (25) years of age,~~) has had the experience prescribed in (~~RCW 70.79.120~~) RCW 70.79.130 and holds a Certificate of Competency or Commission issued by a State which has adopted one or more sections of the ASME Code and which holds a written

examination equivalent to that required by the State of Washington and a National Board Commission. Application for a reciprocal Commission shall be made on a form to be furnished by the Chief Inspector, and shall be accompanied by a photostatic copy of the applicant's Commission and Certificate of Competency.

AMENDATORY SECTION (Amending Part III, § 15, filed 3/23/60)

WAC 296-104-170 INSPECTION OF SYSTEMS—SHOP INSPECTIONS. Shop inspections shall be as outlined in the applicable sections of the ASME code. Only inspectors holding a national board commission and a (~~certificate of competency~~) commission issued by the state of Washington shall make shop inspections in this state. (~~Fees for shop inspections shall be as set forth in RCW 70.79.340.~~)

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Part IV, § 8 filed 3/23/60)

WAC 296-104-235 INSPECTION OF SYSTEMS—SAFETY RELIEF VALVES. (~~The above boilers and tanks~~) The boilers and tanks covered by WAC 296-104-230 shall be protected by the installation of ASME code relief valves with trial levers, set pressure not to exceed (~~+25~~) 160 psi. Relief valves shall be installed on top of tank or on outlet piping as close as possible to the boiler or tank, with a minimum of fittings and no valves intervening. The outlet of the relief valve shall be run full size to a safe place.

AMENDATORY SECTION (Amending Part IV § 10, filed 3/23/60)

WAC 296-104-245 INSPECTION OF SYSTEM—(~~FUEL~~) OIL HEATERS. Steam or hot water (~~fuel~~) oil heaters shall be so designed and constructed that in the event of failure of any part, oil cannot enter the boiler water. (~~Acceptable designs for steam employ a trap, the condensate going to a filter tank or drain. An acceptable design for hot water employs a two-state heater with an ambient fluid, with sight glass.~~)

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 296-104-285 UNFIRED PRESSURE VESSELS IN PLACES OF PUBLIC ASSEMBLY. Unfired pressure vessels in places of public assembly shall be exempt from the rules of this chapter when they do not exceed 1 1/2 cubic feet in volume and have a safety value ~~setting~~ setting of 150 psi, or less; or when they are less than 6 inches in diameter, and do not exceed 5 cubic feet in volume regardless of pressure.

misspelled in register / agency filed 01/17

AMENDATORY SECTION (Amending Part V, § 4, filed 3/23/60)

WAC 296-104-315 **NEW INSTALLATIONS—BLOW OFF TANKS.** Blow off tanks, if of metal, shall be designed in accordance with the "National Board Blowoff Equipment" standards, 1973 edition. ~~((to withstand the working pressure of the boiler, or they shall be designed for a minimum of 50 psi working pressure with the following openings: water outlet to be equal to or greater than the inlet with a vent to atmosphere at least 4 times the inlet in area. The appropriate formulas in ASME code are to be used to determine the above working pressure. In no case shall the shell thickness be less than 5/16 inches.))~~

REPEALER (Amending Part V, § 4, filed 3/23/60)

The following sections of the Washington Administrative Code are each repealed:

- (1) **WAC 296-104-250** **INSPECTION OF SYSTEMS—HOT WATER HEATING SYSTEMS.**
- (2) **WAC 296-104-275** **INSPECTION OF SYSTEMS—HYDRO-PNEUMATIC TANKS.**
- (3) **WAC 296-104-280** **INSPECTION OF SYSTEMS—ELECTRIC STEAM GENERATORS.**

Adopted

WSR 78-03-058
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Board of Health)

[Order 159—Filed Feb. 22, 1978]

Be it resolved by the Washington State Board of Health, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 248-18-245, relating to care of tuberculosis patients in hospitals.

This action is taken pursuant to Notice No. 7985 filed with the code reviser on 12/30/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 15, 1978.

By John A. Beare, M.D.
Secretary

AMENDATORY SECTION (Amending Order 138, filed 2/7/77)

WAC 248-18-245 **CARE OF TUBERCULOSIS PATIENTS.** (1) Any hospital which provides inpatient

services to both tuberculous and nontuberculous patients shall provide

(a) Designated patient rooms for patients with suspected or known infectious tuberculosis.

(i) Any patient room used for the care of a patient with suspected or known infectious tuberculosis shall be a private or semi-private room providing respiratory isolation and a hand-washing facility and shall have a separate adjoining toilet. Only a patient with tuberculosis may share a room with a patient with infectious tuberculosis.

(ii) Ventilation: A negative pressure condition shall be maintained in the patient rooms relative to adjacent spaces, except bath and toilet areas. No air shall move out of the patient room space except to be discharged to the outdoor atmosphere. The discharge of air shall be at least ((25)) ~~twenty-five~~ feet from any air intake or occupied space. Ventilation shall be at the rate of six ((6)) ~~air~~ changes per hour, exhaust. Make-up or supply air may come from adjacent ventilated spaces with a minimum of two air changes being tempered outside air.

(iii) Ultraviolet generator irradiation: The ceiling and upper air space of patients' rooms shall be irradiated with ultraviolet fluorescent fixtures, with lamps emitting wave lengths of 253.7 nanometers. An average density of radiant flux shall be maintained at approximately 20 to 25 micro watts per square centimeter as registered on an ultraviolet meter at the ceiling. The average reflected irradiance shall be approximately 0.1 micro watts per square centimeter in the room at the five ((5)) ~~foot~~ level.

Fixture installation shall conform to the recommendations of the Illuminating Engineering Society Handbook, 5th Edition, Section 25, "Ultraviolet Energy". A maintenance program shall be established to include cleaning of the ultraviolet fixtures and lamps at least once per month with alcohol.

(b) Clinical laboratory services including slide microscopy shall be available in the facility, or through the state laboratory.

(c) Complete diagnostic x-ray service including laminography.

(d) Respiratory therapy services, including therapy related to positive pressure breathing, humidification and nebulization.

(2) There shall be written policies and procedures pertinent to care of patients with tuberculosis.

(a) These shall be developed by representatives of administrative, medical and nursing staffs.

(b) The policies and procedures shall be applicable within the hospital, designed to ensure safe and adequate care to patients, and consistent with applicable laws and state board of health regulations.

(c) Policies shall be made known and readily available to medical and nursing staffs, shall be followed in the care of patients, and shall be kept current by periodic review and revision.

(3) There shall be an infection control committee, whose activities related to tuberculosis shall include:

(a) Review and approval of infection control policies for nursing, laboratory services, and respiratory therapy services.

(b) Consultation for nurses and other personnel on problems associated with isolation of tuberculosis.

(c) Surveillance of the skin testing and chest x-ray program for employees.

(4) There shall be a planned education program provided for personnel having responsibility for services to the tuberculosis patient. The educational program shall give each employee the opportunity to develop understanding of the:

- (a) Nature and transmission of tuberculosis.
- (b) Methods of control of tuberculosis.
- (c) Treatment of tuberculosis.
- (d) Psychological aspects of isolation.
- (e) Community health aspects of tuberculosis.

A record shall be maintained of the education provided for the employee, which shall be sufficient to allow determination of whether or not the employee has received the education necessary to do an effective job in care of tuberculosis patients.

(5) There shall be a planned program of patient education to teach the patient about tuberculosis and how it is treated. The teaching program shall be directed towards helping the patient gain an understanding of:

- (a) The nature and transmission of tuberculosis.
- (b) How tuberculosis affects the patient's body.
- (c) The treatment of tuberculosis, including the importance of regular intake of medications.

(d) The importance of regular follow-up after discharge from hospital. Entries in the patient's clinical record shall provide current information on the instruction which the patient has received and his progress in learning about his disease.

(6) There shall be regular case conferences involving the tuberculosis patient's physician, a pulmonary disease consultant, a registered nurse, and the health officer or his designee of the patient's county of residence to: assure accurate diagnosis, effective treatment regimen, and discharge at earliest date consistent with good management and safety from transmission. A discharge conference shall include a representative of the facility to which a patient is being transferred or the health department of the patient's county of residence.

(7) There shall be planning for discharge and continued care of each tuberculosis patient in accordance with the patient's needs and resources. This shall include:

(a) Exchange of information with appropriate staff of another health care facility to which transfer of a patient is pending to ascertain that the other facility can receive and care for the patient.

(b) Transfer of written current medical information, which includes a medical history and physical examination, medical diagnosis, summary of the patient's course of treatment followed in the hospital, nursing and dietary information useful in the care of the patient, and pertinent social information.

(c) Transfer of written information as outlined in (b) to the health department of the patient's county of residence when a patient is discharged to home care.

(d) Notification of the health department of the patient's county of residence at any time a patient is discharged.

(8) No hospital may provide inpatient services to tuberculous patients except upon the written finding of the Department of Social and Health Services, based upon an inspection performed pursuant to RCW ((70.51.130)) 70.41.120, that such hospital is in compliance with this section. ✓

certified

WSR 78-03-059
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Board of Health)

[Order 157—Filed Feb. 22, 1978]

Be it resolved by the Washington State Board of Health, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 248-100-450, relating to rabies.

This action is taken pursuant to Notice No. 7983 filed with the code reviser on 12/30/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 15, 1978.

By John A. Beare, M.D.
Secretary

AMENDATORY SECTION (Amending Order 40, filed 10/14/70)

WAC **WAC 248-100-450 RABIES.** (1) In order to protect the public health and prevent the occurrence of rabies in dogs and cats and in wild animals which are used as pets and which may transmit rabies to human beings, it shall be unlawful to:

(a) Import into this state any skunk, fox, or racoon for sale, barter, exchange, ((or)) giving as a gift or for use as a personal pet;

(b) Acquire, sell, barter, exchange, give, purchase, for trap or retention as pets or for export, any skunk, fox, or racoon within the state of Washington: **PROVIDED**, That subsections (a) and (b) shall not prohibit the importation of any skunk, fox, or racoon by a bona fide publicly or privately owned zoological park, or circus, or any other show where animals are exhibited but are not in physical contact with the public, or by scientific or educational institutions, nor shall such prohibit the use of such animals in fur farming.

(2) Whenever a human being is bitten by any skunk, fox, or racoon, such animal shall be immediately destroyed and the procedures as set forth below shall be followed.

(3) Whenever any human being is bit by any other wild animal, such animal, if available, shall be sacrificed or otherwise disposed of in the discretion of the local health officer.

(4) Whenever any human being has been bitten by a cat or dog and there is no reason to suspect that the animal is rabid in the opinion of the local health officer or a veterinarian, the animal involved shall be restricted for ten days for observation in such manner as to prevent contact with other animals or humans except for the caretaker.

(5) If it becomes necessary to destroy the dog or cat or other animal, care should be taken to avoid damaging the brain tissues. The dead animal's head must be severed from the body and placed in a proper container, packed in ice, and sent to the state department of social and health services, division of health's laboratory at Seattle, or other laboratory competent to carry out the complete examination, including a mouse inoculation test.

WSR 78-03-060

ADOPTED RULES

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Board of Health)**

[Order 156—Filed Feb. 22, 1978]

Be it resolved by the Washington State Board of Health acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 248-33-100 relating to eye bank records.

This action is taken pursuant to Notice No. 7982 filed with the code reviser on 12/30/77. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 15, 1978.

By John A. Beare, M.D.
Secretary

AMENDATORY SECTION (Amending Order 134, filed 10/21/76)

WAC 248-33-100 RECORDS. Every approved eye bank shall keep a record of requests made to county coroners or medical examiners for corneal tissue on forms provided by the department. Information recorded shall include the initial request, the tissue received and its condition (acceptable for transplant or not acceptable for transplant), the name of the person who removed the

tissue from the donor, the date and time of the removal of tissue, the date and time of the donor's death (observed or otherwise determined), the age of the donor (if known), the age, sex and racial or ethnic group ((~~identify~~) identity) of the recipient, the name of the physician who performed the transplant, the date of the transplant and the hospital where the transplant was performed.

This information shall be kept at the approved eye bank for a period of five years and made available to the secretary or his or her designee upon request.

WSR 78-03-061

ADOPTED RULES

GAMBLING COMMISSION

[Order 81—Filed Feb. 22, 1978]

Be it resolved by the Washington State Gambling Commission, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-02-350 and 230-25-110.

This action is taken pursuant to Notice No. WSR 78-01-034 filed with the code reviser on 1/3/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.020(5) and section 1(5), chapter 326, Laws of 1977 ex. sess., and RCW 9.46.070(4) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 16, 1978.

By Mary G. Knibbs
Vice Chairman

AMENDATORY SECTION (Amending order 78, filed 11-17-77)

WAC 230-02-350 COMMERCIAL STIMULANT. An activity is operated as a commercial stimulant, for the purposes of chapter 9.46 RCW and these rules, only when it is an incidental activity operated in connection with, and incidental to, an established business, primarily engaged in the sale of food or drink for consumption on the premises, with the primary purpose of increasing the volume of sales of food and drink for consumption on that business premises.

An activity authorized for use as a commercial stimulant shall be deemed as not being used for this purpose when the gross receipts from that activity, less that amount paid out for or as prizes, and less that amount paid out in federal, state, and local taxes or fees, directly related to the activity, are more than ((~~fifty percent of~~) the total of the gross receipts from the food and drink business during any calendar quarter.

type as shown for Codified

Codified

Code file
AMENDATORY SECTION (Amending Order #80, filed 12-28-77)

WAC 230-25-110 FUND RAISING EVENT—USE OF EQUIPMENT, LEASE OR RENTAL FROM LICENSEE ONLY. Only those persons holding a valid license to sell or distribute punchboards, pull tabs, or pull tab dispensing devices shall be authorized to sell or lease gaming equipment to bona fide nonprofit or charitable organizations licensed to conduct fund raising events for use in connection with a licensed fund raising event. All rules and regulations of the commission relating to the sale or distribution of punchboards, pull tabs, or pull tab dispensing devices by such distributors, shall be likewise applicable to the sale or rental by them of gaming equipment for use in a licensed fund raising event, except to the extent such rules are inconsistent with the provisions of this section: **PROVIDED**, That commission approval of such gaming equipment shall not be required, nor shall identification stamps be required for such equipment: **PROVIDED FURTHER**, That a licensee to conduct fund raising events may sell, loan or rent equipment acquired for its own fund raising event to another such licensee without being licensed as a distributor.

No sale or rental of gaming equipment for use in a licensed fund raising event shall be transacted except on commercially reasonable terms established in the competitive market. All rentals shall be a lump sum or hourly rate, and shall not be based upon a percentage of the income or profit derived from the conduct of the fund raising event.

No licensee to conduct fund raising events shall purchase or rent gaming equipment except from another such licensee, or from a licensed distributor.

Any bona fide charitable or nonprofit organization licensed to conduct fund raising events may utilize such equipment, not otherwise prohibited by law or these regulations, as is owned or constructed by such licensee, or which is borrowed or leased from another bona fide charitable or nonprofit organization which has been licensed by the commission to conduct fund raising events.

No licensee to conduct fund raising events shall use, or permit the use of, equipment owned by it for any purpose other than the operation of licensed fund raising events, or other authorized gambling activities by the licensee: **PROVIDED, HOWEVER**, That the licensee may, within the twelve calendar month period following the conduct of the fund raising event for which it was licensed, loan or rent such equipment to another bona fide charitable or nonprofit organization for use in conjunction with a licensed fund raising event.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-03-062

**NOTICE OF PUBLIC MEETINGS
 COMMUNITY COLLEGE DISTRICT 12**
 [Letter—Filed Feb. 21, 1978]

This is to notify you, in accordance with the State Register Act, that the Community College District 12 Board of Trustees meets in regular session on the second Thursday of each month, alternating the location between the Centralia College campus and the Olympia Technical Community College campus. The only exception to this date would be when something occurs to make a quorum impossible, and an alternate day during the month is chosen.

WSR 78-03-063

**EMERGENCY RULES
 GAMBLING COMMISSION**
 [Order 82—Filed Feb. 22, 1978]

Be it resolved by the Washington State Gambling Commission, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-25-220.

We, the Gambling Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: There is widespread misunderstanding among the public as to the permissibility of conducting a licensed raffle as part of a licensed fund raising event. This rule is designed to clarify this area. Since a person who inadvertently fails to conduct such a raffle or fund raising event in accordance with Commission rules may be subjected to criminal sanctions, the Commission finds that an emergency exists requiring immediate implementation of this rule.

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

This rule is promulgated pursuant to RCW 9.46.070(10) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 16, 1978.

By Mary G. Knibbs
 Vice Chairman

AMENDATORY SECTION (Order No. 78, filed 11-17-77)

WAC 230-25-220 RAFFLES OR SIMILAR LOTTERIES CONDUCTED AT FUND RAISING

EVENTS. (1) No sales of tickets or drawing(s) in any raffle or similar lottery wherein the winner or winners are chosen by the drawing of a ticket or other card or device shall be done at, or in connection with, a licensed fund raising event unless all aspects of the raffle or similar lottery are done only at the fund raising event.

(2) If any ticket or card or device for a raffle or similar lottery is sold, or any drawing for a raffle or similar lottery held, other than at and during a licensed fund raising event then no portion of the raffle or similar lottery shall be conducted at or during any licensed fund raising event, nor shall the raffle or similar lottery be considered as being held under the license for any such fund raising event.

~~((2))~~ (3) Raffles or other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or as a part of, a licensed fund raising event authorized under RCW 9.46.030(1) shall be treated as conducted solely pursuant to the license to conduct that fund raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund raising events and shall not be reported or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under a different statutory authority: PROVIDED, That the requirements of WAC 230-20-100 applicable to raffles shall be applicable to all such lotteries.

Income from raffles or other lotteries conducted at, or as a part of, such a fund raising event shall be applied only against the maximum income permitted for fund raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission's rules.

~~((3))~~ (4) All of the commission's rules applicable to the conduct of raffles, whether general or specific, shall apply to the conduct of raffles and to the conduct of other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a fund raising event, except as provided in subsection ~~((2))~~ (3) above and except the following rules which shall not be applicable:

- (a) WAC 230-20-340;
- (b) WAC 230-20-350;
- (c) WAC 230-20-150;
- (d) WAC 230-20-300.

(5) Subsections (1) through (4) above shall not be applicable where a drawing is held during a fund raising event for a raffle conducted pursuant to a raffle license issued by the commission subject to all the commission's rules applicable to such raffles, and all tickets for said raffle are sold, and deposited into the drawing container prior to the beginning of the fund raising event.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-03-064

PROPOSED RULES

BOARD OF CHIROPRACTIC EXAMINERS

[Filed Feb. 22, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Chiropractic Examiners intends to adopt, amend, or repeal rules concerning standards and procedural rules for approval of chiropractic colleges, and scoring and limitation of the examination for chiropractic license. (A copy of the proposed rules is attached; however, changes may be made at the public hearing);

that such agency will at 3:00 p.m., Saturday, April 15, 1978, in the Hilton Airport Inn, 17620 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Saturday, April 15, 1978, in the Hilton Airport Inn, 17620 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.25.017 and 18.25.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 15, 1978 and/or orally at 3:00 p.m., Saturday, April 15, 1978, Hilton Airport Inn, 17620 Pacific Highway South, Seattle, WA.

Dated: February 22, 1978

By: Edward H. Southon
Assistant Attorney General

AMENDATORY SECTION (Rule I, filed 10/31/62)

WAC 114-12-010 COLLEGES—POLICY. In judging a college's eligibility for approval, all factors shall be considered. Chiropractic colleges which have been in operation long enough to have graduated at least one class are eligible to be approved. Approval shall be based primarily upon educationally sound practices, and a course of study which complies with the requirements for a chiropractic license in the state of Washington.

AMENDATORY SECTION (Order 6, filed 9/6/68)

WAC 114-12-020 ((COLLEGES))DEFINITIONS. The following terms are so defined for the purposes of this chapter:

- (1) "Board" means the board of chiropractic examiners.
- (2) "College" means an institution whose curriculum provides ~~((training))~~ education leading ~~((solely))~~ to the acquiring of a professional ~~((or-subordinate))~~ degree ~~((or-degrees))~~ in chiropractic. ~~((or-in completing work required for an academic degree in science))~~

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Chiropractic College Rule III, filed 10/31/62)

WAC 114-12-030 APPROVAL OF COLLEGES—PROCEDURE. (1) Application and determination. A chiropractic college which desires to be approved by the board may secure an application form by sending a written request to the secretary of the board. The applicant shall complete the application form and ~~((any accompanying documents and))~~ submit ~~((them))~~ it to the secretary of the board, along with any accompanying documents. A recent photograph of the college or the buildings in which the college is located ~~((the offices should be indicated))~~ shall be submitted with the application; the college offices should be indicated on the photo. Within ~~((90))~~ one hundred twenty days after the receipt of the completed application, the board shall consider the application, determine whether or not the college fulfills the requirements for approval, and deposit in the mails a notice of the

board's determination addressed to the applicant. If the board determines that the college is not worthy of approval, the notice shall set forth the nature of the unworthiness. Provided: The board may withhold making a determination for a reasonable period of time for any justifiable reason upon giving notice to the applicant.

(2) Interrogatories. If the board desires, it may request the applicant to answer specific inquiries. The granting or the denial of approval may be based upon the answers to such inquiries.

(3) Oath. The answers to the inquiries in the application, and any other inquiries, shall be sworn to before a notary public.

(4) Inspection. If the board desires, it may make the physical inspection of a particular college a condition for its being approved. Such necessary on-campus visitation of reasonable cost shall be funded by the applicant.

(5) Duration. A college which is once approved shall continue to be approved for so long as it fulfills the requirements set forth by the board, or to be set forth by the board. Upon receiving convincing evidence that a college has ceased to fulfill the requirements, the board shall withdraw the approval of the college and shall inform the college of its reasons for doing so. A college shall inform the board of ((any)) changes, if any, in status which might conceivably make the school unworthy for approval by the board. Such changes shall include, but are not limited to, changes in curriculum, changes in instructors, changes in classrooms and equipment((and changes in the college's financial position)). A college shall, also, notify the board of any change in its ownership or business organization, changes in location, or changes in name. ((A failure to give such notification shall suspend the college's approval until such time as the board may make an investigation and determine that the college is worthy of approval. Continuing approval is, also, contingent upon the college answering with full disclosures, all questions which the board may choose to direct to it from time to time.)) A college must submit current operating statement, educational and general income and expenditures for the past three years, and history of institutional indebtedness.

(6) Continuing reports. Each approved college must submit an annual report, due March 1st of each year, of pertinent changes in requirements established in this chapter. All exhibits must be numbered and referred to in the body of the report. Reports shall cover all pertinent changes made since the last report. A college shall include an opinion of the financial status of the institution prepared by a certified public accountant. Every five years an entire new application for approval shall be submitted. Failure to submit any report or application required by this section shall be grounds for revocation of the college's accreditation.

(7) Revocation of accreditation. Where the board receives evidence that an accredited institution is not complying with board criteria, it may, after meeting with institutional representatives, place the institution on probation. The institution shall be supplied with a written bill of particulars setting forth the specifics of the non-compliance. The board and chief administrative officer of the institution may agree on a mutually acceptable timetable and procedures for correction of the deficiencies or the board may set the timetable. Should the institution not make the corrections recommended, or should further deficiencies develop during the probation, the board may, after meeting with institutional representatives, revoke the accreditation of the college.

(8) Reinstatement of accredited status. Once the board has revoked the accredited status of an institution, it must reapply by submitting either a new self-study or an updated self-study as may be required by the board. The board's usual procedure for applicants for initial accreditation and petitions for renewal is applied to petitioners for reinstatement. The visitation team report, hearing evidence and supporting data must show not only correction of the deficiencies which led to the disaccreditation but, in addition, complete compliance with the board's criteria.

(9) Appeal. An appeal of a decision adverse to the college must be filed with the board within thirty days of receipt of the board's written decision. To be valid the appeal must contain a certified copy of a formal action authorizing the appeal, taken by a lawfully constituted meeting of the governing body of the institution. The appeal is based on a review of self-evaluation documents, catalog, visitor's report, institution's response to visitor's report, predecision hearing of the board and board decision. Alleged improvements effective subsequent to the evaluation which can be verified only through another on-site visit provide the basis for another evaluation, not for an appeal. An appeal does not include a dispute on a finding of fact unless appellant makes a prima facie showing that the finding is clearly erroneous in view of the

reliable, probative and substantial evidence on the whole record before the board. The board shall meet to consider the appeal at its earliest opportunity, and send a formal reply to the appealing college within thirty days of such meeting, unless it extends the time for good cause shown.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Chiropractic College Rule IV, filed 10/31/62)

WAC 114-12-040 COLLEGES—GENERAL REQUIREMENTS AND RECOMMENDATIONS FOR APPROVAL AND/OR CONTINUING APPROVAL. (1) Physical facilities.

(a) ~~((Classrooms. The minimum standards are sufficient general classrooms to accommodate the entire student body, a teaching unit for the demonstration and practice of chiropractic procedure, and an adequate laboratory for teaching science subjects. Provision should be made for assembly room large enough to accommodate the entire student body. This may be a classroom. Each classroom shall be of sufficient size and possess sufficient furniture to seat every person in each class which is conducted in it.)) Buildings and offices. Each college shall own or enjoy the full use of buildings adequate to accommodate the student body with auditorium, classrooms, laboratories, clinic and library facilities, and offices for the administration and faculty. Provisions shall be made for the safekeeping of valuable records. All local laws, codes, and regulations must be observed.~~

(b) ~~Instructional aids and ((E))equipment. ((The minimum standards are for a))The college ((to))must possess the following equipment in good working order: ((one))sufficient x-ray ((machine))equipment and ((a sufficient number of)) chiropractic adjusting tables to accommodate student clinics and classrooms. There will be available for the use of the faculty, for instructional purposes, and for the students, for learning purposes, a wide variety of teaching and learning aids, both audio and visual. Such materials and equipment shall be under the supervision of a person who is knowledgeable in their care and uses and who is responsible to see that they are in good working order and available when and where they are needed.~~

(c) Library.

(i) Material. There must be a library within the college which contains sufficient ((current)) textbooks and reference materials by recognized authorities upon at least the following subjects: anatomy, physiology, hygiene, symptomatology, ((nerve tracing))neurology, chiropractic-orthopedy, principles of chiropractic and adjusting. The library should contain current copies of ((several)) chiropractic and health care periodicals. The chiropractic library program is a major educational tool of institutions training primary health care providers. It will be evaluated not simply as a place, but as a learning resource in terms of the objectives of the institution.

(ii) Objectives. The library staff, in consultation with administration, faculty and students, shall develop and maintain a current explicit statement of library objectives in accord with the institution's objectives.

(iii) Organization and administration. The college library shall be organized and administered in a manner which permits and encourages the fullest and most effective use of available library resources. A library committee shall be responsible for maintaining a systematic and continuous program for evaluating library policies and performance and for identifying needed improvements. The chief librarian shall be included in planning and policymaking meetings concerned with matters pertaining to the teaching-learning process, present and future, and shall be primarily responsible for implementing library policies. The library shall develop statistics, not only for purposes of planning and control, but also to aid in the preparation of reports designed to aid outside evaluators. Such reports shall include data on faculty and student usage and a summary of accomplishments and problems.

(d) Laboratories. There shall be adequate laboratory facilities for the practical work in anatomy, histology, chemistry, physiology, bacteriology, histopathology, clinical pathology, roentgenology and chiropractic techniques.

The chiropractic technique laboratory shall have at least one serviceable adjusting table to every four students in the class.

It is recommended that the techniques and anatomical laboratories have amphitheater-like arrangements for group demonstrations.

Every effort shall be made to supply the anatomic and pathologic laboratories with sufficient cadavers and specimens for individual and small group demonstrations.

(2) ((Instructors.)) Faculty

(a) ((Qualifications. An instructor should be a graduate of a school worthy of being approved by the board, or should have had five years of experience in the field of chiropractic, or should have distinguished himself in the field of chiropractic. An instructor must be of good moral character.)) Instructors. The maximum teaching load shall be fifteen credit hours, counting two hours of laboratory instruction as a credit hour. The faculty teaching the basic science subjects, i.e., anatomy, chemistry, physiology, microbiology, pathology, and public health, must possess a master's or doctor's degree in their corresponding field of teaching, or have taught a period of at least eight years in an accredited graduate or professional level institution, or have been tenured as a professor for no less than four years in an accredited institution, or if in a foreign institute, one which has appropriate recognition in the United States at a graduate or professional level. All new faculty in the clinical sciences contracted for after January 1, 1977, shall have a first professional degree or appropriate certification. Such persons shall be licensed, if applicable. Members of the clinic staff holding first professional degrees must be licensed in the state of the institution's domicile. In addition, such persons shall have one of the following:

- (i) Baccalaureate degree.
- (ii) Certification status or eligibility.
- (iii) Resident status at the college.
- (iv) Three years full-time practice experience; such person shall be supervised by an experienced faculty member for at least two academic terms.
- (v) Two years teaching experience at a first professional degree granting institution as a faculty member in that degree program.

Special justification in the opinion of the board may warrant waiver of the faculty requirements for the chiropractic clinical sciences.

(b) ((Number. A college should not have less than five instructors for the first 100 students or part thereof, and one additional instructor for each additional 50 students.)) Faculty/Student ratio. After December 31, 1980, the faculty must be large enough to maintain a faculty (FTE - full time equivalent) student (FTE) ratio of one to fifteen. In calculating the faculty/student ratio, the standard student unit is to be used. The full time student equivalent (FTE) is defined as fifteen semester hours for students in undergraduate courses, and nine semester hours for students in exclusively graduate courses. The FTE teacher concept means that teachers who are employed to teach part-time are equated to an equivalent number of full-time teachers, generally based on a load of twelve semester hours of teaching. It does not mean that people employed full-time to teach should be equated to a smaller number of so-called FTE teachers merely because they are not teaching a full load of twelve to fifteen semester hours. The faculty administrators are to be counted as full-time teachers regardless of whether or not they are carrying a full-time teaching load. The academic administrative positions of president, academic dean and department heads or their equivalent, are a necessary part of the instructional function, and are to be included in determining the faculty/student ratio. Teachers or administrators designated above dedicating twenty-six or more hours per week in the employ of the college shall be considered as full-time faculty, even though carrying less than a full teaching load. The teacher shall have the right to the use of his spare time as he sees fit, provided it will not interfere with his college duties.

((c) Part-time instructors. The percentage of part-time instructors to the total number of instructors should not exceed twenty percent.

(d) Teaching practices. An instructor should be teaching a limited number of related subjects. His work load should be limited to instructing four subjects during a given school term.

(3) Curriculum. Each chiropractic student shall receive instruction in the following subjects for the minimum number of classroom hours specified:

Science subjects—Minimum instruction 1725 hours—anatomy, 600 hours; bacteriology, 125 hours; chemistry, 300 hours; physiology, 300 hours; pathology, 300 hours; hygiene and sanitation, 100 hours.

Chiropractic subjects—Minimum instruction 1825 hours—principles of chiropractic, 200 hours; adjustive technique, 400 hours; spinal roengenology, 175 hours; symptomatology and diagnosis, 425 hours; clinic, 625 hours.

General course—Minimum instruction 450 hours—psychology, obstetrics, office management, ethics and jurisprudence, nutrition and dietics.

"Technique" is defined as the analysis and adjustment of the spine.

"Clinic" is defined as faculty supervised, student application of the principles practice and technique of spinal analysis and adjustment. The board will expect adherence to the above requirements and will take into consideration overlapping subjects where hourly requirements are substantially met.))

(3) Academics. (a) Curriculum. The purpose of the curriculum is to provide the student a thorough understanding of the structure and function of the human organism in health and disease. A well-balanced presentation should give the student an understanding of the essential features of the life processes: digestion, excretion, physical and mental growth, nutrition, metabolism, energy, nervous control, the significance of developmental defects, behavior, and other elements which are fundamental to the understanding of pathological conditions. An understanding of structure and function should make it possible for students to identify deviations from the normal and should provide the essential facts required later for the diagnosis, prognosis, and treatment of disease.

(b) Length of course. The curriculum shall be presented over a minimum period of eight semesters or twelve quarters of the equivalent for a total of not less than 4,000 hours.

(c) Sequence. The course must be presented in a proper sequence of subjects to insure proper prerequisites.

(d) Offerings. Each chiropractic student shall receive instruction in the following subjects for the minimum number of classroom hours specified. All integrated hours of required curriculum shall be listed, identifying subject matter by outline:

Science subjects—Minimum instruction 1725 hours—anatomy, bacteriology, chemistry, physiology, pathology, hygiene and sanitation.

Chiropractic subjects—Minimum on-campus instruction 1825 hours—principles of chiropractic 200 hours; adjustive technique 400 hours; spinal roengenology 175 hours; symptomatology and diagnosis 425 hours; clinic 625 hours.

General course—Minimum instruction 450 hours—psychology, obstetrics, office management, ethics and jurisprudence, nutrition, dietary hygiene, and dietetics.

No mechanotherapy, physiotherapy, acupuncture, accupressure or dietary therapy shall be included in computation of qualifying classroom hours.

"Technique" is defined as the analysis and adjustment of the spine for correction of a spinal subluxation.

Eighty percent of the hours in "principles of chiropractic" shall be spent on the study of the philosophy of chiropractic, and directly related study.

In "clinic" students must, under faculty supervision, interview, examine, adjust and manage not less than 250 office visits utilizing those procedures qualifying as principles of chiropractic and adjustive technique of the spine, spinal roengenology, symptomatology and diagnosis. Not less than sixty percent of these visits shall be outpatients; the remainder may be student oriented.

(4) Degree. A degree of doctor of chiropractic shall not be granted by the college to any student who has not successfully completed courses of instruction as set out in ((item "3")) subsection (3) above, and who has not successfully completed a total of 4,000 classroom hours.

(5) Reputation and financial responsibility. In all respects a college shall be above reproach and shall have sufficient funds to carry out its function.

(6) Self-evaluation committee. Each institution shall maintain an active self-evaluation committee which shall include students, faculty, administration, board of control and other appropriate constituencies. This committee shall be responsible for current comprehensive data collection on the institution and re-examination and recommendations on clarification or revisions of goals and objectives. It shall make detailed analysis of (a) strengths and weaknesses of all aspects of the institution, (b) effectiveness of the educational program, (c) effectiveness of governance and decision-making process, including roles of various groups therein, (d) quality, morale and educationally related activities of faculty, (e) adequacy of physical and financial resources for present and future needs, and (f) the campus climate and environment, the role of students, their satisfaction or dissatisfaction with programs and services.

(7) Records and reports. Each institution shall maintain an adequately detailed system of records on each student from application

credentials through the total period of attendance. Such comprehensive records, including matriculation, attendance, grades, disciplinary action and financial accounts, shall be the permanent property of the institution, to be safeguarded from all hazards and not to be loaned or destroyed. From student records, faculty and administration credentials, files, financial records, and other sources, the institution shall develop such reports as the board shall require. Each institution shall provide documentary evidence of its compliance with nondiscriminatory and equal opportunity policy in its employment practices and in its recruitment of students.

(8) Catalog. The college shall issue, at least biennially, a bulletin setting forth the character of the work which it offers. The content and format shall follow the usual pattern of professional college catalogs. Such announcement shall list its trustees, president, dean, and other administrative officers. It shall contain a listing of the members of the faculty with their respective academic credentials, i.e., degrees, issuing schools and dates. The courses are to be set forth by departments, showing for each subject its contents, and value in term, semester, or quarter hours. Information is to be given regarding entrance requirements, discipline, attendance, examinations, grades, promotion and graduation. Tuition, matriculation, laboratory, graduation and special fees shall be listed. An equitable student tuition refund policy shall be stated. There shall be brief descriptions of the library, laboratories, and clinic facilities. If an institution does not offer courses required for licensure eligibility in one or more states, it shall include a catalog statement disclosing such information together with a statement as to where a list of such states and their requirements is available within the institution.

(9) Admission procedure. The admission of students shall be the responsibility of an officer who is a member of the committee on admissions, and his decision shall be subject to the review of the committee. Documentary evidence of students' preliminary education shall be obtained and kept on file. All transcripts of records from other colleges shall be obtained directly from such schools.

(10) Preprofessional education requirement. The school must require an applicant for admission to have completed not less than one-half of the requirements for a baccalaureate degree at an accredited college or university.

(11) Transfers. Applicants for admission to advanced standing in a college shall be required to furnish evidence: (1) that they can meet the same entrance requirements as candidates for the first-year class of the admitting college; (2) that courses equivalent in content and quality to those given in the admitting college in the year or years preceding that to which admission is desired have been satisfactorily completed; (3) that the work was done in a chiropractic college acceptable to the committee on admissions of the admitting college, and (4) that the candidate has a letter of recommendation from the dean of the college from which transfer is made. Credits for work done in accredited colleges will be allowed only in the preclinical subjects. No candidate will be accepted from another college if dishonorably dismissed from it. For all students admitted to advanced standing, there will be on file with the registrar the same documents as required for admission to the first-year class and, in addition, a certified transcript of work completed together with a letter of honorary dismissal from the college from which transfer was made.

A transfer student must spend at least the last academic year of his college course in residence in the admitting college which confers his degree.

(12) Foreign students. A college in the United States must require an applicant who is not a citizen of the United States to: (1) submit proof of proficiency in English, (2) submit evidence of financial resources, or funding commitment, to complete a minimum of one year of education, and (3) meet the same education requirements as students matriculating from the United States.

(13) Orientation of new students. Colleges shall conduct orientation sessions for first-year students as a means of adjusting the student to his new environment. Student orientation shall include a discussion of the institution's objectives, organization, and procedures, including scholastic regulations, student conduct, and requirements for successful completion of the course of study. Emphasis shall be given to defining the student's position in relation to the profession he seeks to enter. He shall be given an explanation of the legal, economic, and social place of the profession in society. The student shall be given an understanding of state regulations of the profession and the role of the examining boards, both as a protection of the public and the practitioners licensed to practice.

(14) Student counseling. A well-organized program of student counseling shall be established to assist students. A faculty counselor shall be assigned to each class to assist students with their educational and personal problems.

(15) Promotion. A college shall have a published policy regarding the earning and conferring of grades and progress through the program, and must adhere to such policy.

(16) Requirements for the degree. The candidate for graduation must have completed the prescribed curriculum of the college and have complied with all its regulations. Persons registered as special students and who already hold a doctorate in chiropractic may not be candidates for a duplicate degree.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 114-12-135 SCORING AND LIMITATION OF EXAMINATIONS. To pass the examination, applicants for examination pursuant to RCW 18.25.030 shall make a grade of at least 70% on each subject, and an overall average of 75%. Candidates for licensing by examination will be limited to two attempts within any two-year period; the re-examination will be limited to such subjects the applicant failed to pass with a grade of 70% or better.

More frequent re-examination may be allowed by the board if the candidate has successfully completed sixty hours of academic training, at an approved chiropractic college, in the subjects the candidate failed to pass in the last examination.

WSR 78-03-065
ADOPTED RULES
PLANNING AND
COMMUNITY AFFAIRS AGENCY
(Office of Community Development)
[Order 78-01—Filed Feb. 22, 1978]

I, James C. Frits, Deputy director of Planning and Community Affairs Agency (Office of Community Development), do promulgate and adopt at Capitol Center Building the annexed rules relating to chapter 365-50 WAC, for the security and privacy of criminal history record information.

This action is taken pursuant to Notice No. WSR 78-03-012 filed with the code reviser on 2/8/78. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 10.97.080 which directs that the Planning and Community Affairs Agency (Office of Community Development) has authority to implement the provisions of chapter 10.97 RCW, the Washington State Criminal Records Privacy Act.

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

APPROVED AND ADOPTED February 22, 1978.
By James C. Frits
Deputy Director

Handwritten notes:
... pages were corrected... were need address...
... make lists as follows...

Chapter 365-50 WAC
CRIMINAL RECORDS

WAC

- 365-50-010 General applicability.
- 365-50-020 Definitions.
- 365-50-030 Separation of information.
- 365-50-040 Deferred prosecutions.
- 365-50-050 Convictions under appeal or review.
- 365-50-060 Certification of criminal justice agencies.
- 365-50-070 Inspection—Individual's right to review record.
- 365-50-080 Inspection—Forms to be made available.
- 365-50-090 Inspection—Identification of requester.
- 365-50-100 Inspection—Timeliness and manner of agency response.
- 365-50-110 Inspection—Time allowed for review.
- 365-50-120 Inspection—Retention or reproduction of records.
- 365-50-130 Inspection—Prevention of unauthorized retention or reproduction.
- 365-50-140 Inspection—Designation of person to assist in review.
- 365-50-150 Inspection—Statement of procedures to be available.
- 365-50-160 Inspection—Procedure for correctional or detention agencies.
- 365-50-170 Deletion—Individual's right to have certain information deleted.
- 365-50-180 Deletion—Agency option to refuse to delete.
- 365-50-190 Deletion—Policies to be adopted.
- 365-50-200 Deletion—Inquiries required.
- 365-50-210 Challenge—Individual's right to challenge.
- 365-50-220 Challenge—Forms to be made available.
- 365-50-230 Challenge—Forwarding of challenge to appropriate agency.
- 365-50-240 Challenge—Agency to make determination.
- 365-50-250 Correction of erroneous information.
- 365-50-260 Review of refusal to alter record.
- 365-50-270 Dissemination—Dispositions to be included.
- 365-50-280 Dissemination—Inquiry of prosecutor required.
- 365-50-290 Dissemination—To implement a statute or other grant of authority.
- 365-50-300 Dissemination—Pursuant to contract for services.
- 365-50-310 Dissemination—Research purposes.
- 365-50-320 Dissemination—Record of disseminations to be maintained.
- 365-50-330 Dissemination—Fees.
- 365-50-500 Form of request to inspect record.
- 365-50-510 Form of request to modify record.

- 365-50-520 Form of request to review refusal to modify record.
- 365-50-530 Appendix III to State of Washington plan for security and privacy of criminal offender records.
- 365-50-540 Certification request form for criminal justice agencies seeking access to criminal offender record information.
- 365-50-550 Certification request form for noncriminal justice agencies seeking access to criminal offender record information.

NEW SECTION

Code

WAC 365-50-010 GENERAL APPLICABILITY. The regulations in this chapter shall apply to state and local criminal justice agencies in the state of Washington, that collect, and maintain, or disseminate criminal history record information. The regulations shall also apply to criminal justice or other agencies outside the jurisdiction of the state of Washington, for the purpose of the dissemination of criminal history record information to other agencies by state of Washington criminal justice agencies. The provisions of chapter 314, 1977 ex. sess., chapter 10.97 RCW, do not generally apply to the courts and court record keeping agencies. The courts and court record keeping agencies have the right to require and receive criminal history record information from criminal justice agencies. The regulations are intended to cover all criminal justice records systems that contain criminal history record information, whether the systems are manual or automated. Chapter 314, Laws of 1977 ex. sess., chapter 10.97 RCW, defines the rights and privileges relating to criminal history record information and should not be interpreted to redefine or amend rights or privileges relevant to any other kinds of records or information.

NEW SECTION

Code

WAC 365-50-020 DEFINITIONS. (1) "Criminal history record information" has the meaning set forth in RCW 10.97.030(1), and shall consist of the following information, pertaining to criminal offenders regardless of the kinds of files or records in which the information is contained:
 (a) The individual subject's name and other specific identifiable notations.
 (b) The date and place of arrest, detention or charge and any disposition therefrom;
 (c) The name of the agency which made the arrest or otherwise initiated the subject's contact with the criminal justice system.
 (2) "Records collected by" or "records maintained by" a criminal justice agency means (a) records directly generated or collected by that agency in the performance of its official functions, and (b) records properly obtained from another agency but retained by a criminal justice agency in the normal course of its business, and includes federal, state, or local rap sheets from wherever obtained if they are in the possession of the agency.

Not in this REGISTER

Criminal history records information does not include intelligence and investigative information.

Criminal justice information that does not identify particular individuals is not criminal history record information.

(3) "Nonconviction data" has the meaning set forth in RCW 10.97.030(2), and includes police decisions where an arrest is made not to refer a case to the prosecutor, prosecutorial decisions not to charge, dismissals (except dismissals following a period of probation, or suspension or deferral of sentence), acquittals, and arrest information without disposition if more than one year has elapsed since arrest, citation, or service of warrant and the prosecutor has not certified in writing that proceedings are still pending.

(4) "Conviction or other disposition adverse to the subject" has the meaning set forth in RCW 10.97.030(4).

(5)(a) "Criminal justice agency" has the meaning set forth in RCW 10.97.030(5). "Government agency" includes a state or local agency an agency of the federal government or of another state (for the purpose of disseminating criminal history record information to another agency), if the agency allocates a substantial part of its annual budget to, and has as its primary function, the administration of criminal justice.

(b) The following agencies shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations:

(i) The Washington state patrol, including the state identification section;

(ii) Federal, state and local law enforcement, prosecutorial or correctional programs, agencies, or departments;

(iii) Courts at any level, if they exercise criminal jurisdiction (Note the general applicability of chapter 314, Laws of 1977 ex. sess. chapter 10.97 RCW, to courts set forth in WAC 365-50-010);

(iv) The adult corrections division of the department of social and health services as specified in chapter 72.02 RCW, including institutions as specified in chapter 72.01 RCW and probation and parole services as specified in chapter 72.04A RCW;

(v) The board of prison terms and paroles;

(vi) The liquor control board as specified in RCW 66.44.010.

(vii) An agency that has been certified as a criminal justice agency pursuant to WAC 365-50-060.

(6) "The administration of criminal justice" has the meaning set forth in RCW 10.97.030(6), but does not include crime prevention activities (if that is the sole function of the program or agency) and does not include criminal defense activities.

(7) "Disposition" has the meaning set forth in RCW 10.97.030(7).

(8) "Dissemination" has the meaning set forth in RCW 10.97.030(8).

(a) Confirming the existence or nonexistence of criminal history record information is a dissemination.

(b) Disclosing criminal history record information to the subject of the record containing that information is a dissemination.

(c) The furnishing of information by one criminal justice agency to another for the purpose of processing a matter through the criminal justice system is not a dissemination as long as the information relates solely to the criminal charge in process.

(d) Disclosing information within a criminal justice agency or subunit thereof is not a dissemination.

(9) "Juvenile justice agency," for the purpose of RCW 10.97.050(3), means (a) a juvenile court, or (b) a governmental agency or subunit thereof which devotes a substantial portion of its annual budget to, and has as a primary function, the administration of juvenile justice.

(10) "State planning agency" shall mean that agency designated by WAC 365-31-010 and Executive Order 75-04 to fulfill the functions established by 42 USC Section 3701, the Omnibus Crime Control and State Streets Act of 1968 as amended. (Also referred to as "the SPA.")

NEW SECTION

Added WAC 365-50-030 SEPARATION OF INFORMATION. When a file or record contains criminal history record information combined with other kinds of information that is not subject to disclosure, the criminal history record information may be separated from the other information in response to a request to review or receive criminal history record information, unless a federal, state, or local rap sheet is available that would satisfy the request. Each criminal justice agency shall adopt procedures for making such separations when necessary.

NEW SECTION

Added WAC 365-50-040 DEFERRED PROSECUTIONS. A deferred prosecution or similar diversion of an alleged offender does not become nonconviction data until there is a final decision to dismiss charges or not to prosecute.

NEW SECTION

Added WAC 365-50-050 CONVICTIONS UNDER APPEAL OR REVIEW. A conviction followed by an appeal or other court review may be treated as conviction information or as information pertaining to an incident for which a subject is currently being processed by the criminal justice system until such time as the conviction is reversed, vacated, or otherwise overturned by a court, but notations of pending appeals or other court review shall be included as a part of a person's criminal record if the agency disseminating the record has knowledge of the proceedings.

NEW SECTION

Added WAC 365-50-060 CERTIFICATION OF CRIMINAL JUSTICE AGENCIES. An agency not defined as a criminal justice agency by WAC 365-50-020(5)(b)(i-vi) that asserts a right to receive criminal history record information based on its status as a criminal justice agency shall show satisfactory evidence of its

certification as a criminal justice agency prior to receiving such information. The state planning agency shall certify such an agency, based on a showing that the agency devotes a substantial portion of its annual budget to, and has as a primary function, the administration of criminal justice. The state planning agency shall keep a current list, of all agencies that have been certified as criminal justice agencies. Agencies which assert their right to be certified as a criminal justice agency shall submit a written request for certification to the SPA on the form provided under WAC 365-50-540.

The application shall include documentary evidence which establishes eligibility for access to criminal history information.

The SPA shall make a finding in writing on the eligibility or noneligibility of the applicant. The written finding together with reasons for the decisions shall be sent to the applicant.

NEW SECTION

Codified
WAC 365-50-070 INSPECTION—INDIVIDUAL'S RIGHT TO REVIEW RECORD. Every criminal justice agency shall permit an individual who is, or believes he may be, the subject of a criminal record maintained by that agency to come to the agency during its normal business hours and request to inspect said criminal history record. Criminal justice agency has the meaning set forth in WAC 365-50-020(5)(a) and shall include regional or branch offices of state or local criminal justice agencies including the Washington state patrol. If such agency or its regional or branch office does not have the facilities or capability to process such requests, the individual shall be referred to the nearest criminal justice agency having such facilities or capability, which agency shall process the individual's request.

NEW SECTION

Codified
WAC 365-50-080 INSPECTION—FORMS TO BE MADE AVAILABLE. The criminal justice agency shall make available a request form to be completed by the person who is the subject of the criminal record. The form shall be substantially equivalent to that set forth in WAC 365-50-500.

NEW SECTION

Codified
WAC 365-50-090 INSPECTION—IDENTIFICATION OF REQUESTER. Each criminal justice agency shall adopt rules pursuant to RCW 10.97.080.

NEW SECTION

Codified
WAC 365-50-100 INSPECTION—TIMELINESS AND MANNER OF AGENCY RESPONSE.
(1) A criminal justice agency shall respond to a request to review by the subject of a criminal record as soon as administratively convenient, but in no event later than ten business days from the date of the receipt of the request.

(2) If the information requested concerns felonies, gross misdemeanors where the subject arrested was

taken into custody, or any other offenses for which fingerprints would be submitted to the identification section of the Washington state patrol, the agency shall respond in the following manner, unless one of the exceptions in RCW 10.97.040(1) through (5) applies;

(a) The criminal justice agency receiving the request shall, without unnecessary delay, forward the request to the identification section of the Washington state patrol for processing.

(b) At the identification section, the request shall be processed and a copy of any criminal history record information in the files of the identification sections relating to the individual requester shall be forwarded to the criminal justice agency submitting the request to the identification section.

(c) Upon receipt by the criminal justice agency of the requester's criminal history record information from the identification sections, the agency shall, without unnecessary delay, notify the requester at his designated address or telephone number that the requested information is available for review.

(d) Upon notification by the criminal justice agency, the person who is the subject of the criminal history record may come to the agency during its normal business hours for the purpose of reviewing the record.

(3) If the information requested concerns misdemeanors, gross misdemeanors where the subject arrested was not taken into custody, or any offenses for which fingerprints were not in fact submitted to the identification section, or if the agency does not have, and is not willing to obtain a state identification section rap sheet, the agency shall respond by disclosing the identifiable descriptions and notations of arrests, charges, and dispositions that are contained in the files of the agency.

NEW SECTION

Codified
WAC 365-50-110 INSPECTION—TIME ALLOWED FOR REVIEW. A reasonable period of time shall be allowed each individual to examine criminal history record information pertaining to himself for purposes of determining its accuracy and completeness or the legality of its maintenance. Unless the subject of the record clearly indicates that less time is sufficient, a reasonable period of time shall mean at least thirty minutes.

NEW SECTION

Codified
WAC 365-50-120 INSPECTION—RETENTION OR REPRODUCTION OF RECORDS. No subject of a record shall be allowed to retain or mechanically reproduce any nonconviction data except for the purpose of challenge or correction when the subject of the criminal history record information asserts his belief in writing that such information regarding himself is inaccurate, incomplete, or maintained in violation of law.

NEW SECTION

Codified
WAC 365-50-130 INSPECTION—PREVENTION OF UNAUTHORIZED RETENTION OR REPRODUCTION. Each criminal justice agency shall develop procedures to insure that improper retention or

mechanical reproduction of nonconviction data by any subject of a record does not occur.

NEW SECTION

WAC 365-50-140 INSPECTION—DESIGNATION OF PERSON TO ASSIST IN REVIEW.

Any subject of a record entitled to examine criminal history record information pertaining to himself may designate another person of his choice to assist him in reading, interpreting, or otherwise reviewing his criminal record. The subject about whom the information pertains shall indicate, on the form provided by the agency pursuant to WAC 365-50-090, his consent to the inspection of criminal history record information pertaining to himself by the other person. The agency may also require the other person to sign the form. The designated person shall then be permitted to assist the subject of the criminal record in reviewing criminal history record information pertaining to the subject.

NEW SECTION

WAC 365-50-150 INSPECTION—STATEMENT OF PROCEDURES TO BE AVAILABLE.

Every criminal justice agency that maintains criminal history record information shall prominently display and make available to the public a statement which informs the public that criminal history record information is maintained by that agency and that individuals have the right to review criminal history record information pertaining to themselves and to challenge its accuracy, completeness, or the legality of its maintenance. The statement shall also set forth in summary form, the procedure for obtaining access to such information for the purpose of review and shall state the fact that there exist procedures for administrative review of a refusal by the agency to correct, complete, or delete criminal history record information challenged by the individual.

NEW SECTION

WAC 365-50-160 INSPECTION—PROCEDURE FOR CORRECTIONAL OR DETENTION AGENCIES.

Any state or local correctional or detention facility in the state of Washington having access to the identification section of the Washington state patrol shall permit an individual in custody in that facility to request to review any criminal history record information pertaining to himself maintained by the identification section. The correctional or detention facility shall follow the procedures set forth for law enforcement agencies in WAC 365-50-100. The identification section shall likewise follow the procedures set forth in WAC 365-50-100.

NEW SECTION

WAC 365-50-170 DELETION—INDIVIDUAL'S RIGHT TO HAVE CERTAIN INFORMATION DELETED.

A person who is the subject of

criminal history record information consisting of nonconviction data only may request that such information be deleted from his file in accordance with the provisions of RCW 10.97.060. If two years or longer have elapsed since the record became nonconviction data as a result of the entry of a disposition favorable to the defendant, or if three years or longer have elapsed from the date of arrest or issuance of a citation or warrant for an offense for which a conviction was not obtained, unless the person is a fugitive or the case is under active prosecution, the nonconviction data shall be deleted upon the request of the subject of the record. If the case is under active prosecution, the prosecuting attorney shall so certify in writing to the agency that is the object of the request to delete.

NEW SECTION

WAC 365-50-180 DELETION—AGENCY OPTION TO REFUSE TO DELETE.

The criminal justice agency maintaining the information may refuse to make the deletion if: (1) The disposition was a deferred prosecution or similar diversion of the alleged offender; which has not become nonconviction data under 365-50-040; (2) the person who is the subject of the record has had a prior conviction for a felony or gross misdemeanor; or (3) the individual who is the subject of the record has been arrested for or charged with another crime during the intervening period.

NEW SECTION

WAC 365-50-190 DELETION—POLICIES TO BE ADOPTED.

Every criminal justice agency that maintains files that are available and generally searched for the purpose of responding to inquiries concerning the criminal history of a named or otherwise identified individual shall adopt policies to implement RCW 10.97.060. Such policies shall be designed to structure the discretionary power of the agency to refuse to delete nonconviction data under RCW 10.97.060(1) through (3), and shall be available for inspection by the public.

NEW SECTION

WAC 365-50-200 DELETION—INQUIRIES REQUIRED.

Every criminal justice agency which is the object of a request to delete nonconviction data shall inquire of the identification section of the Washington state patrol to determine whether one of the exceptions of RCW 10.97.060(1) through (3) applies. The agency shall also make inquiry of its local criminal history record information summary (local rap sheet), if one exists, or of the local prosecutorial agency, for the same purpose and to determine whether the case is under active prosecution. If none of the exceptions of RCW 10.97.060 apply the agency shall delete the nonconviction data. When an agency makes a deletion in the criminal history record information, the state identification section of the Washington state patrol shall be notified of the deletion so their files may be corrected.

NEW SECTION

WAC 365-50-210 CHALLENGE—INDIVIDUAL'S RIGHT TO CHALLENGE. A subject seeking to challenge the accuracy, completeness, or the legality of the maintenance of any part of the criminal history record information pertaining to himself shall do so in writing, clearly identifying that information which he asserts to be inaccurate, incomplete, or maintained in violation of law. A subject may initiate a challenge at the agency where he is reviewing his criminal record by completing a form made available by that agency. It will be the agency's responsibility to supply the form and address of the agency whose record the subject is challenging. This includes only Washington state records.

NEW SECTION

WAC 365-50-220 CHALLENGE—FORMS TO BE MADE AVAILABLE. Every criminal justice agency which maintains criminal history record information or which authorizes individuals to use its facilities for the purpose of reviewing criminal history record information pertaining to those individuals shall make available forms to be used by individuals in challenging their criminal records. Such forms shall be substantially equivalent to that set forth in WAC 365-50-510.

NEW SECTION

WAC 365-50-230 CHALLENGE—FORWARDING OF CHALLENGE TO APPROPRIATE AGENCY. Upon receipt of a written challenge, the agency receiving the challenge shall forward a copy of the challenge to each agency which originally submitted the criminal history record information being challenged, together with a copy of that portion of the criminal history record that has been challenged (including, where practical, a copy of the information as originally submitted by the originating agency). If the information challenged was received directly from an originating agency and is contained in a record maintained by the agency receiving the challenge, the agency receiving the challenge shall examine its own records to ensure that such information was correctly recorded before forwarding the challenge to the originating agency.

NEW SECTION

WAC 365-50-240 CHALLENGE—AGENCY TO MAKE DETERMINATION. The agency which originally submitted the criminal history record information being challenged shall:

(1) Not later than ten business days after receiving the written challenge, acknowledge receipt of the challenge in writing; and

(2) Promptly, but in no event later than ten business days after acknowledging receipt of the challenge, either

(a) make any correction of any portion of the criminal history record information which the person challenging such information has designated as being inaccurate, incomplete, or maintained in violation of law, or

(b) inform the person challenging the criminal history record information, in writing, of the refusal of the

agency which originated such information to amend the record in accordance with his challenge, the reason for the refusal, and the procedures established for review of that refusal.

NEW SECTION

WAC 365-50-250 CORRECTION OF ERRONEOUS INFORMATION. (1) An individual whose criminal history record has been challenged and corrected shall be provided with the names of all noncriminal justice agencies or persons to which the incorrect information has been disseminated. The originating agency must send information correcting the previously incorrect information to every criminal justice and noncriminal justice agency and persons to which the previously incorrect information was disseminated. This obligation shall be limited to disseminations made within one year of the date on which the challenge was initiated.

(2) Every criminal justice agency maintaining criminal history record information within the state shall adopt a procedure which, when significant information in a criminal history record maintained on an individual is determined to be inaccurate, leads to the dissemination of corrected information to every criminal justice and noncriminal justice agency and subject to which, the prior erroneous information was disseminated within the preceding one year.

NEW SECTION

WAC 365-50-260 REVIEW OF REFUSAL TO ALTER RECORD. A person who is the subject of a criminal record and who disagrees with the refusal of the agency maintaining or submitting the record to correct, complete, or delete the record, may request a review of the refusal within twenty business days of the date of receipt of such refusal. The request for review shall be in writing, and shall be made by the completion in a form substantially equivalent to that set forth in WAC 365-50-520. If review is requested, not later than thirty business days from the date on which the individual requested review, the head of the agency whose record or submission has been challenged shall complete the review and make a final determination of the challenge, unless, for good cause, the head of the agency extends the thirty day period. The thirty day period may be extended for a maximum of another thirty days. If the head of the agency determines that the challenge should not be allowed, he shall state his reasons in a written decision, a copy of which shall be provided to the subject of the record. Denial by the agency head constitutes a final decision under RCW 34.04.130.

NEW SECTION

WAC 365-50-270 DISSEMINATION—DISPOSITIONS TO BE INCLUDED. The requirements of (RCW 10.97.040) are effective as of January 1, 1978.

(1) No criminal justice agency shall disseminate criminal history record information pertaining to arrests or other formal criminal charges made after December

31, 1977 unless the record disseminated states the disposition of such arrests or charges to the extent that dispositions have been made at the time of the request for the information. Such disseminations are subject to the proviso set forth in paragraph I of RCW 10.97.040.

(2) No criminal justice agency shall disseminate criminal history record information concerning a felony or gross misdemeanor without first making inquiry of the identification section of the Washington State Patrol for the purpose of obtaining the most current and complete information available unless one of the exceptions of RCW 10.97.040(1) through (5) applies. Predissemination query of the state identification section is required regardless of the date the record was made and regardless of whether a conviction was obtained.

NEW SECTION

WAC 365-50-280 **DISSEMINATION—INQUIRY OF PROSECUTOR REQUIRED.** If an arrest record reveals that no disposition has occurred, and more than one year has elapsed since the date of the arrest, citation, or service of a warrant, a criminal justice agency shall make inquiry of the prosecuting authority in whose jurisdiction the arrest occurred to determine whether proceedings are in fact still pending prior to making a dissemination. If proceedings are still pending, the prosecuting authority shall so certify in writing.

NEW SECTION

WAC 365-50-290 **DISSEMINATION—TO IMPLEMENT A STATUTE OR OTHER GRANT OF AUTHORITY.** (1) Criminal history record information which includes nonconviction data may be disseminated to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to nonconviction data and which authorizes or directs that it be available or accessible for a specific purpose. A criminal justice agency shall demand satisfactory proof of certification from the state planning agency of the requesting individual's or agency's authority to receive the information prior to any dissemination.

(2) The state planning agency shall compile a list, to be updated annually, of noncriminal justice agencies authorized to receive nonconviction data along with copies of statutes, ordinances or other grants of authority. All criminal justice agencies shall refer to these lists in making disseminations pursuant to such authority.

The state planning agency shall identify, in that listing the specific purpose, for which the agency is authorized to receive criminal history information, which includes nonconviction data, on the basis of a need to know such information in the performance of its official duties. Noncriminal justice agencies shall be required to present evidence of such authorization before dissemination is made. The form prescribed in WAC 365-50-550 may be used for this purpose.

(3) Criminal justice agencies that receive state rap sheets from the identification section of the Washington state patrol may disseminate them further, but only to the same extent to which the identification section itself would be authorized to make a dissemination in the first

instance. Nonconviction data based on an incident that arose in the jurisdiction of the agency about to make the dissemination is not subject to this restriction, if the agency is otherwise authorized to disseminate such information.

NEW SECTION

WAC 365-50-300 **DISSEMINATION—PURSUANT TO CONTRACT FOR SERVICES.** (1) Criminal history record information which includes nonconviction data may be disseminated pursuant to a contract to provide services, as set forth in RCW 10.97.050(5). The contract must contain provisions giving notice to the individual or agency to which the information is to be disseminated that the use of such information is subject to the provisions of chapter 10.97 RCW and these regulations, and federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(2) A criminal justice agency using an information system that contains criminal history record information, and that is controlled and managed by a noncriminal justice agency, the noncriminal justice agency may disseminate criminal history record information only as authorized by the criminal justice agency. Authorization shall be established in a contract between the criminal justice agency and the noncriminal justice agency providing the management service or support. The contract shall be consistent with physical security and personnel standards developed by the SPA under RCW 10.97.090. All programs, tapes, source documents, listings, and other developmental or related data processing information containing, or permitting any person to gain access to, criminal history record information, and all personnel involved in the development, maintenance, or operation of an automated information system containing criminal history record information are subject to the requirements of RCW 10.97.050(5) and these regulations. A statement to this effect shall also be included in the contract.

NEW SECTION

WAC 365-50-310 **DISSEMINATION—RESEARCH PURPOSES.** (1) Criminal history record information which includes nonconviction data may be disseminated for research purposes according to the provisions of RCW 10.97.050(6). The transfer agreement provided for by that section shall be substantially similar to that set forth in WAC 365-50-530 (Model Transfer Provisions).

(2) Criminal history record information contained in agency files may be disseminated to persons for research, evaluative or statistical purposes provided the researcher enters into a contract with the agency. If such a contract is entered into, it is not necessary for the researcher to obtain consent from the individual involved. The contract with the agency shall consist of a transfer agreement with the agency to whom the request is made.

(3) Either certification by the SPA or a transfer agreement (under subsection (1) of this section), are

necessary for the dissemination of nonconviction information to noncriminal justice agencies.

NEW SECTION

WAC 365-50-320 DISSEMINATION—RECORD OF DISSEMINATIONS TO BE MAINTAINED. (1) Every criminal justice agency that maintains and disseminates criminal history record information shall maintain records indicating every dissemination of such information (including a confirmation of the existence of criminal history record information), except a dissemination or confirmation to the effect that the agency has no record concerning an individual, in accordance with the requirements of RCW 10.97.050(7). Such dissemination records may be kept separately, or may be included on the state or local criminal history record information summary (rap sheet) itself. If an agency receives a state rap sheet from the identification section of the Washington state patrol, or a local rap sheet if one exists, and makes a further dissemination of the rap sheet while retaining a copy for its own records, the agency shall make a record of the further dissemination, which may be included on the retained copy of the rap sheet.

(2) Records of information disseminated shall be for a period of not less than one year. Records of information disseminated shall include:

- (a) An indication of to whom (agency or person) criminal history record information was disseminated;
- (b) The date on which the information was disseminated;
- (c) The individual to whom the information relates;
- (d) A brief description of the information disseminated.

NEW SECTION

WAC 365-50-330 DISSEMINATION—FEES. A criminal justice agency may charge persons and agencies, other than criminal justice agencies, a reasonable fee, to reimburse agency's costs for disseminating the records. A schedule of such fees shall be posted in a convenient place accessible to the public.

NEW SECTION

WAC 365-50-500 FORM OF REQUEST TO INSPECT RECORD.

Agency Name and Address	No. _____
	Date and Time Inspected _____
	Agency _____

REQUEST FOR INSPECTION OF RECORD

Pursuant to RCW

Note: See Rules and Regulations printed on reverse side.

DATE

I, _____ (Print Name), request permission to inspect such record of criminal offenses as are charged to me in the files of _____ (Name of Agency).

In order to ensure positive identification as the person in question, I am stating that I was born _____ (Date of Birth) in _____ (Place of Birth), and I am willing to submit my fingerprints in the space below if required or requested.

(Fill in where applicable) Because I am unable to read ; do not understand English ; otherwise need assistance in reviewing my record ; (check applicable box), I designate and consent that _____ (Name), whose address is _____ (Address), assist me in examining the criminal history record information concerning myself.

(Initials of subject)

(Signature of designated person)

(Signature of Applicant)

Prints of right four fingers taken simultaneously.

(Address of Applicant)

NEW SECTION

WAC 365-50-520 FORM OF REQUEST TO REVIEW REFUSAL TO MODIFY RECORD.

Agency Name and Address

REQUEST FOR REVIEW OF REFUSAL TO MODIFY RECORD

Pursuant to RCW and WAC

Note: See Rules and Regulations printed on reverse side.

DATE

I, _____ (Print Name), request the head of _____ (Name of Agency), to review and make a final determination of my challenge to the accuracy, completeness, or legality of retention of criminal history record information pertaining to myself and maintained by _____ (Name of Agency).

My challenge, a copy of which is attached, was made on _____ (Date of Challenge), and was refused on _____ (Date of Agency Refusal). I request that my challenge be allowed and that my record be modified in accordance with such challenge.

(Signature of Applicant)

(Address of Applicant)

NEW SECTION

WAC 365-50-530 APPENDIX III TO STATE OF WASHINGTON PLAN FOR SECURITY AND PRIVACY OF CRIMINAL OFFENDER RECORDS.

APPENDIX III TO

STATE OF WASHINGTON PLAN FOR SECURITY AND PRIVACY OF CRIMINAL OFFENDER RECORDS

MODEL TRANSFER PROVISIONS

SUGGESTED PROVISIONS TO BE INCLUDED IN AGREEMENTS FOR RELEASE OF

CRIMINAL HISTORY RECORD INFORMATION

BY A CRIMINAL JUSTICE AGENCY FOR RESEARCH, EVALUATIVE OR STATISTICAL PURPOSES

AGREEMENT made this day of , 197. . . , between (hereinafter referred to as "RESEARCHER" and (hereinafter referred to as "CRIMINAL JUSTICE AGENCY").*

WHEREAS the RESEARCHER has made a written request to the CRIMINAL JUSTICE AGENCY dated , a copy of which is annexed hereto and made a part hereof, and

WHEREAS the CRIMINAL JUSTICE AGENCY has reviewed said written request and determined that it clearly specifies (1) the criminal history record information sought, and (2) the research, evaluative or statistical purpose for which the said information is sought,** and

WHEREAS the RESEARCHER represents that (he) (she) (it) is in receipt of, and is familiar with, the provisions of 28 CFR Part 22, including provisions for sanctions at Parts 22.24(c) and 22.29 thereof,

NOW, THEREFORE IT IS AGREED AS FOLLOWS:

1. The CRIMINAL JUSTICE AGENCY will supply the following items of information to the RESEARCHER:

[Describe in Detail]***

2. The RESEARCHER will:

- (a) use the said information only for the research, evaluative, or statistical purposes described in the above mentioned written request dated and for no other purpose;
(b) limit access to said information to the RESEARCHER and those of the RESEARCHER'S employees whose responsibilities cannot be accomplished without such access, and who have been advised of, and agreed to comply with, the provisions of this agreement, and of 28 CFR Part 22;****
(c) store all said information received pursuant to this agreement in secure, locked containers;
(d) so far as possible, replace the name and address of any record subject with an alphanumeric or other appropriate code;
(e) immediately notify the CRIMINAL JUSTICE AGENCY in writing of any proposed

material changes in the purposes or objectives of its research, or in the manner in which said information will be used.

3. The RESEARCHER will not:

- (a) disclose any of the said information in a form which is identifiable to an individual, in any project report or in any other manner whatsoever, except pursuant to 28 CFR Part 22.24 (b)(1)(2).
(b) make copies of any of the said information, except as clearly necessary for use by employees or contractors to accomplish the purposes of the research. (To the extent reasonably possible, copies shall not be made of criminal history record information, but information derived therefrom which is not identifiable to specific individuals shall be used for research tasks. Where this is not possible, every reasonable effort shall be made to utilize coded identification data as an alternative to names when producing copies of criminal history record information for working purposes.)
(c) utilize any of the said information for purposes or objectives or in a manner subject to the requirement for notice set forth in 2.(e) until specific written authorization therefor is received from the Criminal Justice Agency.

4. In the event the RESEARCHER deems it necessary, for the purposes of the research, to disclose said information to any subcontractor, (he) (she) (it) shall secure the written agreement of said subcontractor to comply with all the terms of this agreement as if (he) (she) (it) were the RESEARCHER named herein.****

5. The RESEARCHER further agrees that:

- (a) the CRIMINAL JUSTICE AGENCY shall have the right, at any time, to monitor, audit, and review the activities and policies of the RESEARCHER or its subcontractors in implementing this agreement in order to assure compliance therewith; and
(b) upon completion, termination or suspension of the researcher, it will return all said information, and any copies thereof made by the RESEARCHER, to the CRIMINAL JUSTICE AGENCY, unless the CRIMINAL JUSTICE AGENCY gives its written consent to destruction, obliteration or other alternative disposition.

6. In the event the RESEARCHER fails to comply with any term of this Agreement the CRIMINAL JUSTICE AGENCY shall have the right to take such action as it deems appropriate, including termination of this Agreement. If the CRIMINAL JUSTICE AGENCY so terminates this Agreement, the RESEARCHER and any subcontractors shall forthwith return all the said information, and all copies made thereof, to the CRIMINAL

JUSTICE AGENCY or make such alternative disposition thereof as is directed by the CRIMINAL JUSTICE AGENCY. The exercise of remedies pursuant to this paragraph shall be in addition to all sanctions provided by law, and to legal remedies available to parties injured by disclosures.

7. The RESEARCHER will hold the CRIMINAL JUSTICE AGENCY harmless from any damages or other liability which might be assessed against the CRIMINAL JUSTICE AGENCY as a result of disclosure by RESEARCHER of any information received pursuant to this Agreement.

IN WITNESS WHEREOF the parties have signed their names hereto this day of, 197. . .

----- (CRIMINAL JUSTICE AGENCY)
by -----
(Name)
Title: -----
----- (RESEARCHERS)
by -----
(Name)
Title: -----

COMPLIANCE AGREEMENT of employee, consultant or subcontractor.

(I) (We), employeë(s) of, consultant to, (and) (or) subcontractor of the RESEARCHER, acknowledge familiarity with the terms and conditions of the foregoing agreement between the CRIMINAL JUSTICE AGENCY AND RESEARCHER, and agree to comply with the terms and conditions thereof in (my) (our) use and protection of the criminal history record information obtained pursuant to the foregoing agreement.

..... (date) ----- (signature)
..... (date) ----- (signature)

NEW SECTION

WAC 365-50-540 CERTIFICATION REQUEST FORM FOR CRIMINAL JUSTICE AGENCIES SEEKING ACCESS TO CRIMINAL OFFENDER RECORD INFORMATION.

Certification Request Form for Criminal Justice Agencies Seeking Access to Criminal Offender Record Information

INSTRUCTIONS

This form is for criminal justice agencies requesting certification for access to Criminal History Record Information (hereinafter referred to as "CHRI"). Criminal justice agencies are defined by Title 10; Ch. 314 Section 3(5-6) and WAC 365-50-020(4)(a)(6)) state in relevant part:

WAC 365-50-020 4(a): Definition of Criminal Justice Agency

"Criminal Justice Agency" has the meaning set forth in RCW 10.97.030(5). "Government Agency" includes a state or local agency, an agency of the federal government or of another state (for the purpose of disseminating criminal history record information to another agency), and includes a subunit of an agency, which itself is not a criminal justice agency if the subunit allocates a substantial part of the budget to, and has as its primary functions, the administration of criminal justice.

REQUEST FOR CERTIFICATION

- 1. Agency making request:
a. Name: Last First Middle
b. Address: Street City State Zip
c. Telephone Number: (.....) Area Code
d. Official or employee who should be contacted concerning the application.
1) Name: Last First Middle Title
2) Address: Street City State Zip
3) Telephone Number: (.....) Area Code
2. Cite specifically the statutory or regulatory provisions which establish your agency as a governmental agency involved in criminal justice activities, and the provisions which indicate your agency's need for CHRI.
State/Federal Chapter/Title Section Number Paragraph Number Statute Number
3. Attach a copy of the above provision or provisions to this application and indicate, by marking, the specific language upon which you base your request.
4. State your agency's need for access to CHRI relative to the above cited provisions and to the actual performance of its criminal justice duties and responsibilities.
5. State the percentage of your agency's budget used for the "administration of criminal justice."

I hereby affirm that all facts and representations made in this document are true and accurate to the best of my knowledge, information and belief.

Signature of person filling out form

Title

Date

NEW SECTION

WAC 365-50-550 CERTIFICATION REQUEST FORM FOR NONCRIMINAL JUSTICE AGENCIES SEEKING ACCESS TO CRIMINAL OFFENDER RECORD INFORMATION.

Certification Request Form for
Noncriminal Justice Agencies Seeking Access to
Criminal Offender Record Information

INSTRUCTIONS

This form is for the use of noncriminal justice agencies or individuals certification for access to Criminal Offender Record Information (hereinafter referred to as "CHRI"). In order for such agencies or individuals to be qualified to receive CHRI they must be authorized access to such information by statute pursuant to Title 10, chapter 314, Laws of 1977 ex. sess. and WAC 365-50-390 of the State Planning Agency. WAC 365-50-390 sets forth the following guidelines:

WAC 365-50-390—Dissemination to Implement A Statute Or Other Grant Of Authority

- (1) Criminal history record information which includes nonconviction data may be disseminated to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to nonconviction data and which authorizes or directs that it be available or accessible for a specific purpose. A criminal justice agency shall demand satisfactory proof of the requesting individual's or agency's authority to receive the information prior to any dissemination which shall consist of the submission of a copy of the statute ordinance, or other authority relied upon. Such statute, ordinance, or other authority or some other statute, ordinance, or authority must also authorize or direct the criminal justice agency to disseminate nonconviction data.

The State Planning Agency shall compile a list, to be updated annually, of noncriminal justice agencies authorized to receive nonconviction data, along with copies of statutes, ordinances or other grants of authority. All criminal justice agencies shall refer to these lists in making disseminations. The State Planning Agency shall identify, in that listing the specific purpose for which the agency is authorized to receive criminal history and nonconviction data on the basis of a need to know such information in the performance of its official duties. Noncriminal justice agencies shall be required to

present evidence of such authorization before dissemination is made. The form prescribed in WAC 365-50-550 may be used for this purpose.

REQUEST FOR CERTIFICATION FOR NONCRIMINAL JUSTICE USERS UNDER WAC 365-50-290

1. Agency or individual seeking Certification
 - a. Name: -----
Last First Middle
 - b. Address: -----
Street City State Zip
 - c. Telephone Number: (.....) -----
Area Code
 - d. If applicable, information concerning employee or official who should be contacted regarding this application.
 - 1) Name: -----
Last First Middle
 - 2) Address: -----
Street City State Zip
 - 3) Telephone Number: (.....) -----
Area Code
2. a. Cite specifically the statutory provision, ordinance, executive order, court rule, decision or order or provisions upon which you base your request.

State/Federal Chapter/Title/ Section Number Paragraph No.
Statute/Local Article Number
Ordinance, etc.
 - b. Provide a copy of the contract with a criminal justice agency to provide services related to the administration of criminal justice activities pursuant to RCW 10.97.050(5).
3. Attach a copy of the above provision or provisions to this application and indicate, by marking, the specific language upon which you base your request.
4. State the need for access to CHRI, which includes nonconviction data relative to the statutory responsibilities cited in items 2 and 3 above.

I hereby affirm that all facts and representations made in this document are true and accurate to the best of my knowledge, information and belief.

Signature of person filling out form

Title

**WSR 78-03-066
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
[Letter—Filed Feb. 21, 1978]**

Notification of meeting cancellation.
To: Members of the Board of Trustees, News Media and the Public

You are hereby notified that the February 23, 1978, meeting of the Board of Trustees of Whatcom Community College, District Number Twenty-One, has been canceled.

WSR 78-03-067
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 78-9—Filed Feb. 23, 1978]

I, Gordon Sandison, director of Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial salmon fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the protective areas in WAC 220-32-036 are principally for fall chinook. Since "springs" do not tend to concentrate off these river mouths, these areas can be fished without harming spawning escapement.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 23, 1978.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-03600A CLOSED AREAS, SALMON—RIVER MOUTHS Notwithstanding the provisions of WAC 220-32-036, it shall be lawful during lawful seasons in Columbia River Salmon Management and Catch Reporting Area 1C, to take, fish for and possess, for commercial purposes, salmon, with gillnet gear from the following waters:

a. Cowlitz River downstream of the boundary markers approximately 1/2 mile downstream of the lowermost railroad bridge.

b. Kalama River downstream of the boundary markers located near the outermost uplands of the mouth.

c. Lewis River downstream of a line projected from a fishing boundary marker at Austin Point, through the Warrior Rock Range from the south, across the Lewis River to a fishing boundary marker on the opposite shore.

WSR 78-03-068
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
[Filed Feb. 23, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Nursing intends to adopt, amend, or repeal rules concerning the authorization of certain certified registered nurses to prescribe legend drugs which are not schedules I through IV controlled substances. Included are application regulations for the authorization, the allowed scope of prescriptions, grounds for termination of the authorization, the period of authorization, fees, and renewal regulations and procedure. (A copy of the proposed rules is attached; however, changes may be made at the public hearing);

that such agency will at 10:00 a.m., Thursday, April 13, 1978, in the 4th Floor Conference Room, Highways-Licenses Building, 12th and Franklin Sts., Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 13, 1978, in the 4th Floor Conference Room, Highways-Licenses Building, 12th and Franklin Sts., Olympia, WA.

The authority under which these rules are proposed is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 13, 1978 and/or orally at 10:00 a.m., Thursday, April 13, 1978, 4th Floor Conference Room, Highways-Licenses Building, 12th and Franklin Sts., Olympia, WA.

Dated: February 23, 1978
By: Edward H. Southon
Assistant Attorney General

NEW SECTION

WAC 308-120-400 APPLICATION REQUIREMENTS FOR CRN PRESCRIPTION AUTHORITY. A registered nurse applicant for authority to prescribe legend drugs which are not also schedule I through IV controlled substances shall:

(1) Be currently recognized as a certified registered nurse in Washington.

(2) Prescribe only those drugs within the scope of practice identified with the CRN recognition.

(3) Provide evidence of completion of thirty contact hours of education in pharmacology which:

(a) includes content in prescription writing, choosing drugs, drug interaction, information resources, and pharmacology relating to the specific area of practice.

(b) are obtained within a two-year time period prior to date of application for prescriptive authority.

(c) are derived from the following:

(i) Non-credit courses or offerings such as workshops, seminars, conferences and institutes approved by professional organizations—one contact hour for each hour attended.

(ii) Formal academic study other than within the certification program—fifteen contact hours per semester credit; ten contact hours per quarter credit.

(iii) Presentation of a paper on a pharmacological subject in the specialty area—five contact hours.

(iv) Publication of a paper on a pharmacological subject in the specialty area in a professional or lay journal different from (iii) above—five contact hours.

(v) Other learning activities—approved by the board.

(d) The board reserves the right to disallow or decrease the amount of credit granted.

(4) Complete notarized application and submit with specified nonrefundable fee.

(5) Obtain a prescription identification number from the board of nursing to include identification of the specific practice area.

NEW SECTION

WAC 308-120-410 AUTHORIZED PRESCRIPTIONS. (1) Written prescriptions shall include the name, prescription identification number, and address and telephone number of the prescriber, the name and address of the patient, and the date the prescription is written.

(2) Prescriptions written by an authorized CRN shall be valid at any pharmacy for any drug used within the identified practice area.

NEW SECTION

WAC 308-120-420 TERMINATION OF PRESCRIPTION AUTHORIZATION. Prescription authorization shall be terminated by the board when the CRN has:

- (1) administered or prescribed drugs in excess of the authorization.
- (2) been found in violation of chapter 18.88 RCW.

NEW SECTION

WAC 308-120-430 PRESCRIPTION AUTHORIZATION PERIOD. (1) Prescription authorization shall be effective until the birthdate of each year.

- (2) Prescription authorization shall not exceed one year.

NEW SECTION

WAC 308-120-440 FEES. (1) Application for prescription authorization shall be twenty dollars.

- (2) Annual renewal fee shall be ten dollars.

NEW SECTION

WAC 308-120-450 RENEWAL. (1) Applicants for renewal shall submit for approval thirty days prior to the birthdate:

(a) Documentation of fifteen contact hours of continuing education relating to pharmacology in the specific area of practice which is:

- (i) derived from sources as stated in WAC 308-120-400(2)(c); and
- (ii) obtained within the renewal period.

The board reserves the right to disallow or decrease the amount of credit granted.

- (b) Notarized renewal application.

(2) Authorization shall be approved for renewal annually on birthdate after meeting the requirement (1) above.

WSR 78-03-069

PROPOSED RULES

ENERGY FACILITY SITE EVALUATION COUNCIL

[Filed Feb. 23, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 80.50 RCW, that the Energy Facility Site Evaluation Council intends to adopt, amend, or repeal rules concerning New chapter 463-43 WAC - Procedure Re Applications for Expedited Processing, New chapter 463-48 WAC - Fees or Charges for Independent Consultant Study, Regular and Expedited Application Processing, Determining of Compliance and Potential Site Study;

that such agency will at 1:30 p.m., Monday, April 10, 1978, in the Game Dept. Conference Rm., Washington St. and B Ave., Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Monday, April 24,

1978, in the Game Dept. Conference Rm., Washington St. and B Ave., Olympia, WA.

The authority under which these rules are proposed is chapter 80.50 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 31, 1978, and/or orally at 1:30 p.m., Monday, April 10, 1978, Game Dept. Conference Rm., Washington St. and B Ave., Olympia, WA.

Dated: February 23, 1978

By: William L. Fitch
Executive Secretary

Chapter 463-43 WAC

PROCEDURE - APPLICATIONS FOR EXPEDITED PROCESSING

WAC

463-43-010	Purpose and scope.
463-43-020	Standard application required.
463-43-030	Eligible proposals.
463-43-040	Prior to making a determination of eligibility for expedited processing.
463-43-050	Expedited processing determination.
463-43-060	Effect of expedited processing.
463-43-070	Expedited application processing.
463-43-080	Recommendation - Transmittal to Governor.

NEW SECTION

WAC 463-43-010 PURPOSE AND SCOPE. This chapter sets forth requirements for preparation of applications for energy facility site certification which qualify for expedited processing and delineates certain abbreviated procedures for processing eligible applications pursuant to RCW 80.50.075.

NEW SECTION

WAC 463-43-020 STANDARD APPLICATION REQUIRED. An applicant seeking expedited processing shall:

(1) Make application pursuant to chapter 463-42 WAC. The application must address all sections of chapter 463-42 WAC, but the content of each section shall be appropriate to the significance of the proposal,

(2) Submit those fees for independent consultant review and application processing pursuant to RCW 80.50.071 (1) (a) and (b) and chapter 463-58 WAC with the understanding that any unexpended portions thereof shall be returned to the applicant at the completion of application processing, and

(3) Submit a request for expedited processing to the council at the time of application which shall be accompanied by a completed environmental checklist as delineated in WAC 463-46-365.

NEW SECTION

WAC 463-43-030 ELIGIBLE PROPOSALS. An application may be expedited when the council finds that the following are not significant enough to warrant a full review of the application for certification under the provisions of chapter 80.50 RCW:

- (1) The environmental impact of the proposed energy facility,
- (2) The are potentially affected,
- (3) The cost and magnitude of the proposed energy facility, and
- (4) The degree to which the proposed energy facility represents a change in use of the proposed site.

NEW SECTION

WAC 463-43-040 PRIOR TO MAKING A DETERMINATION OF ELIGIBILITY FOR EXPEDITED PROCESSING. The council prior to making a determination of eligibility for expedited processing shall:

(1) Conduct a public hearing in the county of the proposed site within 60 days of receipt of an application to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views,

(2) Determine within 60 days of receipt of an application if the proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances,

(3) Review the application pursuant to WAC 463-43-030; in making its review the council may engage pursuant to RCW 80.50.071(1)(a) an independent consultant to provide an assessment of the application and environmental checklist and to conduct any special study deemed necessary by the council, and

(4) Initiate processing of the applicant's NPDES application, if required, in accordance with chapter 463-38 WAC.

NEW SECTION

WAC 463-43-050 EXPEDITED PROCESSING DETERMINATION. Following the review of an application and land use hearing and within 120 days of receipt of an application or such later time as is mutually agreed by the applicant and the council, the council at a public meeting and by resolution will grant expedited processing for an application when:

(1) The proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances, and

(2) The environmental impact, area potentially affected, cost and magnitude, and degree of change in use caused by the proposed energy facility are not significant enough to warrant a full review of an application for certification under the provisions of chapter 80.50 RCW.

NEW SECTION

WAC 463-43-060 EFFECT OF EXPEDITED PROCESSING. For an application granted expedited processing under WAC 463-43-050 the council shall not:

(1) Conduct any further review of an application by an independent consultant, and

(2) Hold a contested case hearing under chapter 34.04 RCW.

NEW SECTION

WAC 463-43-070 EXPEDITED APPLICATION PROCESSING. The council will prescribe the form, content and necessary supporting documentation for site certification during regular or special meetings of the council. All interested persons and the Counsel for the Environment shall be afforded an opportunity to make presentations on the above issues.

NEW SECTION

WAC 463-43-080 RECOMMENDATION - TRANSMITTAL TO GOVERNOR. Within 60 days following the granting of expedited processing or such later time as is mutually agreed by the applicant and the council, the council shall forward its recommendation for approval with a copy of the draft site certification agreement to the Governor.

Chapter 463-58 WAC

FEEES OR CHARGES FOR INDEPENDENT CONSULTANT STUDY, REGULAR AND EXPEDITED APPLICATION PROCESSING, DETERMINING COMPLIANCE AND POTENTIAL SITE STUDY.

WAC

- 463-58-010 Intent and purpose of this chapter.
- 463-58-020 Fees for the independent consultant study.
- 463-58-030 Fees for regular application processing.
- 463-58-040 Fees for expedited application processing.
- 463-58-050 Fees for determining compliance.
- 463-58-060 Fees for potential site study.
- 463-58-070 Failure to provide necessary fees.
- 463-58-080 Payment, reporting and auditing procedures.

NEW SECTION

WAC 463-58-010 INTENT AND PURPOSE OF THIS CHAPTER. This chapter sets forth rules relating to fees or charges for independent consultant study, regular and expedited application processing, determining compliance and potential site study.

NEW SECTION

WAC 463-58-020 FEES FOR THE INDEPENDENT CONSULTANT STUDY. Pursuant to RCW 80.50.071, a fee of twenty-five thousand dollars for each proposed site shall accompany the application. This fee shall be applied toward the cost of the independent consultant study authorized by RCW 80.50.070. The determination of the total fees required for the independent consultant shall generally be as follows:

(1) The consultant selected to perform independent consulting services shall be required to provide the council with an estimate of costs required to complete the study. Upon approval of the estimate by the council, the applicant shall be advised of the costs, totally or by phase, required to complete the study,

(2) Should the applicant file amendments or supplements to the application or should the council find that additional study of the application is required, additional cost estimates will be prepared by the consultant and provided to the council. Upon approval of the estimate by the council, the applicant shall be advised of the additional study costs.

(3) If the estimate of the costs, as stated in (1) or (2) above, totally or by phase, exceeds twenty-five thousand dollars, the applicant shall provide prior approval for the expenditure of such excess amounts, and

(4) The council shall authorize the independent consultant to initiate evaluation of the application materials or subsequently filed amendatory or supplementary materials when the applicant has provided agreement to pay the required costs.

NEW SECTION

WAC 463-58-030 FEES FOR REGULAR APPLICATION PROCESSING. Pursuant to RCW 80.50.071 each applicant for energy facility site certification shall at the time of application submission deposit twenty thousand dollars for costs related to processing of the application. Costs of processing the application which are considered by the council to be reasonable and necessary shall consist of the following activities:

(1) A hearing examiner(s) who may be retained by the council for the duration of the application processing period or for such portion of the processing period as the council may consider necessary,

(2) A court reporter(s) for the recording and preparation of transcripts, of the contested case hearing, council meetings or public sessions which the council shall consider necessary,

(3) Additional staff salaries consisting of at least one application processing officer placed on the council staff for the duration of the application processing period—provided that the council may in the interest of efficiency and effectiveness assign one application processing officer to more than one application, and

(4) Such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing.

NEW SECTION

WAC 463-58-040 FEES FOR EXPEDITED APPLICATION PROCESSING. Applicants filing applications for expedited processing shall provide fees in accordance with sections 020 and 030 above with the understanding that any unexpended portions thereof shall be returned to the applicant at the completion of application processing.

NEW SECTION

WAC 463-58-050 FEES FOR DETERMINING COMPLIANCE. Pursuant to RCW 80.50.071 each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms and conditions of the certificate. The amount of funds required to be placed on deposit by the certificate holder shall be determined as follows:

(1) For the period subsequent to the date of execution of the site certification agreement until the beginning construction or until the beginning of any work covered by an NPDES permit, five hundred dollars, and

(2) For the period subsequent to beginning of construction or beginning of any work covered by an NPDES permit, twenty thousand dollars.

NEW SECTION

WAC 463-58-060 FEES FOR POTENTIAL SITE STUDY. A fee of ten thousand dollars shall accompany the study request and be a condition precedent to any action by the council. In the event that the council determines that the initial fee of ten thousand dollars is insufficient to adequately fund the potential site study, the council shall so advise the potential applicant and shall furnish an estimate of the supplemental fees needed to complete the study. In no event shall the study be allowed to continue if the potential applicant has not agreed to pay the cost thereof.

NEW SECTION

WAC 463-58-070 FAILURE TO PROVIDE NECESSARY FEES. Failure to provide the initial deposit or subsequently required payments within thirty days following receipt of a statement from the council may result, in the case of an applicant, in suspension of all application processing activities or, in the case of a certificate holder, in suspension of the certification agreement. At the conclusion of the thirty-day period allowed for making necessary payments, the council will notify any delinquent applicant or certificate holder to appear at the next regularly scheduled meeting or a subsequent meeting to show cause why the council should not suspend application processing of the certificate. In the event of suspension, action to reinstate application processing or the certificate will be taken by the council at the next regularly scheduled meeting following deposit of all required fees.

NEW SECTION

WAC 463-58-080 PAYMENT, REPORTING AND AUDITING PROCEDURES. (1) Following payment of initial deposits for application processing and determination of compliance, the council will provide each applicant or certificate holder a statement of expenditures actually made during the preceding calendar quarter; the statement will be in sufficient detail to explain reasonable and necessary expenditures made against the deposited funds. Within thirty days of the receipt of the council's statement the applicant or certificate holder will pay an amount necessary to restore the total amount on deposit to the originally established level provided that:

(a) An applicant may be requested by the council to increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. The council will provide to the applicant written justification for an increased deposit,

(b) Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant or, at the applicant's option, credited against required deposits of certificate holders, and

(c) If actual reasonable and necessary expenditures for inspection and determination of compliance in a calendar quarter have exceeded the amount of funds on deposit, such excess costs, pursuant to RCW 80.50.071, will be paid by the certificate holder. A statement will be provided to the certificate holder by the council in sufficient detail to provide an adequate explanation of these expenditures.

(2) All payments shall be made by a cashier's check payable to the state treasurer and delivered to the council office. The council will establish and maintain separate accounts for each application and certificate. All funds will be subject to state auditing procedures. The council will provide copies of such audits to the affected applicants and certificate holders as they are completed by the state auditor.

WSR 78-03-070
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed Feb. 24, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the Department of Revenue intends to adopt, rules concerning new section WAC 458-20-244 FOOD PRODUCTS, to implement the sales and use tax exemption of Initiative 345 for certain food products. The initiative was approved November 8, 1977, and is effective July 1, 1978.

The Department of Revenue realizes that these proposed rules are, and must be, somewhat general, and that there may be particular businesses or special instances of ways of doing business which might not seem to be covered by these rules or the law. Because of this, at any time between now and the effective date of the new law (July 1, 1978) the Department will attempt to assist taxpayers who are uncertain of whether the tax applies to their particular situation. An inquiry of this kind should be directed to the

Interpretation and Appeals Division
 Department of Revenue
 General Administration Building
 Olympia, Washington 98504
 PHONE: (206) 753-5575

This offer of assistance is only for real, factual situations, not hypothetical or theoretical cases. In making an inquiry please indicate the location of the business which gives rise to the question and recite the facts of how business is conducted;

that such agency will at 1:30 p.m., Friday, April 14, 1978, in the Large Conference Room, 1st Floor, General Administration Building, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Friday, April 21, 1978, in the Director's Office, Room 415, Gen. Adm. Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 82.01.060(2) and RCW 82.32.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 14, 1978, and/or orally at 1:30 p.m., Friday, April 14, 1978, General Administration Building, Olympia, WA, 98504.

Dated: February 24, 1978
 By: S. E. Tveden
 Assistant Director

NEW SECTION

WAC 458-20-244 (Rule 244) FOOD PRODUCTS. Initiative Measure No. 345, approved November 8, 1977, added new subsections to RCW 82.08.030 and RCW 82.12.030 exempting certain food products for human consumption away from the retailer's premises from retail sales tax and use tax. There is no food products exemption for business and occupation tax. The effective date of these exemptions is July 1, 1978. The word "tax" as used hereafter in this rule means retail sales tax.

The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:

a. The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others;

OR.

b. The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products

are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;

OR,

c. The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument such that the admission charge does not negate the exemption, the tax will apply if either circumstances a or b above are present.

FOOD SELLERS WHO ARE REQUIRED TO COLLECT TAX:

1. Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, vending machine operators, and businesses which are operated in such a way as to contemplate and permit consumption of the food at or near the premises where the food is sold. This includes situations where customers are provided facilities for immediate consumption of food sold, such as tables, chairs, or counters; trays, glasses, dishes, or tableware (whether reusable or not); or a nearby parking area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go" and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food.

2. Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission-charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in paragraph #1.

TAXABLE AND EXEMPT SALES BY GROCERS:

The following are lists of taxable and exempt items normally sold by grocery stores, supermarkets, and similar businesses. The products listed as taxable are subject to tax however sold or prepared. The exempt products listed are exempt when sold for off premises consumption but are taxable if sold for immediate consumption as described in paragraph 1, "Taxable Food Sales". The examples are meant to be illustrative and are not all inclusive.

Taxable In All Cases

Alcoholic beverages	First aid products
Aspirin	Ice, bottled water
Beer or wine making supplies	(mineral or otherwise)
Calcium tablets	Mouthwashes
Carbonated beverages	Nonedible cake decorations
Chewing gum	Non-prescription medicines
Chewing tobacco	Patent medicines
Cod liver oil	Pet food and supplies
Cough medicines (liquid or lozenge)	Seeds and plants for gardens
	Tonics, vitamins
	Toothpaste
*Dietary supplements or adjuncts	

Exempt if Consumption Facilities Not Provided

Baby foods	Marshmallows
Bakery products	Mayonnaise
Baking Soda	Meat, meat products
Bouillon cubes	Milk, milk products
Candy	Mustard
Cereal products	Nuts
Chocolate	Oleomargarine
Cocoa	Olives, olive oil
Coffee and coffee substitutes	Peanut butter
Condiments	Popcorn
Crackers	Popsicles
*Diet food	Potato chips
Eggs, egg products	Powdered drink mixes
Extracts and flavoring for food	Sandwich spreads
Fish, fish products	Sauces
Flour	Sherbet
Food coloring	Shortening
Frozen foods	Soup
Fruit, fruit products	Sugar, sugar products, sugar substitutes
Gelatin	Syrups
*Health foods	

Honey
Ice cream, toppings
Jam, jelly, jello

Tea
Vegetables, vegetable products
Yeast

*NOTE: Sales of dietary supplements which are subject to regulation by the U.S. Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving.

Health foods or dietary preparations containing less than 50 percent of U.S. RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter I, Part 80) adopted October 12, 1976, effective January 1, 1978, prohibit any claim that such preparations are "dietary supplements". Dietary supplements do not include any food in its raw or natural state, which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing.

Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy, and such preparations are deemed to be drugs by the FDA. Dietary adjuncts are not tax exempt as food products but may be exempt as prescription drugs under WAC 458-20-188.

Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt in fact qualify for exemption under this rule and the law.

COMBINATION BUSINESS:

Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see paragraph 1 under Food Sellers Who Are Required to Collect Tax), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their inventories, accounting records, and sales receipts segregated between the two businesses. If the two businesses are commingled in operation and accounting, all sales will be deemed subject to tax.

COMBINATION PACKAGES:

When a package consists of both food and non-food products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the tax applies to the entire price.

However, promotional give-aways of non-food items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of non-food items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).

COMMISSARIES OR GROCERY SHOPS IN INSTITUTIONS OR OTHER RESTRICTED (NOT OPEN TO THE PUBLIC) AREAS:

Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.

WSR 78-03-071
NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE
(Memorandum, Feb. 21, 1978)

The regular meetings of the Board of Trustees of Community College District VIII shall be held during 1978 on the following dates:

January 11
 February 7
 March 7
 April 13
 May 2
 June 6
 July 11
 August 1
 September 5
 October 3
 November 7
 December 5

The meetings will begin at 11:30 a.m. in the Bellevue Campus Cafeteria with a discussion of agenda items and at 1:30 p.m. in the Board Room, Bellevue Campus, Bellevue, Washington, for a business session. If that day is a legal holiday, the meeting will be held if at all possible on the second Tuesday of the month or soon thereafter or as otherwise announced. In the event the Board of Trustees is unable to meet on the regular meeting date, a special meeting may be scheduled and held if at all possible on the second Tuesday of the month or soon thereafter or as otherwise announced.

In the event the Board of Trustees is unable to meet, the Chairperson of the Board may order that no regular meeting of the Board of Trustees be held that month.

**WSR 78-03-072
 PROPOSED RULES**

UTILITIES AND TRANSPORTATION COMMISSION

[Filed Feb. 24, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 80.01.040(4), that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning railroad operations, more specifically relating to speedometers on locomotives; traffic control devices to be used during construction, maintenance or repair of crossings or overpasses; and passenger carrying vehicles used for the transportation of railroad employees;

that such agency will at 9:30 a.m., Monday, April 17, 1978, in the Commission's Hearing Room, 6th Floor, Highways-Licenses Bldg., Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, April 26, 1978, in the Commission's Conference Room, 7th Floor, Highways-Licenses Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 80.01.040(4), 81.53.420, and 81.61.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 17, 1978, and/or orally at 9:30 a.m., Monday, April 17, 1978, Commission's Hearing

Room, 6th Floor, Highways-Licenses Bldg., Olympia, WA.

Dated: February 24, 1978
 By: David Rees
 Secretary

**Chapter 480-62 WAC
 RAILROAD COMPANIES—OPERATIONS**

WAC

480-62-010	Locomotive speedometers.
480-62-020	Traffic control devices.
480-62-030	Flagpersons.
480-62-040	Exemption.
480-62-050	Passenger carrying vehicles—general.
480-62-060	Passenger carrying vehicles—equipment.
480-62-070	Passenger carrying vehicles—operation.

NEW SECTION

WAC 480-62-010 LOCOMOTIVE SPEEDOMETERS. (1) Filing Required. On or before July 1, 1978, every railroad designated Class I by the Interstate Commerce Commission operating locomotive equipment within the state of Washington, shall file with the commission a list identifying all points within the state at which facilities are available for the calibration, repair or replacement of locomotive speedometers or locomotive equipment may be available for substitution. Any changes therein shall be promptly reported to the commission to the end that the list be kept at all times current.

(2) Records. Reports of speedometers which are out of calibration to the extent of five miles per hour or more shall be made in writing, and shall be submitted at the first point within the state at which repair facilities are available or locomotive equipment with a properly calibrated speedometer may be substituted. Any such report and a record of any action taken by the railroad company in response thereto shall be maintained at the office of the division in which the report was originally filed. In addition to the foregoing, at each location at which work is performed upon a locomotive speedometer, complete records shall be maintained showing the locomotive number, serial number, if any, of the speedometer, calibration data, and detail of any defect found and repair work performed. The records required to be kept shall be maintained for a period of not less than one year.

NEW SECTION

WAC 480-62-020 TRAFFIC CONTROL DEVICES. Whenever any railroad company engages in the construction, maintenance, or repair of a crossing or overpass, traffic control devices installed and maintained in accordance with the requirements of chapter 168, Laws of 1977 1st ex. sess., shall be in conformity with Part I, Part II-A, and Part VI of the Manual on Uniform Traffic Control Devices, as adopted by the Federal Highway Administrator as a national standard for application on all classes of highways, all of which are hereby adopted by reference as if set out in full, together with all subsequent additions, deletions, or amendments thereto.

NEW SECTION

WAC 480-62-030 FLAGPERSONS. (1) Qualifications and Equipment. Since flagpersons are responsible for human safety and make the greatest number of public contacts of all construction personnel, it is important that qualified personnel be selected. Flagpersons shall, as a minimum, be of average intelligence; in good physical condition, including sight and hearing; be mentally alert; have a courteous but firm manner; be of neat appearance; and have sense of responsibility for safety of public and crew.

The use of an orange vest, and/or an orange cap shall be required for flagpersons. For nighttime conditions similar outside garments shall be reflectorized.

Flagpersons are provided at work sites to stop traffic intermittently as necessitated by work progress or to maintain continuous traffic past a work site at reduced speeds to help protect the work crew. For both of these functions the flagperson shall, at all times, be clearly visible to approaching traffic for a distance sufficient to permit proper response by the motorist to the flagging instructions, and to permit traffic to reduce speed before entering the work site. In positioning flagpersons,

consideration shall be given to maintaining color contrast between the flagperson's protective garments and his or her background.

(2) Hand Signaling Devices.

(a) General. Red flags or STOP/SLOW paddles or lights may be used in controlling traffic through work areas.

(b) Flags. Flags may be used only during daylight hours and shall be a minimum of 24 by 24 inches in size, made of a good grade of red material securely fastened to a staff approximately 3 feet in length. The free edge should be weighted to insure that the flag will hang vertically, even in heavy winds.

(c) Sign Paddles. Sign paddles shall be at least 24 inches wide, with 6 inch series C letters. A rigid handle shall be provided. This combination sign may be fabricated from sheet metal or other light semirigid material. The background of the STOP face shall be red with white letters and border. The background of the SLOW shall be orange with black letters and border. When used at night the STOP face shall be reflectorized red with white reflectorized letters and border, and the SLOW face shall be reflectorized orange with black letters and border.

(3) Flagging Procedures.

(a) To stop traffic the flagperson shall face traffic and extend the flag horizontally across the traffic lane in a stationary position so that the full area of the flag is visible hanging below the staff. For greater emphasis, the free arm may be raised with the palm toward approaching traffic.

(b) When it is safe for traffic to proceed the flagperson shall stand parallel to the traffic movement, and with flag and arm lowered from view of the driver, motion traffic ahead with his or her free arm. Flags shall not be used to signal traffic to proceed.

(c) To alert or slow traffic by means of flagging, the flagperson shall face traffic and wave the flag in a sweeping motion of the arm across the front of the body without raising the arm above a horizontal position.

If a sign paddle is used, it shall be held in a stationary position with the arm extended horizontally away from the body.

Whenever practicable, the flagperson should advise the motorist of the reason for the delay and the approximate period that traffic will be halted. Flagpersons and operators of construction machinery or trucks should be made to understand that every reasonable effort must be made to allow the driving public the right-of-way and prevent excessive delays.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 480-62-040 EXEMPTION. WAC 480-62-020 and -030 shall not apply to construction, maintenance, or repair of crossings or overpasses situated within cities having a population in excess of 400,000.

NEW SECTION

WAC 480-62-050 PASSENGER CARRYING VEHICLES—GENERAL. In addition to complying with any applicable equipment requirements of Title 46 RCW, including but not limited to those relating to motor vehicle lights and reflectors, horns, braking systems, exhaust systems, tires, warning and signaling devices, and windshield wipers, all of which are hereby adopted as minimum standards, every passenger carrying motor vehicle owned, operated and maintained by any railroad company in this state used for the purpose of transporting railroad employees other than in the cab thereof, shall, as a minimum, be in conformity with the equipment specified in WAC 480-62-060 and operated in a manner consistent with WAC 480-62-070.

NEW SECTION

WAC 480-62-060 PASSENGER CARRYING VEHICLES—EQUIPMENT. (1) Passenger Compartment. Any passenger compartment separate from the cab of the vehicle shall be of metal construction fastened directly to the frame of the vehicle and not to the surface of the bed thereof. It shall be equipped with an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor shall be of substantial construction, free from unnecessary openings and shall be maintained so as to prevent the entry of noxious fumes or permeation with flammables of any variety. Such passenger compartments shall also be equipped with a curtain of nonpermeable material of sufficient weight and size to close off the

rear opening and with a tailgate which must be closed at all times that the vehicle is in motion. Truck equipment having a bed in excess of three feet six inches above ground level shall be equipped with permanent or temporary steps designed for safe boarding and discharge of passengers.

(2) Communication Devices. Communication between a cab and the passenger compartment shall be provided by means of a light or audible device mounted in the cab of the vehicle which may be activated by an employee in the rear compartment.

(3) Coupling Devices. Coupling devices used on any passenger carrying vehicle equipped with retractable flange wheels for operation on railroad tracks shall be of substantial metal construction and shall be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(4) Exhaust Systems. Exhaust systems shall be designed and maintained so as to eliminate exposure of passengers to toxic agents.

(5) Rear Vision Mirrors. Passenger carrying vehicles shall be equipped with two external rear vision mirrors, one at each side of the cab, firmly attached to the motor vehicle and so located as to accord the driver a view of the highway to the rear along both sides of said vehicle: PROVIDED, That only one outside mirror shall be required, which shall be on the driver's side, on vehicles which are so constructed that the driver has a view to the rear by means of an interior mirror.

(6) Steering Mechanisms. All passenger carrying vehicles will be equipped with a steering system which is maintained to insure that lash or preplay do not exceed those values set forth in Title 49, CFR 570.7 and 570.60 (Vehicle in Use Inspection Standards).

(7) Heating Systems. Passenger carrying vehicles shall be equipped with a heating system sufficient to maintain an ambient temperature of no less than 55 degrees in passenger areas.

(8) Road Warning Devices. All passenger carrying vehicles will be equipped with at least three red burning fuses, red portable emergency reflectors, or at least two red cloth flags suitable for warning the motoring public in the event of an emergency. It shall be the responsibility of the driver to assure that such equipment is in the vehicle and is maintained in good condition. Any devices which may create a spark or open flame shall be carried in a separate compartment provided for that purpose.

(9) Emergency Exits. On vehicles designed to transport nine or more passengers, an emergency exit of not less than six and one-half square feet in area, with the smaller dimension being not less than eighteen inches, shall be placed at the end of the vehicle opposite the regular entrance. The route to and from the emergency exit shall be at all times unobstructed.

(10) Fire Extinguishers. Every passenger carrying vehicle must be equipped with a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located so as to be readily accessible for use. Such extinguisher must be designed, constructed, and maintained so as to permit visual determination of the state of its charge. The extinguishing agent shall be nontoxic and preferably non-corrosive, and the fire extinguisher shall be suitable for attachment to the motor vehicle, shall bear the label of approval by the Underwriters Laboratories, Inc., and shall be kept in good working condition at all times.

(11) First Aid Kits. All passenger carrying vehicles shall be equipped with a first aid kit which will be readily accessible and shall contain as a minimum the following items: (1) one package of aromatic spirits of ammonia ampules (or bottles); (2) two triangular bandages forty inch size or two square bandages thirty-six inch size; (3) one pack or equivalent of one-half inch by five yards adhesive tape; (4) one package of four 3 x 3 inch compress bandages (sterilized and individually wrapped in waterproof packages); (5) two rolls two inch by five yards or one roll, two inch by ten yards roller bandages (sterilized); (6) one package (minimum sixteen) three-quarter inch or one-quarter inch waterproof adhesive compresses; (7) one first aid book or adequate printed first aid instruction; (8) one package burn ointment or other burn compound; (9) some form of antiseptic, the type of which will be left to the judgment of the railroad company. Items used from first aid kits shall be replaced before the next shift, and kits shall be checked weekly for compliance with the above specifications.

NEW SECTION

WAC 480-62-070 PASSENGER CARRYING VEHICLES—OPERATION. (1) General. All passenger carrying motor vehicles shall at all times be operated in accordance with the requirements of state law, and no driver or operator thereof shall operate the same in any other than a careful and prudent manner nor at any greater speed

than is reasonable and proper, having due regard to circumstances and to the use of highways by others, so as not to endanger the life and limb of any person.

(2) **Minimum Age, Skill, and Physical Condition of Drivers.** Drivers or operators of passenger carrying vehicles shall be not less than eighteen years of age and shall have demonstrated the physical capability of handling the controls of the vehicle with ease. Such drivers must obtain and maintain in effect and carry on their persons at all times while operating a passenger carrying vehicle either a valid Washington state driver's license or a valid license from the state of the driver's residence. If the passenger carrying vehicle is a type for which the state of Washington requires an extraordinary license or endorsement, the driver shall be required to have such license or endorsement.

(3) **Driver's Daily Hours of Service.** No driver or operator of any passenger carrying motor vehicle shall be permitted to or required to drive for more than a maximum of ten driving hours without a following minimum of eight consecutive hours rest.

(4) **Refueling.** No driver or any employee of a railroad company operating within the state shall (a) fuel a passenger carrying vehicle with the engine running; (b) smoke or expose any flame in the vicinity of a vehicle being fueled; (c) fuel a passenger carrying vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank; (d) insofar as practicable, permit any other person to engage in activities that might result in a fire or explosion. Except on buses, all occupants of the vehicle, except the driver and those within the operating cab, must dismount and stand clear while the vehicle is being refueled.

(5) **Driving rules.**

(a) Drivers of passenger carrying motor vehicles shall bring such vehicles to a full stop not less than fifteen feet of any grade crossing of any railroad before crossing the track. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or traffic control signal is directing traffic to proceed.

(b) No driver or operator of any passenger carrying motor vehicle shall drink intoxicating liquors while on duty, or drive while affected by the use of intoxicating liquor or other substance which might impair the ability to drive.

(c) No driver or operator of a passenger carrying vehicle shall proceed downgrade with the gears in neutral or the clutch disengaged.

(d) The driver or operator of a passenger carrying vehicle shall make a brake test immediately before, and immediately after the vehicle commences moving to ascertain that the brakes are functioning properly.

(6) **Loading and Carrying of Passengers.** Drivers or operators of passenger carrying vehicles are in charge of the vehicle and shall require passengers to observe vehicle rules. Passengers will not be permitted to enter or exit from the vehicle while it is in motion, or to ride on running boards, fenders, bumpers, tops of cabs, or with any part of their body projecting beyond the sides or the ends of the vehicle. When equipment or tools are carried inside the vehicle they shall be stored in enclosed racks or boxes which shall be properly secured to the vehicle in order to prevent their striking employees in the event of sudden starts, stops, or turns. It shall be the responsibility of the driver to assure that tools and materials are properly secured before moving the vehicle.

(7) **Limitation on Transportation of Explosives, Gasoline, and Other Hazardous Materials on Passenger Carrying Vehicles.** Explosives other than track torpedoes shall not be carried in or on any passenger carrying vehicle while the vehicle is being used to transport crew members in a passenger compartment. If track torpedoes are carried in a passenger carrying vehicle, they shall be carried in a separate compartment or container provided for that purpose. Gasoline or other flammable materials shall not be carried in either the cab or in the passenger compartment except that oxygen or acetylene cylinders may be so carried if gauges and regulators have been removed with caps in place before loading. Passenger carrying vehicles may be used to carry flammables when such flammables are located outside of and isolated from the passenger carrying area, and are stored in containers approved by the Underwriters Laboratories, Inc. Containers for fuels shall be vented in such manner as to prevent the hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or drums shall be properly secured while being transported, and shall be located so as not to interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials shall not be parked within 300 feet of an open fire. Smoking shall be prohibited within 50 feet of the vehicle carrying explosive or flammable materials.

WSR 78-03-073
EMERGENCY RULES
DEPARTMENT OF GAME
[Order 77—Filed Feb. 27, 1978]

I, Ralph W. Larson, Director, Washington State Department of Game, acting at Olympia, Washington, do hereby adopt WAC 232-28-600000D and repeal WAC 232-28-600000A relating to sport steelhead fishing in the Skagit River system and its tributaries, and adopt WAC 232-32-110 and repeal WAC 232-32-101 relating to treaty Indian fishing in the Skagit River system and its tributaries.

I, Ralph W. Larson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, and general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is data gathered by Department of Game creel census indicates the harvestable surplus of steelhead in the Skagit River system and tributaries will have been harvested by March 1, 1978. Therefore, a closure of the Skagit River system and its tributaries to the taking of steelhead is necessary to insure conservation of steelhead stocks returning to the river system.

Such rules are therefore adopted by this emergency order.

These rules are adopted under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 27, 1978.

By Ralph W. Larson
Director

NEW SECTION

WAC 232-28-600000D CONSERVATION CLOSURE OF THE SKAGIT RIVER SYSTEM AND ITS TRIBUTARIES. Notwithstanding the provisions of WAC 232-28-600, it shall be unlawful for any sports fishermen to take, fish for, or possess steelhead from the Skagit River system and its tributaries. This closure shall be effective 6:00 PM March 1, 1978.

NEW SECTION

WAC 232-32-110 CONSERVATION CLOSURE OF THE SKAGIT RIVER SYSTEM AND ITS TRIBUTARIES TO TREATY INDIAN FISHING. It shall be unlawful for treaty Indian fishermen to take, fish for, or possess steelhead from the Skagit River system and its tributaries. This closure shall be effective 6:00 PM, March 1, 1978.

REPEALER (Amending Order 1194, filed 3/3/77)

The following sections of the Washington Administrative Code are hereby repealed:

WAC 232-28-600000A CLOSURE OF THE SKAGIT RIVER AND TRIBUTARIES TO THE TAKING OF STEELHEAD BY SPORTS FISHERY

WAC 232-32-101 CLOSURE OF THE SKAGIT RIVER AND TRIBUTARIES TO THE TAKING OF STEELHEAD BY TREATY INDIANS

WSR 78-03-074
PROPOSED RULES
PERSONNEL BOARD
 [Filed Feb. 27, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning: Amend WAC 356-06-020 EXEMPTIONS; Amend WAC 356-06-060 PERSONNEL BOARD—COMPOSITION—APPOINTMENT; Amend WAC 356-06-070 PERSONNEL BOARD—PROCEDURE—QUORUM; Amend WAC 356-06-080 PERSONNEL BOARD—POWERS—DUTIES; Amend WAC 356-07-030 DESCRIPTION AND LOCATION OF CENTRAL AND FIELD ORGANIZATION; Amend WAC 356-10-010 CLASSIFICATION PLAN—PREPARATION—CONTENT; Repeal WAC 356-14-025 COMPENSATION—HOUSING COMMITTEE—RESPONSIBILITIES; Amend WAC 356-14-050 COMPENSATION PLAN—REPORTING PERIODIC RECOMMENDATIONS; Amend WAC 356-22-090 EXAMINATIONS—COMPOSITION; and Amend WAC 356-14-030 COMPENSATION PLAN—APPROVAL BY THE DIRECTOR OF THE OFFICE OF ((PROGRAM PLANNING AND FISCAL)) FINANCIAL MANAGEMENT;

that such agency will at 9:00 a.m., Thursday, April 13, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, April 13, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 13, 1978, and/or orally at 9:00 a.m., Thursday, April 13, 1978, in the Board Meeting Room, 600 So. Franklin, Olympia, WA.

Dated: February 27, 1978

By: Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 63, filed 2/26/74)

WAC 356-06-020 EXEMPTIONS. The provisions of this title do not apply to:

(1) Members of the ((t))Legislature or to any employee of, or position in, the legislative branch of the State government including members, officers and employees of the ((t))Legislative ((c))Council, ((t))Legislative ((b))Budget ((c))Committee, ((s))Statute ((t))Law ((c))Committee, and any interim committee of the ((t))Legislature.

(2) Judges of the ((s))Supreme ((c))Court, of the ((s))Superior ((c))Courts or of the inferior courts or to any employee of, or position in the judicial branch of, State government.

(3) Officers, academic personnel and employees of State institutions of higher education, the State Board for Community College Education, and the Higher Education Personnel Board.

(4) Employees of the State Printing Office.

(5) The officers of the Washington State Patrol.

(6) Elective officers of the State.

(7) The Chief Executive Officer of each agency.

(8) In the Departments of Employment Security and Fisheries, the director and ((his)) the director's confidential secretary.

(9) In the Department of Social and Health Services, the secretary, ((his)) deputy secretary, ((his)) personnel director, ((his)) administrative assistant, if any; not to exceed six assistant secretaries and one confidential secretary for each of the above ten named officers: PROVIDED, That such confidential secretary must meet the minimum qualifications for the class of Secretary ((H)) 2 as determined by the State Personnel Board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the Governor, the director, ((his)) the director's confidential secretary, and ((his)) the statutory assistant directors.

(11) In the case of a multi-member board, commission or committee, whether the members thereof are elected, appointed by the Governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the State.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the State.

(15) ((fmate)) Resident, student, part-time or temporary employees, and part time professional consultants as defined by the State Personnel Board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and ((fmate)) resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the Director to be equivalent.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington State Fruit Commission.

(b) Washington State Apple Commission.

(c) Washington State Dairy Products Commission.

(d) Washington State Wheat Commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington State Liquor Control Board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the State Personnel Board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the Liquor Control Board, when, in addition to the sale of liquor for the ((s))State, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants((:)) for personnel administration and labor relations in all ((s))State agencies employing such executive ((assist-ance)) assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the ((s))State ((p))Personnel ((b))Board may provide for further exemptions pursuant to the following procedures. The ((g))Governor or other appropriate elected official may submit requests for exemption to the Personnel Board stating the reasons for requesting such exemptions. The Personnel Board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the Board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Personnel Board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the Governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the Governor. The State Personnel Board shall report to each regular session of the Legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-06-060 PERSONNEL BOARD—COMPOSITION—APPOINTMENT. (1) The Personnel Board shall consist of three members appointed by the Governor and confirmed by the Senate. Each member must: have clearly demonstrated an interest and belief in the merit principle; ((he)) shall not hold any other employment with the State; ((he)) shall not have been an officer of a political party within one year prior to appointment; ((he)) shall not become a candidate for partisan political office during his/her term on the Board.

(2) Members of the Board shall serve overlapping terms of six years. A member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the remainder of such term.

(3) The Board shall annually elect a chairman and vice-chairman from among its members to serve one year.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-06-070 ((~~PERSONNEL BOARD~~)) PERSONNEL BOARD—PROCEDURE—QUORUM. In the necessary conduct of its work, the Board shall meet monthly unless there is no pending business requiring Board action. The Board shall conduct hearings when called by the Chairman of the Board or by a majority of the members. An official notice of the calling of a hearing shall be filed with the secretary, and all of the members shall be notified of the hearing within a reasonable period of time prior to its convening. When ((m))Merit ((s))System ((r))Rules, personnel policies, classification and pay plans, and amendments thereto are to be considered by the Board, 20 days'

notice shall be given to employee representatives and agencies affected. The Board will give due consideration to proposals submitted by such representatives or agencies prior to action on such personnel policies, classifications or pay plans. The presence of two members of the Board shall constitute a quorum to transact business. In the conduct of hearings or investigations, a member of the Board, or the Director of Personnel, may administer oaths. A written public record of the actions of the Board will be maintained. No material may be released nor statement of findings may be made without the approval of a majority of the Board.

AMENDATORY SECTION (Amending Order 75, filed 3/24/75)

WAC 356-06-080 ((~~PERSONNEL BOARD~~)) PERSONNEL BOARD—POWERS—DUTIES. It shall be the responsibility of the Board to:

(1) Establish general policies for the administration of Merit System examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the Merit System.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the State Civil Service Law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions with the number of names equal to two more names than there are vacancies to be filled. The names shall represent applicants ranked highest on eligibility lists.

(c) Examinations for all positions in the competitive and non-competitive service.

(d) Appointments.

(e) Probationary periods of six months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment, both according to seniority.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a State salary schedule to reflect not less than the prevailing rates in Washington State private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the Director of the Office of ((Program Planning and Fiscal)) Financial Management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increments within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service.

(p) Compliance with existing veterans preference statutes.

AMENDATORY SECTION (Amending Order 60, filed 12/13/73)

WAC 356-07-030 DESCRIPTION AND LOCATION OF CENTRAL AND FIELD ORGANIZATION. (1) The administrative office of the Department of Personnel and its staff are located at 600 South Franklin Street, Olympia, Washington, with branch offices located at 312 First Avenue North, Seattle, Washington, and at West 1709 Broadway, Spokane, Washington.

(2) The staff is organized in six general areas:

(a) Operations Division which provides for recruitment, examination, examination development, classification, hearings, certification, affirmative action, and special employment project services.

(b) Standards and Surveys Division which provides for salary surveys, ((examination development,)) classification surveys, and research ((and allocation appeal hearing)) services.

(c) Inter-agency Training Division which provides training services in management and organization development, employee orientation and office administration.

(d) Insurance Benefits Section which provides for employee insurance programs and employee ~~((alcoholism counseling))~~ advisory services.

(e) Administrative Division which provides departmental fiscal management, management analysis, facilities, computer programming and word processing support.

(f) Labor Relations Division which provides mediation, certification and decertification elections, collective bargaining unit research and unfair labor practice investigation services.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-10-010 CLASSIFICATION PLAN—PREPARATION—CONTENT. The Director shall maintain a position classification plan in consultation with agency management, employee organizations and other knowledgeable persons. The plan shall be based upon investigation and analysis of the duties and responsibilities of each position and consider the Human Resource Development activities of agencies using the plan. The completed plan shall include the following for each class: a specification, including appropriate title, description of duties and responsibilities and minimum requirements and/or desirable training, experience, or other qualifications.

REPEALER

The following section of the Washington Administrative Code is repealed.

WAC 356-14-025 COMPENSATION—HOUSING COMMITTEE—RESPONSIBILITIES. (1) To assist the Board in determining compensation policy and establishing allowances for employees residing in agency-supplied housing, there is hereby created a housing committee consisting of:

- (a) a chairperson appointed from the staff of the Department of Personnel;
- (b) one member from each of the following agencies:
 - (1) Department of Social and Health Services
 - (2) Department of Highways
 - (3) Department of Natural Resources
 - (4) Department of Fisheries
 - (5) Department of Game
 - (6) Parks and Recreation Commission, and
- (c) one member from each employees' organization representing affected employees of the above listed agencies.

Each agency shall recommend for appointment an employee who has knowledge of on-site housing conditions.

The Board shall appoint the chairperson for a term of two years and half of the members for a term of one year and half for a term of two years. To replace members whose terms expire each year thereafter, the Board shall appoint new members for terms of two years. To fill a vacancy occurring prior to the expiration of a term, the Board shall appoint a new member to serve for the remainder of the term.

- (2) It shall be the responsibility of the committee to:
 - (a) establish procedures for
 - (1) conducting committee business,
 - (2) reviewing problems concerning rent, allowances, and housing maintenance, and
 - (3) facilitating communications between affected agencies and employees; and
 - (b) recommend to the Board for approval guidelines and standards for determining rental rates, utility rates, equity allowances and other incidences of agency-supplied housing.
 - (3) Allowances for reductions in the rent of agency-supplied housing shall be adopted by the Board and included in the compensation plan appendix.
 - (4) Any agency supplying housing shall comply with the guidelines and standards and the findings approved by the Board.
 - (5) Agencies supplying housing shall determine rent and allowances for each unit of housing pursuant to the guidelines and standards adopted by the Board. Within thirty days of the determination of such charges, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the agency or the employee may appeal to the Board for a decision which shall be final and binding upon all parties.

(6) All meetings of the committee shall be held in compliance with the Open Public Meetings Act.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-14-030 ((=====)) COMPENSATION PLAN—APPROVAL BY THE DIRECTOR OF THE OFFICE OF ((PROGRAM PLANNING AND FISCAL)) FINANCIAL MANAGEMENT. Adoption and revision of the compensation plan is subject to the approval of the Director of the Office of ~~((Program Planning and Fiscal))~~ Financial Management in accordance with the provisions of RCW 43.88.160(1)(C).

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-14-050 ((=====)) COMPENSATION PLAN—REPORTING PERIODIC RECOMMENDATIONS. The results of the salary survey shall be forwarded with a recommended salary schedule to the Governor and the Director of the Office of ~~((Program Planning and Fiscal))~~ Financial Management for their use in preparing budgets to be submitted to the succeeding ~~((t))~~ Legislature.

AMENDATORY SECTION (Amending Order 49, filed 8/17/72)

WAC 356-22-090 EXAMINATIONS—COMPOSITION. The Director, or ~~((his))~~ designated representative, shall determine, by uniform standards, the appropriate examination for a register for a class and the tests, or combination of tests and relative weights to be assigned. Examinations shall be practical in nature~~((:));~~ ~~((and))~~ of such character as to determine the capacity of the applicant to perform the duties of the particular class of positions for which ~~((he))~~ the applicant is competing; ~~((as well as his))~~ the applicant's general background and related knowledge~~((:));~~ recognize the Human Resource Development activities of agencies using the class; and shall be rated objectively. A passing score may be required on each test included in the examination. Examinations shall normally consist of one or a combination of the following: (1) A written test.

- (2) A performance test.
- (3) An oral test.
- (4) An evaluation of experience and training.

When the Director determines that the number of applicants responding to an open competitive or combined register examination announcement is excessive in relation to the number of projected job openings, ~~((he))~~ the Director may with prior approval from the Board use a preliminary examination of the applicants' experience and training, designed to admit to the oral test only those applicants who possess the best qualifications.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-03-075

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.17 RCW, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning WAC 390-16-220.

that such agency will at 9:00 a.m., Tuesday, April 18, 1978, in the Second Floor Conf. Rm., Evergreen Plaza Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, April 18, 1978, in the Second Floor Conf. Rm., Evergreen Plaza Building, Olympia, WA.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 18, 1978, and/or orally at 9:00 a.m., Tuesday, April 18, 1978, Evergreen Plaza Building, Olympia, WA.

Dated: February 27, 1978

By: Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 70, filed 2/25/76)

WAC 390-16-220 SURPLUS CAMPAIGN FUNDS—
DEFINITION((S)). "Surplus funds" as used in the Act and in these regulations shall refer to ((any campaign funds off)) the excess of all contributions received by a political committee or candidate ((which)) over the amount necessary to pay all debts and obligations incurred in the course of an election campaign by the political committee or candidate, Provided, that this definition shall not apply to a continuing political committee. In the case of a continuing political committee, "surplus funds" shall refer to those funds remaining ((after the payment of all obligations of the committee or candidate)) in its possession or control at the time of its final report.

WSR 78-03-076

PROPOSED RULES

GREEN RIVER COMMUNITY COLLEGE

[Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 that the Green River Community College intends to adopt, amend, or repeal rules concerning Faculty Tenure - WAC 132J-128-060 and 132J-128-070.

that such institution will at 4:30 p.m., Thursday, April 20, 1978, in the Board Room, Administration Building, Green River Community College, Auburn, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:30 p.m., Thursday, April 20, 1978, in the Board Room, Administration Building, Green River Community College, Auburn, WA.

The authority under which these rules are proposed is RCW 28B.50.852 and 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 20, 1978, and/or orally at 4:30 p.m., Thursday, April 20, 1978, Board Room, Administration Building, Green River Community College, Auburn, WA.

Dated: February 27, 1978

By: Melvin Lindbloom
President

AMENDATORY SECTION (Amending Order 75-2, filed 10/21/75)

WAC 132J-128-060 SELECTION OF THE TENURE REVIEW COMMITTEE. (1) A tenure review committee shall be established for each probationer. The committee shall be responsible for the probationer until he/she is either granted tenure or is no longer employed within Community College District No. 10. If a vacancy occurs during the terms of service of the tenure review committee, the Union will hold a special election within four weeks to fill the position after the vacancy occurs.

(2) The chairperson of the Union tenure committee shall be responsible for the establishment of each tenure review committee which shall begin functioning no later than six (6) weeks ((to fill the position after the vacancy occurs:)) after the day that the probationer has begun his/her faculty duties. The first meeting will be co-chaired by the appropriate dean and Union tenure committee chairperson.

(3) Each tenure review committee shall be composed of six (6) members. There shall be automatic nomination of the division chairperson. This position shall be designated position Number 1. Two faculty members shall be nominated by the president of the Union for positions Number 2 and 3. One faculty member shall be nominated by the probationer to position Number 4. The president of the College shall appoint an administrator to position Number 5. The Associated Student Body shall select one student to position Number 6. After these nominations are made, the chairperson of the Union tenure committee shall call an all-faculty meeting at which faculty members may be nominated for positions 1 through 4. A vote shall be taken and the nominee receiving a majority vote for each position shall be elected. If no candidate for a particular position receives a majority vote, a runoff election shall be held within five (5) days between the two candidates receiving the largest number of votes.

AMENDATORY SECTION (Amending Order 75-2, filed 10/21/75)

WAC 132J-128-070 EVALUATION OF THE PROBATIONER. (1) All evaluative information will be considered confidential by members of the tenure review committee.

(2) The evaluative process shall be initiated by the chairperson of the tenure review committee of the Union, who shall call an initial meeting of each tenure review committee. The committee shall elect a chairperson at the initial meeting who will coordinate the evaluation process and keep a record of all written documents pertaining to the evaluation.

(3) The tenure review committee shall evaluate only the probationer's effectiveness in his/her appointment. In addition to the opinion of committee members, other professional judgments regarding the probationer's effectiveness may be considered. The committee will provide a progress report and the probationer's file to the appropriate dean and the College president for review and forward to the Board of Trustees by

(a) March 30 during the first probationary year,

(b) January 15 of the second probationary year,

(c) December 15 of the third probationary year.

(4) Observation of the probationer while he/she is performing his/her professional responsibilities shall be a part of the evaluation process. The members of the tenure review committee, who shall make the observation, in consultation with the probationer shall determine the frequency of such observations.

(5) A written evaluation noting areas of proficiency and deficiency shall be made for each observation.

(6) Within two (2) weeks after each observation, a majority of the tenure review committee will meet with the probationer to discuss his/her performance and the evaluation reports. The minutes of this meeting shall include the names of committee members present.

(7) A summary of each item discussed at any conference or interview between the probationer and his/her tenure review committee shall be made in writing. The summary shall be made after the item has been discussed and disagreements shall be noted.

(8) The probationer shall receive a copy of any interview summary, evaluation instrument, report of observation or any other document which is part of his/her tenure review process. The tenure review committee's file will contain the probationer's written acknowledgement of receipt of such document. Any handwritten notations or remarks on those documents shall be initialed by the probationer and by the chairperson of his/her tenure review committee.

(9) It is the right of the probationer to write letters of reply or to submit statements on his/her behalf which shall be made an official part of his/her tenure review file.

(10) Copies of the final evaluation report and the tenure review committee's recommendations on tenure, further probation, or dismissal shall be sent to the probationer's immediate administrator, appropriate dean, the College president, the Board of Trustees, and the president of the Union((:)) no later than ten (10) days preceding the regular January meeting of the College Board of Trustees.

(11) If, in the judgment of his/her tenure review committee, a probationer shall receive a renewed probationary appointment for an additional year, then:

(a) the probationer shall be notified in conference of the recommendation and

(b) after the conference, a notice in writing shall be sent to the probationer, the probationer's immediate administrator, the College president, and the Board of Trustees. All evaluations or recommendations for the probationer shall report his/her strengths as well as his/her weaknesses.

(12) If, in the judgment of his/her tenure review committee, the probationer should be denied tenure and his/her probationary appointment not be renewed, then:

(a) the probationer shall be notified in conference of the reasons for this recommendation.

(b) The recommendation, which shall cite reasons, shall be sent in writing to the probationer, the probationer's immediate administrator, the College president, and the Board of Trustees by the regular January Board of Trustees' meeting.

(c) If the probationer agrees with the recommendation, he/she shall submit a letter stating his/her acceptance of the decision.

WSR 78-03-077
PROPOSED RULES
INSURANCE COMMISSIONER
[Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt rules concerning the implementation of standards for full and fair disclosure in the sale of health and accident insurance that is supplemental to Federal Medicare insurance;

that such agency will at 2:00 p.m., Wednesday, April 12, 1978, in the Insurance Commissioner's Office, Insurance Bldg., Olympia, WA conduct a hearing relative thereto;

and that the adoption of such rules will take place at 2:00 p.m., Thursday, April 20, 1978, in the Insurance Commissioner's Office, Insurance Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 48.02.060, 48.20.450, 48.44.050 and 48.46.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 12, 1978, and/or orally at 2:00 p.m., Wednesday, April 12, 1978, in the Insurance Commissioner's Office, Insurance Bldg., Olympia, WA.

Dated: February 28, 1978
By: Scott Jarvis
Public Defender

NEW SECTION

WAC 284-50-450 PURPOSE AND AUTHORITY. The purpose of this regulation, WAC 284-50-450 through 284-50-465, is to establish specific standards for full and fair disclosure in the sale of health and accident insurance that is supplemental to Federal Medicare insurance. The regulation is made pursuant to RCW 48.02.060 to effectuate, in part, the requirements of RCW 48.20.450; and with respect to health care service contractors and health maintenance organizations is made pursuant to RCW 48.44.050 and 48.46.200 to effectuate RCW 48.44.120.

NEW SECTION

WAC 284-50-455 INFORMATION TO BE FURNISHED, STYLE. (1) An agent, insurer, health care service contractor or health maintenance organization effecting a sale of individual disability insurance providing benefits that supplement Federal Medicare insurance benefits shall complete the form set forth in WAC 284-50-460 and deliver the completed copy of the form to the insured not later

than the time of delivery of the policy. If an agent delivers the form, it shall be signed by that agent.

(2) The form required by this section may identify the insurer, contractor or organization issuing the policy or contract and may contain an appropriate heading. The informational portion of the form shall be substantially as set forth in WAC 284-50-460, and words emphasized therein shall be underlined or otherwise emphasized in each form issued. The form shall be printed in a style and with a type character that is easily read by an average person eligible for Medicare, and in no case shall the size of type be less than ten point.

(3) Where inappropriate terms, such as "insurance" or "policy" are used, a health care service contractor or health maintenance organization shall substitute appropriate terminology.

(4) In completing the form, no agent, insurer, health care service contractor or health maintenance organization shall imply that the policy or contract pays everything that Medicare does not pay, unless such is the case.

NEW SECTION

WAC 284-50-460 DISCLOSURE FORM. The Washington State Insurance Commissioner requires that this form be given to anyone buying insurance to supplement Medicare. It provides a summary of Medicare benefits and the benefits available under our policy. Remember that Medicare benefits may be changed so the information given may not be accurate in the future. Our figures are based on Medicare benefits applicable for calendar year 19...

The Insurance Commissioner has these suggestions:

1. Check with your local Social Security Office to obtain information about your Medicare benefits. This form shows only a summary of basic Medicare benefits. Other Medicare benefits are available that are not shown.
2. Use "Your Medicare Handbook." It is available from your local Social Security Office.
3. Read the Outline of Coverage that you receive with your policy. Note particularly what is said about renewability of the policy and how pre-existing conditions are covered.

(Alternate for health care service contractors and health maintenance organizations:)

3. Read your contract carefully. Note particularly what provisions it makes for renewability and coverage of pre-existing conditions.
4. You will generally save money by buying only one policy for your health insurance needs, rather than buying several limited policies.
5. Use the information on this form to measure the value of any insurance or health care plans you now have.
6. If you are eligible for state medical assistance coupons (Medicaid), supplemental insurance is not recommended.
7. After you receive your policy, make sure you have the coverage you thought you bought. If not satisfied, return the policy to the company or its agent within 10 days for a full refund of premium.

MEDICARE	INSURANCE POLICY PAYS
----------	--------------------------

PART A - HOSPITAL INSURANCE:

- | | |
|---|----------------------------------|
| <p>(1) For the first 60 days of hospital confinement in each benefit period, you pay the first \$ (Medicare calls this the "deductible.") Medicare pays the balance of approved covered services.</p> <p>(2) For the next 30 days in the same benefit period, you pay \$ daily (61st-90th days of hospitalization.) Medicare pays the balance of approved covered services.</p> <p>(3) During the next 60 days of the same benefit period you can receive Medicare benefits by using your "reserve" days and you will pay \$ per day. The lifetime "reserve" is a Medicare benefit that lets you use 60 days as you need them. But once a reserve day is used, it</p> | <p>(1)</p> <p>(2)</p> <p>(3)</p> |
|---|----------------------------------|

can never be used again.

- (4) After 90 days of hospital confinement during the same benefit period (or up to 150 days if you use your reserve days) Medicare pays no benefits and you must pay all charges.

EXTENDED CARE IN MEDICARE APPROVED SKILLED NURSING FACILITY

(Caution: always check whether a nursing facility is Medicare approved.)

- (5) For the first 20 days of confinement in a skilled nursing facility, you pay nothing, Medicare pays 100% of all covered services.
- (6) From the 21st through 100th day, you pay \$ daily. Medicare pays the balance of the covered services.
- (7) Beyond the 100th day, Medicare provides no benefits.
- (8) Medicare provides no benefits for custodial care. (That is care which is primarily for the purpose of meeting personal needs and could be provided by a nonprofessional person.)
- (9) Medicare provides no benefits for private duty nursing.
- (10) Medicare limits psychiatric hospital care to 190 days in your lifetime.

PART B - MEDICAL INSURANCE

(Caution: doctors fees and medical charges may exceed charges approved by medicare. You pay the difference.)

- (11) You pay the first \$ toward Medicare approved charges each calendar year. Medicare then pays 80% of further Medicare approved charges for physician services, medical supplies, necessary ambulance service, prosthetic devices and other covered services. You pay the balance.
- (12) Medicare provides no benefits for outpatient prescription drugs. You pay those costs.
- (13) You will receive no more than \$80 from Medicare per year for outpatient physical therapy.
- (14) You are responsible for the cost or replacement of the first 3 pints of blood.

Medicare "deductibles" and "coinsurance" (the portions you pay) change from time to time. Will this policy automatically increase your benefits to pay your increased costs? Yes or No If yes, explain any exceptions or limitations.

The annual cost for this policy is: \$

The space below may be used for additional information about the policy.

Date Summary Prepared:

Policy Form No.:

Insurance Company Issuing Policy:

Summary Delivered by: (Signature of Agent)

NEW SECTION

WAC 284-50-465 EFFECTIVE DATE. The effective date of this regulation, WAC 284-50-450 through 284-50-465, shall be June 1, 1978.

WSR 78-03-078

EMERGENCY RULES

EASTERN WASHINGTON UNIVERSITY

[Resolution 78-01—Filed Feb. 28, 1978]

Amendments to Constitution of Associated Students, chapter 172-114 WAC.

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 78-03-079

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Nursing)

[Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning CRN approved associations, and CRN certification program. (A copy of the proposed rules is attached; however, changes may be made at the public hearing.)

that such agency will at 10:00 a.m., Thursday, April 13, 1978, in the 4th Floor Conference Room, Highways-Licenses Bldg., 12th and Franklin Sts., Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 13, 1978, in the 4th Floor Conference Room, Highways-Licenses Bldg., 12th and Franklin Sts., Olympia, WA.

The authority under which these rules are proposed is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 13, 1978, and/or orally at 10:00 a.m., Thursday, April 13, 1978, 4th Floor Conference Room, Highways-Licenses Bldg., 12th and Franklin Sts., Olympia, WA.

Dated: February 28, 1978

By: Edward H. Southon

Assistant Attorney General

NEW SECTION

WAC 308-120-340 CRN APPROVED ASSOCIATIONS. An association approved for CRN recognition shall:

- (1) Be a national association open to all qualified registered nurses.
- (2) Have only registered nurses as full members.
- (3) Offer a certification to nurses in a specialty area:
 - (a) attesting to competency of the nurse to practice in the specialty area.
 - (b) meeting the requirements as stated in WAC 308-120-350.
- (4) Have developed standards and scope of practice statements for the certified nurse.

NEW SECTION

WAC 308-120-350 CRN CERTIFICATION PROGRAM. Certification program of an approved association shall:

- (1) Require evidence of completion of a program of study including clinical practice in the specialty area or two years of current practice in the specialty area.

(2) Require passage of a valid and reliable certification examination for which the content is developed and approved by nursing practitioners within the specialty area.

WSR 78-03-080
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
 [Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning the licensure qualifications and requirements—examinations; temporary retirement;

that such agency will at 10:00 a.m., Thursday, April 13, 1978, in the 4th Floor Conference Room, Highways-Licenses Bldg., 12th and Franklin Sts., Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 13, 1978, in the 4th Floor Conference Room, Highways-Licenses Bldg., 12th and Franklin Sts., Olympia, WA.

The authority under which these rules are proposed is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 13, 1978 and/or orally at 10:00 a.m., Thursday, April 13, 1978, 4th Floor Conference Room, Highways-Licenses Bldg., 12th and Franklin Sts., Olympia, WA.

Dated: February 28, 1978

By: Edward H. Southon
 Assistant Attorney General

AMENDATORY SECTION (Order PL 196, filed 7/25/75)

WAC 308-120-160 LICENSURE QUALIFICATIONS AND REQUIREMENTS—EXAMINATIONS. (1) Licensing examinations.

(a) The official registered nurse licensing examination shall be the current series of the state board test pool examination for registered nurses. The test consists of five parts: medical nursing, surgical nursing, obstetric nursing, nursing of children, and psychiatric nursing. All related subjects are integrated into these five tests.

(b) The minimum passing score is 350 in each of the five tests. Any score below 350 is considered a failure.

(c) Applicants for Washington license by endorsement from jurisdictions using the state board test pool examinations shall be required to rewrite any test scored below the Washington minimum passing score of 350.

(d) Examinations shall be conducted not less than twice a year.

(2) Failures — preparation for repeat examinations.

(a) First failure — intensive review recommended. No additional fee required if re-examined within one year of failure.

(b) Second and subsequent failures.

(i) Candidates who fail any test(s) of the state board test pool examination for registered nurse licensure will be permitted to repeat those test(s) failed for a period of three years from the date of the first failure.

(ii) Candidates who fail to pass the state board test pool examination for registered nurse licensure within a three-year period of the date of first failure after January 1, 1974, shall be required to complete a program of study in an approved school of nursing leading to an associate degree, diploma or baccalaureate degree in nursing. Upon graduation from an approved school of nursing the candidate shall be required to pass the entire series of the state board test pool examination for registered nurse licensure.

(3) The annual contract for the use of the state board test pool examination shall be negotiated by the executive secretary or the chairman in the absence of the executive secretary.

(a) Answer sheets for each candidate shall be sent for scoring as provided by contract.

(4) Admission to examination.

(a) No candidate will be admitted to the examination unless she/he has submitted a completed application on or before the final filing date prior to the scheduled examination.

(b) Any candidate for licensure as a registered nurse, by examination, shall take the required test(s) on the dates scheduled.

(c) No candidate shall be admitted to the examination without the authorized admission card.

(d) Candidates not completing the state board test pool examination series at time of writing:

(i) The answer sheets from any tests already written shall be destroyed;

(ii) Admission to examination in other test areas during the two-day period shall be denied;

(iii) Candidate shall be recorded as having not appeared.

(e) Eligible graduates from Washington approved basic programs in registered nursing will be given priority for admission to the state board test pool examinations. All other candidates will be admitted as space is available.

(5) Examination results.

(a) Candidates will be notified regarding examination results by mail, a copy of the examination scores shall be filed in each candidate's permanent record in the division of professional licensing, state of Washington.

(b) Approved schools of nursing in Washington shall receive a report of the test results of their candidates.

(c) Examination results will not be released to anyone else without written authorization from the applicant.

(6) Qualifications.

(a) High school requirement.

(i) The applicant shall have completed an approved high school course of study or achieved passing scores in the general educational development (GED) tests at the high school level.

(ii) Applicants educated and licensed in another country — the secondary education of each applicant shall be evaluated according to the explanation in the UNESCO World Survey of Education:

(b) Nursing education requirements.

(i) Graduates from Washington board approved nursing programs, holding a diploma from such a program, shall be eligible to take the examination, provided all other requirements are met.

(ii) Graduates from other state board approved/accredited nursing programs shall be eligible to take the examination provided:

(A) The nursing program meets the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(B) Graduate holds a diploma from such a program.

(C) All other requirements are met.

(c) Applicants shall file a completed notarized application, with required fee. The fee is not refundable.

(i) The applicant shall request the school of nursing to send an official transcript directly to the division of professional licensing.

(ii) Applicants who have filed the required application and met all qualifications will be notified of acceptance and only such applicants will be permitted to write the examination.

(7) Licensure by interstate endorsement without examination.

(a) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following:

(i) The applicant graduated and holds a diploma from a state board approved school of nursing preparing candidates for licensure as a registered nurse, provided such nursing program is equivalent to the minimum nursing educational standards prevailing for state board approved schools of nursing in Washington at the time of the applicant's graduation.

(ii) Applicants who graduated since January 1, 1953, shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(iii) Applicants who graduated prior to January 1, 1953, shall have scored at least 75% on the state board examination in the state of original license.

(iv) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(v) The application shall be completed and notarized; the fee must be filed with the application. The fee is not refundable.

(vi) Verification of licensure by examination shall be obtained from the state or territory of original licensure.

(vii) Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(b) Applicants from countries outside the United States who were granted a license in another U.S. jurisdiction or territory prior to 1971 and who were not required to pass the state board test pool examination shall meet the following requirements:

(i) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(ii) The applicant holds a valid current license to practice as a registered nurse in another U.S. jurisdiction or territory.

(iii) The applicant shall submit to the board:

(A) a complete notarized application. The nonrefundable fee must be filed with the application.

(B) verification of original licensure obtained in the U.S. jurisdiction or territory;

(C) notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state board or territory of original U.S. licensure;

(D) verification of current nursing practice for three years prior to application for Washington licensure.

(8) Licensure by endorsement - examination required.

(a) Applicants for licensure by endorsement from countries outside the United States and territories shall meet the same requirements for licensure as all other applicants. This shall include:

(i) High school graduation as set forth in WAC 308-120-160(6)(a).

(A) Satisfactory completion of a basic nursing education program approved by the authorizing agency in country of original license.

(B) The nursing education program shall be equivalent to the minimum nursing education standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(C) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatry, obstetrics, surgical and pediatrics nursing) shall be satisfactorily made up in a state board approved school of professional nursing.

(D) Applicants from specialty programs, e.g., psychiatric/mental health, sick children's nurse, etc., do not meet the minimum nursing education requirements for a school of professional nursing.

(E) Applicants shall file a completed notarized application with the required fee. The fee is not refundable.

(1) The applicant shall request the school of nursing to submit an official transcript directly to the division of professional licensing.

(2) The applicant shall request the licensing agency in the country of original license to submit official evidence of licensure.

(F) Applicants licensed under the laws of a country outside the United States and territories shall be required to take the state board test pool examination for registered nurse licensure: PROVIDED, That those persons meeting the requirements of WAC 308-120-180(7)(b) are exempted from this requirement. The minimum standard passing score shall be 350 in each test.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Order No. PL 258, filed 12/7/76)

WAC 308-120-185 TEMPORARY RETIREMENT. After January 1, 1974, ((P))persons on non-practicing status ((after January 1, 1974)) for three years or more shall write an examination approved by the board, or be issued a limited educational license to enroll in a board approved refresher course. Nonpracticing means the individual has been on the inactive list for a period of three years or more and does not hold a current license to practice in Washington or in any other United States jurisdiction.

WSR 78-03-081 PROPOSED RULES BOARD OF PHARMACY [Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning controlled substances and the placement of Phencyclidine in Schedule II and the placement of Lorazepam (Atavin) in Schedule IV.

that such agency will at 1:30 p.m., Friday, April 14, 1978, in the Burien Public Library, 14700 Sixth Ave. S.W., Burien, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, April 14, 1978, in the Burien Public Library, 14700 Sixth Ave. S.W., Burien, WA.

The authority under which these rules are proposed is RCW 69.50.201.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 14, 1978, and/or orally at 1:30 p.m., Friday, April 14, 1978, Burien Public Library, 14700 Sixth Ave. S.W., Burien, WA.

Dated: February 28, 1978

By: David C. Campbell, Jr.

Executive Secretary

NEW SECTION

WAC 360-36-160 PLACEMENT OF PHENCYCLIDINE IN SCHEDULE II. The board finds that phencyclidine meets the schedule II test of RCW 69.50.205 and hereby reschedules phencyclidine from schedule III to schedule II. The placement in schedule II includes any quantity of phencyclidine, including its salts, isomers and salts of isomers wherever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation.

NEW SECTION

WAC 360-36-170 PLACEMENT OF LORAZEPAM IN SCHEDULE IV. The board finds that lorazepam (ativan) meets the schedule IV tests of RCW 69.50.209 and hereby places lorazepam (ativan) in schedule IV. The placement in schedule IV includes any material, compound, mixture or preparation which includes any quantity of lorazepam (ativan).

WSR 78-03-082 PROPOSED RULES GAMBLING COMMISSION [Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities;

that such agency will at 10:00 a.m., Friday, April 14, 1978, in the Ponderosa Rm., Red Lion Motor Inn, I-90 at Sullivan Rd. Exit, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, April 14,

1978, in the Ponderosa Rm., Red Lion Motor Inn, I-90 at Sullivan Rd. Exit, Spokane, WA.

The authority under which these rules are proposed is RCW 9.46.070 (10).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 14, 1978, and/or orally at 10:00 a.m., Friday, April 14, 1978, Ponderosa Rm., Red Lion Motor Inn, I-90 at Sullivan Rd. Exit, Spokane, WA.

Dated: February 28, 1978
By: William L. Williams
Assistant Attorney General

AMENDATORY SECTION (Amending Order #78, filed 11/17/77)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or to qualified bona fide nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo
- (b) Raffles
- (c) Amusement games
- (d) Punchboards and pull tabs
- (e) To allow its premises to be used only by bona fide members and guests to play authorized card games.

The operation of each of these activities shall require a separate license from the commission.

(2) Fund raising event as defined in RCW 9.46.020. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.020, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(6) Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and
- (d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(7) License expiration. Each such license shall be valid for one year from the date that it is issued: **PROVIDED**, That

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) Notwithstanding the provisions of subsection (a), a license issued for the conduct of a raffle in connection with a qualified agricultural

fair, qualified community-wide civic festival or qualified world's fair shall authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the license through the conclusion of the fair or festival.

~~((b))~~ (c) Licenses issued for card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

~~((c))~~ (d) Licenses issued for fund raising events shall be valid only for the duration of the fund raising event as set forth in the application, but in no event shall exceed three consecutive days, once each calendar year, or in the alternative, shall not exceed one calendar day no more than twice each calendar year.

~~((d))~~ (e) If the licensee fails to renew the license prior to the expiration date, the license shall expire. The licensee must reapply for licensure according to the statutory and regulatory conditions then in force as would any other person.

(8) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington.

WSR 78-03-083

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Ecology intends to adopt, amend, or repeal rules concerning repealing chapter 173-800 WAC, Department of Ecology State Environmental Policy (SEPA) Guidelines, and readopting with amendments as chapter 173-801 WAC, Department of Ecology State Environmental Policy Act (SEPA) Guidelines, to make the new chapter consistent with the recently amended statewide SEPA Guidelines, chapter 197-10 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 10:15 a.m., Tuesday, April 4, 1978, in the Hearings Room, Department of Ecology, Lacey, WA.

The authority under which these rules are proposed is RCW 43.21C.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 28, 1978, and/or orally at 10:15 a.m., Tuesday, April 4, 1978, Hearings Room, Department of Ecology, Lacey, WA.

Dated: February 28, 1978

By: Elmer C. Vogel
Deputy Director

REPEALER (Amending Order #78, filed 11/17/77)

WAC chapter 173-800 is repealed in its entirety as follows:

- (1) WAC 173-800-010 AUTHORITY.
- (2) WAC 173-800-015 IMPACT OF GUIDELINES ON THE DEPARTMENT.
- (3) WAC 173-800-020 PURPOSE.
- (4) WAC 173-800-030 EFFECT OF SEPA.
- (5) WAC 173-800-035 INTEGRATION OF SEPA PROCEDURES WITH OTHER DEPARTMENTAL OPERATIONS.
- (6) WAC 173-800-040 DEFINITIONS.
- (7) WAC 173-800-050 DESIGNATION OF RESPONSIBLE OFFICIAL.
- (8) WAC 173-800-060 TIMING.

(9) WAC 173-800-070 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION.

(10) WAC 173-800-080 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT.

(11) WAC 173-800-090 NO PRESUMPTION OF SIGNIFICANCE FOR NON-EXEMPT ACTIONS.

(12) WAC 173-800-100 CATEGORICAL EXEMPTIONS.

(13) WAC 173-800-105 EXEMPTIONS APPLICABLE TO OTHER AGENCIES.

(14) WAC 173-800-110 EXEMPTIONS AND NON-EXEMPTIONS SPECIFICALLY APPLICABLE TO THE DEPARTMENT.

(15) WAC 173-100-120 EXEMPTION FOR EMERGENCY ACTIONS.

(16) WAC 173-800-140 SENSITIVE AREAS.

(17) WAC 173-800-145 USE AND EFFECT OF CATEGORICAL EXEMPTIONS.

(18) WAC 173-800-150 LEAD AGENCY—RESPONSIBILITIES.

(19) WAC 173-800-160 DETERMINATION OF LEAD AGENCY—PROCEDURES.

(20) WAC 173-800-170 LEAD AGENCY DESIGNATION—GOVERNMENTAL PROPOSALS.

(21) WAC 173-800-180 LEAD AGENCY DESIGNATION—PROPOSALS INVOLVING BOTH PRIVATE AND PUBLIC CONSTRUCTION ACTIVITY.

(22) WAC 173-800-190 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS FOR WHICH THERE IS ONLY ONE AGENCY WITH JURISDICTION.

(23) WAC 173-800-200 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY.

(24) WAC 173-800-210 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.

(25) WAC 173-800-220 LEAD AGENCY DESIGNATION—SPECIFIC PROPOSALS.

(26) WAC 173-800-230 LOCAL AGENCY TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY.

(27) WAC 173-800-240 AGREEMENTS AS TO LEAD AGENCY STATUS.

(28) WAC 173-800-250 AGREEMENTS BETWEEN AGENCIES AS TO DIVISION OF LEAD AGENCY DUTIES.

(29) WAC 173-800-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP.

(30) WAC 173-800-270 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION.

(31) WAC 173-800-280 INDIVIDUALS MAKING SEPARATE DETERMINATIONS.

(32) WAC 173-800-300 ENVIRONMENTAL CHECKLIST.

(33) WAC 173-800-310 ENVIRONMENTAL CHECKLIST PROCEDURES.

(34) WAC 173-800-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST.

(35) WAC 173-800-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST.

(36) WAC 173-800-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS.

(37) WAC 173-800-345 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION OVER A PROPOSAL—PREREQUISITES, EFFECT AND FORM OF NOTICE.

(38) WAC 173-800-350 AFFIRMATIVE THRESHOLD DETERMINATION.

(39) WAC 173-800-355 FORM OF DECLARATION OF SIGNIFICANCE/NON-SIGNIFICANCE.

(40) WAC 173-800-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST.

(41) WAC 173-800-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION.

(42) WAC 173-800-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION.

(43) WAC 173-800-380 THRESHOLD DETERMINATION APPEAL PROCEDURES.

(44) WAC 173-800-390 STATUTE OF LIMITATION.

(45) WAC 173-800-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS.

(46) WAC 173-800-405 PURPOSE AND FUNCTION OF A DRAFT EIS.

(47) WAC 173-800-410 PREDRAFT CONSULTATION PROCEDURES.

(48) WAC 173-800-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY.

(49) WAC 173-800-425 ORGANIZATION AND STYLE OF A DRAFT EIS.

(50) WAC 173-800-440 CONTENTS OF A DRAFT EIS.

(51) WAC 173-800-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NON-PROJECT ACTION.

(52) WAC 173-800-444 LIST OF ELEMENTS OF THE ENVIRONMENT.

(53) WAC 173-800-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS.

(54) WAC 173-800-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT.

(55) WAC 173-800-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE.

(56) WAC 173-800-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS.

(57) WAC 173-800-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED.

(58) WAC 173-800-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL.

(59) WAC 173-800-490 PUBLIC HEARING ON THE PROPOSAL—USE OF ENVIRONMENTAL DOCUMENTS.

(60) WAC 173-800-495 PREPARATION OF AMENDED OR NEW DRAFT EIS.

(61) WAC 173-800-500 RESPONSIBILITIES OF CONSULTED AGENCIES—LOCAL AGENCIES.

(62) WAC 173-800-510 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH JURISDICTION.

(63) WAC 173-800-520 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH ENVIRONMENTAL EXPERTISE.

(64) WAC 173-800-530 RESPONSIBILITIES OF CONSULTED AGENCIES—WHEN PREDRAFT CONSULTATION HAS OCCURRED.

(65) WAC 173-800-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES.

(66) WAC 173-800-540 LIMITATIONS ON RESPONSES TO CONSULTATION.

(67) WAC 173-800-545 EFFECT OF NO WRITTEN COMMENT.

(68) WAC 173-800-550 CONSULTED AGENCY COORDINATION.

(69) WAC 173-800-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.

(70) WAC 173-800-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.

(71) WAC 173-800-600 CIRCULATION OF THE FINAL EIS.

(72) WAC 173-800-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA.

(73) WAC 173-800-652 SUPPLEMENTATION BY A LEAD AGENCY OF AN INADEQUATE FINAL NEPA EIS.

(74) WAC 173-800-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION.

(75) WAC 173-800-690 USE OF LEAD AGENCY'S EIS BY OTHER ACTING AGENCIES FOR THE SAME PROPOSAL.

(76) WAC 173-800-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS.

(77) WAC 173-800-710 EIS COMBINED WITH EXISTING PLANNING AND REVIEW PROCESSES.

(78) WAC 173-800-810 RESPONSIBILITY OF AGENCIES—AMENDMENTS TO THIS CHAPTER.

(79) WAC 173-800-830 RESPONSIBILITY OF AGENCIES—SEPA PUBLIC INFORMATION CENTER.

(80) WAC 173-800-840 APPLICATION OF THESE GUIDELINES TO ON-GOING ACTIONS.

(81) WAC 173-800-910 SEVERABILITY.

Chapter 173-801 WAC
DEPARTMENT OF ECOLOGY "SEPA" GUIDELINES

NEW SECTION

WAC 173-801-010 AUTHORITY. This chapter is promulgated pursuant to the directives of RCW 43.21C.120 and chapter 197-10 WAC.

NEW SECTION

WAC 173-801-020 ADOPTION BY REFERENCE. The department of ecology hereby adopts by reference the following sections or subsections of chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the state of Washington, council on environmental policy and amended by the department of ecology)

- WAC 197-10-040: Definitions.
WAC 197-10-060: Scope of a proposal and its impacts.
WAC 197-10-160: No presumption of significance for nonexempt actions.
WAC 197-10-170: Categorical exemptions.
WAC 197-10-175: Exemptions and nonexemptions applicable to specific state agencies.
WAC 197-10-180: Exemptions for emergency actions.
WAC 197-10-190: Use and effect of categorical exemptions.
WAC 197-10-200: Lead agency—Responsibilities.
WAC 197-10-203: Determination of lead agency—Procedures.
WAC 197-10-205: Lead agency designation—Governmental proposals.
WAC 197-10-210: Lead agency designation—Proposals involving both private and public construction.
WAC 197-10-215: Lead agency designation—Private projects for which there is only one agency.
WAC 197-10-220: Lead agency designation—Private projects, licenses from more than one agency when one is city/county.
WAC 197-10-225: Lead agency designation—Private projects, license from more than one state agency.
WAC 197-10-230: Lead agency designation—Specific proposals.
WAC 197-10-235: Local agency transfer of lead agency status to a state agency.
WAC 197-10-240: Agreements as to lead agency status.
WAC 197-10-245: Agreements between agencies as to division of lead agency duties.
WAC 197-10-260: Dispute as to lead agency determination—resolution by CEP.
WAC 197-10-270: Assumption of lead agency by another agency with jurisdiction.
WAC 197-10-300: Threshold determination requirement.
WAC 197-10-305: Recommended timing for threshold determination.
WAC 197-10-310: Threshold determination procedures—Environmental checklist.
WAC 197-10-320: Threshold determination procedures—Initial review of environmental checklist.
WAC 197-10-330: Threshold determination procedures—Information in addition to checklist.
WAC 197-10-340: Threshold determination procedures—Negative declarations.
WAC 197-10-345: Assumption of lead agency status by another agency with jurisdiction—Prerequisites, effect and form of notice.
WAC 197-10-350: Affirmative threshold determination.
WAC 197-10-355: Form of declaration of significance/nonsignificance.
WAC 197-10-360: Threshold determination criteria—Application of environmental checklist.
WAC 197-10-365: Environmental checklist.
WAC 197-10-370: Withdrawal of affirmative threshold determination.
WAC 197-10-375: Withdrawal of negative threshold determination.
WAC 197-10-390: Effect of threshold determination by lead agency.

- WAC 197-10-400: Duty to begin preparation of a draft EIS.
WAC 197-10-405: Purpose and function of a draft EIS.
WAC 197-10-410: Pre-draft consultation procedures.
WAC 197-10-420: Preparation of EIS by persons outside the lead agency.
WAC 197-10-425: Organization and style of a draft EIS.
WAC 197-10-440: Contents of a draft EIS.
WAC 197-10-442: Special considerations regarding contents of an EIS on a nonproject action.
WAC 197-10-444: List of elements of the environment.
WAC 197-10-446: Draft EIS—Optional additional elements.
WAC 197-10-450: Public awareness of availability of draft EIS.
WAC 197-10-455: Circulation of the draft EIS—Review period.
WAC 197-10-460: Specific agencies to which draft EIS shall be sent.
WAC 197-10-465: Agencies possessing environmental expertise.
WAC 197-10-470: Cost to the public for reproduction of environmental documents.
WAC 197-10-480: Public hearing on a proposal—When required.
WAC 197-10-485: Notice of public hearing on environmental impact of the proposal.
WAC 197-10-490: Public hearing on the proposal—Use of environmental documents.
WAC 197-10-495: Preparation of amended or new draft EIS.
WAC 197-10-500: Responsibilities of consulted agencies—Local agencies.
WAC 197-10-510: Responsibilities of consulted agencies—State agencies with jurisdiction.
WAC 197-10-520: Responsibilities of consulted agencies—State agencies with environmental expertise.
WAC 197-10-530: Responsibilities of consulted agencies—When pre-draft consultation has occurred.
WAC 197-10-535: Cost of performance of consulted agency responsibilities.
WAC 197-10-540: Limitations on responses to consultation.
WAC 197-10-545: Effect of no written comment.
WAC 197-10-550: Preparation of the final EIS—Time period allowed.
WAC 197-10-570: Preparation of final EIS—When no critical comments received on the draft EIS.
WAC 197-10-580: Preparation of the final EIS—Contents—When critical comments received on draft EIS.
WAC 197-10-600: Circulation of the final EIS.
WAC 197-10-650: Effect of an adequate final EIS prepared pursuant to NEPA.
WAC 197-10-652: Supplementation by a lead agency of an inadequate final NEPA EIS.
WAC 197-10-660: Use of previously prepared EIS for a different proposed action.
WAC 197-10-690: Use of a lead agency's EIS by other acting agencies for the same proposal.
WAC 197-10-695: Draft and final supplements to a revised EIS.
WAC 197-10-700: No action for seven days after publication of the final EIS.
WAC 197-10-710: EIS combined with existing planning and review processes.
WAC 197-10-831: Responsibilities of Agencies—SEPA public information.
WAC 197-10-840: Application of agency guidelines to ongoing actions.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-801-030 PURPOSE. (1) The purpose of this chapter is to implement the state-wide guidelines (chapter 197-10 WAC) established by the council on environmental policy as they apply to actions of the department of ecology.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the department of ecology to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The department recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-801-040 EFFECT OF SEPA. The state environmental policy act provides additional standards for departmental decision-making for all activities which may have an impact on the environment. The processes of the state environmental policy act, including but not limited to detailed statement requirements, are aimed at making more informed decisions, and toward projects with greater public and environmental acceptability. The process should foster mutual communication, understanding and cooperation among applicants, governmental agencies and citizens. All reasonable alternatives and mitigative/compensatory measures should be explored.

NEW SECTION

WAC 173-801-045 INTEGRATION OF SEPA PROCEDURES WITH OTHER DEPARTMENTAL OPERATIONS. To the fullest extent possible, the department of ecology shall integrate the procedures required by these guidelines with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication.

NEW SECTION

WAC 173-801-050 DESIGNATION OF RESPONSIBLE OFFICIAL. (1) Within the department of ecology, the ultimate responsible official is the director. Normally, the operational responsibility shall be delegated to levels no lower than a supervisor of a regional office branch or a division supervisor. When significant interdivisional involvements occur, consideration shall be given to establishing the next higher official common to involved supervisors as the responsible official. When the convergence or responsibility is higher than the assistant director level, the responsible official shall be designated by the deputy director.

(2) The identity of the responsible official should be established as soon as possible, ideally at the preapplication (or for department actions—preproject formulation) stage. The first department contact person should make a recommendation to his/her supervisor in order that a preliminary determination be made.

NEW SECTION

WAC 173-801-060 TIMING. (1) The department shall integrate SEPA into its normal processes in such a way that no undue delays are caused by SEPA compliance. The purposes of SEPA are best served by consideration of environmental factors early in the preplanning stages.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) The environmental checklist should normally be completed when an application is found to be nonexempt. In order to conserve time and avoid misunderstandings, the first agency contact person should make the "action" and "exemption" determinations and assist the applicant in completing the checklist. If exempt status is questionable, a checklist should be completed and the supervisor consulted.

NEW SECTION

WAC 173-801-070 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. (1) There are three areas of these guidelines where the department may require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

The responsible official may determine that any information supplied by a private applicant is insufficient and require further information, if in the judgment of the responsible official the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may choose to voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) Environmental Checklist. A private applicant is required to complete an environmental checklist, either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini EIS" at this stage.

(3) Threshold Determination. The responsible official shall make an initial review of a completed checklist without requiring more information from a private applicant. If, and only if, he determines as a result of its initial review that the information available is not reasonably sufficient to determine the environmental impacts of the proposal, he may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the responsible official, information accessible to him is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required.

- (4) Draft and Final EIS.

(a) The department shall normally prepare its own draft and final impact statements. In so doing, it may require the applicant to provide information not in the possession of the department. This may include a requirement that the applicant conduct specific investigations.

The applicant shall not be required to provide information reasonably available from other agencies with expertise. The applicant shall not be unduly burdened financially, however, in the interest of efficiency, the applicant is encouraged to provide as much information as he desires.

(b) The situation may arise in which the department, because of its commitments, is unable to prepare the draft and/or final EIS on a local agency transfer. In this case, the applicant shall be provided a letter outlining the situation and will be provided the option of the following impact statement preparation method:

(i) Applicant posts a mutually agreed upon bond with the department.

(ii) The department retains a mutually agreed upon and independent outside party to prepare the document.

(iii) The outside party prepares the document under the supervision of the department responsible official.

(iv) The outside party is paid from the posted bond. The applicant is provided an itemized accounting and the remaining balance of the bond.

(c) Private applicants shall be encouraged to cooperate in the impact statement preparation process. The results of a cooperative effort can be a better, more acceptable project, and a more expeditious handling of the application.

NEW SECTION

WAC 173-801-080 SENSITIVE AREAS. In its actions, the department shall respect "environmentally sensitive areas" and their modified exemption criteria which have been adopted and displayed by local governments pursuant to WAC 197-10-177.

NEW SECTION

WAC 173-801-090 INDIVIDUALS MAKING SEPA-RELATED DETERMINATIONS. Within the department, the following officials are designated the responsibility of determinations under SEPA; "action" and "exemption" decisions may be made by the first departmental official contacted; all responsibilities transferred to the department from CEP shall be handled by the Environmental Review

Section; all other SEPA-related determinations are designated the responsibility of the responsible official.

NEW SECTION

WAC 173-801-100 THRESHOLD DETERMINATION APPEAL PROCEDURES. (1) In the event that the threshold determination results in a written appeal within fifteen calendar days from date of issuance, the following procedures shall be followed:

(a) The responsible official shall review his decision with particular emphasis on the areas of appeal. He may request further information of the applicant. The decision of the responsible official shall be in writing with copies to the project file, the applicant, and the protestor.

(b) If deemed fit, the responsible official may bring the appeal to the deputy director. The resulting decision shall be final and circulated as in (a) above.

(2) The responsible official should attempt to act upon an appeal within one week of receipt. If more time is required, the applicant should be advised in writing of the anticipated schedule.

NEW SECTION

WAC 173-801-110 STATUTE OF LIMITATION. The responsible official should examine the option of following the procedures of RCW 43.21C.080, 43.21C.085, and 43.21C.087 to qualify for the statute of limitations concerning SEPA compliance. This procedure is activated by the actual execution of the subject action (i.e., issuance of permit or approval).

NEW SECTION

WAC 173-801-120 COORDINATION ON COMBINED DOE-FEDERAL ACTION. When the department is considering an action which also involves federal actions, it shall attempt to coordinate the two governmental processes so that only one environmental impact statement need be prepared for that proposal.

NEW SECTION

WAC 173-801-130 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

**WSR 78-03-084
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed Feb. 28, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning amending chapter 173-805 WAC, State Environmental Policy Act (SEPA) "Model Ordinance," to make it consistent with the recently amended state-wide SEPA Guidelines (chapter 197-10 WAC);

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, April 4, 1978, in the Hearings Room, Department of Ecology, Lacey, WA.

The authority under which these rules are proposed is RCW 43.21C.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 28, 1978, and/or orally at 10:00 a.m., Tuesday, April 4, 1978, Hearings Room, Department of Ecology, Lacey, WA.

Dated: February 28, 1978

By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 76-13, filed 6/8/76)

WAC 173-805-020 ADOPTION BY REFERENCE. The city/county hereby adopts by reference the following sections or subsections of chapter 197-10 of the Washington Administrative Code (the "SEPA Guidelines" adopted by the state of Washington, council on environmental policy)((:)) and amended by the state of Washington, department of ecology

- WAC 197-10-040: Definitions.
WAC 197-10-060: Scope of a proposal and its impacts.
WAC 197-10-160: No presumption of significance for nonexempt actions.
WAC 197-10-170: Categorical exemptions.
WAC 197-10-175: Exemptions and nonexemptions applicable to specific state agencies.
WAC 197-10-180: Exemptions for emergency actions.
WAC 197-10-200: Lead agency—Responsibilities.
WAC 197-10-203: Determination of lead agency—Procedures.
WAC 197-10-205: Lead agency designation—Governmental proposals.
WAC 197-10-210: Lead agency designation—Proposals involving both private and public construction.
WAC 197-10-215: Lead agency designation—Private projects for which there is only one agency.
WAC 197-10-220: Lead agency designation—Private projects, licenses from more than one agency when one is city/county.
WAC 197-10-225: Lead agency designation—Private projects, license from more than one state agency.
WAC 197-10-230: Lead agency designation—Specific proposals.
WAC 197-10-235: Local agency transfer of lead agency status to a state agency.
WAC 197-10-240: Agreements as to lead agency status.
WAC 197-10-245: Agreements between agencies as to division of lead agency duties.
WAC 197-10-260: Dispute as to lead agency determination—Resolution by CEP.
WAC 197-10-270: Assumption of lead agency by another agency with jurisdiction.
WAC 197-10-300: Threshold determination requirement.
WAC 197-10-305: Recommended timing for threshold determination.
WAC 197-10-310: Threshold determination procedures—Environmental checklist.
WAC 197-10-320: Threshold determination procedures—Initial review of environmental checklist.
WAC 197-10-330: Threshold determination procedures—Information in addition to checklist.
WAC 197-10-340: Threshold determination procedures—Negative declarations.
WAC 197-10-345: Assumption of lead agency status by another agency with jurisdiction—Prerequisites, effect and form of notice.
WAC 197-10-350: Affirmative threshold determinations.
WAC 197-10-355: Form of declaration of significance/nonsignificance.
WAC 197-10-360: Threshold determination criteria—Application of environmental checklist.
WAC 197-10-365: Environmental checklist.
WAC 197-10-370: Withdrawal of affirmative threshold determination.
WAC 197-10-375: Withdrawal of negative threshold determination.
WAC 197-10-390: Effect of threshold determination by lead agency.
WAC 197-10-400: Duty to begin preparation of a draft EIS.
WAC 197-10-410: Pre-draft consultation procedures.
WAC 197-10-425: Organization and style of a draft EIS.
WAC 197-10-440: Contents of a draft EIS.
WAC 197-10-442: Special considerations regarding contents of an EIS.
WAC 197-10-444: List of elements of the environment.
WAC 197-10-450: Public awareness of availability of draft EIS.
WAC 197-10-455: Circulation of the draft EIS—Review period.
WAC 197-10-460: Specific agencies to which draft EIS shall be sent.
WAC 197-10-465: Agencies possessing environmental expertise.

- WAC 197-10-470: Costs to the public for reproduction of environmental documents.
- WAC 197-10-480: Public hearing on a proposal—When required.
- WAC 197-10-485: Notice of public hearing on environmental impact of the proposal.
- WAC 197-10-490: Public hearing on the proposal—Use of environmental document.
- WAC 197-10-495: Preparation of amended or new draft EIS.
- WAC 197-10-500: Responsibilities of consulted agencies—Local agencies.
- WAC 197-10-510: Responsibilities of consulted agencies—State agencies with jurisdiction.
- WAC 197-10-520: Responsibilities of consulted agencies—State agencies with environmental expertise.
- WAC 197-10-530: Responsibilities of consulted agencies—When pre-draft consultation has occurred.
- WAC 197-10-535: Cost of performance of consulted agency responsibilities.
- WAC 197-10-540: Limitations on responses to consultation.
- WAC 197-10-545: Effect of no written comment.
- WAC 197-10-550: Preparation of the final EIS—Time period allowed.
- WAC 197-10-570: Preparation of final EIS—When no critical comments received on the draft EIS.
- WAC 197-10-580: Preparation of the final EIS—Contents—When critical comments received on draft EIS.
- WAC 197-10-600: Circulation of the final EIS.
- WAC 197-10-650: Effect of an adequate final EIS prepared pursuant to NEPA.
- WAC 197-10-652: Supplementation by a lead agency of an inadequate final NEPA EIS.
- WAC 197-10-660: Use of previously prepared EIS for a different proposed action.
- WAC 197-10-690: Use of a lead agency's EIS by other acting agencies for the same proposal.
- WAC 197-10-695: Draft and final supplements to a revised EIS.
- WAC 197-10-700: No action for seven days after publication of the final EIS.
- WAC 197-10-710: EIS combined with existing planning and review processes.
- ~~WAC 197-10-830: Responsibilities of agencies—SEPA public information center.~~
- ~~WAC 197-10-835: Regional SEPA public information centers.)~~
- ~~WAC 197-10-831: Responsibilities of agencies—SEPA public information.~~
- WAC 197-10-840: Application of agency guidelines to ongoing actions.

AMENDATORY SECTION (Amending Order DE 76-13, filed 6/8/76)

WAC 173-805-030 ADDITIONAL DEFINITIONS. In addition to those definitions contained within WAC 197-10-040, the following terms shall have the following meanings, unless the context indicates otherwise:

- (1) "Department" means any division, subdivision or organizational unit of the city/county established by ordinance, rule, or order.
- (2) "SEPA Guidelines" means chapter 197-10 WAC adopted by the council on environmental policy and amended by the department of ecology.

AMENDATORY SECTION (Amending Order DE 76-13, filed 6/8/76)

WAC 173-805-070 LEAD AGENCY DETERMINATION AND RESPONSIBILITIES. (1) Any department within the city/county receiving or initiating a proposal any portion of which involves a major action, shall determine the lead agency for that proposal pursuant to the criteria set forth in section WAC 197-10-205 through 197-10-270, using the procedures of WAC 197-10-203. This determination shall be made for each proposal involving a major action unless the lead agency has been previously determined, or the department is aware that another department or agency is in the process of determining the lead agency. NOTE: A lead agency must be an agency with jurisdiction.

(2) In those instances in which the city/county is the lead agency, the responsible official of the city/county shall supervise compliance

with the threshold determination, and if an EIS is necessary, shall supervise preparation of the draft and final EIS.

(3) In those instances in which the city/county is not the lead agency under the criteria of WAC 197-10-205 through 197-10-270, all departments of the city/county, subject to the limitations of WAC 197-10-390, 197-10-660, and 197-10-690 shall utilize and consider as appropriate either the declaration of nonsignificance or the final EIS of the lead agency in conjunction with the decisions of the city/county on the proposal. In such instances, no city/county department shall prepare or require preparation of a declaration of nonsignificance or EIS in addition to that prepared by the lead agency.

(4) In the event that the city/county or any department thereof receives a lead agency determination made by another agency which does not appear to be in accord with the criteria of WAC 197-10-205 through 197-10-245 it may object thereto. Any such objection must be made and resolved within fifteen (15) days of receipt of the determination, or the city/county must petition ((CEP)) the department of ecology for a lead agency determination pursuant to WAC 197-10-260 within the fifteen (15) day time period. Any such petition on behalf of the city/county shall be initiated by

(5) Departments of the city/county are authorized to make agreements as to lead agency status pursuant to WAC 197-10-240 and WAC 197-10-245: **PROVIDED**, That any such agreement involving assumption of lead agency status by the city/county will first be approved by the responsible official for the city/county and that any department which will incur responsibilities as a result of any such agreement will approve the agreement.

(6) Any department making a lead agency determination for a private project shall require sufficient information from the applicant to ascertain which other agencies have jurisdiction over the proposal.

AMENDATORY SECTION (Amending Order DE 76-13, filed 6/8/76)

WAC 173-805-120 [OPTIONAL] SEPA PUBLIC INFORMATION CENTER. (1) The following location constitutes the city's/county's SEPA public information center:

Telephone: () -----

(2) All reasonable means will be used to make the existence and location of the city's/county's SEPA public information center known to both the public generally and the employees of the city/county.

(3) The SEPA public information center shall contain the documents and provide the services required by WAC 197-10-830.

NEW SECTION

WAC 173-805-121 RESPONSIBILITY OF AGENCIES—SEPA PUBLIC INFORMATION. All documents required by the SEPA guidelines (chapter 197-10 WAC) shall be retained by the city/county and made available in accordance with chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order DE 76-13, filed 6/8/76)

WAC 173-805-130 FEES. [This section is completely optional, and any or none of the following subsections may be used, or municipalities may wish to substitute their own provisions.]

The following fees shall be required for actions by the city/county in accordance with the provisions of this ordinance:

(1) Threshold Determination—For every environmental assessment to be performed by the city/county when the city/county is lead agency a fee of [\$50.00] shall be required of the proponent of the proposal. This fee shall be collected prior to undertaking the threshold determination, and the time periods provided by this ordinance for making a threshold determination shall not begin to run until payment of the fee.

(2) Environmental Impact Statements—
(a) For all proposals requiring an EIS for which the city/county is the lead agency and for which the responsible official determines that the EIS shall be prepared by employees of the city/county, the city/county may charge and collect a reasonable fee from any applicant to cover costs incurred by the city/county in the preparation of an EIS. If it is determined that an EIS is required, applicants shall be

advised of projected costs of the statement prior to actual preparation and shall post bond or otherwise insure payment of such costs.

(b) The responsible official may determine that the city/county will contract directly with a consultant for preparation of environmental documents for activities initiated by some persons or entity other than the city/county and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city/county and applicant after a call for proposals. Applicants may be required to post bond or otherwise insure payment of such costs.

(c) In the event that a proposal is modified so that an EIS is no longer required, the responsible official shall refund any costs collected under (a) and (b) of this subsection which were collected for costs not incurred.

(3) No fee shall be collected by the city/county for performing its duties as a consulted agency.

[Note: The SEPA guidelines prohibit fees by consulted agencies.]

(4) [Optional—Use this procedure only if the SEPA public information center is retained]. The SEPA public information center of the city/county is hereby authorized to charge periodic fees for the service of mailing registers and register updates. Such fees shall be reasonably related to the costs of reproduction and mailing of registers and updates.

(5) The city/county may charge any person for copies of any document prepared pursuant to the requirements of this ordinance, and for mailing thereof, in a manner provided by chapter 42.17 RCW.

REPEALER (Amending Order DE 76-13, filed 6/8/76)

The following section of the Washington Administrative Code is repealed:

WAC 173-805-125 REGIONAL SEPA PUBLIC INFORMATION CENTER.

WSR 78-03-085

NOTICE OF PUBLIC MEETINGS

OFFICE OF COMMUNITY DEVELOPMENT

(Planning and Community Affairs Agency)

[Letter, Deputy Director - 3/1/78]

Energy Conservation and Weatherization Advisory Committee

The Energy Conservation and Weatherization Advisory Committee meets monthly at the discretion of the Committee. The next meeting is scheduled for March 15, 1978, 9:00 a.m. to 12 noon at the Sea-Tac Hyatt House. For further information contact Priscilla Cates, Office of Economic Opportunity, Office of Community Development, Olympia, Washington 98504, (206) 753-4931.

Employment Development Services Council

The Employment Development Services Council has scheduled monthly meetings through December, 1978. The following dates and locations have been reserved:

March 23, 1978	Airport Hilton, Sea-Tac
April 20, 1978	Airport Hilton, Sea-Tac
May 18, 1978	Sea-Tac Red Lion Motor Inn
June 15, 1978	Airport Hilton, Sea-Tac
July 20, 1978	Sea-Tac Red Lion Motor Inn
August 17, 1978	Sea-Tac Airport Auditorium
September 21, 1978	Airport Hilton, Sea-Tac
October 19, 1978	Airport Hilton, Sea-Tac
November 16, 1978	Airport Hilton, Sea-Tac
December 21, 1978	Airport Hilton, Sea-Tac

Meetings may be cancelled at the discretion of the Council if the proposed agenda does not warrant a meeting at that time. Interested parties should contact Ruth Keen for information, Employment and Training

Division, Office of Community Development, Olympia, Washington 98504, (206) 754-1005.

Juvenile Justice Advisory Committee

The Juvenile Justice Advisory Committee will meet on April 6, 1978, from 9:30 a.m. to 4:00 p.m. at the Sea-Tac Hyatt House. For further information contact Carol Noel, Law and Justice Planning Division, Office of Community Development, Olympia, Washington 98504, (206) 753-2235.

OFFICE OF COMMUNITY DEVELOPMENT

(Planning and Community Affairs Agency)

On March 15, 1978, at 1:30 p.m. the Office of Economic Opportunity, Office of Community Development, will hold a public hearing in Seattle on the draft State Plan for the Department of Energy Weatherization Assistance Program as required by U. S. Department of Energy regulations. The hearing will be held in the Washington State Department of Commerce and Economic Development conference room, Commerce Building, 312 First Avenue North, Seattle, Washington. The draft plan contains information about local program operators and the proposed funding levels for each for the FY 1978 funds (\$1,169,700 for Washington State). At the hearing comments will be received on the proposed plan and the funding levels. For additional information contact Priscilla Cates, Office of Economic Opportunity, Office of Community Development, Olympia, Washington 98504, (206) 753-4931.

WSR 78-03-086

PROPOSED RULES

CHIROPRACTIC DISCIPLINARY BOARD

[Filed Feb. 28, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning ethical standards; prohibited and permitted publicity and advertising; permitted identification of chiropractor; honoring of publicity and advertisements; prohibited transactions; professional notices, letterheads, cards, and office signs; and suggestion of need of chiropractic services;

that such agency will at 2:00 p.m., Saturday, April 8, 1978, in the Olympic Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Saturday, April 8, 1978, in the Olympic Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.26.110(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1978, and/or orally at 2:00 p.m., Saturday, April 8, 1978, in the Olympic Room,

Vance Airport Inn, 18220 Pacific Highway South,
Seattle, WA.

Dated: February 28, 1978
By: Edward H. Southon
Asst. Attorney General

NEW SECTION

WAC 113-12-150 ETHICAL STANDARDS—PROHIBITED PUBLICITY AND ADVERTISING. A chiropractor shall not, on behalf of himself, his partner, associate or any other chiropractor affiliated with his office or clinic, use or allow to be used any form of public communication or advertising which:

- (1) is false, fraudulent, deceptive, misleading, or sensational;
- (2) uses testimonials;
- (3) guarantees any treatment or result;
- (4) offers gratuitous goods or services or discounts in connection with chiropractic services, but this clause shall not be construed to relate to the negotiation of fees between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged;
- (5) makes claims of professional superiority which cannot be substantiated by the licensee who shall have the burden of proof;
- (6) states or includes prices for chiropractic services except as provided for in WAC 113-12-160;
- (7) fails to differentiate chiropractic care from all other methods of healing;
- (8) advertises a service outside the practice of chiropractic as permitted in Washington;
- (9) is broadcast on radio or television; or
- (10) otherwise exceeds the limits of WAC 113-12-160.

NEW SECTION

WAC 113-12-160 ETHICAL STANDARDS—PERMITTED PUBLICITY AND ADVERTISING. To facilitate the process of informed selection of a chiropractor by potential patients, a chiropractor may publish the following information in print media, provided that the information disclosed by the chiropractor in such publication complies with all other ethical standards promulgated by the board:

- (1) Name, including name of professional service corporation or clinic, and names of professional associates, addresses and telephone numbers.
- (2) Date and place of birth.
- (3) Date and fact of admission to practice in Washington and other states.
- (4) Schools attended with dates of graduation, degrees and other scholastic distinction.
- (5) Chiropractic authorships.
- (6) Chiropractic teaching positions.
- (7) Membership and offices in chiropractic fraternities, societies and associations.
- (8) Membership and offices in scientific, technical and professional associations and societies.
- (9) Whether credit cards or other credit arrangements are accepted.
- (10) Office and telephone answering service hours.
- (11) Fee for an initial examination and/or consultation.
- (12) Availability upon request of a written schedule of fees or range of fees for specific services.
- (13) The range of fees for specified routine chiropractic services, provided that the statement discloses, in print size equivalent to the largest print used in setting forth the fee information, that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each patient, and the patient is entitled without obligation to an estimate of the fee within the range likely to be charged.
- (14) Fixed fees for specified routine chiropractic services, the description of which would not be misunderstood by or be deceptive to a prospective patient, provided that the statement discloses in print size at least equivalent to the largest print used in setting forth the fee information that the quoted fee will be available only to patients whose matters fall into the services described, and that the client is entitled without obligation to a specific estimate of the fee likely to be charged.

NEW SECTION

WAC 113-12-161 ETHICAL STANDARDS—PERMITTED IDENTIFICATION OF CHIROPRACTOR. Nothing in chapter 113-12 of the Washington Administrative Code shall be construed to limit the identification of a chiropractor as a chiropractor as well as by name:

- (1) in political advertisements;
- (2) in routine reports and announcements of a bona fide business, civic, professional, or political organization in which he services as a director or officer; or
- (3) in and on chiropractic textbooks, treatises, and other chiropractic publications, and in advertisements thereof.

NEW SECTION

WAC 113-12-165 ETHICAL STANDARDS—HONORING OF PUBLICITY AND ADVERTISEMENTS. (1) If a chiropractor advertises a fee for a service, the chiropractor must render that service for no more than the fee advertised.

(2) Unless otherwise specified in the advertisement, if a chiropractor publishes any fee information authorized under chapter 113-12 WAC, the chiropractor shall be bound by any representation made therein for the periods specified in the following categories:

- (a) If in a publication which is published more frequently than one time per month, for a period of not less than thirty days after such publication.
- (b) If in a publication which is published once a month or less frequently, until the publication of the succeeding issue.
- (c) If in a publication which has no fixed date for publication of the succeeding issue, for a reasonable period of time after publication, but in no event less than one year.

NEW SECTION

WAC 113-12-170 ETHICAL STANDARDS—PROHIBITED TRANSACTIONS. A chiropractor shall not compensate or give anything of value to representatives of the press, radio, television or other communication media in anticipation of or in return for professional publicity in a news item.

NEW SECTION

WAC 113-12-175 ETHICAL STANDARDS—PROFESSIONAL NOTICES, LETTERHEADS, CARDS, AND OFFICE SIGNS. In his use of professional notices, letterheads, cards, and office signs, a chiropractor is subject to the same regulations of chapter 113-12 WAC which apply to his use of other print media.

NEW SECTION

WAC 113-12-180 ETHICAL STANDARDS—SUGGESTION OF NEED OF CHIROPRACTIC SERVICES. A chiropractor who has given in-person, unsolicited advice to a lay person that he should obtain chiropractic care shall not accept employment resulting from that advice except that:

- (1) A chiropractor may accept employment by a close friend, relative, former patient (if the advice is germane to the former treatment), or one whom the chiropractor reasonably believes to be a patient; and
- (2) Without affecting his right to accept employment, a chiropractor may speak publicly or write for publication on chiropractic topics so long as he does not emphasize his own professional experience or reputation and does not undertake to give individual advice.

WSR 78-03-087

ADOPTED RULES
DEPARTMENT OF GAME
[Order 115—Filed Mar. 1, 1978]

Be it resolved by the Game Commission, State of Washington, acting at Yakima, Washington that it does promulgate and adopt the annexed rules relating to the 1978 Spring and Summer Hunting Seasons.

This action is taken pursuant to Notice No. 7932 filed with the Code Reviser on December 19, 1977. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED January 9, 1978.

By Ralph W. Larson
Director

Wife

NEW SECTION

WAC 232-28-700 1978 SPRING AND SUMMER HUNTING SEASONS.

Reviser's note: The text and accompanying map comprising the 1978 Spring and Summer Hunting Season Rules adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 78-03-088
PROPOSED RULES
PARKS AND RECREATION COMMISSION
[Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning the application of standard fees to various individuals. Amending WAC 352-32-030, 352-32-250, 352-32-280, and creating new section, WAC 352-32-285;

that such agency will at 9:00 a.m., Monday, April 24, 1978, in the Black Angus Motor Inn, 107 No. 2nd, Walla Walla, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, April 24, 1978, in the Black Angus Motor Inn, 107 No. 2nd, Walla Walla, WA.

The authority under which these rules are proposed is RCW 43.51.040(2), RCW 43.51.060(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 21, 1978, and/or orally at 9:00

a.m., Monday, April 24, 1978, Black Angus Motor Inn, 107 No. 2nd, Walla Walla, WA.

Dated: February 24, 1978
By: James H. Davenport
Assistant Attorney General

AMENDATORY SECTION (Amending Administrative Order No. 33)

WAC 352-32-030 **CAMPING.** (1) No person shall camp in any State Park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(2) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if applicable use fee has not been paid or if time limit for occupancy of campsite or trailer site has expired or the site is reserved by another party. Remaining in a campsite or trailer site beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(3) No tent camper shall be allowed to occupy a designated trailer site except as directed by a ranger. Use of trailer sites by tent campers shall be subject to payment of the trailer site fee.

(4) A trailer site or campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the daily use fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite or trailer site when it is being occupied by another party, or when informed by a Ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park.

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to seven (7) consecutive days in one park. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and WAC 352-32-285.

(6) The number of vehicles occupying camping facilities shall be limited to one car or one camper, or one such vehicle with trailer, per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant.

(7) Persons traveling by bicycles, motor bikes or other modes of transportation and utilizing regular camp or trailer sites shall be limited to six persons per site.

(8) There are constructed in certain State Parks group camping areas. A group camping area is designated as such and generally located apart from the designated camp or trailer area. Facilities and extent of development of group areas may vary from park to park. All persons using the areas must pay the applicable fee established by the Washington State Parks and Recreation Commission.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "group use permit and regulation form."

(9) An emergency area is an area in the park that can be used for camping but not part of the designated camp or trailer area. Emergency areas may be used only when all designated camp or trailer sites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the fee appropriate for campsites and must be out of the site by 8:00 the following morning.

AMENDATORY SECTION (Amending Administrative Order No. 36)

WAC 352-32-250 **STANDARD FEES CHARGED.** The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission:

- (1) Overnight camping - basic camp: \$3.50 per night;
- (2) Overnight camping - camp site (two or more hookups): \$4.50 per night;
- (3) Group camping area - certain parks: \$.25 per camper per night; maximum of \$10.00 per night;
- (4) Environmental Learning Center: \$1.10 per camper per night;
- (5) Hot showers: \$.10 for four minutes shower time;

(6) Electric stoves: \$.10 for thirty minutes cooking time;
 (7) Senior Citizen Passport: \$10.00 per season (from October 1 through April 30);
 (8) Camp Wooten and Cornet Bay Swimming Pools: \$1.50 per camper per day.

(9) Washington senior citizens and disabled or handicapped persons found eligible under chapter 330, Laws of 1977 1st ex. sess. shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the Commission.

(a) A camping unit includes the passport holder and guest or guests in one car or one camper, or one such vehicle with trailer per camp or trailer site. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bikes, or mode of transportation other than those referenced above, and who are utilizing regular camp or trailer sites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas.

These fees ((do not include fees charged by concessionaires in state parks or fees charged at the Fort Worden State Park Conference Center and Group Houses. All fees include Washington State Sales Tax)) do not apply in those circumstances set forth in WAC 352-32-280 and WAC 352-32-285 as now or hereafter amended.

AMENDATORY SECTION (Amending Administrative Order No. 34)

~~WAC 352-32-280 ((CAMPING BY LAW ENFORCEMENT OFFICERS)) APPLICABILITY OF STANDARD FEES. ((No fee will be assessed law enforcement officers for the campsites they occupy if the following conditions are met:)) The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.41.060(6), shall not apply in the following circumstances:~~

~~(1) ((The individual's law enforcement authority is effective in the geographic area in which the campsite is located:)) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the Commission pursuant to RCW 43.51.040(5).~~

~~(2) ((The Park Manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park:)) Whenever fees are established pursuant to a development or management plan authorized or directed to be prepared by the legislature or state agency other than the Commission, as, for example the Fort Worden State Park Development and Management Plans.~~

~~(3) ((The individual agrees to act in his official capacity if requested by park staff:)) Whenever any law enforcement officer occupies a campsite if the following conditions are met.~~

~~(a) The law enforcement officer's authority is effective in the geographic area where the campsite is located.~~

~~(b) The Park Manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park.~~

~~(c) The officer agrees to act in his official capacity if requested by park staff.~~

~~(4) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the Commission's permission granted pursuant to RCW 43.51.130 - .160, utilizes any park facilities.~~

~~(5) Whenever any individual, appointed by a court of law to perform work in a park in lieu of other sentencing, utilizes any park facilities.~~

~~(6) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the Commission.~~

~~The seven (7) day limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.~~

~~The seven day limit and all other park rules apply.~~

NEW SECTION

WAC 352-32-285 APPLICABILITY OF STANDARD FEES TO VOLUNTEERS IN PARKS. The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) the Park Manager has determined that the personal service is desirable;

(2) at least four (4) hours of service per day are performed for each campsite occupied;

(3) the service performed does not replace or supplant that which would otherwise be performed by Parks employees or contractors;

(4) the service performed is not one commonly performed by members of an organized trade union;

(5) the service performed does not result in any type of development which will necessarily create future operating costs to the Commission.

The seven (7) day limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

This section does not expand or limit the provisions of RCW 43.51.130 - .160.

This section shall expire as of the 30th day of September, 1981.

WSR 78-03-089

NOTICE OF PUBLIC MEETINGS WASHINGTON STATE UNIVERSITY [Letter—Feb. 27, 1978]

The Board of Regents of Washington State University at the Board's February 24, 1978, meeting established a schedule of meeting dates by resolution for the remainder of the 1978 calendar year. The meeting dates established are reflected on the schedule attached herewith.

The resolution establishing those dates also included the following:

BE IT FURTHER RESOLVED that, pursuant to RCW 28B.10.528, authority is hereby delegated by the Board to the President of the University or his designee to select and designate appropriate meeting places, establish meeting times, fix the agenda and prepare agenda items, dispatch all official notices to meet state Open Public Meetings Act or other notice requirements, publish minutes and maintain records of meetings, and take other necessary action required for the orderly conduct of Board meetings.

BE IT FURTHER RESOLVED that when a regular meeting is rescheduled, notice thereof will be given in conformance with the notice requirements specified by the Open Public Meetings Act for special meetings. Special meetings may be called by the President of the Board or as otherwise provided by law.

BE IT FURTHER RESOLVED that the Board may convene executive sessions whenever it is deemed necessary in the interest of the University for the purpose of discussing matters or items for which executive sessions are authorized in Ch. 42.30 RCW as it now exists or may be amended hereafter.

In accordance with the authority delegated to me, I have established the meeting times and selected the meeting places which are also identified on the attached schedule. This information is submitted to you for publication in the Washington State Register in accordance with Ch. 240. Laws of 1977, 1st ex. sess.

1978 Schedule of Meetings
BOARD OF REGENTS
WASHINGTON STATE UNIVERSITY

Adopted by Resolution February 24, 1978

March 24, 1978	Regency Room WSU Compton Union Building Pullman, Washington 11964	9 a.m.
April 21, 1978	Regency Room WSU Compton Union Building Pullman, Washington 99164	9 a.m.
June 2, 1978	Regency Room WSU Compton Union Building Pullman, Washington 99164	9 a.m.
July 21, 1978	WSU Northwestern Washington Research & Extension Unit 1468 Memorial Highway Mount Vernon, Washington	9 a.m.
September 15, 1978	Regency Room WSU Compton Union Building Pullman, Washington 99164	9 a.m.
October 20, 1978	Regency Room WSU Compton Union Building Pullman, Washington 99164	9 a.m.
November 24, 1978	Ridpath Hotel W. 515 Sprague Spokane, Washington	9 a.m.

WSR 78-03-090

EMERGENCY RULES

DEPARTMENT OF GENERAL ADMINISTRATION

[Order 78-2—Filed Mar. 1, 1978]

I, Vernon L. Barnes, director of Department of General Administration, do promulgate and adopt at Office of the Director, Department of General Administration, 218 General Administration Bldg. Olympia, WA the annexed rules relating to WAC 236-12-085, the marking of streets, parking lots and garages on the state capitol grounds.

I, Vernon L. Barnes, Director of the Department of General Administration, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an emergency exists in that there is an immediate need to regulate the improper stopping, standing, and parking of motor vehicles on streets of the state capitol grounds where there has been traffic congestion and generally unsafe conditions. The areas where there is restrictive parking on the state capitol grounds need to be properly marked and specifically defined.

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

This rule is promulgated pursuant to RCW 46.08.150 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 28, 1978.

By Vernon L. Barnes
 Director

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-085 MARKING. The marking of streets, parking lots and garages shall be as follows:

- (1) yellow areas—no ((parking)) standing
- (2) white areas—crosswalks (No stopping in crosswalks) and parking stalls (no stopping in parking stalls without permit or payment of fee)
- (3) red areas—no stopping

WSR 78-03-091
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 46.08.150 that the Department of General Administration intends to adopt, amend, or repeal rules concerning chapter 236-12 WAC, state capitol grounds traffic and parking regulations;

that such agency will at 9:00 a.m., Tuesday, April 4, 1978, in the conference room, 218 General Administration Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, April 4, 1978, in the conference room, 218 General Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 46.08.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 4, 1978, and/or orally at 9:00 a.m., Tuesday, April 4, 1978, Office of the Director, Department of General Administration, 218 General Administration Building, Olympia, WA 98504.

Dated: February 28, 1978
 By: Vernon L. Barnes
 Director

Chapter 236-12 WAC
STATE CAPITOL GROUNDS
TRAFFIC AND PARKING ((RULES AND)) REGULATIONS

AMENDATORY SECTION (Amending Order 12, filed 12/17/73.)

WAC 236-12-001 PROMULGATION. Pursuant to the authority granted by chapters 43.19, 46.08, and 79.24 RCW, the ((~~Director of the Department of General Administration~~)) director of the department of general administration hereby establishes the following ((~~rules and~~)) regulations to govern pedestrian and vehicular traffic and parking upon state lands which are a part of the state capitol grounds.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-010 "DIRECTOR" DEFINED. (~~Wherever used herein~~) "Director" (~~refers to~~) as used herein shall mean the director of the department of general administration.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 76-2, filed 3/15/76.)

WAC 236-12-011 "STATE CAPITOL GROUNDS" DEFINED. "State capitol grounds" as used herein shall (~~be construed to be~~) mean those grounds designated (~~by statute~~) as state capitol grounds, including the East Capitol Campus, Sylvester Park, the old Capitol Building and Capitol Lake and (~~its~~) specified adjoining lands and roadways.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-012 "VEHICLE" DEFINED. (~~Wherever used herein "vehicle" refers to~~) "Vehicle" as used herein shall mean all mechanical transportation devices defined as vehicles in the (~~Motor Vehicle Laws and Regulations of the State~~) motor vehicle laws and regulations of the state of Washington including motorcycles, motor-driven cycles and bicycles. The director may designate and set aside specific parking and travel areas for motorcycles, motor-driven cycles and/or bicycles, and (~~no motorcycles or bicycles~~) such vehicles may not be operated or parked in areas other than those designated for vehicular use.

NEW SECTION

WAC 236-12-013 "CAMPUS SECURITY PATROL" DEFINED. The "campus security patrol" as used herein shall mean the Washington state patrol as provided under chapter 43.43 RCW.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-020 OBJECTIVES OF TRAFFIC (~~RULES AND~~) REGULATIONS. The objectives of these traffic regulations are:

- (1) To protect and control pedestrian and vehicular traffic;
- (2) To assure access at all times for emergency equipment;
- (3) To facilitate the work of state government by assuring access for its vehicles and those of its employees and visitors and by assigning the limited parking space for the most efficient use.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-030 TRAFFIC CONTROL. The (~~Motor Vehicle Laws~~) motor vehicle laws and other traffic laws of the (~~State~~) state of Washington are applicable to pedestrian and vehicular traffic on the state capitol grounds, and are hereby adopted and made a part hereof by reference (~~as if fully set forth herein~~). In case of conflict between the provisions of the (~~Motor Vehicle~~) motor vehicle laws or other traffic laws of the (~~State~~) state of Washington and these regulations, the (~~provisions of the regulations~~) laws of Washington shall govern.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-040 PARKING SPACES. The director shall formulate plans for the marking and numbering of parking areas and spaces and shall designate parking spaces for visitors, service vehicles, employees and others as well as areas in which parking is prohibited.

AMENDATORY SECTION (Amending order 12, filed 12/19/73.)

WAC 236-12-050 RENTED AND RESERVED PARKING SPACES. Parking is authorized only in properly designated (~~and identified~~) areas. Permits may be issued by the director to identify vehicles that are authorized to park in designated areas. No person shall stop, park or leave any vehicle, attended or unattended, in any parking space marked (~~for "leased vehicles"~~) "reserved" (~~"r"~~), (~~or "service vehicles"~~) unless properly authorized to do so by the director. Rented spaces shall not be loaned, shared or assigned, except as authorized by the director. These regulations apply to vehicles owned by

the state and any other governmental unit or agency as well as to privately-owned vehicles.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-060 TOURISTS AND VISITORS. Tourists (~~;~~) and visitors (~~and vehicles making deliveries~~) may park vehicles without (~~permit~~) fee in areas (~~on the capitol grounds specifically~~) designated for their use, subject to the traffic and control regulations, or in metered parking areas on the state capitol grounds provided, however, that (~~such permissive use shall be subject to the rules and regulations relating to traffic and the control thereof~~) the prescribed parking fee shall be paid prior to parking. Employees of the (~~State~~) state of Washington who are employed on the state capitol grounds may not park in spaces set aside and marked for visitors, tourists and other special purposes between the hours of (~~8:00~~) 7:00 a.m. and (~~4~~) 5:00 p.m. on normal working days, unless authorized to do so by the director.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 236-12-061 SERVICE AND DELIVERY VEHICLES. Service or delivery vehicles may park in specifically designated areas on the state capitol grounds, provided, a parking permit is obtained before parking in such areas.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-080 REGULATORY SIGNS AND DIRECTIONS. Pedestrians and drivers of vehicles shall obey regulatory signs posted by the director. Pedestrians and drivers of vehicles shall also comply with directions given in the control and regulation of traffic by uniformed state patrol officers and department of general administration parking controllers. No person shall move or alter any sign, barricade or other structure used for traffic and/or parking regulation, including painted stripes or markings utilized in traffic and parking control, without the authorization of the director.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-085 MARKING. The marking of streets, parking lots and garages shall be as follows:

- (1) yellow areas—no (~~parking~~) standing
- (2) white areas—crosswalks(~~no stopping in crosswalks~~) and parking stalls (~~no stopping in parking stalls without a permit or payment of fee~~)
- (3) red areas—no stopping

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-120 PARKING WITHIN DESIGNATED SPACES. No vehicle shall be parked so as to occupy any portion of more than one parking space (~~or stall~~) as designated in the parking area, or so as to occupy any portion of a fire lane or other area in which parking is prohibited. No parking space shall be occupied by more than one vehicle at any given time.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-130 (~~IMPOUNDING~~) IMPOUNDMENT OF VEHICLES. (~~No disabled or inoperative vehicle shall be parked on~~)

~~the capitol grounds for a period in excess of twenty-four hours. Vehicles which have been parked for periods in excess of twenty-four hours and which appear to be disabled or inoperative may be impounded by order of the director or the state patrol and stored at the expense of either or both the owner and operator thereof. Vehicles may also be impounded by order of the director or the state patrol for parking in crosswalks, fire lanes, unmarked parking areas (including parking strips), loading zones (unless authorized to use), leased parking spaces (unless authorized to use by the lessee of the space) and for double parking, blocking building entrances or exits or for interfering with access to fire hydrants. Neither the state nor its officers or employees shall be liable for loss or damage of any kind resulting from such impounding and storage.) Any vehicle parked on the state capitol grounds may be subject to impoundment for cause as specified under WAC 236-12-131 of these regulations. Neither the state nor its officers or employees shall be liable for loss or damage of any kind resulting from such impounding and storage.~~

NEW SECTION

WAC 236-12-131 **IMPOUNDMENT WITHOUT PRIOR NOTICE.** A vehicle may be impounded without giving prior notice to the owner of the possibility of this acting in the following circumstances:

- (a) When in the judgment of the campus security patrol the vehicle is obstructing or may impede the flow of traffic; or
- (b) When in the judgment of the campus security patrol the vehicle poses an immediate threat to public safety; or
- (c) By order of the director or chief of the state patrol or their designees, when a vehicle is unlawfully parked in "reserved" parking space.

NEW SECTION

WAC 236-12-132 **IMPOUNDMENT OF ABANDONED VEHICLES.** A vehicle on the state capitol grounds may be impounded after notice of such proposed impoundment has been securely attached to and conspicuously displayed on said vehicle for a period of twenty-four (24) hours prior to such impoundment when such vehicle is abandoned as that term is defined in RCW 46.52.102.

NEW SECTION

WAC 236-12-133 **NOTICE AND REDEMPTION OF IMPOUNDED VEHICLES, HEARING.** (1) Not more than forty-eight (48) hours after impoundment of any vehicle, the campus security patrol shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to the campus security patrol. The notice shall be mailed to the registered owner at the address provided by the Washington state department of motor vehicles or the corresponding agency of any state. The notice shall contain the full particulars of the impoundment, redemption, and opportunity for hearing to contest the propriety of the impoundment as hereinafter provided.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Vehicles impounded shall be redeemed only under the following circumstances:

- (a) Only the registered owner or person authorized by the registered owner and who produces proof of authorization and signs a receipt therefor, may redeem an impounded vehicle.
- (b) Any person so redeeming a vehicle impounded shall pay the cost of such impoundment (towing and storage), together with any such fines as are outstanding against the vehicle if impounded under WAC 236-12-131.
- (c) Any person seeking to redeem a vehicle impounded under WAC 236-12-131 has a right to a hearing to contest the validity of impoundment or the amount of towing and storage charges and such person shall have his or her vehicle released when such person makes such request for hearing in writing to the Thurston County district court. Any person to whom such vehicle has been released shall post a bond with the court within seven (7) days after the vehicle has been released to cover the fines and charges. If the owner fails to appear for the hearing, the bond will automatically be forfeited to cover the fines and charges which become immediately due and payable.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-140 **SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED.** Upon special occasions causing additional heavy traffic and during emergencies, the director may impose emergency traffic and parking regulations and restrictions.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-220 **ALLOCATION OF RENTED PARKING SPACE AND PRIORITIES OF APPLICANTS.** The rented parking spaces available on the state capitol grounds shall be allocated by the director among applicants for ~~((permits)) parking spaces~~ in such manner as will best effectuate the objectives of these regulations. Unless in his opinion the objectives of these regulations would otherwise be better served, the director shall observe the following priorities in the issuance of permits to applicants:

- (1) physically handicapped state employees and officials
- (2) car pools consisting of three or more persons per vehicle
- (3) other state employees and officials, in order of date of application except where the director determines that accomplishment of official duties requires assignment of space.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73)

WAC 236-12-225 **LIABILITY OF STATE.** The state assumes no liability for vehicles parked on the state capitol grounds or in parking garages located on the state capitol grounds. ~~((No bailment but only a license))~~ Only a license, not bailment, is created by the ~~((purchase))~~ rental of parking spaces or issuance of a permit to park on state property.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-290 ~~((FEES AND PERMITS))~~ **PARKING FEES.** The fees for rental parking shall be as follows:

PARKING FEES	AUTOMOBILE	MOTORCYCLE/ MOTOR-DRIVEN CYCLE
(a) Covered Space (Garage)	\$ 10.00/month	\$ 5.00/month
(b) Open Space (Lots/Streets)	\$ 5.00/month	\$ 3.00/month
(c) Parking-by-the-Day	\$ 1.00 per day maximum	

(d) No charge for visitors or tourists except where mechanical devices or meters are installed for general or specific area use.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-300 **PARKING FEE PAYMENTS.** Fees are payable in advance. Payments may be made by cash or check or by payroll deduction plan. For the payroll deduction plan, monthly payments should be accomplished by the initiation of a form to be designated by the director. Since retroactive deductions are not authorized, cash or check payments must be made for any ~~((months that))~~ month in which a payroll deduction ~~((is))~~ has not been withheld. Checks should be made payable to the ~~((Department of General Administration))~~ department of general administration and forwarded to the ~~((Parking Division, Plaza Garage))~~ parking office, 218 General Administration Building, Mail Stop EF-13. Payment must be received not later than the tenth day of each month. The person to whom the parking space is rented, upon termination of use of his parking space, shall personally notify the parking office prior to such termination of use.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-320 **RESPONSIBILITY OF PERSON TO WHOM A RENTAL PARKING SPACE OR PERMIT IS ISSUED.**

The person to whom a rental parking space or permit is issued pursuant to these regulations shall be responsible for all violations of these ~~((rules and))~~ regulations involving the vehicle for which the rental parking space or permit was issued, provided, however, that such responsibility shall not relieve other persons who violate these ~~((rules and))~~ regulations.

NEW SECTION

WAC 236-12-340 VIOLATION, FINES. Parking violations will be processed by the Thurston County district court and parking fine shall be paid thereto within seven (7) days after issuance of the violation, however, parking meter expiration payments shall be made to the department of general administration. Parking violations may be appealed within ten (10) days of the violations by initiating a hearing, in writing, before the Thurston County district court. The fines for parking violations shall be as follows:

VIOLATIONS	FINES	AFTER 7 DAYS
(a) Metered and reserved parking	\$ 5.00	\$10.00
(b) All other parking violations	\$10.00	\$15.00

AMENDATORY SECTION (Amending Order 12, filed 12/19/73.)

WAC 236-12-440 PERMITS FOR ~~((DEMONSTRATIONS, PARADES-))~~ PARADES, PROCESSIONS. Any ~~((person-or))~~ group of persons desiring to conduct a ~~((demonstration-or))~~ parade ~~((on))~~ or procession in the streets or parking areas of the state capitol grounds shall apply to the director for written approval. Application must be made, in writing, at least four (4) ~~((week))~~ days, excluding Saturdays, Sundays and holidays, prior to the time the parade or ~~((demonstration))~~ procession is to take place.

NEW SECTION

WAC 236-12-500 VIOLATIONS UNLAWFUL. A violation of any of these regulations is unlawful and constitutes a misdemeanor as provided in RCW 46.08.170.

NEW SECTION

WAC 236-12-600 EFFECTIVE DATE. These regulations shall become effective when adopted pursuant to chapter 34.04 RCW and shall remain in full force and effect until amended or changed under the provisions of said chapter.

REPEALER (Amending Order 12, filed 12/19/73.)

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 236-12-090 PEDESTRIANS—RIGHT OF WAY.
- (2) WAC 236-12-330 VIOLATIONS UNLAWFUL.
- (3) WAC 236-12-410 IMPOUNDING OF VEHICLES.
- (4) WAC 236-12-420 EFFECTIVE DATE.

WSR 78-03-092
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning the State Environmental Policy Act;

that such agency will at 10:00 a.m., Wednesday, April 5, 1978, in the Large Conference Room, General Administration Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30, Thursday, April 13, 1978,

in the Large Conference Room, General Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 5, 1978, and/or orally at 10:00 a.m., Wednesday, April 5, 1978, in the Large Conference Room, General Administration Building, Olympia, WA.

Dated: March 1, 1978
 By: Gordon Sandison
 Director

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-020 IMPACT OF GUIDELINES ON THE DEPARTMENT. (1) These guidelines are required by the ~~((state-wide))~~ State Environmental Policy Act, chapter 43.21C RCW, hereinafter SEPA, and the guidelines as adopted by the ~~((Council on Environmental Policy (chapter 197-10 WAC)))~~ Department of Ecology (chapter 197-10 WAC).

(2) The Department fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the requirements of the guidelines. The capacity of the Department to provide full service to the public and other agencies is limited by funds and manpower. The Department will make every effort to implement the SEPA guidelines in the best manner possible with the resources available.

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-040 SCOPE AND COVERAGE OF THIS CHAPTER. (1) It is the intent of the Department of Fisheries that compliance with the guidelines of this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 197-10-040(2).

(2) This chapter applies to all "actions" as defined in WAC 197-10-040(2) and applies to all activities of the Department of Fisheries. Furthermore, although these guidelines do not apply to actions of the Department exempted under WAC 197-10-170 and 197-10-175, the Department accepts the responsibility of attempting to follow the intent of SEPA, chapter 43.21C RCW in its decision-making process for exempt actions.

(3) To the fullest extent possible, Department of Fisheries shall integrate procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

~~((4) Decision-making occurring within Department of Fisheries on all activities which may adversely impact the environment shall include identification and consideration of all reasonable alternatives and compensatory or mitigative measures as specified in this chapter.~~

~~((5) As part of all authorizations made by the Department of Fisheries, such conditions shall be imposed as may be warranted to prevent or mitigate adverse environmental effects detrimental to the preservation, perpetuation, protection, utilization, and enhancement of the fishery resources regulated by the Department, as further defined in Title 75 RCW.~~

~~((6) When the Department concludes, by application of these guidelines, that an activity which it is considering for authorization will cause serious, substantial, or long-term adverse environmental effects detrimental to the preservation, perpetuation, protection, utilization, and enhancement of the fishery resources regulated by the Department, as further defined in Title 75 RCW, which effects cannot be avoided or mitigated, the Department shall not authorize that activity.))~~

NEW SECTION

WAC 220-100-045 AGENCY POLICY, IMPLEMENTATION OF SEPA. (1) If any activity as defined by this chapter is identified as adversely impacting the environment, then the Department shall further require identification of reasonable alternatives to the activity, as well as measures which can compensate for or mitigate environmental impacts.

(2) Before authorizing activities which have identified adverse environmental effects, the Department shall impose conditions to prevent the identified adverse effect as is consistent with its authority to preserve, protect, perpetuate and manage the fishery resource as further defined in Title 75 RCW. Additional conditions may be imposed by other state or federal agencies to prevent adverse effects the regulation of which falls within these agency's jurisdiction.

(3) When the Department concludes, by application of these guidelines, that an activity which it is considering for authorization will cause serious, substantial, or long-term adverse environmental effects detrimental to the preservation, perpetuation, protection, utilization, and enhancement of the fishery resources regulated by the Department, as further defined in Title 75 RCW, which effects cannot be avoided or mitigated, the Department shall not authorize that activity.

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-050 ADDITIONAL ELEMENTS OF THE ENVIRONMENT. The following shall be additional to the list of the elements of the environment as prescribed by WAC 197-10-444: Economics (~~((a) Short- and long-term economic gains and losses; (b) short- and long-term beneficial cost ratios; (c) diversification of economic gains or losses)~~).

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-060 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. (WAC 197-10-100(4) Draft and Final EIS Preparation) At the option of the Department, either a draft or final EIS, or parts thereof, may be prepared by the applicant or applicant's consultant under the direction of the responsible official at applicant's cost. Costs would include payment for agency consultation, time, and cost of any materials prepared by the agencies for inclusion into the EIS. Applicant may hire a special consultant from a list provided by the Department and EIS prepared by said consultant under the direction of the responsible official. The applicant may request the agency to prepare the EIS at the applicant's cost. ~~((A situation may arise in which the Department, because of its commitments, is unable to prepare the draft and/or final EIS. In this case the applicant shall be provided a letter outlining the situation and will be provided the option of posting a bond from which a mutually accepted independent outside party prepares the document. The outside party is then paid from the posted bond and the applicant is provided an itemized accounting and the remaining balance of the bond)) A performance bond in an amount specified by the Department may be required of the applicant to insure payment of Department expenses in preparing in whole or part a draft or final EIS.~~

Private applicants shall be encouraged to cooperate in the impact statement preparation process.

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-080 SEPA PUBLIC INFORMATION CENTER. The Department establishes and designates the office of Natural Production, Olympia headquarters, as its SEPA public information center (~~(-3939 Cleveland, Tumwater, Washington)~~).

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-110 ADOPTION BY REFERENCE—SUBSTANTIAL COMPLIANCE—EXCLUSIVE PROVISIONS. Except as modified by this chapter, the Department adopts the SEPA guidelines as adopted by the ~~((Council on Environmental Policy (chapter 197-10-WAC)))~~ Department of Ecology (chapter 197-10-WAC) and as modified or amended from time to time. Substantial compliance with these guidelines shall constitute compliance with this chapter. Those sections designated as exclusive in WAC ~~((197-108-05(3)))~~ 197-10-805(3) shall require absolute compliance by the Department.

NEW SECTION

WAC 220-100-120 USE OF FINAL DECLARATION OF NONSIGNIFICANCE FOR HYDRAULIC PROJECT APPROVALS. When the hydraulic project approval is the only license required by a private applicant, and the Departments of Fisheries and Game are the only agencies of jurisdiction, written agreement may be obtained with the Department of Game to omit the proposed declaration of nonsignificance and issue a final declaration of nonsignificance.

REPEALER (Amending Order 76-40, filed 5/25/76)

The following section of the Washington Administrative Code is repealed:

WAC 220-100-100 FILING OF AGENCY ACTION—PUBLICATION—FORM—TIME LIMITATION FOR COMMENCING CHALLENGE TO ACTION.

WSR 78-03-093 PROPOSED RULES DEPARTMENT OF FISHERIES [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning Commercial trolling season - Coastal waters;

that such agency will at 10:00 a.m., Friday, April 14, 1978, in the Department of Social and Health Services, Ground Floor, Auditorium, Office Bldg. #2, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Thursday, April 20, 1978, in the Small Conference Room, General Administration Bldg., Olympia, WA.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 14, 1978, and/or orally at 10:00 a.m., Friday, April 14, 1978, Department of Social and Health Services, Ground Floor, Auditorium, Olympia, WA.

Dated: March 1, 1978

By: Gordon Sandison
Director

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-20-015 LAWFUL AND UNLAWFUL ACTS—SALMON. (1) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes within a distance of three (3) miles from any river or stream flowing into Puget Sound, unless otherwise provided.

(2) It shall be unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(3) It shall be unlawful to operate any snag net without permit from the Department of Fisheries.

(4) It shall be unlawful to take, fish for, possess or offer for sale any species of spawning salmon.

(5) It shall be unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length or ~~((8 pounds))~~ dressed ~~((weight))~~ (heads off) length of 23 inches measured from the midpoint of the clavical arch to the tip of the tail and coho salmon less than ~~((20))~~ 16 inches in length except as follows:

(a) In the Puget Sound commercial salmon net fishery the minimum size limit for coho salmon shall be 16 inches in length; provided there shall be no minimum size limit on salmon taken with gill net gear. The minimum size limit for chinook caught with purse seine and reef net is 28 inches.

(b) In the Grays Harbor and Willapa Harbor gill net fisheries there shall be no minimum size limit for chinook and coho salmon.

(c) In the Columbia River commercial salmon gill net fishery, there shall be no minimum size limit on salmon.

(d) ~~((In the Pacific Ocean commercial salmon troll fishery there shall be no minimum size limit on coho salmon during the period June~~

15 through July 31, and during the period August 1 through October 31 the minimum size limit on coho salmon shall be 16 inches in length.

(e)) In the Puget Sound commercial salmon gill net fishery there shall be no minimum size limit on salmon taken from U.S. Convention waters during the time IPSFC has control of those waters.

(6) It shall be unlawful to set, maintain, own or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW 75.12.140.

(7) It shall be lawful to possess salmon for any purpose which were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsections (5) and (6) of WAC 220-20-015 shall not apply to salmon possessed pursuant to this subsection.

(8) It shall be unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

(9) It shall be unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

AMENDATORY SECTION (Amending Order 76-24A, filed 4/23/76)

WAC 220-24-010 UNLAWFUL ACTS. (1) It shall be unlawful for any person to possess in or transport through the waters of District No. 1 for commercial purposes any chinook salmon taken from said waters, or from the waters of the Pacific Ocean and District No. 2 during the period November 1 through April 30 of the following year and during the period June 16 through June 30, except as provided in WAC 220-24-020.

(2) It shall be unlawful for any person to possess or transport through the waters of District No. 1 for commercial purposes any silver salmon taken from said waters, or from the waters of the Pacific Ocean and District No. 2 from November 1 through June 30 of the year following, except as provided in WAC 220-24-020.

(3) It shall be unlawful for any person engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in the wholesale selling of food fish or shellfish for commercial purposes, to have in his possession within the boundaries of the state of Washington any fresh chinook salmon during the period November 1 through April 30, of the following year and during the period June 16 through June 30; provided, that the provisions of this subsection shall not apply to chinook salmon lawfully taken from the concurrent waters of the Columbia River, or as otherwise provided.

(4) ~~((It shall be unlawful for any fisherman to participate in the salmon troll fishery commencing July 1 without first having obtained a vessel certification from the Department of Fisheries. Certifications must be obtained on or after June 30.~~

(5)) During the period May 1 through June 14, it shall be unlawful to take, fish for or possess salmon with troll gear for commercial purposes except with single, barbless hooks except on bait hooks and artificial salmon plugs. Bait hooks must have a natural bait attached as its primary attraction while fishing. Spoons, wobblers, dodgers and flexible plastic lures must have barbless hooks. For the purpose of this regulation, a single, barbless hook is defined as a hook with one primary point and no secondary points or barbs curving or projected in any opposite direction.

AMENDATORY SECTION (Amending Order 76-24, filed 4/20/76)

WAC 220-24-020 LAWFUL ACTS. (1) It shall be lawful to take, fish for or possess salmon other than Coho taken for commercial purposes with "troll line" gear in waters of District No. 1 west of a line projected true north from Cape Flattery during the period May 1 through June 14 except as provided in WAC 220-44-020.

(2) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 west of a line projected true north from Cape Flattery during the period July 1 through September 15 except as provided in WAC 220-44-020.

(3) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District

No. 1 south of a line projected true west from Point Grenville during the period July 1 through October 31.

(4) It shall be lawful for a common or contract carrier to transport during seasons in which the taking, catching, or possession of chinook or silver salmon is unlawful in the state of Washington or in waters over which the State of Washington has jurisdiction, an original package or packages containing either silver or chinook salmon which original package or packages both originate from and are destined for some other state, territory or foreign country; provided, that for the purpose of this regulation the term "original package" shall mean a package from which fish cannot be extracted without an opening or breaking thereof and which is accompanied by documentary proof that the original point of shipment and the point of destination are another state, territory or foreign country; provided further, that it shall be unlawful for any such carrier to open or break any such original package while the same is in his possession, except for the purpose of re-icing; provided further, that the waters of the Pacific Ocean shall not be considered a state, territory or foreign country.

(5) It shall be lawful to possess salmon in waters south of a line projected true west from Point Grenville during the period June 15 through June 30 so long as these salmon were lawfully caught south of a line projected true west of Cape Falcon at 45° - 16' 00".

(6) It shall be lawful to possess salmon in waters north of a line projected true west of Point Grenville during the period September 16 to October 31 so long as these salmon were lawfully caught south of Point Grenville.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-44-020 SEASONS. (1) ~~((It shall be lawful to possess for commercial purposes sockeye salmon taken lawfully by treaty Indians from the Quinault and Ozette Rivers.~~

(2)) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in that portion of Coastal Salmon Management and Catch Reporting Area 4 north of Point of the Arches and inside the 3-mile limit during weekly closed periods extending from 11:59 p.m. Friday to 12:01 a.m. Monday.

((3)) (2) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3 and 4 ~~((except as provided in subsection (1)).~~

((4)) (3) It shall be unlawful to take, fish for or possess smelt taken for commercial purposes with purse seine, drag seine, or gill net gear from Marine Fish-Shellfish Management and Catch Reporting Areas ((57.)) 58, 59, and 60A ~~((except as provided in subsections (1) and (4)).~~

((5)) (4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes by hand net gear in Marine Fish-Shellfish Management and Catch Reporting Areas 59 and 60A except during weekly closed periods extending from 8:00 a.m. Friday to 8:00 a.m. Sunday.

((6)) (5) It shall be lawful to take, fish for and possess for commercial purposes any species of food fish except salmon and smelt taken in Marine Fish-Shellfish Management and Catch Reporting Areas 58, 59, and 60A with any lawful commercial fishing gear.

((7)) (6) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or to land in the State of Washington, any salmon taken for commercial purposes contrary to the provisions of chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.

WSR 78-03-094

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 80.01.040, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 480-08-070, 480-08-080 and 480-08-100 relating to practice and procedure. The proposed

amendatory sections are attached as Appendix A, Cause No. T-1099. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, April 19, 1978, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, WA.

The authority under which these rules are proposed is RCW 80.01.040 and 34.04.020(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 19, 1978, and/or orally at 8:00 a.m., Wednesday, April 19, 1978, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, WA.

Dated: March 1, 1978
By: David Rees
Secretary

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-08-070 INTERVENTION. (1) General intervention. Any person, other than the original parties to ~~((the))~~ any proceeding before the commission, who shall desire to appear and participate in ~~((any))~~ the proceeding ~~((before the Commission))~~, and who does not desire to broaden the issues of the original proceeding, may petition in writing for leave to intervene in the proceeding prior to, or at the time, it is called for hearing; or may make an oral motion for leave to intervene at the time of the hearing. No such petition or motion shall be filed or made after the proceeding is underway, except for good cause shown. The petition or motion to intervene must disclose the name and address of the party intervening; the name and address of his attorney, if any; his interest in the proceeding; and his position in regard to the matter in controversy.

(2) Special intervention. Any person other than the original parties to ~~((the))~~ any proceeding before the commission, who shall desire to appear and participate in ~~((any))~~ the proceeding ~~((before the Commission))~~, and who desires to broaden the issues of the original proceeding, shall petition in writing for leave to intervene in the proceeding, which petition shall be filed with the commission and copies thereof shall be mailed to the original parties to the proceeding at least ten days prior to the date of the hearing. The petition must disclose the name and address of the party intervening; the name and address of his attorney, if any; his interest in the proceeding; and his position in regard to the matter in controversy. There shall be attached to said petition a properly verified complaint or answer, as the case may be, setting forth clearly and concisely the facts supporting the relief sought.

(3) Disposition of petitions and motions to intervene. Petitions and motions to intervene shall be considered first at all hearings and prehearing conferences, or may be set for prior hearing, and an opportunity shall be afforded the original parties to be heard thereon. If it appears, after such consideration, that the petition or motion discloses a substantial interest in the subject matter of the hearing, or that participation of the petitioner may be in the public interest, the commission may grant the same, which may be done by oral order at the time of the hearing or prehearing conference. Thereafter such petitioner shall become a party to the proceeding and shall be known as an "intervenor," with the same right to produce witnesses and of cross-examination as other parties to the proceeding. Whenever it appears, during the course of a proceeding, that an intervenor has no substantial interest in the proceeding, and that the public interest will not be served by his intervention therein, the commission may dismiss him from the proceeding: PROVIDED, HOWEVER, That a party whose intervention has been allowed shall not be dismissed from a proceeding except upon notice and a reasonable opportunity to be heard.

(4) Limitation of intervention under certain circumstances. Notwithstanding the provisions of subsections (1) and (2) of this section, if the commission determines that the orderly administration of any proceeding so requires, the making or filing of motions or petitions for

leave to intervene may be limited to the time of a prehearing conference, for general intervention, or ten days prior to such prehearing conference, for special intervention, where the commission has given not less than twenty days' written notice of the prehearing conference to all parties and caused the same to be published in a newspaper or newspapers of general circulation in the area affected by the proceeding no fewer than two days in a continuous seven-day period.

AMENDATORY SECTION (Amending Order R-79, filed 12/3/75)

WAC 480-08-080 APPEARANCES. (1) General. Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving their names and addresses in writing to the reporter who will include the same in the record of the hearing or prehearing conference. The presiding officer conducting the hearing or prehearing conference may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those ~~((at the hearing))~~ in attendance. Appearance may be made on behalf of any party by his attorney or other authorized representative, as defined in WAC 480-08-090(1). Any future notice, pleading or order in the matter which is required to be served upon parties to the proceeding may be served upon the attorney or representative of a party so represented and such service shall be effective as service upon the party; PROVIDED, That the final order or decision, complete with findings of fact and conclusions of law, shall be served upon all parties as well as the attorneys or authorized representatives of such parties, if any.

(2) Termination of party status. Notwithstanding any other provisions of these rules pertaining to party status, and unless specifically authorized by order of the commission for good cause shown, no person shall be a party to any proceeding in which such person has failed to enter a written appearance (and an oral appearance upon request of the presiding officer) at any hearing or prehearing conference in the matter as prescribed in paragraph (1); the party status of any person failing to enter a written appearance (and an oral appearance upon request of the presiding officer) terminates as a matter of law at the close of the period of taking such appearances and any subsequent participation in the proceedings, other than as a witness, by persons who have failed to enter appearances as above prescribed will be treated under the rules pertaining to intervention, in WAC 480-08-070: PROVIDED, That nothing in this section shall be construed to terminate the party status of any person who is a respondent in any proceeding which involves alleged violations of provisions of Titles 80 or 81 RCW or Title 480 WAC.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-08-100 PREHEARING CONFERENCES. (1) General. When issues are joined in any formal proceeding the commission may, by written notice, request all interested parties to attend, with or without counsel, a prehearing conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and to determine other matters to aid in its disposition. A commissioner or an employee of the commission designated by the commission, shall preside at such conference, to consider:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) Limitations on the number and consolidation of the examination of witnesses;
- (e) The procedure at the hearing;
- (f) The distribution of written testimony and exhibits to the parties prior to the hearing; ~~((and))~~
- (g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof; and
- (h) The disposition of motions or petitions for leave to intervene in the proceeding filed pursuant to WAC 480-08-070.

(2) Notice as to simplified issues. Following the prehearing conference a proposed form of notice of the formal hearing, if one is to be had, reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning all of the matters considered shall be submitted by mail as provided by WAC 480-08-060(4) to the parties or their attorneys, or other authorized representatives, for approval. If no objection to such form of notice is filed within 10 days after the date such notice is mailed, it shall be deemed to be approved. This notice when so approved and after due service, shall limit the issues to be heard at the

hearing to those not disposed of by admissions or agreements of the parties or their counsel, and will control the subsequent course of the proceeding unless modified at the hearing to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may, in his discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

WSR 78-03-095
PROPOSED RULES
HORSE RACING COMMISSION
[Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 67.16 RCW, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning permitted and prohibited medication of horses as provided for in chapter 260-70 WAC, and the persons who may take urine samples for analysis and the procedure for taking specimens, including procedures for reporting to the commission veterinarian by the veterinarian treating horses, the use of bandages authorized or approved by the official veterinarian and regulating heel nerving. The Commission reserves the right to modify the test of these proposed rules prior to the public hearing thereon or in response to written or oral comments thereon received prior to or during the public hearing;

that such agency will at 11:00 a.m., Friday, April 14, 1978, in the Holiday Inn, N. 9th St. and East Yakima Ave., Yakima, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, April 14, 1978, in the Holiday Inn, N. 9th St. and East Yakima Ave., Yakima, WA.

The authority under which these rules are proposed is chapter 67.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 12, 1978, and/or orally at 11:00 a.m., Friday, April 14, 1978, in the Holiday Inn, N. 9th St. and East Yakima Ave., Yakima, WA.

Dated: March 1, 1978

By: Arthur F. Drovello

Executive Secretary and Supervisor of Racing

AMENDATORY SECTION (Amending Order 75.5, filed 10/17/75)

WAC 260-70-010 DEFINITIONS APPLICABLE TO CHAPTER 260-70 WAC. As used in chapter 260-70 WAC, unless the context clearly requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" shall mean and include any substance used to treat, cure, and prevent disease, relieve pain, or improve or preserve health, including vitamins, food additives, minerals, and domestic remedies.

(2) "Prohibited drugs" shall mean (1) any medication or metabolic derivatives thereof which is a narcotic, or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse; or, (2) any interfering substance ~~(1) or (3) Phenylbutazone carried in the body of a two-year-old horse in violation of WAC 260-70-090).~~

(3) "Interfering substance" or "interfere" shall mean and refer to any medication which might mask or screen the presence of prohibited

drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Phenylbutazone" shall mean phenylbutazone, oxyphenylbutazone, or their derivatives or metabolites thereof.

AMENDATORY SECTION (Amending Order 75.5, filed 10/17/75)

WAC 260-70-050 PROCEDURE FOR TAKING SPECIMENS. All horses from which specimens are to be drawn are to be taken to the detention area at the prescribed time and remain there until released by the test barn veterinarian. No person other than the owner, trainer, groom, or hotwalker of a horse to be tested, and no lead pony, shall be admitted to the detention area without permission of the test barn veterinarian.

(a) During the taking of specimens from a horse, the owner or responsible trainer (who in the case of a claimed horse shall be the person in whose name such horse raced), or a stable representative designated by such owner or trainer, shall be present and witness the taking of such specimens and so signify in writing.

(b) Samples taken from a horse by the test barn veterinarian or his assistant shall be placed in a container and sealed together with a double identification tag. One portion of such tag bearing a printed identification number shall remain with the sealed container; the other portion of such tag bearing the same printed identification number shall be detached in the presence of the witness and the test barn veterinarian shall thereon identify the horse from which such specimen was taken, as well as the race and day, verified by such witness, and such detached portion of identification tag shall be kept by the test barn veterinarian for delivery only to the stewards and/or the racing commission. The test barn veterinarian shall take every precaution to insure that the commission chemist and no member of the laboratory staff shall know the identity of the horse from which the specimen has been taken prior to the completion of all testing thereon.

(c)(1) If, after a horse remains a reasonable time in the detention area and a specimen may not be taken from such a horse, the test barn veterinarian may permit such horse to be returned to its barn in usual surroundings for the taking of the specimen under the supervision of the test barn veterinarian.

(2) With the consent of the trainer or attendant the commission veterinarian may administer to the horse a diuretic to facilitate urination. Quantity, identity, and time of administration shall be noted on both portions of the specimen tag by the test barn veterinarian.

(d) The test barn veterinarian shall be responsible for safeguarding all specimens while in his possession and shall cause such specimens to be delivered only to the chief chemist as soon as possible after sealing, but in such order or in such manner as not to reveal the identity of any horse from which each sample was taken.

(e) All specimens taken by or under the supervision of the test barn veterinarian or other authorized representative of the commission shall be delivered to the chief chemist at the laboratory of the commission for official analysis.

(f) Notwithstanding the provisions of these rules requiring certain functions to be performed by the state veterinarian, he may delegate any of such duties to an authorized representative or representatives, approved by the commission, so long as such delegation is not of a duty which would under the appropriate statutes be defined as the practice of veterinary medicine.

AMENDATORY SECTION (Amending Order 75.5, filed 10/17/75)

WAC 260-70-060 EFFECT OF LABORATORY ANALYSIS. Should the laboratory analysis of any specimen taken from a horse following a race show evidence of medication such shall be deemed prima facie evidence that such was administered and that the horse carried such medication in its body while running in the race.

~~((Should the laboratory analysis of specimen taken from a horse following a race show an absence of medication, such shall be prima facie evidence that such horse was not medicated and did not carry medication in its body while running in a race:))~~

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-070 PERSONS RESPONSIBLE. Any person found to have administered a medication or to have failed to have administered a medication which caused or could have caused a violation of these rules, or who participated or attempted to participate in any

way in such administration or failure to administer, shall be subject to disciplinary action.

The licensed trainer of a horse found to have been administered a medication in violation of these rules shall ~~((bear the burden of proof showing freedom from negligence in the exercise of a high degree of care in safeguarding such horse from tampering and, failing to prove such freedom from negligence (or reliance on the professional ability of a licensed veterinarian) shall be subject to disciplinary action))~~ be deemed responsible in accordance with WAC 260-28-180. Mitigating circumstances or exonerating evidence shall be taken into account by the stewards or commissioners in determining the penalty for any improper administering of or failure to administer medication.

The assistant trainer, groom, stable watchman, or any other person having the immediate care and custody of a horse found to have been administered a medication in violation of these rules, if found negligent in guarding or protecting such horse from tampering shall be subject to disciplinary action.

A licensed veterinarian shall be responsible for any medication he administers, prescribes, or causes to be administered by his direction on a horse, and if found to have made an error in type or quantity of same administered, on the correctness of which act or judgment a trainer relied in racing treated horse in violation of these rules, then such veterinarian shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-080 PROCEDURE UPON POSITIVE FINDING BY CHIEF CHEMIST. Whenever a laboratory analysis of a specimen taken pursuant to these rules shows the presence or absence of medication in apparent violation of these rules, the stewards shall conduct or cause to be conducted a thorough investigation of the incident ~~((so as to determine who is responsible for the apparent rule violation))~~. The stewards may make such temporary orders with respect to the suspension of the trainer, groom, owner, or other person as will protect the public. Such order shall be effective only until the conclusion of a hearing before the stewards which shall be held within three days of request for such hearing. At any such hearing, or, any hearing, held pursuant to these rules before the stewards or the commission, the trainer shall be deemed responsible in accordance with WAC ~~((260-70-070))~~ 260-28-180 and unless evidence of sufficient credibility and weight is presented, the stewards may make a finding in accordance with said rule. The stewards may take such action against the person or persons found responsible as they deem proper, including reference to the commission. If the stewards or commissioners are of the opinion that the evidence proves the ~~((trainer is without fault and was blameless in connection with the administration or absence of administration of medication))~~ proper administration of a permitted medication or the absence of administration of a prohibited drug, the stewards or commissioners shall exonerate the trainer completely. The stewards or commissioners shall make such further orders suspending or fining, or both, the person or persons found responsible.

In case the finding is of the presence of a prohibited drug, the owner of a horse shall not participate in the purse distribution of such race, and shall be denied or shall promptly return any portion of the purse, or sweepstakes, and any trophy in such race and the same shall be distributed as in the case of a disqualification. If a horse shall be disqualified in a race because of the infraction of this rule, the eligibility of other horses which ran in such race and which have started in a subsequent race before announcement of such disqualification shall not be in any way affected.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-090 PHENYLBUTAZONE. Phenylbutazone is a permitted medication and is subject to all rules governing such medication plus these additional rules:

(1) ~~((No two year old white participating in a race shall carry in its body any phenylbutazone.~~

~~((2)))~~ No horse while participating in a race shall carry in its body more than ~~((+65))~~ 185 micrograms per milliliter of urine of phenylbutazone.

~~((3)))~~ (2) No horse on a program of phenylbutazone medication shall be permitted to race without such medication unless authorized to do so by the stewards or their representative.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-170 VETERINARIAN REPORT. Every veterinarian who treats a horse upon the ~~((ground))~~ approved grounds shall, in writing on a form prescribed by the commission, report to the ~~((test barn))~~ commission veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the ~~((test barn))~~ commission veterinarian. Any such report is confidential and its content shall not be disclosed except at a proceeding before the stewards or the commission or in exercise of the commission jurisdiction. Detection of any unreported medication, drug, or substance; or failure to detect any permitted medication, drug or substance by the chief chemist in a test may be grounds for disciplinary action. ~~((A list of horses on a phenylbutazone program shall be kept in the office of the commission and shall be available for public inspection.))~~

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-200 BANDAGES. Only bandages authorized or approved by the official veterinarian may be used on a horse during a race ~~((and all other bandages or leg coverings shall be removed at the time the horse reports to the paddock or earlier))~~.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-220 POSTERIOR DIGITAL NEURECTOMY. Notwithstanding the prohibition against "nerving", a horse upon which a posterior digital neurectomy has been performed, commonly known as "heel nerving" is not ineligible to race, nor subject to the prohibitions in this article pertaining to nerving, provided that the official veterinarian is satisfied that the loss of sensation to such horse due to the posterior digital neurectomy will not endanger the safety of any horse or rider, ~~((that the prior approval of the official veterinarian has been obtained if the horse is on the grounds of a racing association.))~~ that the racing secretary is notified of such nerving at the time such horse is admitted to the grounds of a racing association and its registration or eligibility certificate marked to indicate such nerving.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-020 MEDICATION PERMITTED—PROHIBITED. No horse while participating in a race shall carry in its body any prohibited drug. Subject to the rules set forth herein, medication calculated to improve or protect the health of a horse may be administered to a horse in training: PROVIDED, That no two-year-old horse shall carry any medication including but not limited to the medications defined in WAC 260-70-010(1) through (4) in its body while participating in a race: PROVIDED FURTHER, That the provisions of WAC 260-70-030 authorizing the stewards to grant permission for the use of an approved medication to bleeders shall not be applicable to any two-year-old horses. The finding of any medication, as set forth herein, in a two-year-old horse participating in a race shall disqualify the owner of such two-year-old from participating in the purse distribution, and the stewards may take any authorized action they may consider necessary to preserve the integrity of racing.

WSR 78-03-096

NOTICE OF PUBLIC MEETINGS BOARD OF NATURAL RESOURCES [Memo, Theodore O. Torve - 3/1/78]

Regular meetings of the Department of Natural Resources, Board of Natural Resources, are held on the first Tuesday of each month in the office of the Commissioner of Public Lands, Public Lands Building, Olympia, Washington, at 10 a.m.

This schedule is subject to change in the event of urgent or continuing Board business or conflicts in scheduling. Alternate dates and times will be chosen to provide for monthly meetings unless such meeting is dispensed with in accordance with RCW 43.30.150(5).

WSR 78-03-097
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning Commercial salmon fishing regulations - Puget Sound;

that such agency will at 10:00 a.m., Monday, April 10, 1978, in the Large Conference Room, General Administration Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Wednesday, April 12, 1978, in the Small Conference Room, General Administration Building, Olympia, WA.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 10, 1978, and/or orally at 10:00 a.m., Monday, April 10, 1978, Large Conference Room, General Administration Building, Olympia, WA.

Dated: March 1, 1978

By: Gordon Sandison
 Director

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Tatoosh Island Light to the Bonilla Point Light on Vancouver Island and westerly of a line projected true north from a fishing boundary marker at the mouth of the Sekiu River, exclusive of the Strait of Juan de Fuca Salmon Preserve and the Makah Indian Reservation.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from a fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point, exclusive of the Strait of Juan de Fuca Salmon Preserve.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, northerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Smith Island Light, and southerly of a line projected from the Smith Island Light to vessel traffic lane buoy R to the Trial Island Light, exclusive of the Strait of Juan de Fuca Salmon Preserve.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point Light to the Smith Island Light to the most easterly of the Lawson Reef lighted buoys (RB 1 Qk F1 Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light and westerly of a line projected from the Partridge Point Light to the Point Wilson Light, exclusive of the Washington Harbor, Discovery Bay, and Strait of Juan de Fuca Salmon Preserves.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, exclusive of the Strait of Juan de Fuca.

(7) Area 7 shall include those waters of Puget Sound westerly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, southerly of a line projected true west from the Sandy Point Light, and northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most easterly of the

Lawson Reef lighted buoys (RB 1 Qk F1 Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, exclusive of the San Juan Islands Salmon Preserve and the Lummi Indian Reservation.

(8) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light, exclusive of the Drayton Harbor Salmon Preserve and the Lummi Indian Reservation.

(9) Area 7B shall include those waters of Puget Sound easterly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, exclusive of the Samish Bay Salmon Preserve, the Fidalgo Bay Salmon Preserve, and the Lummi Indian Reservation.

(10) Area 7C shall include those Puget Sound waters of the Samish Bay Salmon Preserve westerly of a line approximately 237° true from the mouth of Oyster Creek to a fishing boundary marker on Samish Island.

(11) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island and northerly of a line projected from Poinell Point to Rocky Point, exclusive of the Skagit Bay Salmon Preserve and the Swinomish Indian Reservation.

(12) Area 8A shall include those waters of Puget Sound easterly of a line projected from the Sandy Point Light on Whidbey Island to Camano Head on Camano Island and southerly of a line projected from Poinell Point to Rocky Point.

(13) Area 8B shall include those waters of Puget Sound easterly of a line projected from Camano Head to the Sandy Point Light, northerly of a line projected from the outermost end of the Columbia Beach Ferry Dock to the Elliot Point Light and easterly of a line from the Elliot Point Light to the northwest tip of Gedney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, exclusive of the Port Susan Salmon Preserve and the Tulalip Indian Reservation.

(14) Area 8C shall include those waters of Puget Sound easterly of a line projected from the Elliot Point Light to the northwest tip of Gedney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, exclusive of the Port Gardner Salmon Preserve and the Tulalip Indian Reservation.

(15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the Hood Canal Floating Bridge, southerly of a line projected from the southern tip of Possession Point true east to the mainland and northerly of a line projected from the Apple Cove Point Light to Edwards Point, exclusive of the Point No Point Salmon Preserve and the Port Gamble Indian Reservation.

(16) Area 9A shall include those waters of Puget Sound northerly of a line projected from the southern tip of Possession Point true east to the mainland and southerly of a line projected from the Elliot Point Light to the outermost end of the Columbia Beach Ferry Dock.

(17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light to Edwards Point, westerly of a line projected from Meadow Point to the West Point Light to the Alki Point Light, northerly of a true east-west line passing through the Point Vashon Light, easterly of a line projected from Orchard Point to Beans Points on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland, exclusive of the Port Madison Indian Reservation.

(18) Area 10A shall include those waters of Puget Sound easterly of a line projected from the West Point Light to the Alki Point Light and westerly of a line projected from Duwamish Head to the red light atop the Seattle Space Needle, exclusive of the Seattle-Winslow and Seattle-Bremerton ferry lanes.

(19) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light, northerly of the Tacoma Narrows Bridge and northerly of a line projected from Dash Point to vessel traffic lane buoy TC to the Ruston Smelter stack.

(20) Area 11A shall include those waters of Puget Sound southerly of a line projected from Dash Point to vessel traffic lane buoy TC to the Ruston Smelter stack and westerly of a line projected from the northwest corner of the Continental Grain Company grain elevators to the neon Standard Oil Company sign at the Tyee Marina, exclusive of the Puyallup Indian Reservation.

(21) Area 12 shall include those waters of Puget Sound southerly of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

(22) Area 12A shall include those waters of Puget Sound westerly of a line, projected from the southwestern tip of Fisherman's Point to Whitney Point.

(23) Area 12D shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to a fishing boundary marker at Union, exclusive of the Skokomish Indian Reservation.

(24) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point and southerly of the Burley Lagoon Bridge.

(25) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point thence through lighted buoy 3 to the mainland, exclusive of the Squaxin Island Indian Reservation.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-22-330 TREATY INDIAN, PUGET SOUND. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Tatoosh Island Light to the Bonilla Point Light on Vancouver Island and westerly of a line projected true north from a fishing boundary marker at the mouth of the Sekiu River, exclusive of Makah Indian Reservation.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from a fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, northerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Smith Island Light, and southerly of a line projected from the Smith Island Light to vessel traffic lane buoy R to the Trial Island Light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point Light to the Smith Island Light to the most easterly of the Lawson Reef lighted buoys (RB 1 Qk F1 Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light and westerly of a line projected from the Partridge Point Light to the Point Wilson Light.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island.

(7) Area 7 shall include those waters of Puget Sound westerly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, southerly of a line projected true west from the Sandy Point Light, and northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most easterly of the Lawson Reef lighted buoys (RB 1 Qk F1 Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, exclusive of the Lummi Indian Reservation.

(8) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light, exclusive of the Lummi Indian Reservation.

(9) Area 7B shall include those waters of Puget Sound easterly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, exclusive of the Samish Bay Salmon Preserve and the Lummi Indian Reservation.

(10) Area 7C shall include all Puget Sound waters of the Samish Bay Salmon Preserve.

(11) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, and northerly of the State Highway 532 bridges between Camano Island and the mainland, exclusive of the Swinomish Indian Reservation.

(12) Area 8A shall include those waters of Puget Sound northerly of a line projected from the Sandy Point Light on Whidbey Island to Camano Head on Camano Island and southerly of a line projected from Polnell Point to Rocky Point.

(13) Area 8B shall include those waters of Puget Sound easterly of a line projected from Camano Head to the Sandy Point Light, northerly of a line projected from the outermost end of the Columbia Beach Ferry Dock to the Elliot Point Light, easterly of a line projected from the Elliot Point Light to the northwest tip of Gedney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, and southerly of the State Highway 532 bridges between Camano Island and the mainland, exclusive of the Tulalip Indian Reservation.

(14) Area 8C shall include those waters of Puget Sound easterly of a line projected from the Elliot Point Light to the northwest tip of Gedney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, exclusive of the Tulalip Indian Reservation.

(15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the Hood Canal Floating Bridge, southerly of a line projected from the southern tip of Possession Point true east to the mainland and northerly of a line projected from the Apple Cove Point Light to Edwards Point, exclusive of the Port Gamble Indian Reservation.

(16) Area 9A shall include those waters of Puget Sound northerly of a line projected from the southern tip of Possession Point true east to the mainland and southerly of a line projected from the Elliot Point Light to the outermost end of the Columbia Beach Ferry Dock.

(17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light to Edwards Point, westerly of a line projected from Meadow Point to the West Point Light to the Alki Point Light, northerly of a true east-west line passing through the Point Vashon Light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland, exclusive of the Port Madison Indian Reservation.

(18) Area 10A shall include those waters of Puget Sound easterly of a line projected from the West Point Light to the Alki Point Light.

(19) Area 10B shall include those waters of Puget Sound easterly of a line projected from Meadow Point to the West Point Light and westerly of the Burlington Northern Railroad bridge immediately west of the Hiram M. Chittendon Locks.

(20) Area 10C shall include those waters of Puget Sound, Salmon Bay, Lake Union, Lake Washington, Lake Sammamish, and interconnecting waters easterly of the Burlington Northern Railroad bridge located west of the Hiram M. Chittendon Locks and northerly of the Evergreen Point Floating Bridge.

(21) Area 10D shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(23) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light and northerly of the Tacoma Narrows Bridge and a line projected from Dash Point to vessel traffic lane buoy TC to the Ruston Smelter stack.

(24) Area 11A shall include those waters of Puget Sound southerly of a line projected from Dash Point to vessel traffic lane buoy TC to the Ruston Smelter stack, exclusive of the Puyallup Indian Reservation.

(25) Area 12 shall include those waters of Puget Sound southerly of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

(26) Area 12A shall include those waters of Puget Sound westerly of a line projected from the southwestern tip of Fisherman's Point to Whitney Point.

(27) Area 12B shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland and easterly of a line projected from the southwestern tip of Fisherman's Point to Whitney Point.

(28) Area 12C shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, and northerly of a line projected from Ayock Point true east to the mainland, and easterly of a line projected from the Tskutsko Point Light to Misery Point.

(29) Area 12D shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to a fishing

boundary marker at Union, exclusive of the Skokomish Indian Reservation.

(30) Area 12E shall include those waters of Puget Sound easterly of a line projected from Ayres Point to a fishing boundary marker at Union.

(31) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head Light to Treble Point thence through lighted buoy 3 to the mainland.

(32) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(33) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point thence through lighted buoy 3 to the mainland, exclusive of the Squaxin Indian Reservation.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-22-400 MARINE FISH-SHELLFISH MANAGEMENT AND CATCH REPORTING AREAS, PUGET SOUND.

(1) Area 20A shall include those waters of Puget Sound westerly of a line from the Mobil Oil dock near Neptune Beach to the southern lighted buoy at Alden Bank, and northerly of a line projected from the southern lighted buoy at Alden Bank to the light at Rosenfeld Rocks.

(2) Area 20B shall include those waters of Puget Sound southerly of Area 20A and a line from the southern lighted buoy at Alden Bank to Point Migley on Lummi Island, (~~easterly~~) westerly of a line from Lummi Island through Lummi Rocks to the northernmost tip of Sinclair Island, and northerly of a line from the northernmost tip of Sinclair Island to Lawrence Point on Orcas Island and a line which runs from Steep Point on Orcas Island to Limestone Point on San Juan Island and then to Green Point on the eastern tip of Speiden Island and from the western tip of Speiden Island true west to the International Boundary.

(3) Area 21A shall include those waters of Puget Sound southerly and easterly of Areas 20A and 20B, and westerly of a line from William Point to Governor's Point, and northerly of a line from William Point to the southernmost tip of Vendovi Island to the Sinclair Island light.

(4) Area 21B shall include those waters of Puget Sound easterly of and adjacent to Area 21A.

(5) Area 22A shall include those waters of Puget Sound south of Area 20B, westerly of 122° 40' W between Sinclair Island and Fidalgo Island and the Initiative 77 Line at Deception Pass; and northerly of a line projected from Point Partridge on Whidbey Island to Race Rocks light.

(6) Area 22B shall include those waters of Puget Sound south of Area 21A, east of 22A, north of the railroad bridges at Swinomish Channel.

(7) Area 23 shall include those waters of Puget Sound westerly of a line projected from Dungeness Spit to Iceberg Point on Lopez Island, southerly of Area 22A, and easterly of a line projected from Cape Flattery to Bonilla Point on Vancouver Island.

(8) Area 24A shall include those waters of Puget Sound south of Area 22B, easterly of Area 22A and Whidbey Island, and northerly of a line projected from Sandy Point on Whidbey Island to Camano Head on Camano Island.

(9) Area 24B shall include those waters of Port Susan north of a line from Camano Head on Camano Island through the buoy at Tulalip Bay to the mainland.

(10) Area 25A shall include those waters of Puget Sound east of Area 23, south of Area 22A, and westerly of a line projected from Point Partridge on Whidbey Island to Point Wilson.

(11) Area 25B shall include those waters of Puget Sound easterly and southerly of Area 25A, and north of the Hood Canal Floating Bridge, and a line projected from Foulweather Bluff to Double Bluff on Whidbey Island.

(12) Area 26A shall include those waters of Puget Sound south of Areas 24A, 24B, and 25B and northerly of a line from Apple Cove Point to Point Edwards.

(13) Area 26B shall include those waters of Puget Sound south of Area 26A, east of the Agate Pass Bridge and a line from Beans Point on Bainbridge Island to Orchard Point, and northerly of a line from the ferry dock at Point Southworth to Brace Point.

(14) Area 26C shall include those waters of Puget Sound westerly and adjacent to Area 26B.

(15) Area 26D shall include those waters of Puget Sound southerly of Area 26B and northerly of the Tacoma Narrows Bridge.

(16) Area 27A shall include those waters of Hood Canal southerly of the Hood Canal Floating Bridge and northerly of a line from Mistry Point to Quatsap Point.

(17) Area 27B shall include those waters of Hood Canal south of Area 27A and north of a line from Lilliwaup Creek to Dewatto.

(18) Area 27C shall include those waters of Hood Canal south of Area 27B.

(19) Area 28A shall include those waters of Puget Sound southerly and westerly of the Tacoma Narrows Bridge, south of a line projected from Penrose Point to Green Point in Carr Inlet, south of a line projected from Point Wilson to Whiteman Cove in Case Inlet, and east of a line projected from Brisco Point to Dofflemyer Point.

(20) Area 28B shall include all waters of Carr Inlet north of a line projected from Penrose Point to Green Point.

(21) Area 28C shall include those waters of Case Inlet and Pickering Passage north of a line projected from Wilson Point to Whiteman Cove, and north of the highway bridge from the west side of Hartstene Island.

(22) Area 28D shall include those waters west of Area 28A and south of Area 28C.

(23) This WAC will not apply to hardshell clams, oysters, or geoducks.

AMENDATORY SECTION (Amending Order 77-14A, filed 4/21/77)

WAC 220-47-001 GENERAL PROVISION. It shall be unlawful to take, fish for or possess salmon for commercial purposes in any Puget Sound Salmon Management and Catch Reporting Area unless taken lawfully by specific regulations in chapters 220-47 (~~WAC~~) or (~~WAC 220-28-100~~) 220-28 WAC.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-311 PURSE SEINE—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

(~~Areas 6B, 7B, 7C, 8, 8B, 8C, 9, 10, and 11—September 12 to November 19, 1977.~~)

Areas 7 and 7A - (~~September 25 to November 26, 1977~~) May 14 to June 24.

(~~Areas 10A, 11A, and 13A—September 12 to November 12, 1977.~~)

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-312 PURSE SEINE—WEEKLY PERIODS. It shall be unlawful during any open season to take, fish for or possess salmon taken with purse seine gear except during the weekly open periods hereinafter designated in the following Puget Sound Management and Catch Reporting Areas:

(~~Areas 6B, 8, 8B, 8C, 9, 10, and 11—Monday through Tuesday, except for the week of September 12, Tuesday and Wednesday.~~)

Areas 7 and 7A - (~~Monday through Wednesday~~) 5:00 a.m. Monday to 9:00 p.m. Friday.

(~~Areas 7B and 7C—~~

~~September 12 to October 29, Monday through Thursday, except for the week of September 12, Tuesday through Thursday.~~

~~October 30 to November 19, Monday and Tuesday.~~

Areas 10A, 11A, and 13A—~~Monday through Thursday, except for the week of September 12, Tuesday through Thursday.~~)

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with purse seine gear during the daily closed hours hereinafter designated:

(~~Areas 7B and 7C—September 11 to October 22, 9:00 p.m. to 5:00 a.m.~~

Areas 7 and 7A—~~September 25 to October 22, 9:00 p.m. to 5:00 a.m.~~

All other open areas: September 11 to October 8, 7:00 p.m. to 6:00 a.m.

All open areas:

October 9 to October 22, 9:00 p.m. to 5:00 a.m.
October 23 to November 26, 8:00 p.m. to 4:00 a.m.) No daily closed hours.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-47-314 PURSE SEINE—POINT ROBERTS. During the period May ((+5)) 14 through June ((25)) 24 it shall be unlawful to take, fish for or possess salmon taken with purse seine gear in that portion of Area 7A lying westerly and northerly of a line projected from the most easterly point of Point Roberts, locally known as Lilly Point, to Georgina Light at Active Pass from 9:00 p.m. Monday to ((9:00 p.m. Friday each)) 5:00 p.m. Monday the following week.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-47-324 CHERRY POINT. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in that portion of Area 7A lying inshore and easterly of a line projected from the outermost end of the INTALCO dock to the outermost end of the ARCO dock from June ((5)) 4 through June ((25)) 24.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-401 REEF NET—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

Areas 7 and 7A - ((September 25 to November 26)) May 14 to June 24.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-402 REEF NET—WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon taken with reef net gear except during the weekly open periods hereinafter designated:

Areas 7 and 7A - ((Sunday through Tuesday)) 5:00 a.m. Monday to 9:00 p.m. Friday.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-403 REEF NET—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with reef net gear during the daily closed hours hereinafter designated:

((September 25 to October 22 — 9:00 p.m. to 5:00 a.m.
October 23 to November 26 — 8:00 p.m. to 4:00 a.m.)) No daily closed hours.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-411 GILL NET—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

((Areas 6B, 8B, 8C, 9, 10, and 11 — September 11 to November 19:))

Areas 7 and 7A - ((September 25 to November 26)) May 14 to June 24.

((Areas 7B, 7C, and 8 — July 24 to November 19:

Areas 10A and 13A — August 14 to November 12:

Area 11A — September 11 to November 12:))

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-412 GILL NET—WEEKLY PERIODS. It shall be unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

((Areas 6B, 8, 8B, 8C, 9, 10, and 11

Open Monday and Tuesday nights during the following periods:

— September 12 to September 17

— September 18 to September 24

— October 2 to October 8

— October 16 to October 22

— October 30 to November 5

— November 13 to November 19

Open Sunday and Monday nights during the following periods:

— September 25 to October 1

— October 23 to October 29

— November 6 to November 12))

Areas 7 and 7A - 7:00 p.m. Sunday to 9:00 a.m. Friday.

((Open Sunday through Tuesday nights during the following periods:

— September 25 to October 1

— October 9 to October 15

— October 23 to October 29

— November 6 to November 12

— November 20 to November 26

Open Monday through Wednesday nights during the following periods:

— October 2 to October 8

— October 16 to October 22

— October 30 to November 5

— November 13 to November 19

Areas 7B and 7C

Open Monday through Wednesday during the week of September 11 to September 17:

Open Sunday through Wednesday during the following periods:

— September 25 to October 1

— October 9 to October 15

— October 23 to October 29

Open Monday through Thursday during the following periods:

— September 18 to September 24

— October 2 to October 8

— October 16 to October 22

Open Sunday and Monday nights November 6 to November 12:

Open Monday and Tuesday nights during the following periods:

— October 30 to November 5

— November 13 to November 19

Areas 10A, 13A, and 13B

Open Sunday and Monday nights during the following periods:

— August 14 to August 20

— August 28 to September 3

Open Monday and Tuesday nights August 21 to August 27:

Areas 10A, 11A, and 13A

Open Monday through Wednesday nights September 11 to September 17:

Open Sunday through Wednesday nights during the following periods:

— September 25 to October 1

— October 9 to October 15

— October 23 to October 29

— November 6 to November 12

Open Monday through Thursday nights during the following periods:

— September 18 to September 24

— October 2 to October 8

— October 16 to October 22

— October 30 to November 5))

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-413 GILL NET—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with gill net gear during the daily closed hours hereinafter designated

in the following Puget Sound salmon Management and Catch Reporting Areas:

((Areas 7, 7A, 7B, and 7C

August 14 to September 10: 9:00 a.m. to 6:00 p.m.

September 11 to October 22: 9:00 a.m. to 5:00 p.m.

October 23 to November 26: 8:00 a.m. to 4:00 p.m.

All other open areas

August 14 to September 10: 9:00 a.m. to 6:00 p.m.

September 11 to October 8: 7:00 a.m. to 6:00 p.m.

October 9 to October 22: 9:00 a.m. to 5:00 p.m.

October 23 to November 26: 8:00 a.m. to 4:00 p.m.)) No daily closed hours.

AMENDATORY SECTION (Amending Order 77-66, filed 8/5/77)

WAC 220-47-414 GILL NET—MESH SIZES. It shall be unlawful to take, fish for or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

((~~All open areas—November 19 to November 26—7-1/2~~) 6 1/2 inch minimum mesh size.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-47-415 GILL NET—POINT ROBERTS. During the period May ((+)) 14 through June ((25)) 24 it shall be unlawful to take, fish for or possess salmon taken with gill net gear in that portion of Area 7A lying westerly and northerly of a line projected from the most easterly point of Point Roberts, locally known as Lilly Point, to Georgina Light at Active Pass from 9:00 a.m. Monday to ((9:00 a.m. Friday of each)) 7:00 p.m. Sunday the following week.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-47-426 CHERRY POINT. It shall be unlawful to take, fish for or possess salmon taken with gill net gear in that portion of Area 7A lying inshore and easterly of a line projected from the outermost end of the INTALCO dock to the outermost end of the ARCO dock from June ((5)) 4 to June ((25)) 24.

WSR 78-03-098

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning the amending of WAC 251-06-060, POSITION REVIEW, to add requirement that six months must have elapsed since the date of an employee's last request for a position review before a new request may be filed, WAC 251-14-040, ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE, to remove provision for thirty percent of employees in bargaining unit to petition for an election following receipt of proof of majority representation from an employee organization;

that such agency will at 10:00 a.m., Thursday, April 20, 1978, in the South Campus Center, University of Washington, Seattle, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 20, 1978, in the South Campus Center, University of Washington, Seattle, WA.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 20, 1978, and/or orally at 10:00 a.m., Thursday, April 20, 1978, in the University of Washington, Seattle, WA.

Dated: March 1, 1978

By: Douglas E. Sayan
Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-06-060 POSITION REVIEW. (1) Whenever an employee feels that his/her position is not allocated to the proper class, the employee or his/her representative may request a position review by the personnel officer((:)), provided:

(a) The request must be in writing and describe the work assigned and performed which is alleged to be outside ((of)) the class specification, and

(b) Six months must have elapsed since the date of the employee's last request for a review of this position as provided in this section.

(2) The personnel officer will investigate the position and issue a written response to the employee or employee representative within sixty calendar days of receipt of the request. If the personnel officer does not approve the reallocation, the response must state the reason(s) that the position does not warrant reallocation. The response must include a notice to the employee that an appeal, as provided in WAC 251-06-070, may be exercised within thirty calendar days of receipt of the response or the effective date of the action, whichever is later.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-080 UNFAIR LABOR PRACTICES—POWERS OF BOARD—PROCEDURE. (1) The board, or its designee, whose final decision is appealable to the board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Unfair labor practice charges shall be filed on a form provided by the director or designee, and shall be filed in the office of the director within sixty calendar days after the parties become aware of the alleged unfair labor practice(s). The form shall be signed by the charging party or an authorized representative and shall contain the following:

(a) The name and address of the institution.

(b) The name and address of the party or organization filing the charge.

(c) A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates, places and the unfair labor practice section relied upon in support of the charge.

(3) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not substantially without merit, a complaint shall be issued and a hearing scheduled as provided by these rules.

(4) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven calendar days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five calendar days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

(5) For the purpose of all hearings and investigations, which, in the opinion of the board or its designee are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee

shall at all reasonable times have access to for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or list of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

(6) ~~((Within thirty days after the board or its designee has entered its findings of fact;))~~ The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of the state, within the county wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77)

WAC 251-14-040 ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE. (1) The director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees at the close of the last preceding payroll period and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten calendar days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested as herein provided and that the proof of majority representation may be contested within ten calendar days. The director shall determine whether the proof of representation is satisfactory, and if it is not satisfactory shall require that an election be held.

~~((The director will require that an election be held when not less than thirty percent of the employees in a bargaining unit petition for an election during the ten calendar day notice period;))~~

(2) The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of request. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election.

(3) The director or designee, at a pre-election conference, shall review with interested employee organizations and the appointing authority or designee the standards and procedures for the conduct of the election, shall inform all affected employees of the conditions set forth therein, and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten percent representation within the unit, and shall provide a choice for any employee within the unit to designate that he/she does not desire to be represented by an exclusive representative. All employees on the

active payroll and employed within the bargaining unit at the time of election are eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot. Absentee ballots may be requested prior to date of election, but will be counted only if received by the director or designee no later than two regular working days following the closing date of election. Where more than one organization is on the ballot and none receives a majority of all votes cast in such election, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second largest number of votes.

(4) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of representation by any organization whether on the ballot or otherwise, nor shall any person in that area engage in any other form of electioneering.

(5) An employee organization receiving a majority of all votes cast in such an election, or run-off, shall be certified by the director as the exclusive representative of the employees in the bargaining unit.

(6) When an employee organization has been certified as the exclusive representative of the employees in a bargaining unit, it shall be entitled to act for, and to negotiate collective agreements covering all employees in the unit, and shall be responsible for representing the interests of all such employees. Individual grievances or group grievances of employees may, however, be presented by them to management and may be adjusted by management so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments.

(7) Another exclusive representative election shall not be held concerning the same bargaining unit until the lapse of at least twelve months from the date of the last previous exclusive representative election.

WSR 78-03-099

**ADOPTED RULES
DEPARTMENT OF AGRICULTURE**
[Order 1568—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, WA, the annexed rules relating to WAC 16-316-790, 16-316-800, 16-316-810 and 16-316-820 relating to varieties eligible for seed certification.

This action is taken pursuant to Notice No. 7979 and WSR 78-03-053 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-316-790 VARIETIES ELIGIBLE. As the list of varieties is subject to change, other varieties may be eligible upon approval of the certifying agency.

AMENDATORY SECTION (Order 1505, filed 3/31/77)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- Bentgrass: Astoria Colonial***
Highland Colonial**
Seaside Creeping***
Smaragd (Emerald)
Creeping**
- Big Bluegrass: Sherman**
- Canada Bluegrass: Reubens**Pat
- Kentucky Bluegrass: A20-6*p
A-34**p
Adelphi**pat
((Arista*p))
Baron**pat
Birka*pvp
Bonnieblue**pat
Bono*p
((Bristol*pat))
Cheri(Golf)*p
Cougar*
Delta*
Fylking**pat
((Galaxy**pat))
Georgetown**p
Geronimo*p
Glade**pat
Kenblue*
I-13**p
Majestic**pat
Merion**
Newport**
Nugget*
Parade*pvp
Park**
((Pennstar*p))
Plush*p
Prato**p
Ram I*p
S-21**p
Touchdown*p
Troy**p
Victoria*p
((Windsor*pat))
- Smooth Brome: Baylor*p
Blair*p
Manchar**
Sac**
Saratoga*
- Deertongue: Tioga*
- Fescue: Cascade Chewings**
((Boreal-Red*))
Dawson Red*p
Novorubra Red*p
Pennlawn Red*
Wintergreen Red*
Scalois Hard*p
Ruby Red*p
Durar Hard**
Covar Sheep**
Alta Tall**
Fawn Tall*
- Orchardgrass: ((Comet*p))
Latar**
((Orbit*p))
Pennlate*
Potomac*

Perennial Ryegrass:

- Cropper*p
Diplomat*p
((Loretta*p))
NK-100*p
Norlea*p
((NK-200*p))
Pennfine*p
Manhattan*p
Pelo**p
Yorktown*p
Yorktown II*p
Clair**
Climax*
Champlain*
((Essex*))
Pronto*p
((Verdant*))

Timothy:

Wheatgrass:

- Witmar Beardless**
Fairway Crested*
Nordan Crested**
Amur Intermediate***
Greenar
Intermediate**
Oahe Intermediate*
Tegmar Intermediate*
Siberian**
Greenleaf Pubescent*
Luna Pubescent**
Topar Pubescent**
Primar Slender**
Sodar Streambank**
Critana Thickspike**
Alkar Tall**

(2) VARIETY RESTRICTIONS. (a) Pennlate Orchardgrass: Life of stand limited to six years. Maximum of three seed crops on foundation.

(b) Pennfine Perennial Ryegrass: Maximum of two seed crops on foundation, four seed crops on certified.

(c) Deertongue: Life of stand limited to six years.

AMENDATORY SECTION (Order 1505, filed 3/31/77)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

- Arlington*
- Chesapeake*
- E-688*p
- Florex*p
- Florie*
- Kenland*
- Kenstar*pvp
- Lakeland*
- ((Ottowa*))
- Pennscott*
- Prosper*p
- Redland*p
- Reman*p

(2) Kenstar: No seed production permitted year of seeding.

AMENDATORY SECTION (Order 1505, filed 3/31/77)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

- A-24**p
- A-59**p
- Agate*
- Anchor*p
- Apalachee*
- ((Apex*p))
- Apollo*p
- Arc*
- Saranac*
- Saranac AR*
- ((Scout*p))
- ((Spredor*p))
- SX10*p
- Team*
- Tempo*p
- ((Teton*))
- Thor*p

Arnim*p	Titan*p
Atra-55*p	Travois*
Baker*pv	Vernal*
Bonus*p	Vista*p
Chimo*p	Warrior*p
Citation*p	Washoe*
Dawson*	Weevlchek*p
Delta**	WL-202*p
Dupuits*p	WL-210*p
G-777*p	WL-215*p
Glacier*p	((WL-216*p))
Gladiator*p	WL-219*p
Honeoye*p	((WL-305*p))
Iroquois*	
Ladak**	WL-307*p
Ladak 65*p	((WL-308*p))
((Lahontan*))	((WL-309*p))
Marathon*p	((WL-310*p))
Mesilla**	((WL-311*p))
Narragansett**	WL-318*p
NCW-20**	123*p
Nugget*p	167*p
Polar I*p	520*p
Rambler*	521*p
Ranger**	530*p
Roamer*	

*K Not in filing
But was approved
the date.*

Reviser's Note:—RCW 34.04.058—requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-03-100

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1569—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture do promulgate and adopt at Olympia, WA the annexed rules relating to WAC 16-316-910 of chapter 16-316 WAC, Title 16 relating to application and fees for soybean certification.

This action is taken pursuant to Notice No. 7969 and WSR 78-03-043 filed with the code reviser on 12/31/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1466, filed 5/13/76)

WAC 16-316-910 APPLICATION AND FEES.

(1) An application for seed certification with application fee, field inspection fee, and late application fee (if due)

for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for soybean seed.

(2) Due Date: July 1; however, acceptable for service after due date with late application fee.

(3) Fees:

- (a) Application fee per variety per grower \$10.00
- (b) Field inspection fee per acre \$ 0.70
- (c) Late application fee \$10.00
- (d) Reinspection fee ((~~\$10.00~~))

\$20.00 minimum for each field which did not pass field inspection plus \$.20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee \$ 0.10 per cwt. of clean seed sampled, which shall be charged to processing plant.

(f) Sampling fee..... \$ 0.10 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeiture of both the application and field inspection fees, and completion of certification.

WSR 78-03-101

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1559—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, WA, the annexed rules relating to WAC 16-316-315 and 16-316-326 of chapter 16-316 WAC, Title 16 relating to the issuing of phyto-sanitary certificates adding additional charge and subsection requiring fee for laboratory analysis.

This action is taken pursuant to Notice No. 7977 and WSR 78-03-051 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1455, filed 5/13/76)

WAC 16-316-315 FEES AND CHARGES. (1)

Fee for area and field inspection:

(a) Field Inspection (Payable with application). For each required inspection (per acre or fraction thereof) \$ 2.00 (with minimum fee of \$10.00 per field per inspection). An additional charge of 50¢ per acre shall be charged for each disease requested in excess of two.

(b) Area Inspection (per 100 lbs)..... \$ 0.05 Billed at time certificate is issued with a minimum of \$10.00 and a maximum of \$100.00 per certificate.

(2) Late Application Penalty Fee..... \$10.00 This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

(a) Beans, peas, lentils, cereal grains (per 100 lbs)..... \$ 0.03

(b) Other crops (per 100 lbs)..... \$ 0.15

(4) Tagging fee when phyto-sanitary tag is requested:

(a) Beans, peas, lentils, cereal grains (per 100 lbs)..... \$ 0.15

(b) Other crops (per 100 lbs)..... \$ 0.25

(5) Serology test:

Fee to be established by the state of Idaho. An official 5 pound sample is required from each 10,000 pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

(6) Fees for services not listed in this order shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.

(7) Nursery grow-out plots, etc: Per hour \$12.50

Applicant will also be billed at the rate of 13¢ per mile, plus \$8.25 per hour travel time when additional travel is required. Attempts will be made to combine work assignments keeping additional travel to a minimum.

(8) Laboratory analysis of plant material: An additional fee of \$10.00 per field shall be charged when necessary to examine plant material in the laboratory to verify disease.

AMENDATORY SECTION (Order 1455, filed 5/13/76)

WAC 16-316-326 PHYTO-SANITARY CERTIFICATE FOR PEAS. (1) Specific diseases of peas for which phyto-sanitary certificate will be issued:

(a) Pseudomonas pisi (Sackett)

(b) Pea Seed-borne Mosaic Virus - based on two field inspections.

(2) Pea seed to be eligible for a phyto-sanitary certificate stating freedom from Pseudomonas pisi (Sackett):

(a) Based on area inspection must be free of the disease in question as determined by area inspection of at least 10% of the acreage and not less than 200 acres in

each specified inspection area. The department of agriculture will also conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University. Each company desiring his production eligible must make inspections of the fields throughout the growing season. If symptoms of said disease are found, it must be reported to the Seed Branch, Department of Agriculture, 2015 South 1st Street, Yakima, Washington 98903, immediately. At the end of the growing season, and not later than September 1, each applicant must file a report with the Seed Branch, Department of Agriculture, based on company pathologist inspections and what other information he may have if the disease in question was or was not observed.

(b) Based on field inspection must be free of said disease as determined by one field inspection made during growing stage most optimum for detecting of said disease.

(3) Pea seed to be eligible for certificate stating freedom from Pea Seed-borne Mosaic Virus must be free of said disease as determined by one inspection at 2 to 4 weeks after seedling emergence, and second inspection 1 to 2 weeks before dry pod stage.

(a) It is recommended that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection. (~~No certificate will be issued on these nurseries:~~)

(b) Phyto-sanitary certificates for 1975 crop and older carryover seed lots may be obtained by planting a representative one pound sample in isolated grow-out plots. Certificate issued will indicate the basis is on grow-out test.

WSR 78-03-102

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1558—Filed Mar. 1, 1978]



I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, WA, the annexed rules relating to WAC 16-316-215 of chapter 16-316 WAC, Title 16 regulations and procedures for Organization for Economic Cooperation and Development scheme for varietal certification.

This action is taken pursuant to Notice No. 7963 and WSR 78-03-037 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978 JDB

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1250, filed 4/13/72)

WAC 16-316-215 REGULATIONS AND PROCEDURES FOR ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT SCHEME FOR VARIETAL CERTIFICATION. (1) O.E.C.D. certification is an international certification scheme limited to federal government membership. The agricultural research service of the United States department of agriculture is responsible for implementing the O.E.C.D. seed certification schemes in the United States. The state department of agriculture, by virtue of a memorandum of agreement with the agricultural research service, USDA, is authorized to implement O.E.C.D. certification in the state of Washington.

(2) The general and specific crop certification standards established by Washington State department of agriculture and the O.E.C.D. Scheme for Varietal Certification are basic and, together with the following specific regulations, constitute the rules for O.E.C.D. seed certification.

(3) Varieties Eligible.

(a) Crop varieties of U.S. origin will be eligible for O.E.C.D. certification only if accepted into Washington State's certification program.

(b) Crop varieties, of origin other than U.S., will be eligible for O.E.C.D. certification only if listed in O.E.C.D. publication, "List of Cultivars Eligible for Certification".

(4) Classes of Seed Eligible.

Washington and U.S. Seed Classes	Label Color	Equivalent O.E.C.D. Seed Classes	O.E.C.D. Label Color
Breeder	—	PreBasic	—
Foundation	White	Basic	White
Registered	Purple	Basic	White
Certified	Blue	1st Generation Certified Seed	Blue
Certified produced from Certified	Blue	2nd Generation Certified Seed	Red

(a) Breeder or PreBasic must be planted to be eligible to produce Basic White label.

(b) Foundation White label, Registered Purple label, or Basic White label must be planted to be eligible to produce 1st Generation Blue label.

(c) Certified or 1st Generation Blue label must be planted to be eligible to produce 2nd Generation Red label.

(5) Seed Stock Sample. ((A representative of the department of agriculture must sample each)) Each lot of O.E.C.D. seed stock must be sampled under supervision of the certifying agency before seals are broken. If part of a seed stock lot is received at different times, samples must be drawn from both shipments. Sample will be

used as control for grow-out test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags may not be granted O.E.C.D. approval.

(6) The department of agriculture must obtain approval from the originating country for each portion of an O.E.C.D. seed stock lot to be planted in the state of Washington for O.E.C.D. production. If stock is received in different shipments, separate requests will be submitted covering weights of each shipment. Request for O.E.C.D. approval will be submitted by the seed branch to ARS-Beltsville, Maryland, who then contacts the originating country.

(7) Application for Certification and Fees.

(a) Applicant desiring plantings to be eligible for O.E.C.D. certification must submit applications and fees as required for certification of that crop under Washington State's certification standards. Certification requirements and procedures for each kind shall be those standards in Washington State certification program supplemented by O.E.C.D. standards and by the limitations specified by originating country; such as, length of stand and number of seed crops eligible.

(b) Seed produced from foreign varieties grown under the O.E.C.D. scheme will be O.E.C.D. certified as to genetic purity only. These seed lots will not be required to meet Washington's minimum purity or germination certified seed standards; however, all seed must be officially sampled and tested prior to tagging.

(c) Washington O.E.C.D. eligible lots may, with approval of both agencies involved, be blended with O.E.C.D. eligible seed of other state agencies. Applicant is responsible for all fees of both agencies involved.

(d) Seed produced out of state and processed in Washington must be O.E.C.D. tagged by the state of origin.

(8) Tagging and Sealing. O.E.C.D. tags will be printed and issued according to O.E.C.D. rules. Seed Branch will issue an O.E.C.D. reference number; e.g. ((USA(W)000)) (USA-W-78-000), which will be printed on each tag. It is recommended that O.E.C.D. reference numbers be stenciled on each bag. Extra statement on the O.E.C.D. tag such as, "date of sealing", etc. will be kept to a minimum.

(9) Bagging Sample. ((An inspector authorized by the seed branch will draw an official bagging sample at the time the seed is tagged and sealed. 100 to 250 grams of the sample will be sent to the originating country, or as directed by originator, and the balance will be used in required post control grow-out test. A bagging sample of each lot of O.E.C.D. seed tagged must be drawn under supervision of the certifying agency. 100 to 250 grams of the sample will be held for the originating country, the balance will be used for required post control grow-out tests.))

(10) O.E.C.D. Certificate. The seed branch will issue an O.E.C.D. certificate showing kind, variety, reference number, date of sealing, number of containers, weight of lot, class of seed and O.E.C.D. reference number of seed stock used for each lot tagged and sealed upon receipt of tagging report and official bagging sample. One copy of the O.E.C.D. certificate is to be mailed to the shipper.

one copy to ARS-USDA, one copy attached to bagging sample and one copy for seed branch files.

(11) Grow-Out Tests. As prescribed by O.E.C.D. rules, at least 1 of 4 domestic lots tagged and all lots of foreign varieties O.E.C.D. tagged will be planted in grow-out tests.

(12) Special O.E.C.D. Fees. In addition to fees required by applicable Washington certification rules, the following fees are in addition and will apply to all seed tagged O.E.C.D.:

- (a) Tagging \$ 0.25 cwt.
- (b) O.E.C.D. Certificate \$10.00 each
- (c) O.E.C.D. Grow-out Test \$30.00 each entry

(d) Fees for seed stock sampling or services not listed in this order shall be the most applicable fee established by the director of agriculture.

((d)) (e) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance.

if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label.

English or Common Name	Botanical or Scientific Name
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Dodder	Cuscuta spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Gromwell (only in small grain)	Lithospermum arvense
Halogeton	Halogeton glomeratus (M. Bieb.) C.A. Mey.
((Diffuse knapweed))	((Centaurea diffusa Lam.))
((Spotted knapweed))	((Centaurea maculosa Lam.))
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim.) Nevski
Pacific Meadow-foxtail	Alopecurus myosuroides Huds. Fl. Angl.
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
Rye (only in other small grain)	Secale cereale
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.

WSR 78-03-103

**ADOPTED RULES
DEPARTMENT OF AGRICULTURE**
[Order 1554—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, WA, the annexed rules relating to WAC 16-300-020 of chapter 16-300 WAC, Title 16. Amendment removes two varieties of noxious weed seeds from the restricted list.

This action is taken pursuant to Notice No. 7965 and WSR 78-03-039 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.
By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1413, filed 8/15/75)

WAC 16-300-020 RESTRICTED NOXIOUS WEED SEEDS. (1) Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled

WSR 78-03-104

**ADOPTED RULES
DEPARTMENT OF AGRICULTURE**
[Order 1555—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-494-001 and 16-494-040 of chapter 16-494 WAC, Title 16 removing term from bacterial disease list, changing name, date and address.

This action is taken pursuant to Notice No. 7964 and WSR 78-03-038 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapters 17.24 and 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.
By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1309, filed 4/24/73)

WAC 16-494-001 ((PROMULGATION))—ESTABLISHING QUARANTINE. (1) Whereas, the bacterial diseases known as: Halo Blight Pseudomonas ((medicaginis var.)) phaseolicola (Burk.) Dows., Common Bean Blight Xanthomonas phaseoli (E.F.Sm.) Dows.,

Fuscous. Blight *Xanthomonas phaseoli* var. *fuscans* (Burk.), Bean Bacterial Wilt *Corynebacterium flaccumfaciens* (Hedges) Dows., and any new strains or variations of the above disease hereinafter referred to as bacterial diseases are injurious to the species of beans (*Phaseolus* sp.); and

(2) Whereas, when common beans are infected with the said bacterial diseases their production is greatly reduced and their use for seed purposes would further spread the infection; and

(3) Whereas, a quarantine will be effective in preventing the introduction of said bacterial diseases of beans into all counties East of the Cascade Crest; and

(4) Whereas, control of the said bacterial diseases of beans will provide the common bean growers of the state of Washington with a source of common beans for planting purposes which are disease free;

(5) Now, therefore, I, (~~Stewart Bledsoe~~) Bob J. Mickelson, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 17.24 RCW relating to insect pest and plant diseases, do hereby proclaim and establish a quarantine to become effective (~~May 24, 1973~~) April 1, 1978, setting forth the name of the diseases for which the quarantine is established, the area under quarantine, the regulated area, regulated articles, and the conditions governing the importation and movement of common beans into the regulated area.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Order 1309, filed 4/24/73)

WAC 16-494-040 CONDITIONS: (1) No beans shall be planted in the regulated area which are found to be or are known to be contaminated with the aforementioned diseases.

(2) No common beans or Azuki beans (*Phaseolus angularis*) shall be shipped, transported, or moved into the regulated area for planting on or after the effective date of this quarantine unless such beans are accompanied by an origin Phyto-Sanitary Certificate showing that such common beans are free from the aforementioned diseases on the basis of at least one field inspection and one windrow inspection; PROVIDED, That the requirement for the windrow inspection portion of the Phyto-Sanitary Certificate requirement may be waived when:

(a) The bean seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, of a 5 (~~#~~) pound sample from each 10,000 (~~#~~) pounds or fraction thereof and/or any other methods approved by the director, and when:

(b) Said bean seed planted for seed increase or with intentions of seed increase shall be planted only in fields entered into either the Washington State Seed Certification Inspection Program or the Washington State Bean Seed Phyto-Sanitary Certificate Inspection Program.

(c) Said bean seed planted for harvest as green beans for cannery or freezing are not required to be entered

into an inspection program. However, the Department reserves the right to request complete listing and location of all such plantings and other information the Department may deem necessary. Further, if for any reason it is decided that said plantings are not to be harvested as green beans the Department of Agriculture (~~P.O. Box 617~~) 2015 S. 1st Street, Yakima, Washington, must be notified immediately and said plantings placed under an inspection program.

(3) The requirement for a Phyto-Sanitary Certificate will be waived for Pinto, Red Mexican, Great Northern, California Pink, California Small White, and Flat Small White beans grown west of the Continental Divide, when the seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, and/or any other methods approved by the director. Each planting made from said bean seed shall be reported to the director who shall have authority to enter and inspect said field.

(4) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the said regulated area if, as far as known, said beans are free of bacterial diseases.

(5) This quarantine shall not apply to experiments or trial grounds of the United States Department of Agriculture or Washington State University Experiment Station, or to any person, firm, or corporation; provided said plantings are approved by the director, and under supervision of technically trained personnel familiar with bacterial diseases.

(6) Any person prior to shipping, moving, or transporting any common beans for planting purposes into the regulated area shall forthwith notify the department of agriculture in writing of such person's intent to ship, move, or transport any common beans into said regulated area. Such notice of intent shall be accompanied by a copy of the Phyto-Sanitary Certificate issued for such common beans.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-03-105

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1556—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-495-085 and 16-495-110 of chapter 16-495 WAC, Title 16 relating to definitions and violation procedures in implementing the annual bluegrass quarantine. Amendment removes ryegrass from seed stock list. New section added on violation procedures.

This action is taken pursuant to Notice No. 7968 and WSR 78-03-042 filed with the code reviser on

12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapters 17.24 and 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1468, filed 5/13/76)

WAC 16-495-085 DEFINITIONS. (1) Annual bluegrass - *Poa annua* and all related subspecies.

(2) Seed stock - those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big Bluegrass, Upland Bluegrass, Bromegrasses, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass ((~~Ryegrass~~)), Timothy, or Wheatgrass.

(3) Official Seed Laboratory - seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) Official Sample - sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual Bluegrass Analysis Certificate - a test report from an official laboratory showing freedom from annual bluegrass of an official 25 gram sample for bluegrass; 50 gram sample for other grasses.

(6) Quarantine Tag - a tag issued by Washington State Department of Agriculture to be sealed to each bag showing said seed has met quarantine requirements.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 16-495-110 VIOLATION PROCEDURES.

(1) A person who violates quarantine shall meet with a representative of the Seed Branch to determine:

- (a) If a violation actually occurred;
 - (b) How it did occur, and what corrective measures can be taken to avoid reoccurrence;
 - (c) How much acreage is involved and location of all plantings.
- (2) Corrective procedures shall be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage shall be inspected by Department of Agriculture three times during the seedling stages to assure freedom from annual bluegrass. Violator will be assessed hourly inspection fee and mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, will be referred to the Attorney General for action.

WSR 78-03-106
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1566—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-316-680 of chapter 16-316 WAC, Title 17 relating to seed standards for white clover and trefoil seed.

This action is taken pursuant to Notice No. 7974 and WSR 78-03-048 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1497, filed 3/31/77)

WAC 16-316-680 SEED STANDARDS. Seed standards shall be as follows:

PART I OF TABLE

		WHITE CLOVER		
		Found.	Reg.	Cert.
Pure Seed	(Min)	98.0%	99.00%	99.0%
Other Crop	(Max)	0.1%	.25%	0.3%
Inert	(Max)	2.0%	1.00%	1.0%
Weed Seed	(Max)	0.1%	0.25%	0.3%
Sweet Clover	(Max)	—	90/lb	90/lb
Objectionable Weed Seeds	(Max)	10/lb	90/lb	90/lb
Germination	(Min)	85.0%	85.0%	85.0%
(Germination + Hard Seed)				

PART II OF TABLE

TREFOIL				
		Found.	Reg.	Cert.
Pure Seed	(Min)	98.0%	98.00%	99.0%
Other Crop	(Max)	0.1%	0.2%	0.5%
Inert	(Max)	2.0%	2.0%	1.0%
Weed Seed	(Max)	0.2%	0.25%	0.3%
Sweet Clover	(Max)	None	9/lb	90/lb
Objectionable Weed Seeds				
(Max)		None	45/lb	90/lb
Germination	(Min)	85.0%	85.0%	85.0%
(Germination + Hard Seed)				

(2) Seed must be free of prohibited noxious weed seeds.

(3) Foundation or registered seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class but shall not be eligible for seed stock even though it is recleaned and meets certification standards.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-03-107

ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1565—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington the annexed rules relating to WAC 16-316-620, 16-316-622 and 16-316-625 of chapter 16-316 WAC, Title 16 relating to sod quality certification standards.

This action is taken pursuant to Notice No. 7966 and WSR 78-03-040 filed with the code reviser on 12/30/77 and 2/28/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order 1503, filed 3/31/77)

WAC 16-316-620 STANDARDS. Seed standards for sod quality grass seed are as follows:

Variety	Min-imum Purity	Min-imum Germination	Maxi-mum* Other Crop	Maxi-mum*** Weed
Merion Kentucky Bluegrass	96%	80%	0.1%**	.02%
Other varieties of Kentucky Bluegrass	97%	80%	0.1%**	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%

*Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, (~~Canada bluegrass**~~) Poa trivialis, smooth brome, reed canarygrass, tall fescue, and clover.

**Other Kentucky bluegrass - Maximum 2%.

**Canada bluegrass in Kentucky bluegrass and fescue - Maximum .02%.

***Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, black medic, annual bluegrass, velvetgrass, and prohibited noxious weed seeds.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1503, filed 3/31/77)

WAC 16-316-622 RYEGRASS STANDARDS. Seed standards for sod quality Ryegrass grass seed are as follows:

Variety	Min-imum Purity	Min-imum Germination	Maxi-mum Other Crop	Maxi-mum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

**Maximum fluorescence levels as determined by breeder or variety owner. (~~Yorktown 2.00%, Norlea 5.00%, Pennfine 0-3%, NK-11 3-12%, NK-200 3%, and Peto 5%.~~)

***Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of bromus spp. will be allowed.

(~~"Noxious Weed" and "Crop and Weed" analysis shall be based on a 50 gram sample.~~)

AMENDATORY SECTION (Amending Order 1462, filed 5/13/76)

WAC 16-316-625 SOD SEED ANALYSIS CERTIFICATE. A sod seed analysis certificate will be the basis of determining if a lot meets sod quality standards. This certificate consists of a purity analysis, a 25 gram noxious all weed all crop exam, a 10 gram Poa annual check and a germination test on an official sample. (Except a 50 gram noxious all weed all crop exam will be required for Fescues and Ryegrass).

WSR 78-03-108

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1567—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-316-740 of chapter 16-316 WAC, Title 16 relating to procedure for interagency seed certification.

This action is taken pursuant to Notice No. 7967 and WSR 78-03-041 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1465, filed 5/13/78)

WAC 16-316-740 PROCEDURE FOR ALL OTHER KINDS. (1) Seed produced in Washington, being shipped out-of-state for processing, must comply with the following procedures:

(a) Obtain approval of all certifying agencies involved prior to shipment.

(i) Complete section (A) of "Interagency Certified Seed" report (forms available from Seed Branch, 2015 S. 1st Street, Yakima, Washington 98903) showing name, address of shipper, destination, shipping weight, lot number, grower, field number, date of shipment and other information concerning shipment that may be deemed necessary; and prior to shipment submit one copy to the Seed Branch, Yakima and one copy to the certifying agency where seed is being processed.

(ii) Each container must be clearly marked with lot number and Washington field number.

(2) Upon completion of processing, complete sections (B) and (C) of "Interagency Certified Seed" report showing date shipment was received, receiving weight and lot number, clean weight, bag count, new lot number (if different than receiving lot number) and screenings weight and submit completed report to Seed Branch, Yakima.

(a) If Washington is to finalize certification, have official sample drawn by a representative of the certifying agency in that state and submit sample to Seed Branch, 2015 S. 1st Street, Yakima, Washington 98903.

(i) If Washington certification tags are to be used, the lot must be tagged and sealed (~~by a Washington inspector~~) under supervision of the certifying agency. The applicant must pay established mileage fee and hourly rate for all additional mileage and travel time required.

(ii) If Washington interagency tags are used, interagency tags will be mailed to the nearest representative of the certifying agency having jurisdiction for tagging.

(b) If receiving state is to finalize certification, Washington certifying agency must advise receiving state's certifying agency of certification eligibility. Sampling, testing, and tagging will be in accordance with that agency's instructions.

(c) Applicant is responsible for all fees authorized under Washington's certification program and any additional fees that may be assessed by both agencies involved.

WSR 78-03-109

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1564—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-316-700 of chapter 16-316 WAC, Title 16 relating to application and fees for lentil seed certification. Repeal WAC 16-316-72001, Field Tolerances.

This action is taken pursuant to Notice No. 7972 and WSR 78-03-046 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1464, filed 5/13/76)

WAC 16-316-700 APPLICATION AND FEES.

(1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for lentil seed.

(2) Due Date: June 1; however, acceptable for service after due date with late application fee.

(3) Fees:

- (a) Application fee per variety per grower..... \$10.00
- (b) Field inspection fee per acre..... \$ 0.70
- (c) Late application fee..... \$10.00
- (d) Reinspection fee ~~(\$10.00)~~ \$20.00

minimum for each field which did not pass field inspection plus \$.20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee \$ 0.10 per cwt. of clean seed sampled, which shall be charged to processing plant.

(f) Sampling fee..... \$ 0.10 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeiture of both the application and field inspection fees, and completion of certification.

REPEALER (Order 1464, filed 5/13/76)

WAC 16-316-72001 FIELD TOLERANCES is hereby repealed.

WSR 78-03-110

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1563—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-316-474 of chapter 16-316 WAC, Title 16, rules pertaining to application and fees for field pea seed certification.

This action is taken pursuant to Notice No. 7970 and WSR 78-03-044 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1458, filed 5/13/76)

WAC 16-316-474 APPLICATION AND FEES.

(1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for field pea seed.

(2) Due Date: June 1; however, acceptable for service after due date with late application fee.

(3) Fees:

- (a) Application fee per variety per grower..... \$10.00
- (b) Field inspection fee per acre..... \$ 0.70
- (c) Late application fee..... \$10.00
- (d) Reinspection fee ~~(\$10.00)~~ \$20.00

minimum for each field which did not pass field inspection plus \$ 0.20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee \$ 0.10 per cwt. of clean seed sampled, which shall be charged to processing plant.

(f) Sampling fee..... \$ 0.10 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeiture of both the application and field inspection fees, and completion of certification.

WSR 78-03-111

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1561—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-316-450 of chapter 16-316 WAC, Title 16 relating to isolation requirements for red clover certification.

This action is taken pursuant to Notice No. 7973 and WSR 78-03-047 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1495, filed 3/3/77)

WAC 16-316-450 ISOLATION REQUIREMENTS. (1) Red clover for certification shall be isolated from all other red clover varieties or fields of the same variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation Certified	900 feet 165 feet	600 feet 165 feet

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
Foundation Certified	Foundation Certified	or 225 feet	150 feet
Certified	Certified	((45)) <u>75 feet</u> ((75))	<u>45 feet</u>

(3) In cases where an adjoining field is planted with a different variety of red clover, or red clover of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field or the uncertified isolation strip first and deliver that portion to the processing plant. After this seed is weighed and lotted in, the grower will then request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested.

WSR 78-03-112

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1560—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 16-316-340, 16-316-350, 16-316-356 and 16-316-370 of chapter 16-316 WAC, Title 16 relating to grass seed certification standards.

This action is taken pursuant to Notice No. 7975 and WSR 78-03-049 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1485, filed 9/8/76)

WAC 16-316-340 GRASS SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for grass seed certification. (See specific regulations for bentgrass standards). In addition to these standards, each lot of seed stock subject to Annual Bluegrass Quarantine must be in compliance with said quarantine to be eligible for certification.

AMENDATORY SECTION (Order 1485, filed 9/8/76)

WAC 16-316-350 CERTIFICATION FEES. (1) SEEDLING APPLICATIONS: Due within sixty days after planting: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

(a) Seedling Application Fee:

Per variety, per grower \$10.00

(b) Late Seedling Penalty Fee: (per kind) . \$10.00

This additional fee shall be charged for seedling applications received more than sixty days after planting.

(c) Seedling Producing Application Fee:

Per variety, per grower \$10.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July ((+)) (31): PROVIDED, That such application

may be accepted after due date with \$10.00 late penalty fee at the discretion of the certifying agency.

(2) RENEWAL APPLICATIONS: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) Renewal Application Fee:

Per variety, per grower \$10.00

(b) Late Renewal Penalty Fee: (per kind) \$10.00

This additional fee shall be charged for renewal applications received after May 1.

(3) REINSPECTION: (each field) \$10.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) INSPECTION & FINAL CERTIFICATION FEES: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a Memorandum of Agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if processor violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) Inspection and final certification fee . . \$ 0.60 per 100 pounds. (If no seed is tagged, 20¢ of the final certification fee is refundable upon request).

(ii) Resampling if required \$ 0.15 per 100 pounds. Fees not applicable if lot has met Washington seed certification standards on previous certified sample and lot was remilled to improve quality.

(iii) Service fee for out-of-state origin . . . \$ 0.30 per 100 pounds.

(iv) Blend fee shall be as established by blend regulation, and in addition to above fees. However, blend fee not applicable to salvage blends.

(v) Payment of fees shall be the responsibility of the person signing the application. However, processor may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Inspection and final certification fee . . \$ 1.00 per 100 pounds. (Minimum Fee per tagging) . . . \$10.00

(ii) Service fee for out-of-state origin . . . \$ 0.75 per 100 pounds.

(iii) Blend fee (in addition to fee established by blend regulation) shall be as follows, and payable upon completion of blend on total weight of blend:

(a) Washington origin certified seed used in blend \$ 0.95 per 100 pounds.

(b) Out-of-state origin certified seed used in blend \$ 0.70 per 100 pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(c) A refund or credit will be issued for the percent of the blend lot not tagged. (For example, if 40% of the blend is not tagged, 40% of the fees charged under Option B above is refundable). Requests for refunds must be made by June 30 following final disposition of the blend.

(iv) Payment of fees shall be the responsibility of the processor. A processor choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or non-renewal of Option B Memorandum of Agreement, processor shall be responsible for Option A fees on all certified seed not tagged at termination date.

(5) FEES FOR SERVICES such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(6) PURITY AND GERMINATION TEST fees shall be as established by the director of agriculture.

(7) FEES FOR RESAMPLING, RETAGGING, OR SERVICES NOT LISTED IN THIS ORDER shall be the most applicable fee established by the director of agriculture.

(8) FEES FOR REISSUE OF TAGS shall be \$0.05 per tag with a minimum fee of \$5.00.

AMENDATORY SECTION (Order 1504, filed 3/31/77)

WAC 16-316-370 SEED STANDARDS.

Table with columns for Crop & its Symbol, Germ. Frndt., Min. Pure Frndt., Max. Inert Frndt., Seed Standards for Grass (Reg. Cert., Frndt., Reg. Cert., Frndt.), Max. No. seeds of other grass spp., and Varieties. Includes footnotes (a) through (g) regarding certification, tolerance, and testing procedures.

REPEALER (Order 1485, filed 9/8/76)

WAC 16-316-356 VARIETY RESTRICTIONS is hereby repealed.

WSR 78-03-113

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1562—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture do promulgate and adopt at Olympia, Washington the annexed rules relating to WAC 16-316-525 and 16-316-530 of chapter 16-316 WAC, Title 16 relating to eligible varieties and application and fees for small grain seed certification.

This action is taken pursuant to Notice No. 7971 and WSR 78-03-045 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1493, filed 3/31/77)

WAC 16-316-525 ELIGIBLE VARIETY AND STOCK SEED.

Kind, type	Variety
Barley, spring	Belford, Blazer, ((Gem;)) Klages, Larker, ((Piroline;)) Steptoe, Unitan, Vale 70, Vanguard, Kombar (P), Stepford (P), Woodvale
Barley, winter	Boyer, Kamiak
Oat, spring	Cayuse, Park, Victory
Rye, winter	((Tetra-Petkus)) Puma, Rymin
Wheat, spring	Borah, Fielder, ((Henry-Idaed 59;)) Marfed, Peak 72, Prodax (P), Profit 75 (P), Prospur (P), Springfield, Twin, Urquie, Wandell, Wared, WS-1 (P), ((WS-3 (P);)) WS-6 (P), WS-25 (P), Kitt, RF-75 (P), Wampum
Wheat, winter	Barbee, Daws, Faro, Gaines, Hyslop, Luke, McCall, McDermid, Moro, Nugaines, Paha, Sprague, Wanser, Yamhill, Jacmar (P), Stephens

(P) means Proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Order 1495, filed 5/13/76)

WAC 16-316-530 APPLICATION AND FEES.

(1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for small grain seed.

(2) Due Dates:

(a) June 1 for winter varieties; however, acceptable for service after due date with late application fee.

(b) July 1 for spring varieties; however, acceptable for service after due date with late application fee.

(3) Fees:

- (a) Application fee per variety per grower \$10.00
- (b) Field inspection fee per acre \$ 0.70
- (c) Late application fee \$10.00
- (d) Reinspection fee ((~~\$10.00~~))
\$20.00 minimum

for each field which did not pass field inspection plus \$ 0.20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee \$ 0.10 per cwt. of clean seed sampled, which shall be charged to processing plant.

(f) Sampling fee \$ 0.10 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeiture of both the application and field inspection fees, and completion of certification.

WSR 78-03-114

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1557—Filed Mar. 1, 1978]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, WA, the annexed rules relating to WAC 16-316-110, 16-316-115, 16-316-151, 16-316-165 and 16-316-180 of chapter 16-316 WAC, Title 16 WAC relating to varieties eligible for seed certification. Amendments clarifying wording, remove varieties, renumber subsections.

This action is taken pursuant to Notice No. 7975 and WSR 78-03-053 filed with the code reviser on 12/30/77 and 2/21/78. Such rules shall take effect at a later date, such date being April 1, 1978.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1978.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-110 VARIETIES ELIGIBLE. (1) Only those varieties that are accepted by the certifying agency as meriting certification, in accordance with the criteria listed below, shall be eligible for certification. For those crops (~~where~~) for which National Variety Review Boards exist, it is (~~required~~) recommended that varieties be submitted to appropriate board to determine their merit for certification.

(2) Acceptance of a variety for certification shall be based on the following:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that the variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification, and that it is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of the morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.) physiological characteristics, disease and insect reactions, and any other identifying characteristics of value to field inspectors and such other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. These performance tests may be conducted by private seed firms or Agricultural Experiment Stations, and shall include appropriate check varieties which are used extensively in the area of intended usage.

(e) A statement giving suggested region of probable adaptation and purposes for which the variety will be used. This shall include where the breeder of the variety has tested it and anticipates recommending and merchandising.

(f) Procedure for maintenance of stock seed classes shall be described. At the time a variety is accepted for certification, a sample lot of breeder seed shall be presented to the certifying agency. This is to be retained as a control varietal sample against which all future seed

stock released for certified seed production may be tested to establish continued trueness of variety.

AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-115 LIMITATION OF GENERATIONS. (1) Except as provided elsewhere in this section, the number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner of a variety.

(2) The following exceptions to the above limitations of generations are permitted:

(a) Unlimited recertification of the certified class may be permitted for (~~older~~) crop varieties where foundation seed is not being maintained.

(b) The production of an additional generation of the certified class may be permitted on a one-year basis when:

(i) An emergency is declared prior to the planting season by the certifying agency stating that foundation and registered seed supplies in the United States are not adequate to plant the needed acreage of the variety.

(ii) Permission of the originating breeder and/or owner of the variety is obtained (if applicable).

(iii) The additional generation of certified seed produced to meet the emergency need is declared to be ineligible for certification.

AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-151 LAND HISTORY. (See specific crop Rules) Requirements may be modified upon approval of the Seed Certification Agency when a cultural practice has proven to be successful. Cultural practice may include mechanical means such as deep plowing and/or chemical means such as fumigants or other material for seed bed preparation. Materials and methods must be a matter of record. Whichever method used, it must be approved and adequate to insure varietal purity. (~~To distinguish between any possible volunteer, the crop seeded must be planted in distinct rows but may vary in drill spacings. Plants outside the defined row may be construed as volunteers.~~)

AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-165 OBJECTIONABLE WEEDS. The following weeds shall be considered objectionable weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Halogeton	Halogeton glomeratus (M. Biev.) C.W. Mey.
((Diffuse knapweed	Centaurea diffusa Lam.))
((Spotted knapweed	Centaurea maculosa Lam.))
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim) Nevski
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Puncturevine	Tribulus terrestris L.
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.
Goatgrass (in small grain)	Aegilops cylindrica
Gromwell (in small grain)	Lithospermum arvense
Rye (in other small grain)	Secale cereale

The authority under which these rules are proposed is RCW 43.21C.120 and WAC 197-10-800 and 197-10-810.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 4, 1978.

Dated: March 1, 1978

By: Bert L. Cole
Commissioner of Public Lands

AMENDATORY SECTION (Order 1452, filed 5/13/76)

WAC 16-316-180 FIELD INSPECTIONS.

- ~~((+))~~ Field inspections shall be made as follows:
 - ~~((a))~~ (1) A seedling field shall be inspected at the most appropriate time after receipt of seedling application. The inspection will be repeated prior to harvest in case the field produces seed the same season.
 - ~~((b))~~ (2) Field inspections shall be made each year that a crop of certified seed is to be produced when factors affecting certification are most evident.
 - ~~((c))~~ (3) A field will not be eligible for certification unless a field inspection has been made prior to defoliation or harvesting.
 - ~~((d))~~ (4) The unit of certification will be the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined.
 - ~~((e))~~ (5) A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection these fields meet certified blue tag standards.
 - ~~((f))~~ (6) Excessive objectionable weeds may be cause for rejection of a field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may also be cause for rejection.
 - ~~((g))~~ (7) If a field is rejected, the grower may apply for reinspection after the cause for rejection has been corrected. No more than two reinspections will be granted each field. (See specific crop rules for reinspection fee).

WSR 78-03-115
PROPOSED RULES
DEPARTMENT OF NATURAL RESOURCES
[Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning chapter 332-40 WAC, Guidelines interpreting and implementing the State Environmental Act. Rules being adopted in accordance with RCW 43.21C-.120, and WAC 197-10-800;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, April 11, 1978, in Room 301, Public Lands Building, Olympia, WA 98504.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-020 PURPOSE. (1) The purpose of this chapter is to establish the department of natural resources rules interpreting and implementing the state environmental policy act of 1971 (SEPA) and the SEPA guidelines WAC 197-10.

(2) These guidelines were developed to establish methods and means of implementing SEPA "in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act".

(3) These guidelines ~~((are))~~ do not ~~((intended to))~~ govern department compliance with ~~((respect to))~~ the national environmental policy act of 1969 (NEPA). When the department is required to perform some element of compliance with NEPA, such compliance will be governed by the applicable federal statute and regulations and not by these guidelines.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-037 SEPA PUBLIC INFORMATION CENTER.

(1) The department's SEPA Public Information Center ~~((shall))~~ will be located in the ~~((reception-area;))~~ Supervisor's Office, Room ~~((267))~~ 202, Second Floor of the Public Lands Building in Olympia, Washington.

(2) The department shall transmit the following documents to the department of ecology headquarters office in Olympia:

- (a) All draft and final EISs. (See WAC 332-40-460 and 332-40-600)
- (b) All final declarations of nonsignificance for which a proposed declaration of nonsignificance has been circulated. (See WAC 332-40-340(7))

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-040 DEFINITIONS. The following words and terms have the following meanings for the purposes of this chapter, unless the context indicates otherwise:

(1) Acting agency~~((Acting agency))~~ means an agency with jurisdiction which has received an application for a license, or which is ~~((the initiator of a proposed))~~ proposing an action.

(2) Action~~((Action))~~ means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). [See ~~((the provisions of))~~ WAC 332-40-170, 332-40-175 and 332-40-180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA and these guidelines~~((due to CEP's determination that such activities are minor, not "major", actions, even though such activities are within one of the subcategories below)).~~] All actions fall within one of the following subcategories:

- (a) Governmental licensing of activities involving modification of the physical environment.
- (b) Governmental action of a project nature. This includes and is limited to:
 - (i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and
 - (ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not ~~((it directly modifies))~~ the environment is directly modified.
- (c) Governmental action of a nonproject nature. This includes and is limited to:
 - (i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption or amendment of comprehensive land use plans or zoning ordinances;

(iii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but not including any policy, plan or program for which approval must be obtained from any federal agency prior to implementation;

(iv) creation of, or annexations to, any city, town or district;

(v) adoptions or approvals of utility, transportation and solid waste disposal rates;

(vi) capital budgets; and

(vii) road, street and highway plans.

(3) ~~((Agencies))~~ Agency with expertise~~((Agencies with expertise))~~ means ~~((those agencies to which a draft environmental impact statement shall be sent pursuant to))~~ an agency listed in WAC 332-40-465, unless ((they are)) it is also ((agencies)) an agency with jurisdiction.

(4) ~~((Agencies))~~ Agency with jurisdiction~~((Agencies with jurisdiction))~~ means ~~((those agencies))~~ an agency from which a nonexempt license is required for a proposal or any part thereof, ((or)) which will act upon an application for a grant or loan for a proposal, or ((agencies)) which ((are proposing)) proposes or ((initiating)) initiates any governmental action of a project or nonproject nature. The term does not include ((those agencies)) an agency authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for a specific ((proposals; nor does)) proposal. The term also does not include ((agencies;)) an agency involved in approving ((grants or loans;)) a grant or loan which ((serve)) serves only as ((conduits)) a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are ((instrumentalities)) agencies of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) Agency or agencies~~((Agency or agencies mean))~~ means all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term shall mean ~~((such))~~ the successor agency.

(6) Area Manager - Area Manager means the individual responsible for the administration of a geographical field unit, as designated by the organization plan of DNR.

(7) CEP~~((CEP))~~ means the council on environmental policy ~~((which is an independent body established by the legislature in 1974 and will cease to exist on July 1, 1976. After July 1, 1976 C.E.P. will mean the Department of Ecology)).~~ As directed by the legislature, the council on environmental policy ceased to exist on July 1, 1976, and its duties were transferred to the department of ecology (DOE). All reference to CEP in these guidelines should now be read to mean department of ecology.

(8) ~~((Chief Deputy Supervisor;))~~ Chief deputy supervisor means the principle assistant to the supervisor of the department.

(9) Commissioner~~((Commissioner))~~ means the commissioner of public lands who is the administrator of the department of natural resources as established by chapter 43.30 RCW.

(10) Consulted agency~~((Consulted agency))~~ means any agency with jurisdiction or with expertise which is ~~((consulted; or from which information is requested by a lead agency during the threshold determination, pre-draft consultation, or consultation on a draft environmental impact statement))~~ requested by the lead agency to provide information during a threshold determination or predraft consultation or which receives a draft environmental impact statement. An agency shall not be considered to be a consulted agency merely because it receives a proposed declaration of nonsignificance.

(11) County/city~~((County/city))~~ means a county, city or town. ~~((For the purposes of))~~ In this chapter, duties and powers are assigned to a county, city or town as a unit~~((with)).~~ The delegation of responsibilities among the various departments of a county, city or town ~~((being))~~ is left to the legislative or charter authority of the individual counties, cities or towns.

(12) Declaration of nonsignificance~~((Declaration of non-significance))~~ means the written decision by the responsible official of the lead agency that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. A form substantially consistent with that in WAC 332-40-355 shall be used for this declaration.

(13) Declaration of significance~~((Declaration of significance))~~ means the written decision by the responsible official of the lead agency that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. A form substantially consistent with that in WAC 332-40-355 shall be used for this declaration.

(14) Department~~((Department))~~ means the department of natural resources.

(15) ~~((Deputy Supervisor;))~~ Deputy supervisor means one of three individuals subordinate to the supervisor and chief deputy supervisor and responsible for a specific functional part of the department activities, i.e., governmental, proprietary and services.

(16) ~~((Division Supervisor;))~~ Division supervisor means the supervisor responsible for a specific functional staff unit, located in Olympia.

(17) Draft EIS~~((Draft EIS))~~ means an environmental impact statement prepared prior to the final detailed statement.

(18) EIS~~((EIS))~~ means the detailed statement required by RCW 43.21C.030(2)(c). ~~((It))~~ This term may refer to either a draft or final environmental impact statement, or both, depending upon context.

(19) Environment~~((Environment))~~ means, and is limited to, those areas listed in WAC 332-40-444.

(20) Environmental checklist~~((Environmental checklist))~~ means the department's form number RES 30-1802 (REV) (5-76).

(21) ~~((Environmental Coordinator;))~~ Environmental coordinator means the ~~((department))~~ supervisor's designee responsible for coordinating the department's duties and functions under the State Environmental Policy Act and ~~((WAC))~~ chapter 197-10 WAC.

(22) Environmental document~~((Environmental document))~~ means every written public document prepared or utilized as a result of the requirements of this chapter.

(23) Environmentally sensitive area~~((Environmentally sensitive area))~~ means an area designated and mapped by a county/city pursuant to WAC 332-40-177 ~~((, and within which)).~~ Certain categorical exemptions do not apply within environmentally sensitive areas.

(24) Final EIS~~((Final EIS))~~ means an environmental impact statement prepared ~~((after review of))~~ to reflect comments to the draft EIS ~~((comments)).~~ It may ~~((consist of))~~ be a new document, or ((of)) the draft EIS ~~((together with supplementary))~~ supplemented by material prepared pursuant to WAC 332-40-570, 332-40-580 or 332-40-695.

(25) Lands covered by water~~((Lands covered by water))~~ means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(26) Lead agency~~((Lead agency))~~ means the agency designated by ~~((the provisions of))~~ WAC 332-40-200 through 332-40-270 or 332-40-345 ~~((, which)).~~ The lead agency is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(27) License~~((License))~~ means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license ~~((thus))~~ includes ~~((the whole))~~ all or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project ~~((;)).~~ The term does not include a license required solely for revenue purposes ~~((is not included)).~~

(28) Licensing~~((Licensing))~~ means the agency process in granting, renewing or modifying a license.

(29) List of elements of the environment~~((List of elements of the environment))~~ means the list ~~((contained))~~ in WAC 332-40-444 which must be attached to every environmental impact statement.

(30) Local agency~~((Local agency))~~ means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(31) Major action~~((Major action))~~ means any "action" as defined in this section which is not exempted by WAC 332-40-170, 332-40-175 and 332-40-180.

(32) ~~((NonExempt License;))~~ Nonexempt license means any license not exempt from the threshold determination requirements.

(33) Nonproject EIS~~((Non-project EIS))~~ means an environmental impact statement prepared for a proposal for any governmental action of a nonproject nature as defined under "action" in this section.

(34) ~~Physical environment~~ (~~(Physical environment)~~) means, and is limited to, those elements of the environment listed under "physical environment" in WAC 332-40-444(2).

(35) ~~Private applicant~~ (~~(Private applicant)~~) means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(36) ~~Private project~~ (~~(Private project)~~) means any proposal (~~(for which the primary initiator or sponsor is)~~) primarily initiated or sponsored by an individual or entity other than an "agency" as defined in this section.

(37) ~~Proposal~~ (~~(Proposal)~~) means a specific request to undertake any activity submitted to, and (~~(which is)~~) seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. (~~(Further definition of)~~) The scope of a proposal for the purposes of lead agency determination, the threshold determination, and impact statement preparation is ((contained)) further defined in WAC 332-40-060.

(38) ~~Responsible official~~ (~~(Responsible official)~~) means that officer or officers, committee, department ~~of the lead agency~~ designated by the lead agency's guidelines to undertake its responsibilities as ((a)) lead agency (see WAC 332-40-045 and 332-40-305).

(39) ~~SEPA~~ (~~(SEPA)~~) means the state environmental policy act of 1971 chapter 43.21C RCW, as amended.

(40) (~~Supervisor~~) ~~Supervisor~~ means supervisor of the department of natural resources as defined by RCW 43.30.060.

(41) ~~State agency~~ (~~(State Agency)~~) means any state board, commission or department except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

(42) ~~Threshold determination~~ (~~(Threshold determination)~~) means the decision by a lead agency whether or not an environmental impact statement is required for a proposal.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM. The environmental checklist available at the department's SEPA information center will be completed for all major actions as a part of the threshold determination procedure and lead agency identification. However, where there is an agreement between the proponent of a non-exempt action (whether a private applicant or an agency which is not the lead agency) and the lead agency that an EIS is required, the completion of the environmental checklist is unnecessary. (~~(Where the action proponent and the lead agency are the same entity, and a decision to prepare an EIS has been made, then no checklist is required:))~~) Division supervisors and area managers may require, at their discretion, a completion of the environmental checklist for actions which are not major actions (~~(in order)~~) to identify areas of possible environmental effect, for planning and decision making purposes, to identify possible alternatives and areas of public interest and concern and in order to achieve a systematic, interdisciplinary approach to environmental concerns which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-055 TIMING OF THE EIS PROCESS. (1) The department shall integrate SEPA into its normal processes in such a way that no undue delays are caused by SEPA compliance. The purposes of SEPA are best served by consideration of environmental factors early in the preplanning stages.

(2) The primary purpose of the EIS process is to provide environmental information to governmental decision makers to be considered prior to making their decision. The process should thus be completed before the decisions of an agency commit it to a particular course of action. The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. In many cases, however, preliminary decisions must be made upon a proposal before the proposal is sufficiently definite to permit meaningful environmental analysis. The department should require completion of the threshold determination and EIS, if required, at the earliest point in the planning and decision making process when the principal features of a proposal and its impacts upon the environment can be reliably identified.

(3) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(4) (~~(When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a nonproject nature, and the department is the proponent of the major action and is also the lead agency, then))~~) The maximum time limits contained in these guidelines for the threshold determination and EIS process (~~(need))~~) do not apply to ((the)) a proposal for a governmental action when the proponent of the action is also the lead agency.

(5) The environmental checklist should normally be completed when an application is found to be nonexempt. In order to conserve time and avoid misunderstandings, the department's contact person should make the "action" and "exemption" determinations and assist the applicant in completing the checklist. If exempt status is questionable, a checklist should be completed and the environmental coordinator consulted.

(6) In most cases the time required to complete a threshold determination should not exceed fifteen days. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time required will vary, depending upon the nature of the proposal and the information required. When a threshold determination is expected to require more than fifteen days to complete and a private applicant requests notification of the date when a threshold determination will be made, the responsible official shall transmit to the private applicant a written statement as to the expected date of decision.

(7) The department, when it is a consulted agency, shall have a maximum of thirty-five days from the date of listing of the proposal in the "EIS Available Register" in which to review the draft and forward its comments and information with respect thereto to the lead agency. If the department is a consulted agency with jurisdiction and requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the lead agency. Extensions may not be granted for any other purpose.

(8) There shall be allowed a period of thirty-five days from the date of the listing of the proposal in the "EIS Available Register" for the public to forward to the department any comments upon or substantive information related to the proposal and the draft EIS.

(9) The department shall prepare a final EIS within seventy-five days of the listing of the proposal in the "EIS Available Register." The department may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex.

(10) The department shall not take any final action on a project for which an EIS has been required, prior to seven days from the issuance of the final EIS and its listing in the "EIS Available Register" maintained at the department's SEPA information center. When appropriate, the responsible official may actively attempt to solicit opinions on the final EIS from citizens and agencies prior to the first major decision.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION. (1) The proposal considered by the department during the lead agency determination procedure, and by the department during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) (~~(hereof is applicable))~~) of this section applies. In considering the environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) (~~(hereof is applicable))~~) of this section applies.

(2) The total proposal is the proposed action, together with all proposed activity (~~(which is))~~) functionally related to it. Future activities are functionally related to the present proposal if:

(a) The future activity is an expansion of the present proposal, facilitates or is necessary to operation of the present proposal (~~(or is necessary thereto));~~ or

(b) The present proposal facilitates or is a necessary prerequisite to future activities.

The scope of the proposal is not limited by the jurisdiction of the department. The fact that future (~~(impacts))~~) parts of a proposal will require future governmental approvals shall not be a bar to their present consideration, so long as the plans for those future (~~(elements))~~)

parts are ((sufficiently)) specific enough to allow some evaluation of their potential environmental impacts. The department should be alert to the possibility that a proposal may involve other agencies with jurisdiction which may not be taking any action until sometime in the future.

(3) The impacts of a proposal include its direct impacts as well as its reasonably anticipated indirect impacts. Indirect impacts are those which result from any activity which is induced by a proposal. These include, but are not limited to, ((consideration-of)) impacts resulting from growth induced by the proposal, or the likelihood that the present action will serve as a precedent for future actions. Contemporaneous or subsequent development of a similar nature, however, need not be considered in the threshold determination unless there will be some causal connection between ((such)) this development and one or more of the governmental decisions necessary for the proposal in question.

(4) ((Proposals)) The department may divide proposals involving extensive future actions ((may be divided, at the option of the department)) into segments with an EIS prepared for each segment. In such event, the earlier EIS shall describe the later segments of the proposal and note that future environmental analysis will be required for these future segments. The segmentation allowed by this subsection shall not be ((applied)) used at the threshold determination stage to determine that any segment of a more extensive significant proposal is insignificant; nor shall segmentation be applied ((so-as)) to require significant duplication of analysis contained in an earlier EIS.

(5) For proposed projects, such as highways, streets, pipelines or utility lines or systems where the proposed action is related to a large existing or planned network, the department may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These categorizations shall be logical with relation to the design of the total system or network ((itself)), and shall not be made merely to divide a larger system into exempted fragments.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. (1) There are three areas of these guidelines where the department may require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

~~((The responsible official may determine that any information supplied by a private applicant is insufficient and require))~~ Further information((-)) may be required if ((in the judgment of)) the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may ((choose to)) voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) Environmental Checklist. A private applicant is required to complete an environmental checklist, available at the department's SEPA information center either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department will not require a complete assessment or "mini-EIS" at this stage. [See WAC 332-40-310].

(3) Threshold Determination. When the department is the lead agency, it shall make an initial review of a completed checklist without requiring more information from a private applicant. ~~((If, and only if, the department determines as a result of its initial review that the information available to it is not reasonably sufficient to determine the environmental impacts of the proposal))~~ After completing this initial review, the department may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the department, information accessible to the department is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. [See WAC 332-40-330.]

(4) Draft and Final EIS Preparation. The responsible official may at his/her option, require a private applicant to prepare an EIS under the department's direction, at the applicant's expense. Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a pre-draft consultation request until the consulted agency has responded, or

the forty-five days allowed for response by the consulted agency has expired, whichever is earlier.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-170 CATEGORICAL EXEMPTIONS. Governmental activities or approvals of activities of the types listed herein are not major actions, and proposals for such activities are exempted from the threshold determination and EIS requirements of SEPA and these guidelines:

(1) Minor new construction. The following types of construction shall be exempt except when undertaken wholly or in part on lands covered by water; the exemptions provided by this subsection apply to all ((governmental)) licenses required to undertake the construction in question, except when a rezone((s)) or any license governing emissions to the air or water is required:

(a) The construction or location of any residential structure of four dwelling units or less.

(b) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering less than 10,000 square feet and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feedlots.

(c) The construction of an office, school, commercial, recreational, service or storage building with less than 4,000 square feet of total floor area, and with associated parking facilities designed for twenty automobiles or less.

(d) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(e) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(f) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade separated crossings), grooving, glare screen, safety barriers, energy attenuators, ((highway)) transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guardrail and barricade installation, installation of catch basins and culverts, and reconstruction of existing road bed (existing curb to curb in urban locations), including ((minor)) adding or widening of shoulders, addition of bicycle lanes, but not including additional automobile lanes.

(g) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(h) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(i) The construction of a parking lot designed for twenty automobiles or less.

(j) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, III and IV forest practice under ((chapter 200, Laws of 1975 ex. sess.)) RCW 76.09.050, or regulations promulgated thereunder, except those class IV forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation.

(k) The repair, maintenance or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing.

(l) Grading, excavating, filling, septic tank installation, and landscaping necessary for any building or facility exempted by this subsection, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(m) Additions or modifications to or replacement of any building or facility exempted by this subsection when such addition, modification

or replacement will not change the character of the building or facility in a way which would remove it from an exempt class.

(n) The demolition of any structure or facility, the construction of which would be exempted by this subsection, except for structures or facilities with recognized historical significance.

(2) Water rights. The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

(a) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.

(b) Appropriations of one cubic foot per second or less of surface water, or of ten cubic feet per second or less of ground water, for any purpose.

(3) Judicial activity. The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal, or upon any application for a rezoning, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(4) Enforcement and inspections. The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) ~~((Fire department, police patrol and traffic law enforcement))~~ All activities of fire department and law enforcement agencies except ~~((where such involves any))~~ physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety ~~((PROVIDED, That no open burning shall be exempted under this subsection, nor shall))~~. The application of ~~((any pesticide or chemical))~~ pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere. No license ~~((shall be considered exempt by virtue of this subsection; nor shall the))~~ or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(5) Business and other regulatory licenses. The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, included but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) ~~((Licenses for solicitation or door-to-door sales, private security and detective services, and taxicabs and other vehicles for hire. PROVIDED, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection:))~~ All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) ~~((Licenses for close-out sales:))~~ All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) ~~((Licenses for food or drink services, sales and distribution:))~~ All licenses for vehicles for-hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks: PROVIDED, That regulation of common carriers by the utilities and

transportation commission shall not be considered exempt under this subsection.

(g) ~~((Licenses for the sale or display of fireworks:))~~ All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure ~~((that was either exempted under this chapter, or the subject of a declaration of non-significance or an EIS:))~~ so long as no material changes ~~((have occurred since the determination of exemption, or completion of the prior declaration or EIS))~~ are involved.

(6) Activities of the legislature. All actions of the state legislature are hereby exempted: PROVIDED, That this subsection shall not be construed to exempt the proposing of legislation by any agency.

(7) Activities of agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services ~~((previously))~~ authorized, or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: PROVIDED, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs: PROVIDED, That construction or real property transactions or the adoption of any policy plan or program for such construction or real property transaction shall not be considered exempt under this subsection.

(8) Review and comment actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(9) Purchase or sale of real property. The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property ~~((by an agency))~~.

(b) The sale, transfer or exchange of any publicly owned real property ~~((by an agency to or with a private individual or governmental entity))~~, but only if the property is not subject to an authorized public use.

(c) The lease of real property ~~((by an agency to a private individual or entity, or to an agency or federal agency, only))~~ when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(10) Minor land use decisions. The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivision or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, slope, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classification of land for current use taxation pursuant to chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(11) Procedural actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt.

(12) Acceptance of filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(13) Variances under Clean Air Act. The granting of variances pursuant to RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(14) ~~(Burning permits. The issuance, revocation or suspension of permits for open burning.)~~ Open burning. Open burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting ~~(the issuance of burning permits)~~ open burning shall not be exempt.

(15) Water quality certifications. The granting or denial of water quality certifications pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 USC § 1341) shall be exempt.

(16) Financial assistance grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project.

(17) Information collection and research. Proposals for basic data collection, research, resource evaluation and the conceptual planning of proposed actions shall be exempt. These may be for strictly information-gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded. This exemption does not include any agency action which commits the agency to proceed with the proposal.

(18) Utilities. The utility-related actions listed below shall be exempt: PROVIDED, That installation, construction or alteration on lands covered by water shall not be exempt for actions listed below. The exemption includes installation and construction, relocation when required by other governmental bodies, ~~(together with)~~ repair, replacement, maintenance, operation or alteration ~~(by an agency or private entity)~~ which does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including microwave towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: PROVIDED, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or ~~(highway)~~ transportation right of way in its design condition: PROVIDED, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds which are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of franchises by agencies to utilities.

(h) All disposals of rights of way by utilities.

(i) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(19) Natural resources management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II, III and IV forest practices as defined by ~~(chapter 200, Laws of 1975 ex. sess.)~~ RCW 76.09.050, or regulations promulgated thereunder, except those class IV forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation.

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land which had been subject to a grazing lease within the previous ten years.

(c) Licenses or approvals to remove firewood.

(d) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(e) Issuance of leases for Christmas tree harvesting or brush picking.

(f) Issuance of leases for school sites.

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land: PROVIDED, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds which are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(j) Issuance of rights of way, easements and use permits to use existing public roads in nonresidential areas.

(20) Local improvement districts. The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 332-40-170 and 332-40-180.

(21) Nonactions. Proposals for activities which are not "actions" as defined in WAC 332-40-040(2) are not subject to the threshold determination and EIS requirements of this chapter.

(22) Building codes. The adoption by ordinance of all codes as required by the state building code act (RCW 19.27.030).

(23) Adoption of noise ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology pursuant to chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology pursuant to RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

AMENDATORY SECTION (Amending Order 268, filed 7/21/76)

WAC 332-40-175 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES. (1) ~~The exemptions ((are established))~~ in this section ~~((which))~~ relate only to the specific activities identified within the department. The exemptions of this section are in addition to the general exemptions of WAC 332-40-170 and 332-40-180 which apply to the department, unless the general exemptions are specifically made inapplicable by this section.

(2) Department of natural resources. The following actions and licenses of the department of natural resources are ~~((hereby))~~ exempted:

(a) Forest closures, shutdowns and permit suspensions due to extreme or unusual fire hazards.

(b) Operating permits to use power equipment on forest land.

(c) Permits to use fuse on forest land.

(d) Log patrol licenses.

(e) Permits for drilling for which no public hearing is required pursuant to RCW 79.76.070 (geothermal test drilling).

(f) ~~((issuance of))~~ Permits for the dumping of forest debris and wood waste in forested areas.

(g) All timber sales.

(h) ~~((issuance of))~~ Leases for mineral prospecting pursuant to RCW 79.01.616 or RCW 79.01.652, but not including issuance of subsequent contracts for mining.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-177 ENVIRONMENTALLY SENSITIVE AREAS. (1) The department shall adhere to established environmentally sensitive areas adopted and mapped by the counties and cities as required by WAC 197-10-177.

(2) In these environmentally sensitive areas, certain categorical exemptions may not apply. The selection of exemptions that will not apply may be made from the following list: WAC 332-40-170(1)(a) through (f) and (i) through (n); (5)(c), (9)(a) through (c); (10)(a); (18)(a) through (d), (f) and (i); and, (19)(d), (f) ~~((and))~~, (h), and (i). All other categorical exemptions apply whether or not the proposal will be located within an environmentally sensitive area. Exemptions selected by an agency ~~((to))~~ which do not apply within the various environmentally sensitive areas must be listed within the SEPA guidelines of any county/city adopting such areas.

(3) Major actions which will be located within environmentally sensitive areas are to be treated no differently than other major actions under this chapter. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in an environmentally sensitive area.

(4) Certain categorical exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-180 EXEMPTION FOR EMERGENCY ACTIONS. Actions which must be undertaken immediately, or within a time too short to allow full compliance with chapter 197-10 WAC, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt (~~from the procedural requirements of this chapter~~).

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS. (1) Those activities excluded from the definition of "action" in WAC 332-40-040(2), or categorically exempted by WAC 332-40-170, 332-40-175, and 332-40-180, are exempt from the threshold determination (including completion of the environmental checklist) and EIS requirements of these guidelines and RCW 43.21C.030(2)(c) and RCW 43.21C.030 (2)(d). No exemption is allowed for the sole reason that actions are considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature.

(2) If a department proposal includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not, the proposal is not exempt.

(3) For proposals in (2) above, exempt activities or actions may be undertaken prior to the threshold determination, subject to the timing considerations in WAC 332-40-055. For each such proposal a lead agency shall be determined, and a threshold determination shall be made prior to any major action with respect to the proposal, and prior to any decision by the lead agency irreversibly committing itself to adopt or approve the proposal.

(4) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. The determination that a proposal is not exempt because of this subsection shall be made only by the lead agency for that proposal.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-203 DETERMINATION OF LEAD AGENCY—PROCEDURES. (1) When the department is the first agency receiving or initiating a proposal for a major action, or for any part of a proposal when the total proposal involves a major action, the department shall determine the lead agency for that proposal. (~~To ensure that the lead agency is determined early,~~) The department shall determine the lead agency for all proposals for a major action it receives, unless the lead agency has been previously determined or the department as the receiver of the proposal is aware that another agency is (~~in the process of~~) determining the lead agency. The lead agency shall be determined by using the criteria in WAC 332-40-205 through 332-40-245.

(2) If the department determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with its determination of lead agency and explanation thereof. If the agency receiving this determination agrees that it is the lead agency, it shall so notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 332-40-260.

(3) If the department determines that it is the lead agency, it shall immediately mail a copy of its determination and explanation thereof to all other agencies with jurisdiction over the proposal. The department shall then proceed, as the lead agency, to the threshold determination procedure of WAC 332-40-300 through 332-40-390. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 332-40-260.

(4) When the department receives a lead agency determination to which it objects it shall either resolve the dispute, withdraw its objection, or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

(5) To make the lead agency determination, the department must determine to the best of its ability the other agencies with jurisdiction

over the proposal. This can be done by requesting the information from a private applicant, or through consultation with the information centers established pursuant to RCW 90.62.120, within the Environmental Coordination Procedures Act of 1973 (ECPA).

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-205 LEAD AGENCY DESIGNATION—DEPARTMENT PROPOSALS. For all proposals initiated by the department, the department shall be the lead agency. In the event that two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will (~~assume the status of~~) be the lead agency. For the purposes of this section, a proposal by the department does not include proposals to license private activity.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY. For proposals for private projects which require nonexempt licenses from more than one agency when at least one of the agencies requiring such a license is a county/city, the lead agency shall be the nonexempt county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county shall not include the areas within the limits of cities or towns within such county.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-240 AGREEMENTS AS TO LEAD AGENCY STATUS. (~~Nothing herein shall prohibit the department from assuming the role of lead agency as a result of an agreement among all agencies with jurisdiction.~~) Any agency may assume lead agency if all agencies with jurisdiction agree.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP. In the event that the department is an agency with jurisdiction along with one or more other agencies and is unable to determine which agency is the lead agency under these guidelines, any agency with jurisdiction may petition CEP for (~~such~~) a determination. (~~Such~~) The petition shall clearly describe the proposal in question, and include a list of all licenses and approvals required for the proposal. (Any such) The petition shall be filed with CEP within fifteen days after receipt by the petitioning agency of the determination to which it objects. Copies of the petition shall be mailed to any private applicant involved, as well as to all other agencies with jurisdiction over the proposal. The applicant and agencies with jurisdiction may file with CEP a written response to the petition within ten days of the date of the initial filing. The CEP shall make its determination in accordance with WAC 197-10-260.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-300 THRESHOLD DETERMINATION REQUIREMENT. (1) Except as provided in subsection (2) hereof, a threshold determination shall be made for every proposal for a major action. The responsible official designated by the department shall be responsible for making the threshold determination. (~~Only the department shall make a threshold determination, except when department duties are shared pursuant to WAC 332-40-245.~~)

(2) The threshold determination requirement (~~of completion of an environmental checklist~~) may be omitted (~~unless pre-draft consultation occurs,~~) when:

(a) Both the responsible official and the sponsor (public or private) of a proposal agree that an EIS is required, or

(b) The sponsor of the proposal and the department are the same entity and decides that an EIS is required.

(3) (~~When the provisions of subsection (2) above have been utilized, compliance with requirements for use of the environmental checklist contained in WAC 332-40-305 through 332-40-390 may be disregarded.~~) When the threshold determination is omitted, no environmental checklist is required unless a private applicant requests pre-draft consultation pursuant to WAC 197-10-410 and 332-40-410.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST. (1) An environmental checklist substantially in the form provided by the department shall be completed for any proposed major action before making the threshold determination. ~~((Explanations of))~~ Every "yes" and "maybe" answer on the checklist shall be ~~((provided, and))~~ explained. Persons completing the checklist may provide explanations of "no" answers. Persons filling out an environmental checklist may make reference to studies or reports which are available to the department. For department administered licenses, the applicant shall be required to complete the environmental checklist and the checklist attached to the application. For department initiated actions, the checklist will be completed by the area manager or the area manager's designee unless a division has retained the option of completing the environmental checklist at the division level.

(2) No environmental checklist or threshold determination is required for proposals that are exempted by WAC 332-40-170, 332-40-175 and 332-40-180.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-315 ACTIONS REQUIRING A THRESHOLD DETERMINATION. (1) The following list of actions ~~((when not found exempt;))~~ requires the completion of an Environmental Checklist by the designated entity for compliance with the threshold determination requirements of the SEPA Guidelines chapter 197-10 WAC. ~~((Divisions of the department may require the completion of the checklist for activities specifically exempted from the environmental impact statement requirements of chapter 197-10 WAC, for reasons outlined in WAC 332-40-050. These checklists will be used to identify possible environmental problems for corrective action:))~~

- (a) Geology and Earth Resources
 - Surface mining permits (by applicant).
 - Oil and gas drilling permits (by the applicant).
 - Geothermal drilling permits (by the applicant). Except when drilling a core hole for the purpose of gathering geothermal data.
- (b) Forest Land Management
 - Class IV—Special forest practices on state lands (by the Area Manager).
 - ~~((All forest practices, on state lands, requiring a non-exempt license (by the Area Manager):~~
 - Forest insect and disease control (by the Division Supervisor:))
 - (c) Timber Sales
 - Timber sales ~~((in excess of 100 acres (by the Area Manager):))~~ and forest product sales ~~((in excess of 100 acres))~~ designated by the forest practices board as being class IV special forest practices (by the Area Manager).
 - Road rights of way across state land requiring new construction when not associated with a forest practice (by the Area Manager).
 - Utility rights of way for transmission but not distribution (by the Area Manager).
 - Exchanges (by the Area Manager).
 - (d) Lands
 - Land sales.
 - New grazing leases covering more than one section (by the Area Manager).
 - New share crop leases covering more than 160 acres (by the Area Manager).
 - New agricultural leases covering more than 160 acres (by the Area Manager).
 - New commercial leases (by the Area Manager).
 - New communication site leases (by the Area Manager).
 - New leases for private recreation sites when designed specifically for ATV's or containing more than 12 campsites (by the Area Manager).
 - (e) Marine Land Management
 - New general purpose leases (by the Division Supervisor).
 - New sewer outfall leases (by the Division Supervisor).
 - New mining contracts (by the Division Supervisor).
 - New booming leases (by the Division Supervisor).
 - New dredge spoil disposal sites (by the Division Supervisor).
 - New oyster leases (by the Division Supervisor).
 - New clam leases (by the Division Supervisor).
 - New oil and gas leases (by the Division Supervisor).
 - New harbor area leases (by the Division Supervisor).
 - (f) Recreation

Recreation sites constructed specifically for ATV's (by the Area Manager).

All trail construction.

Snowmobile site construction.

(g) Forest Practices

Class IV—Special forest practices ~~((approvals))~~ on private land subject to department approval (by the applicant).

~~((All forest practices requiring a non-exempt license (by the applicant:))~~ See WAC 197-10-230(4).

(h) Engineering

Capital projects (by the Area Manager initiating the project).

Road construction when not associated with a forest practice (by the Area Manager).

(i) Action by the Harbor Line Commission

(2) Divisions of the department may also require the completion of the checklist for other activities which are specifically exempted from the environmental impact statement requirements of chapter 197-10 WAC, for reasons outlined in WAC 332-40-050. These checklists will be used to identify possible environmental problems for corrective action.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST. ~~((+))~~ The department when it is the lead agency shall conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review shall be made without requiring further information from the applicant. In making this initial review, the department shall independently evaluate each item on the checklist and indicate ~~((thereon))~~ the results of this evaluation.

~~((2))~~ After completing the initial review of the environmental checklist, the department shall apply the criteria of WAC 332-40-060 and 332-40-360 to the checklist as evaluated by the department. This process will lead to one of three determinations:

(a) The proposal will not have a significant adverse impact upon the quality of the environment; in which case, the department shall initiate the negative threshold determination procedures of WAC 332-40-340; or,

(b) The proposal will have a significant adverse impact upon the quality of the environment; in which case the department shall initiate the EIS preparation procedures of WAC 332-40-350 and 332-40-400 through 332-40-695; or,

(c) There is not sufficient information available to the department to enable it to reasonably make a determination of the environmental significance of the proposal; in which case the department shall implement one or more of the information gathering mechanisms in WAC 332-40-330:))

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST. (1) The threshold determination by the department must be based upon information reasonably sufficient to determine the environmental impact of a proposal. ~~((In the event that))~~ If, after its initial review of the environmental checklist, the department determines the information available to it is not reasonably sufficient to make this determination, one or more of the following may be initiated:

(a) For private projects, the applicant may be required to furnish further information. This additional information shall be limited to ~~((those categories))~~ the subjects on the environmental checklist. An applicant may be required to provide explanations of any "no" answers to questions on the checklist.

(b) The department may initiate an environmental analysis, using department specialists to conduct physical investigations on the subject property to provide additional information.

(i) When an area manager or division supervisor determines that the available information concerning a proposed action is not adequate to make a threshold determination, an environmental analysis may be requested.

(ii) Environmental analysis is prepared by department staff environmental specialists. An analysis consists of an on site inspection for actions of a project nature and the preparation of a written report identifying possible adverse environmental impacts and the measures necessary for their mitigation or elimination.

(iii) The division supervisor or area manager must have approval, for the environmental analysis, from the deputy supervisor whose area of accountability covers the proposed action necessitating the environmental analysis.

(c) The department may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted. Agencies so consulted shall respond in accordance with the requirements of WAC 332-40-500 through 332-40-540.

(2) When (during the course of collecting further information on a proposal) the lead agency obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, it shall immediately make the threshold determination (utilizing the criteria of WAC 332-40-360 and 332-40-365). In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS shall be prepared.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS. (1) In the event the department determines a proposal will not have a significant adverse impact on the quality of the environment, it shall prepare a proposed or final declaration of nonsignificance, as appropriate, substantially in the form provided in WAC 332-40-355.

(2) The department shall prepare a final declaration of nonsignificance for all proposals except for those listed in subsection (3) below.

(3) A department making a threshold determination of nonsignificance for any of the following proposals shall prepare a proposed declaration of nonsignificance, and comply with the requirements of subsection (4) through ((6)) (7) below prior to taking any further action on the proposal:

- (a) Proposals for which there is another agency with jurisdiction.
- (b) Proposals involving demolition of any structure or facility not exempted by WAC 332-40-170(1)(n) or 332-40-180.
- (c) Proposals involving issuance of clearing or grading permits not exempted by WAC 332-40-170, 332-40-175 or 332-40-180.

(4) The department shall ((~~list~~) issue) all proposed declarations of nonsignificance ((~~in the "Proposed Declaration of Non-Significance Register" at the SEPA public information center. All such declarations will be attached to the environmental checklist as evaluated by the department and transmitted~~) by sending the proposed declaration and environmental checklist to ((any)) other agencies with jurisdiction and to the SEPA public information center of the department.

(5) Any person or agency may submit written comments on the proposed declaration of nonsignificance to the department within fifteen days from the date of its ((~~listing in the register~~) issuance). The department shall take no further action on the proposal which is the subject of the proposed declaration of nonsignificance for fifteen days from the date of its ((~~listing in the register~~) issuance). If comments are received, the department shall reconsider its proposed declaration ((~~in light thereof~~)); however, the department is not required to modify its proposed declaration of nonsignificance to reflect the comments received ((~~thereon~~)).

(6) After the fifteen day time period ((~~has elapsed~~)), and after considering any comments, the department shall ((~~either~~) adopt) its proposed declaration as a "Final Declaration of Nonsignificance," ((~~or~~) determine) that the proposal is significant, or utilize the additional information gathering mechanisms of WAC 332-40-330(1).

(7) When a final declaration of nonsignificance results from a proposed declaration of nonsignificance, that final declaration of nonsignificance shall be sent to the department of ecology headquarters office in Olympia. The department of ecology will list it on the "SEPA register" as specified in WAC 197-10-831. This subsection shall not apply to proposed declarations of nonsignificance, to final declarations of nonsignificance issued in accordance with WAC 197-10-340(2) or to final declarations of nonsignificance made under the "agreement with other agency" provision of WAC 197-10-340(3)(a). Checklists need not be sent.

(8) Issuance of proposed and final declarations of nonsignificance completes the procedural requirements of these guidelines unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 332-40-345.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-345 ASSUMPTION OF LEAD AGENCY STATUS BY THE DEPARTMENT WHEN IT IS AN AGENCY WITH JURISDICTION OVER A PROPOSAL—PRE-REQUISITES, EFFECT AND FORM OF NOTICE. (1) When the department is an agency with jurisdiction over a proposal, upon review of a proposed declaration of nonsignificance, it may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." ((~~Such form of~~) This notice shall be substantially similar to that described in subsection (4) below. Assumption of lead agency status, ((if it is to occur,)) shall take place only within fifteen days of ((the listing of the proposal in the "Proposed Declaration of Non-Significance Register") issuance of the proposed declaration of nonsignificance as provided for in WAC 332-40-340.

(2) ((~~The Department, as an agency with jurisdiction over a proposal, prior to transmittal of the notice described in subsection (4) below and an attached declaration of significance, shall make a finding that an EIS is required for the proposal. This finding~~) The affirmative threshold determination by the department shall be based only upon information contained in the environmental checklist attached to the proposed declaration of nonsignificance transmitted by the first lead agency and any other information possessed by the department relative to the matters contained in the environmental checklist.

(3) As a result of ((~~the transmittal of~~) transmitting) a completed form of the notice contained in subsection (4) below and attached declaration of significance, the department ((~~with jurisdiction~~) shall become the "new" lead agency and shall ((begin preparation of)) expeditiously prepare a draft and a final EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the department.

(4) The form of "Notice of Assumption of Lead Agency Status" is as follows:

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of Proposal

Proponent

Location of Proposal

Initial Lead Agency

New Lead Agency

This proposal was determined by the initial lead agency to have no significant adverse impact upon the environment, according to the proposed declaration of nonsignificance dated A review of the information relative to the environmental checklist has been made by the department of natural resources and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the department assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

Responsible Official

Position/Title

Address/Phone

Date Signature

(5) A completed form of notice, together with a declaration of significance, shall be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal. ((~~A copy of the notice shall be retained in the new lead agency's SEPA public information center.~~)

(6) The department may still comment critically upon a proposed declaration of nonsignificance without assuming lead agency status. The department has not assumed lead agency status ((~~pursuant to this section~~) unless a notice substantially in the form of subsection (4) hereof is completed and transmitted by that agency. The decision of any agency with jurisdiction to not assume lead agency status pursuant to this section shall create no new legal obligation upon the department.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-350 AFFIRMATIVE THRESHOLD DETERMINATION. (1) In the event the department determines that the proposal will have a significant adverse effect upon the quality of the environment, it shall prepare a declaration of significance using the

form in WAC 332-40-355 ((which)). This form shall be retained in the files of the department with a copy sent to the applicant in the case of a private project. ((The department shall then list the proposal in the "EIS in Preparation Register" maintained at the SEPA public information center department, and then begin the EIS preparation procedures of WAC 332-40-400 through 332-40-695.)) If the proposal is not modified by the applicant resulting in a withdrawal of the affirmative threshold determination as allowed by WAC 332-10-370, the lead agency shall begin the EIS preparation procedures of WAC 197-10-400 through 332-40-695.

(2) ((After)) If the additional information gathering mechanisms of WAC 332-40-330 have been utilized, and ((when there exists a reasonable belief by)) the department reasonably believes that the proposal could have a significant adverse impact, the ((procedure contained in subsection (1) above shall also be followed)) affirmative threshold shall be made.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-355 FORM OF DECLARATION OF SIGNIFICANCE/NONSIGNIFICANCE. (1) A declaration substantially in the form set forth in subsection (2) of this section shall be used for all declarations of significance and proposed and final declarations of nonsignificance. This form shall be attached to the environmental checklist together with any other information obtained pursuant to WAC 332-40-330, and maintained in the ((files of the department. The form without the attachments shall also be retained in the SEPA public information center of the department for one year after issuance)) department's SEPA information center.

(2) The form is as follows:

FORM FOR [PROPOSED/FINAL] DECLARATION OF [SIGNIFICANCE/NONSIGNIFICANCE]

Description of Proposal

Proponent

Location of Proposal

Lead Agency

This proposal has been determined to [have/not have] a significant adverse impact upon the environment. An EIS [is/is not] required under RCW 43.21C.030(2)(c). This decision was made after review by the department of natural resources of a completed environmental checklist and other information on file with the department.

Responsible Official

Position/Title

Date Signature

(3) If the form is for a declaration of environmental significance, the department may add to the information contained in subsection (2) of this section a listing of those environmental impacts which led to the declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the environmental impacts of the proposal to such an extent that the department would withdraw its declaration and issue a [proposed/final] declaration of nonsignificance.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST.

(1) The department shall apply the questions in the environmental checklist to the total proposal, including its indirect effects [See WAC 332-40-060], to determine whether the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision shall be based solely upon this process. The questions contained in the environmental checklist are exclusive, and factors not listed ((therein)) in the checklist shall not be considered in the threshold determination.

(2) The questions in the environmental checklist are not weighted. ((It is probable there will be affirmative)) While some "yes" answers to several of these questions ((white)) are likely, the proposal ((would)) may still not ((necessarity)) have a significant adverse impact ((-however, a single affirmative answer could indicate a significant adverse impact)). However, depending upon the nature of the impact and location of the proposal, a single affirmative answer could indicate a significant adverse impact. The nature of the existing environment is an important factor. The same project may have a significant adverse

impact in one location, but not in another location. The absolute quantitative effects of the proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The department shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse environmental impact. For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted. If, after the department has utilized the additional information gathering mechanisms of WAC 332-40-330, the impacts of the proposal are still in doubt, and there exists a reasonable belief by the department that the proposal could have a significant adverse impact, an EIS is required.

(3) It should also be remembered that proposals designed to improve the environment (such as sewage treatment plants or pollution control requirements) may also have adverse environmental impacts. The question at the threshold determination level is not whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather if the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance shall be applied at the threshold determination level.

(4) Additional research or field investigations by either the department or by the private applicant is required when the information available to the department is not sufficient for it to make a determination of the potential adverse environmental impacts [See WAC 332-40-330]. It is expected, however, that many proposals can be evaluated entirely through an office review [See WAC 332-40-320] of the environmental checklist, and that for other proposals, the majority of the questions in the environmental checklist may be answered in the same manner.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-365 ENVIRONMENTAL CHECKLIST. The department shall use an environmental checklist, ((available at the SEPA Public Information Center,)) form number RES 30-1802 (REV) (5-76). The questions appearing in the environmental checklist are exclusive, and considerations which do not appear in it or in WAC 332-40-360 shall not be used in making a threshold determination. This checklist does not supersede or void application forms required under any other federal or state statute or local ordinance, but rather is ((supplementary thereto)) supplemental.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION. If at any time after the ((entry)) issuance of a declaration of significance, the proponent modifies the proposal so that, in the judgment of the department, all significant adverse environmental impacts ((resulting therefrom)) which might result are eliminated, the declaration of significance shall be withdrawn and a declaration of nonsignificance ((entered)) issued instead. ((The department shall also revise the registers at its SEPA public information center accordingly.)) If the proponent of a proposal is a private applicant, the proposal shall not be considered modified until all license applications for the proposal are revised to reflect the modification or other binding commitment is made by the applicant.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-405 PURPOSE AND FUNCTION OF A DRAFT EIS. (1) The principal purpose of the draft EIS document is to transmit information concerning a proposed governmental action and the alternatives to that action to public officials, project sponsors, and interested citizens. While the contents of a draft EIS may span a wide spectrum of issues, the focus of the document is upon the following:

- (a) The assessment of the adverse impacts upon the environment which may result from the proposed action or its alternatives, and
- (b) An analysis of measures which may be taken to mitigate or eliminate those adverse impacts.

(2) Another principal function to be served by the draft EIS process is to facilitate the transmittal to the department from other governmental agencies and interested citizens substantive information concerning the adverse impacts upon the environment discussed inadequately or erroneously in the draft EIS. The draft EIS process also provides an opportunity for reviewers of the document to bring to the attention of the department any issue of potential environmental

concern which should be explored by the department prior to the issuance of a final EIS.

(3) The purpose of an EIS is better served by short, concise documents containing summaries of, or reference to, technical data and avoiding unnecessarily detailed information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decision-making process.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-410 PREDRAFT CONSULTATION PROCEDURES. (1) Predraft consultation ((is-consultation-by)) occurs when the department consults with another agency with jurisdiction or expertise prior to completion of the draft EIS. Predraft consultation with another agency on proposals for private projects shall only be initiated by the department when requested by a private applicant participating in the preparation of the draft EIS. Predraft consultation with another agency on public proposals may be initiated at the option of the department.

(2) Predraft consultation is ((commenced)) begun when the department sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal ((in the possession of)) possessed by the department.

(b) A copy of the environmental checklist required by WAC 332-40-310, as reviewed pursuant to WAC 332-40-320.

(c) Any information in addition to the checklist resulting from application of WAC 332-40-330.

(d) Any other information deemed relevant to the proposal by the department such as:

(i) Prior EISs;

(ii) Portions of applicable plans or ordinances; or,

(iii) Prior scientific studies applicable to the site.

(3) Agencies so consulted will have forty-five days from receipt of the packet to respond in writing to the department. The required contents of the consulted agency response are governed by WAC 332-40-500 through 332-40-540.

(4) The department shall incorporate the relevant information received from other agencies during the predraft consultation stage into the draft EIS, by either summarizing the major findings which are contained in each of the consulted agency's responses or utilizing all of the data received. In the event the department disagrees with any conclusion expressed in the information received from the consulted agency, the conclusion shall be set forth together with the position of the department. The information required by this subsection may be placed wherever in the draft EIS the department deems most appropriate. There is no requirement that either the draft or final EIS include responses to predraft consultation in a separate "response" section.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE DEPARTMENT. (1) Preparation of the EIS is the responsibility of the department, by or under the direction of its responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official of the department. The responsible official, prior to distributing the draft EIS, shall be satisfied that it complies with ((the provisions of)) these guidelines and the guidelines of the department.

(2) An EIS may be prepared by a private applicant or his agent ((thercof)), or by an outside consultant retained by either a private applicant or the department. ((In such case,)) The responsible official within the department shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document. The use of consultants must have advance approval of the Supervisor.

(3) If a person other than the department is preparing the EIS, the responsible official will coordinate any predraft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official shall also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency or federal agency. The responsible official shall allow any private party preparing

an EIS access to all public records of the department which ((are relevant)) relate to the subject matter of the EIS, pursuant to chapter 42-17 RCW [Public Disclosure and Public Records Law; Initiative 276, 1973].

(4) Unless funds are appropriated by the legislature specifically for EIS preparation, all EIS required for ((private)) projects shall be prepared at the applicant's expense.

(5) The provisions of this section apply to both the draft and final EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-440 CONTENTS OF A DRAFT EIS. (1) The following subsections set forth the required contents of a draft EIS: PROVIDED, That where the department is preparing a draft EIS in order to satisfy the requirements of NEPA, as well as SEPA, and the regulations of the applicable federal agency require items in addition to that set forth below, then the contents of the draft EIS may be ((expanded)) modified as necessary to meet the requirements of that federal agency.

(2) Introduction. The following information shall be ((succinctly set forth)) briefly given at the beginning of the draft EIS:

(a) Action sponsor, and a brief (one or two sentence) description of the nature of the proposal and its location (street address, or nearest crossroads or cross-streets).

(b) Lead agency, responsible official, and the name and address of a contact person to whom comments, information and questions may be sent.

(c) Authors and principal contributors to the draft EIS and the nature or subject area of their contribution.

(d) List of all licenses which the proposal is known to require. The responsible official shall attempt to make this list as complete and specific as possible. Licenses shall be listed by name and agency.

(e) Location of EIS background data.

(f) Cost to the public for a copy of the EIS pursuant to chapter 42-17 RCW.

(g) Date of issue of the draft EIS.

(h) Dates by which consulted agency and public comments must be received to be incorporated into the final EIS.

(3) Table of contents.

(4) Distribution list. The draft EIS shall include a list of the names of all agencies, federal agencies, organizations and persons to whom the draft EIS will be sent upon publication [See WAC 332-40-460].

(5) Summary of the contents of the draft EIS. Each draft EIS shall contain a summary of its contents as an aid to the agency decision-makers. The lead agency is to bear in mind that agencies other than the lead agency may be utilizing the EIS as an aid in decision-making. Therefore, care should be taken to ensure that the scope of the summary and the EIS is sufficiently broad to be useful to those other agencies being requested to license or approve a proposal. The summary shall contain only a short restatement of the main points discussed in the EIS for each of the ((various subject areas)) subjects covered. In the event impacts cannot be predicted with certainty, the reason for uncertainty together with the more likely possibilities should be concisely stated. ((In most cases it is expected that the summary will run two to five pages, but it shall not be more than ten pages.)) The summary shall include a brief description of the following:

(a) The proposal, including the purpose or objectives which are sought to be achieved by the sponsor.

(b) The direct and indirect impacts upon the environment which may result from the proposal.

(c) The alternatives considered, together with any variation in impacts which may result from each alternative.

(d) Measures which may be ((effectuated)) effected by the applicant, lead agency, or other agency with jurisdiction to mitigate or eliminate adverse impacts which may result from the proposal.

(e) Any remaining adverse impacts which cannot or will not be mitigated.

(6) Description of the proposal. The draft EIS shall include a description of the total proposal, including, but not limited to, the following:

(a) The name of the proposal and sponsors.

(b) The location of the project, or area affected by a nonproject action, including an address, if any, and a legal description: PROVIDED, That where the legal description is by metes and bounds, or is excessively lengthy, a map, in lieu of a legal description, shall be included which enables a lay person to precisely understand the location of the proposal.

(c) Reference to the file numbers, if known, of any other agencies involved so the proposal's location may be identified with precision by the consulted agency.

(d) If the proposal involves phased construction (~~over a period of time~~), the timing of each (~~construction~~) phase should be identified (~~and if it is anticipated that~~). If later phases of the proposal (~~will~~) are expected to require future environmental analyses, these should be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description should be tailored to the environmental impacts (~~later discussed~~), with those physical aspects of the proposal causing the greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data should normally be avoided. Material of this nature should be retained in agency files and supplied to consulted agencies upon request.

(f) A brief description of existing comprehensive land use plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(g) Within the general guidelines of this subsection, the lead agency has discretion to determine the content and level of detail appropriate to adequately describe the proposal.

(7) Existing environmental conditions. This section shall include the following:

(a) A general assessment of the existing environment, covering those areas of the environment listed in WAC 332-40-444.

(i) The level of detail used in presenting the existing environment should be proportionate to the impacts the proposal will have if approved.

(ii) Areas of the environment which are not relevant to the identified impacts need only be mentioned generally, or not at all.

(iii) Inventories of the species of flora and fauna present on the site should be avoided (~~rather, emphasis should be placed upon~~). Those species and habitats which may be significantly affected should be emphasized.

(iv) This subsection shall be brief, nontechnical, and easily understandable by lay persons, and provide the necessary background for understanding the proposal's impacts.

(b) Specific reference shall be made to those inventories and data studies which provided the informational source for part or all of the contents of this subsection.

(8) The impact of the proposal on the environment. The following items shall be included in this subsection:

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 332-40-444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), shall be discussed in detail; impacts which are potential, but not certain to occur, shall be discussed within reason.

(b) Elements of the environment which will not be significantly affected shall be marked "N/A" (not applicable) as set forth in WAC 332-40-444(1).

(c) Direct and indirect impacts of the total proposal, as described in WAC 332-40-440(8)(a) shall be examined and discussed (for example, cumulative and growth-inducing impacts).

(d) The possibility that effects upon different elements of the environment will interrelate to form significant impacts shall be considered.

(9) The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity. The following items shall be included in this subsection:

(a) An identification of the extent to which the proposal involves trade-offs between short-term gains at the expense of long-term environmental losses.

(i) The phrases "short-term" and "long-term" do not refer to any fixed time periods, but rather are to be viewed in terms of the significant environmental impacts of the proposal.

(ii) Impacts which will narrow the range and degree of beneficial uses of the environment or pose long-term risks to human health shall be given special attention.

(b) A discussion of the benefits and disadvantages of reserving for some future time the implementation of the proposal, as opposed to possible approval of the proposal at this time.

(i) The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations.

(ii) Particular attention should be given to the possibility of foreclosing future options or alternatives by implementation of the proposal.

(10) Irreversible or irretrievable commitments of resources. The following items shall be included in this subsection:

(a) An identification of all substantial quantities of natural resources, including sources of energy and nonrenewable materials, which will be committed by the proposal on a permanent or long-term basis. Commitment of natural resources also includes the lost opportunities to make other uses of the resources in question.

(b) This subsection may be integrated with subsection (9) above in order to more usefully present the information required by both sections.

(11) Adverse environmental impacts which may be mitigated. The following items shall be included in this subsection:

(a) A description of reasonable (~~alterations~~) changes to the proposal which may (~~result in avoiding, mitigating or reducing~~) avoid, mitigate or reduce the risk (of occurrence) of any adverse environmental impacts (upon the environment).

(b) Energy conservation measures, including more efficient (~~utilization~~) use of conventional techniques (e.g., insulation) as well as newer methods.

(c) Each alternative discussed in (a) and (b) above shall be evaluated in terms of its effect upon the environment, its technical feasibility, and its economic practicability.

(12) Alternatives to the proposal. This subsection shall include the following items:

(a) A description and objective evaluation of any reasonable alternative action which could feasibly attain the objective of the proposal.

(i) Reasonable alternatives shall include any action which might approximate the proposal's objective, but at a lower environmental cost or decreased level of environmental degradation.

(ii) Reasonable alternatives may be those which are capable of being effected by either the lead agency or other agency having jurisdiction.

(b) The "no-action" alternative shall be evaluated and compared to the other alternatives.

(c) The adverse environmental effects of each alternative shall be identified.

(d) The analysis of alternatives should be sufficiently detailed to permit a comparative evaluation of each alternative and the proposal as described in subsection (6) of this section.

(e) (~~In those instances where~~) When the proposal is for a private project on a specific site, the alternatives considered shall be limited to the "no-action" alternative plus other reasonable alternative means of achieving the objective of the proposal on the same site or other sites owned or controlled by the same proponent (which may include only alterations for mitigation under subsection (11) of this section). This limitation shall not apply when the project proponent is applying for a rezone or contract rezone.

(f) Subsection (12) may be integrated with subsection (11) of this section in order to more usefully present the information required by both subsections.

(g) The use of the term "reasonable" is intended to limit both the number and range of alternatives that shall be described and evaluated in this subsection, as well as the amount or level of detail which the EIS shall employ for each alternative that is discussed and evaluated.

(13) Unavoidable adverse impacts. This subsection shall include the following items:

(a) A listing of those impacts included in subsection (8) of this section which are adverse but cannot, or will not, be mitigated or avoided (~~by modifications to the project~~).

(b) For any impact discussed in subsection (8) of this section which is determined to be nonadverse, the rationale for such determination shall be clearly stated.

(c) [Optional] A discussion of the relationship between the costs of the unavoidable adverse environmental impacts and the expected beneficial environmental impacts which will result from the implementation of the proposed action.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION.

(1) (~~The requirements of~~) WAC 332-40-440 (~~apply~~) applies to the contents of a draft EIS (~~on a proposal~~) for a nonproject action. The department, however, has greater flexibility in its approach to achieving compliance with the requirements of WAC 332-40-440 in writing an EIS for nonproject actions, because normally less specific details are known about the proposal and any implementing projects, as well as the anticipated impacts on the environment.

(2) The department should be (~~alert to the fact~~) aware that (~~it is in the development and review of~~) typically in developing and reviewing proposals for nonproject actions (~~where~~) the range of alternatives

is ~~((typically more broad))~~ broader than ~~((that of))~~ in developing a proposal for a project action ~~(which is often narrowed to a specific location and design)~~. The proposal should be described in a manner which encourages consideration of a number of alternative methods of accomplishing its objective. For example, an objective of an agency's proposal should be stated as "the facilitation of the movement of people from point A to point B" rather than "the widening of an urban arterial in order to accommodate additional privately-owned passenger vehicles."

AMENDATORY SECTION (Amending order 259, filed 6/10/76)

WAC 332-40-444 LIST OF ELEMENTS OF THE ENVIRONMENT. (1) Every EIS shall have appended to it a list of the elements of the environment in subsection (2), (3) and (4) of this section. The department shall place "N/A" ("not applicable") next to an item when the proposal, including its indirect impacts, will not significantly affect the area (or subarea) of the environment in question. Items marked "N/A" need not be mentioned in the body of the EIS. Subsections (2) and (3) of this section correspond in subject matter to the questions contained in the environmental checklist used for threshold determination, and the questions in the checklist may be used to interpret this outline listing. (Provided, this list of elements need not be appended to an EIS being prepared to satisfy both the National Environmental Policy Act and SEPA).

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

- (a) Earth.
 - (i) Geology.
 - (ii) Soils.
 - (iii) Topography.
 - (iv) Unique physical features.
 - (v) Erosion.
 - (vi) Accretion/avulsion.
- (b) Air.
 - (i) Air quality.
 - (ii) Odor.
 - (iii) Climate.
- (c) Water.
 - (i) Surface water movement.
 - (ii) Runoff/absorption.
 - (iii) Floods.
 - (iv) Surface water quantity.
 - (v) Surface water quality.
 - (vi) Ground water movement.
 - (vii) Ground water quantity.
 - (viii) Ground water quality.
 - (ix) Public water supplies.
- (d) Flora.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Agricultural crops.
- (e) Fauna.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Fish or wildlife habitat.
- (f) Noise.
- (g) Light and glare.
- (h) Land use.
- (i) Natural resources.
 - (i) Rate of use.
 - (ii) Nonrenewable resources.
- (j) Risk of explosion or hazardous emissions.

(3) ELEMENTS OF THE HUMAN ENVIRONMENT

- (a) Population.
- (b) Housing.
- (c) Transportation/circulation.
 - (i) Vehicular transportation generated.
 - (ii) Parking facilities.
 - (iii) Transportation systems.
 - (iv) Movement/circulation of people or goods.
 - (v) Waterborne, rail and air traffic.
 - (vi) Traffic hazards.

- (d) Public services.
 - (i) Fire.
 - (ii) Police.
 - (iii) Schools.
 - (iv) Parks or other recreational facilities.
 - (v) Maintenance.
 - (vi) Other governmental services.
- (e) Energy.
 - (i) Amount required.
 - (ii) Source/availability.
- (f) Utilities.
 - (i) Energy.
 - (ii) Communications.
 - (iii) Water.
 - (iv) Sewer.
 - (v) Storm water.
 - (vi) Solid waste.
- (g) Human health (including mental health).
- (h) Aesthetics.
 - (i) Recreation.
 - (j) Archeological/historical.

(4) The following additional element shall be covered in all EISs, either by being discussed or marked "N/A," but shall not be considered part of the environment for other purposes:

- (a) Additional population characteristics.
 - (i) Distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS. Upon publication of the draft EIS, the responsible official shall list the proposal in the ~~((lead agency's))~~ department "EIS Available Register" maintained at the department's SEPA public information center.

NEW SECTION

WAC 332-40-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD. (1) A consulted agency shall have thirty-five days from the date of issuance in which to review the draft and forward its comments and information to the department. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the department. Extensions may not be granted for any other purpose.

(2) There shall be allowed a period of thirty-five days from the date of issuance for the public to forward to the department any comments upon or substantive information related to the proposal and the draft EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT. (1) ~~((A copy of each))~~ The draft EIS shall be ~~((mailed no later than the day that it is listed in the "EIS Available Register"))~~ issued by sending copies to the following:

- (a) The department of ecology.
- (b) Each federal agency having jurisdiction by law over a proposed action.
- (c) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action, as defined by WAC 332-40-040 and 332-40-465 (required by RCW 43.21C.030(2)(d)).
- (d) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for non-project actions.)
- (e) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.
- (f) The applicable regional planning commission, regional clearinghouse, statewide clearinghouse, or area-wide council of government which has been designated to review and coordinate local governmental planning under the A-95 review process and other federal regulations and programs [See RCW 36.64.080, RCW 35.63.070 and RCW 36.70.070].
- (g) The department's SEPA public information center.

(h) ~~((Option))~~ Any person, organization or governmental agency that has expressed an interest in the proposal, is known by the department to have an interest in the type of proposal being considered, or receives governmental documents (e.g., local and regional libraries) may be sent a copy of the draft EIS.

(2) An agency that receives a copy of the draft EIS does not become a "consulted agency" under these guidelines due to that factor alone. [See WAC 332-40-040, 332-40-465, 332-40-510 and 332-40-520 for those provisions that define a consulted agency.]

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE. The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

- (1) Air quality.
 - (a) Department of ecology.
 - (b) Department of natural resources (only for burning in forest areas).
 - (c) Department of social and health services.
 - (d) Regional air pollution control authority or agency.
- (2) Water resources and water quality.
 - (a) Department of game.
 - (b) Department of ecology.
 - (c) Department of natural resources (state-owned tidelands, harbor areas or beds of navigable waters).
 - (d) Department of social and health services (public water supplies, sewer systems, shellfish habitats).
 - (e) Department of fisheries.
 - (f) Oceanographic commission (marine waters).
- (3) Fish and wildlife.
 - (a) Department of game.
 - (b) Department of fisheries.
 - (c) Oceanographic commission (marine waters).
- (4) Solid waste.
 - (a) Department of ecology.
 - (b) Department of fisheries (dredge spoils).
 - (c) Department of social and health services.
- (5) Noise.
 - (a) Department of ecology.
 - (b) Department of social and health services.
- (6) Hazardous substances (including radiation).
 - (a) Department of ecology.
 - (b) Department of social and health services.
 - (c) Department of agriculture (foods or pesticides).
 - (d) Department of fisheries (introduction into waters).
 - (e) Oceanographic commission (introduction into marine waters).
- (7) Natural resources development.
 - (a) Department of commerce and economic development.
 - (b) Department of ecology.
 - (c) Department of natural resources.
 - (d) Department of fisheries.
 - (e) Department of game.
 - (f) Oceanographic commission (related to marine waters).
- (8) Energy production, transmission and consumption.
 - (a) Department of commerce and economic development (office of nuclear energy development—nuclear).
 - (b) Department of ecology.
 - (c) Department of natural resources (geothermal, coal, uranium).
 - (d) State energy office.
 - (e) Thermal power plant site evaluation council (thermal power plants).
 - (f) Utilities and transportation commission.
- (9) Land use and management.
 - (a) Department of commerce and economic development.
 - (b) Department of ecology.
 - (c) Department of fisheries (affecting surface or marine waters).
 - (d) Department of natural resources (tidelands or state-owned or -managed lands).

- (e) Office of community development.
- (10) Transportation.
 - (a) Department of highways.
 - (b) Utilities and transportation commission.
 - (c) Oceanographic commission (water borne).
- (11) Recreation.
 - (a) Department of commerce and economic development.
 - (b) Department of game.
 - (c) Department of fisheries.
 - (d) Parks and recreation commission.
 - (e) Department of natural resources.
- (12) Archaeological/historical.
 - (a) ~~((Parks and recreation commission.))~~ Office of archaeology and historic preservation.
 - (b) Washington state university at Pullman (Washington archaeological research ((council)) center).

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS. The department shall ~~((make available))~~ provide a copy of any environmental document, in ~~((the manner provided by))~~ accordance with chapter 42.17 RCW, charging only those costs allowed therein and mailing costs ~~((PROVIDED That))~~. However, no charge shall be levied for circulation of documents to other agencies ((which is)) as required by these guidelines.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED. (1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any available environmental document.

(2) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

- (a) The department determines, in its sole discretion, that a public hearing would assist the department in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or,
- (b) When fifty or more persons residing within the jurisdiction of the department, or who would be adversely affected by the environmental impact of the proposal, make written request to the department within thirty-five days of ~~((the listing of the proposal in the "EIS Available Register"))~~ issuance of the draft EIS; or,
- (c) When two or more agencies with jurisdiction over a proposal make written request to the department within thirty-five days of ~~((the listing of the proposal in the "EIS Available Register."))~~ issuance of the draft EIS.

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty-one days from the ~~((the listing of the proposal in the "EIS Available Register."))~~ issuance of the draft EIS and no earlier than fifteen days from such date of ~~((the listing))~~ issuance.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-500 DEPARTMENT RESPONSIBILITIES WHEN CONSULTED AS AN AGENCY WITH JURISDICTION. The department, when responding to a consultation request prior to a threshold determination, participating in predraft consultation, or reviewing a draft EIS, shall immediately begin the research and, if necessary, field investigations which it would normally conduct in conjunction with whatever license it requires for a proposal ~~((or)).~~ In the event no license is involved the department shall investigate the impacts of the activity it will undertake which gives it jurisdiction over a portion of the proposal. The end result of these investigations should be that the department will be able to transmit to the lead agency substantive information on those environmental impacts of the proposal which are within the scope of the license or activity of the department. The department, in its response to the lead agency, should also indicate which of the impacts it has discovered may be mitigated or avoided and how this might be accomplished, and describe those areas of environmental risk ~~((s))~~ which remain after it has conducted the investigations that may have been required.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES. The department shall not charge the lead agency for any costs incurred in complying with WAC 332-40-500 through 332-40-540, including, but not limited to, ~~((such functions as))~~ providing relevant data to the lead agency and the reproduction of various documents that are transmitted to the lead agency. This section shall not prohibit the department from charging those costs allowed by chapter 42.17 RCW, for the reproduction of any environmental document when the request for a copy of the document is from an agency other than the lead agency, or from an individual or private organization.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-540 LIMITATIONS ON RESPONSES TO CONSULTATION. ~~((In those instances where))~~ If part or all of the relevant data possessed by the department is ~~((either))~~ voluminous in nature, extremely bulky or otherwise incapable of ready transmittal to the lead agency, or consists of a report or document published by another agency, or represents a standard text or other work obtainable at a public library, such data or information may be clearly identified or cited by the department in its comments to the lead agency and the data itself need not be transmitted. When the department identifies ~~((relevant data, files or other))~~ material pursuant to this section, it shall describe briefly the nature of such information and clearly indicate its relevance to the environmental analysis of the proposed action in question. If the details of the proposal supplied with the consultation request are not sufficient to allow a complete response, the department shall be required to transmit only that information it is capable of developing from the material sent to it with the consultation request.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-545 EFFECT OF NO WRITTEN COMMENT. If a consulted agency does not respond with written comments within thirty-five days of the date of ~~((posting of the draft EIS in the "EIS Available Register,"))~~ issuance of draft EIS or ~~((fails to respond))~~ within ~~((the))~~ a fifteen-day extension period ~~((which may have been))~~ granted by the lead agency, the department may assume that the consulted agency has no information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the department in response to a draft EIS is thereafter barred from alleging any defects in the department's compliance with WAC 332-40-400 through 332-40-495, or with the contents of the final EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. (1) If the department does not receive any comments critical of the scope or content of the draft EIS, the department may prepare a statement to ~~((the))~~ that effect ~~((that no critical comments were received))~~ and circulate that statement in the manner prescribed in WAC 332-40-600.

(2) The statement prepared and circulated pursuant to subsection (1) above, together with the draft EIS (which is not recirculated with the statement), shall constitute the "final EIS" for the proposal: PROVIDED, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. (1) When the department receives any comments critical of the scope or content of the draft EIS, whether made in writing or made orally at any public hearing on the environmental impact of the proposal, it shall comply with either subsection (2) or (3) below.

(2) The department may determine that no changes or only minor changes are required in either the draft EIS or the proposal, despite the critical comments that were received during the commenting period. The department must prepare a document containing a general response to the comments that were received, any minor changes to the

EIS or proposal, the text or summary of written comments, and a summary of the oral comments made by the public at any hearing held on the proposal or its environmental impacts. The department shall then circulate the document in the manner prescribed in WAC 332-40-600: PROVIDED, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

(3) The department may determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the department shall circulate the rewritten EIS in the manner specified in WAC 332-40-600. The department shall ensure that the rewritten EIS evidences an affirmative response by the department to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(4) A document prepared and circulated pursuant to subsection (2) or (3) above shall constitute the "final EIS" for the proposal.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-600 CIRCULATION OF THE FINAL EIS. The final EIS shall be ~~((circulated))~~ issued by circulating to the department of ecology, office of the governor or the governor's designee, the ecological commission, the department's SEPA public information center, agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and cost as the draft EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA. (1) The requirements of this chapter relating to the preparation of an EIS shall not apply when an adequate final EIS has been prepared pursuant to the national environmental policy act of 1969 (NEPA), in which event such EIS may be utilized in lieu of a final EIS separately prepared under SEPA.

(2) The final EIS of a federal agency shall be adequate unless:

(a) A court rules that it is inadequate; or,

(b) The administrator of the United States Environmental Protection Agency issues a written comment pursuant to the Federal Clean Air Act, 42 U.S.C. § 1857, which determines it to be inadequate; or,

(c) The environmental elements of WAC 332-40-444, when applied locally, are not adequately treated in it.

(3) If, after review thereof, the department determines that the federal EIS is adequate, it shall be listed in the "EIS Available Register" in the SEPA public information center. A notice to this effect shall be circulated as in WAC 332-40-600.

(4) If a hearing open to public comment upon the adequacy of the federal EIS has not previously been held within the jurisdiction of the SEPA lead agency, a public hearing on the sole issue of the adequacy of the content of a federal EIS shall be held if, within thirty-five days of ~~((its listing in the register))~~ the notice in (3) above, at least fifty persons who reside within the jurisdiction of the department, or are adversely affected by the environmental impact of the proposal, make written request ~~((therefor))~~. The department shall reconsider its determination of adequacy in view of comments received at any such public hearing.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION. (1) The department may adopt and utilize a previously prepared EIS, or portion thereof, to satisfy certain of the EIS requirements applicable to a different proposed action, as set forth in (2) and (3) below. In such event, two requirements shall be met:

(a) The previous EIS or portion thereof, together with any supplement to it, shall meet the requirements of these guidelines applicable to an EIS for the new proposed action, and

(b) ~~((A previous EIS shall not be used without an explanatory supplement))~~ Where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action a previous EIS shall not be used without an explanatory supplement.

(2) When the new proposed action will have an impact on the environment that was not adequately analyzed in the previously prepared EIS, the department shall prepare a draft supplemental EIS and comply with the provisions of WAC 332-40-400 through 332-40-695. The contents of the draft and final supplemental EIS shall be limited

to those impacts of the proposed action which were not adequately analyzed in the earlier EIS.

(3) When the new proposed action will not have an impact on the environment that is substantially different than the impacts of the earlier proposed action, the department may prepare a written statement setting forth its determination under this subsection and list the proposal in the "EIS Available Register". The department shall not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. However, the provisions of WAC 332-40-480 through 332-40-490, relating to a public hearing on the environmental impact of a proposal shall apply (~~however, to proposed actions determined to be under the provisions of this subsection~~).

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-690 USE OF ANOTHER LEAD AGENCY'S EIS BY THE DEPARTMENT FOR THE SAME PROPOSAL. (1) When the department is considering an action which is (~~identified as~~) part of a proposal covered by a final EIS of another lead agency, and the department was consulted as an agency with jurisdiction during the consultation process on the previous EIS because of the action it is now considering, the department must utilize the previous EIS unchanged when it is considering its present action except under the conditions of subsection (2) (~~hercoof~~).

(2) The department shall review and consider supplementing an EIS prepared by the lead agency only if:

(a) The proposal has been significantly modified since the lead agency prepared the EIS; or,

(b) The action now being considered was identified in the lead agency's EIS as one which would require further environmental evaluation; or,

(c) The level of design or planning for the proposal has become more detailed, revealing inadequately analyzed impacts; or,

(d) Technical data has become available which indicates the presence of a significant adverse environmental impact.

In such cases, the department shall prepare a supplement to the lead agency's EIS if (~~and only if~~) it determines that significant adverse environmental impacts have been inadequately analyzed in the lead agency's EIS.

(3) If the department is not listed as a licensing agency in the draft EIS pursuant to WAC 332-40-440(2)(d) and did not receive a copy of the draft EIS, the department shall not be limited by the contents of the earlier EIS in preparing its statement.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS. (1) In any case where the department is preparing a supplement to an earlier EIS or to an EIS prepared pursuant to NEPA, it shall prepare a draft supplemental EIS and comply with WAC 332-40-450 through 332-40-470. Copies (~~of both the prior and supplemental EIS shall be maintained at the SEPA public information center, and copies~~) of the prior EIS, as well as the supplement, shall be transmitted to the consulted agencies which had not previously received it.

(2) Upon preparation of the draft supplemental EIS, the department shall comply with WAC 332-40-550 through 332-40-580 and the final supplemental EIS, together with the (~~earlier~~) prior EIS, shall be regarded as a final EIS for all purposes of these guidelines.

NEW SECTION

WAC 332-40-710 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS. No agency shall take any major action (as defined in WAC 332-40-040(31)) on a proposal for which an EIS has been required, prior to seven days from the issuance of the final EIS.

AMENDATORY SECTION (Amending Order 259, filed 6/10/76)

WAC 332-40-800 AMENDMENTS TO THIS CHAPTER. In the event that CEP or its successor agency adopts amendments to this chapter, the department shall adopt amendments to these guidelines within one hundred twenty days (~~and one hundred eighty days, respectively~~) to bring these guidelines into conformance with SEPA guidelines as amended.

REPEALER (Amending Order 259, filed 6/10/76)

The following section of the Washington Administrative Code is repealed:

WAC 332-40-835 REGIONAL SEPA PUBLIC INFORMATION CENTERS.

WSR 78-03-116 PROPOSED RULES PUBLIC DISCLOSURE COMMISSION [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.17 RCW, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning new sections, WAC 390-20-140 LOSS OF RCW 42.17.160 EXEMPTIONS, WAC 390-20-143 APPLICATION OF LOBBYING PROVISIONS TO ORGANIZATIONS, and WAC 390-20-145 REPORTING OF LOBBYING EVENTS;

that such agency will at 9:00 a.m., Tuesday, April 18, 1978, in the Second Floor Conf. Rm, Evergreen Plaza building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, April 18, 1978, in the Second Floor Conf. Rm, Evergreen Plaza Building, Olympia, WA.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 18, 1978, and/or orally at 9:00 a.m., Tuesday, April 18, 1978, Evergreen Plaza Building, Olympia, WA.

Dated: March 1, 1978
By: Graham E. Johnson
Administrator

NEW SECTION

WAC 390-20-140 LOSS OF RCW 42.17.160 EXEMPTIONS. (1) For the purpose determining compliance with RCW 42.17.220, a lobbyist's employer shall be responsible for the applicability of all of the exemptions provided in RCW 42.17.160 to any lobbyist the employer employs, pays, or agrees to pay.

(2) The Commission recognizes that a lobbyist who initially intends in good faith to utilize the "causal lobbying" exemption from registration and reporting which is provided in RCW 42.17.160(4) may thereafter become ineligible for that exemption, thus violating RCW 42.17.150 and/or .170 by not having registered and/or reported within the prescribed time periods.

(3) The Commission shall not regard the facts described in subsection (2) as compliance matters governed by chapter 390-37 WAC if the lobbyist:

(a) registers pursuant to RCW 42.17.150 before doing any lobbying in excess of the exemption limitations in RCW 42.17.160(4), and,

(b) files a report on form L-2 when next due under RCW 42.17.170, which report includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

(4) The duty under RCW 42.17.230(1) of a person required to register as a lobbyist to obtain and preserve all records necessary to substantiate required financial reports shall include such records of all activities which cumulatively cause the RCW 42.17.160(4) exemption limitations to be reached and exceeded.

NEW SECTION

WAC 390-20-143 APPLICATION OF LOBBYING PROVISIONS TO ORGANIZATIONS. (1) A lobbyist other than a natural person shall be deemed to have properly restricted its lobbying activities so as to be eligible for the RCW 42.17.160(4) "casual lobbying" exemption during any three-month period in which it, acting through any one or more individuals, does not sponsor or coordinate or directly make expenditures for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the State of Washington in connection with lobbying (a) which exceed a total of fifteen dollars, and (b) which are otherwise unreported under this chapter.

(2) A lobbyist other than a natural person which does sponsor or coordinate or directly make unreported expenditures exceeding fifteen dollars during a three-month period, as fully described in subsection (1), shall be subject to the registration and reporting requirements of RCW 42.17.150 and .170, PROVIDED That it shall be deemed to have satisfied these requirements if an individual agent responsible for those expenditures (a) registers and reports, either as a lobbyist himself or showing the non-natural person as the lobbyist, and (b) includes as part of form L-2 when next due a report of these and all other lobbying expenditures sponsored, coordinated, or directly made by the non-natural person during that three-month period which are not reported on the L-2 of another lobbyist.

(3) A person which employs or compensates a non-natural person, including but not limited to a law firm, consulting firm, or advertising agency, for lobbying shall report under RCW 42.17.180 as a lobbyist employer: PROVIDED That payment of a membership or other fee that is uniform among all of a class or group of persons shall not be regarded as employment or compensation for this purpose if the non-natural person's lobbying is merely incidental to other purposes for which the fee is paid.

NEW SECTION

WAC 390-20-145 REPORTING OF LOBBYING EVENTS. (1) A meeting or other gathering of individuals for which lobbying is a purpose or reasonably foreseeable result shall be reportable by or on behalf of the sponsoring person in accordance with WAC 390-20-143 and other applicable provisions of law: PROVIDED, That the Administrator or his designee, with the concurrence of the Chairman, is authorized to interpret in writing how all reportable information relative to a particular gathering shall be reported on form L-2 whenever the application of the appropriate provisions of law is unclear to the reporting person, and this interpretation, which shall be subject to review by the Commission at either of its next two regular meetings upon request of any person, shall be the interpretation of the Commission for that particular gathering.

(2) Any other lobbyist reporting such a gathering may incorporate by reference in his form L-2 a form L-2 which is filed on the sponsor's behalf and which reports the gathering in accordance with applicable provisions of law, including WAC 390-20-143(2) and subsection (1) of this rule.

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 12, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is chapter 291, Laws of 1977 ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 4/5/78, and/or orally at 10:00 a.m., Wednesday, April 5, 1978, in the Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

Dated: March 1, 1978

By: Gerald E. Thomas
Deputy Secretary

NEW SECTION

WAC 275-34-010 DEFINITIONS. (1) "Department" means department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services or his/her designee.

(3) "Juvenile court" and "court" will have the same meaning as detailed in RCW 13.04.021.

(4) "Diversion unit" means any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of chapter 13.40 RCW.

(5) "Diversion agreement" means a written agreement between a divertee and a diversion unit.

(6) "Divertee" means any alleged juvenile offender who has entered into a diversion agreement with a diversion unit and who is still under the supervision of such unit.

(7) "Restitution" means financial reimbursement by the juvenile offender to the victim(s) in an amount equal to

(a) actual damages sustained by loss of, or injury to, property and

(b) for personal physical injury, the cost of medical treatment and the amount of lost wages.

Restitution shall not include reimbursement for mental anguish, pain and suffering, or other intangible losses. Any restitution assessed by the diversion agreement shall not exceed an amount which the youth could reasonably be expected to pay during the operation of the agreement.

(8) "Juvenile," "youth," and "child," mean any individual who is under the chronological age of eighteen years and who has not previously been transferred to adult court for criminal prosecution. These terms shall also mean an individual over eighteen years of age but who remains under the jurisdiction of a juvenile court as provided in RCW 13.40.300.

(9) "Community service" means compulsory service, without compensation performed by the offender as punishment for committing an offense. Community service shall be performed for private or public nonprofit agencies and services.

NEW SECTION

WAC 275-34-020 PLANNING—COMMITTEES—

CREATION OF PLANS. (1) The administrator of juvenile court services, or the office of the chief county executive or officers shall initiate diversion program planning for their respective judicial districts by selecting members for and organizing planning committees. All planning committees shall, insofar as possible, consist of people representing a broad range of interest in youth. To insure such representation, representatives of the county juvenile court, local law enforcement, the county prosecuting attorney's office, the county executive office, the regional law and justice planning office, and private and public nonprofit youth planning agencies shall be requested to belong to such committee or otherwise participate in such planning.

(2) The members of the planning committee shall select a chairperson by a majority vote.

(3) The committee shall be responsible for the preparation of annual written diversion program plans. Plans shall be in accordance with the requirements of chapter 13.40 RCW and the requirements of this chapter.

**WSR 78-03-117
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**(Institutions)
[Filed Mar. 1, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning new chapter 275-34 WAC relating to diversion;

that such agency will at 10:00 a.m., Wednesday, April 5, 1978, in the Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

NEW SECTION

WAC 275-34-030 PLANNING—SUBMISSION OF PLANS—TIME LIMITS. (1) Written plans prepared by planning committees shall be submitted to the department for its review and approval. Approved plans will be financed by the department, with the exceptions contained in this chapter, through monies provided the department for this purpose.

(2) The initial plans shall be submitted, together with a formal application for funding in accordance with such plans, on or before May 1, 1978. Program implementation for such plans shall be on or about July 1, 1978.

(3) All subsequent plans and applications shall be submitted on or before June 1 and relate to program implementation on or about January 1 of the following year.

(4) Contracts for programs to begin on or about July 1, 1978 shall extend through December 31, 1978; subsequent contracts will be written on a twelve month calendar year basis.

NEW SECTION

WAC 275-34-040 STATE FUNDING. (1) State funds may be provided by the department and spent for a diversion program for wages of personnel directly responsible for the implementation or operation of a diversion program, necessary operating and equipment expenses, expenses caused by training of community volunteers, and expenses incurred for the program through contracts with third parties for the performance of educational, informational, or counseling interviews with divertees.

(2) The term "necessary operating and equipment expenses" as used herein shall not be construed to include expenses caused by building construction or the creation of substantial capital improvements.

(3) State funds shall not be provided to defray diversion program expenses which were, prior to July 1, 1978, financed without state assistance.

NEW SECTION

WAC 275-34-050 PROGRAM PLAN—REQUIRED ELEMENTS. The program plan shall

- (1) identify all diversion program staff by title and responsibility,
- (2) document total cost of program operation by line item cost,
- (3) describe the process of divertee assignment to diversion unit,
- (4) describe the procedure whereby the divertee's needs and obligations are assessed,
- (5) describe the control and monitoring procedures to be used with regard to such program,
- (6) describe the process for termination of diversion agreement,
- (7) describe the manner by which the amount of restitution due will be decided upon, collected, and paid to the victim,
- (8) state whether the program will operate and be administered separate from the court and, if no such separation is anticipated, explain why a connection between the court and the diversion program is necessary and advisable in accordance with WAC 275-34-090,
- (9) indicate the estimated number of clients to receive diversion services during the contract period and describe how these figures were derived,
- (10) describe how violators of diversion agreements will be returned to or referred to the court for disposition,
- (11) justify why this particular plan for diversion was decided upon, and
- (12) include a statement indicating the contractees willingness to participate in an evaluation program.

NEW SECTION

WAC 275-34-060 DIVERSION UNIT—SPECIFICATIONS IN PLANS. Proposed plans shall specify that the diversion unit shall

- (1) maintain a record system separate and apart from existing juvenile court records,
- (2) make provisions to insure that divertees and potential divertees are afforded due process as detailed in RCW 13.40.080(4) through (6),
- (3) to the extent possible, involve members of the community in the implementation of community service assignments, restitution, and counseling interviews,
- (4) provide for a community services coordinator to monitor and supervise diversion agreement, and
- (5) establish a procedure necessary to ensure the confidentiality of client records.

NEW SECTION

WAC 275-34-070 APPROVAL OF PLAN BY SECRETARY. The secretary will give each application individual consideration and will notify each applicant as to whether the applicant's plan has been approved or disapproved. Notification of approval or disapproval, as to the initial plans submitted on or before May 1, 1978, will be given on or before June 1, 1978. For all subsequent proposed plans and applications, assuming those plans and applications are submitted in a timely fashion, notice of department approval or disapproval shall be given the applicants on or before September 1 of the year in which the proposed plan is submitted. If a proposed plan and application is disapproved, the secretary shall submit in writing the reason(s) therefore. Subsequent to a plan's disapproval, the applicant may request reconsideration by the secretary of the disapproved proposed plan.

NEW SECTION

WAC 275-34-080 MODIFICATION OF APPROVED PLAN. Approved plans may be modified only with the prior approval of the department. State funds will not be usable to pay expenses incurred prior to the date of approval of a revised plan if those expenses are not in accord with the approved plan. When modifications are desired, a written statement of such modification shall be submitted to the department together with correspondence explaining the reasons therefore. The secretary shall review the proposed modification and notify the applicant of approval or disapproval within thirty days.

NEW SECTION

WAC 275-34-090 SEPARATE ADMINISTRATION—EXCEPTIONS. Diversion units as funded herein shall be administered and operated separately from the court; provided that, counties other than those in class AA and A may request of the department an exemption from this requirement. Exemptions may be granted by the department if the existence of the following conditions are clearly demonstrated by the applicant:

- (1) past efforts at diversion were operated solely by the court,
- (2) resources necessary for diversion programs do not exist within the county or judicial district, and
- (3) resources for diversion programs cannot reasonably be established within the county or judicial district.

Requests for exemptions shall be included in the annually submitted plans.

NEW SECTION

WAC 275-34-100 EXCEPTIONS TO RULES. The secretary may in his or her discretion waive the specific requirements of this chapter. Requests for such a waiver shall be prepared by the applicant and be submitted with the annual written proposed plan. Such requests shall include an explanation of the circumstances which the applicant contends justifies such waiver. The secretary will give each waiver request individual consideration and promptly advise the applicant in writing of the secretary's decision regarding the waiver and explain the basis for such decision. Waivers may also be requested, in a like fashion to the procedure discussed herein, when an applicant submits proposed modifications as per WAC 275-34-070. Nothing herein shall be construed to affect requirements specifically imposed by law on diversion plans or programs.

NEW SECTION

WAC 275-34-110 PROGRAM REVIEW AND MONITORING. A formal inspection of diversion programs will be made at least once a year by the staff of the department and at such other times that the secretary may require. This inspection or inspections shall be made in cooperation with officials responsible for the administration of diversion programs. The purpose of these inspections will be to verify that the proposed plan or plans previously approved by the secretary are, in fact, the programs provided by the contractor/grantee and further, that these programs are operated in compliance with the standards established pursuant to Chapter 13.40 RCW and serve to meet the intent of the law. The inspection(s) shall consider all services provided for, and requirements placed on, juveniles assigned to diversion programs.

WSR 78-03-118
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning the amending of chapter 388-54 WAC relating to food assistance programs.

It is the intention of the Department to file these rules on an emergency basis on March 1, 1978.

that such agency will at 10:00 a.m., Wednesday, April 19, 1978, in the Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 26, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 19, 1978, and/or orally at 10:00 a.m., Wednesday, April 19, 1978, Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

Dated: March 1, 1978

By: Gerald E. Thomas
 Deputy Secretary

AMENDATORY SECTION (Amending Order 660, filed 2/23/72)

WAC 388-54-535 ((CERTIFICATION—CONTINUATION)) TRANSFER OF CERTIFICATION AND LOST BENEFITS. (1) The certification of a household which moves from one project area to another shall remain valid for a period of sixty days after the date of its move provided that

- (a) The household membership does not change, and
- (b) The household is certified as eligible on the anticipated date of departure except under disaster eligibility standards or a sixty day continuation, and
- (c) Cooking facilities are available in the new residence which is not a boarding house or institution.

(2) A household that is entitled to restoration of lost benefits may have any remaining balance due them transferred to their new project area whether or not the household chooses to have its certification transferred.

AMENDATORY SECTION (Amending Order 1136, filed 7/29/76)

WAC 388-54-595 RETROACTIVE BENEFITS. ~~((+))~~ Households certified to participate in the food stamp program shall be reimbursed when their food stamp benefits have been delayed, denied or terminated as a result of ESSO delay in processing an application (see WAC 388-54-405(4)) or as a result of any other administrative error.

(a) Reimbursement shall be provided through automatic forward adjustments to the purchase requirement of the household. No action will be required by either the household or a fair hearing authority.

(b) When the ESSO determines that a household is entitled to lost benefits as outlined under subsection (1), the household shall be notified in writing that a credit account has been established, the amount of the benefits to be restored, and the right to appeal to the fair hearing process if the household disagrees with the computation of the forward adjustment.

(c) If a fair hearing is requested, lost benefits will be restored as originally computed pending the fair hearing decision:

(2) Deleted

(3) If, as a result of a fair hearing decision, pursuant to WAC 388-54-527, a household is determined to be eligible for retroactive benefits, the benefits shall be made available by reducing its purchase requirement so that the reduction will, in the shortest time possible, equal the amount of the benefits lost. When an authority to purchase card is issued to such a household, the reduction in the purchase requirement reflected on the card shall be considered retroactive benefits made available to the household whether or not the household negotiates the card.

(4) If a household which is entitled to retroactive benefits owes an unpaid balance on a claim (see WAC 388-54-598-) (1) Households certified to participate in the food stamp program shall be reimbursed when their benefits have been delayed, denied or terminated as a result of ESSO delay in processing an application or as a result of any other administrative error.

Denials include, but are not limited to, instances where the household's application has been erroneously denied, or where a household attests, by signed statement, that it was unable to purchase all or part of its allotment because it was assigned an erroneously high purchase requirement.

(2) The length of time benefits were lost shall be calculated from the date the erroneous action took effect and end with either the date the error is corrected, the first month the household is found ineligible, or the first month the household reapplied and was determined eligible, whichever occurs first.

(3) If a household is determined to be eligible for retroactive benefits, the benefits shall be restored by reducing the purchase requirement so that the reduction will, in the shortest time possible, equal the amount of the benefits lost. When a food coupon authorization card is issued to such a household, the reduction in the purchase requirement reflected on the card shall be considered retroactive benefits made available to the household whether or not the household negotiates the card or purchases less than the full month's option.

(a) If a household is currently eligible to participate at the zero purchase level, the household's normal monthly coupon allowance shall be increased up to 50% for as many consecutive months as is necessary to restore the lost benefits, or until a purchase requirement is assigned.

(b) If a household is currently not eligible for participation in the food stamp program, the household will receive a credit for the amount of lost benefits. This credit shall be used if and when the household becomes eligible.

(4) When the ESSO determines that a household is entitled to lost benefits as outlined under subsection (1) of this section, the household shall be notified in writing: That a credit account has been established; the amount of benefits to be restored; of the right to appeal if the household disagrees with the computation of lost benefits.

(5) If a fair hearing is requested, lost benefits will be restored as originally computed pending the fair hearing decision.

If as a result of a fair hearing decision, the household is determined to be eligible for retroactive benefits, these benefits will be computed as set forth in (3) of this section.

(6) If a household, which is entitled to retroactive benefits, owes an unpaid balance on a claim, these retroactive benefits shall be applied against the unpaid balance.

WSR 78-03-119
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning the amending of chapter 388-17 WAC relating to the Senior Citizens Services Program;

that such agency will at 10:00 a.m., Wednesday, April 19, 1978, in the Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 26, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.38.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 19, 1978, and/or orally at 10:00 a.m., Wednesday, April 19, 1978, Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

Dated: March 1, 1978

By: Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-010 LEGAL BASIS FOR SENIOR CITIZENS SERVICES PROGRAM. ~~((The Senior Citizens Services Act authorizes the department of social and health services office on aging to develop and/or expand programs of alternative care services in order to more appropriately meet the care needs of senior citizens))~~ The following rules are adopted under the authority of chapter 74.38 RCW.

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-020 DEFINITIONS. (1) All terms used in this chapter which are not defined herein shall have the same meaning as indicated in ~~((the Senior Citizens Services Act))~~ chapter 74.38 RCW.

(2) ~~((Alternative care — care designed to reduce the incidence of institutionalization by maximizing in-home care to assist individuals to reach and maintain the highest practical level of independence.~~

~~((3))~~ Declaration — a signed statement, attesting to an individual's age, income, resources and need for services.

~~((4))~~ Impairment — the presence of a physical, mental or other condition which reduces and individual's ability to function independently.

~~((5))~~ Income — (see also WAC 388-17-160) — any appreciable gain in real or personal property (cash or kind) received by an applicant or recipient after applying for the senior citizens services program, which can be applied toward meeting the requirements of the applicant or recipient and the applicant's or recipient's dependents.

~~((6))~~ Low income — income at or below forty percent of the state median income as determined by Title XX of the Social Security Act and resources at or below the amount specified in WAC 388-17-160.

~~((7))~~ Need — financial — the difference between the cost of a service or services and the amount of payment, if any, to be made by a recipient, as determined by the fee schedule referred to in WAC 388-17-180.

~~((8))~~ Resource — (see also WAC 388-17-160) — any real or personal property owned by or available to an applicant at the time of application for the senior citizens services program, which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent.)

(3) Household — applicants and recipients shall be considered to be single person households except:

(a) a husband and wife residing together are considered a two person household.

(b) an applicant or recipient which provides the majority of the support for a person(s) residing with the applicant or recipient shall be considered a member of a household which includes the applicant or recipient and the dependent person(s).

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-100 RIGHTS AND RESPONSIBILITIES OF APPLICANTS AND RECIPIENTS. (1) Each applicant and/or recipient of the senior citizens services program shall have the following rights:

(a) Any individual wishing to do so shall have the right to apply for the senior citizens services program and have his or her eligibility determined within ten days. If an adverse decision is made regarding eligibility, the applicant will be provided written notice. The notice of eligibility shall include a statement of the reasons upon which an unfavorable decision is based and a statement of the individual's right to a hearing, and a statement of the individual's right to representation at the hearing by a friend, relative or other representative.

(b) An eligible individual shall be given the requested services, within the limits of available funds, which are offered by the area agency on aging in his or her geographic area.

(c) An applicant or recipient who feels aggrieved by a decision of the ~~((department;))~~ area agency or service provider regarding his or her eligibility for senior citizens services shall have the right ~~((to a fair hearing to be conducted in accordance with))~~ an informal hearing provided by the area agency. The hearing shall be held within thirty days of the date a request is made and a written decision shall be rendered within fifteen days after the hearing. If the applicant or recipient is dissatisfied with the outcome of the informal hearing, he or she may request the department provide a fair hearing as specified in chapter 388-08 WAC. Any person who desires a ((fair)) hearing must within thirty days after receiving written notice of a decision regarding eligibility make written request for a hearing to the ((secretary of)) area agency or the department. ((The notice of eligibility shall include a statement of the reasons upon which an unfavorable decision is based and a statement of the individual's right to a hearing, and a statement of the individual's right to representation of the hearing by a friend, relative or other representative.))

(d) Information obtained by the department, area agency or vendor ~~((concerning))~~ identifying any applicant or recipient of senior citizens services is confidential and privileged and may not be disclosed or used either directly or indirectly in any manner or for any purpose except for purposes directly related to the administration of the program, unless the applicant or recipient requests in writing that the information be disclosed.

(e) Each applicant and recipient shall be treated with dignity and courtesy and there shall be no discrimination against any individual because of race, sex, religious creed, political beliefs ~~((or)),~~ national origin or handicap.

(f) Each applicant for services for which a fee may be charged shall be fully informed in writing of his or her rights and responsibilities in connection with the senior citizens services program.

(2) An applicant and/or recipient shall have the following responsibilities:

(a) Each applicant for services for which a fee may be charged shall provide complete and accurate information on an application form provided by the department and cooperate in establishing his or her eligibility for services.

(b) If services provided by the senior citizens services program are available at no cost to the applicant through other sources, the applicant shall apply for these services through the appropriate agency.

(c) Each recipient of services for which a fee may be charged shall promptly report any changes in income or resources in writing which may affect his or her eligibility or amount of fees to be paid for services.

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-120 ELIGIBILITY FOR SENIOR CITIZENS SERVICES—APPLICATION. (1) An application for the senior citizens services program is a request in writing made by an individual on his or her own behalf or in behalf of another person on a form specified by the department.

(2) ((An application shall be accepted from anyone who wishes to apply and shall be acted upon within ten days.

~~((3))~~ An application shall contain a signed declaration that the information contained in the application is true, correct and complete to the best of the applicant's knowledge.

~~((4))~~ (3) Eligibility shall be determined on the basis of the declaration of circumstances contained in the application, in accordance with the rules of the department contained in this chapter.

~~((5))~~ (4) Each applicant for services for which a fee may be charged shall be given a notice of eligibility.

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-160 INCOME AND RESOURCES. (1) An individual whose income is at or below forty percent of the state median income for a family of four adjusted for family size, as determined by ~~((Title XX of the Social Security Act))~~ the secretary of H.E.W. and whose resources are at or below the limits specified in this section shall be eligible for services at no cost.

(a) The following shall be disregarded in determining the income and resources of an applicant or recipient:

(i) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

- (ii) The value of the coupon allotment under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons.
- (iii) The value of the U.S. department of agriculture donated foods (surplus commodities).
- (iv) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended.
- (v) Any compensation provided to volunteers in ACTION programs established by Titles I, II, and III of Public Law 93-113, the Domestic Volunteer Services Act of 1973.
- (vi) Any payment received from a foster care agency for children in the home.
- (vii) Garden produce[,] livestock and poultry used for home consumption.
- (viii) Any real property held in trust for an individual Indian or Indian Tribe.

(ix) The benefits of a program which by its terms provides that its benefits are exempt from consideration of eligibility in needs programs.

(2) Effective October ((1976)) 1977, the state median income for a family of four is \$((15,401))16,800. Forty percent is \$((6,160))6,720.
 ((a)) Family means a single individual or two or more persons related by blood, marriage or adoption, residing in the same household:
 (i) Husband and wife are considered a two-person family.
 (ii) Related individuals residing together who are not dependent on the income of only one of the individuals are each considered a separate family.
 (iii) An individual living with unrelated persons only is considered a one-person family.

(b)) Income tables for forty percent of median income.

Number In Family Unit	Monthly Income	Annual Income
1	((266))\$291	((3; 203))\$3,492
2	((348))381	((4,189))4,572
3	((431))471	((5,174))5,652
4	((513))560	((6,160))6,720
5	((595))650	((7,146))7,800
6	677	8,132))

For each additional family household member, add \$15 for monthly income, or \$180 for annual income.

(3) Income means any real or personal property in cash or kind received by an applicant or recipient after applying for the senior citizens services program which is available to meet the requirements of the applicant or recipient and his or her dependents.

((a)) Earned income means income in cash or kind earned as wages, salary, commissions or profit from activities in which an individual is engaged as a self-employed person or as an employee.

(b) Unearned income means all other income, including but not limited to, payments for maintenance or support, social security, supplemental security income, veterans' benefits, public assistance, pension, retirement benefits, military benefits, unemployment compensation, industrial accident payments, Indian payments, money from the sale of property, rentals, insurance payments, relatives or any other source.)

(4) Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property that is available shall mean property over which the applicant has legal right of control.

(a) The following resources, regardless of value, shall not be considered in determining the value of an applicant's or recipient's resources:

- (i) A home and lot normal for the community.
- (ii) Used and useful household furnishings, personal clothing, and automobiles.
- (iii) Personal property of great sentimental value.
- (iv) ((Other)) Personal property((, such as tools, machinery, livestock or business equipment)) used by the applicant or recipient to earn income or to rehabilitate himself/herself.
- (v) One cemetery plot for each member of the family unit.
- (vi) Cash surrender value of life insurance.

(b) The total value of all other resources including cash, marketable securities, and real or personal property shall not exceed \$10,000.00 for a single person or \$15,000.00 for a family of two. This maximum shall be increased by \$1,000.00 for each additional member of the ((family unit)) household.

AMENDATORY SECTION (Amending Order 1174, filed 11/30/76)

WAC 388-17-180 FEE SCHEDULE. (1) Eligible persons whose income and/or resources exceed the limits specified in WAC 388-17-160 for free services shall be responsible for payment of the total, or a percentage, of the cost for each service provided as determined by the fee schedule((:)) published in DSHS Form 14-155(X) 9/77 which is incorporated by reference herein. For each size household the percentage of the cost of the service for which the department will make payment is based on the following formula:

$$\frac{100\% \text{ state median income (SMI)} - \text{Household Income}}{100\% \text{ SMI} - 40\% \text{ SMI}} \times 100$$

(2) Service providers shall be responsible for collecting fees owed by eligible persons and reporting to area agencies all such fees paid or owed by eligible persons.

(3) ((No fees will be charged for access services, nutrition services, counseling for the terminally ill or legal services.

(4)) Fees paid shall not exceed the cost of services provided.

REPEALER (Amending Order 1174, filed 11/30/76)

The following sections of the Washington Administrative Code are repealed:

- (1) **WAC 388-17-030 DESCRIPTION OF PROGRAM—PURPOSE.**
- (2) **WAC 388-17-040 SCOPE.**
- (3) **WAC 388-17-050 ADMINISTRATION.**
- (4) **WAC 388-17-140 ELIGIBLE PERSONS.**
- (5) **WAC 388-17-200 SERVICES PROVIDED BY THE SENIOR CITIZENS SERVICES PROGRAM.**
- (6) **WAC 388-17-220 MENTAL HEALTH TRAINING PROGRAM.**
- (7) **WAC 388-17-240 VOLUNTEER PROGRAMS.**

WSR 78-03-120
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed Mar.1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning the amending of WAC 388-37-030 relating to continuing general assistance—eligible persons;

that such agency will at 10:00 a.m., Wednesday, April 19, 1978, in the Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 26, 1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 19, 1978, and/or orally at 10:00 a.m., Wednesday, April 19, 1978, Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia WA.

Dated: March 1, 1978
 By: Gerald E. Thomas
 Deputy Secretary

AMENDATORY SECTION (Amending Order 1214, filed 6/23/77)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility has been established, continuing general assistance shall be granted to

- (1) Deleted
- (2) Families ineligible for AFDC-E solely because the father/stepfather does not meet the work quarters requirement((s)) and one parent/stepparent is regularly attending a vocational ((or technical)) training course approved by the ESSO ((see WAC 388-24-135 and 388-57-028. WIN registration does not apply.)) in accordance with WAC 388-57-028.

~~((a) All training plans for persons receiving continuing general assistance under these circumstances shall be approved or disapproved according to the criteria in WAC 388-57-028(4). The ESSO shall not authorize or continue assistance to such an applicant or recipient when a training plan has been disapproved.))~~

(a) Disapproval of a training plan shall make the family ineligible for GAU.

(b) The ESSO shall approve no more than 24 continuous months of training per family.

(3) A person who at the time of attaining the age of 18 years is a recipient of public assistance and attending a state approved high school or vocational or technical institution.

(a) Assistance is continued while the person (if otherwise eligible) continually attends school on a full-time basis. Assistance is continued through the end of the school year immediately following the person's 18th birthday.

(b) If in the opinion of the ESSO administrator one additional year of schooling will lead to completion of a secondary education, assistance is continued for one additional school year.

(4) Unemployable persons. As used in this section unemployable means a person who is 65 years of age or older or a person who is physically or mentally incapacitated by a condition expected to continue for at least 30 days from date of application. Unemployability refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities. Eligible individuals are

- (a) An unemployable single adult,
- (b) A married couple if both persons are unemployable.
- (c) The unemployable spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described in WAC 388-28-500(2)(a) and (b).

(5) The spouse and children of a 65 year old beneficiary of supplemental security income when deprivation due to incapacity or unemployment cannot be established.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 78-03-121
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed Mar. 1, 1978]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning the amending of WAC 388-37-230 relating to noncontinuing general assistance—exempt and nonexempt resources and income;

that such agency will at 10:00 a.m., Wednesday, April 19, 1978, in the Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, April 26,

1978, in William B. Pope's office, 3-D-14, State Office Bldg. #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 19, 1978, and/or orally at 10:00 a.m., Wednesday, April 19, 1978, Auditorium, State Office Bldg. #2, 12th and Jefferson, Olympia, WA.

Dated: March 1, 1978

By: Gerald E. Thomas
Deputy Secretary

AMENDATORY SECTION (Amending Order 841, filed 8/9/73)

WAC 388-37-230 NONCONTINUING GENERAL ASSISTANCE—EXEMPT AND NONEXEMPT RESOURCES AND INCOME. ~~((1) An applicant for or recipient of noncontinuing general assistance shall be eligible for public assistance only when he has applied for and/or utilized any and all types of private nonexempt or public resources (other than general assistance) to the extent available.~~

~~((2) Any type of private or public resource shall be utilized to the full extent when available to meet need including any available employment, customary credit, contributions, donations, benefits, entitlements, compensation, etc., available from private welfare agencies, private organizations, firms or individuals, or public agencies other than the local office.))~~

(1) A person shall be eligible for GAN only when he has applied for and/or utilized to the full extent available any resources including but not limited to:

(a) employment and employment counseling and referral if the person is required to register with WSES as a condition of eligibility;

(b) benefits, entitlements, compensation.

(2) Failure to pursue and/or utilize such resources without good cause shall result in a 30-day period of ineligibility which shall begin the day after the current certification ends.

(a) The following conditions shall constitute good cause:

(i) Mental, physical, or emotional inability of the person to pursue and/or utilize such resources;

(ii) Inability of the person to get to and from the job, interview, counseling appointment, or application point for such resources without undue cost or hardship to him.

(3) The following types of property shall be considered non-exempt:

(a) Personal property

(i) Cash on hand or deposit,

(ii) The quick sale value of securities, mortgages and sales contracts,

(iii) The local value on life insurance,

~~((iv) The equity in an automobile, boat, truck or any other type of conveyance to the extent it can be used to secure a loan.))~~

~~((v)) (iv) The quick sale value of all other personal property except~~

(A) A used and useful vehicle when needed for medical reasons or to seek or retain employment,

~~((A)) (B) Used and useful household furnishings,~~

~~((B)) (C) Used and useful personal effects,~~

~~((C)) (D) Used and useful clothing,~~

~~((D)) (E) Tools and equipment used and useful in the individual's occupation or trade,~~

~~((E)) (F) Livestock, the products of which are consumed by the applicant and his dependents.~~

(b) Real property

The quick sale value of any real property other than the home. The home is exempt.

(c) Net recurring or nonrecurring income

(i) The determination whether a resource is at hand to meet need shall be governed by WAC 388-28-400, 388-28-450 and 388-28-455. Seven days shall ordinarily be considered a reasonable period to convert a resource in the possession and control of an applicant into money or its equivalent. An applicant furnishing satisfactory evidence that a resource cannot be converted into cash in seven days shall be granted a reasonable extension of the time limit by the local office and made known to the applicant.

(ii) WAC 388-28-420 shall apply in determining whether real property is used as a home.

(iii) WAC 388-28-360 through 388-28-380 shall apply in evaluating community, separate and joint property as an available resource.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 78-03-122
PROPOSED RULES
STATE BOARD OF HEALTH
 [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning the repeal of chapter 248-61 WAC;

that such agency will at 10:00 a.m., Wednesday, April 26, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA 98504 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, April 26, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 26, 1978, and/or orally at 10:00 a.m., Wednesday, April 26, 1978, Auditorium, Office Building #2, 12th and Franklin, Olympia, WA 98504.

Dated: March 1, 1978

By: John A. Beare, M.D.
 Secretary

REPEALER (Amending Order 841, filed 8/9/73)

The following sections of Washington Administrative Code are hereby repealed:

- (1) WAC 248-61-001 PURPOSE.
- (2) WAC 248-61-010 DEFINITIONS.
- (3) WAC 248-61-015 PLAN OF IMPLEMENTATION.
- (4) WAC 248-61-020 ADMINISTRATION.
- (5) WAC 248-61-030 WATER SUPPLY.
- (6) WAC 248-61-040 SEWAGE AND LIQUID WASTE DISPOSAL.
- (7) WAC 248-61-050 PLUMBING.
- (8) WAC 248-61-060 REFUSE DISPOSAL.
- (9) WAC 248-61-070 RODENT AND INSECT CONTROL.
- (10) WAC 248-61-080 LOCATION AND MAINTENANCE.
- (11) WAC 248-61-090 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS.
- (12) WAC 248-61-100 HEATING.
- (13) WAC 248-61-110 LIGHTING.
- (14) WAC 248-61-120 TOILET, HANDWASHING, BATHING AND LAUNDRY FACILITIES.
- (15) WAC 248-61-130 FOODHANDLING FACILITIES.
- (16) WAC 248-61-140 BEDS AND BEDDING.
- (17) WAC 248-61-150 FIRE AND SAFETY PROVISIONS.
- (18) WAC 248-61-160 SUPERVISION AND RESPONSIBILITY.
- (19) WAC 248-61-170 COMMUNICABLE DISEASE.
- (20) WAC 248-61-180 EXEMPTIONS.

WSR 78-03-123
PROPOSED RULES
STATE BOARD OF HEALTH
 [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning the repeal of chapter 248-60A WAC;

that such agency will at 10:00 a.m., Wednesday, April 26, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA 98504 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, April 26, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 26, 1978, and/or orally at 10:00 a.m., Wednesday, April 26, 1978, Auditorium, Office Building #2, 12th and Franklin, Olympia, WA 98504.

Dated: March 1, 1978

By: John A. Beare, M.D.
 Secretary

REPEALER (Amending Order 841, filed 8/9/73)

The following sections of Washington Administrative Code are hereby repealed:

- (1) WAC 248-60A-010 DEFINITION.
- (2) WAC 248-60A-020 ADMINISTRATION.
- (3) WAC 248-60A-030 WATER SUPPLY.
- (4) WAC 248-60A-040 SEWAGE AND LIQUID WASTE DISPOSAL—EXISTING AND NEW CONSTRUCTION
- (5) WAC 248-60A-050 PLUMBING.
- (6) WAC 248-60A-060 REFUSE DISPOSAL
- (7) WAC 248-60A-070 RODENT AND INSECT CONTROL
- (8) WAC 248-60A-080 LOCATION AND MAINTENANCE
- (9) WAC 248-60A-090 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS.
- (10) WAC 248-60A-100 HEATING.
- (11) WAC 248-60A-110 LIGHTING.
- (12) WAC 248-60A-120 TOILET, HANDWASHING, BATHING AND LAUNDRY FACILITIES.
- (13) WAC 248-60A-130 FOODHANDLING FACILITIES.
- (14) WAC 248-60A-140 BEDS AND BEDDING.
- (15) WAC 248-60A-150 FIRE AND SAFETY PROVISIONS.
- (16) WAC 248-60A-160 SUPERVISION AND RESPONSIBILITY.
- (17) WAC 248-60A-170 COMMUNICABLE DISEASE.

WSR 78-03-124
PROPOSED RULES
BOARD OF HEALTH
 [Filed Mar. 1, 1978]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules

concerning the amending of chapter 248-14 WAC, relating to nursing homes;

that such agency will at 10:00 a.m., Wednesday, April 26, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, April 26, 1978, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 18.51.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 26, 1978, and/or orally at 10:00 a.m., Wednesday, April 26, 1978, Auditorium, Office Building #2, 12th and Franklin, Olympia, WA 98504.

Dated: March 1, 1978

By: John A. Beare MD
Secretary

AMENDATORY SECTION (Amending Order 133, filed 8/11/76)

WAC 248-14-001 DEFINITIONS. (1) All adjectives and adverbs such as adequate, approved, qualified, reasonable, reputable, satisfactory, sufficiently, or suitable, used in these rules and regulations to qualify a person, equipment or building, shall be as determined by the Washington state department of social and health services with the advice and guidance of the council.

(2) "Activity director" means someone on the staff of a nursing home responsible for the development and maintenance of a program for patients which is intended to provide activities to meet their needs and interests and not be in conflict with the plan of treatment.

(3) "Ambulatory person" - means a person, who, unaided, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(4) "Attending physician" - means the physician who is responsible for a particular person's medical care during period of time the person is an inpatient or outpatient of the nursing home.

(5) "Bathing facility" - means a bathtub or shower. Does not include sitz baths or other fixtures designed primarily for therapy.

(6) "Client" - see "Patient".

(7) "Comfortable armchair" - means a stable chair which provides for proper body alignment and support.

This does not preclude the use of a captain's chair or a rocking chair, provided it meets the criteria contained in this definition.

A wheelchair may be used as a comfortable armchair provided it is modified to meet the criteria contained in this definition of a comfortable armchair. Such modifications may include, but not necessarily be limited to, a seat board, wider arm rest, or back board.

For a patient unable to support his neck and head, the chair shall be a high back chair or have a head rest.

For a patient, whose medical condition requires the use of a chair of a special type or design, a chair which meets the requirements specified in a written order by a physician shall be considered "a comfortable armchair".

(8) "Department" - means the state department of social and health services.

(9) "Dialysis" - means the process of separating crystalloids and colloids in solution by means of their unequal diffusion through a natural or artificial, semi-permeable membrane.

(a) "Acute dialysis" - means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Maintenance dialysis" - means recurrent hemodialysis or peritoneal dialysis in the long term treatment of a person with chronic, irreversible renal failure of such severity that other medical management will not support life.

(c) "Hemodialysis" - means dialysis of the blood by means of an "artificial kidney" through which blood is circulated on one side of a

semi-permeable membrane while the other side is bathed by a salt solution. The accumulated toxic products diffuse out of the blood into the salt solution.

(d) "Peritoneal dialysis" - means dialysis of the blood by inserting a tube into a person's abdomen and instilling a sterile salt solution into the peritoneal cavity. Accumulated toxic products diffuse out of the blood through the semi-permeable membrane of the peritoneum into the salt solution. After a period of time for diffusion, the solution is allowed to drain from the peritoneal cavity.

(e) "Self-dialysis" - means carrying out dialysis on oneself, assuming primary responsibility for the dialysis procedure whether or not one has assistance.

(10) "Dialysis room" - means a room in which a patient undergoes dialysis.

(11) "Dose" - means the amount of drug to be administered at one time.

(12) "Drug facility" - means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

(13) "Facilities" - means a room or area and/or equipment to serve one or more specific functions.

(14) Faucet controls:

(a) "Wrist control" - means water supply controls at least 4" overall horizontal length designed and installed to be operated by the wrists.

(b) "Elbow control" - means water supply controls at least 6" overall horizontal length designed and installed to be operated by the elbow.

(c) "Knee control" - means water supply controls, each operated by a mixing valve designed and installed to be operated by the knee.

(d) "Foot control" - means water supply controls, each operated by a mixing valve designed and installed to be operated by the foot.

(15) "Free hanging space for clothes" - means separated space in an enclosed wardrobe or closet with a rod which provides for daytime clothing to hang full length without touching the floor of the closet.

(16) "Functional abilities" - means the physical, mental, emotional, and social abilities to cope with the activities and affairs of daily living.

(17) "Grade" - means the level of ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least 10 feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of 18 feet from the building.

(18) "Handwashing facility" - means a lavatory or a sink designed and equipped to serve for handwashing purposes.

(19) "He, Him, His and Himself" - are the pronouns used in reference to a person of either sex, male or female. This choice of pronouns has been adopted for the purpose of consistency and to facilitate reading of these rules and regulations and does not mean preference for nor exclude reference to either sex.

(20) "Immediate supervision" means supervision of the performance of one or more persons when both supervisor and the person(s) over whose performance he exercises supervision are on duty within the nursing home.

(21) "Kidney center" - means a health care facility which is designed, equipped, staffed, organized and administered to provide the following services:

(a) Medical, social and psychological evaluation and selection of persons eligible for maintenance dialysis or kidney transplantation by a formal review body.

(b) Dialysis.

(c) Kidney transplantation for patients with chronic renal failure, either directly or by appropriate referral where this form of therapy is medically indicated.

(d) Training program for physicians, nurses, technicians and members of other disciplines involved in the care and treatment of persons with chronic renal failure who receive dialysis.

(e) Self-dialysis training program for patients.

(f) Evaluation of situations or facilities and assistance in planning necessary alterations and installations to ensure safe and adequate facilities for maintenance dialysis.

(g) An organized system, by which patients undergoing dialysis at home or in a nursing home or other satellite facility procure the supplies and equipment necessary to safe and efficient administration of dialysis.

(h) Continued medical management and surveillance of care of patients receiving maintenance dialysis at home or in a nursing home or other satellite facility by means of outpatient clinic services and a continuing program of review, consultation and training.

(i) An in-hospital dialysis program which can provide the full gamut of services for diagnosis and treatment of persons with chronic renal disease. The in-hospital services may be provided by means of an association or affiliation with an in-hospital dialysis program.

(22) "Lavatory" - means a plumbing fixture designed and equipped to serve for handwashing purposes.

(23) "Legend drug" - means a drug bearing the legend, "Caution, federal law prohibits dispensing without a prescription."

(24) "Licensed nurse" - means either a registered nurse or a licensed practical nurse.

(25) "Licensed practical nurse" - means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(26) "New construction" shall include any of the following, started after adoption of these rules and regulations by the state board of health.

(a) New buildings to be used as a nursing home.

(b) Additions to existing buildings to be used as a nursing home.

(c) Conversions

(ii) Buildings which have been licensed previously as nursing homes have not been used as such for a period in excess of one year.

(d) Alterations other than repairs, except where an exemption has been granted by the director under WAC 248-18-060.

(27) "Night light" - means a light fixture which is flush-mounted on the wall near the entrance doorway centered about fourteen inches above the floor providing from 0.5 to 1.5 footcandles of light measured on the floor at a distance of three feet from the light fixture.

(28) "Nursing home" - means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry, to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. Nothing in this definition shall be construed to include any facility licensed under chapter 71.12 RCW as a private establishment. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter.

(29) "Nursing services" - means services designed to maintain or promote achievement of optimal independent function and health status; and planned, supervised and evaluated by a licensed professional nurse in the context of an overall individual plan of care.

(30) "Outpatient service" is any service to an outpatient.

(31) "Patient" - means a person or resident who is receiving preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative health care services.

(a) "In-patient" - means a patient who is receiving health care services with board and room in a nursing home on a continuous 24-hour a day basis.

(b) "Out-patient" - means a patient who is receiving health care services at a nursing home which is not providing him these services with room and board on a continuous 24-hour a day basis.

(c) ("Self-dialysis patient" - means a patient who performs self-dialysis;) "Patients requiring skilled nursing care" - means those patients whose conditions, needs, and/or services are of such complexity and sophistication so as to require the continuous or frequent observation and intervention of a licensed physician and a registered nurse. These patients require ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive total plan of care involving multidisciplinary input and coordination. Patient needs include ongoing evaluations, care plan revisions and the teaching necessary to provide for those whose condition is unstable and/or complex.

(d) "Patients requiring intermediate nursing care" - means those patients whose conditions, needs and/or services are relatively stable, but require individually planned programs under the direction of licensed nursing staff for supervision, assistance, protection and restoration.

(32) "Pharmacist" - means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(33) "Pharmacy" - means a place, where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW by the Washington state board of pharmacy.

(34) "p.r.n. drug" - means a drug which a physician has ordered to be administered only when needed under certain circumstances.

(35) "Registered nurse" - means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

(36) "Respiratory isolation" - means the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei that are coughed, sneezed, or breathed into the environment.

(37) "Responsible party" is that legally responsible person to whom the rights of a client have legally devolved.

(38) "Self-dialysis training" - means a program of patient education in which a patient is taught how to perform self-dialysis safely and effectively and to care for dialysis equipment and supplies.

(39) "Shall" - means compliance is mandatory.

(40) "Should" - means a suggestion or recommendation.

(41) "Single unit" - means one, discrete pharmaceutical dosage form (e.g., one tablet or one capsule) of a drug. A single unit becomes a unit-dose, if the physician orders that particular amount of the drug for a person.

(42) "Stop order" - means a written policy that definitely prescribes the number of doses or the period of time after which administration of a drug to a patient must be stopped automatically, unless the physician's order for the drug specified the number of doses or the period of time the order was to be in effect.

(43) "Supervision" - means the process of overseeing the performance of one or more persons while having the responsibility and authority to guide or direct and critically evaluate performance of the person(s) and to take corrective action when indicated.

(44) "Toilet" - means a room containing at least one water closet.

(45) "Unit-dose" - means the ordered amount of a drug in a dosage form ready for administration to a particular person by the prescribed route at the prescribed time.

(46) "Unit-dose drug distribution system" - means a system whereby a pharmacist dispenses drugs in unit doses so the selection and issuance of individual doses of drugs for administration are pharmacy based and controlled.

(47) "Usable floor space", as used in reference to new construction, excludes areas taken up by vestibules, closets, wardrobes, portable lockers and toilet rooms.

(48) "Water closet" - means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

AMENDATORY SECTION (Amending Order 77, filed 1/9/73)

WAC 248-14-230 FOOD AND FOOD SERVICE. (1) (Diets and Menus. (a) A well-balanced diet of good quality food, correctly prepared, attractively served and in sufficient quantity to meet the nutritional and physiological needs of the patient shall be provided. The well-balanced diet shall) All food service facilities and practices shall be in compliance with chapter 248-84 WAC, Rules and Regulations of the State Board of Health governing food service sanitation.

(2) Food served shall meet the needs of residents and menus shall be planned that are well balanced, palatable, properly prepared, and sufficient in quality and quantity to meet the dietary allowances of the Food and Nutrition Board of the National Research Council. ((adjusted to age, sex, and activity.

(b) At least three meals a day shall be served at regular intervals. There shall not be more than a 14-1/2 hour span between a substantial evening meal and the breakfast meal. The substantial meal shall be one that provides one-third to one-half of the protein requirement for the day plus fruits, vegetables and other foods to compose a meal that is acceptable and pleasing to the resident and contributes to his total dietary requirement. It is recommended that evening snacks be offered. Special nourishments as required shall be served. Nutrient concentrates shall be given only on the order of a physician.

(c) Food should be prepared in ways that conserve the nutritive value and be suitably cooked for the digestive capacity of the groups

served. The food should be served in such a manner that it will be acceptable to the patients. Diets for the geriatric patient usually include relatively high quantities of protein, calcium, and vitamins. The following is intended as a guide of recommended minimum daily requirements for an adult patient:

- 1 pint of milk
- 2 servings of fruit, one being citrus
- 1 to 2 servings of meat, fish, poultry or eggs
- Cereals or bread as desired
- Potatoes or substitute as desired
- 2 servings of vegetables, one being leafy green or yellow vegetable in addition to potatoes
- Simple desserts such as fruit, custard, gelatin and puddings

(d) Special diets shall be provided as ordered by the physician.

~~(e))~~ (a) Required dietary allowances must be adjusted to the age, sex, and activity level of each resident, with appropriate modification necessitated by the effect of medications on the resident.

(b) Food shall be prepared by methods that conserve nutritive value, consistency, appearance and palatability. The food should be served in such a manner that it will be attractive and at temperatures that are acceptable to residents.

(c) Therapeutic diets shall be provided as prescribed by the physician. Nutrient concentrates shall be given only on the order of a physician.

(d) Therapeutic diets which shall be used for tube feeding must be of uniform consistency and quality. These diets must be prepared and stored in such a manner so as to maintain uniformity and to prevent contamination by bacterial growth or other harmful substances.

(e) A minimum of three meals in each twenty-four hour period shall be provided. The time interval between the evening meal and breakfast shall not be more than fourteen hours. The time interval between meals shall not be less than four hours. The evening meal shall provide one-third to one-half of the total requirements for the day. Nourishments or snacks shall be served as required to meet the recommended dietary allowances or the physician's prescription. It is recommended that evening snacks be offered.

(f) Table service shall be available to all those who can and will eat at a table. Table service should be provided in a manner that will best serve the psycho-social and nutritive interests of the residents.

(3) Menus for the general (or house) diets and for the modified therapeutic diets, including substitutions for each, shall be planned (~~(at least one)~~) two weeks in advance and (~~(shall)~~) the current dated menu must be posted in the food service area and dated records shall be retained for inspection and available for at least one year. (~~(There)~~) These shall (~~(also)~~) be (~~(made)~~) available for review by the department (~~(-a)~~). There shall also be made available for review by the department, dated records of (~~(kinds and amounts of)~~) foods purchased and received for use in the (~~(home)~~) facility for (~~(a given period of time)~~) one year and the number of people served during (~~(this period)~~) the corresponding year. Records for protein food purchases shall be readily identifiable.

~~((f))~~ Table service for the individual or group shall be available to all those who can and will eat at a table. Table service should be provided in a manner that will best serve the interest of the patients.

(2) Food service sanitation standards in both new and existing nursing homes shall be governed by chapter 248-84 WAC.)

(4) The food service supervisor for the facility must have completed a food service supervisory course approved by the American Dietetic Association or the department. Consultation by a member of the American Dietetic Association or a registered dietitian or a person whose qualifications are approved by the department must be provided under contract to the facility to meet the requirements of this section.

AMENDATORY SECTION (Amending Order 146, filed 3/22/77)

WAC 248-14-240 PERSONNEL. (~~((1))~~) The nursing service shall be supervised by a person licensed by the state of Washington to practice as a registered nurse or licensed practical nurse. This person shall be actively on duty at least 40 hours a week.

(2) A sufficient number of registered nurses, licensed practical nurses, or aides shall be employed to provide adequate nursing care for patients:

(3) Provision shall be made for sufficient personnel to be available for relief duty and vacation replacements:

(4) Active, full time nursing care for the patients throughout the night shall be provided:

The department may approve hourly checks of the patients and the home when full time night care is not indicated.

(5) There shall be a sufficient number of auxiliary personnel to carry out the functions involved with the dietary, housekeeping, maintenance and laundry activities:

(6) Each employee shall be in good health and free from communicable diseases.) Sufficient personnel shall be available to meet the requirements of this chapter.

(1) Relief duty and vacation replacements for each service area of the nursing home shall be available as necessary.

(2) A current personnel record shall be maintained for each employee. These records shall be kept on file in the facility and contain as a minimum:

(a) Completed application including education, experience and references.

(b) Evidence of current licensure for all personnel who require a Washington state license to practice.

(c) Records of the results of Mantoux tests or chest X-ray examinations and reports of conditions that will limit job performance.

(d) Evaluations of work performance in accordance with the facility's policies, including reasons for termination.

(3) No employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever. Each employee shall have an employment and annually thereafter a tuberculin skin test by the Mantoux method, except that an employee who is known to be a positive reactor shall have a chest x-ray examination in lieu of a required tuberculin skin test. A positive test will consist of ten mm. of induration read at 48-72 hours. Records of the results of Mantoux tests and chest x-ray examinations shall be kept (~~(on file in the nursing home)~~) in the personnel record of each employee.

~~((7))~~ (4) An employee who feels that the tuberculin skin test by the Mantoux method would present a hazard to his health because of conditions peculiar to his own physiology may present supportive medical data to this effect to the tuberculosis control program, health services division, department of social and health services. The department will select three physicians expert in the management of tuberculosis and will submit the medical data to them. The three physicians will review and evaluate the data and thereafter recommend to the department whether the requirement of the tuberculin skin test should be waived for the individual employee. The department will consider the recommendation of the three physicians selected by it and will decide whether the waiver should be granted to the individual employee and will notify the employee accordingly. Any employee granted a waiver from the tuberculin skin test shall have a chest x-ray taken in lieu thereof.

(5) A copy of these regulations shall be readily available to all employees and each supervising employee shall be familiar with provisions of this section.

~~((8))~~ (6) Any employee who gives direct patient care or treatment shall be at least ~~((6))~~ eighteen years of age unless the employee is enrolled in or has successfully completed a bona fide nurse training program.

~~((9))~~ (7) A copy of these regulations shall be readily available to all employees of the institution, and each employee should be familiar with the appropriate provisions of these rules and regulations.

NEW SECTION

WAC 248-14-245 STAFF DEVELOPMENT. The staff development program shall assure that:

(1) Each employee receives appropriate orientation to the facility, its policies and his/her duties and responsibilities.

(2) Inservice education is provided to all personnel for development and improvement of skills on an ongoing basis.

(3) No person shall be assigned to perform any duty or function that he or she does not have the necessary training, education or experience to perform.

(4) Records are kept of the content, dates and attendance for all staff development activities.

AMENDATORY SECTION (Amending Order 94, filed 1/9/74)

WAC 248-14-270 PERSONAL HEALTH RECORD((5)) SERVICE. ((The following records, containing the information outlined, shall be kept and shall be available to authorized representatives of the department. These records shall be either typewritten or recorded legibly in ink. Reports as requested shall be submitted to the state department of social and health services.

(1) Patient records:

(a) Record of admission and discharge:

Name _____ Attending physician
 Home phone _____ Address
 Previous address _____ Phone number
 Sex _____ Diagnosis
 Date of birth _____ Admission date
 Place of birth _____ Discharge date
 Occupation _____ Condition on
 Marital status _____ discharge
 Religion _____ Address to which
 Name, address, _____ discharged
 —and telephone
 —number of nearest
 —relative or
 —friend:

(b) Record of patient's valuables and clothing:

(c) Physician's record

Diagnosis by physician
 Medication, diet, and treatment prescribed, date and
 signature of physician
 Progress notes by physician

(d) Referral sheet from home, hospital, physician, or agency sending patient:

(e) Nursing record:

(i) Date of each physician's visit

(ii) A record shall be kept of all medications administered. The information to be recorded for each medication shall include the date, time, name of substance and dosage, method of administration and initials of the nurse who administered the medication. The full signature of the nurse shall be recorded on the same page as the initials.

(iii) Entries shall be made on the nursing records whenever medications are started or discontinued:

(iv) Date and time of all treatments and dressings:

(v) Record of all pertinent factors pertaining to the patient's condition. Charting of observations shall be done by the person who gives the care. They may be done daily, weekly, or at least monthly, as indicated by the patient's condition:

(vi) Record of all accidents occurring while patient is in the home:

(vii) Other significant observations, such as moods, delusions, hallucinations, judgment, orientation and behavior.

(2) Census register. A register shall be kept in a separate bound book, listing in chronological order the names and dates of admissions and discharges. This shall be kept in such a manner that total patient days and average yearly census can be calculated:

(3) Personnel record. A current personnel record shall be kept on file. These records shall be kept on file for five years:

(4) Policy record. All standing orders, rules, regulations, nursing procedures, and policies adopted for the nursing home by the medical staff shall be placed on file and be readily accessible in the home to personnel: Each facility shall have a defined health records service in which the records are kept in accordance with recognized principles of health record management. All records policies and procedures shall be available to representatives of the department for review.

(1) The personal health record system shall:

(a) Have a designated individual exercising responsibilities for the system who shall have appropriate education and experience in health record management. This person may require consultation from a health record practitioner such as a registered record administrator or accredited record technician.

(b) Include a system of record identification and filing which assures access to records;

(c) Include mechanisms to secure records from theft or destruction and preserve the confidentiality of each record; and

(2) The personal health record shall:

(a) Be documented, including the date and authentication of each entry, which shall be written legibly in ink, typewritten or on a computer terminal. Dictated reports shall be promptly transcribed and included in the record;

(b) Be developed and maintained for each person who receives care or treatment in the facility;

(c) Contain information obtained upon admission which shall include identifying and sociological data, an inventory of personal belongings, a medical history, a report of a physical examination and diagnoses by a physician;

(d) Contain information about the person's daily care in the facility which shall include all treatments, medications, observations, health teaching, physicians' orders, periodic medical examinations, allergic or idiosyncratic responses, consents, authorizations, releases, diagnostic reports and revisions of assessments and plans written by the person who gives the order, renders the care or makes the observation; and

(e) Contain a summary upon discharge which includes a clinical resume, instructions given to the person, a record of any referrals or conferences directed toward continuity of care, diagnoses and prognosis; and

(f) Appropriate information if the patient has died which shall include the time and date of death, apparent cause of death, appropriate notification of the physician and relevant others and the disposition of the body and personal effects.

(3) Appropriate excerpts or summaries shall accompany the person upon transfer to another facility or to an outpatient department or home health agency which will have continuing responsibility for that person's health care.

(4) Personal health records shall be retained in the facility for the time period required by RCW 18.51.300.

(a) If a nursing home ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of the personal health records. The plan for such arrangements shall have been approved by the department prior to the cessation of operation.

(b) In event of transfer of ownership of the facility, personal health records, registers, indexes, and reports shall remain with the facility and shall be retained and preserved by the new owner in accordance with state statutes and regulations.

(5) The facility shall maintain a census register which includes all admissions, discharges, deaths and transfers (noting the receiving facility), in chronological order. A daily census shall be kept of those persons residing in the facility who are not on leave. A record of cumulative patient days (daily census) shall be kept on a monthly basis.

(a) A new personal health record must be opened when a person has been transferred to a hospital for inpatient treatment and the person returns to the facility.

(b) Social leaves taken in accordance with the procedures set forth in WAC 388-88-115 must be noted in the census, but a new personal health record need not be opened when the person returns to the facility.

(6) The facility shall maintain a master patient index which has a reference for each person including the personal health record number, full name, date of birth, admission dates and discharge date. Facilities which provide outpatient services pursuant to WAC 248-14-295 shall maintain and file records of such services pursuant to that section.

NEW SECTION

WAC 248-14-401 ASSESSMENTS. The department shall evaluate the health care status of patients admitted to a nursing home.

(1) Evaluation shall be performed through the use of a uniform evaluation process.

(2) Evaluation shall be performed through a review of the patient's medical record and an assessment.

(3) Evaluations shall be entered into the computer storage, so that changes in status may be retrieved and compared.

(4) Evaluations shall remain confidential and shall not be disclosed in any format which could potentially lead to the identification of any individual.

AMENDATORY SECTION (Amending Regulation 14.250, effective 3/11/60)

WAC 248-14-250 ((PATIENT CARE—MEDICAL SERVICE. (1) All patients shall be under the care of a duly licensed physician. Arrangements shall be made for a physician to be available for emergency calls, and his name, address, and telephone number shall be readily available.

(2) Each patient admitted shall be examined by a physician immediately, prior to, or within 48 hours of admission, and the diagnosis, treatment, and medication ordered entered on the patient's chart and signed by the physician.

(3) The rules and regulations, Washington state board of health, relating to communicable disease read as follows:

"It shall be the duty of every physician or practitioner, every superintendent or manager of a dispensary, hospital or clinic, or any person in attendance on a case of a reportable disease or a case suspected of being a reportable disease, to report the case immediately to the local

health officer, such report to include pertinent data regarding the patient and the circumstances involved as may be deemed necessary to determine the source of infection and mode of transmission. This data is to include name of patient, disease, address, age, sex, and date of onset. In case such patient is hospitalized or is receiving treatment through a dispensary, hospital or clinic, the superintendent or manager of such dispensary, hospital or clinic shall be responsible for reporting if the attending physician fails to do so.**) PHYSICIAN SERVICES. Patients in need of nursing home care are admitted by, and remain under the care of, an attending physician.

(1) The alternate physician(s) who has agreed to be responsible in the attending physician's absence, shall be identified upon admission and his/her name and phone number recorded in the personal health record. Medical care shall be promptly provided when necessary to meet identified patient needs.

(2) Medical information prior to or upon admission shall include:

(a) A history and physical which reflects the patient's current health status with attention to special physical and psycho-social limitations and needs.

(b) Orders, as necessary, for medications, treatments, diagnostic studies, specialized rehabilitative services, diet and precautions and limitations related to activities.

(c) A statement of rehabilitation potential and plans for continuing care and discharge.

(3) Overall patients' progress and plans of care shall be reviewed and/or revised during a visit by the attending physician in consultation with professional personnel. Patient needs shall be documented. Each need or problem (or symptom) shall have a current plan of treatment.

NEW SECTION

WAC 248-14-255 REPORTABLE DISEASES. It is the responsibility of each administrator of a nursing home, or his/her designee, to report every case or suspected case of a reportable disease, as defined in chapter 248-100 WAC, to the local health officer.

AMENDATORY SECTION (Amending Regulation 14.260, effective 3/11/60)

WAC 248-14-260 (~~PATIENT CARE—NURSING SERVICE.~~) (1) Adequate nursing service shall be supplied for the home at all times. Adequacy of nursing service is based on the general physical or mental welfare of the patient with encouragement toward self help.

(2) Criteria evidencing the adequacy of the nursing service are, the neat, clean appearance of the patients, their clothing, bed linen, and rooms, evidence of good nutrition, the absence of bed sores and skin irritations, the condition of the mouth and lack of offensive odors in the building.

(3) The nurse in charge shall be responsible for the establishment of procedures for general nursing care for the cleanliness, comfort, and welfare of the patients in accordance with the instructions of the attending physician.

(4) The nurse in charge shall be responsible for instructing all personnel in proper isolation techniques to prevent infection to themselves and the patients.

(5) Restraints may be applied only when they are necessary to prevent injury to the patient or to others and should be used only when alternative measures are not sufficient to accomplish these purposes. In applying restraints, the following regulations shall be complied with:

(a) No patients shall be restrained except on written order of a physician, provided that if a patient becomes suddenly disturbed so that he becomes a menace to himself or others, restraint may be applied by the person in charge, in which case the physician's order must be obtained within 12 hours.

(b) No form of restraint may be used or applied in such a manner as to cause injury to the patient.

(c) Careful consideration should be given to the methods by which the restraint can be removed speedily in case of fire or other emergency.

(d) No patient shall be locked in his room without special written permission from the physician.

(6) Every home shall have a definite understanding with respect to notification of the physician and next-of-kin, or responsible agency when there is a critical change in the patient's condition.

(7) The terminal patient shall be in a single room if possible, or well screened from the other patients. Next-of-kin or responsible agency should be consulted regarding personal belongings and arrangements for burial.)) NURSING SERVICES. (1) There shall be an organized

nursing service with adequate space and a sufficient number of qualified nursing personnel to meet the total needs of all patients.

(a) There shall be a director of nursing service employed for forty hours per week and assigned to the day shift.

(b) When any patient requires skilled nursing care, there shall be a licensed nurse on duty on each shift. A registered nurse shall be present on the day shift and on the evening or night shift.

(c) When all residents in a facility require intermediate nursing care, there shall be at least one licensed nurse on duty for the day shift to provide such services.

(d) Sufficient trained aide staff shall be available and assigned only to duties consistent with their education, experience and current standards of nursing practice.

(2) Nursing input into the personal health record shall include:

(a) Patient history and continuing assessments;

(b) Current comprehensive written patient care plans;

(c) Progress notes identifying and evaluating problems, approaches and measurable goals;

(d) Ongoing documentation of delivery of appropriate services.

(3) Restraints. No nursing home may detain a person within such a facility or part thereof, against the will of that individual.

(a) No form of restraint may be applied or utilized for the primary purpose of preventing or limiting independent mobility or activity.

(b) A physician may order restraint in a bona fide emergency situation when necessary to prevent the individual from inflicting injury upon self or others.

(c) When restraint is ordered and utilized, proper treatment which will resolve the emergent situation and eliminate the cause for restraint must be instituted. If this is not possible within seventy-two hours, timely transfer to an appropriate facility must be arranged.

(d) Patients who are physically restricted shall be released at intervals not to exceed 2 hours to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

(e) Appropriate individualized safety measures shall be implemented.

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
1-12-930	AMD	78-02-074	16-750-010	AMD-P	78-02-067
1-12-940	AMD	78-02-074	106-116-011	AMD	78-02-023
1-13-930	AMD	78-02-074	106-116-020	AMD	78-02-023
1-13-940	AMD	78-02-074	106-116-030	AMD	78-02-023
16	-P	78-02-045	106-116-040	AMD	78-02-023
16	-P	78-02-113	106-116-042	AMD	78-02-023
16	-P	78-03-037	106-116-102	AMD	78-02-023
16	-P	78-03-038	106-116-103	AMD	78-02-023
16	-P	78-03-039	106-116-10401	AMD	78-02-023
16	-P	78-03-040	106-116-201	AMD	78-02-023
16	-P	78-03-041	106-116-202	AMD	78-02-023
16	-P	78-03-042	106-116-203	AMD	78-02-023
16	-P	78-03-043	106-116-204	AMD	78-02-023
16	-P	78-03-044	106-116-205	AMD	78-02-023
16	-P	78-03-045	106-116-208	AMD	78-02-023
16	-P	78-03-046	106-116-212	AMD	78-02-023
16	-P	78-03-047	106-116-213	AMD	78-02-023
16	-P	78-03-048	106-116-214	AMD	78-02-023
16	-P	78-03-049	106-116-301	AMD	78-02-023
16	-P	78-03-050	106-116-302	AMD	78-02-023
16	-P	78-03-051	106-116-303	AMD	78-02-023
16	-P	78-03-052	106-116-304	AMD	78-02-023
16	-P	78-03-053	106-116-305	AMD	78-02-023
16-230	AMD-E	78-03-019	106-116-306	AMD	78-02-023
16-230-170	AMD	78-02-053	106-116-307	AMD	78-02-023
16-230-250	NEW-P	78-02-114	106-116-310	AMD	78-02-023
16-230-260	NEW-P	78-02-114	106-116-311	AMD	78-02-023
16-230-270	NEW-P	78-02-114	106-116-312	AMD	78-02-023
16-230-280	NEW-P	78-02-114	106-116-401	AMD	78-02-023
16-230-290	NEW-P	78-02-114	106-116-402	AMD	78-02-023
16-300-020	AMD=C	78-03-103	106-116-403	AMD	78-02-023
16-316-110	AMD	78-03-114	106-116-404	AMD	78-02-023
16-316-115	AMD	78-03-114	106-116-501	AMD	78-02-023
16-316-151	AMD	78-03-114	106-116-513	AMD	78-02-023
16-316-165	AMD	78-03-114	106-116-514	AMD	78-02-023
16-316-180	AMD	78-03-114	106-116-515	AMD	78-02-023
16-316-215	AMD	78-03-102	106-116-521	AMD	78-02-023
16-316-315	AMD	78-03-101	106-116-601	AMD	78-02-023
16-316-326	AMD	78-03-101	106-116-603	AMD	78-02-023
16-316-340	AMD	78-03-112	106-116-701	AMD	78-02-023
16-316-350	AMD	78-03-112	106-116-901	AMD	78-02-023
16-316-356	REP	78-03-112	106-140-040	AMD	78-02-048
16-316-370	AMD	78-03-112	113-12-150	NEW-P	78-03-086
16-316-450	AMD	78-03-111	113-12-160	NEW-P	78-03-086
16-316-474	AMD	78-03-110	113-12-161	NEW-P	78-03-086
16-316-525	AMD	78-03-113	113-12-165	NEW-P	78-03-086
16-316-530	AMD	78-03-113	113-12-170	NEW-P	78-03-086
16-316-620	AMD	78-03-107	113-12-175	NEW-P	78-03-086
16-316-622	AMD	78-03-107	113-12-180	NEW-P	78-03-086
16-316-625	AMD	78-03-107	114-12-010	AMD-P	78-03-064
16-316-680	AMD	78-03-106	114-12-020	AMD-P	78-03-064
16-316-700	AMD	78-03-109	114-12-030	AMD-P	78-03-064
16-316-72001	REP	78-03-109	114-12-040	AMD-P	78-03-064
16-316-740	AMD	78-03-108	114-12-135	NEW-P	78-03-064
16-316-790	NEW	78-03-099	120	-P	78-02-057
16-316-800	AMD	78-03-099	120	-P	78-02-103
16-316-810	AMD	78-03-099	120	-P	78-03-012
16-316-820	AMD	78-03-099	132C-104-005	REP-P	78-02-090
16-316-910	AMD	78-03-100	132C-104-010	REP-P	78-02-090
16-414-010	NEW-P	78-02-082	132C-104-015	REP-P	78-02-090
16-414-020	NEW-P	78-02-082	132C-104-020	REP-P	78-02-090
16-414-030	NEW-P	78-02-082	132C-104-025	REP-P	78-02-090
16-414-040	NEW-P	78-02-082	132C-104-030	REP-P	78-02-090
16-414-050	NEW-P	78-02-082	132C-104-035	REP-P	78-02-090
16-414-060	NEW-P	78-02-082	132C-104-045	REP-P	78-02-090
16-414-070	NEW-P	78-02-082	132C-104-050	REP-P	78-02-090
16-414-080	NEW-P	78-02-082	132C-104-055	REP-P	78-02-090
16-414-090	NEW-P	78-02-082	132C-104-060	NEW-P	78-02-089
16-445-040	AMD-P	78-02-083	132C-104-070	NEW-P	78-02-089
16-494-001	AMD	78-03-104	132C-285-010	NEW	78-02-062
16-494-040	AMD	78-03-104	132H-120-200	AMD-P	78-03-022
16-495-085	AMD	78-03-105	132H-120-205	NEW-P	78-03-022
16-495-110	NEW	78-03-105	132H-160	AMD-P	78-02-021
16-602-010	NEW-P	78-02-081	132J-128-060	AMD-P	78-03-076
132J-128-070	AMD-P	78-03-076	132L-325-010	NEW-P	78-02-071
132L-325-010	NEW-P	78-02-071	132L-325-020	NEW-P	78-02-071
132L-325-020	NEW-P	78-02-071	132L-325-030	NEW-P	78-02-071
132L-325-030	NEW-P	78-02-071	132L-325-040	NEW-P	78-02-071
132L-325-040	NEW-P	78-02-071	132L-325-050	NEW-P	78-02-071
132L-325-050	NEW-P	78-02-071	132L-325-060	NEW-P	78-02-071
132L-325-060	NEW-P	78-02-071	132P-104-011	AMD-P	78-02-054
132R-175-090	AMD	78-02-017	132R-175-090	AMD	78-02-017
132R-175-150	AMD	78-02-017	132R-175-150	AMD	78-02-017
132R-175-160	NEW	78-02-017	132R-175-160	NEW	78-02-017
132R-175-App.A	REP	78-02-017	139-04-010	AMD	78-02-032
139-04-010	AMD	78-02-032	139-14-010	NEW	78-02-037
139-14-010	NEW	78-02-037	139-16-010	AMD	78-02-033
139-16-010	AMD	78-02-033	139-18-010	AMD	78-02-034
139-18-010	AMD	78-02-034	139-20-010	AMD	78-02-035
139-20-010	AMD	78-02-035	139-22-010	AMD	78-02-036
139-22-010	AMD	78-02-036	162-04-024	NEW	78-02-065
162-04-024	NEW	78-02-065	162-04-026	NEW	78-02-065
162-04-026	NEW	78-02-065	162-04-050	NEW	78-02-065
162-04-050	NEW	78-02-065	162-08-024	REP	78-02-065
162-08-024	REP	78-02-065	162-08-026	REP	78-02-065
162-08-026	REP	78-02-065	162-08-050	REP	78-02-065
162-08-050	REP	78-02-065	162-08-093	AMD	78-02-065
162-08-093	AMD	78-02-065	172-114-010	AMD-E	78-03-078
172-114-010	AMD-E	78-03-078	172-114-020	AMD-E	78-03-078
172-114-020	AMD-E	78-03-078	172-114-030	AMD-E	78-03-078
172-114-030	AMD-E	78-03-078	172-114-040	AMD-E	78-03-078
172-114-040	AMD-E	78-03-078	172-114-050	AMD-E	78-03-078
172-114-050	AMD-E	78-03-078	172-114-060	AMD-E	78-03-078
172-114-060	AMD-E	78-03-078	172-114-070	AMD-E	78-03-078
172-114-070	AMD-E	78-03-078	172-114-090	AMD-E	78-03-078
172-114-090	AMD-E	78-03-078	172-114-110	AMD-E	78-03-078
172-114-110	AMD-E	78-03-078	172-150-165	NEW-P	78-03-027
172-150-165	NEW-P	78-03-027	172-180-010	AMD-P	78-03-028
172-180-010	AMD-P	78-03-028	172-180-020	AMD-P	78-03-028
172-180-020	AMD-P	78-03-028	172-180-030	AMD-P	78-03-028
172-180-030	AMD-P	78-03-028	172-180-040	AMD-P	78-03-028
172-180-040	AMD-P	78-03-028	173-02	REP	78-02-041
173-02	REP	78-02-041	173-24	AMD-P	78-03-018
173-24	AMD-P	78-03-018	173-03-010	NEW	78-02-041
173-03-010	NEW	78-02-041	173-03-020	NEW	78-02-041
173-03-020	NEW	78-02-041	173-03-030	NEW	78-02-041
173-03-030	NEW	78-02-041	173-03-040	NEW	78-02-041
173-03-040	NEW	78-02-041	173-03-050	NEW	78-02-041
173-03-050	NEW	78-02-041	173-03-060	NEW	78-02-041
173-03-060	NEW	78-02-041	173-03-070	NEW	78-02-041
173-03-070	NEW	78-02-041	173-03-080	NEW	78-02-041
173-03-080	NEW	78-02-041	173-03-090	NEW	78-02-041
173-03-090	NEW	78-02-041	173-03-100	NEW	78-02-041
173-03-100	NEW	78-02-041	173-24-010	AMD-P	78-02-076
173-24-010	AMD-P	78-02-076	173-24-030	AMD-P	78-02-076
173-24-030	AMD-P	78-02-076	173-24-060	AMD-P	78-02-076
173-24-060	AMD-P	78-02-076	173-24-070	AMD-P	78-02-076
173-24-070	AMD-P	78-02-076	173-24-080	AMD-P	78-02-076
173-24-080	AMD-P	78-02-076	173-24-100	AMD-P	78-02-076
173-24-100	AMD-P	78-02-076	173-24-110	AMD-P	78-02-076
173-24-110	AMD-P	78-02-076	173-24-140	AMD-P	78-02-076
173-24-140	AMD-P	78-02-076	173-24-150	AMD-P	78-02-076
173-24-150	AMD-P	78-02-076	173-166-010	NEW-E	78-02-007
173-166-010	NEW-E	78-02-007	173-166-010	NEW-P	78-02-077
173-166-010	NEW-P	78-02-077	173-166-020	NEW-E	78-02-007
173-166-020	NEW-E	78-02-007	173-166-020	NEW-P	78-02-077
173-166-020	NEW-P	78-02-077	173-166-030	NEW-E	78-02-007
173-166-030	NEW-E	78-02-007	173-166-030	NEW-P	78-02-077
173-166-030	NEW-P	78-02-077	173-166-040	NEW-E	78-02-007
173-166-040	NEW-E	78-02-007	173-166-040	NEW-P	78-02-077
173-166-040	NEW-P	78-02-077	173-166-050	NEW-E	78-02-007
173-166-050	NEW-E	78-02-007	173-166-050	NEW-P	78-02-077
173-166-050	NEW-P	78-02-077	173-166-060	NEW-E	78-02-007
173-166-060	NEW-E	78-02-007	173-166-060	NEW-P	78-02-077
173-166-060	NEW-P	78-02-077	173-201-010	AMD	78-02-043
173-201-010	AMD	78-02-043	173-201-020	AMD	78-02-043
173-201-020	AMD	78-02-043			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
184-08-550	REP 78-03-023	220-28-011AOB	REP-E 78-02-051	220-57A-120	AMD C 78-03-034
184-08-560	REP 78-03-023	220-28-01200D	REP-E 78-02-051	220-57A-125	AMD C 78-03-034
184-08-570	REP 78-03-023	220-28-012AOB	REP-E 78-02-051	220-57A-155	AMD C 78-03-034
184-08-580	REP 78-03-023	220-28-012DOD	REP-E 78-02-051	220-57A-185	AMD C 78-03-034
184-08-590	REP 78-03-023	220-28-01300D	NEW-E 78-02-051	220-57A-190	AMD C 78-03-034
184-09-010	REP 78-03-023	220-28-013AOA	REP-E 78-02-051	220-105-045	AMD 78-03-034
184-09-020	REP 78-03-023	220-32-03000G	NEW-E 78-02-075	220-105-046	NEW 78-03-034
184-12-010	REP 78-03-023	220-32-03600A	NEW-E 78-03-067	220-105-047	NEW 78-03-034
184-16-010	REP 78-03-023	220-32-04000A	NEW-E 78-02-075	220-69-220	AMD C 78-03-031
184-16-020	REP 78-03-023	220-32-05200E	NEW-E 78-02-075	229-69-230	AMD C 78-03-031
184-16-030	REP 78-03-023	220-32-05700A	NEW-E 78-02-075	220-69-231	AMD C 78-03-031
184-16-040	REP 78-03-023	220-36-0100J	REP-E 78-01-033	220-69-232	AMD C 78-03-031
184-16-050	REP 78-03-023	220-44-020	AMD-P 78-02-111	220-69-233	AMD C 78-03-031
184-16-060	REP 78-03-023	220-44-020	AMD-P 78-03-093	220-69-234	AMD C 78-03-031
184-20-010	REP 78-03-023	220-44-030	NEW-P 78-02-111	220-69-235	AMD C 78-03-031
184-20-020	REP 78-03-023	220-44-040	NEW-P 78-02-111	220-69-254	AMD C 78-03-031
184-20-030	REP 78-03-023	220-47-311	AMD-P 78-03-097	220-69-255	AMD C 78-03-031
184-20-040	REP 78-03-023	220-47-001	AMD-P 78-03-097	220-69-271	AMD C 78-03-031
184-20-050	REP 78-03-023	220-47-31100S	REP-E 78-01-033	220-69-280	AMD C 78-03-031
184-20-060	REP 78-03-023	220-47-312	AMD-P 78-03-097	220-100-020	AMD-P 78-03-092
184-20-070	REP 78-03-023	220-47-313	AMD-P 78-03-097	220-100-040	AMD-P 78-03-092
184-20-080	REP 78-03-023	220-47-314	AMD-P 78-03-097	220-100-045	NEW-P 78-03-092
184-20-090	REP 78-03-023	220-47-324	AMD-P 78-03-097	220-100-050	AMD-P 78-03-092
184-20-100	REP 78-03-023	220-47-401	AMD-P 78-03-097	220-100-060	AMD-P 78-03-092
184-20-110	REP 78-03-023	220-47-402	AMD-P 78-03-097	220-100-080	AMD-P 78-03-092
184-20-120	REP 78-03-023	220-47-403	AMD-P 78-03-097	220-100-100	REP-P 78-03-092
184-20-130	REP 78-03-023	220-47-411	AMD-P 78-03-097	220-100-110	AMD-P 78-03-092
184-20-140	REP 78-03-023	220-47-412	AMD-P 78-03-097	220-100-120	NEW-P 78-03-092
184-20-App.A	REP 78-03-023	220-47-413	AMD-P 78-03-097	230-02-350	AMD-P 78-01-034
186-12-010	REP 78-03-023	220-47-414	AMD-P 78-03-097	230-02-350	AMD C 78-03-061
186-12-050	REP 78-03-023	220-47-41400A	REP-E 78-01-033	230-04-190	AMD-P 78-03-082
186-12-060	REP 78-03-023	220-47-415	AMD-P 78-03-097	230-25-110	NEW-P 78-01-034
186-12-100	REP 78-03-023	220-47-426	AMD-P 78-03-097	230-25-110	AMD C 78-03-061
186-12-110	REP 78-03-023	220-48-080	AMD-P 78-02-111	230-25-220	AMD-P 78-02-102
186-12-120	REP 78-03-023	220-48-096	AMD-P 78-02-111	230-25-220	AMD-E 78-03-063
186-12-200	REP 78-03-023	220-48-09600A	NEW-E 78-02-112	230-25-260	NEW-P 78-02-102
186-12-210	REP 78-03-023	220-48-098	NEW-P 78-02-111	232-12-065	NEW 78-02-055
186-12-300	REP 78-03-023	220-49-06000A	REP-E 78-02-051	232-12-240	AMD 78-02-055
186-12-310	REP 78-03-023	220-52-01900B	NEW-E 78-02-022	232-12-350	AMD 78-02-055
186-12-330	REP 78-03-023	220-52-04600A	REP-E 78-01-033	232-12-405	NEW 78-02-055
186-12-350	REP 78-03-023	220-56-010	AMD C 78-03-034	232-28-600000A	NEW-E 78-03-002
186-12-400	REP 78-03-023	220-56-013	AMD C 78-03-034	232-28-600000A	REP-E 78-03-073
204-24-050	AMD 78-02-091	220-56-020	AMD C 78-03-034	232-28-600000B	NEW-E 78-03-025
204-24-070	AMD 78-02-091	220-56-022	AMD C 78-03-034	232-28-600000C	NEW-E 78-03-026
204-64-010	NEW-E 78-02-092	220-56-030	AMD C 78-03-034	232-28-600000D	NEW-E 78-03-073
204-64-010	NEW-P 78-02-093	220-56-040	AMD C 78-03-034	232-28-700	NEW C 78-03-087
204-64-020	NEW-E 78-02-092	220-56-060	AMD C 78-03-034	232-28-800	NEW-P 78-02-046
204-64-020	NEW-P 78-02-093	220-56-064	AMD C 78-03-034	232-32-101	NEW-E 78-02-026
204-64-040	NEW-E 78-02-092	220-56-065	AMD C 78-03-034	232-32-101	REP-E 78-03-073
204-64-040	NEW-P 78-02-093	220-56-080	AMD C 78-03-034	232-32-102	NEW-E 78-02-027
204-64-060	NEW-E 78-02-092	220-56-08000B	NEW-E 78-01-033	232-32-103	NEW-E 78-02-028
204-64-060	NEW-P 78-02-093	220-56-082	AMD C 78-03-034	232-32-104	NEW-E 78-02-029
204-64-080	NEW-E 78-02-092	220-56-084	AMD C 78-03-034	232-32-105	NEW-E 78-02-040
204-64-080	NEW-P 78-02-093	220-56-086	AMD C 78-03-034	232-32-106	NEW-E 78-02-044
204-64-100	NEW-E 78-02-092	220-56-088	AMD C 78-03-034	232-32-107	NEW-E 78-02-047
204-64-100	NEW-P 78-02-093	220-57-001	AMD C 78-03-034	232-32-108	NEW-E 78-02-080
204-64-120	NEW-E 78-02-092	220-57-200	AMD C 78-03-034	232-32-109	NEW-E 78-03-026
204-64-120	NEW-P 78-02-093	220-57-255	AMD C 78-03-034	232-32-110	NEW-E 78-03-073
204-66-080	AMD-P 78-02-106	220-57-270	AMD C 78-03-034	232-32-200	REP-E 78-03-020
212-02-020	AMD-P 78-03-015	220-57-290	AMD C 78-03-034	232-32-300	REP-E 78-03-026
212-02-030	AMD-P 78-03-015	220-57-310	AMD C 78-03-034	232-32-300A	REP-E 78-02-080
220-20-015	AMD-P 78-03-093	220-57-320	AMD C 78-03-034	232-32-300B	NEW-E 78-02-010
220-22-030	AMD-P 78-03-097	220-57-385	AMD C 78-03-034	232-32-300B	REP-E 78-02-080
220-22-330	AMD-P 78-03-097	220-57-460	AMD C 78-03-034	236-12-001	AMD-P 78-03-091
220-22-400	AMD-P 78-03-097	220-57-480	AMD C 78-03-034	236-12-010	AMD-P 78-03-091
220-24-010	AMD-P 78-03-093	220-57-515	AMD C 78-03-034	236-12-011	AMD-P 78-03-091
220-24-020	AMD-P 78-03-093	220-57A-005	AMD C 78-03-034	236-12-012	AMD-P 78-03-091
220-28-007BOE	REP-E 78-02-006	220-57A-010	AMD C 78-03-034	236-12-013	NEW-P 78-03-091
220-28-007BOF	NEW-E 78-02-006	220-57A-030	AMD C 78-03-034	236-12-020	AMD-P 78-03-091
220-28-007BOF	REP-E 78-02-051	220-57A-040	AMD C 78-03-034	236-12-030	AMD-P 78-03-091
220-28-007COD	REP-E 78-02-006	220-57A-065	AMD C 78-03-034	236-12-040	AMD-P 78-03-091
220-28-00800J	REP-E 78-02-051	220-57A-080	AMD C 78-03-034	236-12-050	AMD-P 78-03-091
220-28-008AOB	REP-E 78-02-006	220-57A-095	AMD C 78-03-034	236-12-060	AMD-P 78-03-091
220-28-008DOB	REP-E 78-02-006	220-57A-115	AMD C 78-03-034	236-12-061	NEW-P 78-03-091

220-105-045 AMD 78-03-034
 -046 NEW 78-03-034
 -047 NEW 78-03-034

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
236-12-080	AMD-P 78-03-091	248-61-050	REP-P 78-03-122	275-27-605	NEW-P 78-01-038
236-12-085	AMD-P 78-03-091	248-61-060	REP-P 78-03-122	275-27-610	NEW-P 78-01-038
236-12-085	AMD-E 78-03-090	248-61-070	REP-P 78-03-122	275-27-615	NEW-P 78-01-038
236-12-090	REP-P 78-03-091	248-61-080	REP-P 78-03-122	275-27-620	NEW-P 78-01-038
236-12-120	AMD-P 78-03-091	248-61-090	REP-P 78-03-122	275-27-630	NEW-P 78-01-038
236-12-130	AMD-P 78-03-091	248-61-100	REP-P 78-03-122	275-27-635	NEW-P 78-01-038
236-12-131	NEW-P 78-03-091	248-61-110	REP-P 78-03-122	275-27-640	NEW-P 78-01-038
236-12-132	NEW-P 78-03-091	248-61-120	REP-P 78-03-122	275-27-660	NEW-P 78-01-038
236-12-133	NEW-P 78-03-091	248-61-130	REP-P 78-03-122	275-27-665	NEW-P 78-01-038
236-12-140	AMD-P 78-03-091	248-61-140	REP-P 78-03-122	275-27-680	NEW-P 78-01-038
236-12-220	AMD-P 78-03-091	248-61-150	REP-P 78-03-122	275-27-685	NEW-P 78-01-038
236-12-225	AMD-P 78-03-091	248-61-160	REP-P 78-03-122	275-32-115	NEW C 78-03-030
236-12-290	AMD-P 78-03-091	248-61-170	REP-P 78-03-122	275-32-125	NEW C 78-03-030
236-12-300	AMD-P 78-03-091	248-61-180	REP-P 78-03-122	275-32-135	NEW C 78-03-030
236-12-320	AMD-P 78-03-091	248-100-450 C	AMD 78-03-059	275-32-145	NEW C 78-03-030
236-12-330	REP-P 78-03-091	250-20-021	AMD-P 78-02-085	275-32-155	NEW C 78-03-030
236-12-340	NEW-P 78-03-091	250-40-050	AMD-P 78-02-084	275-32-165	NEW C 78-03-030
236-12-410	REP-P 78-03-091	251-06-060	AMD-P 78-03-098	275-32-175	NEW C 78-03-030
236-12-420	REP-P 78-03-091	251-14-040	AMD-P 78-03-098	275-34-010	NEW-P 78-03-117
236-12-440	AMD-P 78-03-091	251-14-080	AMD-P 78-04-098	275-34-020	NEW-P 78-03-117
236-12-500	NEW-P 78-03-091	251-18-070	AMD 78-02-094	275-34-030	NEW-P 78-03-117
236-12-600	NEW-P 78-03-091	251-18-110	AMD 78-02-094	275-34-040	NEW-P 78-03-117
236-49-050	REP 78-02-060	251-18-115	AMD 78-02-094	275-34-050	NEW-P 78-03-117
236-60-001	NEW 78-02-066	251-18-140	AMD 78-02-094	275-34-060	NEW-P 78-03-117
236-60-005	NEW 78-02-066	251-18-181	AMD 78-02-094	275-34-070	NEW-P 78-03-117
236-60-010	NEW 78-02-066	251-18-230	AMD 78-02-094	275-34-080	NEW-P 78-03-117
236-60-020	NEW 78-02-066	251-18-240	AMD 78-02-094	275-34-090	NEW-P 78-03-117
236-60-030	NEW 78-02-066	251-18-330	AMD 78-02-094	275-34-100	NEW-P 78-03-117
236-60-040	NEW 78-02-066	251-18-340	AMD 78-02-094	275-34-110	NEW-P 78-03-117
236-60-050	NEW 78-02-066	252-32-002	AMD-P 78-02-088	284-50-450	NEW-P 78-03-077
236-60-060	NEW 78-02-066	252-32-539	AMD 78-02-078	284-50-455	NEW-P 78-03-077
236-60-070	NEW 78-02-066	260-70-010	AMD-P 78-03-095	284-50-460	NEW-P 78-03-077
236-60-080	NEW 78-02-066	260-70-020	AMD-P 78-03-095	284-50-465	NEW-P 78-03-077
236-60-090	NEW 78-02-066	260-70-050	AMD-P 78-03-095	286-04-020	AMD C 78-03-032
236-60-100	NEW 78-02-066	260-70-060	AMD-P 78-03-095	286-04-060	NEW-P 78-02-101
248-14-001	AMD-P 78-03-124	260-70-070	AMD-P 78-03-095	286-04-060	NEW C 78-03-032
248-14-230	AMD-P 78-01-036	260-70-080	AMD-P 78-03-095	286-06-020	AMD C 78-03-032
248-14-230	AMD-P 78-03-124	260-70-090	AMD-P 78-03-095	286-06-040	AMD C 78-03-032
248-14-240	AMD-P 78-01-036	260-70-170	AMD-P 78-03-095	286-06-060	AMD C 78-03-032
248-14-240	AMD-P 78-03-124	260-70-200	AMD-P 78-03-095	286-06-140	AMD C 78-03-032
248-14-245	NEW-P 78-03-124	260-70-220	AMD-P 78-03-095	286-16-010	AMD C 78-03-032
248-14-250	AMD-P 78-03-124	275-16-010	AMD 78-03-029	286-16-020	AMD C 78-03-032
248-14-255	NEW-P 78-03-124	275-16-020	REP 78-03-029	286-16-030	AMD C 78-03-032
248-14-260	AMD-P 78-03-124	275-16-030	AMD 78-03-029	286-16-040	AMD C 78-03-032
248-14-265	NEW-P 78-01-036	275-16-040	AMD 78-03-029	286-16-070	AMD C 78-03-032
248-14-270	AMD-P 78-01-036	275-16-045	NEW C 78-03-029	286-16-080	AMD C 78-03-032
248-14-270	AMD-P 78-03-124	275-16-050	REP 78-03-029	286-20-010	AMD C 78-03-032
248-14-401	NEW-P 78-03-124	275-16-060	REP 78-03-029	286-20-030	REP C 78-03-032
248-18-245	AMD C 78-03-058	275-16-070	REP 78-03-029	286-24-010	AMD C 78-03-032
248-33-100	AMD C 78-03-060	275-16-080	REP 78-03-029	286-24-020	AMD C 78-03-032
248-55	NEW-P 78-03-056	275-16-090	REP 78-03-029	286-24-040	AMD C 78-03-032
248-60A-010	REP-P 78-03-123	275-16-100	REP 78-03-029	286-26-010	AMD C 78-03-032
248-60A-020	REP-P 78-03-123	275-20-010	AMD C 78-03-029	286-26-020	AMD C 78-03-032
248-60A-030	REP-P 78-03-123	275-20-020	REP C 78-03-029	286-26-030	AMD C 78-03-032
248-60A-040	REP-P 78-03-123	275-20-030	AMD C 78-03-029	286-26-040	AMD C 78-03-032
248-60A-050	REP-P 78-03-123	275-20-035	NEW C 78-03-029	286-26-050	REP C 78-03-032
248-60A-060	REP-P 78-03-123	275-20-040	REP C 78-03-029	286-26-060	AMD C 78-03-032
248-60A-070	REP-P 78-03-123	275-20-050	REP C 78-03-029	286-26-070	AMD C 78-03-032
248-60A-080	REP-P 78-03-123	275-20-060	REP C 78-03-029	296-46-110	AMD 78-02-098
248-60A-090	REP-P 78-03-123	275-20-070	REP C 78-03-029	296-46-140	AMD 78-02-098
248-60A-100	REP-P 78-03-123	275-25-510	REP-P 78-01-037	296-46-150	AMD 78-02-098
248-60A-110	REP-P 78-03-123	275-25-520	AMD-P 78-01-037	296-46-200	AMD 78-02-098
248-60A-120	REP-P 78-03-123	275-25-525	REP-P 78-01-037	296-46-220	AMD 78-02-098
248-60A-130	REP-P 78-03-123	275-27-020	AMD-P 78-01-039	296-46-242	NEW 78-02-098
248-60A-140	REP-P 78-03-123	275-27-040	AMD-P 78-01-039	296-46-244	NEW 78-02-098
248-60A-150	REP-P 78-03-123	275-27-050	AMD-P 78-01-039	296-46-250	REP 78-02-098
248-60A-160	REP-P 78-03-123	275-27-060	AMD-P 78-01-039	296-46-260	REP 78-02-098
248-60A-170	REP-P 78-03-123	275-27-230	AMD-P 78-01-039	296-46-265	REP 78-02-098
248-61-001	REP-P 78-03-122	275-27-300	NEW-P 78-01-039	296-46-270	AMD 78-02-098
248-61-010	REP-P 78-03-122	275-27-310	NEW-P 78-01-039	296-46-320	REP 78-02-098
248-61-015	REP-P 78-03-122	275-27-320	NEW-P 78-01-039	296-46-350	AMD 78-02-098
248-61-020	REP-P 78-03-122	275-27-400	AMD-P 78-01-039	296-46-390	AMD 78-02-098
248-61-030	REP-P 78-03-122	275-27-500	AMD-P 78-01-039	296-46-400	REP 78-02-098
248-61-040	REP-P 78-03-122	275-27-600	NEW-P 78-01-038	296-46-401	REP 78-02-098

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-04-010	AMD-P 78-02-086	332-40-177	AMD-P 78-03-115	356-38-040	REP 78-03-049
308-52-050	REP-P 78-02-115	332-40-180	AMD-P 78-03-115	356-38-050	REP 78-03-049
308-52-136	NEW-P 78-02-115	332-40-190	AMD-P 78-03-115	356-38-060	REP 78-03-049
308-52-137	NEW-P 78-02-115	332-40-203	AMD-P 78-03-115	356-38-070	REP 78-03-049
308-52-138	NEW-P 78-02-115	332-40-205	AMD-P 78-03-115	356-38-080	REP 78-03-049
308-52-139	NEW-P 78-02-115	332-40-220	AMD-P 78-03-115	356-38-090	REP 78-03-049
308-52-140	NEW-P 78-02-115	332-40-240	AMD-P 78-03-115	356-38-100	REP 78-03-049
308-52-141	NEW-P 78-02-115	332-40-260	AMD-P 78-03-115	356-38-110	REP 78-03-049
308-52-142	NEW-P 78-02-115	332-40-300	AMD-P 78-03-115	356-38-120	REP 78-03-049
308-52-143	NEW-P 78-02-115	332-40-310	AMD-P 78-03-115	356-38-130	REP 78-03-049
308-52-144	NEW-P 78-02-115	332-40-315	AMD-P 78-03-115	356-38-140	REP 78-03-049
308-52-260	AMD-P 78-02-115	332-40-320	AMD-P 78-03-115	356-38-150	REP 78-03-049
308-52-270	AMD-P 78-02-115	332-40-330	AMD-P 78-03-115	356-38-160	REP 78-03-049
308-53-030	NEW 78-02-030	332-40-340	AMD-P 78-03-115	356-38-170	REP 78-03-049
308-53-070	NEW 78-02-030	332-40-345	AMD-P 78-03-115	356-39-010	NEW 78-02-049
308-53-130	REP-P 78-02-115	332-40-350	AMD-P 78-03-115	356-39-020	NEW 78-02-049
308-53-160	AMD 78-02-030	332-40-355	AMD-P 78-03-115	356-39-030	NEW 78-02-049
308-53-205	NEW 78-02-030	332-40-360	AMD-P 78-03-115	356-39-040	NEW 78-02-049
308-53-230	AMD 78-02-030	332-40-365	AMD-P 78-03-115	356-39-050	NEW 78-02-049
308-53-235	NEW 78-02-030	332-40-370	AMD-P 78-03-115	356-39-060	NEW 78-02-049
308-53-260	NEW 78-02-030	332-40-405	AMD-P 78-03-115	356-39-070	NEW 78-02-049
308-54-010	AMD 78-02-009	332-40-410	AMD-P 78-03-115	356-39-080	NEW 78-02-049
308-54-040	AMD 78-02-009	332-40-420	AMD-P 78-03-115	356-39-090	NEW 78-02-049
308-54-095	NEW 78-02-009	332-40-440	AMD-P 78-03-115	356-39-100	NEW 78-02-049
308-54-160	AMD 78-02-009	332-40-442	AMD-P 78-03-115	356-39-110	NEW 78-02-049
308-54-170	AMD 78-02-009	332-40-444	AMD-P 78-03-115	356-39-120	NEW 78-02-049
308-54-200	AMD 78-02-009	332-40-445	NEW-P 78-03-115	356-39-130	NEW 78-02-049
308-54-210	REP 78-02-009	332-40-450	AMD-P 78-03-115	356-39-140	NEW 78-02-049
308-54-220	AMD 78-02-009	332-40-460	AMD-P 78-03-115	360-36-160	NEW-P 78-03-081
308-54-225	NEW 78-02-009	332-40-465	AMD-P 78-03-115	360-36-170	NEW-P 78-03-081
308-54-240	AMD 78-02-009	332-40-470	AMD-P 78-03-115	365-50-010	NEW C 78-03-065
308-104-045	AMD-P 78-02-087	332-40-480	AMD-P 78-03-115	365-50-020	NEW C 78-03-065
308-120-160	AMD-P 78-03-080	332-40-480	AMD-P 78-03-115	365-50-030	NEW C 78-03-065
308-120-185	AMD-P 78-03-080	332-40-500	AMD-P 78-03-115	365-50-040	NEW C 78-03-065
308-120-340	NEW-P 78-03-079	332-40-535	AMD-P 78-03-115	365-50-050	NEW C 78-03-065
308-120-350	NEW-P 78-03-079	332-40-540	AMD-P 78-03-115	365-50-060	NEW C 78-03-065
308-120-400	NEW-P 78-03-068	332-40-545	AMD-P 78-03-115	365-50-070	NEW C 78-03-065
308-120-410	NEW-P 78-03-068	332-40-570	AMD-P 78-03-115	365-50-080	NEW C 78-03-065
308-120-420	NEW-P 78-03-068	332-40-580	AMD-P 78-03-115	365-50-090	NEW C 78-03-065
308-120-430	NEW-P 78-03-068	332-40-600	AMD-P 78-03-115	365-50-100	NEW C 78-03-065
308-120-440	NEW-P 78-03-068	332-40-650	AMD-P 78-03-115	365-50-110	NEW C 78-03-065
308-120-450	NEW-P 78-03-068	332-40-660	AMD-P 78-03-115	365-50-120	NEW C 78-03-065
314-20-030	AMD 78-02-031	332-40-690	AMD-P 78-03-115	365-50-130	NEW C 78-03-065
314-20-100	AMD-P 78-02-016	332-40-695	AMD-P 78-03-115	365-50-140	NEW C 78-03-065
314-20-100	AMD 78-02-056	332-40-710	NEW-P 78-03-115	365-50-150	NEW C 78-03-065
314-24-190	AMD-P 78-02-016	332-40-800	AMD-P 78-03-115	365-50-160	NEW C 78-03-065
314-24-190	AMD 78-02-056	332-40-835	REP-P 78-03-115	365-50-170	NEW C 78-03-065
314-52-070	AMD-P 78-02-016	352-32-030	AMD-P 78-03-088	365-50-180	NEW C 78-03-065
314-52-070	AMD 78-02-056	352-32-250	AMD-P 78-03-088	365-50-190	NEW C 78-03-065
314-52-080	AMD-P 78-02-016	352-32-260	AMD 78-02-038	365-50-200	NEW C 78-03-065
314-52-080	AMD 78-02-056	352-32-280	AMD-P 78-03-088	365-50-210	NEW C 78-03-065
314-52-090	AMD-P 78-02-016	352-32-285	NEW-P 78-03-088	365-50-220	NEW C 78-03-065
314-52-090	AMD 78-02-056	356-06-010	AMD 78-02-049	365-50-230	NEW C 78-03-065
314-52-111	AMD-P 78-02-016	356-06-020	AMD-P 78-03-074	365-50-240	NEW C 78-03-065
314-52-111	AMD 78-02-056	356-06-060	AMD-P 78-03-074	365-50-250	NEW C 78-03-065
314-52-113	AMD-P 78-02-016	356-06-070	AMD-P 78-03-074	365-50-260	NEW C 78-03-065
314-52-113	AMD 78-02-056	356-06-080	AMD-P 78-03-074	365-50-270	NEW C 78-03-065
314-52-120	AMD-P 78-02-016	356-07-030	AMD-P 78-03-074	365-50-280	NEW C 78-03-065
314-52-120	AMD 78-02-056	356-10-010	AMD-P 78-03-074	365-50-290	NEW C 78-03-065
314-62-010	NEW 78-02-039	356-10-030	AMD-P 78-02-100	365-50-300	NEW C 78-03-065
314-62-020	AMD-P 78-03-005	356-10-050	AMD-P 78-02-100	365-50-310	NEW C 78-03-065
314-62-020	NEW 78-02-039	356-10-060	AMD-P 78-02-100	365-50-320	NEW C 78-03-065
332-40-020	AMD-P 78-03-115	356-14-025	REP-P 78-03-074	365-50-330	NEW C 78-03-065
332-40-037	AMD-P 78-03-115	356-14-030	AMD-P 78-03-074	365-50-500	NEW C 78-03-065
332-40-040	AMD-P 78-03-115	356-14-050	AMD-P 78-03-074	365-50-520	NEW C 78-03-065
332-40-050	AMD-P 78-03-115	356-15-030	AMD-P 78-02-099	365-50-530	NEW C 78-03-065
332-40-055	AMD-P 78-03-115	356-18-020	AMD-P 78-02-099	365-50-540	NEW C 78-03-065
332-40-060	AMD-P 78-03-115	356-18-030	AMD-P 78-02-099	365-50-550	NEW C 78-03-065
332-40-100	AMD-P 78-03-115	356-22-090	AMD-P 78-03-074	365-55-010	NEW-P 78-02-104
332-40-170	AMD-P 78-03-115	356-22-180	AMD-P 78-02-099	365-55-020	NEW-P 78-02-104
332-40-175	AMD-P 78-03-115	356-22-230	AMD-P 78-02-099	365-55-030	NEW-P 78-02-104
		356-30-070	AMD-P 78-02-099	365-55-040	NEW-P 78-02-104
		356-38-010	REP 78-03-049	365-55-050	NEW-P 78-02-104
		356-38-020	REP 78-03-049	365-55-060	NEW-P 78-02-104
		356-38-030	REP 78-03-049		

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
365-55-070	NEW-P 78-02-104	388-87-027	AMD 78-02-024	415-104-020	NEW 78-03-023
365-55-080	NEW-P 78-02-104	388-87-027	AMD-P 78-03-007	415-104-030	NEW 78-03-023
360-36-010	AMD-E 78-02-070	388-87-070	AMD 78-02-024	415-104-100	NEW 78-03-023
388-15-020	AMD-E 78-02-001	388-87-080	AMD 78-02-024	415-104-105	NEW 78-03-023
388-15-120	AMD-E 78-02-001	388-87-090	AMD 78-02-024	415-104-110	NEW 78-03-023
388-15-170	AMD-E 78-02-001	388-87-095	AMD 78-02-024	415-104-120	NEW 78-03-023
388-17-010	AMD-P 78-03-119	388-92-015	AMD 78-02-024	415-104-140	NEW 78-03-023
388-17-020	AMD-P 78-03-119	388-92-070	AMD 78-02-024	415-104-150	NEW 78-03-023
388-17-030	REP-P 78-03-119	388-93-040	AMD 78-02-024	415-104-160	NEW 78-03-023
388-17-040	REP-P 78-03-119	388-96-701	NEW 78-02-013	415-104-170	NEW 78-03-023
388-17-050	REP-P 78-03-119	388-96-704	NEW 78-02-013	415-104-180	NEW 78-03-023
388-17-100	AMD-P 78-03-119	388-96-707	NEW 78-02-013	415-104-190	NEW 78-03-023
388-17-120	AMD-P 78-03-119	388-96-710	NEW 78-02-013	415-104-200	NEW 78-03-023
388-17-140	REP-P 78-03-119	388-96-713	NEW 78-02-013	415-104-210	NEW 78-03-023
388-17-160	AMD-P 78-03-119	388-96-716	NEW 78-02-013	415-104-220	NEW 78-03-023
388-17-180	AMD-P 78-03-119	388-96-719	NEW 78-02-013	415-104-230	NEW 78-03-023
388-17-200	REP-P 78-03-119	388-96-722	NEW 78-02-013	415-104-240	NEW 78-03-023
388-17-220	REP-P 78-03-119	388-96-727	NEW 78-02-013	415-104-250	NEW 78-03-023
388-17-240	REP-P 78-03-119	388-96-735	NEW 78-02-013	415-104-260	NEW 78-03-023
388-24-107	AMD-P 78-03-006	388-96-743	NEW 78-02-013	415-104-270	NEW 78-03-023
388-28-430	AMD-P 78-02-096	388-96-760	NEW 78-02-013	415-104-300	NEW 78-03-023
388-28-457	AMD-E 78-03-054	388-96-763	NEW 78-02-013	415-104-310	NEW 78-03-023
388-28-457	AMD-P 78-03-055	388-96-766	NEW 78-02-013	415-104-320	NEW 78-03-023
388-28-459	AMD-E 78-03-054	388-96-769	NEW 78-02-013	415-104-400	NEW 78-03-023
388-28-459	AMD-P 78-03-055	388-96-772	NEW 78-02-013	415-104-410	NEW 78-03-023
388-28-460	AMD-E 78-03-054	388-96-775	NEW 78-02-013	415-104-500	NEW 78-03-023
388-28-460	AMD-P 78-03-055	388-96-778	NEW 78-02-013	415-104-510	NEW 78-03-023
388-28-461	AMD-E 78-03-054	390-16-220	AMD-P 78-03-075	415-104-520	NEW 78-03-023
388-28-461	AMD-P 78-03-055	390-20-010	REP 78-02-063	415-104-530	NEW 78-03-023
388-28-462	AMD-E 78-03-054	390-20-0101	NEW 78-02-063	415-104-540	NEW 78-03-023
388-28-462	AMD-P 78-03-055	390-20-140	NEW-P 78-03-116	415-104-550	NEW 78-03-023
388-28-464	AMD-E 78-03-054	390-20-143	NEW-P 78-03-116	415-104-555	NEW 78-03-023
388-28-464	AMD-P 78-03-055	390-20-145	NEW-P 78-03-116	415-104-560	NEW 78-03-023
388-28-535	AMD-P 78-03-010	391-70-010	NEW-E 78-03-011	415-104-570	NEW 78-03-023
388-28-535	AMD-E 78-03-017	391-70-020	NEW-E 78-03-011	415-104-580	NEW 78-03-023
388-28-575	AMD-P 78-03-010	391-70-030	NEW-E 78-03-011	415-104-584	NEW 78-03-023
388-28-575	AMD-E 78-03-017	391-70-040	NEW-E 78-03-011	415-104-588	NEW 78-03-023
388-29-140	AMD-P 78-02-069	391-70-050	NEW-E 78-03-011	415-104-590	NEW 78-03-023
388-37-030	AMD-P 78-03-120	391-70-070	NEW-E 78-03-011	415-104-595	NEW 78-03-023
388-37-230	AMD-P 78-03-121	391-70-080	NEW-E 78-03-011	415-104-600	NEW 78-03-023
388-54-480	AMD 78-02-050	391-70-090	NEW-E 78-03-011	415-104-605	NEW 78-03-023
388-54-535	AMD-P 78-03-118	391-70-105	NEW-E 78-03-011	415-104-610	NEW 78-03-023
388-54-595	AMD-P 78-03-118	391-70-110	NEW-E 78-03-011	415-104-615	NEW 78-03-023
388-55-010	AMD-P 78-02-072	391-70-120	NEW-E 78-03-011	415-104-620	NEW 78-03-023
388-55-010	AMD-E 78-02-073	391-70-140	NEW-E 78-03-011	415-104-624	NEW 78-03-023
388-80-005	AMD-P 78-03-007	391-70-170	NEW-E 78-03-011	415-104-628	NEW 78-03-023
388-81-050	AMD 78-02-024	391-70-220	NEW-E 78-03-011	415-104-630	NEW 78-03-023
388-82-005	AMD 78-02-024	391-70-245	NEW-E 78-03-011	415-104-634	NEW 78-03-023
388-82-015	AMD 78-02-024	391-70-250	NEW-E 78-03-011	415-104-638	NEW 78-03-023
388-82-040	REP 78-02-024	391-70-260	NEW-E 78-03-011	415-104-640	NEW 78-03-023
388-83-027	REP 78-02-024	391-70-280	NEW-E 78-03-011	415-104-644	NEW 78-03-023
388-83-028	NEW 78-02-024	391-70-300	NEW-E 78-03-011	415-104-648	NEW 78-03-023
388-86-005	AMD 78-02-024	392-185-005	NEW 78-03-008	415-104-650	NEW 78-03-023
388-86-008	NEW 78-02-024	392-185-010	NEW 78-03-008	415-104-660	NEW 78-03-023
388-86-012	AMD 78-02-024	392-185-020	NEW 78-03-008	415-104-663	NEW 78-03-023
388-86-020	AMD 78-02-024	392-185-030	NEW 78-03-008	415-104-666	NEW 78-03-023
388-86-023	AMD 78-02-024	392-185-040	NEW 78-03-008	415-104-668	NEW 78-03-023
388-86-030	AMD-P 78-03-007	392-185-050	NEW 78-03-008	415-104-670	NEW 78-03-023
388-86-040	AMD 78-02-024	392-185-060	NEW 78-03-008	415-104-680	NEW 78-03-023
388-86-045	AMD 78-02-024	392-185-070	NEW 78-03-008	415-104-684	NEW 78-03-023
388-86-050	AMD 78-02-024	392-185-080	NEW 78-03-008	415-104-688	NEW 78-03-023
388-86-050	AMD-P 78-03-007	392-185-090	NEW 78-03-008	415-104-690	NEW 78-03-023
388-86-070	REP 78-02-024	392-185-100	NEW 78-03-008	415-104-700	NEW 78-03-023
388-86-090	AMD 78-02-024	392-185-110	NEW 78-03-008	415-104-705	NEW 78-03-023
388-86-095	AMD 78-02-024	392-185-120	NEW 78-03-008	415-104-710	NEW 78-03-023
388-86-098	AMD 78-02-024	392-185-130	NEW 78-03-008	415-104-715	NEW 78-03-023
388-86-100	AMD 78-02-024	392-185-140	NEW 78-03-008	415-104-720	NEW 78-03-023
388-86-112	AMD 78-02-024	392-185-150	NEW 78-03-008	415-104-725	NEW 78-03-023
388-86-120	AMD 78-02-024	415-02-040	NEW 78-03-023	415-104-730	NEW 78-03-023
388-87-012	AMD-P 78-03-007	415-02-050	NEW 78-03-023	415-104-740	NEW 78-03-023
388-87-013	AMD 78-02-024	415-02-060	NEW 78-03-023	415-104-745	NEW 78-03-023
388-87-015	AMD 78-02-024	415-02-070	NEW 78-03-023	415-104-750	NEW 78-03-023
388-87-025	AMD 78-02-024	415-02-080	NEW 78-03-023	415-104-755	NEW 78-03-023
388-87-025	AMD-P 78-03-007	415-104-010	NEW 78-03-023	415-108-010	NEW 78-03-023

Table of WAC Sections Affected

WAC #		WSR #
480-04-100	AMD	78-02-020
480-08-070	AMD-P	78-03-094
480-08-080	AMD-P	78-03-094
480-08-100	AMD-P	78-03-094
480-62-010	NEW-P	78-03-072
480-62-020	NEW-P	78-03-072
480-62-030	NEW-P	78-03-072
480-62-040	NEW-P	78-03-072
480-62-050	NEW-P	78-03-072
480-62-060	NEW-P	78-03-072
480-62-070	NEW-P	78-03-072
490-38-030	AMD	78-02-058
490-325-010	NEW-P	78-02-079
490-325-020	NEW-P	78-02-079
490-325-030	NEW-P	78-02-079
490-325-040	NEW-P	78-02-079
490-325-050	NEW-P	78-02-079
490-325-060	NEW-P	78-02-079
508-02	REP	78-02-041

Subject/Agency Index

ADVERTISING		
Liquor licensees requirements	78-02-016 78-02-056	
AGRICULTURE, DEPARTMENT OF		
Alfalfa seed certification standards	78-03-050	
Annual bluegrass quarantine ryegrass, deletion	78-03-105	
violation procedures	78-03-105	
Apiary board area boundaries, establishment	78-02-081	
Beans		
bacterial diseases	78-03-104	
quarantines, bacterial diseases	78-03-038	
Bluegrass, annual quarantine, implementation	78-03-042	
Cherries, grade standards establishment	78-02-082	
Desiccant, defoliant application, helicopters, nozzle requirements	78-02-053	
Desiccant, defoliant use, eastern Washington	78-02-045	
Field pea seed certification, application and fees	78-03-110	
Field peas, seed certification, standards	78-03-044	
General seed certification standards	78-03-049	
Grapes, organization for economic cooperation and development scheme for varietal certification	78-03-102	
Grass seed certification fee	78-03-112	
standards	78-03-052	
Herbicides, restricted use, user permits, deletion	78-03-019	
Lentil seed certification standards	78-03-046	
Lentil seeds, certification, fees	78-03-109	
Microencapsulated methyl parathion, use restrictions	78-02-114	
Noxious weed list	78-02-067	
Noxious weed seeds		
prohibition, restriction	78-03-039	
restriction deletions	78-03-103	
Organization for economic cooperation and development scheme for varietal certification	78-03-102	
Phyto-sanitary certificates for seed, issuance	78-03-051	
Prunes, grade, standards, tolerance at destination	78-02-083	
Red clover certification, isolation requirements	78-03-111	
Red clover seed certification standards	78-03-047	
Seed certification		
eligible varieties	78-03-114	
varieties eligible for	78-03-053	
Seed enforcement program, assessment fees	78-02-113	
Seed standards, white clover, trefoil, 90 lb. sweet clover	78-03-106	
Seeds		
certification		
eligible varieties	78-03-099	
laboratory analysis fees	78-03-101	
phyto-sanitary certificates	78-03-101	
soybeans, fee	78-03-100	
interagency certification procedure	78-03-108	
standards	78-03-041	
Small grain seed certification		
eligible varieties, application, fees	78-03-113	
standards	78-03-045	
Sod quality certification standards	78-03-107	
Sod quality certified seed standards	78-03-040	
Soybean seed certification	78-03-043	
Varietal certification, economic cooperation and development scheme, organizational procedures	78-03-037	
White clover and trefoil seed certification standards	78-03-048	
ALCOHOLIC BEVERAGE		
Bellevue Community College, student use, application form	78-03-022	
ANIMALS		
Import limitations, rabies control	78-03-059	
APIARIES		
Board areas, establishment	78-02-081	
BEER		
Eight ounce containers	78-02-031	
Price posting, wholesalers	78-02-016	
Wholesale price, delivery requirements	78-02-056	
BELLEVUE COMMUNITY COLLEGE		
Alcoholic beverages, use, application form	78-03-022	
Public meetings notice	78-03-071	
Refund policy, tuition fees	78-02-021	
Student code, student responsibilities	78-03-022	
BIG BEND COMMUNITY COLLEGE		
Public records, copying procedures	78-02-017	
BOILERS		
Inspections	78-03-057	
CAMPS		
Agricultural labor, standards	78-03-122	
Counselor staff employment standards	78-03-004	
Labor camps, standards	78-03-123	
State parks, camping restrictions, fees, exempt individuals	78-03-088	
CENTRAL WASHINGTON UNIVERSITY		
Parking and traffic regulations	78-02-023	
Public meeting notice	78-01-026	
Selling on campus	78-02-048	
CHECKS		
Licenses, certificates, payment for, out-of-state checks, acceptance of	78-02-086	
CHILDREN		
Juvenile offenders, diversion program	78-03-117	
CHIROPRACTIC DISCIPLINARY BOARD		
Ethical standards	78-03-086	
CHIROPRACTIC EXAMINERS, BOARD OF		
Colleges, approval	78-03-064	
Examinations, scoring, limitation	78-03-064	
CITIES AND TOWNS		
Curb ramps, handicapped, construction standards	78-02-066	
CLARK COLLEGE		
Public meeting notice	78-01-015	
CODE REVISER		
Forms, rule adoption	78-02-074	
COLLECTIVE BARGAINING		
Marine employees	78-03-011	
COLLEGES AND UNIVERSITIES		
Chiropractic, approval	78-03-064	
Eastern Washington University, associated students, constitutional amendments	78-03-078	
Personnel administration		
exclusive representative, election, petition	78-03-098	
position review, requests, time span	78-03-098	
unfair labor practices, board decisions, appeal period	78-03-098	
Personnel recruitment, examination, certification, appointment	78-02-094	
Student financial aid, need grant program, "academic year" defined	78-02-085	
Work-study program, placement, compensation restrictions	78-02-084	
COLUMBIA BASIN COLLEGE		
Public meeting notice	78-01-027	
COMMUNITY COLLEGE DISTRICT NO. 1		
Public meeting notice	78-02-011	
COMMUNITY COLLEGE DISTRICT NO. 3		
Handicapped grievance procedure	78-02-062	
COMMUNITY COLLEGE DISTRICT NO. 5		
Public meeting notice	78-02-005	
COMMUNITY COLLEGE DISTRICT NO. 8		
Refund policy, tuition fees	78-02-021	

Subject/Agency Index

COMMUNITY COLLEGE DISTRICT NO. 12		DRUGS	
Public meeting notice	78-03-062	Controlled substances, Board of Pharmacy, federal references update	78-02-070
COMMUNITY COLLEGE EDUCATION, STATE BOARD FOR		Phencyclidine, lorazepam, schedule placement	78-03-081
Public meeting notice	78-01-021	Sodium pentobarbital, registration fees	78-02-070
COMMUNITY COLLEGES		EASTERN WASHINGTON UNIVERSITY	
Green River Community College, tenure review committee	78-03-076	Anti-discrimination actions, retaliation prohibited	78-03-028 78-03-027
COMMUNITY DEVELOPMENT, OFFICE OF (See also PLANNING AND COMMUNITY AFFAIRS AGENCY)		Associated students, constitutional amendments	78-03-078
Criminal history files, security and privacy safeguards	78-02-057	Public meeting notice	78-03-016
Public meeting notice, affiliated committees and councils	78-02-105	ECOLOGICAL COMMISSION	
Weatherization assistance program, draft plan, public hearing	78-03-085	Public meeting notice	78-01-012
CONSERVATION		ECOLOGY, DEPARTMENT OF	
Weatherization assistance program, draft plan, public hearing	78-03-085	Departmental organization, office locations, hours	78-02-041
CONSERVATION COMMISSION		Emergency water withdrawal facilities, appropriation implementation	78-02-007 78-02-077 78-03-083
Public meeting notice	78-01-011	Environmental policy act (SEPA), guidelines	78-02-042
COUNTIES		John Day/McNary pools, water reservation, management	78-02-041 78-03-018
Curb ramps, handicapped, construction standards	78-02-066	Public records, inspection, copying procedures	78-02-041
Special supervision—county juvenile probation program, accountability, standardization	78-03-030	Quincy ground water subarea	78-03-018
CRIMES		State environmental policy act (SEPA), "Model Ordinance" guidelines	78-03-084 78-02-043
Files, security and privacy safeguards	78-03-012	Surface waters, quality standards	78-02-076
CRIMINAL JUSTICE TRAINING COMMISSION		Tax credits, exemptions, pollution control facilities	78-02-076
Academy requirements	78-02-036	EDUCATION, BOARD OF	
Basic law enforcement curriculum	78-02-033	Certification, requirements procedure	78-03-014
Central office location, hours, field office termination	78-02-032	Educational clinics, professional personnel, qualifications, certification	78-03-013
Physical requirements for admission to basic law enforcement academy	78-02-034	EDUCATIONAL CLINICS	
Procedure for acknowledgment of prior basic training and issuance of certificate of equivalent basic training	78-02-035	Certification, requirements, procedure	78-03-014
Requirement of basic law enforcement training	78-02-037	Professional personnel, qualifications, certification	78-03-013
CRIMINAL PROCEDURE		State funds, distribution requirements, procedures	78-03-008
Criminal history files, security and privacy safeguards	78-02-057 78-03-065	ELECTIONS	
DATA PROCESSING AUTHORITY		Surplus campaign funds, definition	78-03-075
Public meeting notice	78-01-008	ELECTRICITY	
DEVELOPMENTALLY DISABLED		Departmental administrative procedures	78-02-098
Case services	78-01-038 78-01-039	Electrical Code, National, 1978, adoption	78-02-098
County plans	78-01-037	Wiring procedures	78-02-098
Home aid resources	78-01-038 78-01-039	EMPLOYEES	
DISCLOSURE		Labor camps, standards	78-03-123
Insurance, health and accident, medicare supplements, disclosure standards	78-03-077	EMPLOYER AND EMPLOYEES	
Surplus campaign funds, definition	78-03-075	Camps, seasonal recreational, counselor staff employment standards	78-03-004
DISCRIMINATION		EMPLOYMENT DEVELOPMENT SERVICES COUNCIL	
Affirmative action, state, executive order	78-02-068	Public meeting notice	78-03-085
Eastern Washington University, anti-discrimination actions, retaliation prohibited	78-03-028 78-03-027	ENERGY	
Olympic college, handicapped grievance procedure	78-02-062	Weatherization assistance program, draft plan, public hearing	78-03-085
DROPOUTS		ENERGY CONSERVATION AND WEATHERIZATION ADVISORY COMMITTEE	
Educational clinics, fund distribution requirements, procedures	78-03-008	Public meeting notice	78-03-085
DROUGHT		ENERGY FACILITY SITE EVALUATION COUNCIL	
Emergency water withdrawal facilities, appropriation implementation	78-02-007 78-02-077	Expedited processing, applications for, procedure	78-03-069
		Fees	
		application processing	78-03-069
		compliance determination, potential site study	78-03-069
		independent consultant study	78-03-069
		ENVIRONMENT	
		Ecology, department of, Environmental Policy Act, (SEPA), guidelines	78-03-083
		Fisheries, department of, compliance guidelines	78-03-092
		Lower Columbia college, state policy, guideline implementation	78-02-071

Subject/Agency Index

FISHING—cont.		
Green/Duwamish rivers, treaty Indian steelhead fishery, reopened	78-03-020	
Green river, sport steelhead fishery closure	78-03-025	
Hoko river, steelhead closure, treaty Indians	78-02-040	
Nisqually river, salmon closure	78-02-051	
Nisqually river off-reservation, steelhead closure, treaty Indians	78-02-047	
Quileute river		
steelhead, sport, treaty Indian fishing, closure	78-03-026	
Quileute river system, steelhead sports fishing, closure	78-02-080	
Salmon		
gillnets, Cowlitz, Kalama, Lewis rivers	78-03-067	
sturgeon fishing periods, Columbia river	78-02-075	
Seasons		
sturgeon, shad, herring, candlefish, anchovies, pilchards	78-02-111	
set net, dogfish	78-02-111	
Sekiu river, steelhead closure, treaty Indians	78-02-044	
Skagit river		
sport steelhead, treaty Indians	78-03-073	
steelhead, sport, treaty Indian fisheries, closure	78-03-026	
Sport fishing regulations	78-03-034	
Steelhead sport fishing, Quileute River system, open period	78-02-010	
FOREST PRACTICES APPEALS BOARD		
Public meeting notice	78-02-003	
FORMS		
Lobbyists, registration	78-02-063	
Rule adoption procedures, WAC	78-02-074	
FORT STEILACOOM COMMUNITY COLLEGE		
Public meeting notice	78-01-009	
FRUIT		
Cherries, grade standards, establishment	78-02-082	
Prunes, grades, standards, tolerance at destination	78-02-083	
GAMBLING		
Commercial stimulants, fund raising events	78-01-034	
GAMBLING COMMISSION		
Bona fide member, defined	78-02-102	
Commercial stimulant, definition	78-03-061	
Commercial stimulants, fund raising events	78-01-034	
Fund raising events, lease or loan of equipment, time limitation	78-03-061	
Public meeting notice	78-01-006	
Raffles	78-02-102	
	78-03-063	
licensing	78-03-082	
GAME, DEPARTMENT OF		
Closure of Elwha River to taking of steelhead by treaty Indians	78-02-028	
Closure of Humpulips River and Area C to taking of steelhead by treaty Indians	78-02-027	
Closure of Lake Washington watershed to taking of steelhead by treaty Indians	78-02-029	
Closure of Skagit River to taking of steelhead by treaty Indians	78-02-026	
Fly fishing, weight prohibition	78-02-055	
Game damage permits, real or personal property	78-02-055	
Green/Duwamish rivers, treaty Indian steelhead fishery, reopened	78-03-020	
Green river, sport steelhead fishery closure	78-03-025	
Hoko river, steelhead closure, treaty Indians	78-02-040	
Hunting seasons, 1978, mountain goat, sheep, moose	78-02-046	
Livestock grazing on departmental lands	78-02-055	
Nisqually river, steelhead closure, treaty Indians—off reservation	78-02-047	
Public meeting notice	78-03-001	
Quileute river		
sport steelhead fishing, closure	78-03-026	
treaty Indian fishing, closure	78-03-026	
GAME, DEPARTMENT OF—cont.		
Quileute river system, steelhead sports fishing, closure	78-02-080	
Sekiu river, steelhead closure, treaty Indians	78-02-044	
Skagit river		
sport steelhead, treaty Indian fishing	78-03-073	
steelhead sports fishery closure	78-03-002	
Steelhead sport fishing, Quileute River system, open period	78-02-010	
Tagging requirements, bobcat, Canada lynx, river otter pelts	78-02-055	
1978 spring and summer hunting seasons	78-03-087	
GENERAL ADMINISTRATION, DEPARTMENT OF		
Capitol grounds		
parking, control marking	78-03-090	
traffic and parking regulations	78-03-091	
Curb ramps, handicapped, construction standards	78-02-066	
Purchasing division		
Emergency purchasing, repealer	78-02-060	
GOVERNOR		
Approval agency, veterans training, Postsecondary Education, Council for, designation	78-02-117	
Executive order, affirmative action	78-02-068	
1122 program hearing agency revocation	78-03-033	
GRAPES		
Organization for economic cooperation and developmet scheme for varietal certification	78-03-102	
Varietal certification, economic cooperation and development scheme, organizational procedures	78-03-037	
GRAYS HARBOR COLLEGE		
Public meeting notice	78-01-040	
GREEN RIVER COMMUNITY COLLEGE		
Public meeting notice	78-01-003	
Tenure review committee	78-03-076	
HANDICAPPED		
Curb ramps, construction standards	78-02-066	
Grievance procedure, Olympia College	78-02-062	
Weatherization assistance program for low-income persons	78-02-104	
HEALTH CARE		
Chiropractors, ethical standards	78-03-086	
HEALTH, BOARD OF		
Agricultural labor camps	78-03-122	
Eye banks, records	78-03-060	
Nursing homes	78-03-124	
Rabies, animal import limitation	78-03-059	
Tuberculosis patients, hospital care	78-03-058	
HERBICIDES (See PESTICIDE APPLICATION)		
HIGHER EDUCATION PERSONNEL BOARD		
Exclusive representative, election, petition	78-03-098	
Position review, requests, time span	78-03-098	
Recruitment, examination, certification, appointment	78-02-094	
Unfair labor practices, board decisions, appeal period	78-03-098	
HIGHLINE COMMUNITY COLLEGE		
Public meeting notice	78-01-019	
HIGHWAYS		
Kok road intersection, Route 539, parking prohibition	78-02-078	
SR-2, Wenatchee vicinity, parking restriction	78-02-088	
Tire chains, traction devices, use, approval of	78-02-091	
HORSE RACING COMMISSION		
Medication of horses, procedures	78-03-095	
HOUSING		
Weatherization assistance program for low-income persons	78-02-104	
HUMAN RIGHTS COMMISSION		
Organizational rules, codification corrections	78-02-065	

Subject/Agency Index

HUNTING		LABOR AND INDUSTRIES, DEPARTMENT OF	
Game damage permits, real or personal property	78-02-055	—cont.	
Seasons, 1978, mountain goat, sheep, moose	78-02-046	Electrical Code, National, 1978, adoption	78-03-036
Tagging requirements, bobcat, Canada lynx, river otter pelts	78-02-055	Industrial welfare committee	78-02-098
1978 spring and summer seasons	78-03-087	camps, seasonal recreational, counselor staff employment standards	78-03-004
IDENTICARDS		Wiring procedures	78-02-098
Issuance requirements	78-02-087	LAW ENFORCEMENT	
INDIANS		Basic training requirement for continued employment	78-02-037
Closing of Elwha River to taking of steelhead	78-02-028	LICENSES	
Closing of Humpulips River and Area 2C to steelhead fishing by treaty Indians	78-02-027	Chiropractic colleges, approval	78-03-064
Closing of Skagit River to taking of steelhead	78-02-026	Chiropractic examinations, scoring, limitation	78-03-064
Closure of Lake Washington watershed to taking of steelhead by treaty Indians	78-02-029	Raffles	78-03-082
Green/Duwamish rivers, steelhead fishery, reopened	78-03-020	LICENSING, DEPT. OF (PROFESSIONAL LICENSES DIVISION)	
Hoko river, steelhead closure	78-02-040	Identicards, issuance, requirements	78-02-087
Nisqually river off-reservation, steelhead closure	78-02-047	Nursing, board of certified registered nurses	
Quileute river, steelhead fishing, closure	78-03-026	associations	78-03-079
Sekiu river, steelhead closure	78-02-044	drug prescription authority	78-03-068
Skagit river fishing	78-03-073	licensure qualifications, examinations	78-03-080
INDUSTRIAL INSURANCE APPEALS, BOARD OF		temporary retirement	78-03-080
Public meeting notice	78-01-028	Optometry, board of, licensing requirements	78-02-030
INDUSTRIAL WELFARE COMMITTEE		Out-of-state checks, acceptance	78-02-086
Camps, seasonal recreational, counselor staff employment standards	78-03-004	Public meeting notice	78-01-010
INSECTICIDES		LIQUOR CONTROL BOARD	
Microencapsulated methyl parathion, use restrictions	78-02-114	Advertising	
INSTITUTIONS		Requirements	78-02-056
Mentally/physically deficient persons, care costs, liability	78-03-029	Signs, displays	78-02-016
INSURANCE		Annual reports	
Health and accident,		distribution to news reporting services	78-03-005
Medicare supplements, disclosure standards	78-03-077	publication	78-02-039
Public employees, Uniform Insurance Plans, eligible entities	78-02-015	Beer and wine, wholesale price, delivery requirements	78-02-056
State employees		Eight ounce beer containers	78-02-031
group coverage when not on pay status	78-02-014	Liquor law pamphlets, publication	78-02-039
status for a reverted employee	78-03-021	Price posting, beer, wine, wholesalers	78-02-016
State employees insurance board revolving fund employer contribution	78-02-015	Public meeting notice	78-01-035
INSURANCE COMMISSIONER		LIVESTOCK	
Fire marshal, investigative division, designation, duties	78-03-015	Grazing on departmental lands	78-02-055
Health and accident insurance, Medicare supplements, disclosure standards	78-03-077	LOANS	
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION		Emergency water withdrawal facilities, drought relief	78-02-007
Off-road vehicles		LOBBYING AND LOBBYISTS	
name change implementation	78-03-032	Organizations, registration requirements	78-03-116
revisions	78-02-101	Registration exemption, loss of	78-03-116
Organization, administration	78-03-032	Registration form	78-02-063
Public meeting notice	78-01-024	Reporting of lobbying events	78-03-116
	78-02-025	LOWER COLUMBIA COLLEGE	
	78-03-003	Environmental policy act, implementation guidelines	78-02-071
IRRIGATION		Public meeting notice	78-01-017
Drought relief, emergency water withdrawal facilities, appropriation implementation	78-02-007	MEDICAL EXAMINERS, BOARD OF	
John Day/McNary pools, water reservation, management	78-02-042	Examinations, scores, reciprocal acceptance	78-02-115
Quincy ground water subarea	78-03-018	Physicians' assistants, registration, regulation	78-02-115
JUVENILE JUSTICE ADVISORY COMMITTEE		MENTALLY ILL	
Public meeting notice	78-03-085	Care and hospitalization costs, rates, liability	78-03-029
JUVENILES		MOTOR VEHICLES	
Offenders, diversion program	78-03-117	Off-road vehicles	
Special supervision—county juvenile probation programs, accountability, standardization	78-03-030	name change implementation	78-03-032
LABOR AND INDUSTRIES, DEPARTMENT OF		revisions	78-02-101
Administrative procedures	78-02-098	Quartz halogen headlamps, standards	78-02-092
Boilers, inspections	78-03-057		78-02-093
		Tire chains, traction devices, use, approval of	78-02-091
		NATURAL RESOURCES, DEPARTMENT OF	
		Environmental protection act (SEPA), interpretation, implementation guidelines	78-03-115
		Public meeting notice, Board of Natural Resources	78-03-096

Subject/Agency Index

NEWS SERVICES			
Liquor control board, annual reports, distribution	78-03-005		
NONPROFIT ORGANIZATIONS			
Bona fide member, defined	78-02-102		
NOXIOUS WEED CONTROL BOARD			
Noxious weed list	78-02-067		
NOXIOUS WEEDS			
Prohibitions, restrictons	78-03-039		
NURSES			
Licensure, qualifications, examinations	78-03-080		
Temporary retirement	78-03-080		
NURSING, BOARD OF			
Certified registered nurses associations	78-03-079		
drug prescription authority	78-03-068		
NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR			
Administration procedures	78-02-009		
NURSING HOME ADMINISTRATORS, STATE BOARD OF			
Public meeting notice	78-01-013		
NURSING HOMES			
Accounting and reimbursement system	78-02-013		
Food and food service	78-01-036		
Operating requirements	78-03-124		
OCEANOGRAPHIC COMMISSION			
Public meeting notice	78-02-107		
OFF-ROAD VEHICLES			
Name change implementation	78-03-032		
Revisions	78-02-101		
OLYMPIC COLLEGE			
Handicapped grievance procedure	78-02-062		
Organizational rules repealer	78-02-090		
Public meeting notice	78-01-014		
	78-02-089		
OPTOMETRY, STATE BOARD OF			
Licensing requirements	78-02-030		
Public meeting notice	78-01-016		
PARKING			
Capitol grounds	78-03-090		
	78-03-091		
Kok road intersection, Route 539, parking prohibition	78-02-078		
SR-2, Wenatchee vicinity, restriction	78-02-088		
PARKS AND RECREATION COMMISSION			
Camping, restrictions	78-03-088		
Fees, exempt individuals	78-03-088		
Public meeting notice	78-02-019		
Sno-park permits, reciprocity	78-02-038		
PERMITS			
Herbicides, restricted use, user permits, deletion	78-03-019		
PERSONNEL BOARD			
Administrative requirements, procedures	78-03-074		
Appointments, acting	78-02-099		
Examinations	78-02-099		
Holidays	78-02-099		
Human resource development	78-02-049		
Overtime, non-scheduled employees	78-02-099		
Positions, allocation, reallocation	78-02-100		
PESTICIDE APPLICATION			
Herbicides, restricted use, user permits, deletion	78-03-019		
PHARMACY, BOARD OF			
Controlled substance, federal regulations, reference update	78-02-070		
Phencyclidine, lorazepam, schedule placement	78-03-081		
Sodium pentobarbital, registration fees	78-02-070		
PHYSICIANS AND SURGEONS			
Licensing examinations, scores, reciprocal acceptance, failure in more than one subject	78-02-115		
PHYSICIANS' ASSISTANTS			
Registration, regulation	78-02-115		
PILOTAGE COMMISSIONERS, BOARD OF			
Pilotage rates, Grays Harbor and Willapa Bay Pilotage District	78-02-008		
Public meeting notice	78-01-030		
Puget Sound pilots retirement fund contributions, amount	78-02-008		
PILOTS (Marine)			
Pilotage rates, Grays Harbor and Willapa Bay Pilotage District	78-02-008		
Puget Sound pilots retirement fund contributions, amount	78-02-008		
PLANNING AND COMMUNITY AFFAIRS AGENCY			
(See also COMMUNITY DEVELOPMENT, OFFICE OF)			
Criminal history files, security and privacy safeguards	78-02-103		
	78-03-012		
	78-03-065		
Weatherization assistance program for low-income persons	78-02-104		
POLICE			
Criminal history files, security and privacy safeguards	78-03-065		
POLITICAL CAMPAIGNS			
Surplus funds, definition	78-03-075		
POLLUTION			
Tax credit and exemptions, pollution control facilities	78-02-076		
POLLUTION CONTROL HEARINGS BOARD			
Public meeting notice	78-02-002		
POSTSECONDARY EDUCATION, COUNCIL FOR			
Approval agency, veterans training, designation	78-02-117		
College work-study program, placement, compensation restrictions	78-02-084		
Public meeting notice	78-01-023		
Student financial aid, need grant program, "academic year", defined	78-02-085		
PRESCRIPTIONS			
Nurses, authority of	78-03-068		
PRIVACY			
Criminal history files, security and privacy safeguards	78-02-057		
	78-02-103		
	78-03-012		
	78-03-065		
PROBATION			
Special supervision—county juvenile probation program, accountability, standardization	78-03-030		
PUBLIC ASSISTANCE			
Aid to dependent children			
child living with relative not in need	78-02-069		
general assistance, income determination, youth CETA earnings, excluded	78-03-017		
work incentive program exemption, mothers of unborn children	78-03-006		
Asian refugee assistance, AFDC, medicaid participation	78-02-072		
	78-02-073		
Continuing general assistance, eligible persons	78-03-120		
Eligibility			
income determination, youth			
CETA earnings, excluded	78-03-017		
income exclusions	78-03-010		
joint accounts, "power of attorney"	78-02-096		
property transfer, consideration of	78-03-054		
	78-03-055		

Subject/Agency Index

PUBLIC ASSISTANCE—cont.		PUBLIC MEETING NOTICES—cont.	
Family, children, adult services, implementation of changes to annual social services plan	78-02-001	Natural resources, department of, board of natural resources	78-03-096
Food assistance programs		Nursing Home Administrators, State Board of	78-01-013
certification, transfer	78-03-118	Oceanographic commission	78-02-107
retroactive benefits	78-03-118	Oceanographic Institute	78-02-107
Food stamp program, CETA income exclusion	78-02-050	Olympic College	78-01-014
Medical care			78-02-089
eyeglasses and examinations	78-03-007	Optometry, State Board of	78-01-016
hospital care, approval requirements	78-03-007	Parks and Recreation Commission	78-02-019
professional services review organization (PSRO), defined	78-03-007	Pilotage Commissioners, Board of	78-01-030
psychologist services, approval	78-03-007	Pollution Control Hearings Board	78-02-002
terminology update, policy revisions	78-02-024	Postsecondary Education, Council for	78-01-023
Noncontinuing general assistance, exempt and nonexempt resources and income	78-03-121	Public Disclosure Commission	78-01-031
Senior citizens services program	78-03-119	Public employees' and law enforcement officers' and fire fighters retirement board	78-03-009
PUBLIC DISCLOSURE COMMISSION		Public Employment Relations Commission	78-01-041
Lobbyists		Retirement systems, department of	78-03-009
exemption loss	78-03-116	School Director's Association	78-01-018
organizations, registration requirements	78-03-116	Seattle Community College District	78-02-018
registration form	78-02-063	Shoreline Community College	78-01-029
reporting of lobbying events	78-03-116	Shorelines Hearings Board	78-02-002
Public meeting notice	78-01-031		78-02-095
Surplus campaign funds, definition	78-03-075		78-03-035
PUBLIC EMPLOYEES (See PUBLIC OFFICERS AND EMPLOYEES)		Skagit Valley College	78-01-004
PUBLIC EMPLOYEES' AND LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT BOARD		State patrol retirement board	78-03-009
Public meeting notice	78-03-009	Tacoma Community College	78-01-002
PUBLIC EMPLOYMENT RELATIONS COMMISSION		Teachers' retirement board	78-03-009
Marine employees, collective bargaining	78-03-011	University of Washington	78-02-061
Public meeting notice	78-01-041	Urban Arterial Board	78-01-032
PUBLIC INSTRUCTION, SUPERINTENDENT OF			78-03-024
Educational clinic, fund distribution requirements, procedures	78-03-008	Veterans affairs, department of, advisory committee	78-02-012
PUBLIC MEETING NOTICES		Vocational education, advisory council on	78-02-059
Bellevue Community College	78-03-071	Vocational Education, Commission for	78-01-001
Central Washington University	78-01-026		78-01-020
Clark College	78-01-015	Walla Walla Community College	78-02-004
Columbia Basin College	78-01-027	Washington State University	78-03-089
Community College District No. 1	78-02-011	Wenatchee Valley College	78-01-026
Community College District No. 5	78-02-005	Western Washington University	78-01-005
Community College District No. 12	78-03-062	Whatcom Community College	78-01-007
Community College Education, State Board for	78-01-021		78-03-066
Community Development, Office of, affiliated committees and councils	78-02-105	Yakima Valley College	78-01-025
Conservation Commission	78-01-011		78-01-026
Data Processing Authority	78-01-008		78-02-054
Eastern Washington University	78-03-016	PUBLIC OFFICERS AND EMPLOYEES	
Ecological Commission	78-01-012	Collective bargaining, marine employees	78-03-011
Employment development services council	78-03-085	Higher education personnel, recruitment, examination, certification, appointment	78-02-094
Energy conservation and weatherization advisory committee	78-03-085	Insurance	
Evergreen State College, The	78-01-022	State group, coverage when not on pay status	78-02-014
	78-02-116		78-03-021
Forest Practices Appeals Board	78-02-003	Uniform plans	78-02-015
Fort Steilacoom Community College	78-01-009	Marine employees, collective bargaining	78-03-011
Gambling Commission	78-01-006	State	
Game, Department of	78-03-001	appointments, acting	78-02-099
Grays Harbor College	78-01-040	examinations	78-02-099
Green River Community College	78-01-003	holidays	78-02-099
Highline Community College	78-01-019	human resource development	78-02-049
Industrial Insurance Appeals, Board of	78-01-028	overtime, non-scheduled employees	78-02-099
Interagency Committee for Outdoor Recreation		personnel board, administrative requirements, procedures	78-03-074
	78-01-024	positions, allocations, reallocations	78-02-100
	78-02-025	PUBLIC RECORDS	
	78-03-003	Copying procedures	
	78-03-085	Big Bend Community College	78-02-017
Juvenile justice advisory committee		Ecology, department of	78-02-041
Licensing, Department of		Utilities and transportation commission	78-02-020
Professional Licenses Division	78-01-010	Criminal history files, security and privacy safeguards	78-02-057
Liquor Control Board	78-01-035	Revenue, department of, access to	78-02-064
Lower Columbia College	78-01-017	PUBLICATIONS	
		Liquor control board	78-02-039
		PURCHASING	
		Emergency purchasing repeal, department of general administration	78-02-060

Subject/Agency Index

RAFFLES		SHELLFISH	
Conduct of	78-03-063	Harvesters, commercial, log maintenance	78-02-022
Licensing	78-03-082	Personal use regulations	78-01-033
RAILROADS		SHORELINE COMMUNITY COLLEGE	
Crossings, overpasses, construction safety requirements	78-03-072	Public meeting notice	78-01-029
Passenger carrying vehicles, employees	78-03-072	SHORELINES HEARINGS BOARD	
Speedometers, locomotives	78-03-072	Public meeting notice	78-02-002 78-02-095 78-03-035
RECORDS		SIDEWALKS	
Criminal history files, security and privacy safeguards	78-03-012 78-03-065	Curb ramps, handicapped, construction standards	78-02-066
REFUGEES		SKAGIT VALLEY COLLEGE	
Asian refugee assistance, AFDC, medicaid participation	78-02-072 78-02-073	Public meeting notice	78-01-004
REPORTS		SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	
Liquor control board, annual distribution to news reporting services	78-03-005	Agricultural labor camps, standards	78-03-122
RETIREMENT		Annual social service plan, implementation of changes to	78-02-001
Consolidation of administrative rules for previously separately administered systems	78-03-023	Health, Board of	
Puget Sound pilots retirement fund contribution, amount	78-02-008	agricultural labor camps, standards	78-03-122
RETIREMENT SYSTEMS, DEPARTMENT OF		labor camps, standards	78-03-123
Consolidation of administrative rules for previously separately administered systems	78-03-023	nursing homes	78-01-036 78-03-124
Public meeting notice	78-03-009	Institutional care, mentally/physically deficient persons, costs, liability	78-03-029
REVENUE, DEPARTMENT OF		Institutions	
Food, exemption, sales, use taxes	78-03-070	Developmental disabilities	78-01-037 78-01-038 78-01-039
Property tax annual ratio study	78-02-052	Juvenile offenders, diversion program	78-03-117
Public records, access to	78-02-064	Labor camps, standards	78-03-123
SCHOOL DIRECTOR'S ASSOCIATION		Mentally ill, care and hospitalization, rates, liability	78-03-029
Public meeting notice	78-01-018	Nursing home accounting and reimbursement system	78-02-013
SCHOOLS		Nursing homes	78-03-124
Educational clinics		Public assistance	
certification, requirements, procedure	78-03-014	Aid to dependent children	
fund distribution requirements, procedures	78-03-008	child living relation not in need	78-02-069
professional personnel, qualifications, certification	78-03-013	general assistance, income determination, youth CETA earnings, excluded	78-03-017
SEATTLE COMMUNITY COLLEGE DISTRICT		work incentive programs, exemption, mothers of unborn children	78-03-006
Public meeting notice	78-02-018	Asian refugee assistance, AFDC, medicaid participation	78-02-073
SEEDS		continuing general assistance, eligible persons	78-03-120
Annual bluegrass quarantine		eligibility	
ryegrass, deletion	78-03-105	income exclusions	78-03-010
violation procedures	78-03-105	joint account, "power of attorney"	78-02-096
Certification		food assistance programs	
eligible varieties	78-03-099 78-03-114	certification, transfer	78-03-118
field peas, application and fees	78-03-110	retroactive benefits	78-03-118
grass seed, standards, fees	78-03-112	Food stamp program, CETA income exclusion	78-02-050
interagency procedure	78-03-108	Medical care	
lentils		eyeglasses and examinations	78-03-007
application and fees	78-03-109	hospital care, approval requirements	78-03-007
field tolerances	78-03-109	professional services review organization (PSRO), defined	78-03-007
red clover, isolation requirements	78-03-111	psychologist services, approval	78-03-007
small grain seed		terminology update, policy revisions	78-02-024
application	78-03-113	noncontinuing general assistance, exempt and nonexempt resources and income	78-03-121
eligible varieties	78-03-113	senior citizens services program	78-03-119
fee	78-03-113	transfer of property, effect on eligibility	78-03-054 78-03-055
sod, quality standards	78-03-107		
Noxious weed, restricted list, deletions	78-03-103	Special supervision—county juvenile probation programs, accountability, standardization	78-03-030
Peas		Waterworks operators, certification	78-03-056
laboratory analysis fees	78-03-101	STATE	
phyto-sanitary certificates	78-03-101	Capitol grounds	
Soybeans, fees	78-03-100	parking, control marking	78-03-090
Standards, white clover and trefoil	78-03-106	traffic and parking regulations	78-03-091
State enforcement program, assessment fees	78-02-113	Employees	
SENIOR CITIZENS		Group insurance coverage when not on pay status	78-02-014 78-03-021
State assistance program	78-03-119		
Weatherization assistance program for low-income persons	78-02-104		

Subject/Agency Index

STATE—cont.			
Human resource development	78-02-049	UTILITIES AND TRANSPORTATION COMMISSION—cont.	
Employer contribution to state employee insurance board revolving fund	78-02-015	Speedometers, railroad locomotives	78-03-072
Insurance plans for employees, eligible entities	78-02-015	VEGETABLES (See FARMS)	
Insurance status for reverted employees	78-02-015	VETERANS	
Parks, camping restrictions, fees, exempt individuals	78-03-088	Academic training, approval agency, Postsecondary Education, Council for, designation	78-02-117
Personnel board, administrative requirements, procedures	78-03-074	VETERANS AFFAIRS, DEPARTMENT OF	
STATE EMPLOYEES INSURANCE BOARD		Public meeting notice, advisory committee	78-02-012
Eligible entities	78-02-015	VOCATIONAL EDUCATION, ADVISORY COUNCIL ON	
Employer contribution to revolving fund	78-02-015	Public meeting notice	78-02-059
Group coverage when not on pay status	78-02-014	VOCATIONAL EDUCATION, COMMISSION FOR	
Insurance status for a reverted employee	78-03-021	Environmental policy act, implementation guidelines	78-02-079
	78-02-015	Program definitions, "day" defined	78-02-058
STATE PATROL		Public meeting notice	78-01-001
Tow truck business application, review of district commander's denial	78-02-106		78-01-020
STATE PATROL RETIREMENT BOARD		WALLA WALLA COMMUNITY COLLEGE	
Public meeting notice	78-03-009	Public meeting notice	78-02-004
STREETS		WASHINGTON ADMINISTRATIVE CODE	
Curb ramps, handicapped, construction standards	78-02-066	Forms, rule adoption	78-02-074
STUDENTS		WASHINGTON STATE UNIVERSITY	
Bellevue community college, alcoholic beverages, use, application form	78-03-022	Public meeting notice	78-03-089
College work-study program, placement, compensation restrictions	78-02-084	WATER	
Educational clinics, fund distribution requirements, procedures	78-03-008	Emergency water withdrawal facilities, department of ecology, appropriation implementation	78-02-007
Financial aid, need grant program, postsecondary education, "academic year", defined	78-02-085		78-02-077
SUPREME COURT		John Day/McNary pools, water reservation, management	78-02-042
Administrative rule 12 (SAR 12), contempt of court	78-02-109	Quincy ground water subarea	78-03-018
Court of Appeals Administrative Rules 4, 8, 16, 23 (CAR 4, 8, 16, 23), amendments	78-02-110	Surface water, quality standards	78-02-043
General Rule 6, sessions of courts, adopted	78-02-108	Waterworks operator, certification	78-03-056
TACOMA COMMUNITY COLLEGE		WEEDS	
Public meeting notice	78-01-002	Noxious weed list	78-02-067
TAXATION		WENATCHEE VALLEY COLLEGE	
Pollution control facilities, credits, exemptions	78-02-076	Public meeting notice	78-01-026
Property tax annual ratio study	78-02-052	WESTERN WASHINGTON UNIVERSITY	
TAXES		Public meeting notice	78-01-005
Sales, use, food products, exemptions	78-03-070	WHATCOM COMMUNITY COLLEGE	
TEACHERS		Public meeting notice	78-01-007
Educational clinics, qualifications, certification	78-03-013		78-03-066
TEACHERS' RETIREMENT BOARD		WINE	
Public meeting notice	78-03-009	Price posting, wholesalers	78-02-016
TOW TRUCKS		Wholesale price, delivery requirements	78-02-056
Business application, review of district commander's denial	78-02-106	YAKIMA VALLEY COLLEGE	
TRANSPORTATION, DEPARTMENT OF		Public meeting notice	78-01-025
Kok road intersection, Route 539, parking prohibition	78-02-078		78-01-026
Parking restriction, SR-2, Wenatchee vicinity	78-02-088		78-02-054
State ferry system, toll schedules	78-02-097		
TUBERCULOSIS			
Hospital care of patients, requirements	78-03-058		
UNIVERSITY OF WASHINGTON			
Public meeting notice	78-02-061		
URBAN ARTERIAL BOARD			
Public meeting notice	78-01-032		
	78-03-024		
UTILITIES AND TRANSPORTATION COMMISSION			
Passenger carrying vehicles, railroad employees	78-03-072		
Practice and procedure, intervention, appearances, prehearing conferences	78-03-094		
Public records, copying costs	78-02-020		
Railroad crossings, overpasses, construction safety requirements	78-03-072		