

Washington State Register

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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 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

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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
Code Reviser

WASHINGTON STATE REGISTER

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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.

1984

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates¹</u>			<u>Distribution Date</u>	<u>First Agency Action Date³</u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
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84-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
84-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
84-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1985

*Dates adjusted to accommodate July 4th holiday on normal distribution and closing date. See WAC 1-12-030(5)(c) and 1-13-030(5)(c).

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.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³No proceeding may 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(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 84-08-001
ADOPTED RULES
INSURANCE COMMISSIONER
[Order R 84-1—Filed March 22, 1984]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to assessment of health care service contractors for examination costs, and repeal of WAC 284-44-020 pertaining to the licensing and appointment of contractors' agents.

This action is taken pursuant to Notice No. WSR 84-04-032 filed with the code reviser on January 26, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.44.050 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.44.145(4).

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 22, 1984.

Dick Marquardt
Insurance Commissioner
By Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-44-400 ASSESSMENTS FOR EXAMINATION COSTS. Assessments of health care service contractors pursuant to RCW 48.44.145(4) shall be established in the following manner:

(1) The commissioner will determine the amount expected to cover the costs of examinations of health care service contractors during a particular fiscal year, making due allowance for any amounts remaining from previous assessments carried over into a succeeding biennium.

(2) Each health care service contractor shall furnish to the commissioner, as a part of the annual financial statement required by RCW 48.44.095, the form set forth in WAC 284-44-410 indicating the number of persons entitled to health care services pursuant to an agreement under RCW 48.44.020(1), excluding such persons who are not residents of this state. It is recognized that some group subscribers do not provide a monthly itemization of the number of covered dependents. A health care service contractor which, after reasonable effort, cannot obtain the dependency breakdown shall assume, for purposes of this section and WAC 284-44-410, that each subscriber represents two and three-fourths persons, i.e., the subscriber plus one and three-quarters dependents.

(3) The commissioner will divide the amount determined pursuant to subsection (1) of this section by the number of resident persons entitled to health care services from all health care service contractors as reported

in their annual statements pursuant to subsection (2) of this section.

(4) The quotient determined pursuant to subsection (3) of this section will be adjusted to allow a reasonable margin for cost variations and rounded for ease of administration, and the resulting number, which will be the equivalent of one-half cent or less, per eligible person per month, will serve as the multiplier which the commissioner will use in calculating the amount of the assessment for each health care service contractor.

(5) The commissioner will notify each contractor of its assessment, after applying the multiplier obtained pursuant to subsection (4) of this section to the number of persons reported by the contractor pursuant to subsection (2) of this section. Payment of the assessment must be made no later than thirty days after the notice is mailed by the commissioner to the contractor.

(6) The first assessment will be based on the expected costs of examinations during the fiscal year beginning July 1, 1984, and the total number of persons reported pursuant to subsection (2) of this section as entitled to health care services during the twelve-month period ending December 31, 1983. Similarly, future assessments will be for examination costs in particular fiscal years based on the number of persons per month in the prior calendar year.

(7) The commissioner anticipates that only one assessment will be made for each fiscal year. However, if additional funds are needed to cover the costs of examinations, the commissioner may follow the procedures outlined in subsections (1) through (5) of this section to assess the contractors for the necessary additional amounts required. In any case, the portion of the cumulative amount of all assessments attributable to each month used to measure the amount of the assessment will not exceed one-half cent per person entitled to health care services during the month, pursuant to an agreement under RCW 48.44.020(1), excluding such persons who were not residents of this state.

NEW SECTION

WAC 284-44-410 FORM FOR REPORTING NUMBER OF PERSONS ENTITLED TO SERVICES.

REPORT OF NUMBER OF PERSONS ENTITLED TO HEALTH CARE SERVICES

Organization reporting:

For calendar year:

Pursuant to WAC 284-44-400(2), if a health care service contractor, or WAC 284-46-010(2), if a health maintenance organization, set forth below are the numbers of persons, including dependents, who were entitled to health care services during each month of the year indicated above, excluding therefrom such persons who were not residents of this state:

- January
- February
- March
- April

- May
- June
- July
- August
- September
- October
- November
- December

Date Signed

Title.....

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-44-020 AGENTS, LICENSING OR APPOINTMENT REQUIRED.

WSR 84-08-002
ADOPTED RULES
INSURANCE COMMISSIONER
 [Order R 84-2—Filed March 22, 1984]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the assessment of health maintenance organizations for examination costs.

This action is taken pursuant to Notice No. WSR 84-04-033 filed with the code reviser on January 26, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.46.200 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.46.120(4).

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 22, 1984.

Dick Marquardt
 Insurance Commissioner
 By Robert E. Johnson
 Deputy Commissioner

Chapter 284-46 WAC
HEALTH MAINTENANCE ORGANIZATIONS

WAC

- 284-46-010 Assessments for examination costs.
- 284-46-020 Form for reporting number of persons entitled to services.

NEW SECTION

WAC 284-46-010 ASSESSMENTS FOR EXAMINATION COSTS. Assessments of health maintenance organizations pursuant to RCW 48.46.120(4) shall be established in the following manner:

(1) The commissioner will determine the amount expected to cover the costs of examinations of health maintenance organizations during a particular fiscal year, making due allowance for any amounts remaining from previous assessments carried over into a succeeding biennium.

(2) Each health maintenance organization shall furnish to the commissioner, as a part of the annual financial statement required by RCW 48.46.080, the form set forth in WAC 284-46-020 indicating the number of persons entitled to health care services pursuant to an agreement as defined in RCW 48.46.020(5), excluding such persons who are not residents of this state. It is recognized that some group subscribers do not provide a monthly itemization of the number of covered dependents. A health maintenance organization which, after reasonable effort, cannot obtain the dependency breakdown shall assume, for purposes of this section and WAC 284-46-020, that each subscriber represents two and three-fourths persons, i.e., the subscriber plus one and three-quarters dependents.

(3) The commissioner will divide the amount determined pursuant to subsection (1) of this section by the number of resident persons entitled to health care services from all health maintenance organizations as reported in their annual statements pursuant to subsection (2) of this section.

(4) The quotient determined pursuant to subsection (3) of this section will be adjusted to allow a reasonable margin for cost variations and rounded for ease of administration, and the resulting number, which will be the equivalent of one-half cent or less, per eligible person per month, will serve as the multiplier which the commissioner will use in calculating the amount of the assessment for each health maintenance organization.

(5) The commissioner will notify each organization of its assessment, after applying the multiplier obtained pursuant to subsection (4) of this section to the number of persons reported by the organization pursuant to subsection (2) of this section. Payment of the assessment must be made no later than thirty days after the notice is mailed by the commissioner to the organization.

(6) The first assessment will be based on the expected costs of examinations during the fiscal year beginning July 1, 1984, and the total number of persons reported pursuant to subsection (2) of this section as entitled to health care services during the twelve-month period ending December 31, 1983. Similarly, future assessments will be for examination costs in particular fiscal years based on the number of persons per month in the prior calendar year.

(7) The commissioner anticipates that only one assessment will be made for each fiscal year. However, if additional funds are needed to cover the costs of examinations, the commissioner may follow the procedures outlined in subsections (1) through (5) of this section to assess the organizations for the necessary additional amounts required. In any case, the portion of the cumulative amount of all assessments attributable to each month used to measure the amount of the assessment will not exceed one-half cent per person entitled to health care services during the month, pursuant to an

agreement under RCW 48.46.020(5), excluding such persons who were not residents of this state.

NEW SECTION

WAC 284-46-020 FORM FOR REPORTING NUMBER OF PERSONS ENTITLED TO SERVICES.

REPORT OF NUMBER OF PERSONS ENTITLED TO HEALTH CARE SERVICES

Organization reporting:

For calendar year:

Pursuant to WAC 284-44-400(2), if a health care service contractor, or WAC 284-46-010(2), if a health maintenance organization, set forth below are the numbers of persons, including dependents, who were entitled to health care services during each month of the year indicated above, excluding therefrom such persons who were not residents of this state:

- January
- February
- March
- April
- May
- June
- July
- August
- September
- October
- November
- December

Date Signed.....
Title.....

WSR 84-08-003
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 84-10—Filed March 22, 1984]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to:

- Amd WAC 173-19-370 Skagit County.
- Amd WAC 173-19-4704 Selah, city of.

This action is taken pursuant to Notice No. WSR 84-04-079 filed with the code reviser on February 1, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 22, 1984.

By John F. Spencer
Deputy Director

AMENDATORY SECTION (Amending Order DE 83-5, filed 3/23/83)

WAC 173-19-370 SKAGIT COUNTY. Skagit County Master Program (~~approved October 5, 1976.~~) approved October 5, 1976. (~~Revision~~) Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. (~~Revision approved December 10, 1980.~~) Revision approved December 10, 1980. Revision approved September 23, 1981. Revision approved November 23, 1981. Revision approved August (~~19~~) 19, 1982. Revision approved February 24, 1983. Revision approved March 22, 1984.

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 DE 79-34, filed 1/30/80)

WAC 173-19-4704 SELAH, CITY OF. City of Selah Master Program approved September 5, 1974. Revision approved March 22, 1984.

WSR 84-08-004
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-21—Filed March 22, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is the quota of harvestable Pacific whiting has been taken.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 22, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-48-01500K **PACIFIC WHITING TRAWL CLOSURE.** Notwithstanding the provisions of WAC 220-48-015, 220-48-017, and 220-48-019, effective immediately until further notice it is unlawful to fish for or possess Pacific Whiting taken for commercial purposes from Puget Sound Marine Fish/Shellfish Management and Catch Reporting Areas 24B, 24C or 26A.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-48-01500J **PACIFIC WHITING TRAWL OPENING.** (84-16)

WSR 84-08-005
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-20—Filed March 23, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is these interim regulations are needed until permanent regulations take effect.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 23, 1984.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-11500C **ANGLING—LAWFUL AND UNLAWFUL ACTS.** Notwithstanding the provisions of WAC 220-56-115, effective April 1, 1984 until further notice it is lawful for each angler to use one line with two lures or two lines with one lure per line while fishing for salmon in all of Punch Card Area 12, that portion of Punch Card Area 8 lying southeasterly of a line between East Point on Whidbey Island and the flashing light north of Lowell Point on Camano Island,

and that portion of Area 9 including waters of Possession Sound lying northerly of a line running 90 degrees true east from Possession Point.

NEW SECTION

WAC 220-56-12500A **UNLAWFUL PROVISIONS—SHILSHOLE BAY.** Notwithstanding the provisions of WAC 220-56-125, effective April 1, 1984 until further notice it shall be unlawful to use artificial lures to take, fish for or possess food fish in that portion of Shilshole Bay upstream of a line parallel to the Burlington Northern Railroad Bridge approximately 175 feet seaward of the bridge through the wooden piling tower structure near the south shore to the Chittenden Locks.

NEW SECTION

WAC 220-56-13200A **LES DAVIS PUBLIC FISHING PIER UNDERWATER ARTIFICIAL REEF AREA.** Effective April 1, 1984 until further notice:

(1) It is unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef described in subsection (2) of this section except while fishing from the Les Davis public fishing pier.

(2) The Les Davis public fishing pier underwater artificial reef area includes those waters lying inside lines projected from the southeasterly white fishing boundary marker on the shore to the easterly reef marker buoy thence to the westerly reef marker buoy thence to the northwesterly white fishing boundary marker on shore.

NEW SECTION

WAC 220-56-18000M **BAG LIMIT CODES.** Notwithstanding the provisions of WAC 220-56-180, effective April 1, 1984 until further notice it is unlawful to retain or possess chinook salmon taken for personal use while fishing in Punch Card Area 9, except for those waters of Possession Sound lying northerly of a line running 90 degrees true east from Possession Point, and the daily bag limit in Punch Card Area 12 is three salmon of any species.

NEW SECTION

WAC 220-56-20100A **MARKING SPORT-CAUGHT SALMON.** Effective April 1, 1984 until further notice it is unlawful to possess salmon taken for personal use from Punch Card Areas 5 and 6 unless the top half of the tail fin has been removed.

NEW SECTION

WAC 220-56-23500B **POSSESSION LIMITS—BOTTOMFISH** Notwithstanding the provisions of WAC 220-56-235, effective April 1, 1984 until further notice, the bottomfish daily bag limit in all contiguous marine waters east and south of a line from Point Partridge to Point Wilson and east of the 77 line (Punch Card Areas 8 through 13) is 15 fish in the aggregate of all species of bottomfish, no more than 1 of which may

be lingcod, and no more than 5 of which may be rockfish.

NEW SECTION

WAC 220-56-24000A POSSESSION LIMITS—OTHER FOOD FISH. Notwithstanding the provisions of WAC 220-56-240, effective April 1, 1984 until further notice the possession limit of herring is 20 pounds of fresh herring. Additional herring may be possessed in a frozen or processed form.

NEW SECTION

WAC 220-56-25000D LINGCOD—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-250, effective April 1, 1984 it is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

- (1) Coastal area (a) Salmon Punch Card Areas 1 through 3—open the entire year, (b) Salmon Punch Card Area 4—April 15 through November 30.
- (2) Salmon Punch Card Areas 5, 6 and 7—April 15 through November 30.
- (3) Salmon Punch Card Areas 8 through 13—April 15 through May 31.

NEW SECTION

WAC 220-56-29500A STURGEON—UNLAWFUL ACTS. Notwithstanding the provisions of WAC 220-56-295, effective April 1, 1984 until further notice it is unlawful to fail to immediately return to the water any sturgeon that is not of legal size.

NEW SECTION

WAC 220-56-31000E SHELLFISH—POSSESSION LIMITS. Notwithstanding the provisions of WAC 330-56-310, effective April 1, until further notice the bag limit for cockles, borers and clams in the shell, except razor clams, geoduck clams and horse clams in English Camp Tidelands is 20 pounds of clams in the shell.

Reviser's note: The typographical errors 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 220-56-33000B CRAB—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-330, it is unlawful to take fish for or possess 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 Puget Sound from April 16, through May 25, 1984.

NEW SECTION

WAC 220-56-38000A OYSTERS—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-380, effective April 1, 1984 (1) It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) It is lawful to take or possess oysters for personal use from public tidelands.

(3) It is unlawful to take or possess oysters for personal use from federally owned tidelands at Seal Rock Forest Service campground except during the period May 16 until further notice.

(4) It is unlawful to take or possess oysters for personal use from tidelands of Kitsap Memorial State Park until further notice.

(5) It is unlawful to take or possess oysters for personal use from tidelands at Scenic Beach State Park except during the period immediately through May 15.

(6) It is unlawful to take or possess oysters for personal use from tidelands at Department of Natural Resources Beach Number 43 (north of Hoodspport) except during the period immediately through May 15.

(7) It is unlawful to take or possess oysters for personal use from department of fisheries tidelands at Hoodspport Salmon Hatchery except during the period May 16 until further notice.

(8) It is unlawful to take or possess oysters for personal use from state tidelands at Bywater Bay except during the period May 16 until further notice.

(9) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

NEW SECTION

WAC 220-57-17500M COWLITZ RIVER. Notwithstanding the provisions of WAC 220-57-175, effective April 1, 1984 until further notice, (1) Special bag limit - downstream from a marker 400 feet below the Cowlitz Salmon Hatchery Barrier Dam on the north side of the river and downstream from the base of the barrier dam on the south side of the river to the mouth. Bag limit is six salmon per day not less than 10 inches in length, only three of which may exceed 24 inches in length.

(2) Bag limit A - open the entire year: From the confluence of the Muddy Fork and Ohanapecosh rivers downstream to Riffe (Davisson) Lake.

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 220-57-31900A LEWIS RIVER. Notwithstanding the provisions of WAC 220-57-319, effective April 1, 1984 until further notice it is unlawful to take, fish for or possess salmon taken for personal use from waters shoreward of the cable, buoy, and corkline located at the mouth of the Lewis River Salmon Hatchery fishway.

NEW SECTION

WAC 220-57A-00100A LAKES—SEASONS AND BAG LIMITS. Notwithstanding the provisions of Chapter 220-57A WAC:

(1) The following lakes are closed to salmon angling until opening under bag limit I on the date shown after each lake:

Armstrong Lake (Snohomish County) - April 15, 1984

Clear Lake (Pierce County) - April 15, 1984

Cushman Lake (Mason County) - April 15, 1984

Goodwin Lake (Snohomish County) - April 15, 1984

McMurray Lake (Skagit County) - April 15, 1984

Merwin Lake - April 1, 1984

Shannon Lake (Skagit County) - April 15, 1984

Wilderness Lake (King County) - April 15, 1984

Wynoochee Reservoir (Grays Harbor County) - April 15, 1984

(2) Effective April 1, 1984 it is unlawful to fish for or possess salmon taken for personal use from Duck Lake (Grays Harbor County) or (Upper) Goose Lake (Grant County).

NEW SECTION

WAC 220-69-24700A REQUIRED INFORMATION ON SPORT SALMON CATCH RECORD. (1) Effective immediately the following are required on each completed sport salmon record stub:

(a) Name of angler.

(b) Home address.

(c) City, state, zip code.

(d) Angler's driver's license number, or, in the case the angler does not have a driver's license, the first five letters of the anglers last name and the initial for the angler's first and middle name. If the last name is less than five letters, enter the entire last name followed by the first and middle initial. If not middle name, leave blank the initial space.

(e) Home phone, if applicable

(f) Date of issue.

(2) The following are required on each completed sport salmon catch record card:

(a) Name of angler.

(b) Home address.

(c) City, state, zip code.

(d) Angler's driver's license number, or, in the case the angler does not have a driver's license, the first five letters of the anglers last name and the initial for the angler's first and middle name. If the last name is less than five letters, enter the entire last name followed by the first and middle initial. If no middle name, leave blank the initial space.

(e) Date of issue.

WSR 84-08-006

EMERGENCY RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Order 84-04—Filed March 26, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to chapter 296-46 WAC safety standards, installing electric wires and equipment, and administrative rules; WAC 296-46-110 foreword, is being amended to adopt the 1984 edition of

the National Electrical Code and notice is being given of a location change from Olympia to Seattle. The immediate amendment to this rule is necessary because the adoption of the 1984 edition of the National Electrical Code was recommended and approved by the Electrical Advisory Board at their January 27, 1984, meeting. The 1984 National Electrical Code becomes effective April 1, 1984, and the department will therefore need to comply with the code's requirements from April 1, 1984, until the permanent rule is adopted.

I, Sam Kinville, find that an emergency exists and that this 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 the emergency is the department will begin making inspections and issuing permits on April 1, 1984, predicated on the 1984 edition of the National Electrical Code. The department by law must conform with the requirements of the 1984 edition of the National Electrical Code.

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

This rule is promulgated pursuant to RCW 19.28.010 and 19.28.060 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 26, 1984.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81, effective 4/1/81)

~~WAC 296-46-110 FOREWORD. ((These rules and regulations are issued by the Electrical Inspection Section of the Department of Labor and Industries under the authority of chapter 19.28 RCW, Electrical Installation Law. The Department is empowered by law to enforce these rules and regulations and the National Electrical Code.))~~

The ((1981)) 1984 edition(;) of the National Electrical Code(;) is hereby adopted by reference as part of ((these rules and regulations)) this chapter. ((The rules and regulations are adopted for the safety of the public and are to be used in connection with the 1981 edition of the National Electrical Code.)) Other codes, manuals and reference works referred to in this ((code will be)) chapter are available for inspection and review in the Seattle office of the electrical ((Inspection)) section of the ((Division of Building and Construction Safety Inspection Services, Olympia,)) department during business hours. Where there is any conflict between ((the rules and regulations)) a specific rule, this chapter and the National Electrical Code, ((the rules and regulations)) the specific rule shall be observed.

Electrical inspectors will give information as to the meaning or application of the National Electrical Code

and ~~((these rules and regulations))~~ this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

~~((A copy of chapter 19.28 RCW, Electrical Installations Law, may be obtained from the Department of Labor and Industries.))~~

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 84-08-007
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-23—Filed March 26, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is this regulation is needed on an interim basis until permanent regulations take effect.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 23, 1984.

By William R. Wilkerson
 Director

NEW SECTION

WAC 220-69-25000A REQUIRED INFORMATION ON NON TREATY FISH RECEIVING TICKETS. Notwithstanding the provisions of WAC 220-69-230 and 220-69-250, effective immediately until further notice it is unlawful to fail to enter all species or categories of bottom fish having a vessel trip limit separately on a Washington state non treaty fish receiving ticket.

NEW SECTION

WAC 220-44-05000F COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) – 50,000 pounds per vessel trip; no minimum size. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of widow rockfish in any calendar week, defined as Sunday through the following Saturday.

(2) Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastolomus spp.*) – no maximum poundage per vessel trip; no minimum size.

(3) Pacific ocean perch (*Sebastes alutus*) – 5,000 pounds or 10 percent of total weight of fish on board, whichever is greater, per vessel trip; no minimum size.

(4) All other species of rockfish (*Sebastes spp.*) – 30,000 pounds of all other species combined per vessel trip; no minimum size. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, defined as Sunday through the following Saturday.

(5) Sablefish – minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds is allowed.

(6) It is unlawful during unloading of the catch from the vessel and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000E COASTAL BOTTOMFISH CATCH LIMITS. (83-212)

WSR 84-08-008
EMERGENCY RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
 [Order 84-2—Filed March 26, 1984]

I, R. H. "Bob" Lewis, supervisor of the Division of Savings and Loan, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fees for savings and loan associations, amending WAC 419-14-030, 419-14-060 and adding new section WAC 419-14-075.

I, R. H. "Bob" Lewis, find that an emergency exists and that this 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 the emergency is the amendment to WAC 419-14-030, 419-14-060 and new section WAC 419-14-075 are necessary to implement the requirements of RCW 33.08.110 that the supervisor collect from each savings and loan association adequate fees to cover the cost of investigation to establish branch offices. Failure to amend WAC 419-14-030, 419-14-060 and add new section WAC 419-14-075 would leave the Division of

Savings and Loan without adequate funding to perform its statutorily mandated duties of supervising and examining state chartered savings and loan associations.

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

This rule is promulgated pursuant to RCW 33.08.110 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 26, 1984.

By R. H. "Bob" Lewis
Supervisor

AMENDATORY SECTION (Amending Order 82-4, filed 6/7/82)

WAC 419-14-030 **HOURLY CHARGE FOR EXAMINATIONS.** The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

(1) For division personnel classified as examiner I, \$16.88 per hour,

(2) For division personnel classified as examiner II, \$21.88 per hour, (~~and~~)

(3) For division personnel classified as examiner III or above, \$24.75 per hour,

(4) For division personnel classified as examiner IV or above, \$30.00 per hour.

In addition to the hourly examination fee, foreign associations doing business in the state of Washington will defray the costs of travel and per diem paid to division personnel in examinations performed outside the state of Washington.

AMENDATORY SECTION (Amending Order 82-4, filed 6/7/82)

WAC 419-14-060 **BRANCH APPLICATION FEE—DOMESTIC ASSOCIATIONS.** The fee required by RCW 33.08.110 to be submitted in connection with an application to establish a branch office of an association shall be five hundred dollars. In the event the actual costs of the investigation with respect to a particular application are less than the amount of the fee, such difference between the fee and the actual cost submitted shall be refunded, provided that in no event shall more than three hundred fifty dollars be refunded. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

NEW SECTION

WAC 419-14-075 **BRANCH APPLICATION FEE—FOREIGN ASSOCIATIONS.** The fee required by RCW 33.08.110 to be submitted in connection with an application to establish a branch office of a foreign association in this state shall be two thousand five hundred dollars, nonrefundable. In the event the actual costs

of the investigation with respect to a particular application exceed the amount of the fee, such difference between the fee and the actual costs shall be paid by the applicant. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

WSR 84-08-009
EMERGENCY RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
[Order 84-3—Filed March 26, 1984]

I, R. H. "Bob" Lewis, supervisor of the Division of Savings and Loan, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 419-14-120, a minimum nonrefundable fee of \$5,000 payable with acquisition applications described in RCW 33-24.360 and attendant investigation.

I, [R. H. "Bob" Lewis], find that an emergency exists and that this 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 the emergency is WAC 419-14-120 is necessary as described in RCW 33.24.360 to cover the expense incurred by the Division of Savings and Loan Associations in processing acquisition applications and the attendant cost of investigation. A minimum nonrefundable fee of \$5,000 payable with the acquisition application will be paid by the acquirers.

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

This rule is promulgated pursuant to RCW 33.24.360 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 26, 1984.

By R. H. "Bob" Lewis
Supervisor

NEW SECTION

WAC 419-14-120 **ACQUISITION APPLICATION FEE.** RCW 33.28.020 requires the supervisor to collect from each association a fee to cover the actual cost of supervision.

To maintain fairness to all associations the acquiring party(ies) will defray the costs involving the supervisor and his staff as follows:

A minimum non-refundable fee of \$5,000 payable with the acquisition application described in RCW 33-24.360. In addition direct costs involving travel and lodging of the supervisor or his staff and legal expense

billed directly to the division will be paid by the acquirers.

WSR 84-08-010
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

[Memorandum—March 20, 1984]

It has become necessary to change one of the meetings in the listing of the proposed times and places for the meetings of the Washington State University board of regents in 1984, as follows: April 26, 1984, Student Union Building, Moscow, Idaho, 2:00 p.m.

The meeting on April 27, 1984, will still be in the Wilson Compton Union Building, Pullman, at 8:00 a.m.

WSR 84-08-011
ADOPTED RULES
DEPARTMENT OF CORRECTIONS

[Order 84-04—Filed March 26, 1984]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 137-48-020 and 137-48-060.

This action is taken pursuant to Notice No. WSR 84-04-045 filed with the code reviser on January 30, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Corrections as authorized in RCW 72.09.050, 72.08.103, 72.13.080 and 72.15.040.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 26, 1984.

By Amos E. Reed
 Secretary

AMENDATORY SECTION (Amending Order 83-09, filed 9/27/83)

WAC 137-48-020 DEFINITIONS. (1) "Contraband" consists of all illegal items, alcoholic beverages, and other items which a resident of a correctional institution may not have in his/her possession, as defined in regulations adopted by the superintendent of an institution and approved by the secretary.

(2) "Emergency situations" are critical illnesses, deaths, emotional crises, or similar situations experienced by members of the inmate's family or the inmate.

(3) "Illegal items" are controlled substances as defined and listed in chapter 69.50 RCW or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another.

(4) "Indigent inmate" means an inmate who has ~~((not been credited with more than ten dollars total from any source(s) for deposit to the inmate's trust fund during the thirty days preceding a mail request of postage to be paid by the institution or has))~~ less than a ~~((ten))~~ five dollar balance in his/her trust fund account on the day of the postage request and during the seven days preceding the postage request.

(5) "Inspection of mail" means the physical act of opening, touching, smelling, and/or reading of mail, the use of mechanical or chemical systems and/or the use of animals to determine the presence of contraband or illegal items.

(6) "Legal mail" is correspondence to or from courts and court staff (judges, clerks of the court, judicial law clerks, etc.), attorneys and persons working for attorneys and to established groups involved in the representation of inmates in judicial proceedings (ACLU, legal services groups, etc.), and government officials or agencies. To be considered "legal mail" the correspondence must clearly be marked "legal mail" on the outside of the envelope.

(7) "Letters" consists of personal communications and enclosures to and from inmates including, but not limited to, handwritten or typed communications.

(8) "Mail" consists of letters, publications, or packages delivered by the United States Post Office or by other means.

(9) "Packages" means the immediate container or wrapping and the contents therein in which any item is contained for consumption, use or storage by inmates, and for purposes of this chapter, also means any shipping container or outer wrapping and the contents therein used by retailers to ship or deliver any item to inmates where it is the only such container or wrapping.

(10) "Publications" consists of reproduced handwritten or pictorial materials including books, periodicals, newspapers, and pamphlets.

(11) "Secretary" is the secretary of the department of corrections or his/her designee(s).

(12) "Superintendent" means the superintendent of a correctional facility or his/her designee(s).

AMENDATORY SECTION (Amending Order 83-09, filed 9/27/83)

WAC 137-48-060 MAIL COSTS. (1) Except as otherwise stated in this section, mail costs shall be the responsibility of the inmate.

(2) Mail which arrives at the institution with postage due may, at the option of the superintendent, be delivered to the inmate. The institution may pay the postage due in accordance with subsection (3) of this section, or hold the mail for a reasonable period of time so as to allow the inmate to arrange for payment of the postage due. If such arrangements are not made within the time provided, the package may be donated to charity or discarded.

(3) Indigent inmates shall be authorized to receive postage for a maximum of ~~((five))~~ ten letters per week. This postage shall cover both legal and regular correspondence irrespective of the number of letters identified as legal mail. This shall also include costs advanced by the institution for postage due mail.

(4) Any expenditures made by the institution for postage for indigent inmates may be recouped by the institution whenever such indigent inmate has a five dollar or more balance in his/her trust fund account.

WSR 84-08-012
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order 84-1—Filed March 27, 1984]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Nonbusiness income—Bona fide initiation fees, dues, contributions, tuition fees and endowment funds, WAC 458-20-114.

This action is taken pursuant to Notice No. WSR 84-05-067 filed with the code reviser on February 22, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 27, 1984.

By Matthew J. Coyle
 Deputy Director

AMENDATORY SECTION (Amending Order ET 70-3, Rule 114, filed 5/29/70, effective 7/1/70)

WAC 458-20-114 NONBUSINESS INCOME—BONA FIDE INITIATION FEES, DUES, CONTRIBUTIONS, ((DONATIONS,)) TUITION FEES AND ENDOWMENT FUNDS. ((Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees and endowment funds may be deducted from the measure of tax under the business and occupation tax. (RCW 82.04.430(2)) [RCW 82.04.4282]. This deduction is construed strictly and such amounts may be deducted only if:

1. They are bona fide, and
2. They have been included in the gross amount reported under the classification with respect to which the deduction is sought, and
3. They have not been otherwise deducted through inclusion in the amount of an allowable deduction taken under such classification for another reason, and
4. They do not exceed the limitations hereinafter set forth:

Amounts which may be deducted as initiation fees are those amounts only which are actually required to be paid by a person to a club or similar organization for the sole privilege of joining such club or similar organization:

Amounts which may be deducted as dues are those amounts only which a member must pay toward the

support of a club or similar organization in order to retain membership therein. Amounts which are for, or graduated upon, the amount of services rendered to a member of such club or organization may not be deducted. The terms "dues" and "initiation fees" must be given their ordinary meaning and do not include, for example, amounts paid to trade or industry associations for services rendered and such payments are proportional to the size and volume of the member's business or manufacturing operations.)) RCW 82.04.4282 provides for a business and occupation tax deduction for amounts derived from activities and charges of essentially a non-business nature. Thus, outright gifts, donations, contributions, endowments, tuition, and initiation fees and dues which do not entitle the payor to receive any significant goods or services in return for the payment are not subject to business and occupation tax. The scope of this statutory deduction is limited to situations where no business or proprietary activity (including the rendering of goods or services) is engaged in which directly generates the income claimed for deduction.

Many for-profit or nonprofit entities may receive "amounts derived," as defined in this rule, which consist of mixture of tax deductible amounts (bona fide initiation fees and dues) and taxable amounts (payment for significant goods and services rendered). For purposes of distinguishing between these kinds of income, the law requires that tax exemption provisions must be strictly construed against the person claiming exemption. Also, RCW 82.32.070 requires the maintenance of suitable records as may be necessary to determine the amount of any tax due. The result of these legal requirements is that all persons must keep adequate records sufficient to establish their entitlement to any claimed tax exemption or deduction.

CONTRIBUTIONS, DONATIONS, AND ENDOWMENTS.

Only amounts which are received as outright gifts are entitled to deduction. Any amounts, however designated, which are received in return for any goods, services, or business benefits are subject to business and occupation tax under the appropriate classification depending upon the nature of the goods, services, or benefits provided. Thus, for example, so-called "grants" which are received in return for the preparation of studies, white papers, reports, and the like do not constitute deductible contributions, donations, or endowments. RCW 82.04.4297 and WAC 458-20-169 provide for a specific deduction for compensation from public entities for health or social welfare services.

BONA FIDE INITIATION FEES AND DUES.

The law does not contemplate that the deduction should be granted merely because the payments required to be made by members or customers are designated as "initiation fees" or "dues." The statutory deduction is not available for outright sales of tangible personal property or for providing facilities or services for a specific charge. Neither is it available ". . . if dues are in exchange for any significant amounts of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues

are graduated upon the amount of goods or services rendered . . ." (RCW 82.04.4282). Thus, it is only those initiation fees and dues which are paid for the express privilege of belonging as a member of a club, organization, or society, which are deductible.

Also, the statute does not distinguish between the kinds of clubs, organizations, associations, or other entities which may be eligible for this deduction. They may be operated for profit or nonprofit. They may be owned by the members, incorporated, or operating as a partnership, joint venture, sole proprietorship, or cooperative group. They may be of a charitable, fraternal, social, political, benevolent, commercial, or other nature. However, none of these characteristics determines the entitlement to tax deduction. The availability of the deduction is determined solely by the nature of the activity or charge which generates the "amounts derived" as defined in this rule.

The deduction is limited to business and occupation tax. There is no provision under the law for any deduction from retail sales tax or use tax of amounts designated as initiation fees or dues. Consequently, any club or organization that collects dues or initiation fees from members who in turn receive tangible personal property or retail services as defined in RCW 82.04.050, or licenses to use real property as defined in RCW 82.04.050, must collect and report retail sales tax on the value of such goods or services sold. (See WAC 458-20-183, Places of amusement or recreation, and WAC 458-20-166, Hotels, motels, boarding houses, resorts, summer camps, trailer camps, etc., for additional guidance relative to retail sales and retail services.)

DEFINITIONS:

The words and terms utilized in RCW 82.04.4282 are not given a statutory definition in the Revenue Act. Under the general rules of statutory construction, those words and terms are to be given their ordinary and common meaning. Hence, for purposes of RCW 82.04.4282 and this rule the following definitions will apply:

"Amounts derived" means gross income from whatever source and however designated. It includes "gross proceeds of sales" and "gross income of the business" as those terms are defined by RCW 82.04.070 and 82.04.080, respectively. It shall also include income attributable to bona fide initiation fees and bona fide dues.

"Bona fide" shall have its common dictionary meaning, i.e., in good faith, authentic, genuine.

"Initiation fees" are those initial amounts which are paid solely to admit a person as a member to a club or organization. "Bona fide initiation fees" within the context of this rule shall include only those one-time amounts paid which genuinely represent the value of membership in a club or similar organization. It shall not include any amount paid for or attributable to the privilege of receiving any goods or services other than mere nominal membership.

"Dues" are those amounts paid solely for the privilege or right of retaining membership in a club or similar organization. "Bona fide dues" within the context of this rule shall include only those amounts periodically paid by members which genuinely entitle those persons to

continued membership in the club or similar organization. It shall not include any amounts paid for goods or services rendered to the member by the club or similar organization.

"Significant amount" relates to the quantity or degree of goods or services rendered and made available to members by the organization. "Significant" is defined as having important meaning or the quality of being important.

"Goods or services rendered" shall include those amusement and recreation activities as defined in RCW 82.04.050, WAC 458-20-166, and 458-20-183. The term shall include the totality or aggregate of goods or services available to members. It is not determinative that some members actually receive more goods or actually enjoy more services than others so long as the totality of the goods or services offered are made available to members in general.

"Any additional charge" means a price or payment other than bona fide initiation fees or dues, paid by persons for particular goods and services received. The additional charge must be reasonable and any business and/or sales taxes must be paid upon such charges in order to qualify other income denominated as "dues" to be deductible. The reasonableness of any additional charge will be based on one of the following two criteria: (1) It must cover all costs reasonably related to furnishing the goods or services, or (2) it must compare with charges made for similar goods or services by other commercial businesses.

"Value of such goods or services" shall mean the market value of similar goods or services or computed value based on costs of production.

METHODS OF REPORTING:

Persons who receive any "amounts derived" from initiations fees and/or dues may report their tax liabilities and determine the amount of tax reportable under different classifications (Retailing or Service) by use of alternative methods, based upon:

1. A standard deduction of 20 percent of gross income (This method is available for use only by not-for-profit organizations); or,
2. Actual records of facilities usage; or,
3. Cost of production of facilities and benefits.

All amounts derived from initiation fees and dues must be reported as gross income which then must be apportioned between taxable and deductible income. The alternative apportionment methods are mutually exclusive. Thus, if a qualifying organization elects to use the standard deduction, neither of the other methods may be used. Organizations which cannot qualify to take the standard deduction, or which elect not to do so, may apportion their income based upon such actual records of facilities usage as are maintained. This method is accomplished by:

- a) The allocation of a reasonable charge for the specific goods or services rendered:

PROVIDED, That in no case shall any allocation of any separate charge for any goods or services be deemed "reasonable" if the aggregate of such charges is insufficient to cover the costs of providing such goods or services; or,
b) The average comparable charges for such goods or services made by other commercial businesses.

The actual records of facilities usage method must reflect the nature of the goods or services and the frequency of use by the membership, either from an actual tally of times used or a periodic study of the average membership use of facilities. Actual usage reporting may also be based upon a graduated or sliding fees and dues

structure. For example, an organization may charge different initiation fees or dues rates for a social membership than for a playing membership. The difference between such rates is attributable to the value of the goods or services rendered. It constitutes the taxable portion of the "amounts derived" allocable to that particular activity. Because of the broad diversification of methods by which "amounts derived" may be assessed or charged to members, the actual records of usage method of reporting may vary from organization to organization. The following are some examples of this reporting method for several different kinds of facilities.

<u>Facility</u>	<u>Period</u>	<u>Source</u>	<u>Value Base</u>	<u>Usage</u>	<u>Value</u>	<u>Taxable Income</u>
<u>Golf</u>	<u>3 mos</u>	<u>Reservations</u>	<u>Mkt Comparison</u>	<u>5,000 rounds</u>	<u>x \$7.50 per Round</u>	<u>\$37,500</u>
<u>Camping</u>	<u>6 mos</u>	<u>Vacancy Study</u>	<u>Mkt Comparison</u>	<u>4,500 stays</u>	<u>x \$12.50 per Stay</u>	<u>\$56,250</u>
<u>Racquetball</u>	<u>9 mos</u>	<u>Reservations</u>	<u>Charge to Nonmember</u>	<u>1,250 hours</u>	<u>x \$4.00 per Hour</u>	<u>\$5,000</u>
<u>Swimming</u>	<u>12 mos</u>	<u>Member Survey</u>	<u>Actual Charges</u>	<u>3,650 uses</u>	<u>x \$1.00 per Use</u>	<u>\$3,650</u>
<u>Tennis</u>	<u>1 mo</u>	<u>Graduated Fee Structure</u>	<u>Graduated Fee Structure</u>	<u>200 playing members</u>	<u>x \$50.00 per Member</u>	<u>\$10,000</u>

*Figures and dollar amounts shown are hypothetical.

Organizations which provide more than one kind of "goods or services" as defined in this rule, may provide such actual records for each separate kind of goods or services rendered. Based upon this method the total of apportioned "taxable" income may be subtracted from total gross income to derive the amount of gross income which is entitled to deduction as "bona fide initiation fees and dues" under RCW 82.04.4282.

COST OF PRODUCTION METHOD.

This alternative apportionment method is available only for persons who do not take the standard deduction and when, it is impossible or unfeasible to maintain actual usage records. Under such circumstances apportionment of income may be done based upon the cost of production of goods or services rendered. Persons using this method are advised to seek the department's review of the cost accounting methods applied, in order to avoid possible tax deficiency assessment if records are audited. In such cases the cost of production shall include all items of expense attributable to the particular facility (goods or services) made available to members, including direct and indirect overhead costs.

Direct overhead costs include all items of expense immediately associated with the specific goods or services for which the costs of production method is used, e.g., the salary of a swimming pool lifeguard or a golf club's greenskeeper.

Indirect overhead costs include a pro rata share of total operating costs, including executive and employee salaries as well as a pro rata share of administrative expense and the cost of depreciable capital assets.

No portion of assets which have been fully depreciated will be included in computing overhead costs, nor will there be included any costs attributable to membership recruitment and advertising, or providing members with the indicia of membership (membership cards, certificates, contracts of rights, etc.).

The cost of production method is performed by multiplying gross income (all "amounts derived") by a fraction, the numerator of which is the cost of providing any specific goods or service, and the denominator of which is the organization's total operating costs. The formula looks like this:

Direct and Indirect Costs of Specific Goods or Service
..... x Gross Income

Total Business Costs

The result is the portion of "amounts derived" which is allocable to the taxable facility (goods or services rendered.) The balance of gross amounts derived is deductible as bona fide initiation fees or dues. If more than one kind of facility (goods or services) is made available to members, this formula must be applied for each in order to determine the total of taxable and deductible amounts and to determine the amount of taxable income to report as either retailing taxable or service taxable.

Under very unique circumstances and only upon advance written request and approval, the department will consider variations of the foregoing accounting methods as well as additional factors shown to be unique to certain kinds of organizations.

Unless income accounting and reporting are accomplished by one or a combination of methods outlined in this rule, or under a unique reporting method authorized in advance by the department, it will be presumed that all "amounts derived" by any person who provides "goods or services" as defined herein, constitute taxable, nondeductible amounts.

TAX CLASSIFICATIONS.

Persons who derive income from initiation fees and dues may find that they have incurred business and occupation tax liability under both the retailing and service and other activities classifications. For example, an organization may furnish golf as well as sauna bath facilities to its members in return for payment of dues. The former is a retailing taxable activity while the latter is taxable under the service business tax. These taxes are at different rates. Once the income has been apportioned between taxable and deductible amounts, the parts of taxable income attributable to either retailing activities or service activities must be reported on the excise tax return under the appropriate classification and under the prevailing tax rates. In addition, state and local retail sales taxes measured by the retailing portions must be separately collected from dues paying members, reported, and remitted with the same excise tax return. (See WAC 458-20-183, 458-20-166, and RCW 82.04.050 for further guidance in distinguishing between retailing and service activities for excise tax purposes.)

NONPROFIT YOUTH ORGANIZATIONS.

Nonprofit youth organizations which, as such, are exempt from property tax under RCW 84.36.030 may deduct fees or dues received from members even though the members are entitled to use the organization's facilities, including camping and recreational facilities, in return for such payments. (See RCW 82.04.4271).

TUITION FEES.

The term "tuition fees" refers only to fees charged by educational institutions, and, in addition to instruction fees, includes library, laboratory, health and other special fees and amounts charged for room and board when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institutions.

"Educational institutions" which may deduct "tuition fees" are those which have been created or generally accredited as such by the state and which offer to students an educational program of a general academic nature and those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture, but not including specialty schools, business colleges, other trade schools or similar institutions. (~~Educational institutions which are entitled to the deduction include the following:~~

a. ~~The common schools, the state normal schools, the University of Washington, the Washington State University and such other schools which are or may be established by law and maintained at public expense as part of the "uniform school system" provided for in RCW 28.02.010;~~

b. ~~Parochial schools and private schools accredited to schools of the "uniform school system" by the state board of education or the state department of education, and which are not specialty schools, business colleges, other trade schools or similar institutions;~~

c. ~~Schools whose students and credentials are accepted without examination by the schools referred to in "a" and "b" above, and which are not specialty schools, business colleges, other trade schools or similar institutions.))~~

A business college, dancing school, music school or specialty school is not an "educational institution" within the meaning of that term as defined above. Tuition fees collected by such institutions are taxable under the service and other business activities classification of the business and occupation tax.

The right to deduct bona fide initiation fees, dues, contributions, donations, tuition fees and endowment funds does not exempt any person, association or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. However, agencies or institutions of the state of Washington, such as the University of Washington and community colleges are exempt from payment of the business and occupation tax.

Revised ((~~June 1, 1970~~)) March 27, 1984.

WSR 84-08-013

EMERGENCY RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Order 84-2, Resolution No. 84-2—Filed March 27, 1984]

Be it resolved by the Board of Pilotage Commissioners, acting at Colman Dock, Seattle, Washington 98104, that it does adopt the annexed rules relating to marine pilot liability, trip insurance rule, repealing WAC 296-116-330.

We, the Board of Pilotage Commissioners, find that an emergency exists and that this 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 the emergency is Governor Spellman signed as emergency legislation ESSB 3133 which amended RCW 88.16.115 - 88.16.117. In light of the amendment, this WAC is now superfluous.

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

This rule is promulgated pursuant to RCW 88.16.035(1) which directs that the Board of Pilotage Commissioners has authority to implement the provisions of chapter 88.16 RCW.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 8, 1984.

By Ralph E. White
Chairman

WSR 84-08-014

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 84-24—Filed March 27, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

This action is taken pursuant to Notice No. WSR 84-04-091 filed with the code reviser on February 1, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 23, 1984.

By Frank Haw
for William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 810, filed 4/17/69)

WAC 220-16-085 DEFINITIONS—RING NET. "Ring net" shall be defined ((as a circular or hoop shaped net distended by a)) to include all fishing gear having a rigid frame measuring ((not to exceed)) no more than ten feet in diameter((, and with a recovery or buoy line attached)) that is used to take shellfish in a live condition and does not entrap or restrict the free movement of shellfish until lifted.

AMENDATORY SECTION (Amending Order 1179, filed 11/19/74)

WAC 220-16-100 DEFINITIONS—SHELLFISH POT. "Shellfish pot" shall be defined as a movable trap with one or more ((throats or)) entrance tunnels used ((for the purpose of taking any species of)) to entrap shellfish ((or mollusk)) in a live condition.

AMENDATORY SECTION (Amending Order 1179, filed 11/19/74)

WAC 220-20-010 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—SALMON, OTHER FOOD FISH AND SHELLFISH. (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department of fisheries.

(2) It shall be unlawful for any person ((, corporation, business, or company)) to have in possession or under control or custody any ((salmon or other)) food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the director of fisheries, unless otherwise provided.

(3) It shall be lawful to ((take,)) fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

- Pacific halibut (Hippoglossus stenolepis)
- Pacific herring (Clupea harengus pallasii)
- (except ((when lawfully taken from Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B)) as prescribed in WAC 220-49-020)
- Salmon
- Chinook (Oncorhynchus tshawytscha)
- Coho (Oncorhynchus kisutch)
- Chum (Oncorhynchus keta)
- Pink (Oncorhynchus gorbuscha)
- Sockeye (Oncorhynchus nerka)
- Masu (Oncorhynchus masu)

(4) It shall be unlawful for any person while commercially fishing in an area to ((take,)) fish for or possess food fish or shellfish ((smaller than the lawful commercial sizes while aboard any craft engaged in commercial fishing or having commercially caught fish aboard)) in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters

unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the department of fisheries approved and registered buoy brand provided that((;):

(a) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) (~~Effective January 1, 1975;~~) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department of fisheries, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department of fisheries.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the department of fisheries.

(9) It shall be unlawful for any person licensed under the fisheries code of Washington to fail to make any report or return required of him by the department of fisheries relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, provided; that it shall be lawful to use a dip net, gaff or club in the landing of food fish taken by personal-use angling.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any (~~salmon or other~~) food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department of fisheries.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director of fisheries, or to perform any act not specifically authorized in said document or in the regulations of the director of fisheries.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director of fisheries.

(17) It shall be (~~lawful~~) unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay – inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay – north of a line from Birch Point to Point Roberts and south of the International boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel – within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles – inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner – within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound – between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass – between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend – westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fisheries patrol office in Olympia prior to testing.

(18) It is unlawful for any person or corporation licensed by the department of fisheries to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-22-410 MARINE FISH-SHELLFISH MANAGEMENT AND CATCH REPORTING AREAS, COASTAL WATERS. (1) Area 50 shall include waters of the Bering Sea north of the Aleutian Islands.

(2) Area 51 shall include waters south of the Aleutian Islands and west of longitude 159° W.

(3) Area 52 shall include waters west of longitude 154° W and east of Area 51.

(4) Area 53 shall include waters west of longitude 147° W and east of Area 52.

(5) Area 54 shall include waters west of longitude 137° W and east of Area 53.

(6) Area 55 shall include waters north of latitude 54° 40' N and east of Area 54.

(7) Area 56 shall include waters north of latitude 50° 30' N and south of Area 55.

(8) Area 57 shall include waters north of latitude 48° 26' N and south of Area 56.

(9) Area 58A shall include waters north of the United States - Canada boundary and south of Area 57.

(10) Area 58B shall include waters west of a line projected 220° true southwest from the equidistant point between the United States and Canada along the Cape Flattery to Bonilla Point line, north of a line projected true west from Point Grenville and south of Area 58A.

(11) Area 59A shall include waters east of the 220° true line, west of a line from Cape Flattery to Bonilla Point, and north of a line true west from Point Grenville excluding coastal waters (0-3 miles) north of a line projected true west from Cape Alava.

(12) Area 59B shall include coastal waters (0-3 miles) northerly of a line projected true west from Cape Alava and west of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light and then to the most westerly point of Cape Flattery.

(13) Area 60A shall include waters north of a line projected true west from the Washington-Oregon boundary in the Columbia River, and south of Areas 58 ~~((and)), 59A, and 59B~~ exclusive of the Columbia River estuary, Grays Harbor and Willapa Bay.

~~((+3))~~ (14) Area 60B shall include the waters of Grays Harbor east of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

~~((+4))~~ (15) Area 60C shall include the saltwater areas of Willapa Bay east of a line from Leadbetter Point to Cape Shoalwater light.

~~((+5))~~ (16) Area 60D shall include waters of the Columbia River east of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and west of the Megler-Astoria Bridge.

~~((+6))~~ (17) Area 61 shall include waters north of latitude 42° 00' N, and south of Area 60A, exclusive of the Columbia River estuary.

~~((+7))~~ (18) Area 62 shall include waters north of latitude 38° 00' N, and south of Area 61.

~~((+8))~~ (19) Area 63 shall include waters north of latitude 32° 00' N, and south of Area 62.

~~((+9))~~ (20) Area 64 shall include all waters south of Area 63.

~~((+20))~~ (21) This WAC will not apply to hardshell clams, oysters, or geoducks.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-32-044 AREA AND GEAR—HERRING, ANCHOVIES, CANDLEFISH, AND PILCHARDS. It shall be lawful at any time to take, fish for and possess herring, anchovies, candlefish, and pilchards for commercial purposes taken with purse seine, lampara or roundhaul gear not exceeding 1400 feet in length nor containing meshes of less than one-half inch stretch measure in Marine Fish-Shellfish Management and Catch Reporting Area 60D. All species of fish other than herring, anchovies, candlefish, and pilchards taken in operation with such gear must be immediately with care, returned to the water.

AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

WAC 220-36-03001 SEASONS AND LAWFUL GEAR—OTHER VARIETIES. (1) It shall be lawful to take and fish for any other species of food fish, except sturgeon and salmon, with purse seine or lampara gear not exceeding 900 feet in length and having meshes of not less than one-half inch stretch measure, and with drag seine gear not exceeding 700 feet in length and having meshes of not less than 4-1/2 inches stretch measure, except as provided in WAC 220-36-03001(6).

(2) It shall be lawful to take, fish for and possess sturgeon in Grays Harbor Salmon Management and Catch Reporting Areas 2B, 2C, and 2D and bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60B at any time with set line and hand line jig gear.

(3) It shall be lawful to retain for commercial purposes sturgeon and species of bottom fish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D. Sturgeon must be of lawful commercial size as provided in WAC 220-20-020.

(4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes in all waters of

Grays Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It shall be lawful to take, fish for and possess herring, anchovies, candlefish, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 - It shall be lawful to fish for, take and possess herring, anchovies, candlefish, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided such gear shall not exceed 1,400 feet in length or contain meshes of less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, candlefish, and anchovy taken in operation of such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) March 1 through April 15 - Closed to all commercial herring, anchovy, candlefish, or pilchard fishing except dip bag net.

(7) It shall be lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

WAC 220-40-030 SEASONS AND LAWFUL GEAR—OTHER VARIETIES. (1) It shall be lawful to take and fish for any other species of food fish, except sturgeon and salmon, with purse seine or lampara gear not exceeding 900 feet in length and having meshes of not less than one-half inch stretch measure, and with drag seine gear not exceeding 700 feet in length and having meshes of not less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3).

(2) It shall be lawful to take, fish for and possess sturgeon for commercial purposes in Willapa Harbor Salmon Management and Catch Reporting Areas 2G and 2J, and bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gears.

(3)(a) June 1 through October 31 - It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with purse seine or lampara in the waters of Willapa Bay, provided such gear shall not exceed 1,400 feet in length or contain meshes less than one-half inch stretch measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 - Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It shall be lawful to retain for commercial purposes sturgeon and species of bottomfish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Willapa Harbor Management and Catch Reporting Areas 2G, 2H, 2J, and 2K. Sturgeon must be of lawful commercial size as provided in WAC 220-20-020.

(5) It shall be lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It shall be lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

Chapter 220-44 WAC
COASTAL WATERS—MARINE FISH

AMENDATORY SECTION (Amending Order 79-38, filed 6/4/79)

WAC 220-44-020 ((SEASONS)) COASTAL BAITFISH GEAR. (1) ~~((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:~~

~~(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.~~

~~(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 59A, 59B, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation zone.~~

~~((4)) (2) It shall be ((lawful)) unlawful to take, fish for and possess smelt taken for commercial purposes except by hand net gear not exceeding 72 inches maximum frame width in Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, and 60A ((except)). It is unlawful to take smelt for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, and 60A during weekly closed periods extending from 8:00 a.m. Friday to 8:00 a.m. Sunday.~~

~~((5)) (3) It shall be lawful to take, fish for and possess for commercial purposes sturgeon, shad, candlefish, anchovies and pilchards taken in Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation zone with any lawful commercial fishing gear.~~

~~((6)) (4) It shall be unlawful except by permit to take and fish for herring for commercial purposes or possess herring taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, 60A, and that portion of Area 58 within the United States 200-mile fishery conservation and management zone with any type of gear.~~

~~((7) 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.))~~

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-44-030 COASTAL BOTTOMFISH GEAR. It is unlawful to take, fish for, possess, transport through the waters of the state or land in any Washington state ports, bottomfish taken for commercial purposes in ~~((coastal or Pacific Ocean waters))~~ Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, 60A and that portion of Area 58 within the United States 200-mile fishery conservation zone with any gear except as provided in this section:

(1) Otter trawl and beam trawl.

(a) It is unlawful to use, operate or carry aboard any fishing vessel otter trawl gear having meshes measuring less than 3 inches.

(b) ~~((Effective January 1, 1983,))~~ It is unlawful to use or operate any bottom trawl having meshes less than 4.5 inches. A bottom trawl must have a minimum of two continuous riblines sewn to the net and extending from the mouth of the trawl net to the terminal end of the codend if the fishing vessel is simultaneously carrying aboard a net of less than 4.5-inch minimum mesh size.

For all bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(c) ~~((Effective January 1, 1983,))~~ It is unlawful to use or operate a roller or bobbin trawl with meshes less than 3.0 inches. It is unlawful to use a double wall codend in any roller or bobbin trawl. Chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches. Rollers, bobbins, or discs used in roller or bobbin trawls must be a minimum of 14 inches in diameter.

(d) ~~((Effective January 1, 1983,))~~ It is unlawful to use or operate a pelagic trawl with meshes less than 3.0 inches. It is unlawful to use a double wall codend in any pelagic trawl. Chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6 inches. Footropes of pelagic trawls must be less than 1.75 inches in diameter, including twine necessary for seizing material. Sweeplines, including the bottom leg of the bridle, must be bare.

(2) Set lines. ~~((In fishing with set lines within state waters, it is unlawful to use more than three lines and more than 500 hooks per line.))~~ It is unlawful for the operator of set lines to leave such gear unattended unless marked as provided in WAC ~~((222-16-090))~~ 220-20-010(5). Set lines must be attended at least once every seven days. Set lines must be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy displaying clear identification of the owner or operator.

(3) Bottomfish pots. It is unlawful for the operator of bottomfish pots to leave such gear unattended unless

marked as provided in WAC ~~((220-16-145))~~ 220-20-010(5). Bottomfish pots must be attended at least once every seven days. Bottomfish pots set individually must be marked at the surface with a pole and a flag, light, or radar reflector, and a buoy displaying clear identification of the owner. Bottomfish pots laid on a groundline must be marked at the surface at each terminal end of the groundline with a pole and a flag, light, and radar reflector, and a buoy displaying clear identification of the owner or operator.

(4) ~~((Hand line))~~ Commercial jig gear. ~~((In fishing with hand line jig gear within state waters, it is unlawful to use more than three hooks per license with a maximum of six hooks per vessel unless otherwise authorized by a permit from the director of the department of fisheries.))~~

(5) Troll lines. It is unlawful to take, fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license, except that in any coastal waters it is lawful to retain for commercial purposes any species of bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery.

(6) Shrimp trawls. It is unlawful in any coastal waters, to retain for commercial purposes more than 1,500 pounds per day of any bottomfish species other than Pacific whiting, shortbelly rockfish or arrowtooth flounder taken with shrimp trawl gear incidental to a lawful shrimp fishery.

(7) It is unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

(8) It is unlawful to take or possess lingcod taken for commercial purposes with any gear from December 1 through April 14 in Coastal Marine Fish-Shellfish Management and Catch Reporting Area 59B.

AMENDATORY SECTION (Amending Order 83-31, filed 4/26/83)

WAC 220-44-040 COASTAL BOTTOMFISHING SEASONS. It is lawful to take, fish for, and possess for commercial purposes bottomfish in coastal waters taken with gear described in WAC 220-44-030 all year in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, and 60A, unless otherwise provided.

AMENDATORY SECTION (Amending Order 83-88, filed 8/10/83)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) - ~~((30,000))~~ 50,000 pounds per vessel trip; no minimum size. It is unlawful for any vessel to make more than one landing

in excess of 3,000 pounds of widow rockfish in any calendar week, defined as Sunday through the following Saturday.

(2) Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastes* spp.) – no maximum poundage per vessel trip; no minimum size.

(3) Pacific ocean perch (*Sebastes alutus*) – 5,000 pounds or 10 percent of total weight of fish on board, whichever is greater, per vessel trip; no minimum size.

(4) All other species of rockfish (*Sebastes* spp.) – ~~(40,000)~~ 30,000 pounds of all other species combined per vessel trip; no minimum size. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, defined as Sunday through the following Saturday.

(5) Sablefish – minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds is allowed.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

NEW SECTION

WAC 220-44-060 COMMERCIAL JIG LOGBOOK REQUIRED. It shall be unlawful for any operator of commercial jig gear to fail to possess and maintain a Washington department of fisheries Commercial Line Logbook while fishing in Area 59B. A logbook must be obtained from the Washington department of fisheries and must be kept aboard the vessel while the vessel is engaged in harvesting in Area 59B or has commercially caught bottomfish aboard which were caught in Area 59B. The vessel operator must submit the log for inspection upon request by authorized department of fisheries representatives. Each day fished, vessel operators shall record the vessel registration number, and, for each date and ground fished, the number of lures, hours fished, and number and estimated weight of each species caught (including discards). The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. Departmental copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first.

NEW SECTION

WAC 220-44-070 BOTTOMFISH TROLL LOGBOOK REQUIRED. Bottomfish Troll Logbooks. It shall be unlawful for any operator of bottomfish troll gear to fail to possess and maintain a Washington department of fisheries Commercial Line Logbook while fishing in Area 59B. A logbook must be obtained from the Washington department of fisheries and must be kept aboard the vessel while the vessel is engaged in harvesting in Area 59B or has commercially caught bottomfish aboard which were caught in Area 59B. The

vessel operator must submit the log for inspection upon request by authorized department of fisheries representatives. Each day fished, vessel operators shall record the vessel registration number, and, for each date and ground fished, the number of lures, hours fished, and number and estimated weight of each species caught (including discards). The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. Department copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-48-011 BEAM TRAWL AND OTTER TRAWL—GEAR. (1) Mesh sizes. It is unlawful to use or operate beam trawls or otter trawls having mesh size in the codend section less than 4 1/2 inches in waters of Puget Sound, unless otherwise provided.

(a) It is lawful to use or operate bottom trawl gear having mesh size in the codend section of not less than 3 inches in Marine Fish-Shellfish Catch Reporting Areas 28A, 28B, 28C, and 28D, during December 1 through March 31, and in Area 20A from March 1 through April 15.

(b) It is lawful to use or operate roller trawl gear having mesh size in the codend section of not less than 3 inches in Marine Fish-Shellfish Catch Reporting Area 20A from March 1 through April 15.

(c) It is lawful to use or operate pelagic trawl gear having mesh size in the cod end section of not less than ~~(2)~~ 3 1/2 inches while fishing for Pacific whiting during the season provided in WAC 220-48-017(1), and not less than 3 inches while fishing for walleye pollock during the season provided in WAC 220-48-017(2).

(2) Chafing gear.

(a) For bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(b) For roller trawls and pelagic trawls chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-48-015 BEAM TRAWL AND BOTTOM TRAWL—SEASONS. (1) It is lawful to take, fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, 25D, and 29 the entire year with the following exceptions:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A east of a line projected from Point Whitehorn to Sandy Point shall be closed the entire year.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A lying southerly and westerly of a line projected from Kiapot Point to Gibson Spit (Sequim Bay) are closed the entire year.

(2) It is lawful to take, fish for and possess bottomfish with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 26A, 26B, and 26D from April 15 through February 14 with the following exceptions:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A west of a line from Strawberry Point on Whidbey Island to Brown Point on Camano Island, are closed except from June 15 through February 14.

(b) Elliot Bay inside a line projected from Four Mile Rock to Alki Point is closed the entire year.

(c) Those waters of Area 26D south of lines projected from Dash Point to Point Piner on Maury Island, and from Point Dalco on Vashon Island true west to the Kitsap Peninsula are closed the entire year.

(d) Those waters provided for in WAC 220-20-020(4).

~~((e) It is lawful to take, fish for and possess Pacific whiting taken with bottom trawl and beam trawl gear the entire year.))~~

(3) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl and beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 24D (Holmes Harbor), 25C, 27A, 27B, and 27C (Hood Canal) except on Mondays and Tuesdays from December 1 through February 14.

(4) It is unlawful to take, fish for, or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 25E except on Monday through Thursday from December 1 through February 14 with the following exception: Those waters of Area 25E lying southerly of a line projected from Mill Point due east to the opposite shore, are closed the entire year.

(5) It is lawful to take, fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 28A, 28B, 28C, and 28D from December 1 through April 14, with the exception of the following closed waters:

(a) Those waters of Hale Passage and the Narrows east and north of lines projected from Fox Point on Fox Island true east to the mainland, and from the northwest point on Fox Island true north to the mainland.

(b) Budd Inlet south of the northern boundary of the restricted berthage area shown on United States Coast Guard Chart No. 6460.

(c) Eld Inlet south and west of a line projected true south from Flapjack Point.

(d) Totten Inlet south and west of lines projected true north and true east from the outermost point on the west side of Gallagher Cove.

(e) Henderson Inlet south of a line projected true east from Dickerson Point; the waters inside Hartstene Island between lines projected from Unsal Point to Brisco Point

and Salmon Point true east to Hartstene Island; and all of Hammersley Inlet.

(f) Those waters provided for in WAC 220-20-010(6).

(g) Those waters of Area 28A south of a line due west from the northernmost point of McNeil Island; west of a line running north and south between McNeil and Anderson Islands through Eagle Island; and west of a line projected southerly from Lyle Point on Anderson Island through the quick flashing buoy on Nisqually flats and southerly of a line from Johnson's Point to Devil's Head.

(h) Those waters of Area 28A south of a line projected due west from Johnson Point to Hartstene Island (Dana Passage).

(6) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, and 26C the entire year.

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-017 PELAGIC TRAWL—SEASONS. It is ~~((lawful))~~ unlawful to take, fish for and possess bottomfish taken with pelagic trawl gear ~~((:~~

~~(+ All year))~~ except in the Marine Fish-Shellfish Management and Catch Reporting Areas ((22B, 24A;)) and during the times as follows:

(1) Area 24C south of a line projected due west from the flashing red light northwest of Lowell Point - Open Monday through Thursday, October 1 through January 14 unless otherwise provided.

(2) Areas 24B, that portion of 24C south of a line projected due west from the flashing red light northwest of Lowell Point, and 26A((, 26B, and 26D)) - Open Monday and Wednesday, January 15 until the in-season quota is taken but not beyond May 15 in any case.

~~((2) March 1 through April 15 in Marine Fish-Shellfish Catch Reporting))~~ (3) Area 20A - Open March 1 through April 14.

~~((3))~~ (4) In any area at any time so designated by a permit issued by the director of the department of fisheries.

AMENDATORY SECTION (Amending Order 82-215, filed 12/1/82, effective 1/1/83)

WAC 220-48-029 SET NET—DOGFISH—SEASONS. It is lawful to take, fish for and possess dogfish and other species of bottomfish, except halibut, salmon and shellfish, taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 20A and 20B - November 1 through June 15.

(2) Area 21A - March 1 through June 15.

(3) Areas 21B, 22A, 22B, 23A, and 23B - Closed all year.

(4) Areas 23C and 23D - Open all year.

(5) Areas 24A, 24B, and 24D - Open all year.

(6) Area 24C - Open all year, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.

(7) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - Open all year.

(8) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack - Closed all year.

(9) Area 25E - Closed all year except by permit issued by the director.

(10) Area 26A - Open all year, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(11) Area 26B - Open all year except those waters provided for in WAC 220-20-020(4) (Shilshole Bay).

(12) Area 26C - Open all year, except those waters north of a line projected true east of Point Bolin are closed all year.

(13) Area 26D - Open all year, except those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

(14) Areas 27A, 27B, and 27C - Open all year.

(15) Area 28A - Open all year, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(16) Areas 28B, 28C, and 28D - Open all year except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

(17) Area 29 - Open all year.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-48-031 SET LINE—GEAR. It is unlawful to take, fish for, and possess bottomfish in Puget Sound except with set line gear as described below:

(1) Hook size must not be smaller than size 7/0 for Kirby style hooks or size 8 for tuna circle style hooks.

(2) Gangions made of single strand monofilament synthetic material are unlawful.

(3) Set lines must be marked at the surface at each terminal end as described in WAC 220-20-010(5).

AMENDATORY SECTION (Amending Order 82-215, filed 12/1/82, effective 1/1/83)

WAC 220-48-071 BOTTOMFISH POTS—GEAR AND SEASONS. It shall be unlawful to take, fish for, and possess bottomfish for commercial purposes with bottomfish pot gear as described in WAC 220-16-145, except in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 20A, 21A, 21B, 23A, and 23B - Open April 15 through November 30.

(2) Areas 23C and 23D - Open December 1 through April 14.

(3) Area 29 - Open all year.

(4) All other areas are closed the entire year, except by permit from the director.

AMENDATORY SECTION (Amending Order 83-200, filed 11/30/83, effective 1/1/84)

WAC 220-49-020 SEASONS—LAWFUL GEAR—PURPOSES. It shall be unlawful to take, fish for or possess for commercial purposes herring, candlefish, anchovy or pilchards in Puget Sound except during lawful seasons, with lawful gear and for such purposes as provided for hereinafter in each respective fishing area:

(1) Areas 20A, 20B, 21A, and 21B.

(a) Closed September 1 through April 15 to all commercial fishing gear.

(b) Open April 16 through May 31, with purse seine, lampara, dip bag net, and gill net, except as provided in WAC 220-49-021.

(c) Open June 1 through August 31 with drag seine, purse seine, lampara, and dip bag net for bait and human consumption only except as provided in subsection (4) of this section.

(2) Areas 22A, 22B, 23A, 23B, 23C, 23D, and 29 - Open entire year with drag seine, purse seine, lampara, and dip bag net for human consumption or bait only except as provided in subsection (4) of this section.

(3) Areas 24A, 24B, 24C, 24D, 25A, 25B, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D - Open entire year, with drag seine, lampara, or dip bag net, for human consumption or bait only except as provided in subsection (4) of this section: PROVIDED, That it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess herring with any net gear which exceeds 200 feet in length, except drag seine gear (350 foot length).

(4) The director may authorize by permit the taking of herring in specified areas, quantities, and times, for emergency use as food for zoo animals; permit application requires written certification from the zoo director that no other source of herring suitable for zoo food is available and the shortage will damage the health or well-being of the zoo animals in custody of the zoo director.

NEW SECTION

WAC 220-52-001 SHELLFISH—GEOGRAPHICAL DEFINITIONS. (1) "Puget Sound" means Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 23D, 24A, 24B, 24C, 25A, 25B, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D, and 29.

(2) "Grays Harbor" means Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(3) "Willapa Harbor" means Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(4) "Columbia River" means Marine Fish-Shellfish Management and Catch Reporting Area 60D.

(5) "Coastal Waters" means Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, and 60A.

AMENDATORY SECTION (Amending Order 77-145, filed 12/13/77)

WAC 220-52-010 (~~(CLAMS)~~) SHELLFISH—UNLAWFUL ACTS. (1) It shall be unlawful to take, dig for or possess geoduck clams for commercial purposes (~~((provided that it shall be lawful to take, dig for and possess geoduck clams for commercial purposes))~~) except from licensed clam farms under permit issued by the director or as provided in WAC 220-52-019.

(2) It shall be unlawful to take, dig for or possess clams taken for commercial purposes within the boundaries of any state park located on tidewater.

(3) It shall be unlawful to take oysters or clams for commercial purposes from tidelands reserved for public use.

(4) It shall be unlawful to take oysters, clams, or mussels for commercial purposes from state oyster reserves without being licensed under RCW 75.28.290 and having permission of the director of fisheries.

(5) It shall be unlawful to take from any building, scow, boat, live-box, container, trap, net or vehicle any caught or impounded shellfish with intent to deprive the rightful owner of such shellfish.

~~((5))~~ (6) All geoduck and mechanical clam harvester vessels shall be issued an identification number. This number will be placed in a visible location on each side of the vessel and on the top of the cabin or deck awning to be visible from the air. A sign board or banner arranged so the numbers can be seen at all times from directly overhead may be substituted if the vessel does not have a fixed roof. The numbers shall be black on a white background and shall be not less than 18 inches high and of proportionate width.

~~((6))~~ (7) It shall be unlawful for a commercial clam digger to harvest clams from intertidal ground without having on his person a signed authorization from the licensed clam farmer for whom he is harvesting. The digger will also be required to have suitable personal identification with him when engaged in clam harvesting. The authorization from the licensed clam farmer must be legible, dated and must contain the date on which the authorization expires, provided that in no instance may the authorization go beyond the end of any calendar year. The authorization must additionally contain the name of each bay or area where the licensed clam farmer has owned or leased ground from which the named clam digger is authorized to harvest.

AMENDATORY SECTION (Amending Order 79-6, filed 1/30/79)

WAC 220-52-018 CLAMS—GEAR. It shall be unlawful to take, dig for or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand (~~((PROVIDED))~~), except that permits for the use of mechanical clam digging devices to take clams other than geoducks may be obtained from the director of fisheries subject to the following conditions:

(1) Any or all types of mechanical devices used in the taking or harvesting of shellfish must be approved by the director of fisheries.

(2) A separate permit shall be required for each and every device and the permit shall be attached to the specific unit at all times.

(3) All types of clams to be taken for commercial use must be of legal size and in season during the proposed operations unless otherwise provided in specially authorized permits for the transplanting of seed to growing areas or for research purposes.

(4) The holder of a permit to take shellfish from tidelands by mechanical means shall limit operations to privately owned or leased land.

(5) The taking of clams from bottoms under navigable water below the level of mean lower low water by any mechanical device shall be prohibited except as authorized by the director of fisheries. Within the enclosed bays and channels of Puget Sound, Strait of Juan de Fuca, Grays Harbor and Willapa Harbor, the operators of all mechanical devices shall confine their operations to bottoms leased from the Washington department of natural resources, subject to the approval of the director of fisheries. The harvesting of shellfish from bottoms of the Pacific Ocean westward from the western shores of the state shall not be carried out in waters less than two fathoms deep at mean lower low water. In said waters more than two fathoms deep the director of fisheries may reserve all or certain areas thereof and prevent the taking of shellfish in any quantity from such reserves established on the ocean bottoms.

(6) Noncompliance with any part of these regulations or with special requirements of individual permits will result in immediate cancellation of and/or subsequent nonrenewal of all permits held by the operator.

(7) Applications must be made on the forms provided by the department of fisheries and permits must be in the possession of the operator before digging commences.

(8) All permits to take or harvest shellfish by mechanical means shall expire on December 31 of the year of issue.

(9) All mechanical clam harvesting machines must have approved instrumentation that will provide deck readout of water pressure.

(10) ~~((Effective July 1, 1977, all mechanical clam harvest machines must have approved instrumentation that will provide deck readout of:~~

~~(a) Depth of cut.~~

~~(b) Harvest head angle with bottom.~~

~~((11))~~ All clam harvest machines operating on intertidal grounds where less than ten percent of the substrate material is above 500 microns in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately twenty-five percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

~~((12))~~ (11) Clam harvest machines operating in fine substrate material where less than ten percent of the substrate material is above 500 microns in size, shall

have a maximum harvest head width of 3 feet (overall) and the maximum pump volume as specified by the department of fisheries commensurate with the basic hydraulic relationship of 828 gpm at 30 pounds per square inch, pressure to be measured at the pump discharge.

~~((13))~~ (12) Clam harvest machines operating in coarser substrate material where more than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 4 feet (overall) and a maximum pump volume as specified by the department of fisheries commensurate with a basic hydraulic relationship of 1,252 gpm at 45 pounds per square inch, pressure to be measured at the pump discharge.

~~((14))~~ (13) All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they shall furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator shall thereafter modify the machine (install a sealed pressure relief valve) as specified by the department of fisheries to conform with values set forth in either WAC 220-52-018~~((12) or 220-52-018(13))~~ (11) or (12) of this section. Thereafter, it shall be illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine shall be included in the department of fisheries' clam harvest permit. ~~((All existing clam harvest machines must complete the needed steps to comply with the provisions of this regulation no later than July 1, 1976.~~

~~((15))~~ (14) All clam harvest machines shall be equipped with a 3/4-inch pipe thread tap and valve that will allow rapid coupling of a pressure gauge for periodic testing by enforcement personnel.

~~((16))~~ (15) Each mechanical clam harvester must have controls so arranged and situated near the operator which will allow the operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

AMENDATORY SECTION (Amending Order 81-31, filed 5/11/81)

WAC 220-52-019 GEODUCK CLAMS—GEAR AND UNLAWFUL ACTS. (1) It is unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the ~~((tidelands))~~ beds of navigable waters of the state of Washington~~((: PROVIDED, That pursuant to))~~ except as provided for in RCW 75.24.100(;) .

(2) Validations for the use of hand-held manually operated water jet or suction devices for harvesting geoduck clams for commercial purposes, pursuant to RCW 75.24.100, may be obtained from the director of fisheries subject to the following conditions:

~~((1))~~ (a) All harvesting methods and types of water jet and suction devices used in the taking or harvesting of geoduck clams must be approved by the director of fisheries prior to their use, except that water jet devices meeting the following requirements are approved for use:

~~((a) The))~~ Any water jet ~~((must have))~~ having an automatic spring-triggered shutoff valve or a manual valve capable of being operated from full flow to completely off within one-half turn~~((:~~

~~((b) The device must consist))~~ and consisting of not more than one jet, the nozzle of which shall not exceed 5/8 inch inside diameter.

~~((c))~~ (b) It is unlawful in the commercial harvest of geoducks for through-hull fittings for water discharge hoses connected to the harvest gear to be below the surface of the water. Any through-hull fitting connected to the harvest gear which is above the surface of the water must be visible at all times.

~~((2) One geoduck validation must be physically present on board the harvest vessel for each and every geoduck personal commercial fishing license in use. It is the responsibility of the holder of the harvest agreement to issue validations only to divers authorized to harvest on the specific tract or tracts. It is the responsibility of the holder of the harvest agreement to ensure that the required number of validation cards are on board the harvesting vessel engaged in geoduck harvesting.))~~

(3) It is unlawful to take, fish for or possess geoduck clams taken from one-half hour before official sunset to official sunrise or to 6:00 a.m. whichever is later. It is unlawful to take, fish for or possess geoduck clams taken on Sunday.

(4) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(5) It is unlawful to retain any shellfish other than geoduck clams during geoduck harvesting operations unless the operator is licensed for the taking of clams other than geoduck clams as provided for in chapter 75.28 RCW ~~((75.24.100))~~. It is unlawful to take, fish for or possess sea cucumbers during geoduck clam harvesting operations, or possess sea cucumbers on a vessel that has geoducks aboard.

(6) It ~~((shall be))~~ is unlawful for more than six divers to harvest geoducks at any one time on a single geoduck tract. It ~~((shall be))~~ is the responsibility of the holder of the harvest agreement to assure that no more than six divers are harvesting at one time.

(7) At all times when geoduck harvest is occurring, copies of the official geoduck tract map and complete tract boundary identification documents or photographs as issued by the department of natural resources for the specific tract must be on board the vessel.

(8) ~~((No processing of))~~ It is unlawful to process geoducks ~~((is permitted))~~ on board ~~((the))~~ any harvest vessel.

(9) It shall be unlawful to take, fish for or possess geoduck clams for commercial purposes except those taken within boundaries of subtidal tracts for which geoduck harvest agreements have been issued by the department of natural resources ~~((or from subtidal tracts which were leased from the department of natural resources prior to June 30, 1979 for geoduck harvest))~~.

(10) ~~((It shall be unlawful to harvest from bottoms which are shallower than 10 feet below mean lower low water (0.0 feet), or which lie in areas bounded by the line of ordinary high tide (mean high tide), and a line~~

~~1/4-mile seaward from and parallel to said line of ordinary high tide on subtidal tracts which were leased for geoduck harvest prior to June 30, 1979.~~

~~((1)) It shall be unlawful to harvest from bottoms which are shallower than 18 feet below mean lower low water (0.0 feet), or which lie in areas bounded by the line of ordinary high tide (mean high tide), and a line 200 yards seaward from and parallel to said line of ordinary high tide on subtidal tracts ((for which geoduck harvest agreements have been issued after June 30, 1979)).~~

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-52-01901 GEODUCK VALIDATIONS. (1) Numbered validations will be issued only to holders of valid subtidal geoduck harvest agreements issued by the department of natural resources and persons who hold current geoduck tract licenses issued by the department of fisheries. The validation will be issued for each licensed tract.

(2) The number of validations to be issued to each holder of a harvest agreement shall be determined by the director of fisheries based upon the number of individual geoduck tracts for which harvest agreements have been issued by the department of natural resources, their total acreage, past geoduck production, present number of nozzle licenses held for the operation, and other factors as deemed appropriate by the director of fisheries.

(3) The number of geoduck validations held by the holder of the harvest agreement may be adjusted from time to time as deemed necessary by the director of fisheries and when changes in leases occur.

(4) The geoduck validation will expire at the end of each calendar year, provided that the director may issue temporary validations for restricted time periods. In the event a validation is lost, a new validation will be issued upon receipt of a signed affidavit from the holder of the harvest agreement attesting to the loss. Any request to assign or transfer a validation from one holder of a harvest agreement to another must be made in writing. No validation will be assigned or transferred without the written approval of the director of fisheries.

(5) The holder of the harvest agreement is ~~((held))~~ responsible for notifying each designated vessel operator and diver to whom he provides a validation of all the laws and regulations of the state of Washington department of fisheries pertaining to commercial geoduck harvest. The holder of the harvest agreement ((and/or)), designated vessel operator or diver may be held criminally or civilly liable for violation of the applicable rules and regulations of the department of fisheries. ((Any)) Violations by ((either)) the holder of the harvest agreement ((and/or)), designated vessel operator or the diver can result in suspension ((and a)) or cancellation of the validation subject to the holder's right to opportunity for a hearing as specified in chapter 34.04 RCW. The director of fisheries may refuse to issue a validation to any holder of a harvest agreement who has failed to comply with these regulations.

(6) Applications for geoduck validations must be made on forms provided by the department of fisheries.

(7) At all times when geoduck harvest is occurring, the geoduck personal commercial fishing license and validation card for each and every diver who is harvesting or attempting to harvest geoducks from that tract must be physically on board the harvesting vessel, and evidence of the geoduck tract license for the specific tract must be prominently displayed on board the vessel. It is the responsibility of the holder of the harvest agreement to ensure that the required number of validation cards are on board the harvesting vessel during geoduck harvesting.

AMENDATORY SECTION (Amending Order 807, filed 1/2/69, effective 2/1/69)

WAC 220-52-020 CLAMS—PUGET SOUND—SEASONS AND AREAS. (1) It shall be ~~((lawful))~~ unlawful to take, dig for or possess clams, cockles, borers, and mussels, not including geoduck clams, taken for commercial purposes from the tidelands of licensed clam farms in Puget Sound except during the following seasons:

(a) Those tidelands lying west of the tip of Dungeness Spit from November 1 through March 31.

(b) Elsewhere on Puget Sound the entire year.

(2) It shall be unlawful to take, dig for or possess clams, cockles, borers and mussels except razor clams taken for commercial purposes from the tidelands of the state of Washington except from licensed clam farms.

AMENDATORY SECTION (Amending Order 807, filed 1/2/69, effective 2/1/69)

WAC 220-52-030 CLAMS—COASTAL—SEASONS AND AREAS. (1) It shall be lawful to take, dig for or possess clams, cockles, borers and mussels taken for commercial purposes, not including razor clams, from the tidelands of licensed clam farms in Grays Harbor and Willapa Harbor the entire year.

(2) ~~((It shall be lawful to take, dig for or possess razor clams taken for commercial purposes the entire year from that portion of Razor Clam Area No. 1, the detached Willapa Harbor spits lying north of the Leadbetter Channel, west of Ellen Sands and south of the Willapa Bay Ship Channel.~~

~~((3)) It shall be unlawful to take, dig for or possess razor clams taken for commercial purposes from ((Razor Clam Areas 2 and 3.~~

~~((4)) It shall be unlawful to take, dig for or possess razor clams taken for commercial purposes from that portion of Razor Clam Area No. 1 lying southerly of the Willapa Bay Leadbetter Channel)) Washington waters except as provided for in subsection (3) of this section.~~

~~((5)) (3) It shall be lawful to possess razor clams for commercial purposes for use within the state of Washington that are lawfully taken from within the boundaries of the Quinault Indian Reservation.~~

AMENDATORY SECTION (Amending Order 82-221, filed 12/8/82)

WAC 220-52-040 CRAB FISHERY—LAWFUL AND UNLAWFUL. (1) It is unlawful for any vessel geared or equipped with commercial net fishing gear to

have aboard any quantity of crab while fishing with said gear or having commercially caught food fish or other species of shellfish aboard.

(2) Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs, for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein.

(3) It is unlawful to have in the water any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein: PROVIDED, That following the close of a commercial crab season, permission may be granted by the director on a case-by-case basis for fishermen to recover shellfish pots that have become irretrievable due to extreme weather conditions. Fishermen must apply to fisheries patrol for such permission within twenty-four hours ~~((of))~~ prior to the close of season.

(4) It is unlawful for any person to take, or possess for commercial purposes female Dungeness crabs, or male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(5) It is unlawful for any person to take or fish for crabs for commercial purposes in the Puget Sound licensing district with more than 100 shellfish pots or ring nets in the aggregate, and it shall be unlawful for any group of persons using the same vessel to take or fish for crabs for commercial purposes in Puget Sound with more than 100 shellfish pots or ring nets in the aggregate, provided it shall be unlawful for any person, or group of persons using the same vessel, to take or fish for crabs for commercial purposes with more than 20 shellfish pots or ring nets in the aggregate within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the outermost end of the abandoned dock at the Three Crabs restaurant on the southern shore of Dungeness Bay.

(6) It is unlawful for any fisherman or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department of fisheries personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

AMENDATORY SECTION (Amending Order 79-6, filed 1/30/79)

WAC 220-52-043 CRAB FISHERY—GEAR. (1) It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

(2) It shall be unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless such gear meets the following requirements:

~~(a) ((Effective October 1, 1975 through September 30, 1979 shellfish pot gear must have one or more escape rings or ports, not less than 4-1/8 inches inside diameter.~~

~~(b) Effective October 1, 1979 shellfish))~~ Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

~~((c))~~ (b) Escape rings or ports described above must be located in the upper half of the trap.

(3) All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float.

AMENDATORY SECTION (Amending Order 82-221, filed 12/8/82)

WAC 220-52-046 CRAB FISHERY—SEASONS AND AREAS. (1) It is unlawful to take, fish for, land or possess Dungeness crabs for commercial purposes except during the lawful open seasons and areas as follows:

(a) All Puget Sound Marine Fish-Shellfish Areas except 27A, 27B, and 27C, open October 1 through April 15, provided that it shall be unlawful to set any crab gear prior to 9:00 a.m. on the opening day of the season.

(b) Coastal, Pacific Ocean, Grays Harbor, Willapa Harbor and Columbia River waters – open December 1 through September 15 except that it shall be lawful to set baited crab gear beginning at 8:00 a.m. November 27.

(2) It is unlawful for any person to take or possess for commercial purposes red rock crabs in the Puget Sound licensing district without having first obtained a license ~~(, endorsement;))~~ and permit to fish for red rock crabs for commercial purposes authorized by the director of the department of fisheries. The permit must accompany the fisherman at all times while fishing for red rock crabs for commercial purposes and must be made available for inspection by any authorized representative of the department of fisheries.

AMENDATORY SECTION (Amending Order 83-04, filed 1/27/83)

WAC 220-52-050 SHRIMP FISHERY—LAWFUL AND UNLAWFUL. (1) It is unlawful to land or possess shrimp exceeding an average of 160 whole shrimp per pound in or from the coastal waters of the state of Washington and the adjoining waters of the Pacific Ocean. The count must average no more than 160 shrimp per pound for a minimum of two samples increasing at a rate of one sample per one thousand pounds landed or in possession up to a maximum requirement of twenty samples. Such samples shall consist of at least one pound each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession. This subsection applies only to loads of 3,000 pounds of shrimp or more.

(2) It is unlawful for any person to take or fish for shrimp for commercial purposes in Puget Sound with more than 100 shellfish pots, and it is unlawful for any group of persons using the same vessel to take or fish for shrimp for commercial purposes in Puget Sound with more than 100 shellfish pots except:

(a) It is unlawful for any person, or for any group of persons using the same vessel, to take or fish for shrimp for commercial purposes with more than 75 shellfish pots in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 28B (~~as described in WAC 220-22-400~~).

(b) It is unlawful for any person, or any group of persons using the same vessel, to take or fish for shrimp for commercial purposes in that portion of Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area (~~23E~~) 23D inside and westerly of a line projected from the tip of Ediz Hook to the ITT Rayonier Dock with more than 10 shellfish pots.

(c) It is unlawful for any person, or any group of persons using the same vessel, to use more than 50 shrimp pots while commercially fishing for shrimp in Hood Canal south of the Hood Canal floating bridge (see RCW 75.28.134).

(3) It is unlawful to operate, set or have in the water any baited or unbaited shellfish pots for taking of shrimp for commercial purposes in any area or at any time that it is unlawful to take or fish for shrimp for commercial purposes therein.

AMENDATORY SECTION (Amending Order 83-24, filed 4/12/83)

WAC 220-52-053 SHRIMP FISHERY—SEASONS—AREAS AND GEAR. (1) It is unlawful except during the period May 15 through September 15 of each year to take, fish for, or possess shrimp taken for commercial purposes with shellfish pot gear in the waters of Puget Sound, except 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 are closed except as specifically provided for by emergency regulation.

(2) It is unlawful except during the period April 15 through October 15 of each year to take, fish for, or possess shrimp taken for commercial purposes with beam trawl gear in any Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area described in WAC 220-22-400, except that the following areas are closed: 27A, 27B, 27C, 28A, 28B, 28C, 28D, and all waters not open to beam trawl and bottom trawl as provided for in WAC 220-48-015.

(3) It is unlawful at any time to take or fish for shrimp for commercial purposes with otter trawl gear in the waters of Puget Sound.

(4) It is unlawful except during the period April 1 through October 31 of each year to take, fish for, land, or possess shrimp for commercial purposes taken with shrimp trawl or beam trawl gear in or from the coastal waters of the state of Washington or the adjoining waters of the Pacific Ocean.

(5) It is lawful the entire year to take, fish for, land, or possess shrimp for commercial purposes taken with

shellfish pot gear in or from the coastal waters of the state of Washington and the adjoining waters of the Pacific Ocean.

(6) It is unlawful to take, fish for, or possess shrimp taken for commercial purposes 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 must (~~have a minimum~~) be constructed of mesh (~~(size of a square or rectangular mesh such that the inside distance between any knot or corner and each adjacent knot or corner is no less than 7/8 of an inch provided that the shortest inside diagonal of each mesh is no less than 1-1/8 inches)~~) material having the minimum mesh opening defined in (b) of this subsection. Effective January 1, 1985, the entire top, bottom, and sides of the shellfish pot, except the entrance tunnels, must be constructed of mesh material having the minimum mesh openings defined in (b) of this subsection.

(b) The minimum mesh opening size of Hood Canal shrimp pots is an opening through which a 7/8-inch square peg can pass without changing the shape of the opening.

(c) Effective January 1, 1985, all entrance tunnels must open into the pot from the sides.

(d) Effective January 1, 1985, the sum of the maximum widths of all entrance tunnels must not exceed one-half of the perimeter of the bottom of the pot.

~~((b))~~ (e) All buoys attached to commercial shrimp gear must be orange in color and consist of a durable material that will remain floating on the surface when five pounds of weight is attached; it is unlawful to use bleach or antifreeze bottles or any other container.

~~((c))~~ (f) The line attaching the buoy to the shellfish pot must be weighted sufficiently to prevent the line from floating on the surface, if the gear is unattended.

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-52-063 OCTOPUS FISHERY. (1) It shall be lawful at any time to take or fish for octopus for commercial purposes with shellfish pot or ring net gear in any of the waters of the state of Washington except in those waters of the Tacoma Narrows between a line from the north end of Days Island to the southern tip of Point Fosdick and a line from the navigational buoy at Point Defiance to the navigational buoy at the entrance to Gig Harbor.

(2) It shall be lawful to possess octopus for commercial purposes taken incidentally to any other lawful bottom fish or shellfish fishery, except that it shall be unlawful for divers to take octopus for commercial purposes.

(3) It shall be unlawful to possess any octopus mutilated in the process of its fishing or taking.

(4) It is unlawful to fish for octopus using more than 200 shellfish pots without first having obtained a permit authorized by the director.

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-52-066 SQUID FISHERY. (1) It ~~((shall be))~~ is lawful at any time to take or fish for squid for commercial purposes with drag seine gear not exceeding 350 feet in length and having meshes of not less than 1-1/4 inches stretch measure, ~~((or with))~~ dip bag net, brail, and ~~((shellfish pot))~~ squid jigging gear. Dip bag net and brail may not exceed 10 feet in diameter nor have a mesh less than one inch stretch measure. Other gear may be used to fish for squid commercially if authorized by a permit issued by the director.

(2) Food fish, other shellfish, and squid eggs caught while fishing for squid must be returned to the water immediately. It ~~((shall be))~~ is lawful to retain for commercial purposes squid ~~((or inkfish))~~ taken incidental to ~~((any other lawful))~~ another commercial fishery.

(3) Each vessel fishing for squid may use a lighting system with a combined power of not more than 10 kilowatts (10,000 watts). Lights of 200 watts or greater must be shielded and may not be directed to any point more than 100 feet from the vessel while fishing for or attracting squid.

(4) It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline of an incorporated city or town.

AMENDATORY SECTION (Amending Order 82-6, filed 1/19/82)

WAC 220-52-069 SCALLOP FISHERY. (1) It is lawful at any time to take or fish for scallops for commercial purposes with otter trawl or beam trawl or scallop dredge gear, ~~((provided))~~ except that it is unlawful at any time to take or possess rock scallop ~~((of the species Hinnites multirugosus))~~ unless a person has first obtained an aquaculture license and a rock scallop aquaculture permit issued by the department. The permit will specify location, time, and quantity of rock scallop that can be taken for brood stock or culture purposes.

(2) It is unlawful to take or fish for scallops for commercial purposes in any waters of the state of Washington or the Pacific Ocean with scallop dredges having a ring size less than three inches inside diameter.

AMENDATORY SECTION (Amending Order 83-24, filed 4/12/83)

WAC 220-52-075 SHELLFISH HARVEST LOGS. It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop, ~~((or))~~ shrimp, squid, or octopus fishing or operator of mechanical clam digging device to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, sea cucumbers, sea urchins, shrimp, scallops, or clams aboard. The vessel operator must submit the log book for inspection upon request by authorized department of fisheries representatives. The department's copies of the completed harvest log must be submitted to the department for each

calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first. ~~((Vessel operators engaged in commercial harvest of:))~~

(1) Vessel operators engaged in commercial harvest of shrimp or crawfish with shellfish pot or ring net gear must record the vessel Washington department of fisheries boat registration number, number of pots or ring nets pulled, date pulled, soak time~~((+))~~, and gear location before leaving the catch area where taken~~((+))~~, and weights must be recorded upon landing or sale. In addition, vessel operators engaged in commercial harvest of shrimp in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, or 27C (Hood Canal) must record the total number of pots they have in the water and the total number of buoys attached to those pots, and the department's copy of the completed harvest log must be submitted weekly, post-marked no later than Friday and showing harvest activity for the period Thursday of the week previous to submission through Wednesday of the week the harvest log is submitted.

(2) Vessel operators engaged in commercial harvest of shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location, duration and estimated weight of shrimp caught for each tow before leaving the catch area where taken.

(3) Vessel operators engaged in commercial harvest of sea urchins or sea cucumbers must record the vessel identity, date, location, and ~~((the))~~ the approximate number of sea urchins or sea cucumbers before leaving the catch area where taken and the exact weight must be recorded upon landing or sale.

(4) Vessel operators engaged in commercial harvest of clams with mechanical digging devices must record the vessel identity, location, and date of harvest before the end of each day's fishing and the weights by clam species must be recorded upon landing or sale.

(5) Vessel operators engaged in commercial harvest of scallops with dredge or trawl gear must record the vessel identity, date, location, and duration of harvest and estimated weight of scallops caught for each tow before leaving the catch area where taken.

(6) Vessel operators engaged in commercial harvest of squid, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel WDF boat registration number, gear type, catch area, starting and ending time of fishing, and numbers of other species caught and returned. Weights of squid must be recorded on landing or sale.

(7) Vessel operators engaged in commercial harvest of octopus, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel WDF boat registration number, gear type and amount, catch area and hours fished. Weights of octopus must be recorded on landing or sale.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-015 CLAMS—LAWFUL ACTS.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-230 DESCRIPTION OF WASHINGTON STATE NONTREATY FISH RECEIVING TICKETS. (1) There is hereby created the following nontreaty fish receiving ticket forms to be prepared, printed, and distributed upon request, by the department of fisheries: Cannery, troll, marine, utility, and shellfish. These forms shall contain space for the following information:

- (a) Fisherman: Name of licensed deliverer.
 - (b) Address: Address of licensed deliverer.
 - (c) Boat name: Name or Coast Guard number of landing vessel.
 - (d) WDF boat registration: Washington department of fisheries boat registration number.
 - (e) Gear: Code number or name of specific type of gear used.
 - (f) Fisherman's signature: Signature of licensed deliverer.
 - (g) Date: Date of landing.
 - (h) Dealer: Name of dealer, and department of fisheries' number assigned to dealer.
 - (i) Buyer: Name of buyer, and department of fisheries' number assigned to buyer.
 - (j) Receiver's signature: Signature of original 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 if salmon are caught. Marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.
 - (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 value: Summary information for species landed. All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050).
 - (q) Work area for dealer's use: Used at dealer's discretion.
 - (r) Total amount: Total value of landing.
- (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.
- (3) 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.

(4) 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.

(5) 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 fish or shellfish that do not include salmon.

(6) The shellfish receiving ticket shall be used for:

(a) Any nontreaty deliveries of shellfish.

(b) Any imports of fresh shellfish.

(c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-250 REQUIRED INFORMATION ON NONTREATY FISH RECEIVING TICKETS.

(1) Entries (a) through (m) and entry (p) of subsection (1) of WAC 220-69-230 shall be required on each completed nontreaty fish receiving ticket.

~~((PROVIDED, That))~~ (2) A valid license card or duplicate license card issued by the department of fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (a) through (e) of subsection (1) of WAC 220-69-230 except as provided in WAC 220-69-273.

~~((PROVIDED FURTHER, That))~~ (3) A valid dealer or buyer card issued by the department of fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (h) ~~((through (j)))~~ and (i) of subsection (1) of WAC 220-69-230 except as provided in WAC 220-69-273.

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on all Shellfish Receiving Tickets documenting landings and sale of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

WSR 84-08-015
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed March 27, 1984]

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 developmental disabilities fair hearings, amending WAC 275-27-500;

that the agency will at 2:00 p.m., Thursday, May 10, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 16, 1984.

The authority under which these rules are proposed is RCW 72.33.161.

The specific statute these rules are intended to implement is RCW 72.33.161.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by April 26, 1984. The meeting site is in a location which is barrier free.

Dated: March 26, 1984

By: David A. Hogan, Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 275-27-500.

Purpose of Rule Change: To make the fair hearings procedures better and more uniform with that used in other appeals.

The Reason These Rules are Necessary: To implement RCW 72.33.161.

Statutory Authority: RCW 72.33.161.

Summary of the Rule Change: The proposed WAC 275-27-500 deals with fair hearing procedures for division of developmental disabilities appeals. It changes the decision rendering procedure from proposal for decision - exception and argument - DD director making the final decision to the initial decision - petition for review - review decision procedure used in over 99 percent of the other DSHS appeals. For state school discharge cases, the secretary makes the ruling when a petition is filed in accordance with RCW 72.33.161.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: James T. Lengenfelder, Director, Division of Developmental Disabilities, Mailstop: OB 42C, Telephone: 753-3900.

These rules are not necessary as a result of federal law, federal court action, or state court decision.

AMENDATORY SECTION (Amending Order 1280, filed 3/16/78)

WAC 275-27-500 ((APPEALS)) FAIR HEARINGS. (((+)))
Upon receipt of notification pursuant to WAC 275-27-400, the person about whom the decision was made, and/or the parent(s) of a client under age eighteen, or court authorized guardian of such person shall have thirty days in which to appeal this decision to the secretary for an

administrative hearing pursuant to the Administrative Procedure Act, chapter 34.04 RCW:

(2) Appeal shall be undertaken by delivering written notice of appeal in person or by mail to the address specified in the notice of right to appeal.

(a) If the department has not acted upon the decision, the written notice of appeal shall stay the decision pending the administrative hearing determination.

(b) The person(s) making such appeal shall indicate whether or not such person(s) is/are represented by legal counsel.

(3) Within ten days after receipt of notice of appeal, the department shall schedule the matter for a hearing. Once scheduled, a hearing may not be continued unless the appellant stipulates to continuance or good cause is shown therefor.

(4) The administrative procedure used at such hearing shall be substantially in compliance with the Washington Administrative Procedure Act:

(5) The appellant(s) shall be permitted advance inspection of all affidavits, exhibits, or evidence available to the department's authorities.

(6) A tape recorded, or reliable verbatim record shall be made of the hearing.

(7) A copy of the director's decision, on behalf of the secretary, shall be sent by certified mail or delivered in person to the appellant(s), and a copy sent to the secretary. An applicant or recipient has the right to appeal a division decision regarding eligibility for, development of, or modification of an individual program plan; eligibility for or termination of services; placement and admission to, placement and readmission to, or discharge from a state school. The fair hearings are governed by the rules in this chapter and by chapters 10-08 and 388-08 WAC. In case of conflict, provisions in this chapter take precedence over the rules in chapter 388-08 WAC.

(1) The request for a fair hearing must be in writing and filed with the DSHS Office of Hearings, P.O. Box 2465, Olympia, WA 98504 within thirty days of receipt of the decision the appellant wishes to appeal.

(2) A request for a fair hearing may be made by the applicant or recipient, his or her parent when the applicant or recipient is a minor, or by his or her guardian or other authorized representative.

(3) When the appellant requests a hearing to appeal a decision to return a resident of a state school to the community, and a party files a petition for administrative review of the initial decision, the secretary shall rule on the petition and render the final administrative decision. The secretary may get advice and assistance from agency employees who have not participated in the proceedings in any manner and whose duties do not include investigative or prosecutory functions.

(4) The final administrative decision should be made within one hundred twenty days of the department's receipt of the request for hearing. The decision-rendering time is extended by as many days as the hearing is continued on motion by, or with the assent of, the appellant.

WSR 84-08-016

ADOPTED RULES

PARKS AND RECREATION COMMISSION

[Resolution No. 74—Filed March 27, 1984]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Ocean Shores, Washington, that it does adopt the annexed rules relating to land classification, WAC 352-16-020.

This action is taken pursuant to Notice No. WSR 84-04-036 filed with the code reviser on January 26, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.045 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 16, 1984.

By Jack R. Gustafson
Chairman

AMENDATORY SECTION (Amending Order 31, filed 3/28/77)

WAC 352-16-020 LAND CLASSIFICATION. ~~((+))~~ State parks are ~~((spacious combinations))~~ of state-wide natural and/or recreational ~~((areas with overall statewide))~~ significance and/or outstanding scenic beauty. They provide for active and passive, low and high density outdoor recreation activities. ~~((Heritage areas or other special use areas may be included, but are not prerequisites to this classification.))~~ They also may be classified in whole or part as:

~~((2) State))~~ (1) Recreation areas are land and/or water ~~((areas))~~ sites that are suited and/or developed for high density outdoor recreational use. ~~((Such areas do not necessarily meet the high scenic standards for state parks.~~

~~(3) State))~~ (2) Natural areas are ~~((areas))~~ sites obligated to conserving a natural environment in a nearly undeveloped state for ~~((active and))~~ passive low density outdoor recreation activities. These areas may be found ~~((or made))~~ in all types of environments. ~~((They may be considered heritage areas and developed accordingly if their flora or fauna is unique or exceptional in size or character.~~

~~(4) State))~~ (3) Heritage areas are ~~((areas))~~ sites which preserve and interpret unique ~~((geologic, paleontologic, archaeologic, historic))~~ or unusual geological, paleontological, archaeological, historical, scientific, ((ecologic)) and cultural features of the state which transcend local interest and are of state-wide or national significance.

~~((5) State))~~ (4) Launch areas are ~~((areas))~~ sites solely developed for boating ingress and egress.

~~((6) State))~~ (5) Conservation areas are aggregates of recreationally developed and undeveloped open space sites legally dedicated to sustained recreational use. They may contain any combination of state park, recreation area, natural area, heritage area, launch area, or other open space area under public ownership or administration.

~~((7) State))~~ (6) Ocean beach access areas are sites of limited acreage along the Washington coastline which provide public access to waters, shore, and recreational opportunities of the Pacific Ocean.

~~((8) State))~~ (7) Environmental learning center~~((s))~~ sites are resident camping facilities made available to interested groups to provide their members with the opportunity to live, work, study and play in the outdoor environment.

(8) Natural forest areas are certain forest sites which are natural ecosystems designated for preservation and

interpretation of natural forest processes pursuant to RCW 43.51.045, and, which contain:

(a) Old-growth forest communities that have developed for approximately one hundred fifty to two hundred fifty years or longer and have the following structural characteristics: Large old-growth trees, large snags, large logs on land, and large logs in streams; or

(b) Mature forest communities that have developed for approximately ninety to one hundred fifty years; or

(c) Unusual forest communities.

(9) Natural area preserves are sites which are considered important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are registered and committed as a natural area preserve through a cooperative agreement with the department of natural resources pursuant to chapter 79.70 RCW and chapter 332-60 WAC.

WSR 84-08-017
ADOPTED RULES
PARKS AND RECREATION
COMMISSION

[Resolution No. 76—Filed March 27, 1984]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Ocean Shores, Washington, that it does adopt the annexed rules relating to timber cutting and sales, chapter 352-28 WAC.

This action is taken pursuant to Notice No. WSR 84-04-037 filed with the code reviser on January 26, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.045 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 16, 1984.

By Jack R. Gustafson
Chairperson

Chapter 352-28 WAC
TIMBER CUTTING AND SALES

WAC

352-28-005 Definitions.
352-28-010 Timber cutting criteria.
352-28-020 Timber sales.

NEW SECTION

WAC 352-28-005 DEFINITIONS. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different

meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Catastrophic forest event" means a natural or accidental devastation of major park proportions that results in drastic alteration of the natural environment by, but not limited to, wind, fire, insect infestation, forest disease, flooding, or landslide.

(2) "Commission" means the Washington state parks and recreation commission.

(3) "Director" means the director of the Washington state parks and recreation commission.

(4) "Endangered species" means each vascular plant species identified as endangered on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as endangered by the Washington department of game in WAC 232-12-014.

(5) "Environmental learning center" means resident camping facilities with buffers made available to interested groups to provide their members with the opportunity to live, work, study, and play in the outdoor environment.

(6) "Heritage area" means the parts of a park with buffers which are maintained for preservation and interpretation, and, which contain unique or unusual geological, paleontological, archaeological, historical, scientific, and cultural features of the state which transcend local interest and are of state-wide or national significance.

(7) "Launch area" means the parts of a park with buffers which are solely developed for boating ingress and egress.

(8) "Natural area" means the parts of a park with buffers which are maintained for the conservation of a natural environment in a nearly undeveloped state for passive low density outdoor recreation activities.

(9) "Natural area preserve" means the parts of a park with buffers which are considered important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are registered and committed as a natural area preserve through a cooperative agreement with the department of natural resources pursuant to chapter 79.70 RCW and chapter 332-60 WAC.

(10) "Natural forest area" means certain forest areas with buffers which are natural ecosystems designated for preservation and interpretation of natural forest processes pursuant to RCW 43.51.045, and, which contain:

(a) Old-growth forest communities that have developed for approximately one hundred fifty to two hundred fifty years or longer and have the following structural characteristics: Large old-growth trees, large snags, large logs on land, and large logs in streams; or

(b) Mature forest communities that have developed for approximately ninety to one hundred fifty years; or

(c) Unusual forest communities.

(11) "Ocean beach access area" means sites of limited acreage along the Washington coastline which provide public access to waters, shore, and recreational opportunities of the Pacific Ocean.

(12) "Recreation area" means the parts of a park with buffers which are land and/or water sites that are suited

and/or developed for high density outdoor recreational use.

(13) "Sensitive species" means each vascular plant species identified as sensitive on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as sensitive on the list of such species prepared by the Washington department of game.

(14) "Threatened species" means each vascular plant species identified as threatened on the list of such species prepared by the department of natural resources Washington natural heritage program and each wildlife species identified as threatened on the list of such species prepared by the Washington department of game.

AMENDATORY SECTION (Amending Order 7, filed 4/1/70)

WAC 352-28-010 TIMBER CUTTING CRITERIA. (1) Significant trees:

(a) Significant trees in any area under the jurisdiction and/or management of the commission shall ~~((not be cut without))~~, except in fire, weather, or other natural emergencies, be cut or removed only upon the written approval of the director or ((his designated representative)) the assistant directors of the operations and resources development divisions when so designated by the director. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. Significant trees ((shall be considered as those of outstanding shade tree quality and/or of commercial value measured either singly or collectively as a stand of timber)) include all old-growth trees, mature trees, and all other younger trees of ten inches or greater in diameter at four and one-half feet in height. In case of fire, weather, or other natural emergencies, the director or the designee of the director may declare that an emergency exists and thereby authorize the cutting or removal of damaged or down significant trees that are an imminent threat to persons and/or property.

(b) The cutting or removal of any significant trees in a natural forest area shall, except in emergencies as defined in subsection (1)(a) of this section, be approved only by the director and only after consultation with the Washington department of game and the department of natural resources Washington natural heritage program, the preparation of a mitigation plan for affected resources, and a public hearing on each such proposed cutting or removal conducted in Olympia and/or the county in which the cutting or removal is to take place as determined by the director. Prior notice of a hearing shall be published in a newspaper of general circulation in the counties in which hearings are to be held. Any person who requests notification of such proposed cutting or removal shall be sent prior notice of a hearing by mail. A summary of the testimony presented at a hearing or received in writing shall be presented to the director.

(c) The cutting or removal of any trees, flora, or dead organic matter in any area known to be inhabited by endangered, threatened, or sensitive species shall, except in emergencies as defined in subsection (1)(a) of this

section, be approved only by the director and only after consultation with the Washington department of game and the department of natural resources Washington natural heritage program, and the preparation of a mitigation plan for affected species.

(2) Cutting and removal criteria: Trees ((f)) or other flora((?)) may be cut and/or removed from ((said)) the areas listed below for the following reasons only:

(a) ~~((Area clearing necessary for approved park maintenance, improvement, and/or development projects.~~

(b) ~~Correction of conditions hazardous to persons, properties, and/or facilities.~~

(c) ~~Timber stand improvement and/or protection including thinning, removal of weed species, fire lane clearing and abatement of forest diseases and infestations.~~

(d) ~~Salvage of merchantable forest products that are in a condition inconsistent with and/or detrimental to park utility:))~~ Natural area preserves:

(i) Maintenance or construction of fire lanes, boundary fences, and interpretive trails as specified in a natural area preserve management plan prepared in consultation with the department of natural resources Washington natural heritage program.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities from trees with a high degree of hazard.

(iii) Modification of conditions only as may be required to maintain a plant community, species population, or ecological process as specified in a natural area preserve management plan prepared in consultation with the department of natural resources Washington natural heritage program.

(iv) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(v) Prevent the deterioration or loss of historical remnants.

(b) Natural forest areas:

(i) Maintenance or construction of trails and trail head facilities.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities from trees with a high degree of hazard.

(iii) Maintenance or construction of fire lanes for abatement of fires.

(iv) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(v) Prevent the deterioration or loss of historical remnants.

(c) Natural areas:

(i) Area clearing necessary only for passive low density outdoor recreation activities such as, but not limited to, trails, trail head facilities, and interpretive sites, and, for road and utility easements authorized by the commission or mandated by condemnation.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities from trees with a high degree of hazard.

(iii) Maintenance or construction of fire lanes for abatement of fires.

(iv) Control of forest diseases and insect infestations where adjacent forests are severely jeopardized or where a drastic alteration of the natural environment is expected to occur.

(v) Prevent the deterioration or loss of historical remnants.

(vi) Create diversity of tree size, age, and species only within immature forests to achieve visual aspects appropriate to a natural or historical setting, or that improve wildlife habitat.

(d) Recreation areas, heritage areas, launch areas, ocean beach access areas, and environmental learning centers:

(i) Area clearing necessary for park maintenance, and/or park development projects, road and utility easements.

(ii) Correction of conditions hazardous to persons, properties, and/or facilities from trees with a moderate or high degree of hazard.

(iii) Cleanup of trees fallen, tipped, or damaged by the weather, fire, or other natural causes.

(iv) Creation of diversity of tree size, age, and species to achieve visual aspects that resemble a formal landscape, natural, or historical setting.

(v) Daylighting as appropriate to the site.

(vi) Maintenance or creation of a regenerating natural environment that will sustain low ground cover, shrubs, and understory and overstory trees to provide screening, wind, and sun protection.

(vii) Forest and flora protection and interpretation such as, but not limited to, abatement of forest diseases, insect infestations, and fires.

(3) Hazard tree review: At least two persons, preferably one being a forest pathologist or ecologist, shall examine potentially hazardous trees and rate such trees in accordance with department of natural resources, report number 42, detection and correction of hazard trees in Washington's recreation areas. The rating of each tree examined shall be recorded on a hazard tree form by each of the two persons who examine such trees. For trees identified as hazardous and when feasible, action such as, but not limited to, pruning, topping, crown reduction, and relocation of a target facility, shall be taken prior to tree cutting or removal.

(4) Tree cutting and removal operations: Tree cutting or removal shall be done by park personnel, unless the personnel lack necessary expertise. If tree cutting or removal work is done by a contractor, park personnel shall provide daily on-site supervision to ensure that work and safety standards are met to prevent harm or damage to persons, trees, shrubbery, soils, and other park resources. When feasible, trees shall be felled in sections with the tops and limbs lowered first by guy wires and ropes in order to protect adjacent old-growth trees and the integrity of the remaining stand. Only skid trails premarked by park personnel may be used and equipment shall be kept on existing roads and parking areas

to the fullest extent possible. When feasible, all trees damaged during cutting or removal shall be repaired.

(5) Timber utilization: When feasible, felled timber shall be left on the ground for natural purposes or used for park purposes such as, but not limited to, building projects, trail mulching, and firewood. In natural forest areas first consideration shall be given to leaving timber on the ground for natural purposes.

AMENDATORY SECTION (Amending Order 26, filed 6/16/76)

WAC 352-28-020 TIMBER SALES. (1) Qualification for sale of ~~((forest products))~~ timber:

~~((a) The merchantable product must qualify for removal under WAC 352-28-010.~~

~~(b) There must be sufficient merchantable volume involved to offset the amount of restriction and liability necessarily imposed on logging contractors to safeguard park features and public and private interests.)~~ Only timber which qualifies for cutting and removal under RCW 43.51.045(2), WAC 352-28-010, and which is surplus to the needs of the park may be sold and such timber may be sold only because of the presence of one or more of the following conditions:

(a) The timber significantly hinders the public use or operation of a park and is of such a quantity that park personnel cannot dispose of it in a timely manner.

(b) The timber is cut or removed as part of a park maintenance or development project, or conservation practice.

(c) The timber is cut or removed as part of a road or utility easement.

(d) The timber is blown down, burned, or damaged by a catastrophic forest event.

(2) Procedures and general provisions:

(a) A public meeting on each proposed sale shall be conducted in the county in which the sale is to take place. Prior notice of a meeting shall be published in a newspaper of general circulation in such county. Any person who requests notification of proposed sales shall be sent prior notice of a meeting by mail. A summary of the testimony presented at a meeting or received in writing shall be presented to the commission. All sales shall require approval by a majority of the commission.

(b) Sales shall be conducted through an agreement with the department of natural resources pursuant to RCW 43.30.260 or by the director or ~~((his designated representative))~~ the designee of the director in accordance with (c) through (j) of this subsection.

(c) Prior to requesting bids, park personnel shall record the height and diameter at four and one-half feet in height of each standing tree identified for sale. Park personnel shall conduct a cruise of all timber identified for sale, appraise the value of such timber, and establish a minimum acceptable bid: PROVIDED, That a cruise of downed timber may be based upon ten percent of such timber. Complete records of the assumptions used to make these appraisals and estimated minimum acceptable bids shall be maintained.

~~((b))~~ (d) Sales shall be granted on the basis of competitive, sealed bids ~~((and it shall be required that))~~

or public auction made by responsible qualified bidders. At least three qualified ~~((buyers))~~ bidders shall be invited to bid and an advertisement for bids shall be published in a newspaper of general circulation in the county in which the sale is to take place. Reasonable efforts shall be made to invite bids from prospective ~~((buyers))~~ contractors operating or living in or near the general location of the sale ~~((, except that normally unmerchantable volumes of timber to be removed for park purposes may be sold by direct negotiation with a single buyer as approved by the commission, also, except that timber may be sold by direct negotiation where one buyer is clearly concerned as in timber sold to a right-of-way or easement purchaser as an integral part of said purchase)).~~

~~((c) Except where one buyer only is clearly concerned,))~~ (e) All sales shall be granted on the basis of the highest bid from a responsible qualified bidder. No timber shall be sold for less than the minimum acceptable bid established by park personnel. Any bid ~~((may))~~ shall be rejected if the prospective ~~((buyer))~~ contractor is deemed unqualified. To qualify for bidding, a ~~((buyer))~~ contractor must be of good character and reputation with demonstrated abilities and capacities sufficient to perform the contract and must not have failed to perform satisfactorily on any current or previous forest products sale contract with the state.

~~((d) Bids and sales shall be based on a return to the state of a percentage of the gross sale price of the forest products involved, except where sold by direct negotiation with a single buyer as described in WAC 352-28-020 (2)(b) above. In such exceptions, cash payment shall be required of the buyer in the amount of fair market stumpage value, considering offsetting mutual benefits if applicable, or at the commission's discretion, considering a sum to offset aesthetic loss to the state up to a maximum value equal to the best full current local market price at point of delivery of the harvested product, as determined by the director or his designated representative.))~~

(f) All timber sold shall be measured, graded, and counted by a scaling bureau: PROVIDED, That when a scaling bureau is not located in the vicinity of a log buyer, such measuring, grading, and counting shall be performed according to standard log grading practices by a log buyer agreed to by a contractor and the director or the designee of the director.

~~((e))~~ (g) All sales shall require sufficient liability and property damage insurance and also sufficient surety bonding by the ~~((buyers))~~ contractors to insure protection of the state and satisfactory contract compliance and completion.

~~((f))~~ (h) All sales ~~((, excluding timber sales in state parks that have no potential for significant adverse impact on the environment,))~~ shall require ~~((approval by a majority of the commission and))~~ contract validation by the director or ~~((his designated representative))~~ the designee of the director. The number of additional trees which may be added to a sale approved by the commission shall be no more than four percent of the board feet of the trees included in an approved sale. The addition of trees to a sale approved by the commission may occur

only upon the approval of the director or the designee of the director.

~~((g))~~ (i) All sales shall require authorization by the state of Washington, department of general administration, division of purchasing as provided in RCW 43.19-.1919 ~~((and/or as hereafter modified, amended or rescinded))~~; also, all sales shall be granted, subject to approval of any governing agency as may be required by legal condition of land title and/or timber ownership and/or by state or federal statute.

~~((h))~~ (j) All contracts shall be of a form approved by the attorney general with special provisions to tailor a contract to the particular needs of a park site.

WSR 84-08-018

**ADOPTED RULES
INSURANCE COMMISSIONER
FIRE MARSHAL**

[Order FM 84-01—Filed March 27, 1984]

I, Thomas R. Brace, director of the Division of State Fire Marshal, do promulgate and adopt at Insurance Building, Room 140, Olympia, Washington 98504, the annexed rules relating to posting premises protected by guard animals, chapter 212-75 WAC.

This action is taken pursuant to Notice No. WSR 84-05-013 filed with the code reviser on February 8, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.48.150(1) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.
APPROVED AND ADOPTED March 27, 1984.

By Thomas R. Brace
Director

Chapter 212-75 WAC
**POSTING PREMISES PROTECTED BY GUARD
ANIMALS**

NEW SECTION

WAC 212-75-001 PURPOSE. The purpose of this chapter is to describe the minimum specifications for approved signs warning of the presence of guard animals, as required by RCW 48.48.150.

NEW SECTION

WAC 212-75-005 MINIMUM SPECIFICATIONS FOR APPROVED SIGNS. To be approved by the state fire marshal, a sign warning of the presence of guard animals as required by RCW 48.48.150 shall satisfy the following two conditions:

(1) The sign must be at least 3" by 5" (three inches in height by five inches in length), though it may be larger; and

(2) The sign must bear the following caption in bold print at least 1/2" (one-half inch) high: "CAUTION! PREMISES PROTECTED BY GUARD ANIMALS."

WSR 84-08-019

**ADOPTED RULES
DEPARTMENT OF LICENSING**
[Order PL 464—Filed March 27, 1984]

I, Joan Baird, assistant director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 308-26-015 Application for examination.
Amd WAC 308-26-017 Dispensing optician examination.

This action is taken pursuant to Notice No. WSR 84-04-085 filed with the code reviser on February 1, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the director of the Department of Licensing as authorized in RCW 18.34.040 and 18.34.080.

The undersigned hereby declares that the agency 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) in the adoption of these rules.
APPROVED AND ADOPTED March 27, 1984.

By Joan Baird
Assistant Director

AMENDATORY SECTION (Amending Order PL 106, filed 2/2/71)

WAC 308-26-015 APPLICATION FOR EXAMINATION. (1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the director.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individuals (or individuals) who provided such training.

(3) Examination fees are not refundable. If an applicant is unable to attend his scheduled examination, and so notifies the director in writing at least 7 days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he may retake the examination if he pays the statutory examination fee.

(5) Applications and fees for examination must be submitted to the Division of Professional Licensing, Department of Licensing, at least sixty (60) days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled 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 PL 397, filed 5/12/82 [5/13/82])

WAC 308-26-017 DISPENSING OPTICIAN EXAMINATION. (1) Every qualified applicant shall pass an examination with a score of at least seventy (70%) percent in each of the three examination sections: Written contact lenses, written basic optical concepts to include anatomy and physiology, and practical. Subject to subsection (2), any applicant obtaining a score of less than 70% in any section will only be required to retake the section(s) in which a grade of less than 70% was obtained.

(2) Applicants failing an examination section (~~(, other than the practical section;))~~ may retake the section(s) failed (~~(after five months))~~ at the next scheduled examination. (~~(An applicant failing the practical section must wait for one year when the complete examination is administered by the dispensing optician examining committee. Examination sections passed will be valid for a period of thirteen (13) months; applicants failing to successfully pass failed section(s) within thirteen (13) months shall be subject to subsequent reexamination on all three sections;))~~ Failure to pass the entire examination after three consecutive regularly scheduled examinations (emergencies may be considered) shall require reexamination on all three sections.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 84-08-020
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order FT-84-1—Filed March 28, 1984]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, the annexed rules relating to Stumpage values—Tables for January 1 through June 30, 1984, amending WAC 458-40-18711.

This action is taken pursuant to Notice No. WSR 84-05-022 filed with the code reviser on February 10, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.01.060 and 84.33.071 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 27, 1984.

By John B. Conklin
 Forest Tax Supervisor

AMENDATORY SECTION (Amending Order FT-83-7, filed 12/30/83)

WAC 458-40-18711 STUMPAGE VALUES—TABLES FOR JANUARY 1 THROUGH JUNE 30, 1984. As required by RCW 84.33.071 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of January 1 through June 30, 1984.

TABLE 1—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
 January 1 through June 30, 1984

OLD GROWTH FINAL HARVEST
 (100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$146	\$140	\$134	\$128	\$122
		2	107	101	95	89	83
		3	89	83	77	71	65
Western Hemlock ²	WH	1	177	171	165	159	153
		2	129	123	117	111	105
		3	107	101	95	89	83
True Fir ³	TF	1	177	171	165	159	153
		2	129	123	117	111	105
		3	107	101	95	89	83
Western Redcedar ⁴	RC	1	232	226	220	214	208
		2	168	162	156	150	144
		3	139	133	127	121	115
Sitka Spruce	SS	1	255	249	243	237	231
		2	184	178	172	166	160
		3	152	146	140	134	128
Other Conifer	OC	1	177	171	165	159	153
		2	129	123	117	111	105
		3	107	101	95	89	83
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.

² Includes Western and Mountain Hemlock.

³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."

⁴ Includes Alaska-cedar.

**TABLE 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
January 1 through June 30, 1984**

**YOUNG GROWTH AND THINNING
(less than 100 years of age)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$167	\$160	\$153	\$146	\$139
		2	122	115	108	101	94
		3	102	95	88	81	74
		4	90	83	76	69	62
Western Hemlock ²	WH	1	114	107	100	93	86
		2	85	78	71	64	57
		3	72	65	58	51	44
		4	64	57	50	43	36
True Fir ³	TF	1	114	107	100	93	86
		2	85	78	71	64	57
		3	72	65	58	51	44
		4	64	57	50	43	36
Western Redcedar ⁴	RC	1	115	108	101	94	87
		2	86	79	72	65	58
		3	73	66	59	52	45
Other Conifer	OC	1	114	107	100	93	86
		2	85	78	71	64	57
		3	72	65	58	51	44
		4	64	57	50	43	36
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

**TABLE 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
January 1 through June 30, 1984**

**SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit**

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$248	\$242	\$236	\$230	\$224
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	91	85	79	73	67

**TABLE 3—cont.
Stumpage Values per Product Unit**

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

**TABLE 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
January 1 through June 30, 1984**

**OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$166	\$160	\$154	\$148	\$142
		2	121	115	109	103	97
		3	101	95	89	83	77
Western Hemlock ²	WH	1	152	146	140	134	128
		2	111	105	99	93	87
		3	93	87	81	75	69
True Fir ³	TF	1	152	146	140	134	128
		2	111	105	99	93	87
		3	93	87	81	75	69
Western Redcedar ⁴	RC	1	247	241	235	229	223
		2	178	172	166	160	154
		3	148	142	136	130	124
Sitka Spruce	SS	1	255	249	243	237	231
		2	184	178	172	166	160
		3	152	146	140	134	128
Other Conifer	OC	1	152	146	140	134	128
		2	111	105	99	93	87
		3	93	87	81	75	69
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	9	9	9	9	9

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

**TABLE 5—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
January 1 through June 30, 1984**

**YOUNG GROWTH AND THINNING
(less than 100 years of age)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$203	\$196	\$189	\$182	\$175
		2	147	140	133	126	119
		3	123	116	109	102	95
		4	108	101	94	87	80
Western Hemlock ²	WH	1	155	148	141	134	127
		2	114	107	100	93	86
		3	96	89	82	75	68
		4	85	78	71	64	57
True Fir ³	TF	1	155	148	141	134	127
		2	114	107	100	93	86
		3	96	89	82	75	68
		4	85	78	71	64	57
Western Redcedar ⁴	RC	1	115	108	101	94	87
		2	86	79	72	65	58
		3	73	66	59	52	45
Other Conifer	OC	1	155	148	141	134	127
		2	114	107	100	93	86
		3	96	89	82	75	68
		4	85	78	71	64	57
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	9	9	9	9	9

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

**TABLE 6—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
January 1 through June 30, 1984**

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards	RCS	1	\$248	\$242	\$236	\$230	\$224
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	91	85	79	73	67
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20

**TABLE 6—cont.
Stumpage Values per Product Unit**

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

**TABLE 7—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
January 1 through June 30, 1984**

**OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$193	\$187	\$181	\$175	\$169
		2	140	134	128	122	116
		3	116	110	104	98	92
Western Hemlock ²	WH	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
True Fir ³	TF	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
Western Redcedar	RC	1	249	243	237	231	225
		2	180	174	168	162	156
		3	149	143	137	131	125
Sitka Spruce	SS	1	255	249	243	237	231
		2	184	178	172	166	160
		3	152	146	140	134	128
Alaska-cedar	YC	1	1107	1101	1095	1089	1083
		2	786	780	774	768	762
		3	644	638	632	626	620
Other Conifer	OC	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."

TABLE 8—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
 January 1 through June 30, 1984

YOUNG GROWTH AND THINNING
 (less than 100 years of age)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$209	\$202	\$195	\$188	\$181
		2	152	145	138	131	124
		3	127	120	113	106	99
		4	112	105	98	91	84
Western Hemlock ²	WH	1	160	153	146	139	132
		2	117	110	103	96	89
		3	98	91	84	77	70
		4	87	80	73	66	59
True Fir ³	TF	1	160	153	146	139	132
		2	117	110	103	96	89
		3	98	91	84	77	70
		4	87	80	73	66	59
Western Redcedar ⁴	RC	1	115	108	101	94	87
		2	86	79	72	65	58
		3	73	66	59	52	45
Other Conifer	OC	1	160	153	146	139	132
		2	117	110	103	96	89
		3	98	91	84	77	70
		4	87	80	73	66	59
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

TABLE 9—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
 January 1 through June 30, 1984

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$201	\$195	\$189	\$183	\$177
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	75	69	63	57	51
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20

TABLE 9—cont.
 Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 10—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
 January 1 through June 30, 1984

OLD GROWTH FINAL HARVEST
 (100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$228	\$222	\$216	\$210	\$204
		2	164	158	152	146	140
		3	136	130	124	118	112
Western Hemlock ²	WH	1	176	170	164	158	152
		2	128	122	116	110	104
		3	106	100	94	88	82
True Fir ³	TF	1	176	170	164	158	152
		2	128	122	116	110	104
		3	106	100	94	88	82
Western Redcedar	RC	1	249	243	237	231	225
		2	180	174	168	162	156
		3	149	143	137	131	125
Sitka Spruce	SS	1	255	249	243	237	231
		2	184	178	172	166	160
		3	152	146	140	134	128
Noble Fir	NF	1	285	279	273	267	261
		2	205	199	193	187	181
		3	170	164	158	152	146
Alaska-cedar	YC	1	1107	1101	1095	1089	1083
		2	786	780	774	768	762
		3	644	638	632	626	620
Other Conifer	OC	1	176	170	164	158	152
		2	128	122	116	110	104
		3	106	100	94	88	82
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."

TABLE 11—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
 January 1 through June 30, 1984

YOUNG GROWTH AND THINNING
 (less than 100 years of age)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$222	\$215	\$208	\$201	\$194
		2	161	154	147	140	133
		3	134	127	120	113	106
		4	118	111	104	97	90
Western Hemlock ²	WH	1	145	138	131	124	117
		2	106	99	92	85	78
		3	89	82	75	68	61
		4	79	72	65	58	51
True Fir ³	TF	1	145	138	131	124	117
		2	106	99	92	85	78
		3	89	82	75	68	61
		4	79	72	65	58	51
Western Redcedar ⁴	RC	1	115	108	101	94	87
		2	86	79	72	65	58
		3	73	66	59	52	45
Other Conifer	OC	1	206	199	192	185	178
		2	150	143	136	129	122
		3	125	118	111	104	97
		4	110	103	96	89	82
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

TABLE 12—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
 January 1 through June 30, 1984

SPECIAL FOREST PRODUCTS
 Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$230	\$224	\$218	\$212	\$206
Western Redcedar Flatsawn & Shingle Blocks ²	RCF	1	85	79	73	67	61
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20

TABLE 12—cont.
 Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
 January 1 through June 30, 1984

OLD GROWTH FINAL HARVEST
 (100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$297	\$291	\$285	\$279	\$273
		2	214	208	202	196	190
		3	178	172	166	160	154
Western Hemlock ²	WH	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
True Fir ³	TF	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
Western Redcedar ⁴	RC	1	249	243	237	231	225
		2	180	174	168	162	156
		3	149	143	137	131	125
Sitka Spruce	SS	1	255	249	243	237	231
		2	184	178	172	166	160
		3	152	146	140	134	128
Noble Fir	NF	1	285	279	273	267	261
		2	205	199	193	187	181
		3	170	164	158	152	146
Other Conifer	OC	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

**TABLE 14—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
January 1 through June 30, 1984**

**YOUNG GROWTH AND THINNING
(less than 100 years of age)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$208	\$201	\$194	\$187	\$180
		2	151	144	137	130	123
		3	126	119	112	105	98
		4	111	104	97	90	83
Western Hemlock ²	WH	1	145	138	131	124	117
		2	106	99	92	85	78
		3	89	82	75	68	61
		4	79	72	65	58	51
True Fir ³	TF	1	145	138	131	124	117
		2	106	99	92	85	78
		3	89	82	75	68	61
		4	79	72	65	58	51
Western Redcedar ⁴	RC	1	115	108	101	94	87
		2	86	79	72	65	58
		3	73	66	59	52	45
Other Conifer	OC	1	145	138	131	124	117
		2	106	99	92	85	78
		3	89	82	75	68	61
		4	79	72	65	58	51
Red Alder	RA	1	45	38	31	24	17
Cottonwood	BC	1	60	53	46	39	32
Other Hardwoods	OH	1	49	42	35	28	21
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."
⁴ Includes Alaska-cedar.

**TABLE 15—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
January 1 through June 30, 1984**

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$210	\$204	\$198	\$192	\$186
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	78	72	66	60	54
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18

**TABLE 15—cont.
Stumpage Values per Product Unit**

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

**TABLE 16—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
January 1 through June 30, 1984**

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$132	\$126	\$120	\$114	\$108
		2	97	91	85	79	73
Douglas-fir	DF	1	93	87	81	75	69
Western Larch	WL	1	93	87	81	75	69
Western Hemlock ²	WH	1	62	56	50	44	38
True fir ³	TF	1	62	56	50	44	38
Engelmann Spruce	ES	1	63	57	51	45	39
Western White Pine	WP	1	104	98	92	86	80
Western Redcedar	RC	1	110	104	98	92	86
Lodgepole Pine	LP	1	40	34	28	22	16
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	((2+)) 9	((1+)) 9	9	((3)) 9	((1)) 9

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir."

**TABLE 17—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
January 1 through June 30, 1984**

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$99	\$93	\$87	\$81	\$75
Lodgepole Pine & Other Posts ²	LPP	1	0.20	0.20	0.20	0.20	0.20

TABLE 17—cont.
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Pine Christmas Trees ³	PX	1	0.18	0.18	0.18	0.18	0.18
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.18	0.18	0.18	0.18	0.18

¹ Stumpage value per MBF net Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 18—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
January 1 through June 30, 1984

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$147	\$141	\$135	\$129	\$123
		2	121	115	109	103	97
		3	105	99	93	87	81
Douglas-fir	DF	1	146	140	134	128	122
		2	119	113	107	101	95
		3	55	49	43	37	31
Western Larch	WL	1	146	140	134	128	122
		2	119	113	107	101	95
		3	55	49	43	37	31
Western Hemlock ²	WH	1	145	139	133	127	121
		2	112	106	100	94	88
		3	70	64	58	52	46
True Fir ³	TF	1	145	139	133	127	121
		2	112	106	100	94	88
		3	70	64	58	52	46
Other Conifer	OC	1	145	139	133	127	121
		2	112	106	100	94	88
		3	70	64	58	52	46
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	((+?)) 5	((++)) 5	5	((+)) 5	((+)) 5

¹ Log scale conversions between Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All these species are commonly referred to as "White Fir."

TABLE 19—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
January 1 through June 30, 1984

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$108	\$102	\$96	\$90	\$84
Lodgepole Pine & Other Posts ²	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees ³	PX	1	0.18	0.18	0.18	0.18	0.18
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.18	0.18	0.18	0.18	0.18

¹ Stumpage value per MBF Scribner scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

WSR 84-08-021

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order FT-84-2—Filed March 28, 1984]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to timber excise tax credit for personal property tax, WAC 458-40-19005.

This action is taken pursuant to Notice No. WSR 84-05-041 filed with the code reviser on February 17, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.33.077 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 27, 1984.

By John B. Conklin
Forest Tax Supervisor

NEW SECTION

WAC 458-40-19005 TIMBER EXCISE TAX CREDIT FOR PERSONAL PROPERTY TAX. (1) General. Pursuant to RCW 84.33.077 and 84.36.473, persons engaged in business as harvesters of timber from public land shall be allowed to take a tax credit against the timber excise tax imposed under RCW 84.33.071 for any personal property taxes paid to a county on such public timber sales. The credit shall be allowed only for

property taxes paid on public timber purchased on or after August 1, 1982. The credit shall be taken only on excise taxes due on timber harvested from public land. No excise tax credits shall be allowed against excise taxes due on timber harvested from private land.

(2) Definition of public timber. Public timber shall mean all timber standing on, or harvested or removed from land owned by federal, state, county, or municipal government or other government entity. Public timber shall not include timber standing on, or harvested or removed from Indian tribal land.

(3) Amount of credit. The total dollar amount of all excise tax credits claimed on one or more sales shall not exceed the total amount of all personal property taxes levied and paid on such timber. No excise tax credit shall be allowed for property tax penalties or interest charges imposed on delinquent property taxes. No excise tax credits shall be allowed prior to payment of personal property taxes, and the amount of credit allowed shall not exceed the amount of property tax actually paid as certified by the county treasurer.

(4) Excess credits, refunds. If the amount of the credit exceeds the amount of timber excise tax due for the calendar quarter in which the credit is claimed, the excess credit shall be carried forward to the next quarterly reporting period and applied against the amount of timber excise tax due, if any, on public timber. Excise tax refunds for unused credit shall be made only if the taxpayer has no public timber sales pending against which to apply the unused credit.

(5) Credit application procedures. Taxpayers who wish to claim timber excise tax credits for personal property taxes paid must make application on forms prepared by the department of revenue. The application form must be completed in full and certified with the signatures of the county assessor and the county treasurer of the county in which the property taxes were paid. Credit application forms shall be made available in the offices of county assessors, county treasurers and the department of revenue. Credit applications must be submitted with timber excise tax returns for taxes due on public timber.

WSR 84-08-022
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Memorandum—March 28, 1984]

Supplemental Food Program for Women, Infants and Children (WIC Program)

State Plan for the Federal Fiscal Year 1985

A public hearing has been scheduled by the Department of Social and Health Services for the purpose of encouraging public participation in the development of the annual state plan for "Program Operation and Administration for the Supplemental Food Program for Women, Infants and Children." (Known as the WIC program.)

Interested members of the public are invited to attend the hearing which is scheduled for Tuesday, May 1, 1984, from 2 - 4 p.m. in the conference room of the Social and Health Services, Building 12, at the Airdustrial Park in Tumwater, Washington.

The hearing site is in a location which is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. If either is required, please contact Edwin Porter, Office of Administrative Regulations, Department of Social and Health Services, Olympia, Washington, telephone (206) 753-2376, by April 13, 1984.

WSR 84-08-023
PROPOSED RULES
DEPARTMENT OF CORRECTIONS
[Filed March 28, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning siting of community residential programs (work/training release facilities), amending chapter 137-57 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 14, 1984.

The authority under which these rules are proposed is RCW 72.65.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 1, 1984.

All correspondence regarding this WAC should be referred to:

Robert W. Sampson, Administrator
Office of Contracts and Regulations
Division of Management and Budget
Mailstop FN-61
(206) 234-5770 or 753-5770

Dated: March 27, 1984
By: Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Purpose of Rule: To amend chapter 137-57 WAC currently entitled "Siting of community residential programs (work/training release facilities)."

Statutory Authority: RCW 72.65.100.

Statute Implemented: Chapter 72.65 RCW.

Summary of Rule and Reasons for Proposed Change: The purpose of this rule is to establish procedures for the selection of contractors providing work/training release programs, ensure cooperation with local jurisdictions in siting work/training release facilities, and encourage public comment. The reason for the proposed changes is to give recognition to RCW 72.65.080, which now subjects work/training release facilities to the zoning laws of the locality in which they are to be situated.

Person Responsible for Drafting the Rule: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, (206) 753-5770.

Person Responsible for Implementing and Enforcing the Rule: Ross M. Peterson, Director, Division of Community Services, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, (206) 753-4616.

Person or Organization Proposing the Rule: The Department of Corrections.

Agency Comments and Recommendations: None.

The amendment of this rule is not necessitated by federal law or federal or state court action.

The amendment of this rule will have no economic impact on small businesses.

Chapter 137-57 WAC
SELECTING CONTRACTORS FOR AND SITING OF COMMUNITY RESIDENTIAL PROGRAMS (WORK/TRAINING RELEASE FACILITIES)

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-005 PURPOSE. The purpose of this chapter is to establish procedures for the selection of contractors providing work/training release programs, ensure department cooperation with local jurisdictions in the siting of work/training release facilities, and ((to)) encourage public comment and advice in the siting decisions.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections or his/her designee.

(2) (~~"Director"~~) "Department" is the (~~director of the division of community services;~~) department of corrections.

(3) (~~"Assistant director" is the assistant director of community residential programs, division of community services, department of corrections.~~

(~~4~~) "Work/training release facility" is an institution, community residential program or other establishment approved for housing and supervision of work/training release inmates or residents as defined in WAC 137-56-010.

(4) "Search committee" is a committee appointed by the secretary to locate potential work/training release contractors or work/training release sites.

(~~5~~) "Office of contracts and regulations" is an office within the division of management and budget, department of corrections.)

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-020 SECRETARY'S AUTHORITY. ((~~H~~)) Pursuant to RCW 72.65.080 the secretary may enter into contracts with the appropriate authority for the payment of the cost of feeding and lodging and other expenses of having work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program as defined in chapter 137-56 WAC. In addition, the secretary is authorized to acquire by lease or contract, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. ((~~Although the facilities are not subject to the zoning laws of the city or county in which they are situated, it is the purpose of this chapter to ensure department cooperation with local jurisdictions in siting decisions and to encourage public comment and advice.~~

(2) All contracts and leases authorized under RCW 72.65.080, excepting contracts or leases with a federal, state, or local government agency, shall be solicited and awarded in conformance with this chapter effective March 1, 1982.)

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-040 ((~~REQUEST FOR PROPOSAL~~)) CONTRACTOR SELECTION. (1) ((~~H~~)) When the department is seeking a contractor ((~~or vendor~~)) to provide ((~~both a site and~~)) a work/training release program, the ((~~assistant director, in conjunction with~~

~~the committee and the department's office of contracts and regulations;)) secretary will appoint a search committee which shall ((~~develop a request for proposal (RFP) articulating the department's requirements~~)) conduct a search in the manner it deems appropriate to identify potential contractors who would be qualified to develop and provide a work/training release program conforming with applicable regulations, standards, and procedures adopted by the department. The search committee shall also obtain such information as is necessary to evaluate the qualifications and reliability of the potential contractors, the scope of the proposed programs and the cost of such programs.~~

(2) ((~~Proposals received in response to the RFP shall be evaluated by the committee in accordance with criteria developed by the committee.~~

Such criteria shall include:

(a) The cost of the program;

(b) The reliability of the contractor;

(c) The scope of the program; and

(d) The site selected and site criteria in WAC 137-57-050)) The names of the potential contractors determined by the search committee, information gathered during the search, the search committee's ranking of the potential contractors, and the search committee's recommendations shall be submitted to the secretary.

(3) ((~~The assistant director shall then submit three recommendations to the director (or less if there are not three responsive bids), who shall then submit these to the secretary for approval~~)) The secretary, based on the information, rankings, and recommendations so submitted by the search committee, may approve one of the potential contractors as the provider of the work/training release program.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-050 SITE SELECTION ((~~ONLY~~)). (1) ((~~H~~)) When the department is seeking a ((~~site only and not a~~)) work/training release ((~~vendor or contractor, the department need not prepare a request for proposal (RFP). Instead, the assistant director shall advertise the department's need in a local newspaper and~~)) site, the secretary will appoint:

(a) A search committee which shall ((~~perform~~)) conduct a search ((~~of~~)) for possible locations in the manner it deems appropriate; and

(b) An advisory committee composed of local elected or public officials, local law enforcement personnel, interested citizens, and department staff.

(2) After ((~~locations~~)) the sites have been identified, the ((~~assistant director~~)) search committee shall submit ((~~the possible sites~~)) a description of them to the advisory committee for review. The advisory committee's review shall evaluate the following factors:

(a) The cost of acquiring the use of the site, ((~~e.g.~~)) and the cost of improvements that would be required to renovate, repair, remodel, or alter the site to make it suitable for a work release program;

(b) The desirability of the site for program activities;

(c) The access to public transportation available at the site;

(d) The community impacts associated with the site; and

(e) The ((~~current~~)) zoning restrictions applicable to ((~~property in that~~)) the geographical area in which the site is located.

(3) After it completes its review, the advisory committee shall ((~~make three~~)) submit its recommendations to the secretary ((~~or less if there are not three available sites~~)) for a), and the secretary may give preliminary approval to one of the recommended sites.

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

WAC 137-57-060 PUBLIC NOTICE, HEARING REQUIREMENTS. (1) After the secretary ((~~selects~~)) gives preliminary approval to a site, ((~~or selects a contractor or vendor with an existing site, the assistant director under the direction of~~)) the ((~~office of contracts and regulations;~~)) department shall either apply for or assist ((~~the contractor~~)) others in applying for ((~~all the necessary~~)) any permits which may be required by local zoning laws with respect to the operation of a work/training release facility.

(2) In the event there are no local zoning requirements, or hearing requirements((~~or where the secretary waives the permit requirement in (1) of this section, the assistant director under the direction of the office of contracts and regulations~~)) with respect to the operation of a work/training release program on the site which has received the secretary's preliminary approval, the department shall hold a public hearing to encourage citizen input. Notice of such a hearing shall be provided in a manner best designed to notify residents within the immediate area and within the budget limitations of the department.

~~(3) ((The comments received at the public hearing shall be submitted to the secretary for review and)) After the required zoning permits, if any, have been obtained, and after the secretary has considered the comments expressed by members of the public during any zoning process or during the public hearing conducted by the department, the secretary may grant or withhold final approval of the proposed site.~~

AMENDATORY SECTION (Amending Order 82-06, filed 4/5/82)

~~WAC 137-57-070 CONTRACT/LEASE. Upon final approval by the secretary of a proposed contractor pursuant to WAC 137-57-040 or the proposed site pursuant to WAC 137-57-060 the ((office of contracts and regulations)) department shall ((negotiate and draft a lease or contract for execution by the secretary. Said contract shall not run beyond a biennium)), by appropriate instruments, obtain the services of the approved contractor or acquire the use of the approved site.~~

WSR 84-08-024

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 84-25—Filed March 28, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

This action is taken pursuant to Notice No. WSR 84-05-042 filed with the code reviser on February 17, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 27, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

~~WAC 220-57-140 CHEHALIS RIVER. ((+)) Special bag limit ((€)) - Six salmon not less than ten inches in length, not more than two of which may be chum salmon. Chinook salmon greater than 24 inches in length and coho salmon greater than 20 inches in length must be released immediately. ((December)) September 1 through ((September 14)) January 31: Downstream from the Porter Bridge to the Union Pacific Railroad Bridge in Aberdeen.~~

~~((2) Bag limit A - September 15 through November 30: Downstream from the Porter Bridge to the Union Pacific Railroad Bridge in Aberdeen, except that all chinook salmon over 24 inches must be released.))~~

WSR 84-08-025

ATTORNEY GENERAL OPINION

Cite as: AGO 1984 No. 11

[March 27, 1984]

OFFICES AND OFFICERS—STATE—CORRECTIONS STANDARDS BOARD—JAILS—COUNTIES—CITIES—APPLICABILITY OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES ACT

(1) The State Corrections Standards Board is not required by chapter 120, Laws of 1983, the Minority and Women's Business Enterprises Act, to fix goals which would, in turn, necessitate that specified portions of the funds which are awarded by it to local governments be set aside for minority or women-owned businesses.

(2) Chapter 120, Laws of 1983, the Minority and Women's Business Enterprises Act, applies only to public works projects undertaken by the State (or an agency thereof) itself and, therefore, does not impose any additional duties or responsibilities on local jurisdictions with respect to jail construction and renovation funded through the State Corrections Standards Board.

Requested by:

Honorable Larry V. Erickson
Chairman
Corrections Standards Board
110 East Fifth, M.S. GB-12
Olympia, Washington 98504

WSR 84-08-026

RULES OF COURT

STATE SUPREME COURT

[March 20, 1984]

IN THE MATTER OF THE ADOPTION
AMENDMENTS TO MAR 1.2 AND
CrR 6.2

NO. 25700-A-352
ORDER

Amendments to MAR 1.2 and CrR 6.2 having been proposed and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby
ORDERED:

Pursuant to emergency provisions of GR 9(i):

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the special rules edition of the Washington Reports in July 1984, and will become effective September 1, 1984.

DATED at Olympia, Washington, this 20th day of March, 1984.

William H. Williams

Hugh J. Rosellini

James M. Dolliver

Charles F. Stafford

Fred H. Dore

Robert F. Utter

Carolyn R. Dimmick

Robert F. Brachtenbach

Vernon R. Pearson

MAR 1.2

MATTERS SUBJECT TO ARBITRATION

A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration under these rules if the action is at issue in a superior court in a county which has authorized mandatory arbitration under RCW 7.06, if the sole relief sought is a money judgment, and if (1) no party asserts a claim in excess of \$10,000 the amount authorized by RCW 7.06.020 as determined by local superior court rule, exclusive of attorney's fees, interest and costs, or if (2) all parties for purposes of arbitration waive claims in excess of \$10,000 the amount described in subdivision (1), exclusive of attorney's fees, interest and costs. Other matters may be arbitrated under these rules only by stipulation under Rule 8.1.

CrR 6.2 JURORS' ORIENTATION

All jurors will be given a general orientation when they report for duty.

(a) Juror Handbook. A copy of the Uniform Washington Juror's Handbook to Washington Courts as prepared by the Washington Supreme Court Committee on Jury Instructions Superior Court Judges' Association of the State of Washington and the Washington State Magistrates Association shall be provided to all petit jurors by the court in which they are to serve.

(b) Juror Information Sheet. Prior to the commencement of a petit juror's term of service, a juror information sheet shall be furnished to him the juror by the court in which he the person is to serve. The format of the information sheet shall be consistent with recommendations of the Administrator for the Courts.

WSR 84-08-027

NOTICE OF PUBLIC MEETINGS

WESTERN WASHINGTON UNIVERSITY

[Memorandum—March 16, 1984]

The board of trustees of Western Washington University will hold a special meeting on Thursday, April 5, 1984, at 1:30 p.m. in Old Main 340 on the campus of the university.

WSR 84-08-028

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 84-9—Filed March 29, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Olympia, City of, amending WAC 173-19-4203.

This action is taken pursuant to Notice Nos. WSR 84-04-078 and 84-06-041 filed with the code reviser on February 1, 1984 and March 2, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 29, 1984.

By Donald W. Moos
Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4203 OLYMPIA, CITY OF. City of Olympia Master Program approved May 21, 1976. Revision approved March 29, 1984.

WSR 84-08-029

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 84-11—Filed March 29, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Bellingham, City of, amending WAC 173-19-4501.

This action is taken pursuant to Notice No. WSR 84-04-077 filed with the code reviser on February 1, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 29, 1984.

By Donald W. Moos
Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4501 BELLINGHAM, CITY OF. City of Bellingham Master Program approved September 30, 1974. Revision approved March 29, 1984.

WSR 84-08-030**ADOPTED RULES****DEPARTMENT OF ECOLOGY**

[Order DE 83-41—Filed March 29, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Clallam County, amending WAC 173-19-130.

This action is taken pursuant to Notice Nos. WSR 84-01-084 and 84-06-042 filed with the code reviser on December 21, 1983, and March 2, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 27, 1984.

By Donald W. Moos
Director

AMENDATORY SECTION (Amending Order DE 82-48, filed 1/5/83)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976. Revision approved August 10, 1979. Revision approved January 4, 1983. Revision approved March 27, 1984.

WSR 84-08-031**EMERGENCY RULES****BOARD FOR****COMMUNITY COLLEGE EDUCATION**

[Order 98, Resolution No. 84-14—Filed March 29, 1984]

Be it resolved by the State Board for Community College Education, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to tuition and fee waivers for unemployed and underemployed Washington residents who wish to enroll in community colleges on a space-available basis.

We, the State Board for Community College Education, 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 1984 statute authorizing this program contains an emergency clause and it is desirable to make the program available at the earliest possible time, the spring quarter, 1984. The act was not signed into law until after the deadline for filing the appropriate notice of intent pursuant to the Administrative Procedure Act, thus, an emergency action is necessary.

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

This rule is promulgated pursuant to chapter 50, Laws of 1984 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 29, 1984.

By Gilbert J. Carbone
Assistant Director

NEW SECTION

WAC 131-28-090 TUITION AND FEE WAIVERS FOR UNEMPLOYED AND UNDEREMPLOYED RESIDENT STUDENTS. (1) *The purpose of this section is to carry out the intent of the legislature to provide tuition-free educational opportunities for unemployed and underemployed individuals who wish to attend a Washington community college on a space-available basis.*

(2) *Pursuant to authority granted by chapter 50, Laws of 1984, community college districts may waive, in whole or in part, tuition, operating fees, and services and activities fees for any individual who:*

(a) *is a resident student as defined by RCW 28B.15.012(2);*

(b) *will have attained age twenty-one prior to the first day of instruction on the basis of such waiver;*

(c) *has not attended an institution of higher education during the six-month period immediately prior to the first day of instruction, other than pursuant to this section;*

(d) *is not receiving or eligible to receive unemployment compensation funded by federal, state matching, or trade readjustment benefit sources;*

(e) *has a monthly household income below four hundred sixty-five dollars for a single person and an additional one hundred thirty dollars for each additional household member or the successor values to these amounts as may be subsequently established by the department of social and health services as need standards for assistance determination purposes;*

(f) *has been or will have been unemployed for at least six months prior to the first day of instruction or is underemployed as evidenced by monthly income for the preceding six-month period below the level established in subsection (e) of this section.*

(3) *Enrollments made pursuant to this section shall be on a space available basis.*

(4) No new course sections shall be created as a result of enrollments based on waivers authorized by this section.

(5) Enrollment information on students registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor be considered in any enrollment statistics which would affect budgetary determinations.

(6) Persons enrolled pursuant to this section shall have the same access to support services as do all other students and shall be subject to all course prerequisites and requirements.

WSR 84-08-032
ADOPTED RULES
HIGHER EDUCATION
PERSONNEL BOARD

[Order 113—Filed March 30, 1984—Eff. May 1, 1984]

Be it resolved by the Higher Education Personnel Board, acting at Olympia Technical Community College, Olympia, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 251-10-045	Layoff—Veterans retention preference.
Amd	WAC 251-10-055	Layoff lists—Institution-wide.
Amd	WAC 251-18-180	Eligible lists—Definition—Composition.
Amd	WAC 251-18-320	Appointment—Probationary.
Amd	WAC 251-18-330	Trial service period.
Amd	WAC 251-18-340	Appointment—Permanent status.
Amd	WAC 251-22-070	Vacation leave—Use.

This action is taken pursuant to Notice No. WSR 84-04-070 filed with the code reviser on February 1, 1984. These rules shall take effect at a later date, such date being May 1, 1984.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 16, 1984.

By John A. Spitz
Director

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-10-045 LAYOFF—VETERANS RETENTION PREFERENCE. (1) For the purpose of this section veteran means any permanent employee who has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who upon termination of such service has received an honorable discharge, a discharge for physical reasons with an

honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given.

(2) Veterans as defined in subsection (1) of this section shall have added to their unbroken service in (~~an institution of higher education~~) the classified service, their total active military service, not to exceed five years. The combined total of unbroken (~~institutional employment~~) service in the classified service and active military service will constitute the veterans' layoff seniority.

(3) The unmarried widow/widower of an eligible veteran is entitled to veterans retention benefits as outlined in subsections (1) and (2) of this section regardless of the veteran's length of active military service.

(4) For the purpose of this rule "veteran" does not include any person who as a veteran retired with twenty or more years' active military service and has military retirement pay in excess of five hundred dollars per month.

AMENDATORY SECTION (Amending Order 102, filed 9/20/82, effective 10/25/82)

WAC 251-10-055 LAYOFF LISTS—INSTITUTION-WIDE. (1) The names of persons identified in subsection (6) of this section, permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class or service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

- (a) The employee has requested placement on the list;
- (b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and
- (c) The class has the same or lower salary range maximum as the class from which laid off.

In addition such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be referred in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that, unless the employee so requests, he/she may not be removed via this procedure from the layoff list for the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

(c) Declination of appointment to three positions on shifts for which the employee has formally indicated availability.

(6) In addition to persons identified in subsection (1) of this section, institution-wide layoff lists shall also contain the names of former employees of the institution/related board who have not successfully completed a trial service period resulting from movement identified in WAC 251-18-347. Such employees shall only have access to the list for the class in which they held permanent status prior to moving via WAC 251-18-347.

AMENDATORY SECTION (Amending Order 110, filed 12/30/83, effective 2/1/84)

WAC 251-18-180 ELIGIBLE LISTS—DEFINITION—COMPOSITION. The various eligible lists are defined as follows:

(1) Institution-wide layoff lists shall be established by class and shall contain the names of:

(a) All permanent and probationary employees laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055. Ranking of eligibles shall be in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved. Ranking of eligibles shall be in order of layoff seniority.

(2) Organizational unit promotional lists shall be established by class and shall contain the names of all permanent employees of the organizational unit for which the list is established, who have successfully completed the examination for the class. Ranking of eligibles shall be in order of their final earned rating on the examination, plus any preference credits.

(3) Institution-wide promotional lists shall be established by class and shall contain the names of all permanent employees who have successfully completed the examination for the class, ranked in order of their final earned rating on the examination, plus any preference credits.

(4) Special employment program layoff lists shall be established by class and shall contain the names of permanent employees laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035. Ranking of eligibles shall be in order of layoff seniority.

(5) State-wide layoff lists shall be established by class and shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060. Ranking of eligibles shall be in order of layoff seniority as provided in WAC 251-10-060(2).

(6) Open competitive/noncompetitive lists:

(a) Open competitive lists shall be established by class and shall contain the names of all candidates who have successfully completed the examination for the class,

ranked in order of their final earned rating on the examination, plus any veterans ((~~retention~~)) preference credits or credits resulting from being in permanent status at another institution/related board. ((~~Preference~~)) Credits resulting from movement indicated above shall be equal to five percent of the employee's final earned rating and will be added to the employee's final passing score.

(b) Noncompetitive lists shall be established by class where the class has been previously approved by the director to be part of the noncompetitive service at a particular higher education institution. They shall contain the names of applicants who meet the minimum requirements for the class for which the list is established. The eligibles shall be ranked by priority in time of filing application.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-320 APPOINTMENT—PROBATIONARY. (1) Probationary appointment shall be made only upon appointment of eligibles from the:

(a) Open-competitive or noncompetitive list except those identified in WAC 251-18-347.

(b) Institution-wide layoff list – when the employee was in probationary status at the time of layoff.

(c) State-wide layoff list.

(d) Combined eligible list as provided in WAC 251-18-181 and 251-18-240(4) when the person appointed is ((~~not~~)) neither a permanent employee of the institution nor an employee moving pursuant to WAC 251-18-347.

(2) The probationary period will continue for the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

(a) The employee shall begin a probationary period in the new class;

(b) The salary in the new class shall be established as provided in WAC 251-08-080;

(c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

AMENDATORY SECTION (Amending Order 91, filed 11/4/81)

WAC 251-18-330 TRIAL SERVICE PERIOD.

(1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless

(a) during the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) the class is lower in that same class series, or

(c) the employee is being reallocated per the provisions of WAC 251-06-080(1)(a), or

(d) the employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-18-400(5).

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-18-347.

(3) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-18-347). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

~~((3))~~ (4) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

~~((4))~~ (5) An employee who is reverted may appeal to the board regarding:

(a) Whether the employer complied with the requirements of WAC 251-18-330~~((3))~~(4)(a) and (b); and

(b) Whether the claimed deficiencies existed at the time of reversion.

~~((5))~~ (6) The board may uphold the reversion action, extend the trial service period, overturn the reversion, grant permanent status or order such other actions as may be determined appropriate pursuant to the best standards of personnel administration.

~~((6))~~ (7) In the event an employee is on leave without pay status for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay.

~~((7))~~ (8) Successful completion of the trial service period shall result in permanent status in the class.

~~((8))~~ (9) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-340 APPOINTMENT—PERMANENT STATUS. Permanent status appointments shall be made under the following conditions:

(1) Upon successful completion of a probationary period or trial service period.

(2) Demotion, either voluntary or involuntary, when made to a class in which the employee has held permanent status during the current period of employment at the institution.

(3) Transfer within a class at the institution.

(4) Certification from a layoff list for a class in which the employee had permanent status at the time of layoff or lower classes in the same class series for which the employee is qualified.

(5) Conversion, per the provisions of WAC 251-18-420, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position.

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-22-070 VACATION LEAVE—USE.

(1) Vacation leave may not be taken until an employee has completed six months of continuous employment. An employee bringing an accrued balance from another state agency may use the previously accrued vacation leave during the institutional probationary or trial service period.

(2) All requests for vacation leave must be approved by the employing official or designee in advance of the effective date.

(3) Vacation leave shall be scheduled by the employing department at a time most convenient to the work of the department, the determination of which shall rest with the employing official. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his/her earned leave credits.

(4) Paid vacation leave may not be used in advance of its accrual.

WSR 84-08-033
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed March 30, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning amusement and recreation activities and business, WAC 458-20-183.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 1, 1984.

The authority under which these rules are proposed is RCW 82.32.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 1, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-05-068 filed with the code reviser's office on February 22, 1984.

Dated: March 30, 1984
 By: DeLoss H. Brown
 Acting Assistant Director

AMENDATORY SECTION (Amending Order ET 78-4, filed 6/27/78)

WAC 458-20-183 (~~(PLACES OF)~~ AMUSEMENT (~~(OR)~~) AND RECREATION ACTIVITIES AND BUSINESSES. The term "sale at retail" is defined by RCW 82.04.050 to include (~~certain amusement and recreation businesses. Those activities specifically included within the definition are golf, pool, billiards, skating, bowling, and ski lifts and tows. Thus, while the legislature has not defined the term "amusement and recreation business," it has indicated the type of businesses it intended to tax under this classification, i.e., recreations in which the payment is for participation. Accordingly, the language of this classification is construed to include the following additional amusement and recreation businesses: Archery, badminton, bowling shoes rentals, croquet and handball courts, operation of charter boats for sport fishing, golf cart rentals, dancing, golf driving ranges, miniature golf, private fishing, shuffleboard, swimming facilities, tennis facilities, trampolines~~) the sale of or charge made by persons engaging in certain business activities, including "amusement and recreation businesses." The statute indicates the type of activities and business intended to be taxed under this classification; i.e., "including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, and others." Thus, while certain activities are specifically included within the statutory definition (golf, pool, etc.) it is clear that the types of activities and businesses intended to be taxed under the retail sales tax classification are those in which payment is for participation.

The term "sale at retail" includes all activities wherein a person pays for the right to actively participate in an amusement or recreation activity. The term does not include the sale of or charge made for providing facilities where a person is merely a spectator or passive participant in the activity, such as movies, concerts, sports events, and the like. Nor does the term include activities of an instructional nature, even though the person is physically participating in the activity.

The term "sale at retail" also includes the sale of or charge made for providing camping and other outdoor living facilities regardless of whether or not additional recreation facilities of the type mentioned above are available for use.

BUSINESS AND OCCUPATION TAX

Gross receipts from the kind of amusement and recreation activities and businesses (~~(listed)~~) involving active participation as described above are taxable under the classification retailing.

Such persons are also taxable under the retailing classification upon gross receipts from sales of meals, drinks, tobacco, or other property sold by them.

Gross receipts from instruction and passive participation in amusement and recreation activities and businesses are taxable under the classification service and other activities.

RETAIL SALES TAX

The retail sales tax must be collected upon charges for admissions and the use of facilities by persons engaged in the amusement and recreation activities and businesses (~~(listed)~~) involving active participation as described above. The retail sales tax must also be collected upon sales of cigarettes and other merchandise by persons engaging in such businesses. See WAC 458-20-244 for sales of food products.

When the charge for merchandise is included within a charge for admission which is not a "sale at retail" as defined herein, the retail sales tax applies to the charge made for both merchandise and admission, unless a proper segregation of such charge is made upon the books of account of the seller.

The retail sales tax applies upon the sale or rental of all equipment and supplies to persons conducting places of amusement and recreation, except merchandise which is resold by them.

The retail sales tax does not apply to the charge made for instruction or passive participation in an amusement or recreation activity.

~~((Revised April 28, 1978))~~ Revised March 27, 1984.
 Effective July 1, 1978.

WSR 84-08-034
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—March 30, 1984]

Notice is given to correct the meeting schedule of the Forest Practices Board appearing in WSR 84-03-052. 1984 meetings of the Forest Practices Board will be held from 1:30 p.m. to 4:00 p.m. and field trips from 8:00 a.m. to 5:00 p.m. according to the following scheduled dates and locations:

May 9	Meeting - Forks Public Library	Forks, Washington
May 10	Field trip	Western Olympic Peninsula
August 8	Meeting - National Guard Armory	Colville, Washington
August 9	Field trip	Northeastern Washington
November 14	Meeting - Holiday Inn	Issaquah, Washington
November 15	Field trip	Central Puget Sound

Field trips will leave from the meeting places.

WSR 84-08-035
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed March 30, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board, intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-10-040 Positions—Downward or lateral reallocation—Employees.
- Amd WAC 356-15-100 Call-back provisions and compensation for work preceding or following a scheduled workshift.
- Amd WAC 356-15-110 Call-back provisions and compensation for work on scheduled days off or holidays.
- Amd WAC 356-30-145 Project employment;

that the agency will at 10:00 a.m., Thursday, May 10, 1984, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 8, 1984.

Dated: March 29, 1984

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-10-040.

Title: Positions—Downward or lateral reallocation—Employees.

Purpose: Defines procedure to be followed when an employee's position is reallocated downward or laterally.

Statutory Authority: RCW 41.06.150.

Summary: Provides that employees whose jobs are re-allocated laterally or downward in a class study will retain their appointment status.

Reasons: The present rule requires that employees wait thirty days before their positions are changed to the new classification; change would allow positions to be changed immediately.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-15-100.

Title: Call-back provisions and compensation for work preceding or following a scheduled workshift.

Purpose: The rule prescribes the penalty agencies must pay when calling employees back to work for post-shift or pre-shift overtime.

Statutory Authority: RCW 41.06.150.

Summary: Proposal involves a title change only. The title of this rule would be expanded to describe the nature of the call-back occurrence.

Reasons: The proposal will distinguish this rule from the call-back provisions contained in WAC 356-15-110.

Responsibility for Drafting: John Calhoun, Department of Transportation, Transportation Building, MS: KF-01, Olympia, WA 98504, phone: 753-7337; Implementation: Department of Personnel; and Enforcement: Personnel Appeals Board.

Proposed by: Department of Transportation, governmental agency.

Amend WAC 365-15-110.

Title: Call-back provisions and compensation for work on scheduled days off or holidays.

Purpose: The rule prescribes the penalty agencies must pay when calling employees back to work on a day off or holiday.

Statutory Authority: RCW 41.06.150.

Summary: The present rule provides that management may assign scheduled and nonscheduled work period employees to work on a scheduled day off or holiday. Proposed amendment would allow agencies to assign such work to any employee, regardless of their work week designation.

Reasons: The proposed rule will remove a question in the minds of exception work period employees on their obligation to work on a scheduled day off or holiday.

Responsibility for Drafting: John Calhoun, Department of Transportation, Transportation Building, MS: KF-01, Olympia, WA 98504, phone: 753-7337; Implementation: Department of Personnel; and Enforcement: Personnel Appeals Board.

Amend WAC 356-30-145.

Title: Project employment.

Purpose: Defines project employment and describes project employees status and rights.

Statutory Authority: RCW 41.06.150.

Specific Statute: RCW 41.06.150 (2) and (3).

Summary: Amendment would require project positions to be filled in the same manner as other comparable civil service classifications.

Reasons: Original conditions and contended justification for "unranked" registers (CETA) no longer exists.

Responsibility for Drafting: Larry Goodman, Washington Federation of State Employees, 1107 Harrison Avenue N.W., Olympia, WA 98502, phone: 352-7603; Implementation and Enforcement: State Personnel Board/Department of Personnel.

Proposed by: Washington Federation of State Employees, employee organization.

AMENDATORY SECTION (Amending Order 193, filed 11/28/83)

WAC 356-10-040 POSITIONS—DOWNWARD OR LATERAL REALLOCATION—EMPLOYEES. (1) When a position occupied by an employee is reallocated downward, or laterally to a different classification with the same salary range, the director of personnel shall notify the incumbent and the agency in writing at least 30 calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee retains existing appointment status when the position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities.

(3) The employee may elect to remain in a position which is reallocated downward or laterally provided he/she meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

((3)) (4) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection ((2)) (3) of this section and he/she is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

((4)) (5) The employee who remains in a position which is reallocated downward may have his/her name placed upon the agency reduction in force register for the classification to which his/her position was previously allocated.

((5)) (6) An employee who continues in a position which is reallocated downward shall be paid an amount equal to his/her previous salary if such amount is within the salary subrange for the lower class. Employees whose current salary falls between two steps or exceeds the top step of the new position shall be Y-rated.

~~((6))~~ (7) The employee shall retain his/her existing periodic increment date provided the salary is not equal or greater than the maximum of the lower subrange. Employees whose salaries are Y-rated between steps will move to the first dollar amount step for the class in the lower subrange on their periodic increment date.

~~((7))~~ (8) Employees who retain their salaries as provided in subsection ~~((5))~~ (6) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if the salary falls between the steps of the higher subrange, the employees' salaries will be increased to the first dollar amount step for the class in the higher subrange upon promotion.

~~((8))~~ (9) The salary and periodic increment date of an employee who continues in a position which is reallocated laterally shall remain unchanged.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

WAC 356-15-100 CALL-BACK PROVISIONS AND COMPENSATION FOR WORK PRECEDING OR FOLLOWING A SCHEDULED WORKSHIFT. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after their workshift ends or to change the starting time of their next scheduled workshift.

(a) Failure to give such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the straight time rate (or two hours at one-and-one-half times the regular rate of pay) in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in subsection (1) above.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled and Exception work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

WAC 356-15-110 CALL-BACK PROVISIONS AND COMPENSATION FOR WORK ON SCHEDULED DAYS OFF OR HOLIDAYS. (1) Management may assign ~~((scheduled and nonscheduled work period))~~ employees to work on a day off or holiday. ~~((Management must make))~~ Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

~~((1))~~ (a) If management fails to give such notice, affected employees shall receive a penalty payment of three hours pay at their straight time rate (or two hours at one-and-one-half times the regular rate of pay) in addition to all other compensation due them.

~~((2))~~ (b) Management may cancel work assigned on a day off or holiday. However, if management fails to notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at their straight time rate (or two hours at one-and-one-half times the regular rate of pay).

~~((3))~~ (2) These provisions shall apply to employees in paid leave status.

~~((4))~~ (3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a continuing schedule as provided in WAC 356-15-090(3).

AMENDATORY SECTION (Amending Order 112, filed 11/7/77)

WAC 356-30-145 PROJECT EMPLOYMENT. (1) Project employment when designated by the director, is the grouping together of employees whose length of employment is contingent on state, federal or other grant funding of specific and noncontinuing projects.

(2) Proposals for the designation of project employment will be initiated by the or one of the involved agencies and made to the director. Such proposal will include:

- (a) The nature and scope of the program.
- (b) Source and conditions of funding.
- (c) Relationship of project to regular operations and programs of the agencies.
- (d) Number of positions.
- (e) Duration.
- (f) Employee organizations affected.
- (g) Project employee benefits.
- (3) Permanent employees in regular positions may transfer, promote, or voluntarily demote into project employment positions as provided by these rules unless prohibited by the contract that established the project.
- (4) ~~((Positions in project employment will be designated as in the noncompetitive or competitive service as the situation and director determines. Positions in this grouping of employment will be so designated and the))~~ Employees ~~((filling the))~~ applying for project positions will be notified, in writing, of the ~~((expected))~~ ending date of ~~((their employment))~~ the project.

(5) Project employees, who have transferred into project employment without permanent status, will gain permanent status upon completion of their probation period and shall be entitled to appropriate rights within project employment. Employees filling project positions, who have entered project employment through the noncompetitive procedure, may apply for regular positions via the open competitive route; once permanent project status has been gained, project employees may have their names placed on the transfer register for regular positions in the same or similar job classes for which permanent project status has been gained. In addition, permanent project employees may have their names placed on the voluntary demotion register for similar job classes for which permanent project status has been gained. Permanent project employees may not transfer or voluntarily demote directly into regular positions without first being certified from the appropriate register. Project employees who have gained permanent status within the boundaries of the project, and transfer or voluntarily demote into a regular position, will not be required to serve a probationary period. Project employees who are currently on the registers will continue to be on the registers and may be certified as provided in these rules.

(6) Employees who left a state agency with permanent status and came directly into project employment will continue to have promotional opportunities and transfer rights of their former position as though they were still employed in that agency. Also, employees with permanent status who entered project positions in the competitive service via the competitive procedure may be accepted as promotional candidates to regular positions as though they had been employees with permanent status with the sponsoring agency.

(7) Project employees will have reduction in force rights within their project boundaries only and will compete according to "seniority," except employees who left regular positions to accept project employment will have the reduction in force rights of the position they left. This time spent in project employment will also be credited to the employees' seniority for use in competing in the regular state positions, provided there is no break in service. Names of project employees separated by reduction in force actions, who did not leave regular classified positions to accept project employment, will be placed on the re-employment register WAC 356-26-030(9) for the usual life of that register.

(8) The time spent in project employment will also be credited toward periodic increment dates, annual leave, sick leave and other benefits provided to employees in these rules and/or as provided in project contracts.

WSR 84-08-036

ADOPTED RULES

BOARD OF

INDUSTRIAL INSURANCE APPEALS

[Order 17—Filed March 30, 1984]

Be it resolved by the Board of Industrial Insurance Appeals, acting at Olympia, Washington, that it does adopt the annexed rules relating to rules of practice and procedure before the Board of Industrial Insurance Appeals, WAC 263-12-115.

This action is taken pursuant to Notice No. WSR 84-04-058 filed with the code reviser on January 31, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Board of Industrial Insurance Appeals as authorized in RCW 51.52.020.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 30, 1984.

By Michael L. Hall
Chairman

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-115 PROCEDURES AT HEARINGS. (1) Industrial appeals judge. All hearings shall be conducted by an industrial appeals judge who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) Order of presentation of evidence.

(a) In any appeal under either the Industrial Insurance Act or the Crime Victims Compensation Act, the appealing party shall initially introduce all evidence in his or her case-in-chief.

(b) In all appeals under the Washington Industrial Safety and Health Act, the department shall initially introduce all evidence in its case-in-chief.

(c) After the party with the initial burden has presented his or her case-in-chief, the other parties may then introduce the evidence necessary to their cases-in-chief. In the event there is more than one other party, they may either present their cases-in-chief successively or may join in their presentation. Rebuttal evidence shall be received in the same order.

Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

(3) Objections and motions to strike. Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon. Extended argument or debate shall not be permitted.

(4) Rulings. The industrial appeals judge on objection or on his or her own motion shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with rules of evidence applicable in the superior courts of this state.

(5) Interlocutory appeals to the board - Confidentiality of trade secrets. ~~(Rulings on evidence or other interlocutory rulings of the industrial appeals judge shall not be subject to direct appeal to the board, with the exception that a)~~ A direct appeal to the board shall be allowed as a matter of right from any ruling of an industrial appeals judge adverse to the employer concerning the confidentiality of trade secrets in appeals under the Washington Industrial Safety and Health Act.

(6) Interlocutory review by the chief industrial appeals judge.

(a) Except as provided in WAC 263-12-115(5) interlocutory rulings of the industrial appeals judge are not subject to direct review by the board. A party to an appeal may within five working days of receiving an adverse ruling from an industrial appeals judge request a review of such ruling by the chief industrial appeals judge or his or her designee. Such request for review shall be in writing and shall be accompanied by an affidavit in support thereof setting forth the grounds therefor, including the reasons for the necessity of an immediate review during the course of conference or hearing proceedings. Within ten working days of receipt of the written request, the chief industrial appeals judge, or designee, may decline to review the ruling based upon the written request and supporting affidavit; or, after such review as he or she deems appropriate, may either affirm or reverse the ruling, or refer the matter to the industrial appeals judge for further consideration.

(b) Failure to request review of an interlocutory ruling shall not constitute a waiver of the party's objection, nor shall an unfavorable

response to the request preclude a party from subsequently renewing the objection whenever appropriate.

(c) ~~No conference or hearing shall be interrupted for the purpose of filing a request for review of the industrial appeals judge's rulings; nor shall any scheduled proceedings be canceled pending a response to the request.~~

~~((67))~~ (7) Recessed hearings. Where, for good cause, all parties to an appeal are unable to present all their evidence at the time and place originally set for hearing, the industrial appeals judge may recess the hearing to the same or a different location so as to insure that all parties have reasonable opportunity to present their respective cases. No written "Notice of Hearing" shall be required as to any recessed hearing.

~~((77))~~ (8) Failure to present evidence when due. If any party is due to present certain evidence at a hearing or recessed hearing and, for any reason on its part, fails to present thereat all of such evidence, ~~((it shall be discretionary with the industrial appeals judge as to whether to))~~ the industrial appeals judge may conclude the hearing and issue a proposed decision and order on the record, or ~~((to))~~ recess or set over the proceedings to further hearing for the receipt of such evidence ~~((or to require its presentation by way of deposition to be taken and published within prescribed time limits, with each party bearing its own costs, which time limits may be extended by the industrial appeals judge for good cause)).~~

~~((88))~~ (9) Evidence by deposition. When a hearing is recessed or set over pursuant to WAC 263-12-115(7) or (8), or ~~((if))~~ if a party volunteers or desires to take the testimony of any witness in a proceeding by deposition, or if the admission of evidence cannot otherwise be accomplished in a reasonably timely manner, the industrial appeals judge may permit or require the perpetuation of testimony by deposition regardless of the witness' availability to testify at the hearing or at a future recessed hearing. Such ruling may only be given after the industrial appeals judge gives due consideration to: (a) The complexity of the issues raised by the appeal, (b) ~~((the need for the industrial appeals judge to personally observe the witness and evaluate the witness' demeanor and credibility))~~ the desirability of having the witness' testimony presented at a hearing, (c) the costs incurred by the parties in complying with the ruling, and (d) the fairness to the parties in complying with the ruling. The industrial appeals judge may require that depositions be taken and published within prescribed time limits, with each party bearing its own costs, which time limits may be extended by the industrial appeals judge for good cause.

(10) Offers of proof in colloquy. When an objection to a question is sustained an offer of proof in question and answer form shall be permitted unless the question is clearly objectionable on any theory of the case.

WSR 84-08-037

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1814—Filed March 30, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to rules governing livestock in the state of Washington, chapter 16-86 WAC.

This action is taken pursuant to Notice No. WSR 84-04-083 filed with the code reviser on February 1, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 16.36 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 27, 1984.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1539, filed 10/17/77)

WAC 16-86-005 (~~(DIRECTOR-DEFINED)~~)
DEFINITIONS. For ~~((the purpose of these rules, the))~~
purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States department of agriculture veterinary services to participate in state-federal cooperative programs.

(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine.

(5) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the United States department of agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.

(6) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.

(7) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done.

AMENDATORY SECTION (Amending Order 1732, filed 5/1/81, effective 7/1/81)

WAC 16-86-095 (~~(REQUIREMENTS FOR AUTHORIZING PAYMENT TO VETERINARIANS FOR)~~) OFFICIAL CALFHOOD VACCINATION. ~~((The fee schedule for payment by the department to accredited veterinarians for official brucellosis calfhood vaccination shall be at a rate prescribed by the director not to exceed one dollar per animal.))~~

(1) An official vaccination report ~~((=))~~ of calfhood vaccinations must be ~~((reported))~~ made to the department within thirty days of occurrence on an approved report form (AGRI 030-3003) issued by the ~~((Washington state))~~ department ~~((of agriculture))~~ for the purpose of identifying and recording by official calfhood vaccination ~~((cartag))~~ ear tag or registry tattoo calves officially ~~((brucella))~~ brucellosis vaccinated.

(2) ~~((Accredited veterinarians in private practice may make claim to the department for each beef breed or dairy breed female bovine calf they officially vaccinate in the state of Washington.~~

(a) ~~No claim for payment shall be made except for those officially calfhood vaccinated.~~

~~(b) No claim for payment shall be made unless an approved brucella vaccine is used for official calfhood vaccination.~~

~~(c) No claim for payment shall be made prior to submitting to the department the official calfhood vaccination report, countersigned by the owner of the animal, identifying by official calfhood vaccination cartag or registry tattoo each individual calf vaccinated.)) All vaccination must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a vaccination tattoo in the right ear. An official vaccination ear tag or registry tattoo shall be used for individual animal identification.~~

(3) All brucellosis vaccinations shall be reported to the department before becoming official.

AMENDATORY SECTION (Amending Order 1785, filed 2/17/83)

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) ~~((No breeding))~~ Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle ~~((may be sold in this state unless within the thirty days immediately preceding the change of ownership the animal has been))~~ shall be tested negative for brucellosis ~~((and the result of that test is negative)).~~ ~~((Except))~~ The following classes of cattle are exempt from this test requirement:

(a) Calves under ~~((twelve))~~ four months of age.

(b) Cattle sold or consigned to a quarantined registered feed lot.

(c) Cattle sold or consigned to ~~((an official))~~ a federally inspected slaughter ~~((establishment for slaughter within fourteen days))~~ plant.

(d) Steers and spayed heifers.

(e) ~~((Officially))~~ Official calfhood ~~((vaccinated dairy cattle))~~ vaccinates under twenty months of age ~~((and officially vaccinated beef cattle under twenty-four months of age from herds not under quarantine))~~ and not parturient or post parturient.

(2) ~~((The department shall review operation of WAC 16-86-015(1) in August 1982 to determine the results of the testing program in terms of the numbers of suspects and reactors discovered and the status of the brucellosis situation in the state. The purpose of the review is to assess the need for changes.~~

~~Unless after a hearing renewal is determined to be necessary, WAC 16-86-015(1) shall expire on August 1, 1983.~~

~~((3))~~ No female cattle may be sold, or introduced into any herd, in the state of Washington unless they are properly identified as official brucellosis vaccinates; except the following classes of cattle are exempt from this requirement:

(a) Calves under four months of age: PROVIDED, That female calves under four months acquired by any herd and natural female additions must be officially brucellosis calfhood vaccinated and identified before the age of twelve months.

(b) ~~((In Washington herds, female dairy breed cattle, after January 1, 1983, over six years of age.~~

(c) In Washington herds,) Female beef breed cattle (~~(, after January 1, 1984, over twelve months of age; after January 1, 1985, over two years of age; after January 1, 1986, over three years of age; after January 1, 1987, over four years of age; after January 1, 1988, over five years of age; after January 1, 1989, over six years of age)~~) born before January 1, 1983.

~~((d))~~ (c) Cattle sold or consigned to a quarantined registered feed lot.

~~((e))~~ (d) Cattle sold or consigned to a federally inspected slaughter plant.

~~((f))~~ (e) Cattle sold or consigned to a public livestock market for ~~((immediately))~~ immediate slaughter only.

~~((g))~~ (f) Spayed heifers.

(3) Any dairy breed female cattle not exempted in subsection (2) of this section but found not to be vaccinated for brucellosis upon consignment to a public livestock market, shall be identified by the department by branding with an "S" brand on the left hip prior to sale and released from the market only when such cattle have been specifically destined by the buyer to one of the following:

(a) A quarantined registered feed lot.

(b) A federally inspected slaughter plant.

(c) Another public livestock market for immediate slaughter only.

(4) Any dairy breed female cattle consigned to a public livestock market for probable slaughter, but whose status is later changed by the buyer, shall be identified by "S" branding and released by the department only as set forth in subsection (3) of this section, if found not to be vaccinated for brucellosis. Any buyer who fails to deliver "S" branded cattle to the destination declared by the buyer or his agent shall be guilty of a violation of this chapter. Whenever necessary, the department shall make the final determination of the vaccination status of any eligible cattle.

~~((4))~~ (5) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 16-86-006 DEPARTMENT DEFINED.

(2) WAC 16-86-007 DEFINITION—ACCREDITED VETERINARIAN.

(3) WAC 16-86-009 DEFINITION—COMMERCIAL DAIRY HERD.

(4) WAC 16-86-011 DEFINITION—OFFICIAL CALFHOOD VACCINATION.

(5) WAC 16-86-012 DEFINITION—APPROVED BRUCELLA VACCINE.

WSR 84-08-038

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 1815—Filed March 30, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to rules governing livestock in the state of Washington, chapter 16-86 WAC.

I, M. Keith Ellis, find that an emergency exists and that this 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 the emergency is brucellosis is a highly infectious disease which causes female cattle to abort. Several infected dairy breed cattle have recently been identified after their importation into Washington. The extent of this newly discovered outbreak is unknown which makes it imperative that all dairy breed cattle in Washington be tested for brucellosis prior to any change of ownership. A hearing has been held and the permanent order will soon be effective. This emergency is filed to cover the period March 30, 1984, until permanent order in effect.

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

This rule is promulgated pursuant to chapter 16.36 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 30, 1984.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1785, filed 2/17/83)

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) ~~((No breeding))~~ Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle ((may be sold in this state unless within the thirty days immediately preceding the change of ownership the animal has been)) shall be tested negative for brucellosis ((and the result of that test is negative)). ((Except)) The following classes of cattle are exempt from this test requirement:

(a) Calves under ~~((twelve))~~ four months of age.

(b) Cattle sold or consigned to a quarantined registered feed lot.

(c) Cattle sold or consigned to ((an official)) a federally inspected slaughter ((establishment for slaughter within fourteen days)) plant.

(d) Steers and spayed heifers.

(e) ~~((Officially)) Official calfhood ((vaccinated dairy cattle)) vaccinates under twenty months of age ((and officially vaccinated beef cattle under twenty-four months of age from herds not under quarantine)) and not parturient or post parturient.~~

~~(2) ((The department shall review operation of WAC 16-86-015(1) in August 1982 to determine the results of the testing program in terms of the numbers of suspects and reactors discovered and the status of the brucellosis situation in the state. The purpose of the review is to assess the need for changes.~~

~~Unless after a hearing renewal is determined to be necessary, WAC 16-86-015(1) shall expire on August 1, 1983.~~

~~(3)) No female cattle may be sold, or introduced into any herd, in the state of Washington unless they are properly identified as official brucellosis vaccinates, except the following classes of cattle are exempt from this requirement:~~

~~(a) Calves under four months of age: PROVIDED, That female calves under four months acquired by any herd and natural female additions must be officially brucellosis calfhood vaccinated and identified before the age of twelve months.~~

~~(b) ((In Washington herds, female dairy breed cattle, after January 1, 1983, over six years of age.~~

~~(c) In Washington herds,) Female beef breed cattle((, after January 1, 1984, over twelve months of age, after January 1, 1985, over two years of age, after January 1, 1986, over three years of age, after January 1, 1987, over four years of age, after January 1, 1988, over five years of age, after January 1, 1989, over six years of age)) born before January 1, 1983.~~

~~((d)) (c) Cattle sold or consigned to a quarantined registered feed lot.~~

~~((e)) (d) Cattle sold or consigned to a federally inspected slaughter plant.~~

~~((f)) (e) Cattle sold or consigned to a public livestock market for ((immediately)) immediate slaughter only.~~

~~((g)) (f) Spayed heifers.~~

~~(3) Any dairy breed female cattle not exempted in subsection (2) of this section but found not to be vaccinated for brucellosis upon consignment to a public livestock market, shall be identified by the department by branding with an "S" brand on the left hip prior to sale and released from the market only when such cattle have been specifically destined by the buyer to one of the following:~~

~~(a) A quarantined registered feed lot.~~

~~(b) A federally inspected slaughter plant.~~

~~(c) Another public livestock market for immediate slaughter only.~~

~~(4) Any dairy breed female cattle consigned to a public livestock market for probable slaughter, but whose status is later changed by the buyer, shall be identified by "S" branding and released by the department only as set forth in subsection (3) of this section, if found not to~~

be vaccinated for brucellosis. Any buyer who fails to deliver "S" branded cattle to the destination declared by the buyer or his agent shall be guilty of a violation of this chapter. Whenever necessary, the department shall make the final determination of the vaccination status of any eligible cattle.

~~((4)) (5) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:~~

~~(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)~~

~~(b) Steers and spayed heifers.~~

WSR 84-08-039

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 30, 1984]

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 Payment—Hospital care, amending WAC 388-87-070.

It is the intention of the secretary to adopt these rules on an emergency basis effective April 1, 1984;

that the agency will at 2:00 p.m., Thursday, May 10, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 16, 1984.

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

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by April 26, 1984. The meeting site is in a location which is barrier free.

Dated: March 29, 1984
 By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: Amending WAC 388-87-070.

Purpose of the Rule Change: To reduce expenditures for hospital care.

The Reason These Rules are Necessary: To maintain expenditures within budgetary limitations.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Reduce the hospital reimbursement rate for services received by general assistance and medically indigent recipients. The reductions will vary according to the percentage of Medicaid patients so as to reduce the economic impact for hospitals with high percentage of Medicaid patients.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, telephone: 234-7316.

These rules are not necessary as a result of federal law, federal court action or state court decision.

AMENDATORY SECTION (Amending Order 2015, filed 8/23/83)

WAC 388-87-070 PAYMENT—HOSPITAL CARE. The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

(1) Recipients must have been approved as financially and medically eligible for hospitalization. They are:

- (a) Categorically needy recipients;
- (b) Limited casualty program recipients;
- (i) Medically needy recipients;
- (ii) Medically indigent recipients;
- (c) Recipients of continuing general assistance.

(2) Except for nonallowable revenue codes, reimbursable cost will be determined by the application of the ratio of hospital commission approved operating expense and total rate setting revenue. For all administrative days, days of hospitalization in which medical necessity is below that appropriate for acute hospital care, the departments maximum reimbursement level will be the adjusted state-wide average per diem rate for skilled nursing facilities.

(3) However, for the period February 15, 1983, through June 30, 1983, reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	40.33 or less	4.4	0.30
2	40.34 - 45.98	17.9	0.36
3	45.99 - 57.28	18.7	0.42
4	57.29 - 68.59	28.0	0.48
5	68.60 or more	20.1	0.54

(4) However, for the period April 1, 1984, through June 30, 1985, reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	39.39 or less*	2.7	0.274
2	39.40 - 44.48	11.5	0.313
3	44.49 - 48.51	10.2	0.352
4	48.52 - 56.28	17.8	0.391
5	56.29 or more	22.9	0.430

* Plus Psychiatric Hospitals

WSR 84-08-040
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2088—Filed March 30, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Payment—Hospital care, amending WAC 388-87-070.

I, David A. Hogan, find that an emergency exists and that this 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 the emergency is these changes are necessary to maintain expenditures within budgetary limitations.

These rules are therefore adopted as emergency rules to take effect on April 1, 1984.

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

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 30, 1984.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2015, filed 8/23/83)

WAC 388-87-070 PAYMENT—HOSPITAL CARE. The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

(1) Recipients must have been approved as financially and medically eligible for hospitalization. They are:

- (a) Categorically needy recipients;
- (b) Limited casualty program recipients;
- (i) Medically needy recipients;
- (ii) Medically indigent recipients;
- (c) Recipients of continuing general assistance.

(2) Except for nonallowable revenue codes, reimbursable cost will be determined by the application of the ratio of hospital commission approved operating expense and total rate setting revenue. For all administrative days, days of hospitalization in which medical necessity

is below that appropriate for acute hospital care, the departments maximum reimbursement level will be the adjusted state-wide average per diem rate for skilled nursing facilities.

(3) However, for the period February 15, 1983, through June 30, 1983, reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	40.33 or less	4.4	0.30
2	40.34 - 45.98	17.9	0.36
3	45.99 - 57.28	18.7	0.42
4	57.29 - 68.59	28.0	0.48
5	68.60 or more	20.1	0.54

(4) However, for the period April 1, 1984, through June 30, 1985, reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	39.39 or less*	2.7	0.274
2	39.40 - 44.48	11.5	0.313
3	44.49 - 48.51	10.2	0.352
4	48.52 - 56.28	17.8	0.391
5	56.29 or more	22.9	0.430

* Plus Psychiatric Hospitals

**WSR 84-08-041
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2089—Filed March 30, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

I, David A. Hogan, find that an emergency exists and that this 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 the emergency is the new rules and changes must be adopted on an emergency as well as permanent basis in

order to be effective on or before March 31, 1984, as required by RCW 74.46.105(9). Substantial and necessary improvements in services to nursing home Medicaid contractors will result from adoption of the new rules and amendments.

These rules are therefore adopted as emergency rules to take effect on April 1, 1984.

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 30, 1984.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accounting" - Activities providing information, usually quantitative and often expressed in monetary units, for decision-making, planning, evaluating performance, controlling resources and operations, and external financial reporting to investors, creditors, regulatory authorities, and the public.

(2) "Accrual method of accounting" - A method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

(3) "Administration and management" - Activities employed to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

(4) "Allowable costs" - See WAC 388-96-501.

(5) "Ancillary care" - Services required by the individual, comprehensive plan of care provided by qualified therapists.

(6) "Appraisal" - The process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). Appraisal includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

((6)) (7) "Arm's-length transaction" - A transaction resulting from good-faith bargaining between a buyer and seller who are unrelated and have adverse bargaining positions in the ((market-place)) market-place. Sales or exchanges of nursing home facilities

among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

~~((7))~~ (8) "Assets" – Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. "Assets" also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles.

~~((8))~~ (9) "Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

~~((9))~~ (10) "Beds" – Unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

~~((10))~~ (11) "Beneficial owner" – Any person who:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (4) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subsection ~~((10))~~ (11)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required

to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (11)(b) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

~~((11))~~ (12) "Capitalization" – The recording of an expenditure as an asset.

~~((12))~~ (13) "Capitalized lease" – A lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

~~((13))~~ (14) "Cash method of accounting" – A method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

~~((14))~~ (15) "Change of ownership" – A change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(a) Events which change ownership include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home enterprise is transferred by the contractor to another party;

(iii) The nursing home enterprise is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs which dissolves the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating decisions;

(ii) If the contractor is a corporation, some or all of its stock is transferred.

~~((15))~~ (16) "Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

~~((16))~~ (17) "Contract" – A contract between the department and a contractor for the delivery of SNF or ICF services to medical care recipients.

~~((17))~~ (18) "Contractor" – An entity which contracts with the department to deliver care services to medical care recipients in a facility and which entity is responsible for operational decisions.

~~((18))~~ (19) "Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

~~((19))~~ (20) "CSO" – The local community services office of the department.

~~((20))~~ (21) "Department" – The department of social and health services (DSHS) and employees.

~~((21))~~ (22) "Depreciation" – The systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

~~((22))~~ (23) "Donated asset" – An asset which the contractor acquired without making any payment for the asset in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

~~((23))~~ (24) "Entity" – An individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

~~((24))~~ (25) "Equity capital" – Total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

~~((25))~~ (26) "Exceptional care recipient" – A medical care recipient determined by the department to require exceptionally heavy care.

~~((26))~~ (27) "Facility" – A nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((27))~~ (28) "Fair market value" – Prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell. Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is being determined.

~~((28))~~ (29) "Financial statements" – Statements prepared and presented in conformity with generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((29))~~ (30) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

~~((30))~~ (31) "Generally accepted accounting principles" – Accounting principles approved by the financial accounting standards board (FASB).

~~((31))~~ (32) "Generally accepted auditing standards" – Auditing standards approved by the American institute of certified public accountants (AICPA).

~~((32))~~ (33) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired. Also, the excess of the price paid for an asset over the fair market value of the asset.

~~((33))~~ (34) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

~~((34))~~ (35) "ICF" – When referring to a nursing home, an intermediate care facility. When referring to a level of care, intermediate care. When referring to a patient, a patient requiring intermediate care.

~~((35))~~ (36) "Imprest fund" – A fund which is regularly replenished in exactly the amount expended from it.

~~((36))~~ (37) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

~~((37))~~ (38) "Intermediate care facility" – A licensed facility certified to deliver intermediate care services to medical care recipients.

~~((38))~~ (39) "Joint facility costs" – Any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

~~((39))~~ (40) "Levels of care" – The classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

~~((40))~~ (41) "Medical care program" – Medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((41))~~ (42) "Medical care recipient" – An individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((42))~~ (43) "Multiservice facility" – A facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

(44) "Net book value" – The historical cost of an asset less accumulated depreciation.

(45) "Net invested funds" – The net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year. Assets associated with central or home offices or otherwise not on the nursing home premises are not included in net invested funds.

~~((43))~~ (46) "Nonallowable costs" – Same as "unallowable costs."

~~((44))~~ (47) "Nonrestricted funds" – Funds which are not restricted to a specific use by the donor, e.g., general operating funds.

~~((45))~~ (48) "Nursing home" – A home, place, or institution, licensed in accordance with chapter 18.51

RCW, in which skilled nursing and/or intermediate care services are delivered.

~~((46))~~ (49) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((47))~~ (50) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

~~((48))~~ (51) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((49))~~ (52) "Patient day" – A calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he or she is assigned a bed and a patient medical record is opened.

~~((50))~~ (53) "Per diem (per patient day) costs" – Total allowable costs for a fiscal period divided by total patient days for the same period.

(54) "Professionally designated real estate appraiser" – An individual regularly engaged in the business of providing real estate valuation services for a fee, and deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examination on valuation practice and theory, and, by virtue of membership in such organization, required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((51))~~ (55) "Prospective daily payment rate" – The rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

(56) "Qualified therapist":

(a) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional, either a qualified therapist or a therapist, approved by the department having specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker graduated from a school of social work;

(f) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; or

(h) An occupational therapist graduated from a program in occupational therapy or having the equivalent of such education or training.

~~((52))~~ (57) "Recipient" – A medical care recipient.

~~((53))~~ (58) "Records" – Those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, invoices, schedules, summaries, and transaction documentation, however such data are maintained.

~~((54))~~ (59) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

~~((55))~~ (60) "Related care" – Includes the director of nursing services, activities and social services programs, medical and medical records specialists, and consultation provided by medical directors, pharmacists, occupational, physical, speech, and other therapists, and mental health professionals as defined in law and regulation.

~~((56))~~ (61) "Related organization" – An entity ~~((which, to a significant extent, is))~~ under common ownership and/or control with, or which has control of or is controlled by, the contractor. ~~((An entity is deemed to "control" another entity))~~ Common ownership exists if ((the)) an entity has a five percent or greater beneficial ownership interest in ((the other, or if the entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other)) the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

~~((57))~~ (62) "Relative" – Spouse, natural parent, child, or sibling; adopted child or adoptive parent; step-parent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

~~((58))~~ (63) "Restricted fund" – A fund for which the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. These generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

~~((59))~~ (64) "Secretary" – The secretary of the department of social and health services (DSHS).

~~((60))~~ (65) "Skilled nursing facility" – A licensed facility certified to deliver skilled nursing care services to medical care recipients.

~~((61))~~ (66) "SNF" – When referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

~~((62))~~ (67) "Start-up costs" - The one-time pre-opening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

~~((63))~~ (68) "Title XIX" - The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

~~((64))~~ (69) "Unallowable costs" - Costs which do not meet every test of an allowable cost.

~~((65))~~ (70) "Uniform chart of accounts" - A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

~~((66))~~ (71) "Vendor number" - A number assigned to each contractor delivering care services to medical care recipients.

~~((67))~~ (72) "Working capital" - Total current assets (~~which are~~) necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities (~~which are~~) necessary, ordinary, and related to patient care from the most recent cost report.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-032 TERMINATION OF CONTRACT. (1) When a contract is terminated for any reason, the old contractor shall submit final reports in accordance with WAC 388-96-104. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final annual report, an audit has been completed by the department, and final settlement has been determined, such settlement to be issued within ninety days following completion of the audit process.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor, after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with WAC 388-96-904, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a reputable bonding company and acceptable to the department is filed by the contractor. The bond shall:

- (a) Be in an amount equal to the released payment;
- (b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;
- (c) Provide that the full amount of the bond shall be paid to the department if a properly completed final annual report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the department's auditors; and

(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond,

shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) The department may accept an assignment of funds if the assignment meets the requirements of subsection (3) of this section.

(5) If a contract is terminated solely in order for the same owner to contract with the department to deliver SNF or ICF services to a different class of medical care recipients at the same nursing home, the contractor is not required to submit final reports, and payment for the final thirty days will not be withheld.

~~((5))~~ (6) When a contract is terminated, any accumulated liabilities which are assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All reports shall be legible, reproducible, and shall be submitted in original. All entries must be typed or completed in black or dark blue ink.

(2) Reports shall be completed in accordance with the provisions of this chapter, the state of Washington nursing home accounting and reporting manual, and such instructions (~~provided~~) as may be issued by the department from time to time. If no specific regulation, manual provision, or instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy and generally accepted accounting principles are followed.

(4) Methods of allocating costs, including indirect or overhead costs, shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the contractor shall provide to the department a written schedule which specifies the way in which the contractor's individual account numbers correspond to the department's chart of accounts.

Records shall be available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes as provided in subsection (5) of this section or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

AMENDATORY SECTION (Amending Order 1808, filed 5/14/82)

WAC 388-96-122 AMENDMENTS TO REPORTS. (1) For purposes of computing a settlement, an amendment to an annual report shall be filed if significant errors or omissions are discovered prior to the ((commencement of)) receipt by the provider of the notification scheduling the department's field audit. In order to determine the date of receipt, all notifications scheduling field audits shall be sent by registered mail, return receipt requested. Errors or omissions shall be deemed "significant" if the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only those pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department may refuse to consider an amendment resulting in a more favorable settlement to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question. Amendments may be submitted for purposes of adjusting reimbursement rates in accordance with WAC 388-96-769; however, use in this regard does not mean an amendment will be used for settlement purposes in the absence of conditions specified in this subsection.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-204 FIELD AUDITS. (1) All cost reports for calendar year 1982 shall be field audited by the department.

(2) Cost reports for years subsequent to 1982 may be field audited by auditors employed by or under contract with the department.

(3) Beginning with field audits for calendar year 1983, up to one hundred percent of submitted contractor cost reports and patient care trust fund accounts shall be audited.

(4) Each facility will be audited at least once every three years.

(5) Beginning with cost reports for calendar year 1983, facilities selected for audit shall be notified within one hundred twenty days after submission of a complete and correct cost report of the department's intent to audit.

(6) Regarding submitted contractor cost reports, all facilities meeting the following conditions will be audited:

(a) Facilities terminating their contracts with the department to provide Medicaid services will be audited when the audits are conducted for the calendar year in which the contract is terminated. Schedule preference will be given to conduct closing audits as soon as possible;

(b) Facilities contracting in any given calendar year shall be audited for that partial or full year, and facilities contracting for the first time shall be audited annually for the first two full calendar years;

(c) Facilities whose last completed audit had an audit adjustment of five thousand dollars or more in expenses, twenty thousand dollars or more in equity, one thousand dollars or more in revenue/interim payments and/or fifty days or more in total patient days shall be audited;

(d) Facilities under investigation by the Internal Revenue Service, Securities Exchange Commission, Department of Health and Human Services, Medicaid fraud control unit, or any other federal, state, or municipal agency for alleged fiscal and/or patient account impropriety shall be audited for the year during which such investigation is commenced, for each year the investigation is continued, for the year during which the investigation is concluded, and for two full calendar years following the year the investigation is terminated;

(e) Facilities whose costs in one or more cost centers for the current year exceeds the industry average by one standard deviation, facilities whose costs in one or more cost centers exceeds inflation increases for the year in question, facilities with questionable costs in excess of ten thousand dollars, if requested by the manager, rate management program, bureau of nursing home affairs, shall be audited.

(7) If a facility has a home or central office and such central office or any associated facility meets any of the criteria set forth in subsection (6) of this section, such facility shall be audited as provided in subsection (6) of this section.

(8) Patient care trust fund accounts shall be audited annually if two or more findings were reported in the previous trust fund audit of a facility or if, in the opinion of the department, a single finding reported in the previous trust fund audit materially impacts the patient trust fund accounts maintained by the facility.

(9) Reported costs and trust fund accounts of facilities may be selected for audit on a random or other basis.

NEW SECTION

WAC 388-96-502 **INDIRECT AND OVERHEAD COSTS.** If a nursing home provides goods or services not reimbursable under this chapter, any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs.

NEW SECTION

WAC 388-96-508 **TRAVEL EXPENSES FOR MEMBERS OF TRADE ASSOCIATION BOARDS OF DIRECTORS.** Travel expenses for members of trade association boards of directors otherwise meeting the requirements of this chapter will be allowable for one meeting per month.

NEW SECTION

WAC 388-96-509 **BOARDS OF DIRECTORS FEES.** Fees paid to members of boards of directors of corporations operating nursing homes shall be included in any tests or limits on management or administrative compensation or expense.

AMENDATORY SECTION (Amending Order 1712, filed 11/4/81)

WAC 388-96-525 **EDUCATION AND TRAINING.** (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs.

(2) Ordinary expenses of nursing assistant training conducted pursuant to chapter 18.52A RCW will be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs.

(4) Expenses for travel in the states of Idaho, Oregon, and Washington and the province of British Columbia associated with education and training will be allowable if the expenses meet the requirements of this chapter.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-533 **MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL.** (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits contained in this section.

(2) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) will be allowable at the lower of:

- (a) Actual compensation received, or

(b) The amount in the table in subsection (5) of this section corresponding to the number of beds in the nursing home.

Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty beds in the nursing home, at the lower of:

- (a) Actual compensation received, or

(b) Seventy-five percent of the appropriate amount in the table in subsection (5) of this section.

(4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of:

- (a) Actual compensation received, or

(b) Sixty percent of the appropriate amount in the table in subsection (5) of this section.

- (5)

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year 1983

BED SIZE

1 - 79	\$ 29,716
80 - 159	\$ 32,884
160 and up	\$ 34,960

(6) A table to be promulgated by the department will apply for subsequent calendar years.

(7) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, allowable compensation shall be the lower of:

- (a) Actual compensation received, or

(b) The appropriate amount in the table in subsection (5) of this section multiplied by the percentage derived from the division of the actual hours worked, plus reasonable vacation, holiday, and sick time normally available to part-time employees, by forty hours per week for each week covered by the cost report. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(8) The contractor shall maintain time records customary for employees which are adequate for audit for the licensed administrator, assistant administrator, and/or administrator-in-training. Such records must verify the actual hours of service performed for the nursing home.

(9) Reimbursement for administrative and management services shall be limited in total amount to allowable compensation for administrative personnel set forth in this section regardless of the provisions of any employment, management or consultation agreement, or other arrangement which exists between the contractor and persons or organizations providing such services.

(10) Costs of an administrator-in-training shall not be considered for the purpose of setting the administration and operations prospective rate. The costs of an approved administrator-in-training program shall be reimbursed by an adjustment to current rate. To obtain an adjustment, the contractor must submit a request for an increase in current rate together with necessary documentation which shall include a copy of the department of licensing approval of the administrator-in-training program and a schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual termination date of the administrator-in-training program. Upon termination of the program, the current rate shall be reduced by an amount corresponding to the cost of the program.

NEW SECTION

WAC 388-96-580 OPERATING LEASES OF OFFICE EQUIPMENT. Rental costs of office equipment under arm's-length operating leases shall be allowable to the extent such costs are necessary, ordinary, and related to patient care. Beginning January 1, 1985, office equipment rental costs shall be reimbursed in the administration and operations cost center.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-585 UNALLOWABLE COSTS. (1) Costs will be unallowable if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF or ICF recipients which are covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(j) Bad debts. Beginning July 1, 1983, bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established there was no likelihood of recovery at any time in the future. Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Dues to national trade associations or that portion of dues paid to local or state trade associations attributable to membership in national associations shall be unallowable. Any portion of trade association dues attributable to lawsuits or other legal action against the department shall be unallowable.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care.

(r) Fund-raising expenses, except expenses directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands.

(ff) Legal and consultant fees in connection with a lawsuit against the department.

(gg) Lease acquisition costs and other intangibles not related to patient care.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs.

(jj) Beginning January 1, 1985, interest costs.

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington and the province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report submitted by contractors.

(2) Data containing obvious errors will be excluded from the determination of predicted costs and rate upper limits for WAC 388-96-743 and 388-96-735.

(3) Inflation adjustments shall be applied as follows:

(a) In the nursing services and administration and operations cost areas for July 1, 1983, rate setting, an adjustment of 2.5 percent shall be applied to allowable costs in these cost areas if the cost report for a contractor covers all twelve months of 1982. If the cost report ((~~covers~~)) covers less than twelve months, the inflation factor shall be reduced to reflect the shorter period.

(b) In the food cost area, an inflation adjustment factor of 2.5 percent shall be applied to the January 1, 1983, rate for all contractors.

(c) Property and return on equity rates will not be adjusted for inflation.

(4) The occupancy level for each facility shall be computed by dividing the actual number of patient days by the product of the numbers of licensed beds and calendar days in the report period. For prospective rate computations, as well as determining lids for property and administration and operations reimbursement, if a facility's occupancy is below eighty-five percent, per patient day cost shall be computed utilizing patient days at the eighty-five percent occupancy level. Actual occupancy level shall be utilized for facilities at or above eighty-five percent occupancy.

(5) If a nursing home provides residential care to individuals other than skilled or intermediate care patients, the facility may request in writing and the department may grant in writing an exception to the requirements of subsection (4) of this section by including such other residents in computing occupancy. Exceptions granted will be revocable effective ninety days after written notice of revocation is received from the department. No exception will be granted unless the contractor submits with the annual cost report a certified statement of occupancy including all residents of the facility and their status or level of care.

NEW SECTION

WAC 388-96-721 PRIORITIES IN ESTABLISHING RATES AND RESPONDING TO APPEALS OF DESK-REVIEW ADJUSTMENTS. Consistent with other provisions of this chapter, the following priorities shall apply in calculating rates, issuing rates, and responding to appeals of desk-review adjustments:

(1) First priority shall be given to contractors submitting correct and complete cost reports postmarked no later than March 31st;

(2) Second priority shall be given to contractors submitting correct and complete cost reports by May 15th;

(3) Third priority shall be given to contractors submitting correct and complete cost reports after May 15th; and

(4) For the purposes of responding to appeals of desk-review adjustments within each of the foregoing priority groups, contractors will receive a priority determined by the proportion of Medicaid patient days of service to total patient days of service reflected in the latest cost report and by the rate change at July 1st rate setting relative to other facilities in the priority group.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-750 RETURN ON INVESTMENT. (1) Beginning July 1, 1983, the department will pay a return on equity to proprietary contractors utilizing applicable Medicare rules and regulations with the following modifications:

(a) Contractors will not be required to submit monthly equity calculations in order to calculate allowable equity for cost reporting periods unless a desk review of reported equity conducted pursuant to WAC 388-96-717 discloses reported equity appears to exceed a level that is ordinary, necessary, and related to patient care. In such cases, the department may request and the contractor shall provide a monthly equity calculation as established by Medicare rules, regulations, and guidelines. The average ratio among proprietary contractors of current assets to expenses will be computed from the most recent desk reviewed cost reports. The standard deviation of the ratio and the average ratio plus one standard deviation will also be computed. Current assets in excess of the average ratio plus one standard deviation will not be allowed unless the contractor can document that the excess is ordinary, necessary, and related to patient care. No adjustments will be made to reported equity insofar as changes reflect additions to fixed assets which are ordinary, necessary, and related to patient care.

(b) Goodwill is not includable in the determination of net equity.

(c) Net equity and the payment for net equity shall be calculated as described in subsections (2) and (3) of this section.

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk reviewed cost report utilizing the definition of equity in WAC 388-96-010 and applying relevant Medicare rules, regulations, and guidelines, with the modifications described in subsection (1) of this section.

(3) The contractor's net equity will be multiplied by a rate of return on equity capital of twelve percent. This amount will be divided by the contractor's annual patient days for the cost report period to determine a rate per patient day. Where a contractor's cost report covers less than a twelve-month period, annual patient days will be estimated using the contractor's reported patient days. The contractor shall be paid at a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per patient day.

(4) The information on which the return on equity is calculated is subject to field audit. If a field audit determines that the desk reviewed reported equity exceeds the equity which can be documented and calculated in conformity with Medicare rules, regulations, and guidelines as modified by this section, the contractor's return on equity rate for the rate period during which a return on equity rate calculated on the basis of that cost report was in effect shall be recalculated using the determinations of the field audit, not to exceed a maximum of two dollars per patient day. Any payments in excess of this rate shall be refunded to the department as part of the settlement procedure established by this chapter.

(5) Contractors shall not include in equity nor shall they receive a return on accounts receivable or other assets, real, personal, liquid, or in any other form which directly or indirectly result from judgments and/or settlements obtained in the class actions commonly known as UNH II and UNH III (Thurston County Cause Nos. 59035, 80-2-01440-1 and 81-2-00076-0).

NEW SECTION

WAC 388-96-761 HOME OFFICE, CENTRAL OFFICE, AND OTHER OFF-PREMISES ASSETS. Assets used in the provision of services by or to a nursing home, but not located on the premises of the nursing home, shall not be included in net invested funds or in the calculation of property reimbursement for the nursing facility. Depreciation, interest expense, and operating lease expense for home office, central office, and other off-premises assets may be allocated to the cost of services provided to or by the facility on a reasonable statistical basis approved by the department and included in the costs of services in cost centers where such services and related costs are appropriately reported.

NEW SECTION

WAC 388-96-762 ALLOWABLE LAND. Beginning January 1, 1985, land associated with a nursing home which is eligible for inclusion in net invested funds shall not exceed one acre for facilities located in a standard metropolitan statistical area, as defined by the United States bureau of the census, and three acres for nursing homes located outside such an area. The department may grant an exception to these limits if a contractor presents documentation deemed adequate by the department establishing a larger area of land is directly related to patient care. Requests for exceptions and any exceptions granted must be in writing.

NEW SECTION

WAC 388-96-764 ACTIVITIES ASSISTANTS. Costs associated with the employment of activities assistants working under the direction of a qualified activities specialist are allowable in the nursing services cost center.

NEW SECTION

WAC 388-96-765 ANCILLARY CARE. Beginning July 1, 1984, costs of providing ancillary care are allowable provided documentation establishes the costs were incurred for medical care recipients and other sources of payment, such as Medicare, were first fully utilized.

NEW SECTION

WAC 388-96-767 APPRAISAL VALUES. If a contractor is unwilling or unable to provide and document the lessor's historical cost of leased assets, the department shall arrange for an appraisal of such assets to be conducted by the state of Washington department of general administration. If such an appraisal is conducted, it shall be the basis for all property and return on investment reimbursement, except that: If documentation subsequently becomes available to the department establishing the lessor's historical cost is less than the appraisal value, the historical cost shall be the basis for all property and return on investment reimbursement.

WSR 84-08-042
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 84-5—Filed April 2, 1984]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Kitsap County, amending WAC 173-19-260.

This action is taken pursuant to Notice No. WSR 84-03-058 filed with the code reviser on January 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 22, 1984.

By John F. Spencer
 Deputy Director

AMENDATORY SECTION (Amending Order [DE] 83-11, filed 3/24/83)

WAC 173-19-260 KITSAP COUNTY. Kitsap County Master Program approved April 30, 1976. Revision approved October 24, 1977. Revision approved December 22, 1981. Revision approved March 16, 1983. Revision approved March 22, 1984.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 84-08-043
NOTICE OF OBJECTION
JOINT ADMINISTRATIVE RULES
REVIEW COMMITTEE

[Memorandum, March 27, 1984—Filed April 2, 1984]

FROM: A. N. "Bud" Spinpoch, Chair
 Members, Joint Administrative
 Rules Review Committee

STAFF

CONTACT: 101 Senate Office Building
 Olympia, Washington 98504 (QW-11)
 (206) 753-7559

SUBJECT: Department of Revenue
 WSR 83-05-048; WAC 458-20-238

It is the opinion of the Joint Administrative Rules Review Committee that WAC 458-20-238 has not been modified or amended by the Department of Revenue to conform with the intent of the legislature as expressed in RCW 82.08.0266.

"Documented" boats are those over 5 tons in weight, and if for commercial use, must be registered when built

in the United States. Thereafter, this documentation continues as long as the boat is owned by a resident of the United States.

If the boat is sold to a person or firm not a resident of the United States, the Coast Guard must be notified of the sale to a nonresident and the "documentation" is thereupon canceled.

In view of the fact that the sale must be accomplished before documentation is canceled and the sales tax is due on sale, it is the opinion of the Joint Committee that the exemption contained in RCW 82.08.0266 would apply to sales made to Canadian or other foreign country residents.

WSR 84-08-044
ADOPTED RULES
CENTRAL WASHINGTON UNIVERSITY
 [Order 55—Filed April 2, 1984]

I, Alfred J. Teeples, Chief of Campus Safety of Central Washington University, do promulgate and adopt at Ellensburg, Washington, the annexed rules relating to parking and traffic regulations.

This action is taken pursuant to Notice No. WSR 84-02-013 filed with the code reviser on December 27, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Central Washington University as authorized in RCW 28B.35.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 7, 1984.

By Alfred J. Teeples
 Chief of Campus Safety

AMENDATORY SECTION (Amending Order 53, filed 6/9/83)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by University Permit Only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday, except:

(2) No parking permitted daily in C-1 lot from 4:00 a.m. to 5:00 a.m.

(3) No parking permitted daily in B Lot from 4:00 a.m. to 5:00 a.m.

(4) In the Library parking lot, enforcement shall be in effect from 7:30 a.m. to 10:00 p.m. Monday through Friday.

(5) Enforcement shall be in effect twenty-four hours a day in the following parking areas:

(a) Residence hall staff parking areas;

- (b) Buttons Apartments;
- (c) Limited time zones;
- (d) J Lot;
- (e) Handicapped areas.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-501 BASIC SPEED LIMIT. The speed limit on the university owned streets shall be as posted except:

- (1) The speed limit in the parking areas is 15 MPH.
- (2) No person shall operate a motor vehicle on the campus at a speed greater than is reasonable and prudent for existing conditions.
- (3) The speed limit on malls and service drives is 5 MPH.

AMENDATORY SECTION (Amending Order 53, filed 6/9/83)

WAC 106-116-603 MONETARY PENALTY SCHEDULE.

<u>Offense</u>	<u>Penalty</u>
(1) Improper display of permit	\$2.00
(2) Parking faculty-staff area	\$2.00
(3) Parking yellow stripe or curb	3.00
(4) Parking outside designated parking area	2.00
(5) Obstructing traffic	5.00
(6) Double Parking	5.00
(7) Parking at improper angle or using more than one stall, or backing into parking stall	2.00
(8) Violation of the bicycle parking rules in WAC 106-116-901	2.00
(9) Reserved parking area	3.00
(10) No parking area	5.00
(11) Overtime parking	2.00
(12) Using counterfeit, falsely made or altered permit	50.00
(13) Illegal use of permit	20.00
(14) No current permit	3.00
(15) Parking service drive	3.00
(16) Parking/driving sidewalks, malls	10.00
(17) Parking/driving lawns	15.00
(18) Parking fire lane	15.00
(19) Parking fire hydrant	15.00
(20) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	10.00
(21) Other violations of the objectives of the CWU parking and traffic regulations	2.00 to 10.00
(22) Parking in a space marked "handicapped permits only"	15.00

Failure to respond within seven (7) days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been

received within ten (10) days after issuance of the overdue notice, the original monetary penalty will be doubled. Further failure to respond may result in one or more of the following sanctions:

- (1) Withholding of transcripts;
- (2) Deduction from payroll checks; and/or
- (3) Withholding of parking permits.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 84-08-045

**NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD**

[Memorandum—April 2, 1984]

Meeting beginning at 2:00 p.m., Thursday, April 19, 1984, and Friday, April 20, 1984, 9:30 a.m., Urban Arterial Board, Transportation Building, Olympia, Washington 98504.

Note: Persons wishing to testify at the subject meeting will be required to contact the UAB in writing prior to April 13, 1984. Please identify the agenda item of interest.

WSR 84-08-046

**NOTICE OF PUBLIC MEETINGS
STATE BOARD
OF EDUCATION**

[Memorandum—March 29, 1984]

The State Board of Education schedule of meeting dates and locations for the 1984 calendar year, filed with the state code reviser on October 17, 1983, (WSR 83-21-062) and amended on December 16, 1984 [1983], (WSR 84-01-053), has been amended as follows:

The location of the May 10-11, 1984, meeting has been changed from the Clover Island Inn, Kennewick, to the James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, Washington.

The date of the July 19-20, 1984, meeting has been changed to July 19, 20 and 21, 1984, convening at 9:00 a.m. on July 19. The location is Main Hall No. 2 of the Ocean Shores Convention Center, Ocean Shores, Washington.

WSR 84-08-047

**PROPOSED RULES
STATE BOARD
OF EDUCATION**

[Filed April 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning educational service districts, chapter 180-22 WAC;

that the agency will at 9:00 a.m., Thursday, May 10, 1984, in the Multipurpose Room, James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is RCW 28A.21.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Dated: April 2, 1984
By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-22 WAC, Educational service districts.

Rule Section(s): WAC 180-22-100 Authority; 180-22-105 Purpose; 180-22-140 Territorial organization of educational service districts; 180-22-150 Educational service districts—Criteria for organization; 180-22-200 Educational service districts—Qualifications of superintendents; 180-22-250 Board of directors—Election of members; 180-22-255 Eligibility—Declaration of candidacy—Withdrawal—Lapse of election; 180-22-260 Biographical data—Limitation; 180-22-265 Ballots; 180-22-270 Voting; 180-22-275 Publicity; 180-22-280 Postage; 180-22-285 Recount of votes cast—Automatic—By request—Certification; 180-22-290 Composition of election board; and 180-22-295 Contest of elections.

Statutory Authority: RCW 28A.21.020.

Purpose of the Rule(s): [No information supplied by agency]

Summary of the New Rule(s) and/or Amendments: WAC 180-22-100, sets forth the authority for this chapter; 180-22-105, sets forth the purpose for this chapter; 180-22-140, sets forth the purpose of the state-wide territory organization; 180-22-150, moves the purpose into another section and changes wording from intermediate district to educational service district; 180-22-200, repeals section; 180-22-250, repeals section; 180-22-255, repeals section; 180-22-260, repeals section; 180-22-265, repeals section; 180-22-270, repeals section; 180-22-275 repeals section; 180-22-280, repeals section; 180-22-285, repeals section; 180-22-290, repeals section; and 180-22-295, repeals section.

Reasons Which Support the Proposed Action(s): Procedures for the election of ESD board members has been moved to new chapter 180-23 WAC. The qualification of ESD superintendent has been codified in RCW 28A.21.071(4).

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Monica Schmidt, SBE, 3-6715; and Implementation: Angie Dorian, SBE, 3-6715.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): The adoption of new chapter 180-23 WAC anticipates the above repealers. Changes in this chapter are not substantive.

Chapter 180-22 WAC EDUCATIONAL SERVICE DISTRICTS

NEW SECTION

WAC 180-22-100 AUTHORITY. The authority for this chapter is RCW 28A.21.020 which authorizes the state board of education to make changes in the number and boundaries of educational service districts.

NEW SECTION

WAC 180-22-105 PURPOSE. The purpose of this chapter is to establish policies and procedures for changes in the number and boundaries of educational service districts.

NEW SECTION

WAC 180-22-140 TERRITORIAL ORGANIZATION OF EDUCATIONAL SERVICE DISTRICTS. It shall be the purpose of the state-wide territorial organization of educational service districts to more readily and efficiently adapt to the changing economic pattern and educational program in the state so that the children of the state will be provided more equal educational opportunity.

AMENDATORY SECTION (Amending Order 4-77, filed 6/2/77)

WAC 180-22-150 EDUCATIONAL SERVICE DISTRICTS—~~((PURPOSE—))~~CRITERIA FOR ORGANIZATION. ~~((It shall be the purpose of the state-wide territorial organization of educational service districts to more readily and efficiently adapt to the changing economic pattern and educational program in the state so that the children of the state will be provided with more equal educational opportunities.))~~

The establishment of educational service districts shall be in accordance with the criteria hereinafter set forth. In making a determination of the boundaries of an educational service district, reasonable weight shall be given to each criterion individually and to all criteria collectively. Failure to meet any single criterion shall not necessarily prohibit the establishment of an ~~((intermediate))~~ educational service district if in the judgment of the state board of education the establishment of the ~~((intermediate))~~ educational service district is warranted by a collective consideration of all the criteria.

(1) Program and staff. An educational service district shall have the ability to support an administrative unit of sufficient staff to provide a program of educational services including but not limited to leadership and consultant services in administration and finance, in-service education programs for teachers and administrators, special services for the handicapped and educationally talented, planning of school facilities, counseling and guidance, instructional materials, and development of projects and proposals under various federal acts.

(2) Size. An educational service district should have no more than a maximum area of 7,500 square miles, nor should an intermediate district have less than a minimum area of 1,700 square miles.

(3) School enrollment. An educational service district shall have a potential of 15,000 students within the clearly foreseeable future.

(4) Topography and climate. In establishing the boundaries of an educational service district, consideration shall be given to topography and climate as these factors may affect the educational services to be provided and the economic efficiency of the program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-22-200 EDUCATIONAL SERVICE DISTRICTS—QUALIFICATIONS OF SUPERINTENDENTS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 180-22-250 BOARD OF DIRECTORS—ELECTION OF MEMBERS.
- (2) WAC 180-22-255 ELIGIBILITY—DECLARATION OF CANDIDACY—WITHDRAWAL—LAPSE OF ELECTION.
- (3) WAC 180-22-260 BIOGRAPHICAL DATA—LIMITATION.
- (4) WAC 180-22-265 BALLOTS.
- (5) WAC 180-22-270 VOTING.
- (6) WAC 180-22-275 PUBLICITY.
- (7) WAC 180-22-280 POSTAGE.
- (8) WAC 180-22-285 RECOUNT OF VOTES CAST—AUTOMATIC—BY REQUEST—CERTIFICATION.
- (9) WAC 180-22-290 COMPOSITION OF ELECTION BOARD.
- (10) WAC 180-22-295 CONTEST OF ELECTIONS.

**WSR 84-08-048
PROPOSED RULES
STATE BOARD
OF EDUCATION
[Filed April 2, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Basic state support, chapter 180-27 WAC;

that the agency will at 9:00 a.m., Thursday, May 10, 1984, in the Multipurpose Room, James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is RCW 28A.47.830.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Dated: April 2, 1984
By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-27 WAC, State assistance in providing school plant facilities—Basic state support.

Rule Section(s): WAC 180-27-035 Space allocations; 180-27-040 Square foot area analysis; 180-27-053 State moneys for studies and surveys; 180-27-054 State assistance—Priorities—Effective July 1, 1985; and 180-27-060 Determining the area cost allowance.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish conditions for the receipt of state funds for capital purposes.

Summary of the New Rule(s) and/or Amendments: WAC 180-27-035, housekeeping change; 180-27-040, housekeeping change; 180-27-053, requires the Superintendent of Public Instruction to set aside funds for the purpose of assisting districts to continue to conduct studies and surveys in the event it becomes necessary to

institute a priority system for school building construction projects; 180-27-054, sets forth criteria for state assistance in school building construction projects in the event it becomes necessary to institute a priority system; and 180-27-060, changes the survey sample cities in Washington state from seven to six and adds the Portland metropolitan area.

Reasons Which Support the Proposed Action(s): Primarily to clarify SBE policies.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bob Minnitti, SPI, 3-6702.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): The amendments are designed to perfect SBE intent in the recent adoption of new chapter 180-27 WAC.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-035 SPACE ALLOCATIONS. (1) State assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of handicapped students shall be based on a space allowance per enrolled student and for state matching purposes shall be computed in accordance with the following table:

Grade or Area	Maximum Matchable Area Per Student
Grades kindergarten through six	80 square feet
Grades seven and eight	110 square feet
Grades nine through twelve	120 square feet
Classrooms for handicapped	140 square feet

For purposes of this subsection, kindergarten students shall be calculated at fifty percent of actual headcount enrollments on October 1 and submitted to the superintendent of public instruction on October 1 each year; handicapped students shall be counted as one student for each such student assigned to a specially designated self-contained classroom for handicapped children for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) State assistance for construction of vocational-technical institutes shall be based on full time equivalent students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per Full-Time Equivalent Student
Vocational-Technical Institutes	140 square feet

(3) State assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per One-Half Enrolled Student
Skill Centers	140 square feet

(4) Space allowance for state matching purposes—districts with senior or four-year high schools with fewer than four hundred students.

Space allowance for districts with senior or four-year high schools with fewer than four hundred students for state matching purposes shall be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Matchable Area Per Facility
0-100	37,000 square feet
101-200	42,000 square feet
201-300	48,000 square feet
301- (400) or more	52,000 square feet

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-040 SQUARE FOOT AREA ANALYSIS. The square foot area analysis, when submitted for review by the superintendent of public instruction shall be calculated in accordance with the American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings, January 1980 Edition, except for the following areas which shall not be counted:

- (1) Exterior covered walkways, cantilevered or supported; and
- (2) Exterior porches ((or)), including loading platforms.

The analysis shall be reported on a form prepared by the superintendent of public instruction.

NEW SECTION

WAC 180-27-053 STATE MONEYS FOR STUDIES AND SURVEYS. State moneys for school district studies and surveys conducted pursuant to chapter 180-25 WAC shall be available even though the superintendent of public instruction deems it necessary to institute priorities pursuant to WAC 180-27-054 or 180-27-055 or to withhold approval pursuant to WAC 180-27-107. At the beginning of each biennium, the superintendent of public instruction shall estimate the amount of moneys necessary for allocation to districts for studies and surveys and not make such moneys available for any other purpose. In the event the estimated amount proves to be insufficient, the superintendent shall set aside additional moneys.

NEW SECTION

WAC 180-27-054 STATE ASSISTANCE—PRIORITIES—EFFECTIVE JULY 1, 1985. Effective July 1, 1985, WAC 180-27-055 is repealed and school district projects shall receive state assistance as follows:

(1) Unless the superintendent of public instruction determines the need to institute priorities pursuant to subsection (2) of this section, the superintendent of public instruction shall approve all applications for state assistance pursuant to WAC 180-29-107. Once approved, the project shall have secured funding status and not be subject to any priority list.

(2) In the event the superintendent of public instruction determines there are or will be insufficient funds during a biennium to provide state assistance to all anticipated school facility projects, the superintendent of public instruction shall approve projects pursuant to WAC 180-29-107 in accordance with the following priority:

(a) Priority one: New construction and/or modernization projects in districts with unhouseed students. Projects within this priority shall be ranked as follows: The project with the highest percentage of unhouseed students in the district to current enrollment in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more districts possess an equal percentage of unhouseed students, the district with the greatest number of unhouseed students shall be ranked the highest.

(b) Priority two: New construction and/or modernization projects related to racial imbalance pursuant to WAC 180-27-115(8) in districts with no unhouseed students. Projects within this priority shall be ranked as follows: The project with the greatest number of students affected shall be ranked highest. In the event two or more projects possess an equal number of students affected, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040.

(c) Priority three: Vocational-technical institutes and interdistrict cooperative facilities, excluding interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The

project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

(d) Priority four: New construction and/or modernization projects related to improved school district organization between two or more school districts pursuant to WAC 180-27-115(7) in districts with no unhouseed students. Projects within this priority shall be ranked as follows: The project with the greatest number of students affected shall be ranked highest. In the event two or more projects possess an equal number of students affected, the highest ranking shall be given to the district with the earliest date of project approval pursuant to WAC 180-25-040.

(e) Priority five: Modernization projects in districts with no unhouseed students and not covered by priorities two and four. Projects within this priority shall be ranked as follows: The project with the greatest percentage of projected enrollment to current housing capacity shall be ranked the highest. In the event two or more projects possess an equal percentage, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040.

(f) Priority six: Interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

(3) Once projects are ranked in accordance with the priority list established in subsection (2) of this section, the superintendent may approve from time to time as many projects as he deems advisable as long as the projects are approved in accordance with the ranking. Projects so approved shall receive secured funding status and not be subject to the priority list.

(4) In the event the superintendent of public instruction determines there are once again sufficient funds during a biennium to provide state assistance to all anticipated school facility projects pursuant to WAC 180-29-107, the priority list shall be discontinued.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-060 DETERMINING THE AREA COST ALLOWANCE. The area cost allowance for state assistance shall apply to the cost of construction of the total facility and grounds including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions. The maximum area cost allowance used in calculating state financial assistance for construction of school facilities shall be determined by the superintendent of public instruction as follows:

(1) Commencing with the two-month period of July-August, 1981, a two-month area cost allowance is determined as follows: The average seven-city building cost index for commercial and factory buildings in Washington state reported by the E. H. Boeckh Company (Boeckh Index) for that two-month period (1,265.54) shall be multiplied by the 1950 area cost allowance (\$13.00). That product shall be divided by the 1950 area cost index (242.1).

(2) The calculation in subsection (1) of this section shall be made for each subsequent two-month period averaging six Washington cities and the Portland, Oregon metropolitan area reported by E. H. Boeckh Company.

(3) Each of the actual two-month area cost allowances calculated as set forth in subsections (1) and (2) of this section shall be recorded by the superintendent of public instruction.

(4) The average monthly rate of increase in the area cost allowance for the previous two years is determined as follows: Not later than August 31 of each year, the actual two-month area cost allowance calculated for the first two-month reporting period in the twenty-four month period ending August 31 shall be subtracted from the actual area cost allowance for the current two-month reporting period. This result shall be divided by twenty-four.

(5) The projected maximum monthly area cost allowances for the next ensuing school fiscal year are calculated as follows:

(a) The area cost allowance for July-August 1983 effective September 1, 1983 shall be the actual amount as calculated in subsections (1) and (2) of this section.

(b) The projected area cost allowance for the following twelve months will be the amount of the previous month plus the average monthly rate of increase as calculated in subsection (4) of this section.

(6) The projection process will be repeated no later than August 31 for each following school fiscal year.

WSR 84-08-049
PROPOSED RULES
STATE BOARD
OF EDUCATION
 [Filed April 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Educational specifications and site selection, chapter 180-26 WAC;

that the agency will at 9:00 a.m., Thursday, May 10, 1984, in the Multipurpose Room, James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is RCW 28A.47.830.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Dated: April 2, 1984
 By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-26 WAC, State assistance in providing school plant facilities—Educational specifications and site selection.

Rule Section(s): WAC 180-26-025 Racial imbalance prohibition—Definition and acceptance criteria.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish approval criteria for school sites.

Summary of the New Rule(s) and/or Amendments: WAC 180-26-025, to remove language regarding programs within schools.

Reasons Which Support the Proposed Action(s): WAC 180-26-025 is a relatively new provision which was adopted as an amendment to proposed rules. The SBE did not intend to include programs within schools.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bob Minnitti, SPI, 3-6702.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter

Pertaining to the Rule(s): The above amendment corrects an error made by SPI staff in drafting an amendment to the rules and perfects SBE intent.

AMENDATORY SECTION (Amending Order 10-83, filed 10/17/83)

WAC 180-26-025 RACIAL IMBALANCE PROHIBITION—DEFINITION AND ACCEPTANCE CRITERIA. The superintendent of public instruction shall not accept a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter, racial imbalance shall be defined as the situation that exists when the combined minority student enrollment in a school((/program)) plant facility exceeds the district-wide combined minority average by twenty percentage points, provided that the single minority enrollment (as defined by current federal categories) of a school((/program)) plant facility will not exceed fifty percent of the school plant facility enrollment. This section shall not apply to public schools located on American Indian reservations.

WSR 84-08-050
PROPOSED RULES
STATE BOARD
OF EDUCATION
 [Filed April 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Educational service districts—Election of board members, chapter 180-23 WAC;

that the agency will at 9:00 a.m., Thursday, May 10, 1984, in the Multipurpose Room, James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is RCW 28A.21.031.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Dated: April 2, 1984
 By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-23 WAC, Educational service districts—Election of board members.

Rule Section(s): WAC 180-23-037 Authority; 180-23-040 Purpose; 180-23-043 Election officer; 180-23-047 Biennial elections; 180-23-050 Information necessary for the conduct of elections—Responsibility of school officials; 180-23-055 Publicity; 180-23-058 Tentative certification of electors; 180-23-060 Call of election; 180-23-065 Candidates—Eligibility—Filing; 180-23-070 Declaration and affidavit of candidacy form; 180-23-075 Biographical data form; 180-23-077 Withdrawal of candidacy; 180-23-078 Certification of electors; 180-23-080 Ballots—Contents; 180-23-085 Ballots and envelopes—Mailing to voters; 180-23-090 Voting—Marking and return of ballots; 180-23-095

Election board—Appointment and composition; 180-23-100 Receipt of ballots and count of votes; 180-23-105 Ineligible votes; 180-23-110 Recount of votes cast—Automatic—By request; 180-23-115 Certification of election; and 180-23-120 Special elections.

Statutory Authority: RCW 28A.21.031.

Purpose of the Rule(s): To set our rules and guidelines for the election of board members for the educational service districts.

Summary of the New Rule(s) and/or Amendments: WAC 180-23-037, sets forth authority for this chapter; 180-23-040, sets forth purpose for this chapter; 180-23-043, designates election officer for conduct of election; 180-23-047, provides for biennial elections in odd numbered years; 180-23-050, specifies information from ESDs necessary for the conduct of elections; 180-23-055, provides for publicity for conduct of election; 180-23-058, specifies date for certifying tentative list of elections; 180-23-060, sets forth date for call of election notice and states content therein; 180-23-065, specifies candidates eligibility and filing period; 180-23-070, specifies declaration and affidavit of candidacy form; 180-23-075, specifies biographical data form; 180-23-077, specifies conditions for withdrawal of candidacy; 180-23-078, sets deadline for change to list of eligible voters; 180-23-080, specifies ballot contents; 180-23-085, sets forth date for mailing of ballots and specifies ballot envelopes; 180-23-090, specifies instructions for marking and return of ballots; 180-23-095, sets forth appointment and composition of election board; 180-23-100, sets forth provisions for receipt of ballots and count of votes; 180-23-105, sets forth conditions for ineligible votes; 180-23-110, provides for recount of votes cast; 180-23-115, specifies timeframe for certification of election to county auditor; and 180-23-120, provides for special elections.

Reasons Which Support the Proposed Action(s): The primary purpose for revision of the above rules is to standardize the procedures for both ESD and SBE elections. This coordinated approach assists in the avoidance of error and is easier for the public to understand.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Monica Schmidt, SBE, 3-6715; and Implementation: Angie Dorian, SBE, 3-6715.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Changes from current practice are few and largely procedural.

Chapter 180-23 WAC
EDUCATIONAL SERVICE DISTRICTS—ELECTION OF
BOARD MEMBERS

NEW SECTION

WAC 180-23-037 AUTHORITY. The authority for this chapter is RCW 28A.21.031 which authorizes the state board of education to

adopt rules and regulations for the conduct of election for members of boards of educational service districts.

NEW SECTION

WAC 180-23-040 PURPOSE. The purpose of this chapter is to establish policies and procedures related to the conduct of elections by the secretary to the state board of education for members of boards of educational service districts.

NEW SECTION

WAC 180-23-043 ELECTION OFFICER. In accordance with RCW 28A.21.033, the secretary to the state board of education shall serve as the election officer for the coordination and conduct of the election of members of boards of educational service districts.

NEW SECTION

WAC 180-23-047 BIENNIAL ELECTIONS. Elections for members of boards of educational service districts shall be conducted biennially in odd-numbered years. All dates noted within this chapter shall apply to elections in such years.

NEW SECTION

WAC 180-23-050 INFORMATION NECESSARY FOR THE CONDUCT OF ELECTIONS—RESPONSIBILITY OF SCHOOL OFFICIALS. It shall be the responsibility of the educational service districts to assure that the secretary to the state board of education is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the secretary to the state board of education for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

(1) The name, legal residence, mailing address and board-member district number of persons serving on the educational service district board of directors; and

(2) The position numbers for which appointments have been made to fill unexpired terms.

NEW SECTION

WAC 180-23-055 PUBLICITY. The secretary to the state board of education shall biennially provide reasonable public information concerning the election of educational service district board members through press and publication releases beginning in May of the year the elections are to be called.

NEW SECTION

WAC 180-23-058 TENTATIVE CERTIFICATION OF ELECTORS. On August twenty-first of the year of election or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the secretary to the state board of education shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date.

NEW SECTION

WAC 180-23-060 CALL OF ELECTION. On August twenty-five, or if such date is a Saturday, Sunday or holiday, the state working day immediately preceding such date, the secretary to the state board of education shall give written notice of an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Notice shall be accomplished by mailing the call of election notice, declaration of candidacy, biographical data form, tentative certification of electors, calendar and rules and regulation established by the state board of education for the conduct of the election to each member of a public school district board of directors.

NEW SECTION

WAC 180-23-065 CANDIDATES—ELIGIBILITY—FILING.
(1) Eligibility. A person is eligible to be a candidate for membership

on an educational service district board if he or she is a registered voter and a resident of the board-member district for which the candidate files. Restriction on other service pursuant to RCW 28A.21.0306.

(2) Forms for filing. A person who desires to file for candidacy shall complete:

(a) A declaration of candidacy and affidavit form provided for in WAC 180-23-070; and

(b) The biographical form required by WAC 180-23-075: PROVIDED, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for any position on an educational service district board is from September first through September sixteenth. Any declaration of candidacy that is not received by the secretary to the state board of education on or before 5:00 p.m. September sixteenth shall not be accepted and such a declarant shall not be a candidate: PROVIDED, That any declaration that is postmarked on or before midnight September sixteenth and received by mail prior to the printing of ballots shall be accepted: PROVIDED FURTHER, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September twenty-first that is not postmarked or legibly postmarked shall also be accepted.

NEW SECTION

WAC 180-23-070 DECLARATION AND AFFIDAVIT OF CANDIDACY FORM. The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I,, solemnly swear (or affirm): That I reside within the boundary of Educational Service District No., within the boundary of board-member district No., and am a registered voter of the same board-member district; That I am not an employee of a school district or a member of a board of directors of a common school district or a member of the state board of education; and That I hereby declare myself a candidate for membership on Educational Service District No. Board of Directors for a term of four years beginning the second Monday in January, 19...., subject to the election to be held pursuant to law and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signed)

.....

Address:

.....

SUBSCRIBED and sworn (or affirmed) to before me this day of

....., 19

.....
NOTARY PUBLIC in and for
the state of Washington,
residing at

NEW SECTION

WAC 180-23-075 BIOGRAPHICAL DATA FORM. The secretary to the state board of education shall provide a biographical data form not exceeding two letter size typewritten pages in length which each candidate may complete. Completed forms submitted to the secretary to the state board of education by a candidate must be camera ready. Biographical data forms shall be reproduced as submitted and distributed by the secretary to the state board of education with the ballots to each voter.

NEW SECTION

WAC 180-23-077 WITHDRAWAL OF CANDIDACY. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the secretary to the state board of education on or before 5:00 p.m. September twenty-first. A candidate's failure to withdraw as prescribed

above shall result in the inclusion of the candidate's name on the appropriate election ballot.

A board-member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in WAC 180-23-065.

Board-member district positions which become vacant after the call of election specified in WAC 180-23-060 shall be filled by appointment by the educational service district pursuant to RCW 28A.21.0305 and the appointee shall serve until his or her successor has been elected at the next election called by the secretary to the state board of education.

NEW SECTION

WAC 180-23-078 CERTIFICATION OF ELECTORS. The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26 or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The secretary to the state board of education as soon thereafter as is practical shall certify the list of electors.

NEW SECTION

WAC 180-23-080 BALLOTS—CONTENTS. Ballots shall be prepared by the secretary to the state board of education. The ballot for each position subject to election pursuant to this chapter shall contain the names of each candidate eligible for the particular position. There shall be a separate listing of the candidates for each board-member district open in the particular educational service district. The secretary to the state board of education shall develop voting instructions which shall accompany the ballots.

NEW SECTION

WAC 180-23-085 BALLOTS AND ENVELOPES—MAILING TO VOTERS. (1) On or before October first ballots shall be mailed to voters together with two envelopes to be used for voting. The outer and larger envelope (i.e., official ballot envelope) shall:

- (a) Be labeled "official ballot";
- (b) Be preaddressed with the "secretary to the state board of education" as addressee;
- (c) Have provision for prepaid postage; and
- (d) Have provision for the identification of the voter, mailing address, his or her school district and his or her educational service district.

The inner and smaller envelope shall be unlabeled and unmarked.

(2) One ballot and two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors.

NEW SECTION

WAC 180-23-090 VOTING—MARKING AND RETURN OF BALLOTS. (1) The election shall be conducted in strict accordance with the requirements of RCW 28A.21.033.

(2) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(3) Return of ballots. Each member of a public school district board of directors shall complete voting by:

- (a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;
- (b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;
- (c) If not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district.
- (d) Placing the official ballot envelope in the United States mail to the secretary to the state board of education.

NEW SECTION

WAC 180-23-095 ELECTION BOARD—APPOINTMENT AND COMPOSITION. The state board of education shall biennially appoint a three member election board and at least one alternate who shall serve thereon in the absence of a regular member of the election board. Votes cast at elections, conducted pursuant to this chapter shall

be counted by the secretary to the state board of education or his or her designee and the election board.

NEW SECTION

WAC 180-23-100 RECEIPT OF BALLOTS AND COUNT OF VOTES. (1) As official ballot envelopes are received by the secretary to the state board of education, a preliminary determination shall be made as to the eligibility of the voter, and a record shall be made on a list of eligible voters that the voter has voted. Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2) The election board shall convene for the purpose of counting votes on October twenty-fifth or if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date at a date, time and place designated by the secretary to the state board of education. Official ballot envelopes that are accepted by the election board shall be opened, and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(3) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

NEW SECTION

WAC 180-23-105 INELIGIBLE VOTES. The following ballots and votes shall be declared void and shall not be accepted:

- (1) Votes for write-in candidates;
- (2) Votes cast on other than an official ballot provided pursuant to this chapter;
- (3) Ballots which contain a vote for more than one candidate in board-member district;
- (4) Ballots contained in other than an official ballot envelope provided pursuant to this chapter;
- (5) Ballots contained in an official ballot envelope upon which the voter's name is not designated;
- (6) Ballots received after 5:00 p.m. October sixteenth: PROVIDED, That any ballot that is postmarked on or before midnight October sixteenth and received prior to the initial counting of votes by the election board shall be accepted: PROVIDED FURTHER, That any ballot received pursuant to the United States mail on or before 5:00 p.m. on October twenty-first that is not postmarked or legibly postmarked shall also be accepted; and
- (7) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

NEW SECTION

WAC 180-23-110 RECOUNT OF VOTES CAST—AUTOMATIC—BY REQUEST. (1) Automatic. A recount of votes cast shall be automatic if the electoral vote difference between any two candidates for the same position is one vote or less than one percent of electoral votes on a single ballot cast for the position, whichever is greater.

(2) Upon request. A recount of votes cast shall be afforded any candidate as a matter of right: PROVIDED, That the request shall be made in writing and received by the secretary to the state board of education within seven calendar days after the date upon which the votes were counted by the election board.

NEW SECTION

WAC 180-23-115 CERTIFICATION OF ELECTION. Within ten calendar days after the date upon which the votes were counted, but no sooner than eight calendar days after the votes were counted by the election board, the secretary to the state board of education shall officially certify to the county auditor of the headquarters county of the educational service district the name or names of candidates elected to membership on the educational service district board of directors.

NEW SECTION

WAC 180-23-120 SPECIAL ELECTIONS. If no candidate receives a majority of the votes cast, a second election provided for in RCW 28A.21.033 shall be conducted in accordance with the pertinent procedural and substantive provisions of this chapter, including the time schedules governing the conduct of elections, as modified by the

secretary to the state board of education to accommodate the special nature of the election and special statutory dates and requirements.

**WSR 84-08-051
PROPOSED RULES
STATE BOARD
OF EDUCATION
[Filed April 2, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning state support of public schools, chapter 180-16 WAC;

that the agency will at 9:00 a.m., Thursday, May 10, 1984, in the Multipurpose Room, James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is RCW 28A.58.754(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Dated: April 2, 1984
By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-16 WAC, State support of public schools.

Rule Section(s): WAC 180-16-002 Authority; 180-16-006 Purpose; 180-16-191 Programs subject to basic education allocation entitlement requirements; 180-16-195 Annual reporting and review process; 180-16-200 Total program hour offering—Basic skills and work skills requirements; 180-16-205 Classroom teacher contact hours requirement; 180-16-210 Kindergarten through grade three students to classroom teacher ratio requirement; 180-16-220 Supplemental program and basic education allocation entitlement requirements; and 180-16-240 Compliance with other program requirements.

Statutory Authority: RCW 28A.58.754(6).

Purpose of the Rule(s): To establish the rules, procedures and related program requirements for State Board of Education approval of school district programs that are subject to state basic program of education support.

Summary of the New Rule(s) and/or Amendments: WAC 180-16-002, cites the authority for the chapter; 180-16-006, states the purpose for the chapter; 180-16-191, deletes language pertaining to the purpose of the chapter covered in new section 180-16-006; 180-16-195, deletes unnecessary language, incorporates current operating procedures relative to monitoring school districts, and incorporates new procedures for the withholding of state funding for noncompliance with the basic education entitlement requirements; 180-16-200, defines and clarifies current operating procedures pertaining to school district compliance with the basic

skills/work skills percentages and instructional hour minimum requirements; 180-16-205, incorporates new language relative to teacher contact being based upon normal weekly schedules and outlines procedures for school districts in calculating compliance with the requirement; 180-16-210, clarifies the language to facilitate school district efforts in calculating compliance with the K-3/4-12 classroom student to classroom teacher ratio; 180-16-220, updates the student learning objectives requirement and also establishes the purpose for the other program requirements as specified in WAC 180-16-240; 180-16-240, incorporates a change in title from "supplemental program standards" to "other program requirements" and adds two new program requirements pertaining to discipline and graduation requirements.

Reasons Which Support the Proposed Action(s): To incorporate new language adopted by the 1983 legislature; to provide more clarity and specificity for school districts as they calculate compliance with the basic education entitlement requirements; to detail the current procedures used by the Superintendent of Public Instruction in assessing school district compliance/noncompliance.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Monica Schmidt, SBE, 3-6715; and Implementation: John Swiger, SBE, 3-6710.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): These rules are designed to ensure school district compliance with the statutory requirements for the receipt of basic education funds appropriated by the legislature.

NEW SECTION

WAC 180-16-002 AUTHORITY. The authority for this chapter is RCW 28A.58.754(6) which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW 28A.41.130, 28A.41.140, and 28A.58.754 and such related basic program of education requirements as may be established by the state board of education.

NEW SECTION

WAC 180-16-006 PURPOSE. The purpose of this chapter is to set forth rules to:

- (1) Establish procedures and policies for state board of education approval of school district programs for the purpose of entitlement to state basic program of education support, including the provisions of RCW 28A.41.130, 28A.41.140, and 28A.58.754; and
- (2) Establish related program requirements for which compliance is required as part of state board of education approval.

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-191 ((~~PURPOSE~~))PROGRAMS SUBJECT TO BASIC EDUCATION ALLOCATION ENTITLEMENT REQUIREMENTS. ((~~+~~) Purpose. The purpose of WAC 180-16-191 through 180-16-225 is to implement those portions of RCW 28A.41.130, 28A.41.140 and 28A.58.754 that authorize and require the

adoption of program standards that govern a school district's entitlement to state basic education allocation funds pursuant to RCW 28A.41.130 and related statutes and appropriation acts. As used hereafter, "basic education allocation entitlement requirements" and "entitlement requirements" mean WAC 180-16-191 through 180-16-225.

(2) Programs subject to entitlement requirements:)) The requirements, procedures and other provisions set forth in ((~~these basic education allocation entitlement requirements~~)) this chapter shall apply to kindergarten programs, and to such portion of the grade one through twelve program including related vocational instruction, as a school district provides for students enrolled in kindergarten through grade twelve.

AMENDATORY SECTION (Amending Order 3-83, filed 6/2/83)

WAC 180-16-195 ANNUAL REPORTING AND REVIEW PROCESS. (1) Annual district reports. A review of each school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with these basic education allocation entitlement requirements. On or before the third Monday in October of each school year, each school district superintendent shall complete and return the program data report form(s) ((~~now and hereafter~~)) prepared and distributed by the superintendent of public instruction. Such forms shall be designed to elicit data necessary to a determination of a school district's compliance or noncompliance with these entitlement requirements. Data reported on any such form(s) by a school district shall accurately represent the actual status of the school district's program as of the first school day in October and as thus far provided and scheduled for the entire current school year. Such forms shall be signed by:

- (a) The school board president or chairperson, and
- (b) The superintendent of the school district.

(2) State staff review. ((~~State staff~~)) The superintendent of public instruction shall review each school district's program data report and such supplemental state reports as staff ((~~deems~~)) deemed necessary, conduct on-site monitoring visits of randomly selected school districts and prepare recommendations and supporting reports for presentation to the state board of education: PROVIDED, That, if a school district's initial program data report and any other state reports considered do not establish compliance with these basic education allocation entitlement requirements, the district shall be provided the opportunity to explain the deficiency and provide supplemental data. School districts which foresee that they will not be able to comply with these entitlement requirements or that are deemed by ((~~state staff~~)) the superintendent of public instruction to be in noncompliance may petition for a waiver on the basis of the limited ground of substantial lack of classroom space as set forth in WAC 180-16-225.

(3) Annual certification of compliance or noncompliance—Withholding of funds for noncompliance.

(a) At the annual March meeting of the state board of education, or at such other meeting as the board shall designate, the board shall certify each school district as being in compliance or noncompliance with these basic education allocation entitlement requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary or advisable by the state board of education or the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for the succeeding school year until such time as the state board takes its annual action certifying compliance ((~~and~~)) or noncompliance with these entitlement requirements((~~, at which time the state board may retroactively and/or otherwise revoke such tentative certification upon a finding of noncompliance~~)).

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to the satisfaction of the superintendent of public instruction, subject to review by the state board. Basic education allocation funds ((~~in an amount(s) established by the state board~~)) shall be ((~~permanently~~)) deducted from the basic education allocation of a school district that has been certified as being in noncompliance unless such district has received a waiver, pursuant to WAC 180-16-225, from the state board for such noncompliance, or assurance of program compliance is subsequently provided for the school year previously certified as in noncompliance and is accepted by the state board.

(d) The withholding of basic education allocation funding from a school district shall occur for a noncompliance provided that the school district has been given a reasonable amount of time to remediate the noncompliance situation, not to exceed forty school business days from

the time the district receives notice of the noncompliance from the superintendent of public instruction. It is presumed that forty school business days is a reasonable time for school districts to correct an existing noncompliance. The superintendent of public instruction may extend such timeline only if the district demonstrates, by clear and convincing evidence, that such timeline is not reasonable to make the necessary corrections. For the purposes of this section, a school business day shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(e) The superintendent of public instruction, or his/her designee, after notification to a school district regarding an existing noncompliance, shall enter into a compliance agreement with the school district that shall include, but not be limited to, the following criteria:

(i) A deadline for school district remediation of the noncompliance(s), not to exceed forty school business days per noncompliance as specified in (d) of this subsection.

(ii) A listing of all the noncompliance areas and the necessary terms that must be satisfied in each area in order for the school district to gain compliance status. This listing also shall specify additional deadlines for the accomplishment of the stated terms if different from the final deadline as specified in subsection (1) of this section.

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline shall result in the immediate withholding of the district's basic education allocation funding by the superintendent of public instruction.

(iv) The date and the signatures of the superintendent of the school district, or his/her designee, and the superintendent of public instruction, or his/her designee, to the agreement. A copy of the completed compliance agreement shall be sent to the chairperson of the school district's board of directors.

(f) In the event a school district fails to sign the compliance agreement within five school business days from the date of issuance or does not satisfy the terms of the signed compliance agreement within the designated amount of time, the superintendent of public instruction shall withhold state funds for the basic education allocation until program compliance is assured.

(g) The superintendent of public instruction shall withhold state funds for the basic education allocation to a school district based on the following procedure:

(i) For the first month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold twenty-five percent of the state funds for the basic education allocation to a school district.

(ii) For the second month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold fifty percent of the state funds for the basic education allocation to a school district.

(iii) For the third month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold seventy-five percent of the state funds for the basic education allocation to a school district.

(iv) For the fourth month, and every month thereafter, that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold one hundred percent of the state funds for the basic education allocation to a school district until compliance is assured.

(h) Any school district may appeal to the state board of education the decision of noncompliance by the superintendent of public instruction. Such appeal shall be limited to the interpretation and application of these rules and regulations by such superintendent of public instruction. Such appeal shall not stay the withholding of any state funds pursuant to this section. The state board of education may not waive any of the basic education entitlement requirements as set forth in this chapter, except as provided in WAC 180-16-225.

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-200 TOTAL PROGRAM HOUR OFFERING—BASIC SKILLS AND WORK SKILLS REQUIREMENTS. (1) Total program hour offering—Definition.

(a) Each school district shall make available to students enrolled at least a total program hour offering as set forth in subsections (2) through (6) of this section. For the purpose of this section, "total program hour offering" shall mean those hours of sixty minutes each, inclusive of intermissions for class changes, recess and teacher/parent-

guardian conferences which are planned and scheduled by the district for purposes of discussing students' educational needs or progress(;; and))—exclusive of time actually spent for eating lunchtime meals(;;) —when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district.

For special education/handicapped programs operating in separate facilities in a school district, do not exclude the time actually spent for eating lunchtime meals if that time is specifically identified and utilized as instructional meal training for each student in the program.

(b) Adjustments of program hour offerings between grade level groupings. Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in subsections (2) through (6) of this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

(c) ((Frequency and extent of basic skills and work skills offerings.)) Each school district shall make available to students enrolled at least an instructional hour offering as set forth in subsections (3) through (6) of this section. For the purpose of this section, "instructional hour offering" shall mean those hours of sixty minutes each—exclusive of recess time, passing time, total lunch intermission time, and noncountable release time on early dismissal days—when students are provided the opportunity to engage in the basic skills and/or work skills offered by and under the direction of school district staff, as directed by the administration and board of directors of the district.

(d) A school district has "provided the opportunity to engage in" the basic skills and work skills activities required by this section when the district actually conducts ((such activities)) basic skills and work skills instruction for students. If a district is not actually conducting the percentage(s) of basic skills and/or work skills required by this section, such district nevertheless shall be deemed to be in compliance with such requirements if such ((district made a reasonable and good faith effort to provide students the opportunity to take the section(s) or course(s) necessary to comply with such requirements, including having extended the enrollment period through at least the first school day of the term, but no student enrolled)) district's instructional time offered to students in direct basic skills and work skills instruction equals or exceeds the minimum instructional hour requirements in each grade level grouping as specified in subsections (3) through (6) of this section. A school district that makes a reasonable and good faith effort through the first day of the school term to provide students the opportunity to take the section(s) or course(s) necessary to comply with the basic skills and work skills percentages, as specified in subsections (3) through (6) of this section and no student enrolled in such section(s) or course(s), may count that section(s) or course(s) toward the total basic skills and work skills percentages offered to students that term. Each of the basic skills areas specified in subsections (2) through (6) of this section for a particular grade level grouping must be offered each school year to students at one or more of the grade levels within the particular grade level grouping. Instruction in at least one of the following work skills must be offered each school year to students at one or more of the grade levels within each of the grade level groupings specified in subsections (5) and (6) of this section: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(d) Five percent variation—Basic skills and work skills requirements. A school district may establish minimum course mix percentages that deviate within any grade level grouping by up to five percentage points above or below the minimums established by subsections (3) through (6) of this section, provided the total program hour offering requirement for the grade level grouping is met.

(2) Kindergarten. Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours each school year. The program shall include reading, arithmetic, language skills and such other subjects and activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program.

(3) Grades 1 through 3. Each school district shall make available to students in grades one through three at least a total program hour offering of two thousand seven hundred hours each school year. A minimum of ninety-five percent (ninety percent with the five percent

variation included, or 2,430 instructional hours) of such total program hour offerings shall be in ~~((each))~~ the direct instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(4) Grades 4 through 6. Each school district shall make available to students in grades four through six at least a total program offering of two thousand nine hundred seventy hours each school year. A minimum of ninety percent ~~(eighty-five percent with the five percent variation included, or 2,524.5 instructional hours)~~ of such total program hour offerings shall be in ~~((each))~~ the direct instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(5) Grades 7 through 8. Each school district shall make available to students in grades seven through eight at least a total program hour offering of one thousand nine hundred eighty hours each school year. A minimum of eighty-five percent ~~(eighty percent with the five percent variation included, or 1,584 instructional hours)~~ of such total program hour offerings shall be in ~~((each))~~ the direct instruction of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent ~~(five percent with the five percent variation included, or 99 instructional hours)~~ of the total program offerings shall be in the ~~((area))~~ direct instruction of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(6) Grades 9 through 12.

(a) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours each school year. A minimum of sixty percent ~~(fifty-five percent with the five percent variation included, or 2,376 instructional hours)~~ of such total program hour offerings shall be in ~~((each))~~ the direct instruction of the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent ~~(fifteen percent with the five percent variation included, or 648 instructional hours)~~ of the total program hour offerings shall be in the ~~((area))~~ direct instruction of work skills. The remainder of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades: PROVIDED, That, whether or not the five percent deviations in course mix percentages allowed by subsection (2)(d) of this section are applied, not less than four hundred and thirty-two instructional hours (i.e., ten percent of the total program hour requirement) of such remaining ~~((total program hour offering))~~ instructional hours shall consist of basic skills and/or work skills: PROVIDED, That any program hours and/or instructional hours not achieved due to the implementation of WAC 180-16-215(4) relating to students graduating from high school, shall not be deducted from the total program hours calculated.

(b) Grade nine option. Each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours. Each school district shall state which option is in use when providing compliance documentation to the superintendent of public instruction.

(7) Basis and means for determining compliance with basic skills and work skills percentage requirements.

(a) Each school district shall adopt a written policy and procedure for establishing the basis and means for determining and monitoring compliance with the basic skills and work skills percentages ~~((and))~~, the course requirements and instructional hour minimums as established by this section. Written documentation of such annual determinations and monitoring activities shall be maintained on file by each school district.

(b) Handicapped education programs, vocational-technical institute programs, state institution ~~((and))~~, state residential school programs and alternative education programs where students are provided access to the basic skills/work skills offered in the regular program, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-205 CLASSROOM TEACHER CONTACT HOURS REQUIREMENT. (1) Contact hours requirement—Definition. The average annual direct classroom contact hours for each average annual full-time equivalent certificated classroom teacher employed by a school district shall be no less than twenty-five hours per week. For the purpose of this section "classroom contact hours" shall mean those hours a certificated classroom teacher is instructing students in a classroom, exclusive of such time as the teacher spends for preparation, conferences, administrative duties, and any other non-classroom instruction duties.

(2) Classroom—Definition. For the purpose of this section, "classroom" shall mean those areas or spaces within or without a building, on or off a school campus, that are utilized by a certificated classroom teacher and his/her students for the conduct of planned instructional activities.

(3) Computation of FTE teachers. For the purpose of this section the "average annual full-time equivalent classroom teachers" of a school district shall be the sum of full-time and part-time teachers computed as follows:

(a) Full-time teachers. Each employee who is employed full-time for the regular instructional year exclusive of summer school, and who is assigned solely classroom instructional and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract shall be counted as one full-time equivalent classroom teacher regardless of his/her actual teaching load. No such employee shall be counted as more than one full-time equivalent classroom teacher: PROVIDED, That in the case of full-time employees of a school district that conducts a year round regular school program who are employed for a term in excess of the equivalent of the regular instructional year for individual students, such excess term of employment shall be counted as a portion of an additional full-time equivalent classroom teacher.

(b) Part-time teachers. Each part-time employee who is assigned classroom instructional duties solely or in part, and each full-time employee who is assigned both classroom instructional duties and non-classroom related duties (e.g., administrative duties, extracurricular instructional or supervisory duties, etc.) pursuant to his/her basic contract, shall be counted as a fractional full-time equivalent classroom teacher based upon the percentage of time he or she performs duties equivalent to the duties performed by a full-time employee who is assigned solely classroom instructional duties and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract.

(4) ~~((Computation of annual average direct classroom contact hour requirement. The number of average annual full-time equivalent classroom teachers employed by a school district and computed pursuant to subsection (3) of this section shall be divided into the sum of:~~

~~((a) The total number of hours (60 minutes each) within the regular instructional school year that such average annual full-time equivalent classroom teachers are scheduled to be in contact with and instructing students in a classroom (including those hours which would have been accrued but for the implementation of WAC 180-16-215(4), relating to students graduation from high school) divided by the quotient obtained by dividing the number of school days in the regular instructional year by five, plus~~

~~((b) At the discretion of each school district board of directors, up to two hundred minutes per average annual full-time equivalent classroom teacher for every five school days scheduled for the regular instructional year, for authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity;~~

~~The quotient shall not be less than twenty-five (hours))~~ Computation of annual average direct classroom contact hour requirement. A school district's compliance with the average annual contact requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional

record-keeping by classroom teachers as a means of accounting for contact hours shall not be required.

(a) For each teacher, count the actual number of minutes during the school week when the teacher has regularly scheduled responsibilities for the direct instruction of students. Direct teacher instructional contact time for the purposes of this requirement shall be that time between the start of the first regularly scheduled class and the end of the last regularly scheduled class including actual minutes scheduled in all regular classes, laboratories, study halls and the supervision of extended classrooms, work experience, outdoor education and other such programs.

(b) Time spent for lunch intermissions, class changes, recesses, planning/preparation, staff meetings, home visits, conferences, supervision of students in noninstructional activities (lunch duty, playground duty, hall duty, sports programs, student clubs and other activities not requiring student attendance or required for credit), and for specialist teachers (librarian, subject-matter specialist) when the teacher is free from instructional purposes (i.e., released from classroom responsibilities) shall not be countable time for the purpose of computing the teacher's direct instructional contact. This time is considered valuable and is covered under (e) of this subsection.

(c) The number of average annual full time equivalent classroom teachers employed by a school district and computed pursuant to subsection (3) of this section shall be divided into the total number of actual contact minutes within a normally scheduled instructional week, pursuant to (a) and (b) of this subsection, that such average annual full time equivalent classroom teachers are scheduled to be in contact with and instructing students in a classroom (including those hours which would have been accrued but for the implementation of WAC 180-16-215(4) relating to students graduating from high school.

(d) The quotient received by dividing the total number of actual contact minutes per week, for all average annual full time equivalent classroom teachers in the school district by the number of average annual full time equivalent classroom teachers shall be called the net average contact minutes per week for the average annual full time equivalent certificated classroom teacher in the school district.

(e) At the discretion of each school district board of directors, up to two hundred minutes per average annual full time equivalent classroom teachers for every five school days scheduled for the regular instructional year may be added to the net average contact minutes per week to accommodate for time spent in authorized parent-guardian/teacher conferences, recess, passing time between classes and informal instructional activity.

(f) The quotient received by dividing the net average contact minutes per week, including up to two hundred minutes to accommodate for time spent in authorized parent-guardian/teacher conferences, recess, passing time between classes and informal instructional activity, by sixty shall be the school district's average annual direct classroom contact hours per week for the average annual full time equivalent certificated classroom teacher in the school district.

(g) The average annual direct classroom contact hours per week shall not be less than twenty-five hours per week.

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-210 KINDERGARTEN THROUGH GRADE THREE STUDENTS TO CLASSROOM TEACHER RATIO REQUIREMENT. The ratio of the FTE students enrolled in a school district in kindergarten through grade three to kindergarten through grade three FTE classroom teachers shall not be greater than the ratio of the FTE students to FTE classroom teachers in grades four through twelve. For the purpose of this section "classroom teacher" shall mean any instructional employee who possesses a valid teaching certificate or permit issued by the superintendent of public instruction, but not necessarily employed as a certificated employee, and whose "primary" duty is the daily educational instruction of students.

(1) Computation of ratios. ((Student)) The FTE student to FTE classroom teacher ratios shall be computed as follows:

((a) $\frac{.5 \text{ kindergarten October 1 enrollment} + \text{October 1 enrollment grades 1-3}}{(+)\text{ FTE certificated employees whose "primary" duty is the daily instruction of pupils in grades K through 3}}$

(b) $\frac{\text{October 1 enrollment in grades 4 and above}}{(+)\text{ FTE certificated employees whose "primary" duty is the daily instruction of pupils in grades 4 and above}}$

((c)) (a) For the purpose of this section exclude that portion of the time teachers and students participate in vocationally approved programs, traffic safety and special education programs from the above computations (i.e., programs hereby deemed to be "special programs").

(b) Exclude preparation and planning times from the computations for all FTE classroom teachers.

((d)) (c) Include in the above computations only the time certificated employees are actually instructing students on a regularly scheduled basis. ((Exclude preparation and planning times from the above computation:))

(d) Calculations:

(i) $\frac{\text{The kindergarten FTE October enrollment plus the October FTE enrollment in grades 1-3}}{\text{divided by the FTE classroom teachers whose "primary" duty is the daily instruction of pupils in grades K through 3}}$

(ii) $\frac{\text{The October FTE enrollment in grades 4 and above}}{\text{divided by the FTE classroom teachers whose "primary" duty is the daily instruction of pupils in grades 4 and above}}$

(2) Exemptions. School districts that have a ratio of kindergarten through grade three FTE students to FTE classroom teachers of twenty-five to one or less, nonhigh school districts, and school districts that have a student enrollment of two hundred fifty or less in grades nine through twelve are exempt from the FTE students to FTE classroom teachers ratio requirement of this subsection.

AMENDATORY SECTION (Amending Order 1-81, filed 3/26/81)

WAC 180-16-220 SUPPLEMENTAL PROGRAM AND BASIC EDUCATION ALLOCATION ENTITLEMENT REQUIREMENTS. The following requirements, while not imposed by the "Basic Education Act of 1977," are hereby established by the state board of education as related supplemental conditions to a school district's entitlement to state basic education allocation funds.

(1) Student to certificated staff ratio requirement. The ratio of students enrolled in a school district to full-time equivalent certificated employees shall not exceed twenty-three to one: PROVIDED, That nonhigh school districts or school districts that have a student enrollment of two hundred fifty or less in grades nine through twelve may, as an alternative to the foregoing requirement, have a ratio of students to full-time equivalent certificated classroom teachers of twenty-six to one or less. For the purpose of this subsection, "certificated employees" shall mean those employees who are required by state statute or by rule of the state board of education, or by written policy of the school district to possess a professional education permit, certificate or credential issued by the superintendent of public instruction, as a condition to employment and "classroom teacher" shall be defined as in WAC 180-16-210 and the students to classroom teachers ratio shall be computed in accordance with WAC 180-16-210(1).

(2) Current and valid certificates. Every school district employee required by state statute and/or rule of the state board of education to possess a professional education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential.

(3) Student learning objectives. Each school district shall have implemented a program of student learning objectives in the areas of language arts, reading ((and)), mathematics, social studies, and physical education for grades kindergarten ((through eight and on or before September 1, 1981, for grades nine)) through twelve. On or before September 1, 1986, school districts shall have initiated implementation of the student learning objectives in all other course(s)/subject(s) taught in the K-12 common schools.

(a) Each school district must evidence community participation in defining the objectives of such a program.

(b) The student learning objectives of such program shall be measurable as to the actual student attainment. Student attainment shall be locally assessed annually.

(c) The student learning objectives program shall be reviewed at least every two years by the school district and give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.

(4) Other program requirements self evaluation. Each school district shall adopt a procedure to ensure awareness of and compliance with other program requirements, including provisions set forth in WAC 180-16-240.

AMENDATORY SECTION (Amending Order 3-83, filed 6/2/83)

WAC 180-16-225 WAIVER—SUBSTANTIAL LACK OF CLASSROOM SPACE—GROUNDS AND PROCEDURE. (1) Grounds. The state board of education may waive one or more of the basic education allocation entitlement requirements set forth in WAC 180-16-200 through 180-16-220(1) only if a school district's failure

to comply with such requirement(s) is found by the state board to be caused by substantial lack of classroom space.

As a condition to a waiver based on substantial lack of classroom space the state board will consider and a school district must demonstrate at least that the facilities of the school district do not contain enough classroom space or other space that can reasonably be converted into classroom space, and that necessary classroom space may not reasonably be acquired by lease or rental, to enable the district to comply with the referenced entitlement requirements.

(2) Waiver procedure. In order to secure a waiver pursuant to subsection (1) of this section a school district must submit a petition together with a detailed explanation and documentation in support of its request not later than thirty days prior to either:

(a) The state board of education meeting immediately preceding commencement of the school year; or

(b) The March (or such other meeting as the state board shall have established) meeting of the board at which the board will consider certifications of compliance and noncompliance with these entitlement requirements.

A school district that can reasonably foresee an inability to comply with entitlement requirements by reason of substantial lack of classroom space should petition for a waiver as early as the state board meeting immediately preceding commencement of the school year in order to allow for the possibility that the request may be denied.

(3) Nonwaiverable requirements. The certification and the student learning objectives requirements set forth in WAC 180-16-220 (2) and ~~((4))~~ (3) may not be waived for any reason.

~~((4)) Deviations from certain supplemental requirements. The state board may allow deviations from the participation in accreditation requirements set forth in WAC 180-16-220(3) for such reason(s) as the board deems reasonable.~~

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-240 (~~SUPPLEMENTAL PROGRAM STANDARDS~~) COMPLIANCE WITH OTHER PROGRAM REQUIREMENTS. (1) Each school district superintendent shall file each year a statement (~~of district standing relative to these standards noting any deviations~~) that, pursuant to WAC 180-16-220(4), the school district has adopted a procedure ensuring awareness of and compliance with other statutory requirements as specified in subsection (2) of this section. Such statement shall be (~~submitted at the same time as the annual basic education allocation entitlement program data report(s) required by WAC 180-16-195 is submitted~~) included as Part II of the annual basic education allocation entitlement program data report(s) required by WAC 180-16-195 and shall be submitted at the same time this annual report is submitted. Deviation from these (~~standards~~) requirements shall not result in the withholding of any (~~or all~~) of a district's basic education allocation funds (~~however~~). The deviations shall be made available to the public separately or as a portion of the annual district guide published pursuant to RCW 28A.58.758(3) and this section.

(2) (~~Supplemental program standards~~) Other program requirements are as follows:

(a) Appropriate measures are taken to safeguard all student and school district permanent records against loss or damage. See, e.g., RCW 40.14.070 regarding the preservation and destruction of local government agency records.

(b) Provision is made for the supervision of instructional practices and procedures.

(c) Current basic instructional materials are available for required courses of study.

(d) A program of guidance, counseling and testing services is maintained for students in all grades offered by that school district.

(e) A learning resources program is maintained pursuant to chapter 180-46 WAC and WAC 392-190-055, each as now or hereafter amended.

(f) The physical facilities of each district are adequate and appropriate for the educational program offered.

(g) There is adequate provision for the health and safety of all pupils within the custody of the school district. See, e.g., RCW 28A.04.120(11) regarding emergency exit instruction and drills and the rules or guidelines implementing the statute; the building code requirements of chapter 19.27 RCW and local building and fire code requirements; chapter 70.100 RCW regarding eye protection and the rules or guidelines implementing the chapter; RCW 28A.31.010 regarding contagious diseases and the rules, chapters 248-100 and 248-101 WAC, implementing the statute; RCW 43.20.050 regarding

environmental conditions in schools and the rules, chapter 248-64 WAC, implementing the statute; and local health codes.

(h) A current policy statement pertaining to the administration and operation of the school district is available in each district's administrative office including, but not limited to, policies governing the school building and classroom visitation rights of nonstudents.

(i) Chapters 49.60 and 28A.85 RCW are complied with. These statutes prohibit unequal treatment of students on the basis of race, sex, creed, color, and national origin in activities supported by common schools.

(j) A descriptive guide to the district's common schools is published annually by the school district's board of directors, pursuant to RCW 28A.58.758(3), and is made available at each school in the district for examination by the public.

(k) Within each school, the school principal has determined that appropriate student discipline is established and enforced. The school principal has conferred with the certificated employees in the school building in order to develop and/or review building disciplinary standards and the uniform enforcement of those standards, pursuant to RCW 28A.58.201.

(l) Written high school graduation requirements and rules have been adopted by the school district board of directors in accordance with chapter 180-56 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-16-003 AUTHORITY FOR RULES.

WSR 84-08-052

EMERGENCY RULES

UNIVERSITY OF WASHINGTON

[Order 84-2—Filed April 3, 1984]

I, William P. Gerberding, President of the University of Washington, do promulgate and adopt at Seattle, Washington, the annexed rules relating to parking fees at the University of Washington.

Authority to issue this emergency rule is delegated to the president by the standing orders of the board of regents, as contained in Volume I, Chapter 1(2) of the University Handbook.

I, William P. Gerberding, find that an emergency exists and that this 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 the emergency is in compliance with RCW 82.08.010, the University of Washington, as a state institution, must immediately impose the collection of the Washington State sales tax on all revenues generated by parking fees on its campus. This order supersedes WSR 84-04-090, filed February 1, 1984, and is issued to provide sufficient time to complete formal internal procedures required to process a permanent WAC revision.

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

This rule is promulgated pursuant to RCW 82.08.010 and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19

RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 2, 1984.

By William P. Gerberding
President

AMENDATORY SECTION (Amending Order 82-1, filed 6/23/82)

WAC 478-116-600 FEES. (1) For purposes of this section the following lots are in:

- (a) Zone A -
 - (i) Central campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18;
 - (ii) East campus: E3, E6, E7, E8, E13;
 - (iii) North campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28, N2E;
 - (iv) South campus: S1, S4, S5, S6, S7, S8, S9, S10;
 - (v) West campus: W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W19, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42.
- (b) Zone B -
 - (i) East campus: E2, E9, E10, E11, E12, E15;
 - (ii) North campus: N1, N5, N25;
 - (iii) South campus: S13;
 - (iv) West campus: W2, W26, W27, W28, W29, W30, W31, W32, W33, W35, W36, W38, W40, W43.

(2) The following schedule of parking fees is hereby established:

	PER	AMOUNT
(a) Type of Permit -		
(i) Annual Permits:		
(A) Zone A Permits	Year	((\$156.00)) \$168.00
(B) Zone B Permits	Year	((114.00)) 122.88
(C) Reserved - General	Year	((300.00)) 324.00
(D) Wheelchair permits	Year	((114.00)) 122.88
(E) Motorcycles, Scooters and Mopeds	Year	((24.00)) \$25.92
(F) Drive-through permits (Full-time Faculty and Staff only)	Year	((6.00)) 6.48
(G) 24-hour storage, garages	Year	((180.00)) 194.40
(H) Carpool Permits	Year	((24.00)) 25.92
(ii) Quarterly Permits:		
(A) Zone A permits	Quarter	((39.00)) 42.00
(B) Zone B permits	Quarter	((28.50)) 30.72
(C) Reserved - General	Quarter	((75.00)) 81.00

	PER	AMOUNT
(D) Wheelchair permits	Quarter	((28.50)) 30.72
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter	((2.00)) 2.16
(F) Motorcycles, Scooters and Mopeds	Quarter	((6.00)) 6.48
(G) 24-hour storage, garages	Quarter	((45.00)) 48.60
(H) Carpool Permits	Quarter	((6.00)) 6.48
(iii) Night Permits (4:00 p.m. to 7:30 a.m. and Saturday a.m. only)		
(A) Zone A annual permits	Year	((72.00)) 78.00
(B) Zone B annual permits	Year	((42.00)) 45.60
(C) Zone A quarterly permits	Quarter	((18.00)) 19.50
(D) Zone B quarterly permits	Quarter	((10.50)) 11.40
(iv) Academic Year Permits (9 months - 24-hour Storage)		
(A) Zone A	Academic year	((117.00)) 126.00
(B) Zone B	Academic year	((85.50)) 92.16
(C) 24-hour storage-garages	Academic year	((135.00)) 145.80
(b) Hourly Parking Rates for Designated Areas on Main campus and South Campus (6:45 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		\$.75
(iii) to 1 hour		1.00
(iv) 1 hour to 2 hours		1.50
(v) 2 hours to 3 hours		1.75
(vi) over 3 hours		((2.00)) 2.25
(vii) gate issued	Week	((6.00)) 6.50
((6.50)) (c) Hourly Parking Rates for Designated Areas on the Periphery of Campus		

	PER	AMOUNT
(6:45 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 1 hour		.50
(iii) 1 hour to 2 hours		1.00
(iv) over 2 hours		(1.25) <u>1.35</u>
((f)) (d) Evening Parking (4:00 p.m.-12:00 midnight)		
(i) 0-15 minutes	No charge	
(ii) 15-30 minutes		.50
(iii) over 30 minutes		1.00
((f)) (e) Special Permits -		
(i) Short term	Week	(4.00) <u>4.30</u>
(ii) Short-term Motorcycle	Day	(.35) <u>.40</u>
(iii) Ticket Books (persons identified in WAC 478-116-240(6) and 478-116-250(1) only)		
(A) 5 ticket book - Dept./Indv.		(3.25) <u>3.50</u>
(B) 10 ticket book - Dept./Indv.		(6.50) <u>7.00</u>
(C) 25 ticket book - Dept./Indv.		(16.25) <u>17.50</u>
(iv) Steno Person (SP) and Special Services (SS)	Year	(156.00) <u>168.00</u>
	Quarter	(39.00) <u>42.00</u>
((f)) (f) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)		.10-.75
((f)) (g) Athletic Events -		
(i) Football		
(A) Automobiles		(2.00) <u>2.25</u>
(B) Motor homes		(4.00) <u>4.30</u>
(C) Buses		(6.00) <u>6.50</u>
(ii) All other events - Pavilion and Stadium lots		
(A) When staffed by attendants		1.50
(B) When controlled by mechanical equipment (E1-only)		.50

	PER	AMOUNT
((g)) (h) Miscellaneous Fees -		
(i) Transfer from one area to another by request of individual		2.00
(ii) Gate keycard replacement - not to exceed		(5.00) <u>5.40</u>
(iii) Vehicle ((Gatekey)) gate keycard deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division.)	Not to exceed	10.00
(iv) Permit Replacement		
(A) With signed certificate of destruction or theft		(1.00) <u>1.10</u>
(B) Without certificate of destruction or theft		(2.00) <u>2.15</u>
(v) Impound Fee		At cost
(vi) Carpools - (Daily pay parking in certain designated areas. Two or more persons.)		(.25-.50) <u>.25-.55</u>

WSR 84-08-053
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 84-05]

1984 COASTAL SALMON LICENSE FEES

The vitality of the fishing industry is the state of Washington is a matter of public importance and significance. Environmental conditions in 1983, most notably the warm water currents which swept the West Coast, were found to dramatically alter the survival and migration patterns of ocean salmon stocks upon which the ocean salmon fishing industry depends.

Statistics indicate that 1983 incomes throughout the ocean fishery were less than 10 percent of average. Fisheries managers are forced by the needs of resource conservation to consider ocean harvest levels in 1984 that are dramatically lower than 1983's severely depressed levels.

The unanticipated decline in gross revenue that occurred in 1983 and the unavoidable further reduction inevitable in 1984 have caused economic dislocations of major proportions in the state of Washington.

In order to promote the economic well-being of the state and the ocean fishing industry, it is desirable for the

state of Washington to take actions intended to mitigate impacts affecting the ocean fishing industry.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, find that the dramatic decline in income from ocean fishing to the harvesting industry constitutes a statewide public disaster affecting life, health, property, or the public peace. Therefore, I do hereby proclaim a state of emergency and order and direct the following:

- A. The director of the Department of Fisheries to favorably consider the voluntary request of a valid 1984 commercial troll or salmon charter vessel license holder that his or her license be suspended in 1984;
- B. The Director of the Department of Fisheries to issue in 1985 valid commercial troll and charter licenses and angler permits to persons who otherwise would be eligible for them in 1985 but for failure to catch and land a food fish from his or her vessel in 1984;
- C. The Director of the Department of Fisheries to place such revenues into the undistributed receipts account as are necessary to refund the license fees of those electing to participate in the program implemented pursuant to this order;
- D. The Director of the Department of Fisheries to inform interested commercial salmon fishermen of this order and procedures for its implementation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30th day of March, nineteen hundred and eighty-four.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 84-08-054
NOTICE OF PUBLIC MEETINGS
BOARD FOR
COMMUNITY COLLEGE EDUCATION
 [Memorandum—April 2, 1984]

The Washington State Board for Community College Education, by resolution adopted March 29, 1984, wishes to amend its memorandum of November 30, 1983,

and WSR 83-24-040 to establish May 3-4 as the dates for its regular meeting to be held at Yakima Valley Community College. This meeting was originally scheduled for May 2-3, 1984.

WSR 84-08-055
RULES OF COURT
STATE SUPREME COURT
 [April 2, 1984]

IN THE MATTER OF THE
ADOPTION OF AMENDMENTS
TO JCrR 3.08

NO. 25700-A-353
ORDER

The Washington State Magistrates' Association having recommended the adoption of amendments to JCrR 3.08 and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice; Now, therefore it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
 - (b) That pursuant to the emergency provisions of GR 9(i), the amendments are to be published expeditiously in the Washington Reports and shall become effective on April 13, 1984.
- DATED at Olympia, Washington, this 2nd day of April, 1984.

William H. Williams

Hugh J. Rosellini	James M. Dolliver
Charles F. Stafford	Fred H. Dore
Robert F. Utter	Carolyn R. Dimmick
Robert F. Brachtenbach	Vernon R. Pearson

RULE 3.08 TIME FOR TRIAL

- (a.) RESPONSIBILITY OF COURT. It shall be the responsibility of the court to ensure a trial in accordance with this rule to each person charged with having committed a crime.
- (b.) PRECEDENCE OVER CIVIL CASES. Criminal trials shall take precedence over civil trials.
- (c.) TIME FOR ARRAIGNMENT AND TRIAL.
- (1.) CASES FILED IN COURT. If the defendant is detained in jail or subject to conditions of release, the defendant shall be arraigned not later than 15 days after the date the complaint is filed in court. If the defendant is not detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 15 days after that appearance in court which next follows the

filing of the complaint or citation. A defendant not released from jail pending trial shall be brought to trial not later than 60 days after the date of arraignment. A defendant released from jail whether or not subjected to conditions of release pending trial shall be brought to trial not later than 90 days after the date of arraignment.

(2.) RESERVED.

(3.) CASES FILED INITIALLY IN JUVENILE COURT. If a complaint or citation is filed with the court after a juvenile court has declined jurisdiction, and if at the time the complaint or citation is filed the defendant is detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 15 days after the date the complaint or citation is filed. If a complaint or citation is filed with the court after a juvenile court has declined jurisdiction, and if at the time the complaint or citation is filed the defendant is not detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 15 days after the appearance in court which next follows the filing of the complaint or citation. A defendant not released from jail pending trial in court shall be brought to trial not later than 60 days after the date of arraignment. A defendant released from jail whether or not subjected to conditions of release shall be brought to trial not later than 90 days after the date of arraignment.

(4.) UNTIMELY ARRAIGNMENT. If a defendant is not arraigned within the time limits of this rule and an objection to the date of arraignment has been made as required by section (e) of this rule, the time for trial established in this section shall commence on the last day the defendant could properly have been arraigned.

(5.) REARRAIGNMENT. If a defendant is required to be rearraigned on a charge that arises out of the same occurrence and has the same elements of proof as those upon which the defendant was previously arraigned, the time for trial established in this section shall commence on the date of the previous arraignment.

(6.) ARRAIGNMENT DEFINED. As used in JCrR 3.08, "Arraignment" shall be defined as in JCrR Chapter 3.

(d.) EXTENSIONS OF TIME FOR TRIAL. The following extensions of time limits apply notwithstanding the provisions of section (c).

(1.) REVOCAION OF RELEASE. A defendant who has been released from jail pending trial, pursuant to an order imposing conditions of release, but whose release is then revoked

by order of the court, shall be brought to trial within such a time period that the defendant spends no more than a total of 60 days in jail following the date of arraignment, and in any event within such a time period that the defendant is tried not later than a total of 90 days after the date of arraignment unless the time period is otherwise extended by this rule.

(2.) FAILURE TO APPEAR. When a defendant who has already been arraigned fails to appear for any trial or pretrial proceeding at which the defendant's presence is required, the defendant shall be brought to trial not later than 60 days after the date upon which the defendant is present in the county where the criminal charge is pending and the defendant's presence has been made known to the court on the record, if the defendant is thereafter detained in jail or not later than 90 days after such date if the defendant is not detained in jail whether or not the defendant is thereafter subjected to conditions of release.

(3.) MISTRIAL AND NEW TRIAL. If before verdict the court orders a mistrial, the defendant shall be brought to trial not later than 60 days after the oral or written order of the court whichever first occurs, if the defendant is thereafter detained in jail or not later than 90 days after the order if the defendant is not detained in jail and whether or not the defendant is subjected to conditions of release. If after verdict the court orders a new trial, the defendant shall be brought to trial not later than 60 days after entry of the oral or written order of the court if the defendant is thereafter detained in jail, or not later than 90 days after entry of such order if the defendant is not detained in jail whether or not the defendant is thereafter subjected to conditions of release.

(4.) RETRIAL AFTER APPELLATE REVERSAL. If an appellate court orders a new trial, the defendant shall be brought to trial not later than 60 days after that appearance in court which next follows receipt by the clerk of the court of the mandate or other written order, if after such appearance the defendant is detained in jail, or not later than 90 days after such appearance if the defendant is thereafter released whether or not subject to conditions of release.

(5.) CHANGE OF VENUE. If a change of venue has been granted, the case shall be transferred to the receiving court as soon as practicable but within 7 days and the defendant shall be brought to trial as prescribed by this rule or not later than 30 days following the date upon which the court to

which the case is being transferred for trial receives the filing of the case, whichever is later. If, however, after a change of venue is attempted, the criminal calendar of the receiving county will prevent compliance with the time limits within this section, the trial shall commence on the earliest available date permitted.

- (6.) DISQUALIFICATION. If the prosecuting attorney or judge becomes disqualified from participating in the case, the defendant shall be brought to trial as prescribed by this rule or not later than 30 days following the disqualification, whichever is later.
- (7.) WITHDRAWAL OF GUILTY PLEA. If a defendant has been permitted to withdraw a plea of guilty, the defendant shall be brought to trial not later than 60 days after the date of the written order allowing withdrawal of the guilty plea if the defendant is thereafter detained in jail or not later than 90 days if the defendant is thereafter released from jail, whether or not subjected to conditions of release.
- (8.) FIVE DAY EXTENSIONS. When a trial is not begun on the date set because of unavoidable or unforeseen circumstances beyond the control of the court or the parties, the court, even if the time for trial has expired, may extend the time within which trial must be held for no more than 5 days exclusive of Saturdays, Sundays or holidays unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension. If the nature of the unforeseen or unavoidable circumstance continues, the court may extend the time for trial in increments of not to exceed 5 days exclusive of Saturdays, Sundays or holidays unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension.
- (e.) OBJECTION TO ARRAIGNMENT DATE-WAIVER OF OBJECTION. A party who objects to the date of arraignment on the ground that it is not within the time limits prescribed by this rule must state the objection to the court at the time of the arraignment. If the court rules that the objection is correct, it shall establish and announce the proper date of arraignment pursuant to section (c) of this rule, and the time for trial set out in section (c) shall be deemed to have commenced on that date. Failure of a party to object as required shall be a waiver of the objection, and the date of

arraignment shall be conclusively established as the date upon which the defendant was actually arraigned.

- (f.) SETTING OF TRIAL DATE-NOTICE TO PARTIES-OBJECTION TO TRIAL DATE-WAIVER.
- (1.) The court shall, within 15 days of the defendant's actual arraignment in court, set a date for trial which is within the time limits prescribed by this rule, and notify counsel for each party of the date set. If a party is not represented by counsel, the notice shall be given to the party, and may be mailed to the party's last known address. The notice shall set forth the proper date of the defendant's arraignment as established at the time of arraignment, and the date set for trial. A party who objects to the date set upon the ground that it is not within the time limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set a trial within those time limits. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a trial commenced on such date, or on an extension of such date properly granted pursuant to this rule, is not within the time limits prescribed by this rule.
- (2.) When the court determines that the trial date should be reset for any reason, including but not limited to the applicability of a period of extension pursuant to section (d) or a period of exclusion pursuant to section (g), the court shall set a new date for trial which is within the time limits prescribed and notify each counsel or party of the date set as provided in subsection (f)(1). A party who objects to the date set on the ground that it is not within the time limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set a trial date within those time limits. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a trial commenced on such a date, or on any extension of such date granted pursuant to subsection (d)(8), is not within the time limits prescribed by this rule.
- (g.) EXCLUDED PERIODS. The following periods shall be excluded in computing the time for arraignment and the time for trial.
- (1.) All proceedings relating to the competency of a defendant to stand trial, terminating when the court enters an order finding the defendant to be competent.

- (2) Preliminary proceedings and trial on another charge except as otherwise provided by JCrR 3.08 (c)(5).
- (3.) Delay granted by the court pursuant to section (h).
- (4.) The time between the dismissal of a charge and the defendant's arraignment or re-arraignment in court following the re-filing of the same charge.
- (5.) Delay resulting from a stay granted by an appellate court.
- (6.) The time during which a defendant is detained in jail or prison outside the county in which the defendant is charged or in a federal jail or prison and the time during which a defendant is subjected to conditions of release not imposed by a court of the State of Washington.
- (7.) All proceedings in juvenile court.
- (h.) CONTINUANCES. Continuances or other delays may be granted as follows:
 - (1.) Upon written agreement of the parties which must be signed by the defendant or all defendants. The agreement shall be effective when approved by the court on the record or in writing.
 - (2.) On motion of the state, the court or a party, the court may continue the case when required in the administration of justice and the defendant will not be substantially prejudiced in the presentation of his or her defense. The motion must be filed on or before the date set for trial or the last day of any continuance or extension granted pursuant to this rule. The court must state on the record or in writing the reasons for the continuance.
 - (i.) DISMISSAL WITH PREJUDICE. A criminal charge not brought to trial within the time period provided by this rule shall be dismissed with prejudice.

WSR 84-08-056
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 3, 1984]

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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

These rules were adopted on an emergency basis on March 30, 1984;

that the agency will at 10:00 a.m., Wednesday, May 23, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 30, 1984.

The authority under which these rules are proposed is RCW 74.46.800.

The specific statute these rules are intended to implement is chapter 74.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 23, 1984.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by May 9, 1984. The meeting site is in a location which is barrier free.

Dated: April 2, 1984

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amend chapter 388-96 WAC.

The Purposes of the Rule Changes and New Rules: WAC 388-96-010 amended to include new definitions of Medicaid cost reimbursement terms provided in chapter 74.46 RCW; WAC 388-96-032 amended to authorize acceptance of assignment of funds as security for Medicaid overpayments; WAC 388-96-113 amended to clarify that both chapter 388-96 WAC and instructions issued by the department must be followed in submitting cost reports and that overhead costs must be consistently allocated; WAC 388-96-122 amended to establish that amendments to cost reports cannot be submitted after notification of field audits is received; WAC 388-96-204 amended to establish criteria for instituting field audits; WAC 388-96-502 new to establish that indirect and overhead costs associated with non-reimbursable services are not reimbursable; WAC 388-96-508 new to limit travel expenses of members of trade associations boards of directors; WAC 388-96-509 new to include fees of members of the boards of directors of corporate contractors within limits on administrative compensation and expense; WAC 388-96-525 amended to limit out-of-state travel for education and training; WAC 388-96-533 amended to clarify that vacation and sick time is to be included in determining reimbursable compensation for part-time administrative personnel and that time records for administrative personnel must verify actual hours of service; WAC 388-96-580 new to

authorize reimbursement of arm's-length operating leases; WAC 388-96-585 amended to disallow travel expenses outside neighboring states and to disallow trade association dues associated with legal action against the department. Beginning in 1985, to disallow lease and interest costs; WAC 388-96-719 amended to authorize granting exceptions to computation of rates at the eighty-fifth percent occupancy level if actual occupancy falls below this level; WAC 388-96-721 new to establish priorities in setting rates based upon dates correct and complete cost reports are received; WAC 388-96-750 amended to clarify that accounts receivable, and other assets resulting from the UNH II and UNH III court actions are not includable in return on equity; WAC 388-96-761 new to clarify that off-premises assets shall not be included in return on equity or in property reimbursement; WAC 388-96-762 new to limit the amount of land to be included in return on equity; WAC 388-96-764 new to authorize reimbursement of the wages of activities assistants; WAC 388-96-765 new to authorize reimbursement for ancillary care if other payment sources are exhausted; and WAC 388-96-767 new to establish the basis for lessor's historical cost of leased assets

The Reason These Rule Changes and New Rules are Necessary: To publish audit rules applying to 1983 and 1984, prior to March 31, 1984 as required by RCW 74.46.105(9).

Statutory Authority: RCW 74.09.120.

Summaries of the New Rules and Changes: WAC 388-96-010 defines "ancillary care," "fair market value," "net book value," "net invested funds," "professional real estate appraiser," "qualified therapist," and "related organizations"; WAC 388-96-032 allows an assignment of funds to be accepted as security for Medicaid overpayments; WAC 388-96-113 requires cost reports to comply with chapter 388-96 WAC and instructions issued by the department; WAC 388-96-122 requires amendments of the cost reports to be submitted prior to notification of field audit; WAC 388-96-204 established rules to be followed by the department in selecting facilities for field audit; WAC 388-96-502 disallows indirect and overhead costs associated with nonreimbursable services; WAC 388-96-508 limits travel expenses of members of trade association board of directors to one meeting per month; WAC 388-96-509 subjects board of directors fees to overall limits of management and administrative compensation and expense; WAC 388-96-525 limits expenses of travel associated with education and training to Idaho, Oregon, Washington and British Columbia; WAC 388-96-533 includes vacation and sick time in determining allowable compensation for part-time administrative personnel and requires time records to verify actual hours of service; WAC 388-96-580 allows reimbursement of the costs of arm's-length operating leases; WAC 388-96-585 disallows trade association dues in connection with legal action against the department and travel expenses outside neighboring states. Disallows lease and interest costs beginning in 1985; WAC 388-96-719 allows exceptions to be granted to the rule that rates must be computed at

the eighty-fifth percent occupancy level or higher; WAC 388-96-721 allows rates to be set first for facilities submitting timely, correct and complete cost reports; WAC 388-96-750 disallows UNH II and UNH II assets and accounts receivable for the purpose of payment a return on equity; WAC 388-96-761 disallows off-premises assets for purposes of return on equity and property reimbursement; WAC 388-96-762 limits land to be included in net equity for a return to one acre in a standard metropolitan area and three acres outside such an area; WAC 388-96-764 allows reimbursement of the wages of activities assistants employed by nursing homes; WAC 388-96-765 allows reimbursement of ancillary care if other payment sources are exhausted; and WAC 388-96-767 limits basis of lessor's historical cost of leased assets to the appraised value unless subsequent documentation indicates a cost lower than the appraised value.

Person Responsible for Drafting, Implementing and Enforcing the Rules: Mike Wills, Manager, Rate Management Program, Bureau of Nursing Home Affairs, Mailstop OB-31, Phone: (206) 753-3477, scan: 234-3477.

These rules are proposed by DSHS.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

Economic Impact on Small Businesses: The above-described amendments are expected to have no significant financial impact on nursing homes, whether classified as small businesses or not.

Emergency Adoption Justification: The new rules and changes must be adopted on an emergency, as well as, permanent basis in order to be effective on or before March 31, 1984 as required by RCW 74.46.105(9). Substantial and necessary improvements in services to nursing home Medicaid contractors will result from adoption of the new rules and amendments.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accounting" - Activities providing information, usually quantitative and often expressed in monetary units, for decision-making, planning, evaluating performance, controlling resources and operations, and external financial reporting to investors, creditors, regulatory authorities, and the public.

(2) "Accrual method of accounting" - A method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

(3) "Administration and management" - Activities employed to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

(4) "Allowable costs" - See WAC 388-96-501.

(5) "Ancillary care" - Services required by the individual, comprehensive plan of care provided by qualified therapists.

(6) "Appraisal" - The process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). Appraisal includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

((66)) (7) "Arm's-length transaction" - A transaction resulting from good-faith bargaining between a buyer and seller who are unrelated and have adverse bargaining positions in the ((market-place)) marketplace. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

((77)) (8) "Assets" - Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. "Assets" also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles.

((88)) (9) "Bad debts" - Amounts considered to be uncollectable from accounts and notes receivable.

((99)) (10) "Beds" - Unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

((100)) (11) "Beneficial owner" - Any person who:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (4) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subsection ((100))(11)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (11)(b) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

((111)) (12) "Capitalization" - The recording of an expenditure as an asset.

((122)) (13) "Capitalized lease" - A lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

((133)) (14) "Cash method of accounting" - A method of accounting in which revenues are recognized only when cash is received, and

expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

((144)) (15) "Change of ownership" - A change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(a) Events which change ownership include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home enterprise is transferred by the contractor to another party;

(iii) The nursing home enterprise is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs which dissolves the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating decisions;

(ii) If the contractor is a corporation, some or all of its stock is transferred.

((155)) (16) "Charity allowances" - Reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

((166)) (17) "Contract" - A contract between the department and a contractor for the delivery of SNF or ICF services to medical care recipients.

((177)) (18) "Contractor" - An entity which contracts with the department to deliver care services to medical care recipients in a facility and which entity is responsible for operational decisions.

((188)) (19) "Courtesy allowances" - Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

((199)) (20) "CSO" - The local community services office of the department.

((200)) (21) "Department" - The department of social and health services (DSHS) and employees.

((211)) (22) "Depreciation" - The systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

((222)) (23) "Donated asset" - An asset which the contractor acquired without making any payment for the asset in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

((233)) (24) "Entity" - An individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

((244)) (25) "Equity capital" - Total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

((255)) (26) "Exceptional care recipient" - A medical care recipient determined by the department to require exceptionally heavy care.

((266)) (27) "Facility" - A nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

((277)) (28) "Fair market value" - Prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell. Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is being determined.

((288)) (29) "Financial statements" - Statements prepared and presented in conformity with generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((29))~~ (30) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

~~((30))~~ (31) "Generally accepted accounting principles" – Accounting principles approved by the financial accounting standards board (FASB).

~~((31))~~ (32) "Generally accepted auditing standards" – Auditing standards approved by the American institute of certified public accountants (AICPA).

~~((32))~~ (33) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired. Also, the excess of the price paid for an asset over the fair market value of the asset.

~~((33))~~ (34) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

~~((34))~~ (35) "ICF" – When referring to a nursing home, an intermediate care facility. When referring to a level of care, intermediate care. When referring to a patient, a patient requiring intermediate care.

~~((35))~~ (36) "Imprest fund" – A fund which is regularly replenished in exactly the amount expended from it.

~~((36))~~ (37) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

~~((37))~~ (38) "Intermediate care facility" – A licensed facility certified to deliver intermediate care services to medical care recipients.

~~((38))~~ (39) "Joint facility costs" – Any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

~~((39))~~ (40) "Levels of care" – The classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

~~((40))~~ (41) "Medical care program" – Medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((41))~~ (42) "Medical care recipient" – An individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((42))~~ (43) "Multiservice facility" – A facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

(44) "Net book value" – The historical cost of an asset less accumulated depreciation.

(45) "Net invested funds" – The net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year. Assets associated with central or home offices or otherwise not on the nursing home premises are not included in net invested funds.

~~((43))~~ (46) "Nonallowable costs" – Same as "unallowable costs."

~~((44))~~ (47) "Nonrestricted funds" – Funds which are not restricted to a specific use by the donor, e.g., general operating funds.

~~((45))~~ (48) "Nursing home" – A home, place, or institution, licensed in accordance with chapter 18.51 RCW, in which skilled nursing and/or intermediate care services are delivered.

~~((46))~~ (49) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((47))~~ (50) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

~~((48))~~ (51) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((49))~~ (52) "Patient day" – A calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he or she is assigned a bed and a patient medical record is opened.

~~((50))~~ (53) "Per diem (per patient day) costs" – Total allowable costs for a fiscal period divided by total patient days for the same period.

(54) "Professionally designated real estate appraiser" – An individual regularly engaged in the business of providing real estate valuation services for a fee, and deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examination on valuation practice and theory, and, by virtue of membership in such organization, required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((51))~~ (55) "Prospective daily payment rate" – The rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

(56) "Qualified therapist":

(a) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional, either a qualified therapist or a therapist, approved by the department having specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker graduated from a school of social work;

(f) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; or

(h) An occupational therapist graduated from a program in occupational therapy or having the equivalent of such education or training.

~~((52))~~ (57) "Recipient" – A medical care recipient.

~~((53))~~ (58) "Records" – Those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, invoices, schedules, summaries, and transaction documentation, however such data are maintained.

~~((54))~~ (59) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

~~((55))~~ (60) "Related care" – Includes the director of nursing services, activities and social services programs, medical and medical records specialists, and consultation provided by medical directors, pharmacists, occupational, physical, speech, and other therapists, and mental health professionals as defined in law and regulation.

~~((56))~~ (61) "Related organization" – An entity (~~which, to a significant extent, is~~) under common ownership and/or control with, or which has control of or is controlled by, the contractor. ~~(An entity is deemed to "control" another entity)~~ Common ownership exists if ~~(the)~~ an entity has a five percent or greater beneficial ownership interest in ~~(the other, or if the entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other)~~ the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

~~((57))~~ (62) "Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; stepparent, stepchild, stepbrother, stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

~~((58))~~ (63) "Restricted fund" – A fund for which the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. These generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

~~((59))~~ (64) "Secretary" – The secretary of the department of social and health services (DSHS).

~~((60))~~ (65) "Skilled nursing facility" – A licensed facility certified to deliver skilled nursing care services to medical care recipients.

~~((61))~~ (66) "SNF" – When referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

~~((62))~~ (67) "Start-up costs" – The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

~~((63))~~ (68) "Title XIX" – The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

~~((64))~~ (69) "Unallowable costs" – Costs which do not meet every test of an allowable cost.

~~((65))~~ (70) "Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

~~((66))~~ (71) "Vendor number" – A number assigned to each contractor delivering care services to medical care recipients.

~~((67))~~ (72) "Working capital" – Total current assets (~~which are~~) necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities (~~which are~~) necessary, ordinary, and related to patient care from the most recent cost report.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-032 TERMINATION OF CONTRACT. (1) When a contract is terminated for any reason, the old contractor shall submit final reports in accordance with WAC 388-96-104. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final annual report, an audit has been completed by the department, and final settlement has been determined, such settlement to be issued within ninety days following completion of the audit process.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor, after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with WAC 388-96-904, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a reputable bonding company and acceptable to the department is filed by the contractor. The bond shall:

- Be in an amount equal to the released payment;
- Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;
- Provide that the full amount of the bond shall be paid to the department if a properly completed final annual report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the department's auditors; and
- Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) The department may accept an assignment of funds if the assignment meets the requirements of subsection (3) of this section.

(5) If a contract is terminated solely in order for the same owner to contract with the department to deliver SNF or ICF services to a different class of medical care recipients at the same nursing home, the contractor is not required to submit final reports, and payment for the final thirty days will not be withheld.

~~((6))~~ (6) When a contract is terminated, any accumulated liabilities which are assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All reports shall be legible, reproducible, and shall be submitted in original. All entries must be typed or completed in black or dark blue ink.

(2) Reports shall be completed in accordance with the provisions of this chapter, the state of Washington nursing home accounting and reporting manual, and such instructions (provided) as may be issued by

the department from time to time. If no specific regulation, manual provision, or instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy and generally accepted accounting principles are followed.

(4) Methods of allocating costs, including indirect or overhead costs, shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the contractor shall provide to the department a written schedule which specifies the way in which the contractor's individual account numbers correspond to the department's chart of accounts. Records shall be available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes as provided in subsection (5) of this section or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

AMENDATORY SECTION (Amending Order 1808, filed 5/14/82)

WAC 388-96-122 AMENDMENTS TO REPORTS. (1) For purposes of computing a settlement, an amendment to an annual report shall be filed if significant errors or omissions are discovered prior to the ((commencement of)) receipt by the provider of the notification scheduling the department's field audit. In order to determine the date of receipt, all notifications scheduling field audits shall be sent by registered mail, return receipt requested. Errors or omissions shall be deemed "significant" if the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only those pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department may refuse to consider an amendment resulting in a more favorable settlement to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question. Amendments may be submitted for purposes of adjusting reimbursement rates in accordance with WAC 388-96-769; however, use in this regard does not mean an amendment will be used for settlement purposes in the absence of conditions specified in this subsection.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-204 FIELD AUDITS. (1) All cost reports for calendar year 1982 shall be field audited by the department.

(2) Cost reports for years subsequent to 1982 may be field audited by auditors employed by or under contract with the department.

(3) Beginning with field audits for calendar year 1983, up to one hundred percent of submitted contractor cost reports and patient care trust fund accounts shall be audited.

(4) Each facility will be audited at least once every three years.

(5) Beginning with cost reports for calendar year 1983, facilities selected for audit shall be notified within one hundred twenty days after submission of a complete and correct cost report of the department's intent to audit.

(6) Regarding submitted contractor cost reports, all facilities meeting the following conditions will be audited:

(a) Facilities terminating their contracts with the department to provide Medicaid services will be audited when the audits are conducted for the calendar year in which the contract is terminated. Schedule preference will be given to conduct closing audits as soon as possible;

(b) Facilities contracting in any given calendar year shall be audited for that partial or full year, and facilities contracting for the first time shall be audited annually for the first two full calendar years;

(c) Facilities whose last completed audit had an audit adjustment of five thousand dollars or more in expenses, twenty thousand dollars or more in equity, one thousand dollars or more in revenue/interim payments and/or fifty days or more in total patient days shall be audited;

(d) Facilities under investigation by the Internal Revenue Service, Securities Exchange Commission, Department of Health and Human Services, Medicaid fraud control unit, or any other federal, state, or municipal agency for alleged fiscal and/or patient account impropriety shall be audited for the year during which such investigation is commenced, for each year the investigation is continued, for the year during which the investigation is concluded, and for two full calendar years following the year the investigation is terminated;

(e) Facilities whose costs in one or more cost centers for the current year exceeds the industry average by one standard deviation, facilities whose costs in one or more cost centers exceeds inflation increases for the year in question, facilities with questionable costs in excess of ten thousand dollars, if requested by the manager, rate management program, bureau of nursing home affairs, shall be audited.

(7) If a facility has a home or central office and such central office or any associated facility meets any of the criteria set forth in subsection (6) of this section, such facility shall be audited as provided in subsection (6) of this section.

(8) Patient care trust fund accounts shall be audited annually if two or more findings were reported in the previous trust fund audit of a facility or if, in the opinion of the department, a single finding reported in the previous trust fund audit materially impacts the patient trust fund accounts maintained by the facility.

(9) Reported costs and trust fund accounts of facilities may be selected for audit on a random or other basis.

NEW SECTION

WAC 388-96-502 **INDIRECT AND OVERHEAD COSTS.** If a nursing home provides goods or services not reimbursable under this chapter, any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs.

NEW SECTION

WAC 388-96-508 **TRAVEL EXPENSES FOR MEMBERS OF TRADE ASSOCIATION BOARDS OF DIRECTORS.** Travel expenses for members of trade association boards of directors otherwise meeting the requirements of this chapter will be allowable for one meeting per month.

NEW SECTION

WAC 388-96-509 **BOARDS OF DIRECTORS FEES.** Fees paid to members of boards of directors of corporations operating nursing homes shall be included in any tests or limits on management or administrative compensation or expense.

AMENDATORY SECTION (Amending Order 1712, filed 11/4/81)

WAC 388-96-525 **EDUCATION AND TRAINING.** (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs.

(2) Ordinary expenses of nursing assistant training conducted pursuant to chapter 18.52A RCW will be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs.

(4) Expenses for travel in the states of Idaho, Oregon, and Washington and the province of British Columbia associated with education and training will be allowable if the expenses meet the requirements of this chapter.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-533 **MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL.** (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits contained in this section.

(2) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) will be allowable at the lower of:

- (a) Actual compensation received, or
- (b) The amount in the table in subsection (5) of this section corresponding to the number of beds in the nursing home.

Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty beds in the nursing home, at the lower of:

- (a) Actual compensation received, or
- (b) Seventy-five percent of the appropriate amount in the table in subsection (5) of this section.

(4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of:

- (a) Actual compensation received, or
- (b) Sixty percent of the appropriate amount in the table in subsection (5) of this section.

(5)

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year 1983

BED SIZE

1 - 79	\$ 29,716
80 - 159	\$ 32,884
160 and up	\$ 34,960

(6) A table to be promulgated by the department will apply for subsequent calendar years.

(7) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, allowable compensation shall be the lower of:

- (a) Actual compensation received, or
- (b) The appropriate amount in the table in subsection (5) of this section multiplied by the percentage derived from the division of the actual hours worked, plus reasonable vacation, holiday, and sick time normally available to part-time employees, by forty hours per week for each week covered by the cost report. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(8) The contractor shall maintain time records customary for employees which are adequate for audit for the licensed administrator, assistant administrator, and/or administrator-in-training. Such records must verify the actual hours of service performed for the nursing home.

(9) Reimbursement for administrative and management services shall be limited in total amount to allowable compensation for administrative personnel set forth in this section regardless of the provisions of any employment, management or consultation agreement, or other arrangement which exists between the contractor and persons or organizations providing such services.

(10) Costs of an administrator-in-training shall not be considered for the purpose of setting the administration and operations prospective rate. The costs of an approved administrator-in-training program shall be reimbursed by an adjustment to current rate. To obtain an adjustment, the contractor must submit a request for an increase in current

rate together with necessary documentation which shall include a copy of the department of licensing approval of the administrator-in-training program and a schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual termination date of the administrator-in-training program. Upon termination of the program, the current rate shall be reduced by an amount corresponding to the cost of the program.

NEW SECTION

WAC 388-96-580 OPERATING LEASES OF OFFICE EQUIPMENT. Rental costs of office equipment under arm's-length operating leases shall be allowable to the extent such costs are necessary, ordinary, and related to patient care. Beginning January 1, 1985, office equipment rental costs shall be reimbursed in the administration and operations cost center.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-585 UNALLOWABLE COSTS. (1) Costs will be unallowable if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF or ICF recipients which are covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(j) Bad debts. Beginning July 1, 1983, bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established there was no likelihood of recovery at any time in the future. Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Dues to national trade associations or that portion of dues paid to local or state trade associations attributable to membership in

national associations shall be unallowable. Any portion of trade association dues attributable to lawsuits or other legal action against the department shall be unallowable.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care.

(r) Fund-raising expenses, except expenses directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands.

(ff) Legal and consultant fees in connection with a lawsuit against the department.

(gg) Lease acquisition costs and other intangibles not related to patient care.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs.

(ij) Beginning January 1, 1985, interest costs.

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington and the province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-719 METHOD OF RATE DETERMINATION.

(1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report submitted by contractors.

(2) Data containing obvious errors will be excluded from the determination of predicted costs and rate upper limits for WAC 388-96-743 and 388-96-735.

(3) Inflation adjustments shall be applied as follows:

(a) In the nursing services and administration and operations cost areas for July 1, 1983, rate setting, an adjustment of 2.5 percent shall be applied to allowable costs in these cost areas if the cost report for a contractor covers all twelve months of 1982. If the cost report (~~covers~~) covers less than twelve months, the inflation factor shall be reduced to reflect the shorter period.

(b) In the food cost area, an inflation adjustment factor of 2.5 percent shall be applied to the January 1, 1983, rate for all contractors.

(c) Property and return on equity rates will not be adjusted for inflation.

(4) The occupancy level for each facility shall be computed by dividing the actual number of patient days by the product of the numbers of licensed beds and calendar days in the report period. For prospective rate computations, as well as determining lids for property

and administration and operations reimbursement, if a facility's occupancy is below eighty-five percent, per patient day cost shall be computed utilizing patient days at the eighty-five percent occupancy level. Actual occupancy level shall be utilized for facilities at or above eighty-five percent occupancy.

(5) If a nursing home provides residential care to individuals other than skilled or intermediate care patients, the facility may request in writing and the department may grant in writing an exception to the requirements of subsection (4) of this section by including such other residents in computing occupancy. Exceptions granted will be revocable effective ninety days after written notice of revocation is received from the department. No exception will be granted unless the contractor submits with the annual cost report a certified statement of occupancy including all residents of the facility and their status or level of care.

NEW SECTION

WAC 388-96-721 PRIORITIES IN ESTABLISHING RATES AND RESPONDING TO APPEALS OF DESK-REVIEW ADJUSTMENTS. Consistent with other provisions of this chapter, the following priorities shall apply in calculating rates, issuing rates, and responding to appeals of desk-review adjustments:

(1) First priority shall be given to contractors submitting correct and complete cost reports postmarked no later than March 31st;

(2) Second priority shall be given to contractors submitting correct and complete cost reports by May 15th;

(3) Third priority shall be given to contractors submitting correct and complete cost reports after May 15th; and

(4) For the purposes of responding to appeals of desk-review adjustments within each of the foregoing priority groups, contractors will receive a priority determined by the proportion of Medicaid patient days of service to total patient days of service reflected in the latest cost report and by the rate change at July 1st rate setting relative to other facilities in the priority group.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-750 RETURN ON INVESTMENT. (1) Beginning July 1, 1983, the department will pay a return on equity to proprietary contractors utilizing applicable Medicare rules and regulations with the following modifications:

(a) Contractors will not be required to submit monthly equity calculations in order to calculate allowable equity for cost reporting periods unless a desk review of reported equity conducted pursuant to WAC 388-96-717 discloses reported equity appears to exceed a level that is ordinary, necessary, and related to patient care. In such cases, the department may request and the contractor shall provide a monthly equity calculation as established by Medicare rules, regulations, and guidelines. The average ratio among proprietary contractors of current assets to expenses will be computed from the most recent desk reviewed cost reports. The standard deviation of the ratio and the average ratio plus one standard deviation will also be computed. Current assets in excess of the average ratio plus one standard deviation will not be allowed unless the contractor can document that the excess is ordinary, necessary, and related to patient care. No adjustments will be made to reported equity insofar as changes reflect additions to fixed assets which are ordinary, necessary, and related to patient care.

(b) Goodwill is not includable in the determination of net equity.

(c) Net equity and the payment for net equity shall be calculated as described in subsections (2) and (3) of this section.

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk reviewed cost report utilizing the definition of equity in WAC 388-96-010 and applying relevant Medicare rules, regulations, and guidelines, with the modifications described in subsection (1) of this section.

(3) The contractor's net equity will be multiplied by a rate of return on equity capital of twelve percent. This amount will be divided by the contractor's annual patient days for the cost report period to determine a rate per patient day. Where a contractor's cost report covers less than a twelve-month period, annual patient days will be estimated using the contractor's reported patient days. The contractor shall be paid at a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per patient day.

(4) The information on which the return on equity is calculated is subject to field audit. If a field audit determines that the desk reviewed reported equity exceeds the equity which can be documented and calculated in conformity with Medicare rules, regulations, and guidelines as modified by this section, the contractor's return on equity rate for the rate period during which a return on equity rate calculated on the basis of that cost report was in effect shall be recalculated using the determinations of the field audit, not to exceed a maximum of two dollars per patient day. Any payments in excess of this rate shall be refunded to the department as part of the settlement procedure established by this chapter.

(5) Contractors shall not include in equity nor shall they receive a return on accounts receivable or other assets, real, personal, liquid, or in any other form which directly or indirectly result from judgments and/or settlements obtained in the class actions commonly known as UNH II and UNH III (Thurston County Cause Nos. 59035, 80-2-01440-1 and 81-2-00076-0).

NEW SECTION

WAC 388-96-761 HOME OFFICE, CENTRAL OFFICE, AND OTHER OFF-PREMISES ASSETS. Assets used in the provision of services by or to a nursing home, but not located on the premises of the nursing home, shall not be included in net invested funds or in the calculation of property reimbursement for the nursing facility. Depreciation, interest expense, and operating lease expense for home office, central office, and other off-premises assets may be allocated to the cost of services provided to or by the facility on a reasonable statistical basis approved by the department and included in the costs of services in cost centers where such services and related costs are appropriately reported.

NEW SECTION

WAC 388-96-762 ALLOWABLE LAND. Beginning January 1, 1985, land associated with a nursing home which is eligible for inclusion in net invested funds shall not exceed one acre for facilities located in a standard metropolitan statistical area, as defined by the United States bureau of the census, and three acres for nursing homes located outside such an area. The department may grant an exception to these limits if a contractor presents documentation deemed adequate by the department establishing a larger area of land is directly related to patient care. Requests for exceptions and any exceptions granted must be in writing.

NEW SECTION

WAC 388-96-764 ACTIVITIES ASSISTANTS. Costs associated with the employment of activities assistants working under the direction of a qualified activities specialist are allowable in the nursing services cost center.

NEW SECTION

WAC 388-96-765 ANCILLARY CARE. Beginning July 1, 1984, costs of providing ancillary care are allowable provided documentation establishes the costs were incurred for medical care recipients and other sources of payment, such as Medicare, were first fully utilized.

NEW SECTION

WAC 388-96-767 APPRAISAL VALUES. If a contractor is unwilling or unable to provide and document the lessor's historical cost of leased assets, the department shall arrange for an appraisal of such assets to be conducted by the state of Washington department of general administration. If such an appraisal is conducted, it shall be the basis for all property and return on investment reimbursement, except that: If documentation subsequently becomes available to the department establishing the lessor's historical cost is less than the appraisal value, the historical cost shall be the basis for all property and return on investment reimbursement.

WSR 84-08-057
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed April 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning State Board of Education—Election of members, chapter 392-109 WAC;

that the agency will at 9:00 a.m., Wednesday, May 9, 1984, in the Old Capital Building, Washington and Franklin, State Board of Education Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 15, 1984.

The authority under which these rules are proposed is RCW 28A.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 9, 1984.

Dated: April 3, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-109 WAC, State Board of Education—Election of members.

Rule Section(s): WAC 392-109-037 Authority; 392-109-040 Purpose; 392-109-043 Election officer; 392-109-047 Annual elections; 392-109-050 Information necessary for the conduct of elections—Responsibilities; 392-109-058 Tentative certification of electors; 392-109-060 Call of election; 392-109-075 Biographical data form; 392-109-078 Certificate of electors; 392-109-080 Ballots—Contents; 392-109-085 Ballots and envelopes—Mailing to voters; 392-109-090 Voting — Marking and return of ballots; 392-109-095 Election board—Appointment and composition; 392-109-100 Receipt of ballots and count of votes; 392-109-105 Ineligible votes; 392-109-110 Recount of votes cast—Automatic—By request; and 392-109-115 Certification of election.

Statutory Authority: RCW 28A.04.020.

Purpose of the Rule(s): [No information supplied by agency]

Summary of the New Rule(s) and/or Amendments: WAC 392-109-037, sets forth the authority for this chapter; 392-109-040, sets forth the purpose for this chapter; 392-109-043, designates an election officer for the conduct of the election; 392-109-047, provides rule for conducting an annual election; 392-109-050, adds legal residence for each member of a board of directors and deletes the word qualified and current September enrollment for the district; 392-109-058, specifies the date for tentative list of electors for certifying by the Superintendent of Public Instruction; 392-109-060, adds wording if date is a Saturday, Sunday, or holiday and also what documents are to be included with the call

of election; 392-109-075, specifies that completed forms need to be sent to the Superintendent of Public Instruction; 392-109-078, sets deadline for changes to list of eligible voters; 392-109-080, specifies if such date is a Saturday, Sunday, or holiday; 392-109-085, specifies that larger envelope will state official ballot envelope, deletes affixed and adds provision for postage; 392-109-090, specifies instructions for marking and return of ballots for voting purposes; 392-109-095, adds superintendent's designee to the election board; 392-109-100, makes provision for counting of votes if October 25 is a Saturday, Sunday, or holiday; 392-109-105, provides clarification for voter's name to appear on official ballot envelope; 392-109-110, adds definition of viable candidate for purpose of recount of votes; and 392-109-115 specifies timeframe for notification to secretary of state of election results.

Results Which Support the Proposed Action(s): To provide greater clarity regarding election procedures.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting, Implementation, and Enforcement of the Rule(s): Ralph E. Julnes, SPI, 3-2298.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Changes provide greater clarity to agency procedures.

NEW SECTION

WAC 392-109-037 AUTHORITY. The authority for this chapter is RCW 28A.04.020 which authorizes the superintendent of public instruction to adopt rules and regulations for the conduct of election for members of the state board of education.

AMENDATORY SECTION (Amending Order 82-7, filed 7/28/82)

WAC 392-109-040 PURPOSE. The state board of education consists of sixteen voting members elected by the members of public school boards of directors and one nonvoting member elected by private school boards of directors. The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing ((definitions)) policies and procedures which implement the statutory election process ((set forth in RCW 28A.04.020 and the statutes which follow)) for such positions.

NEW SECTION

WAC 392-109-043 ELECTION OFFICER. In accordance with RCW 28A.04.020 the superintendent of public instruction shall serve as the election officer for the coordination and conduct of the election of members of the state board of education.

NEW SECTION

WAC 392-109-047 ANNUAL ELECTIONS. Elections for members of the state board of education shall be conducted annually.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-050 INFORMATION NECESSARY FOR THE CONDUCT OF ELECTIONS—RESPONSIBILITY OF SCHOOL OFFICIALS. It shall be the responsibility of each member of a board of directors to assure that the superintendent of public instruction is provided current and correct information necessary to the conduct of

the elections provided for in this chapter. Forms published by the superintendent of public instruction for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

- (1) Private schools: The mailing address and previous September enrollment for each private school; and
- (2) Public school districts: The name, legal residence, mailing address and congressional district number of residence for each ((qualified)) member of a board of directors(~~(, and the current September enrollment for the district))~~).

NEW SECTION

WAC 392-109-058 TENTATIVE CERTIFICATION OF ELECTORS. On August twenty-first of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date, the superintendent of public instruction shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date. Such list shall include the weighted vote for each elector based on the previous year's September enrollment.

AMENDATORY SECTION (Amending Order 81-10, filed 8/7/81)

WAC 392-109-060 CALL OF ELECTION. On ~~((or before))~~ August twenty-fifth of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date the superintendent of public instruction shall give written notice of an election to be held for each voting position on the state board of education subject to election and for the nonvoting position if it is subject to election. Notice shall be accomplished by:

- (1) Mailing the call of election notice, declaration of candidacy, biographical data form, tentative certification of electors, calendar and rules to each member of a public school district board of directors; and
- (2) Mailing copies of the call of election notice, declaration of candidacy, biographical data form, tentative certification of electors, calendar and rules to each private school addressed as follows: Chairperson of the Board of Directors, c/o Principal or Chief Administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the call of election notice, calendar and rules if necessary and provide a copy of each to each member of the private school's board of directors.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-075 BIOGRAPHICAL DATA FORM. The superintendent of public instruction shall provide a biographical data form not exceeding two letter size typewritten pages in length which each candidate may complete. Completed forms submitted to the superintendent of public instruction by a candidate must be camera ready. Biographical data forms ~~((with))~~ shall be reproduced as submitted and distributed by the superintendent of public instruction with the ballots to each voter.

NEW SECTION

WAC 392-109-078 CERTIFICATE OF ELECTORS. The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26 or in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The superintendent of public instruction as soon thereafter as is practical shall certify the list of electors and the weighted vote for each elector to be used for election purposes.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-080 BALLOTS—CONTENTS. The ballot for each position subject to election pursuant to this chapter shall contain the names of each candidate eligible for the particular position. Ballots for voting positions shall be prepared for each congressional district and the names of candidates thereon shall be rotated. In addition to the names of candidates, each ballot shall set forth the number of electoral points to which each voter is entitled, as follows:

- (1) Public school board members: Each member of a public school district board of directors shall be entitled to a number of electoral points equal to:

- (a) The actual number of students enrolled in the school district during September of the current calendar year and reported to the superintendent of public instruction for basic education apportionment purposes; or

- (b) If such figure is unavailable by 5:00 p.m. September 26 or in the event such date is a Saturday, Sunday, or holiday, the working day immediately following such date, the actual number of students enrolled and last reported to the superintendent of public instruction for basic education apportionment purposes: PROVIDED, That each member of the board of directors of a public school district that permanently or temporarily has more than five statutory directors shall have his or her electoral points recomputed by multiplying the foregoing enrollment number by a fraction, the denominator of which shall be the number of directors, and the numerator of which shall be five.

- (2) Private schools: Each private school board of directors shall be entitled to a number of electoral points equal to the actual number of students enrolled in each private school under the governance of the board during September of the preceding calendar year and reported to the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 81-10, filed 8/7/81)

WAC 392-109-085 BALLOTS AND ENVELOPES—MAILING TO VOTERS. (1) On or before October 1 ballots shall be mailed to voters together with two envelopes to be used for voting. The outer and larger envelope (i.e., official ballot envelope) shall:

- (a) Be labeled "official ballot;";
- (b) Be preaddressed with the "superintendent of public instruction" as addressee;
- (c) Have provision for prepaid postage (~~((affixed))~~); and
- (d) Have provision for the identification of the voter, his or her school district or school and his or her congressional district if pertinent.

The inner and smaller envelope shall be unlabeled and unmarked.

- (2) One ballot and the two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors.

- (3) One official ballot, a number of copies of the ballot, two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each private school addressed as follows: Chairperson of the Board of Directors, c/o Principal or Chief Administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the ballot, biographical data and pertinent instructions for voting purposes if necessary and provide a copy to each member of the private school's board of directors.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-090 VOTING—MARKING AND RETURN OF BALLOTS. (1) Public school board members: Each member of a public school district board of directors may vote for one of the candidates named on his or her ballot by placing an "x" or other mark in the space provided next to the name of a candidate.

- (2) Private school board members: Each member of a private school board of directors shall return his or her marked ballot to the chairperson of the board. The chairperson shall tabulate the votes and be entitled to cast one vote for the candidate who receives a majority of the board members' votes. The chairperson shall then mark the official ballot accordingly.

- (3) Return of ballots: Each member of a public school district board of directors and each chairperson of a private school board of directors shall complete voting by:

- (a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;
- (b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;
- (c) If not already designated, completing ~~((in full))~~ the following information ~~((requested))~~ on the face of the official ballot envelope ~~((; including))~~: Name, identification of school district or private school and, in the case of public school district board members, identification of the congressional district of residence; and
- (d) Placing the official ballot envelope in the United States mail or otherwise delivering the ballot to the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-095 ELECTION BOARD—APPOINTMENT AND COMPOSITION. The state board of education shall annually appoint a three member election board and at least one alternate who shall serve thereon in the absence of a regular member of the election board. Votes cast at elections conducted pursuant to this chapter shall be counted by the superintendent of public instruction or his or her designee and the election board.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-100 RECEIPT OF BALLOTS AND COUNT OF VOTES. (1) As official ballot envelopes are received by the superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the voter, and a record shall be made on a list of eligible voters and private schools that the voter or school has voted. Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2) The election board shall convene for the purpose of counting votes on ~~((or before))~~ October 25 or if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date at a date, time and place designated by the superintendent of public instruction. Official ballot envelopes that are accepted by the election board shall be opened, and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(3) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-105 INELIGIBLE VOTES. The following ballots and votes shall be declared void and shall not be accepted:

- (1) Votes for write-in candidates;
- (2) Votes cast on other than an official ballot provided pursuant to this chapter;
- (3) Ballots which contain a vote for two or more of the named candidates;
- (4) Ballots contained in other than an official ballot envelope provided pursuant to this chapter;
- (5) Ballots contained in an official ballot envelope upon which the voter ~~((has either failed to place his or her name or the name of the private school in the case of ballots submitted by the chairperson of a private school board of directors))~~ is not designated by name;
- (6) Ballots received after 5:00 p.m. October 16: PROVIDED, That any ballot that is postmarked on or before midnight October 16 and received prior to the initial counting of votes by the election board shall be accepted: PROVIDED FURTHER, That any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21 that is not postmarked or legibly postmarked shall also be accepted; and
- (7) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-110 RECOUNT OF VOTES CAST—AUTOMATIC—BY REQUEST. (1) Automatic: A recount of votes cast shall be automatic if the electoral point difference between any two viable candidates for the same position is less than the largest number of electoral points on a single ballot cast for the position. For the purpose of this section, the term viable candidate shall mean any candidate whose election outcome either for election or primary purposes could be changed if the electoral point difference noted above were added to his or her total votes.

(2) Upon request: If no automatic recount is conducted, a recount of votes cast shall be afforded any candidate as a matter of right: ((PROVIDED, That)) The request shall be made in writing and received by the superintendent of public instruction within seven calendar days after the date upon which the votes were counted by the election ~~((committee))~~ board.

AMENDATORY SECTION (Amending Order 81-10, filed 8/7/81)

WAC 392-109-115 CERTIFICATION OF ELECTION. Within ten calendar days after the date upon which the votes were counted, but no sooner than eight calendar days after the votes were counted by

the election board, the superintendent of public instruction shall officially certify the name or names of candidates elected by signing and forwarding written notice to the secretary of state.

WSR 84-08-058

**WITHDRAWAL OF PROPOSED RULES
STATE BOARD
OF EDUCATION**

[Filed April 3, 1984]

I am hereby withdrawing WSR 84-08-047 pertaining to chapter 180-22 WAC, Educational service districts, filed on April 2, 1984.

Monica Schmidt
Executive Director

WSR 84-08-059

**PROPOSED RULES
STATE BOARD
OF EDUCATION**

[Filed April 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning educational service districts, chapter 180-22 WAC;

that the agency will at 9:00 a.m., Thursday, May 10, 1984, in the Multipurpose Room, James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is RCW 28A.21.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Dated: April 3, 1984

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-22 WAC, Educational service districts.

Rule Section(s): WAC 180-22-250 Board of directors—Election of members; 180-22-255 Eligibility—Declaration of candidacy—Withdrawal—Lapse of election; 180-22-260 Biographical data—Limitation; 180-22-265 Ballots; 180-22-270 Voting; 180-22-275 Publicity; 180-22-280 Postage; 180-22-285 Recount of votes cast—Automatic—By request—Certification; 180-22-290 Composition of election board; and 180-22-295 Contest of elections.

Statutory Authority: RCW 28A.21.020.

Purpose of the Rule(s): [No information supplied by agency]

Summary of the New Rule(s) and/or Amendments: WAC 180-22-250, repeals section; 180-22-255, repeals section; 180-22-260, repeals section; 180-22-265, repeals section; 180-22-270, repeals section; 180-22-275

repeals section; 180-22-280, repeals section; 180-22-285, repeals section; 180-22-290, repeals section; and 180-22-295, repeals section.

Reasons Which Support the Proposed Action(s): Procedures for the election of ESD board members has been moved to new chapter 180-23 WAC.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Monica Schmidt, SBE, 3-6715; and Implementation: Angie Dorian, SBE, 3-6715.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): The adoption of new chapter 180-23 WAC anticipates the above repealers.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 180-22-250 BOARD OF DIRECTORS—ELECTION OF MEMBERS.
- (2) WAC 180-22-255 ELIGIBILITY—DECLARATION OF CANDIDACY—WITHDRAWAL—LAPSE OF ELECTION.
- (3) WAC 180-22-260 BIOGRAPHICAL DATA—LIMITATION.
- (4) WAC 180-22-265 BALLOTS.
- (5) WAC 180-22-270 VOTING.
- (6) WAC 180-22-275 PUBLICITY.
- (7) WAC 180-22-280 POSTAGE.
- (8) WAC 180-22-285 RECOUNT OF VOTES CAST—AUTOMATIC—BY REQUEST—CERTIFICATION.
- (9) WAC 180-22-290 COMPOSITION OF ELECTION BOARD.
- (10) WAC 180-22-295 CONTEST OF ELECTIONS.

WSR 84-08-060
PROPOSED RULES
DEPARTMENT OF CORRECTIONS
 [Filed April 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning Criminal justice reimbursement costs—Adult, amending chapter 137-70 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 14, 1984.

The authority under which these rules are proposed is RCW 72.72.040.

The specific statute these rules are intended to implement is chapter 72.72 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 8, 1984.

Dated: April 3, 1984
 By: Amos E. Reed
 Secretary

STATEMENT OF PURPOSE

Title and Purpose of Rule: To amend chapter 137-70 WAC currently entitled Criminal justice reimbursement costs—Adult.

Statutory Authority: RCW 72.72.040.

Statute Implemented: Chapter 72.72 RCW.

Summary of Rule and Reason for Proposed Change: The purpose of this rule is to establish procedures for reimbursing political subdivisions for criminal justice costs they incur directly as a result of crimes committed by adult offenders residing in correctional institutions. The reason for the proposed change is to establish procedures for reimbursing political subdivisions for expenses they incur directly as a result of their providing personnel and material pursuant to a contingency plan adopted under RCW 72.02.150 and for costs political subdivisions incur under chapter 41.26 RCW, if the costs are the direct result of physical injuries sustained in the implementation of such contingency plan, all as provided for in RCW 72.72.050 and 72.72.060.

Person Responsible for Drafting the Rule: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, (206) 753-5770.

Person Responsible for Implementing and Enforcing the Rule: Robert E. Trimble, Deputy Secretary, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, (206) 753-1508.

Person or Organization Proposing the Rule: The Department of Corrections.

Agency Comments and Recommendations: None.

The amendment of this rule is not necessitated by federal law or federal or state court action.

The amendment of this rule will have no economic impact on small businesses.

Chapter 137-70 WAC
 ((~~CRIMINAL JUSTICE~~)) REIMBURSEMENT((~~—ADULTS~~))
 FOR CRIMINAL JUSTICE COSTS AND CONTINGENCY
 PLAN EXPENSES

WAC

- 137-70-010 Purpose.
- 137-70-020 Definitions.
- 137-70-030 Eligibility.
- 137-70-040 Reimbursable impacts/rates—Criminal justice costs.
- 137-70-050 Limitation of funds—Criminal justice costs.
- 137-70-055 Reimbursable impacts—Contingency plan expenses.
- 137-70-057 Funds—Contingency plan expenses.
- 137-70-060 Billing procedure.
- 137-70-070 Department review committee.
- 137-70-080 Implied consent to audit.

AMENDATORY SECTION (Amending Order 82-10, filed 8/16/82)

WAC 137-70-010 PURPOSE. Chapter 72.72 RCW ((~~created~~)) creates an institutional impact account, in the general fund, for the purpose of reimbursing political subdivisions for criminal justice costs ((~~incurred~~)) they incur directly as a result of crimes committed by adult offenders residing in correctional institutions, and for expenses they incur directly as a result of their providing personnel and material pursuant to a contingency plan. The purpose of these rules is to implement that statute and to set forth the procedures under which these funds will be distributed ((~~for impacts relating to adult offenders~~)).

AMENDATORY SECTION (Amending Order 82-10, filed 8/16/82)

WAC 137-70-020 DEFINITIONS. As used in this chapter, the following ((~~items~~)) words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections.

(2) "Contingency plan" shall mean a plan developed under RCW 72.02.150 by the secretary, or the secretary's designee, with representatives of political subdivisions for dealing with disturbances at a state penal facility.

(3) "Department" shall mean the department of corrections.

~~((3))~~ (4) "Inmate" shall mean an individual(s) sentenced to the custody of the department under state law and ~~((inmates))~~ an individual transferred to the custody of the department from ~~((other))~~ another state(s) or the federal government.

~~((4))~~ (5) "Institution" and "penal facility" shall mean ~~((all those facilities set forth))~~ any facility identified in RCW 72.01.050(2) and ~~((all))~~ any community residential program(s) under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

~~((5))~~ (6) "Political subdivision" shall mean any city, town, or county ~~((or other unit of local government))~~.

~~((6))~~ (7) All references to the singular shall include the plural unless noted otherwise.

AMENDATORY SECTION (Amending Order 82-10, filed 8/16/82)

WAC 137-70-030 ELIGIBILITY. (1) Reimbursement for criminal justice costs shall be available to any political subdivision which ~~((is impacted by any adult correctional facility as defined in RCW 72.01.050(2) or a community residential program as defined and operated pursuant to chapter 72.65 RCW. As used herein, impacted shall mean that the political subdivision incurred))~~ incurs an incremental cost, reimbursable under this chapter, which ~~((was))~~ is specifically and exclusively attributable to the criminal behavior of ~~((state institution- at))~~ an inmate(s) incarcerated in or who ~~((have))~~ has escaped from an institution. ~~((Reimbursement is available))~~ For the purposes of this chapter parolees or probationers are deemed to be inmates only if they are assigned to an institution ~~((as defined herein. PROVIDED, That))~~. Reimbursement shall be ~~((limited))~~ made only with respect to new crimes and shall not be ~~((available))~~ made for violations of the conditions of parole or probation and the resulting revocation hearings.

(2) Reimbursement for contingency plan expenses, including costs incurred under chapter 41.26 RCW, if such costs are the direct result of physical injury sustained in the implementation of a contingency plan, shall be available to any political subdivision which incurs such expense in providing personnel and/or material, when requested by the secretary or the secretary's designee, to carry out the provisions of a duly adopted contingency plan. Provided, however, reimbursement for costs incurred under chapter 41.26 RCW will not be made:

(a) Unless the physical injury occurs within the walls or other perimeter of the secured area, if the secretary identifies in the contingency plan the prison walls or other perimeter of the secured area; or

(b) Unless the physical injury results from providing assistance requested by the secretary or the secretary's designee which is beyond the description of the assistance contained in the contingency plan, if the secretary does not identify the prison walls or other perimeter of the secured area; or

(c) If the physical injury results from conduct which either is not requested by the secretary or the secretary's designee, or is in violation of orders by superiors of the local law enforcement agency.

AMENDATORY SECTION (Amending Order 83-13, filed 12/6/83)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES—CRIMINAL JUSTICE COSTS. (1) Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(a) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

(i) \$17.48 per hour for the period July 1, 1983, through June 30, 1984.

(ii) \$18.39 per hour for the period July 1, 1984, through June 30, 1985.

(b) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(i) \$41.79 per hour from July 1, 1983, through June 30, 1984.

(ii) \$43.96 per hour from July 1, 1984, through June 30, 1985.

(c) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(i) Judges - \$38.95 per hour from July 1, 1983, through June 30, 1984, and \$40.98 per hour for the period July 1, 1984, through June 30, 1985. These costs shall include the services of court clerks and bailiffs.

(ii) Court reporters - \$17.52 per hour from July 1, 1983, through June 30, 1984, and \$18.43 per hour for the period July 1, 1984, through June 30, 1985.

(iii) Transcript typing services - \$3.49 per page from July 1, 1983, through June 30, 1984, and \$3.67 per page for the period July 1, 1984, through June 30, 1985.

(iv) Expert witnesses - \$58.65 per hour from July 1, 1983, through June 30, 1984, and \$61.70 per hour for the period July 1, 1984, through June 30, 1985.

(v) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$26.33 per day for the period July 1, 1983, through June 30, 1984, and \$27.70 for the period July 1, 1984, through June 30, 1985.

(d) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$7.37 per inmate day from July 1, 1983, through June 30, 1984 and \$7.75 for the period July 1, 1984, through June 30, 1985.

(e) Coroner - Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the committee as reasonable.

(f) Medical costs - Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the committee. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

AMENDATORY SECTION (Amending Order 82-10, filed 8/16/82)

WAC 137-70-050 LIMITATION OF FUNDS—CRIMINAL JUSTICE COSTS. Claims for reimbursement under WAC 137-70-040 shall be paid in the order they are received until the legislative appropriation for the biennium is fully expended. If the impact fund is fully expended before the end of the biennium, political subdivisions should continue to submit claims for the purpose of developing future impact account funding requests.

NEW SECTION

WAC 137-70-055 REIMBURSABLE IMPACTS—CONTINGENCY PLAN EXPENSES. Reimbursement shall be restricted to applicants eligible under WAC 137-70-030(2) for fully documented expenses incurred directly as a result of their providing personnel and/or material pursuant to a contingency plan.

NEW SECTION

WAC 137-70-057 FUNDS—CONTINGENCY PLAN EXPENSES. Reimbursement under WAC 137-70-055 shall be made solely from the institutional impact account from funds available in that account. If full reimbursement would exceed available funds, the secretary will request the legislature to appropriate sufficient funds to enable the secretary to make full reimbursement, and if so appropriated, the secretary will make such reimbursement.

AMENDATORY SECTION (Amending Order 82-10, filed 8/16/82)

WAC 137-70-060 BILLING PROCEDURE. (1) All requests for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, signed by the political subdivisions responsible fiscal officer, to the Department of Corrections, Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN-61, Olympia, Washington 98504.

(2) All ~~((A-19))~~ requests for criminal justice cost reimbursement must be accompanied by a narrative explanation of all costs incurred. This narrative must include at least the following information:

- (a) Full name and DOC identification number of inmate;
- (b) Institution to which the inmate is assigned or ~~((where))~~ from which he/she escaped;
- (c) Incident requiring the political subdivision's assistance, i.e. escape, investigation and dates;
- (d) Costs incurred broken down into the categories of reimbursable costs allowed in WAC 137-70-040 and hourly rate used;
- (e) Admission and release dates if applicable;
- (f) Other supporting information or documentation.

(3) All requests for contingency plan expense reimbursement must be accompanied by a narrative explanation of all expenses incurred. This narrative must include at least the following information:

- (a) Names and titles of personnel providing assistance during a disturbance covered by a contingency plan, the dates and hours served in such capacity by such personnel, and their salaries or rates of pay;
- (b) If the claim is for reimbursement of costs incurred under chapter 41.26 RCW, a description of the nature of the physical injury sustained and a description of the location where and the circumstances under which it was sustained;
- (c) With respect to material provided in carrying out a contingency plan, (i) its acquisition cost, if acquired solely for use in carrying out the contingency plan and no other purpose; (ii) its market value both before and after the disturbance for which it was provided, if it suffered damage beyond normal wear and tear during the disturbance; and (iii) its market value at the time of its loss or destruction, if lost or destroyed during the disturbance for which it was provided;
- (d) A description of other expenses, incurred in carrying out the contingency plan;
- (e) Such other documentation and information necessary to support the claim.

AMENDATORY SECTION (Amending Order 82-10, filed 8/16/82)

WAC 137-70-070 DEPARTMENT REVIEW COMMITTEE.

(1) All requests for reimbursement shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) ~~((The))~~ Deputy secretary;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;
- (d) Contracts and regulations administrator;
- (e) Capital programs administrator; and the
- (f) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove the requests for payment. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

AMENDATORY SECTION (Amending Order 82-10, filed 8/16/82)

WAC 137-70-080 IMPLIED CONSENT TO AUDIT. ~~((+++))~~

By submitting requests for reimbursement, the requesting political subdivision agrees to:

- (1) Maintain records which would support the request made for a period five years after the date of such request~~((:))~~; and
- (2) ~~((If requested by the secretary, or his/her designee, the political subdivision shall))~~ Make ~~((these))~~ such records available for review and/or audit by the department if requested by the secretary or the secretary's designee.

WSR 84-08-061

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Funeral Directors and Embalmers intends to

adopt, amend, or repeal rules concerning approval of embalming schools and accrediting associations, WAC 308-48-145.

A copy of the proposed rule is shown below; however, changes may be made at the hearing;

that the agency will at 9:00 a.m., Monday, May 14, 1984, in the Second Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.39.175(4).

The specific statute these rules are intended to implement is RCW 18.39.035(2) and 18.39.045.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 14, 1984.

Dated: March 30, 1984

By: Cynthia J. Jones
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Funeral Directors and Embalmers.

Purpose of Proposed Rule: To approve embalming schools and accrediting associations.

Statutory Authority: RCW 18.39.175(4), 18.39.035(2), and 18.39.045.

Summary of Rule: WAC 308-48-145 Approval of embalming schools and accrediting associations.

Reason for Proposed Rule: To approve embalming schools pursuant to RCW 18.39.035(2) and to approve accrediting associations pursuant to RCW 18.39.045.

Responsible Personnel: The Washington State Board of Funeral Directors and Embalmers and its executive secretary have the responsibility for drafting, implementing and enforcing this rule. The Executive Secretary is: Cynthia Jones, P.O. Box 9649, Olympia, WA 98504, telephone (206) 753-6936 comm, (206) 234-6936 scan.

Proponent of the Proposed Rule: This rule is proposed by the Washington State Board of Funeral Directors and Embalmers.

Agency Comments: This rule is proposed pursuant to RCW 18.39.175(4), 18.39.035(2), and 18.39.045.

Federal Law or Federal or State Court Requirement: The proposed rule is not necessitated as the result of federal law or federal or state court action.

NEW SECTION

WAC 308-48-145 APPROVAL OF EMBALMING SCHOOLS AND ACCREDITING ASSOCIATIONS. (1) The board, in approving courses of instruction in embalming schools pursuant to RCW 18.39.035(2), adopts the standards of the American Board of Funeral Service Education, Inc. which are relevant to the accreditation of embalming schools and current on April 23, 1983, and approves all and only those schools which were accredited by, and in good standing with, the Board of Funeral Service Education, Inc. pursuant to those standards or as subsequently revised, and approved by the board. Other embalming schools which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of an applicant to ascertain whether or not a school has been approved by the board.

(2) The board, in approving associations accrediting schools, colleges or universities providing a two-year college course pursuant to RCW 18.39.045, approves of accrediting groups recognized by the Council on Postsecondary Accreditation (COPA). The board adopts the standards of COPA relevant to the recognition of accrediting groups as of May 15, 1982 and approves all and only those groups recognized and in good standing with COPA pursuant to those standards or as subsequently revised, and approved by the board. Other accrediting associations which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of an association to apply for approval and of an applicant to ascertain whether or not a school, college or university has been accredited by an association approved by the board.

(3) In both (1) and (2), the board reserves the right to withdraw approval of any course of instruction in an embalming school or any association accrediting a school, college or university providing a two-year college course which ceases to meet the approval of the board and/or the American Board of Funeral Service Education, Inc. or COPA.

WSR 84-08-062
ADOPTED RULES
DEPARTMENT OF LICENSING
(Council on Hearing Aids)
 [Order PL 463—Filed April 4, 1984]

Be it resolved by the Washington State Council on Hearing Aids, acting at Olympia, Washington, that it does adopt the annexed rules relating to the amending of WAC 308-50-010, 308-50-100, 308-50-120 and repealing 308-50-050.

This action is taken pursuant to Notice No. WSR 84-04-048 filed with the code reviser on January 30, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.35.161 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED March 30, 1984.

By Roger K. Stimbart
 Chairman

AMENDATORY SECTION (Amending Order PL 190, filed 5/23/75)

WAC 308-50-010 EXAMINATIONS. (1) The examination required of applicants shall be in two parts: Written and practical, each consisting of several sections. (Note: The ~~((examination))~~ home study course prepared by the national hearing aid society will be used as a guideline.)

(2) The minimum passing grade for each section shall be seventy percent with the minimum average grade of seventy-five percent for each part before an applicant shall be considered to have satisfactorily passed the required examination for licensure.

(3) In addition to those subjects listed in RCW 18.35.070, the examination shall test the knowledge of the

applicant in the basic act governing hearing aid fitter/dispensers and rules and regulations promulgated pursuant to this act.

(4) Applications for examination shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application.

AMENDATORY SECTION (Amending Order PL 159, filed 2/8/74)

WAC 308-50-100 ~~((TRAINEE SPONSORS))~~
TERMINATION OF TRAINEE SPONSORSHIP. (1)

The sponsor of a trainee who desires to terminate the responsibilities of sponsorship shall provide the trainee written notice of such termination, giving reasons, and shall immediately notify the department by registered or certified mail, of the termination of such sponsorship.

(2) In the event the trainee quits or terminates for any reason, the sponsor shall notify the department immediately by registered or certified mail.

(3) The sponsor of such terminating trainee shall be responsible for the trainee until such time as the notification of such termination is deposited in the United States mail.

AMENDATORY SECTION (Amending Order PL 159, filed 2/8/74)

WAC 308-50-120 STANDARDS FOR EQUIPMENT CALIBRATION. All electronic equipment utilized by licensees for the determination of audiometric thresholds for pure tones and for speech shall conform to all current standards of the American National Standards Institute (at present, ANSI S3.6 - 1969). Licensees shall insure that all such audiometric equipment has been evaluated electrically and acoustically at least once each year, adjusted or repaired if necessary, and that conformity with such standards was determined at that time. Records of such calibration shall be permanently maintained by licensees and shall be available for inspection at any time by the department. No licensee shall be permitted to certify as to the calibration of his own equipment unless authorized to do so by the department. In addition, all licensees shall utilize ~~((their own))~~ routine procedures for the daily inspection of audiometric equipment, or prior to use if used less often than on a daily basis, to generally determine that it is in normal working order. ~~((These procedures shall be written and known to all licensees in each place of business, and shall be readily available for inspection by the department.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-50-050 FAILURE TO RENEW LICENSE.

WSR 84-08-063
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
 [Filed April 4, 1984]

Chapter 352-60 WAC
BOATING SAFETY

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 boating safety, chapter 352-60 WAC;

that the agency will at 9:00 a.m., Friday, May 18, 1984, in the Vancouver Community Library, 1007 East Mill Plain Boulevard, Vancouver, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.400.

The specific statute these rules are intended to implement is RCW 43.51.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 14, 1984.

Dated: April 4, 1984

By: Gary Robinson

Executive Assistant

STATEMENT OF PURPOSE

Title: Boating safety, chapter 352-60 WAC.

Description of Purpose: The rules establish boating safety equipment and navigation requirements consistent with the regulations of the United States Coast Guard.

Statutory Authority: RCW 43.51.400.

Statute Which Rule Implements: RCW 43.51.400.

Summary of Rule: The rules state the purpose of the chapter; define certain terms used in the chapter; prescribe boating safety standards for personal flotation devices, visual distress signals, steering and sailing, fire extinguishing equipment; and backfire flame control; and exempt certain Canadian vessels from the safety standards prescribed in the chapter.

Reasons Supporting Proposed Action: The action fulfills the responsibility of the Washington State Parks and Recreation Commission to adopt permanent rules on boating safety as specified in RCW 43.51.400. Boating safety rules were previously adopted by the commission on an emergency basis as indicated in WSR 84-07-030.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Yvonne Ferrell, Deputy Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-2010.

Proposing: Washington State Parks and Recreation Commission.

Federal Law/Court Action: The adoption of the rules referenced above is not necessary because of federal law or state court action.

WAC

- 352-60-010 Purpose.
- 352-60-020 Definitions.
- 352-60-030 Personal flotation devices.
- 352-60-040 Visual distress signals.
- 352-60-050 Ventilation.
- 352-60-060 Navigation lights and shapes and sound and light signals.
- 352-60-070 Steering and sailing.
- 352-60-080 Fire extinguishing equipment.
- 352-60-090 Backfire flame control.
- 352-60-100 Liquefied petroleum gas.
- 352-60-110 Canadian vessels.

NEW SECTION

WAC 352-60-010 PURPOSE. This chapter is promulgated in order to establish boating safety standards in accordance with RCW 43.51.400.

NEW SECTION

WAC 352-60-020 DEFINITIONS. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(2) "Coastal waters" means the high seas within the territorial limits of Washington state and the bays and sounds which empty into these waters. "Coastal waters" does not mean rivers, inside of a line drawn tangent to their headlands, unless the distance across a river is over two miles, in which case "coastal waters" means all portions of a river from the mouth to the point at which the river first narrows to two miles.

(3) "Inland waters" means the waters within the territorial limits of Washington state which are not governed by the international regulations for preventing collisions at sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, part 81-72, appendix A.

(4) "Length" means a straight line measurement of the overall distance from the foremost point of a vessel to the aftermost part of a vessel, measured parallel to the centerline not including bow sprits, bumpkins, boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments.

(5) "Motorboat" means any vessel identified in Title 46, Code of Federal Regulations, Table 24.05-1(a), Column 6, which is sixty-five feet or less in length and equipped with propulsion machinery, including vessels propelled with steam machinery, and including vessels which are temporarily or permanently equipped with a detachable motor.

(6) "Motor vessel" means any vessel which is more than sixty-five feet in length and propelled by machinery other than steam.

(7) "Passenger" means every person on board a vessel other than the following:

- (a) The owner of a vessel or the representative of the owner;
- (b) The operator of a vessel;
- (c) The bona fide members of the crew of a vessel who are engaged in the business of a vessel, who have not contributed for their carriage, and who are paid for their services; and

(d) Guests who are on board a vessel which is being used exclusively for pleasure purposes and who have not contributed for their carriage.

(8) "Racing shell, rowing scull, and racing kayak" means any manually propelled boat that is recognized by a national or international racing association for use in competitive racing, in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and which is not designed to carry and does not carry any equipment not solely for competitive racing.

(9) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.

(10) "Use" means to operate, navigate, moor or employ.

(11) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(12) "Waters of Washington state" means any waters within the territorial limits of Washington state.

(13) "Waters of Washington state which are governed by the international regulations for preventing collisions at sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, part 81-72, appendix A," means the waters within the territorial limits of Washington state which are identified in Title 33, Code of Federal Regulations, 80.1365, 80.1370, 80.1375, 80.1380, 80.1385, 80.1390, and 80.1395.

NEW SECTION

WAC 352-60-030 PERSONAL FLOTATION DEVICES. When a person uses a recreational boat on the waters of Washington state that is propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel, except racing shells, rowing sculls, and racing kayaks, such persons shall comply with Title 33, Code of Federal Regulations 175.3, 175.13, 175.15, 175.17, 175.19, 175.21, and 175.23.

NEW SECTION

WAC 352-60-040 VISUAL DISTRESS SIGNALS. When a person uses a boat on the coastal waters of Washington state such person shall comply with Title 33, Code of Federal Regulations, 175.3, 175.105(a), 175.110, 175.113, 175.115, 175.120, 175.125, 175.128, 175.130, and 175.140.

NEW SECTION

WAC 352-60-050 VENTILATION. When a person uses a boat on the waters of Washington state that has a gasoline engine for electrical generation, mechanical power, or propulsion such person shall comply with Title 33, Code of Federal Regulations, 175.3 and 175.201. When used on the waters of Washington state a motorboat or a motor vessel shall comply with Title 46, Code of Federal Regulations, 25.40-1.

NEW SECTION

WAC 352-60-060 NAVIGATION LIGHTS AND SHAPES AND SOUND AND LIGHT SIGNALS. (1) When used on the waters of Washington state which are governed by the international regulations for preventing collisions at sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, part 81-72, appendix A, a vessel shall be equipped with the navigation lights and shapes and sound and light signals as required by such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, parts 81-72 and 82-72.

(2) When used on the inland waters of Washington state, a vessel shall be equipped either with the navigation lights and shapes and sound and light signals as required by the international regulations for preventing collisions at sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, part 81-72, appendix A, and the COLREGS implementing rules, Title 33, Code of Federal Regulations, part 81-72 or as required by the inland navigational rules act of 1980, 33, United States Code, chapter 34, and the inland navigational rules, Title 33, Code of Federal Regulations, parts 84, 85, 86, 87, 88, and 89.

NEW SECTION

WAC 352-60-070 STEERING AND SAILING. (1) When used on the waters of Washington state which are governed by the international regulations for preventing collisions at sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, part 81-72, appendix A, a vessel shall comply with the steering and sailing rules of such international rules and the COLREGS implementing rules, Title 33, Code of Federal Regulations, part 81-72.

(2) When used on the inland waters of Washington state, a vessel shall comply with the steering and sailing rules of the inland navigational rules act of 1980, 33, United States Code, chapter 34.

NEW SECTION

WAC 352-60-080 FIRE EXTINGUISHING EQUIPMENT. When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the fire extinguishing equipment as required by Title 46, Code of Federal Regulations, subpart 25.30.

NEW SECTION

WAC 352-60-090 BACKFIRE FLAME CONTROL. When used on the waters of Washington state a motorboat or a motor vessel shall be equipped with the backfire flame control devices as required by Title 46, Code of Federal Regulations, subpart 25.35.

NEW SECTION

WAC 352-60-100 LIQUEFIED PETROLEUM GAS. When a vessel is used to carry persons for hire on the waters of Washington state the use on such vessel of any liquefied petroleum gas or certain flammable liquids for cooking, heating, or lighting is prohibited as required by Title 46, Code of Federal Regulations, subpart 25.45 and parts 146 and 147.

NEW SECTION

WAC 352-60-110 CANADIAN VESSELS. When used on the waters of Washington state for a period of less than sixty days all Canadian vessels which comply with the boating safety laws of the government of Canada shall be exempt from the provisions of chapter 352-60 WAC except for WAC 352-60-070.

**WSR 84-08-064
PROPOSED RULES
THE EVERGREEN
STATE COLLEGE
[Filed April 4, 1984]**

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning affirmative action policy, adopting WAC 174-109-010 through 174-109-500 and equal opportunity policy and affirmative action program, repealing WAC 174-148-010 through 174-148-120;

that the institution will at 1:45 p.m., Thursday, May 10, 1984, in the Board of Trustees Room, Lib 3112, The Evergreen State College campus, Olympia, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

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 before May 1, 1984.

Dated: April 4, 1984
By: Richard N. Schwartz
Acting President

STATEMENT OF PURPOSE

Title: Affirmative action policy. The purpose of the policy is to outline a program which will implement the college's commitment to nondiscrimination. The present draft updates previous policies, and includes new developments in affirmative action law.

Statutory Authority for the Policy Includes the Following: State of Washington, Constitution, Article IX, Section 1, prohibiting discrimination in education on account of race, color, caste or sex and Article XXXXI, prohibiting discrimination on account of sex. State of Washington, chapter 283.16 RCW, the higher education personnel law. State of Washington, chapter 49.60 RCW, which prohibits discrimination in employment

and public accommodation on the basis of age, sex, race, color, creed, national origin, marital status, or the presence of physical handicap, and establishes the Washington State Human Rights Commission. Chapter 12, Laws of 1983, Minority and Women's Business Enterprise Office created. State of Washington, Title 162 WAC, the Washington State Human Rights Commission legislation. State of Washington, Governor's Executive Orders 77-10, 78-01, 79-08, 80-03 and 81-02, which set forth the policy of nondiscrimination and affirmative action in state employment and state contracts.

Summary: The new policy states the basic affirmative action commitment of the college, delineates implementation responsibilities, provides for policy dissemination and for monitoring and auditing, establishes hiring procedures and other policies and establishes affirmative action goals.

Responsible Administrator: President.

Proponent of Policy: The Evergreen State College, Olympia, Washington 98505.

Comments: The new policy has been presented to the entire campus and to the board of trustees for comment, and revised accordingly.

Pertinent Federal Law: The several pertinent federal statutes are cited in the policy itself in WAC 174-109-020, Legal bases of affirmative action program; cases are too numerous to cite.

Chapter 174-109 WAC AFFIRMATIVE ACTION POLICY

WAC

174-109-010	Preamble.
174-109-020	Legal basis of affirmative action program.
174-109-030	Definitions.
174-109-040	Purpose.
174-109-050	Responsibility for implementation.
174-109-060	Policy dissemination.
174-109-070	Hiring procedures.
174-109-080	Goals and timetables.
174-109-090	Corrective employment.
174-109-100	Other policies.
174-109-200	Education and training of campus community.
174-109-300	Academic program and activities policies.
174-109-400	Monitoring, evaluation, and improvement.
174-109-500	Grievance procedures.

NEW SECTION

WAC 174-109-010 PREAMBLE. It is the policy of the board of trustees of The Evergreen State College to provide equal opportunity for all employees, prospective employees, students and prospective students. Students and qualified student applicants shall have equal opportunity for admission to the college, and equal access to all academic programs, college services and facilities; employees and qualified applicants shall have equal employment opportunity, regardless of race, color, national origin, religion, sex, marital status, sexual preference, age, handicap or Vietnam Era or disabled veteran status. The board of trustees pledges that they will provide adequate funding and resources necessary for implementation of this policy.

It is the responsibility of each and every member of the college community to ensure that this policy becomes a functional part of the daily activities of The Evergreen State College.

This policy shall form part of the college social contract, the faculty handbook and all other contractual agreements governing employees, other members of the Evergreen community, and all groups and organizations who use campus facilities.

NEW SECTION

WAC 174-109-020 LEGAL BASIS OF AFFIRMATIVE ACTION PROGRAM. The historic practice of excluding certain groups from employment and educational opportunity in the United States has resulted in social and economic disparity which has necessitated corrective legislation, both at the federal and state level, including:

(1) State of Washington, Constitution, Article IX, section I, prohibiting discrimination in education on account of race, color, caste or sex and Article XXXI, prohibiting discrimination on account of sex.

(2) State of Washington, chapter 28B.16 RCW, the higher education personnel law.

(3) State of Washington, chapter 49.60 RCW, which prohibits discrimination in employment and public accommodation on the basis of age, sex, race, color, creed, national origin, marital status, or the presence of physical handicap, and establishes the Washington state human rights commission.

(4) State of Washington, Washington Administrative Code, Title 162, the Washington state human rights commission regulations.

(5) State of Washington, Governor's Executive Orders 77-10, 78-1, 79-08, and 81-02, which set forth the policy of nondiscrimination and affirmative action in state employment and state contracts.

(6) State of Washington, chapter 120, Laws of 1983, Minority and Women Business Enterprises.

(7) Federal Civil Rights Act of 1964, including the implementing regulations of the equal employment opportunity commission, and the office of civil rights, prohibiting discrimination in employment because of race, color, religion, sex, or national origin.

(8) Federal Rehabilitation Act of 1973, Section 504, which prohibits discrimination on the basis of handicap in programs receiving federal assistance.

(9) Federal Education Amendments of 1972, Title IX, prohibiting discrimination on the basis of sex in education.

(10) Federal Vietnam Era Veterans Readjustment Action of 1974 which prohibits discrimination because of Vietnam Era or disabled veteran status.

NEW SECTION

WAC 174-109-030 DEFINITIONS. (1) Handicapped persons (federal definition) means any person who (a) has a physical or mental impairment which substantially limits one or more major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment.

(2) Disabled veteran means a person entitled to disability compensation under laws administered by the veterans' administration for a disability rated at thirty per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

The higher education personnel board rule WAC 251-18-130 allows veterans to receive bonus points on civil service examinations during the eight years following the date of release from active service.

(3) Veteran of the Vietnam Era means a person who (a) served on active duty for a period of more than one hundred eighty days, and part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (b) was discharged or released from active duty for a service connected disability if any part of such active duty was performed during the Vietnam Era.

The Vietnam Era Veterans Readjustment Action of 1974 protects nondisabled Vietnam Era veterans for forty-eight months after discharge or release from active duty.

(4) Racial/ethnic groups (federal definitions):

(a) American Indian or Alaska Native includes all persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(b) Black (not of Hispanic origin) includes all persons having origins in any of the black racial groups in Africa.

(c) Hispanic includes all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. For purposes of data gathering the college separates Hispanic foreign nationals from Chicano/Mexican Americans.

(d) Asian includes all persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(e) White (not of Hispanic origin) includes all persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

(5) Protected groups include all persons in subsections (1) through (4)(d) of this section.

(6) Third World includes all persons in subsection (4)(a) through (d) of this section.

(7) Sexual harassment is unwanted sexual or sexist contact or communication, submission to which becomes a factor affecting the individual's employment or academic standing, or which creates an offensive or intimidating work or academic environment.

(8) Applicants. An applicant is a person who has completed an application in response to the college initiated recruiting effort.

(9) Corrective employment program. As used in this chapter the term corrective employment program means a program designed to increase the number of employees of a particular protected group in an industry, occupation or place of work in order to correct a condition of underrepresentation of such employees caused by present or past practices, customs, or usages of the employer or others that have limited employment opportunities for members of the affected group.

(10) Appointing authorities. "The following list shall constitute the presidentially designated positions of 'Appointing Authority'."

President	Director of Recreation & Athletics
Vice President & Provost	Director of Auxilliary Services
Vice President for Business	Director of College Relations & Development
Academic Deans	Director of Computer Services
Assistant to the President	Director of Cooperative Education
Bookstore Manager	Director of Educ. Support Program
Controller	Director of Employee Relations
Coordinator of Career Planning and Placement	Director of Facilities & Services
Coordinator of Media Services	Director of Financial Aid
Dean of Student & Enrollment Services	Executive Assistant to the Vice President for Business
Dean of Library Services	Registrar
Director of Admissions	Security Chief

(11) Presidents council. The following list constitutes the members of the "President's Council":

President	Academic Deans
Vice President for Business	Dean of Library Services
Director of Computer Services	Director of Employee Relations
Director of College Relations and Development	Dean of Student & Enrollment Services
Director of Facilities	Assistant to the President
Director of Educational Support Programs	Controller
Executive Assistant to the Vice President for Business	Director of Auxiliary Services
S & A Representative	Director of Recreation & Athletics
	Faculty Representatives

NEW SECTION

WAC 174-109-040 PURPOSE. To implement this policy, The Evergreen State College has adopted an affirmative action program as described in these sections.

NEW SECTION

WAC 174-109-050 RESPONSIBILITY FOR IMPLEMENTATION. (1) The president of The Evergreen State College is responsible to the board of trustees for implementation of the affirmative action policy, and for providing adequate moneys, staff and sufficient support of the policy to make it productive and effective.

(2)(a) The affirmative action officer will report directly to the president. The affirmative action officer is responsible to the president, and will be responsible for and assure compliance with this policy, and federal and state laws prohibiting discrimination and promoting equal opportunity. The affirmative action officer shall receive, investigate, and pursue fully all complaints and grievances involving violation of this policy, in accordance with the grievance procedures described in this policy.

(b) The affirmative action officer shall:

(i) Design and administer reporting systems to measure the effectiveness of this policy and to chart affirmative action achievements for the Evergreen campus as a whole, which shall be derived from individual reports from each campus;

(ii) Prepare and submit reports to appropriate state and federal agencies;

(iii) Ensure that all contractors with the college are equal opportunity employers;

(iv) Maintain resource material and an up-to-date listing of all agencies and organizations dealing with women and Third World people, these files will be used for recruitment purposes;

(v) Advise the college community of changes that affect the affirmative action policy on at least an annual basis;

(vi) Initiate and disseminate suggestions for training programs as described in the education and training section of this policy;

(vii) Coordinate reporting efforts as outlined in the monitoring, evaluation and improvement section of this policy;

(viii) Consult with the affirmative action committee on nonroutine matters relating to the policy itself, compliance problems, and new and continuing affirmative action grievances. The affirmative action officer will propose the agenda for these meetings to the president, who will call the committee into session.

(3)(a) The affirmative action committee will consist of: The members of the president's council (see definitions), two classified staff members elected by the staff and five students selected by the president, including two women students and two Third World students, at least one of whom shall be a representative of the Third World coalition. The president or his/her designee will chair the affirmative action committee.

(b) The affirmative action committee shall:

(i) Meet at the request of the president and in consultation with the affirmative action officer to hear and resolve nonroutine affirmative action policy issues;

(ii) Meet annually at the request of the president to receive an annual report from the affirmative action officer on unit progress toward meeting the goals of the affirmative action policy and to recommend corrective action where indicated;

(iii) Plan and sponsor an affirmative action education program as described in the education and training of the campus community section of this policy.

(4) The director of employee relations in cooperation with the affirmative action officer is responsible for informing the appropriate appointing authority and the chairperson of each employee selection committee about the relevant affirmative action policy and reporting procedures in matters of employee selection. The appointing authority and the selection committee chairperson are responsible for initiating this exchange of information. The director of employee relations is also responsible for consultation, counseling and identifying training programs for the upward mobility of classified and exempt staff including Third World people and women.

(5) The provost shall ensure that annual progress is made towards affirmative action goals in the area of faculty hiring, and that curriculum planning, teaching assignment, resource allocation, faculty evaluation, library development, and the evaluation process reflect affirmative action principles.

(6) The vice president for business and his/her designees shall ensure that the college complies with the requirements of chapter 120, Laws of 1983, concerning the participation of minority and women's business enterprises in the purchase orders of the college, public works contracts, and the selection of architectural and engineering services.

(7) The purchasing agent shall comply with all provisions of the Minority and Womens' Business Act, and shall make this information available to all persons who make purchases for the college.

(8) The dean of student and enrollment services shall ensure that admission, registration, financial aid, counseling, health services, academic advising, career planning, student activities and day care services support the admission, retention and graduation of students in accordance with the college's affirmative action policy.

(9) The director of admissions is responsible for coordinating student recruiting efforts to attract student applicants from protected groups so that the student population of Evergreen shall parallel the population of Washington State.

(10) All appointing authorities (see definitions) shall be responsible for implementation of this policy in their units, and shall provide an annual affirmative action report as specified in the monitoring, evaluation and improvement section of this policy.

NEW SECTION

WAC 174-109-060 POLICY DISSEMINATION. The affirmative action officer will disseminate a summary of the affirmative action policy statements to:

(1) All college offices will have copies of this policy and the summary statement available to disseminate to the following: New employees;

new students; contractors and vendors from whom the college purchases goods and services; organizations or business establishments with which the college has internship agreements; and representatives of off-campus persons or groups that schedule the use of college facilities for conferences, conventions or other activities.

(2) The affirmative action officer will ensure publication of affirmative action policy statements in the catalog and the faculty handbook and, at least once annually, in the Cooper Point Journal.

(3) Admissions recruiters will inform potential applicants about the policy during recruiting activities.

(4) Federal affirmative action posters and copies of this affirmative action policy will be displayed continuously on the bulletin board in the affirmative action office and office of employee relations.

(5) College management representatives to employee organizations contract negotiations will insure that any collective bargaining agreements covering members of the college faculty and/or staff provide for incorporation of this policy.

(6) The college administration will incorporate an affirmative action clause in all purchase orders, leases, contracts, and other agreements for the securing of goods and services issued by the college.

(7) The college administration will incorporate appropriate affirmative action provisions in all its annual budget goals and objectives statements. Action provisions in all its goal statements.

NEW SECTION

WAC 174-109-070 **HIRING PROCEDURES.** Evergreen conducts many kinds of hiring procedures: Classified, exempt, faculty, temporary, contractual and student are included. The affirmative action aspects of these are as follows:

(1) Classified employees. The procedures for appointing classified employees are established largely by the higher education personnel board (HEPB) and are implemented through the office of employee relations. In accordance with the affirmative action guidelines developed by the HEPB and the human rights commission, the employment procedure includes the following factors:

(a) Use of affirmative action waiting lists (continuously updated) in advertising all job vacancies;

(b) Use of nondiscriminatory wording of job announcements and selection procedure;

(c) When recommended, use of corrective employment procedures (see definitions); and

(d) Compilation of affirmative action statistics and documentation of progress, or lack thereof, towards affirmative action goals.

(2) Exempt employees. The appointing authority, or chair of the search committee, for exempt positions will confer with affirmative action officer upon undertaking the search, using the checklist of affirmative action procedures developed for that purpose, available at the affirmative action office. The appointing authority, and selection committee chair, in consultation with the affirmative action officer, shall develop: Recruiting and advertising methods that generate candidates from protected groups; job descriptions; and a time frame for the search. The selection committee will be representative of the college community, including members from protected groups. At this point the affirmative action officer will certify in writing that the search will proceed, or in consultation with the appointing authority, request corrective employment procedures. Failure to comply with these requirements will necessitate reopening the search. The affirmative action officer will provide forms for use in tracking each applicant and will compile and maintain a file of these forms as they are completed for each applicant.

(3) Faculty employees. Faculty hiring at The Evergreen State College is the responsibility of the provost, and is delegated to the deans, working with a faculty hiring committee, which will be representative of the Evergreen community, including members from protected groups. At the beginning of each selection process, the hiring dean and this committee shall meet with the affirmative action officer to acquire information on affirmative action procedures, using the checklist of affirmative action procedures developed for that purpose, available in the affirmative action office. The hiring dean and the faculty hiring committee chair, in consultation with the affirmative action officer, shall develop: Recruiting and advertising methods that generate candidates from protected groups; job description; and a time frame for the search. At this point, the affirmative action officer shall certify in writing that the search will proceed, or ask for corrective employment measures, as appropriate. The affirmative action officer will supply forms to the appointing authority for use in tracking each applicant,

and will compile and maintain a file of these forms as they are completed for each applicant. If necessary to achieve affirmative action goals in the area of faculty hires, the senior academic dean and the affirmative action officer will request the use of corrective employment procedures. Failure to comply with these requirements will necessitate reopening the search.

(4) Student employees. The affirmative action office supplies a form to all employers of students on campus which allows applicants to volunteer affirmative action data. This information will be included in the appointing authority's annual report. Each student position must be posted in the office of student financial aid. Each paid student internship must be on file in the office of cooperative education. These positions must be posted for at least one week or until a minimum of three students are interviewed for the positions.

(5) Temporary employees, adjunct faculty, dean and staff rotation appointments. While individuals in these categories are appointed for limited periods of time and for particular tasks, any appointments made in this manner must be in accordance with the tenets of the affirmative action policy. The affirmative action officer will review announcements, schedules, committee memberships, rating criteria, and applicant pools for affirmative action adequacy.

(6) Handicapped applicants. When a job applicant voluntarily self-identifies as handicapped, no inquiry as to the nature or severity of the handicap may be made during the initial rating process. If the applicant becomes a finalist, inquiry may be made concerning specific ability to perform essential job functions. The appointing authority must be prepared to make reasonable accommodations for a qualified handicapped applicant who can perform the essential functions of the position, and may not take into account, in the hiring decision, the fact that such accommodations are necessary. Reasonable accommodations may include making facilities used by employees readily accessible to handicapped persons, job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and other similar actions.

NEW SECTION

WAC 174-109-080 **GOALS AND TIMETABLES.** Evergreen is committed to achieving and maintaining a richly mixed multi-ethnic student body, faculty and staff. In order to assure our progress toward this end, the college establishes goals to measure achievement. Short-term goals measure our expectations while long-term goals measure our aspirations. A four-year cycle is established to measure short-term goals because it best includes the largest part of the Evergreen community.

The administrators of the college commit themselves to every possible effort to set short term student and employment goals and meet those goals by June 30, 1988. In employment areas where goals of the previous affirmative action policy (3/5/76) have been met or exceeded, affirmative action participation will be maintained at or above those goals. The following table provides a frame of reference for developing short-term goals within each unit of the college. Percentages expressed are percentages of the total student population or Evergreen work force.

Category ¹	Avail-ability ²	Current	4 year Goals	Long term Historical Goals
Third World students	10%	10%	Each appointing authority shall be required to set his/her own 4 year goal. Progress towards this goal shall be reported annually to the Affirmative Action Committee	25%
Women students	50%	51%		50%
Third World administrators	7%	12%	Progress towards this goal shall be reported annually to the Affirmative Action Committee	15%
Women administrators	33%	41%		45%
Third World faculty	9%	14%	Progress towards this goal shall be reported annually to the Affirmative Action Committee	25%
Women faculty	26%	32%		50%
Third World professionals	7%	12%	Progress towards this goal shall be reported annually to the Affirmative Action Committee	15%
Women professionals	45%	56%		45%
Third World clerical workers	5%	10%	Progress towards this goal shall be reported annually to the Affirmative Action Committee	15%
Women clerical workers	78%	87%		45%
Third World technical workers	8%	13%	Progress towards this goal shall be reported annually to the Affirmative Action Committee	15%
Women technical	48%	33%		45%

Category ¹	Availability ²	Current	4 year Goals	Long term Historical Goals
workers				
Third World craft workers	5%	5%		15%
Women craft workers	5%	0%		25%
Third World service workers	7%	36%		15%
Women service workers	40%	16%		45%

¹Composition of these categories by position is available from the affirmative action office.

²Based on 1983 availability statistics described below.

In addition to staffing pattern goals by job category as established in this section, the college recognizes as a long term historical goal the achievement of staffing patterns which provide at least fifteen percent Third World people and forty-five percent women in each unit under the direction of its appointing authority. Progress towards this goal will be evaluated on an annual basis. Further, the policy recognizes that the college has established one category to measure goals for all Third World people. Where one or more protected group (see definition) is under-utilized, it is the responsibility of the appointing authority to take steps necessary to correct such disparity.

Corrective employment procedures will be authorized by the affirmative action officer in all cases where there is an under-utilization according to availability statistics within an organizational unit or job classification. When corrective employment cannot be authorized, affirmative action will be exercised by the appointing authority in order to make progress toward our long range goals.

An important long-term goal of the college is the creation of an atmosphere of mutual respect and appreciation for the cultural diversity within the Evergreen community. An equally important long-term goal is the maintenance of the enrollment and employment levels that are greater than the percentages expressed through "availability statistics" for each of the categories listed in the preceding table. Availability statistics will be drawn from the following geographic areas:

- (a) Students - Washington state
- (b) Administrators and faculty - National
- (c) Professional, technical, clerical, craft and service workers -
 - Sixty percent Pierce and King counties
 - Forty percent Thurston, Mason, Lewis and Grays Harbor counties.

The college commits itself to a strong effort to incorporate more physically and mentally handicapped people into its workforce. Percentage goals have not been established in this area.

NEW SECTION

WAC 174-109-090 CORRECTIVE EMPLOYMENT. (1) Purpose. "Corrective employment" (see definition) is a general term for the policy that establishes a legal framework in which to undertake various affirmative action hiring options. These efforts will vary according to the hiring involved, whether for classified staff, exempt, or faculty positions.

Corrective employment is the means by which the college will correct under-utilization of members of protected groups.

(2) Authority. The Evergreen State College is required by Washington Executive Order 79-08 to develop and maintain an affirmative action program in accordance with the regulations developed by the office of federal contract compliance pursuant to Executive Order 12246.

Higher education personnel board (HEPB) WAC 251-18-390, corrective employment programs, and regulations of the Washington state human rights commission (WSHEC), chapter 162-18 WAC define and authorize the use of corrective employment programs. Each of these authorities provides for the use of selective certification in the referral and selection of persons of the under-represented groups.

(3) Determination of need for corrective employment. Evergreen maintains a computerized workforce roster which lists each employee by race, sex, handicapped and veteran status, salary level and occupational classification.

Using information from the United States Census and Labor Market Information published by the Washington state employment security department, the affirmative action officer biennially compiles

availability statistics for each occupational classification and identifies areas of under-utilization. Determinations of under-utilizations in employment, internal and historical trends of college employment, and comparisons between the data and the college's affirmative action goals are all included in the affirmative action annual report.

When this data shows that an under-utilization exists (according to federal definition) in the classified staff area, the affirmative action officer and the appointing authority will recommend that the director of employee relations utilize corrective employment procedures.

To determine whether to fill a faculty or exempt position by means of corrective employment, the appropriate dean or appointing authority, in consultation with the affirmative action officer, will compare the national availability statistics with the college's affirmative action goals.

(4) Responsibility. The Evergreen affirmative action policy, chapter 174-109 WAC assigns overall responsibility of the implementation to the president. It is the responsibility of the affirmative action officer to analyze, evaluate and monitor the institution's success or lack of success in achieving its goals and timetables, and to determine the need for corrective employment efforts. Deans, appointing authorities, and vice presidents have the responsibility for meeting the college's affirmative action goals and commitments in their assigned area. The director of employee relations is authorized to use corrective employment in those equal employment opportunity categories and groups in which an under-utilization of protected group members has been determined.

(5) Components of the program. Provisions included in this corrective employment program include authorization for:

- (a) Ascertain the race, sex and handicap status of applicants.
- (b) Use of knowledge of the candidate's race, sex, and handicap in the referral or selection process.
- (c) Maintaining all applications submitted by members of protected groups to insure contact with such members when employment opportunities become available.
- (d) Use of specially qualified persons or organizations to reach persons of protected groups.
- (e) Use of in-training appointments to employ persons who possess potential for successful performance in specific positions.
- (f) Use of other procedures such as selective certification or selective recruitment that are appropriate to correct the particular conditions at which the program is directed.

NEW SECTION

WAC 174-109-100 OTHER POLICIES. (1) Racial and sexual harassment prohibited: The college prohibits racial and sexual harassment on college property. While it is the responsibility of supervisors to intervene in circumstances of racial or sexual harassment, it is also the responsibility of each and every member of the college community to intervene and/or report to the affirmative action officer all instances of racial or sexual harassment.

(2) Comparable worth: The college supports the concept of comparable worth, and will implement it in accordance with the legislative action.

(3) Reduction in force: It is the policy of the college that, in the event that circumstances require a reduction in force, existing affirmative action employee ratios will be protected. Classified layoffs, exempt terminations, and faculty terminations should be balanced to provide an affirmative action ratio similar to the ratios existing prior to such a reduction in force.

(4) File retention: The complete application file of every applicant for a position shall be retained by the director of employee relations for classified positions and by appointing authorities in the case of faculty and exempt positions for a period of at least three years. These files should be made available to the affirmative action officer upon request.

(5) Maternity leave: Leave policies concerning pregnancy are found in the college personnel and faculty policies.

(6) Starting salaries: Starting salaries are based on qualifications and experience or on negotiable factors, not on gender, race, or handicap.

NEW SECTION

WAC 174-109-200 EDUCATION AND TRAINING OF CAMPUS COMMUNITY. Recognizing that prejudicial discriminatory attitudes and behavior are historically and systemically produced, this policy envisions sustained and multiple efforts to dispel them from the college community. All members of the community are expected to participate in regular college-sponsored programs to increase cross-

cultural and interracial understanding and mutual tolerance between all groups and individuals and shall be given release time to do so.

(1) The affirmative action committee, in consultation with the affirmative action officer and other interested parties, shall design and implement an education program for each academic year, not later than August first of each year. Program activities shall provide multiple affirmative action educational opportunities for all members of the college community. The education program shall be designed to promote appreciation and recognition of cultural diversity on the part of all members of the college community and shall not depend on one or two isolated interventions each year. It is the responsibility of all appointing authorities to assure that employees in their areas attend program activities.

(2) In addition, all appointing authorities, in consultation with their staffs and the affirmative action officer, shall prepare specific goals and objectives for affirmative action to include training programs addressed to the special characteristics of the tasks involved in their areas of responsibility. Such programs shall specify how personnel will be trained to prevent violations of this policy in their daily work assignments. Evaluations of the effectiveness of such training programs shall be included in the appointing authorities' annual report.

(3) The affirmative action committee and the affirmative action officer shall be responsible for evaluating the programs mandated herein, with the aid of such consultants as they deem appropriate. Evaluations of, and recommendations for the improvement of such programs shall be included in the annual affirmative action report of the committee to the board of trustees.

NEW SECTION

WAC 174-109-300 ACADEMIC PROGRAM AND ACTIVITIES POLICIES. (1) Equal opportunity. No classes, courses of study or other educational programs and activities offered by the college will be closed to anyone because of race, color, national origin, sex, marital status, sexual preference, religion, age, handicap, Vietnam Era or disabled veteran status.

(2) Racial and sexual harassment prohibited. The college prohibits racial and sexual harassment in all programs, activities, and facilities. While it is the responsibility of faculty and administrators to ensure that such behavior does not occur, it is also the responsibility of every community member to intervene or report all instances of sexual or racial harassment to the affirmative action office.

(3) Cultural bias. The college seeks to eliminate cultural bias and stereotyping in testing, counseling, advising, academic instruction and evaluation procedures.

(4)(a) Handicap accessibility. The college is committed to providing accessible education, maintaining an accessible campus, and providing auxiliary aids through the office of handicapped access and services. Concerns about handicapped access will be addressed to the planning office.

(b) If the handicapped person is a student, the right to an accessible education will be balanced, in situations involving mental/emotional handicaps, with the rights of other students to participate in an orderly educational process.

(5) It is the responsibility of the provost, academic deans and members of the faculty to develop and implement a culturally, racially, ethnically diverse curriculum.

NEW SECTION

WAC 174-109-400 MONITORING, EVALUATION, AND IMPROVEMENT. (1) This section has two purposes:

(a) To provide for data collection and reporting; and
(b) To establish procedures for evaluating institutional progress and individual performance of all faculty and staff as it relates to the affirmative action policy.

(2) The affirmative action officer will receive reports from the persons enumerated below and such other college officials as he/she may request to provide information, prepare digests, summaries and/or interpretations in sufficient detail to fulfill the information requirements of the president, board of trustees, or other authorities named in this program; and prepare college reports to external bodies such as the higher education personnel board, governor's committee or affirmative action, etc.

(3) The following persons will provide information to the affirmative action office as indicated.

(a) The director of employee relations will report annually on upward mobility within the college workforce, and will provide quarterly

reports concerning applications received, number of persons hired, number of persons receiving training, number of persons promoted, number of persons transferred, number of persons terminated, starting salary of new employees and employee turnover rates, all by race and sex, veteran and handicapped status.

(b) The provost or his/her designees will report annually on affirmative action progress in faculty hiring, and the development of cultural literacy in the areas of curriculum planning, teaching assignment, resource allocation, and library development.

(c) The vice president for business or his/her designees will supply contract compliance data as it is generated, and will report quarterly on the dollar amount of goods and services contracts awarded, including the percentages awarded to minority and women-owned businesses.

(d) The registrar will provide quarterly reports of student enrollment by race and sex.

(e) The admissions office will compile quarterly data on student applications that self-identify concerning race, sex, and handicap.

(f) The financial aid office will provide annual data on awards by race and sex.

(g) Cooperative education will provide quarterly reports reflecting participation in internships by race and sex.

(h) Housing will provide quarterly reports indicating student occupancy ratios by race and sex.

(i) The office of institutional research will provide an annual report tracking Third World student retention.

(4) In addition, each official named in subsection (3) of this section, and such others as may be so requested by the affirmative action officer, shall include in her/his reports the number of occasions in which performance evaluations have included a finding of probable cause to believe discrimination has taken place or failure to perform obligations imposed by provisions of this program, together with the corrective actions implemented in each case. (This includes faculty and staff.) The affirmative action officer shall include a digest of such reports in his/her reports to the president and board of trustees, together with recommendations with regard to the need for new policies and/or corrective actions.

(5) All members of the Evergreen community are required to abide by the provisions of this policy as a condition of remaining a member of the community. Every Evergreen employee shall be evaluated with respect to performance obligations under this policy, as a regular part of the established annual evaluation process. In every case of a negative evaluation, the evaluation shall state what corrective action has been required. Subsequent evaluations shall specifically address the question of whether there has been improvement in the employee's performance in this regard. Continued negative evaluations shall constitute grounds for terminating the employee's membership in the Evergreen community. College officials shall report instances where a finding of probable cause that discrimination has occurred among students to the affirmative action officer and the campus adjudicator.

NEW SECTION

WAC 174-109-500 GRIEVANCE PROCEDURES. A person who believes she/he has received prejudicial discriminatory treatment within the Evergreen community because of race, color, national origin, sex, marital status, sexual preference, religion, age, handicap, Vietnam Era or disabled veteran status is urged to utilize the grievance procedures provided by the college through the affirmative action office. This policy also seeks to protect complaining parties from any retaliation which might result from the resolution of complaints. This policy however, cannot substitute for personal integrity and professional ethics in the Evergreen community. Members of the Evergreen community who come into conflict on issues of discrimination and retaliation must first make a determined effort to resolve problems between themselves in a constructive and mutually agreeable manner. If the situation remains unresolved, any person, whether making or receiving a complaint, may contact the affirmative action office for the purposes of policy clarification, informal discussion, advice and assistance. These contacts will be kept confidential. (The grievance procedures outlined below shall be used in cases of racial or sexual discrimination.)

(1) Informal resolution. The complaining party (complainant) should contact the affirmative action officer to discuss the complaint. The affirmative action officer shall forward the complaint to the alleged violator (the respondent), and to the appropriate authority (campus adjudicator, academic dean, employee supervisor). The disputants shall select a mutually agreed upon third party to hear and assist

in the resolution of the dispute. The affirmative action officer may appoint a third-party mediator if the parties fail to agree upon one, or the affirmative action officer may serve as mediator if agreeable to both parties.* Third-party mediation is deliberately left unstructured; this allows the mediator the widest possible latitude. The mediator may, at his/her option, adopt any rules or procedures necessary for the orderly resolution of conflict. Within five working days of the conclusion of mediation, the mediator shall send a summary statement of the nature of the conflict to the affirmative action committee through the president's office. Copies will be sent to the disputants and the respondent's supervisor. (*Mediation shall be concluded within ten working days of the initial request for mediation.) If there is no resolution within ten working days, the complainant can then file a formal complaint.

(2) Formal Complaint.

(a) Filing a complaint. Any person may begin formal grievance procedure concerning unlawful discrimination by any person or unit of the college by filing a written description of the alleged act of discrimination with the affirmative action officer. The affirmative action officer will provide forms for this purpose. Statements should be detailed, accurate and truthful, and must include a suggested resolution.

(b) Notification of principals. Receipt of the complaint will be acknowledged in writing by the affirmative action officer, and the respondent, will be informed within three working days by the affirmative action officer of the nature and substance of the complaint. The affirmative action officer shall send a copy of the written complaint to the respondent following the personal contact, also within three working days of the filing. The affirmative action officer shall, at this point inform both parties that retaliation or harassment of any kind is out of order.

(c) Information gathering. It shall be the responsibility of the affirmative action officer to solicit and compile information about the complaint during a period not to exceed ten working days.

Both the complainant, and the respondent may choose to name a representative to participate in the proceeding; may suggest witnesses to be interviewed; and may submit informational documents and/or statements.

The affirmative action officer may also solicit information and/or documentation from other units or individuals, as appropriate. The affirmative action officer will make every effort to conduct interviews with witnesses and other parties at times which are convenient for the participation of parties and/or representatives. These interviews shall be tape recorded with the agreement of both parties and the tape(s) made available to parties and representatives. The affirmative action officer has the right to demand a tape recording.

It is the responsibility of all people involved in the information-gathering process to seek out and/or provide truthful and complete information, to remain impartial, and to maintain confidentiality.

(d) Deliberations. Within five working days after the conclusion of the information gathering, the affirmative action officer shall write a factual summary of the information gathering efforts. This summary will not contain opinion or conclusions, and will remain confidential.

Within five working days after the summary has been written, the affirmative action officer and the parties and/or representatives shall meet to determine whether there is consensus as to the facts, and to discuss any possible resolutions of the problems. Participants are under a duty of good faith to seek consensus and resolution. The summary may be amended to reflect any new information that is obtained, or to reflect consensus and resolution.

(e) Decision-making. If no consensus and resolution have been found, the affirmative action officer will, within five working days after the meeting to find consensus and resolution has been concluded, consult with the president and the supervisory authorities of the principals, or the campus adjudicator if students are involved, and then write a report to include the following:

(i) A summary of the deliberations.

(ii) A conclusion concerning probable cause to believe discrimination has taken place, or the lack thereof.

(iii) A recommended remedy.

(iv) Advice to both parties that retaliation and/or harassment is intolerable and is grounds for expulsion from the Evergreen community.

These findings will be forwarded to the principals, the president, and the supervisory authorities of the principals, or the campus adjudicator if students are involved. Within thirty calendar days of receiving the findings, either the complainant or the respondent may request a hearing before the board of trustees. Should the trustees not agree to a

hearing, the decision is final on campus, and shall be implemented within ten working days.

Concurrent with these grievance procedures, a person who believes she/he has been the subject of discrimination may choose to consult an attorney regarding civil redress, or may choose to file a discrimination grievance with the following agencies:

Washington State Human Rights Commission
402 Evergreen Plaza Building
7th and South Capitol Way
Olympia, WA 98504

Office of Civil Rights
Department of Health, Education and Welfare
Arcade Plaza Building MS 508
1321 Second Avenue
Seattle, WA 98101

Equal Employment Opportunity Commission
414 Olive Way
Time Square Building
Fourth Floor
Seattle, WA 98101

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 174-148-010 GENERAL.
- (2) WAC 174-148-015 POLICY AND PROGRAM DISSEMINATION.
- (3) WAC 174-148-030 ADDITIONAL COMMUNICATION OF POLICY AND PROGRAM.
- (4) WAC 174-148-040 RESPONSIBILITY FOR IMPLEMENTATION.
- (5) WAC 174-148-050 MONITORING AND AUDITING.
- (6) WAC 174-148-060 PRACTICES PROBLEM AREAS IDENTIFICATION.
- (7) WAC 174-148-070 UTILIZATION ANALYSIS.
- (8) WAC 174-148-080 GOALS AND TIMETABLES.
- (9) WAC 174-148-085 PREGNANCY AND MATERNITY LEAVE.
- (10) WAC 174-148-090 GRIEVANCE PROCEDURE.
- (11) WAC 174-148-100 INCORPORATION BY REFERENCE.
- (12) WAC 174-148-110 LEGAL BASIS.
- (13) WAC 174-148-120 DEFINITIONS.

WSR 84-08-065
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules;

that the agency will at 10:00 a.m., Friday, May 11, 1984, in the Holiday Inn, Everett, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 18, 1984.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 11, 1984.

Dated: April 4, 1984
By: William R. Wilkerson
Director

STATEMENT OF PURPOSE

Title: WAC 220-20-015, 220-22-030 and chapter 220-47 WAC.

Description of Purpose: Provide adjustments for 1984 Puget Sound salmon fishing regulations.

Authority: RCW 75.08.080.

Summary of Rule: WAC 220-20-015, clarifies intent, provides aquaculture exception to commercial minimum size limits for salmon; WAC 220-22-030, creates and revises lines for more appropriate salmon stock separations. Further regulatory change may be necessary if the proposed 6-6B catch area delineation creates conflict with the intent of Initiative 77; and chapter 220-47 WAC, removes obsolete gear identification regulations, deletes preserves to bring them into conformance with current management practice, and where appropriate, these provisions have been incorporated into WAC 220-47-307, provides adjustments for 1984 Puget Sound salmon fishery schedule and gear restrictions.

Reasons Supporting Proposed Action: WAC 220-20-015, aquaculture exception necessary to allow sale of smaller, pen-raised fish; WAC 220-22-030, management considerations require that selected stock fisheries be opened and closed independently; and chapter 220-47 WAC, outdated gear identification regulations are not needed, the preserves regulations that are repealed are carried within the management by area regulations, adjustments in schedule and gear restrictions based on 1984 Puget Sound preseason salmon forecast and harvest criteria.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Edward P. Manary, 115 General Administration Building, Olympia, Washington, 753-6631; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: None.

These rules are not the result of federal law or court order.

Small Business Economic Impact Statement: No effect, these rules regard resource utilization and conservation.

AMENDATORY SECTION (Amending Order 79-75, filed 9/7/79)

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 miles from any river or stream flowing into Puget Sound, unless otherwise provided.~~

~~((2)) It ((shall be)) is 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)) ((2)) It ((shall be)) is unlawful to operate any ((snag)) net for removing snags from state waters without permit from the department of fisheries.~~

~~((4)) ((3)) It ((shall be)) is unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length ((and)) or coho salmon less than 16 inches in length except as follows:~~

~~(a) In the Puget Sound, Grays Harbor, Willapa Bay and Columbia River commercial salmon net ((fishery the minimum size limit for coho salmon shall be 16 inches in length; provided)) fisheries there ((shall be)) is 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 frozen chinook salmon, dressed heads off shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.~~

~~((e) In the Puget Sound commercial)) ((c) This subsection does not apply to salmon ((gill net fishery there shall be no minimum size limit on salmon taken from U.S. Convention waters during the time IHSFC has control of those waters)) raised in aquaculture.~~

~~((f)) ((4)) It ((shall be)) is 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.~~

~~((g)) ((5)) It ((shall be)) is 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 subsection ((f)) ((4)) of WAC 220-20-015 ((shall)) does not apply to salmon possessed ((pursuant to)) under this subsection.~~

~~((h)) ((6)) It ((shall be)) is 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.~~

~~((i)) ((7)) 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 82-83, filed 7/15/82)

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 Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the 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))~~ Dungeness Spit Light 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 northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl 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))~~ Dungeness Spit Light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(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, and northerly of a line projected from Observatory Point to Angeles Point.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) Area 6E shall include those waters of Puget Sound southerly of a line projected from Observatory Point to Angeles Point.

(9) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point light, ~~((westerly of a line projected southeasterly from Sandy Point light to the most westerly point of Gooseberry Point;))~~ northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from ~~((Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line)))~~ Sandy Point to Point Migley, thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island.

~~((9))~~ (10) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point light.

~~((10))~~ (11) Area 7B shall include those waters of Puget Sound southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line projected from ~~((the most westerly point of Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line)))~~ Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

~~((11))~~ (12) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

~~((12))~~ (13) Area 7D shall include those waters of Puget Sound easterly of a line projected southeasterly from the Sandy Point light to the most westerly point of Gooseberry Point.

~~((13))~~ (14) 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, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

~~((14))~~ (15) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point ~~((true east to the mainland))~~ 110° true to the shipwreck on the opposite shore, westerly of a line projected from Hermosa Point to red nun buoy Number 2 to Mission Point, and southerly of the State Highway 532 bridges between Camano Island and the mainland.

(16) Area 8D shall include those waters of Puget Sound easterly of a line projected from Hermosa Point to red nun buoy Number 2 to Mission Point.

~~((15))~~ (17) 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 site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point ~~((true east to the mainland))~~ 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to Edwards Point.

~~((16))~~ (18) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

~~((17))~~ (19) 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 233° true from the

~~((Golden Fides))~~ Acapulco restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head light to Pier 91, 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.

~~((18))~~ (20) Area 10A shall include those waters of Puget Sound easterly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head light to Pier 91.

~~((19))~~ Area 10B shall include those waters of Puget Sound easterly of a line projected 233° true from the Golden Fides restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, Salmon Bay, the Lake Washington Ship Canal, Lake Union, Portage Bay, Lake Washington northerly of the Evergreen Point Floating Bridge, and waters of the Sammamish River north of State Highway 908 Bridge.

~~((20))~~ (21) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

~~((21))~~ (22) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

~~((22))~~ (23) 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.

(24) Area 10F shall include those waters of Puget Sound easterly of a line projected 233° true from the Acapulco restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington ship canal and those waters of the Lake Washington ship canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship canal, Lake Union and Portage Bay.

(25) Area 10G shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

~~((23))~~ (26) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

~~((24))~~ (27) Area 11A shall include those waters of Puget Sound southerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay.

~~((25))~~ (28) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

~~((26))~~ (29) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

~~((27))~~ (30) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

~~((28))~~ (31) Area 12C 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 the fishing boundary marker at Union.

~~((29))~~ (32) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the fishing boundary marker at Union.

~~((30))~~ (33) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected ~~((93° true))~~ from ~~((the marker on the Longbranch Peninsula to the point immediately north of))~~ 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 No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

~~((31))~~ (34) Area 13A shall include those waters of Puget Sound northerly of a line projected ~~((93° true))~~ from ~~((the marker on~~

Longbranch Peninsula to the point immediately north of) Green Point to Penrose Point.

~~((32)) (35) Area ((+3B)) 13C shall include those waters of Puget Sound ((westerly) easterly of ((a line projected from)) the ((Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland)) railroad trestle at the mouth of Chambers Bay.~~

~~(36) Area 13D 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 Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.~~

~~(37) Area 13E shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.~~

~~(38) Area 13F shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.~~

~~(39) Area 13G shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.~~

~~(40) Area 13H shall include those waters of Puget Sound southerly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.~~

~~(41) Area 13I shall include those waters of Puget Sound southwest-erly of a line projected 64° true from Kamilche Point to the opposite shore.~~

~~(42) Area 13J shall include those waters of Puget Sound northwest-erly of a line projected from the light at Arcadia to Hungerford Point.~~

~~(43) Area 13K shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.~~

AMENDATORY SECTION (Amending Order 76-26, filed 1:45 p.m., 4/20/76)

WAC 220-47-121 TREATY INDIAN ~~((VESSEL AND))~~ GEAR IDENTIFICATION. It shall be unlawful for any person exercising his or her treaty Indian fishing rights at usual and accustomed grounds and stations within the Point No Point, Makah, Quinault, Medicine Creek, and Point Elliott treaty areas to ~~((take, fish for, or possess food fish until such boat or gear has been specifically registered with, and its use in such fishery or area specifically authorized by the tribal authorities of the user's tribe, and notice of such registration and authorization has been given by the tribal authorities to the Washington department of fisheries.~~

~~(a) The department of fisheries shall also be immediately notified of the cancellation or suspension of any such registration or authorization:~~

~~(b) The registration and notice shall contain at least the following information:~~

~~(1) Name and address of owner and operator;~~

~~(2) Type and name, if any, of the vessel;~~

~~(3) Tribal identification number;~~

~~(4) Type of gear;~~

~~(c) No boat or unattended) leave any gear ((shall be used in the exercise of Indian treaty rights with respect to any fishery in the Point No Point, Makah, Quinault, Medicine Creek, or Point Elliott treaty areas)) unattended unless there is affixed to it an identification tag of tribal affiliation and specific fisherman identification.~~

~~((d) The required boat identification tag, as agreed with the tribes through the Northwest Indian Fisheries Commission and the department, shall consist of a red plaque approximately 2-1/2 inches by 12 inches with embossed numbers as follows: The first digit shall indicate the treaty area, the second digit the tribe within the treaty area, and the last five digits the fisherman's Bureau of Indian Affairs' Tribal Identification Number.~~

~~(e) The required unattended gear tag shall consist of a metal tag approximately 3/4 inch by 4 inches, embossed with the same numbering system as described in paragraph (d) of this subsection.~~

~~(f) Use of any such vessel or gear in violation of this subsection may be subject to the provisions of state law or regulation applicable to nontreaty fishermen.))~~

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It is unlawful to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Area 7B - That portion ~~((of the Fidalgo Bay Salmon Preserve))~~ south and east of a line from William Point on Samish Island to Sadlebag Island to the southeastern tip of Guemes Island.

Area 7C - That portion ~~((inside))~~ southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - That portion of Skagit Bay ~~((Salmon Preserve))~~ easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

Area 8A - ~~((Port Gardner Salmon Preserve))~~ Those waters easterly of a line projected from Mission Point at the south end of Tulalip Bay, thence to Buoy C1, thence to Buoy C3, thence to the Viacom Cablevision tower on the southern shore of Port Gardner, and those waters northerly of a line from Camano Head to Hermosa Point on the north end of Tulalip Bay.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point Light to Sierra Echo Buoy thence to Forbes Landing Wharf, east of Hansville.

Area 10 - That portion easterly of a line projected from Meadow Point to West Point and that portion of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

Area 11 - ~~((Gig Harbor Salmon Preserve))~~ Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

~~((Area 12 - Those waters inside and southeasterly of a line projected from Lone Rock to buoy "BBC Comm Fish" approximately 1-1/2 mile offshore, thence southwest-erly approximately 1-1/2 miles to another buoy "BBC Comm Fish," thence approximately 1/2 mile directly to a fishing boundary marker on shore.))~~

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-311 PURSE SEINE—SEASONS. It is 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 4B, 5, 6, 6A, 6B, 6C, 6D, 6E, 7 and 7A - closed.

~~((Area 6D - October 2 through November 5.~~

~~Areas 7 and 7A - closed.))~~

Area 7B - September ~~((+))~~ 10 through ~~((November-5))~~ October 30.

Areas 7C and 7D - closed.

Area 8 - October 23 ~~((through October 29)).~~

Area 8A - ~~((July 24))~~ September 10 through October ~~((29))~~ 23.

Areas 8D, 9 and 9A - closed.

Areas 10 and 11 - September ~~((+))~~ 10 through October ~~((29))~~ 23.

Areas 10A, ~~((+B))~~ 10C, 10D, 10E, 10F, 10G and 11A - closed.

Area 12 - July ~~((24))~~ 31 through October ~~((29))~~ 23.

Areas 12A, 12B, 12C, 12D, 13, 13A, ~~((+B))~~ 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas - closed.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-312 PURSE SEINE—WEEKLY PERIODS. It is 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 Salmon Management and Catch Reporting Areas:

~~((Area 6D - Weeks beginning October 2, 9, 16 and 23: Sunday through Saturday. Week beginning October 30: Sunday through Friday.))~~

Area 7B - Week beginning September ~~((+))~~ 9: Monday through Saturday. Weeks beginning September ~~((+8))~~ 16, 23 and ~~((25))~~ 30, and October ~~((2 and 9))~~ 7: Sunday through Saturday. Week beginning October ~~((+6))~~ 14: Sunday through Friday. Weeks beginning October ~~((23))~~ 21 and ~~((30))~~ 28: Monday and Tuesday.

Area 8 - Week beginning October ~~((23))~~ 21: ~~((Monday))~~ Tuesday.

Area 8A - (~~Week beginning July 24: Tuesday. Week beginning July 31: Tuesday and Wednesday.~~) Weeks beginning September ((+)) 9 and October ((+6, and October 23)) 14: Monday. Week beginning September ((+8)) 16: Monday and Tuesday. Week beginning October 21: Tuesday.

Areas 10 and 11 - Weeks beginning September ((+)) 9 and ((+8)) 16: Monday and Tuesday. Week(s) beginning October ((+6 and 23)) 14: Monday. Week beginning October 21: Tuesday.

Area 12 - Weeks beginning July ((24)) 29, August 5 and ((July 31)) October 21: Tuesday. Weeks beginning September ((+)) 9 and ((+8)) 16 and October ((+6 and 23)) 14: Monday.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with purse seine gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

((~~Area 6D from September 25 to November 3 and~~) Area 7B from September ((+)) 9 to October ((20)) 18 - 24 hours per day.

((~~Area 6D on November 4 - 12:01 a.m. to 4:00 p.m. Pacific Standard Time.~~)

Area 7B on October ((21)) 19 - 12:01 a.m. to 4:00 p.m. Pacific Daylight Time.

All other open areas - July ((24)) 29 through October ((29)) 27: 5:00 a.m. to 9:00 p.m. Pacific Daylight Time. October ((30)) 28 through November ((5)) 3: 5:00 a.m. to 8:00 p.m. Pacific Standard Time.

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-319 SPECIAL MESH SIZE. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in Puget Sound Salmon Management and Catch Reporting Areas 6B, 6D, 8, 8A, 8D, 9, 9A, 10, 10A, ((+8B;)) 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J and ((+8B)) 13K from the second Monday in September through November 30 unless said purse seine gear is constructed so that the first 100 meshes below the corkline that are within 75 fathoms of the bunt, excluding the bunt, are of a size not less than 5 inches stretch measure.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-411 GILL NET—SEASONS. It is 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 4B, 5, 6, 6A, 6B ((and)), 6C, 6D, 6E, 7 and 7A - closed.

((~~Area 6D - October 2 through November 5.~~

~~Areas 7 and 7A - closed.))~~

Area 7B - July ((24)) 30 through ((~~November 5~~) October 30.

Area 7C - July ((24)) 30 through August ((6)) 15.

Area 7D - closed.

Area 8 - October ((+6)) 15 through October ((29)) 22.

Area 8A - ((~~July 24~~) September 9 through October ((29)) 22.

Areas 8D, 9 and 9A - closed.

Area 10 - September ((+)) 9 through October ((29)) 22.

Areas 10A, ((+8B;)) 10C, 10D ((and)), 10E, 10F and 10G - closed.

Area 11 - September ((+)) 9 through October ((29)) 22.

Area 11A - closed.

Area 12 - July ((24)) 30 through October ((29)) 22.

Areas 12A, 12B, 12C, 12D, 13, 13A, ((+8B)) 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas - closed.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-412 GILL NET—WEEKLY PERIODS. It is 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:

((~~Area 6D - Weeks beginning October 2, 9, 16 and 23: Sunday through Saturday. Week beginning October 30: Sunday through Friday.~~)

Area 7B - ((~~Week beginning July 24: Tuesday and Wednesday nights.~~) Week beginning July ((31)) 29: Monday((;)) and Tuesday ((and Wednesday)) nights. Week beginning August ((7)) 5: Tuesday, Wednesday, and Thursday nights. Week beginning August 12: Monday, Tuesday, and Wednesday nights. Weeks beginning September ((+1, +8;)) 9, 16, 23 and ((25)) 30, and October ((2 and 9)) 7: Sunday through Saturday. Week beginning October ((+6)) 14: Sunday through Friday. Week beginning October ((23)) 21: Sunday and Monday nights. Week beginning October ((30)) 28: Monday and Tuesday nights.

Area 7C - Week beginning July ((24)) 29: Monday and Tuesday ((and Wednesday)) nights. Week beginning August 5: Tuesday, Wednesday and Thursday nights. Week beginning ((July 31)) August 12: Monday, Tuesday and Wednesday nights.

Area 8 - Weeks beginning October ((+6)) 14 and 21: Monday night. ((Week beginning October 23: Sunday night.))

Area 8A - Week ((beginning July 24: Tuesday night. Week beginning July 31: Monday and Tuesday nights. Weeks)) beginning September ((+1 and October 23)) 9: Sunday night. Week beginning September ((+8)) 16: Monday and Tuesday nights. Weeks beginning October ((+6)) 14 and 21: Monday night.

Areas 10 and 11 - Week beginning September ((+)) 9: Sunday and Monday nights. Week beginning September ((+8)) 16: Monday and Tuesday nights. Weeks beginning October ((+6)) 14 and 21: Monday night. ((Week beginning October 23: Sunday night.))

Area 12 - ((~~Week beginning July 24: Tuesday night.~~) Week beginning July ((31)) 29: Monday night. Week beginning August 5: Tuesday night. Week(s) beginning September ((+1 and October 23)) 9: Sunday night. Weeks beginning September ((+8)) 16 and October ((+6)) 14 and 21: Monday night.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-413 GILL NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with gill net gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

July ((24)) 29 through August ((+3)) 11 - 7:00 p.m. to 9:30 a.m. Pacific Daylight Time in all open areas.

August ((+4)) 12 through September ((+7)) 15 - 6:00 p.m. to 9:00 a.m. Pacific Daylight Time in all open areas unless otherwise provided. ((~~October 2 through November 3 - open 24 hours per day in Area 6D.~~

~~November 4 - 12:01 a.m. to 4:00 p.m. Pacific Standard Time in Area 6D.))~~

September ((+)) 9 through October ((20)) 18 - open 24 hours per day in Area 7B.

October ((21)) 19 - 12:01 a.m. to 4:00 p.m. Pacific Daylight Time in Area 7B.

September ((+8)) 16 through October ((29)) 27 - 5:00 p.m. to 9:00 a.m. Pacific Daylight Time in all ((other)) open areas unless otherwise provided.

October ((30)) 28 through November ((5)) 3 - 4:00 p.m. to 8:00 a.m. Pacific Standard Time in all ((other)) open areas.

AMENDATORY SECTION (Amending Order 83-57, filed 6/28/83)

WAC 220-47-414 GILL NET—MESH SIZES. It is 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:

July ((24)) 29 through September ((+8)) 8 - All open areas - 7 inch minimum mesh size.

((~~October 2 through November 5 - Area 6D - 5 inch minimum mesh size.~~)

September ((+)) 9 through October ((22)) 20 - Areas 7B and 7C - 5 inch minimum mesh size. October ((23)) 21 through November ((5)) 3 - Areas 7B and 7C - 6 inch minimum mesh size.

September ((+)) 9 through October ((+5)) 13 - All other open areas - 5 inch minimum mesh size.

October ((+6)) 14 through November ((5)) 3 - All other open areas - 6 inch minimum mesh size.

AMENDATORY SECTION (Amending Order 76-41, filed 6/4/76)

WAC 220-47-50101 PUGET SOUND TROLL LINE SEASONS—SALMON. July ((+8)) 15 to August ((+2)) 18.

AMENDATORY SECTION (Amending Order 76-41, filed 6/4/76)

WAC 220-47-50201 PUGET SOUND TROLL LINE WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon for commercial purposes with troll gear except from Monday through Friday of each week on those days when it is open to a commercial salmon purse seine net fishery.

AMENDATORY SECTION (Amending Order 76-41, filed 6/4/76)

WAC 220-47-503 PUGET SOUND TROLL LINE CLOSED AREAS. It shall be unlawful to take, fish for or possess salmon taken with troll line gear for commercial purposes in all Puget Sound salmon fishing areas except Areas ((+8)) 5((:)) and 6C.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 220-47-251 PUGET SOUND—SALMON PRESERVE—DISCOVERY BAY.
- (2) WAC 220-47-253 PUGET SOUND—SALMON PRESERVE—ELLIOTT BAY.
- (3) WAC 220-47-254 PUGET SOUND—SALMON PRESERVE—FIDALGO BAY.
- (4) WAC 220-47-255 PUGET SOUND—SALMON PRESERVE—HOOD CANAL.
- (5) WAC 220-47-256 PUGET SOUND—SALMON PRESERVE—KITSAP.
- (6) WAC 220-47-257 PUGET SOUND—SALMON PRESERVE—BALLARD.
- (7) WAC 220-47-258 PUGET SOUND—SALMON PRESERVE—SOUTH PUGET SOUND.
- (8) WAC 220-47-259 PUGET SOUND—SALMON PRESERVE—POINT NO POINT.
- (9) WAC 220-47-260 PUGET SOUND—SALMON PRESERVE—COMMENCEMENT BAY.
- (10) WAC 220-47-261 PUGET SOUND—SALMON PRESERVE—SAMISH BAY.
- (11) WAC 220-47-263 PUGET SOUND—SALMON PRESERVE—SKAGIT BAY.
- (12) WAC 220-47-264 PUGET SOUND—SALMON PRESERVE—PORT GARDNER.
- (13) WAC 220-47-265 PUGET SOUND—SALMON PRESERVE—PORT SUSAN.
- (14) WAC 220-47-267 PUGET SOUND—SALMON PRESERVE—WASHINGTON HARBOR.
- (15) WAC 220-47-268 PUGET SOUND—SALMON PRESERVE—GIG HARBOR.
- (16) WAC 220-47-314 POINT ROBERTS.

WSR 84-08-066**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning proposed amendment to WAC 16-108-010 to reduce egg assessment from two and one-half mills per dozen eggs to two mills per dozen eggs;

that the agency will at 1:30, Wednesday, May 9, 1984, in the Small Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is chapter 69.25 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 9, 1984.

Dated: April 4, 1984

By: James E. Wommack
Assistant Director

STATEMENT OF PURPOSE

Description of Purpose: To reduce the egg assessment fee from two and one-half mills to two mills per dozen.

Agency Personnel to Contact: Jim Wommack, Assistant Director, Dairy and Food Division, 406 General Administration Building, Olympia, WA 98504, phone (206) 753-5042.

This amendment is proposed by the egg industry.

Agency Comments: None.

These rules are not necessary as a result of federal law, or federal or state court action.

Small Business Impact: None.

AMENDATORY SECTION (Amending Order 1489, filed 1/31/77)

WAC 16-108-010 RATE. A fee of two ((and one-half)) mills per dozen eggs is hereby established for Washington State egg seals and facsimile type Washington State egg seals imprinted on egg containers.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- (1) WAC 16-108-001 PROMULGATION
- (2) WAC 16-108-002 PROMULGATION
- (3) WAC 16-108-003 PROMULGATION

WSR 84-08-067**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning potato certification, chapter 16-324 WAC;

that the agency will at 1:15 p.m., Wednesday, May 9, 1984, in the Whatcom County Extension Service Office, 1000 North Forest Street, Bellingham, WA 98225, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 14, 1984.

The authority under which these rules are proposed is chapter 15.14 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 9, 1984.

Dated: April 4, 1984

By: Michael V. Schwisow
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 16-324-350 and 16-324-380.

Description of Purpose: To consider adoption of fee increase for potato certification.

Statutory Authority: Chapter 15.14 RCW.

Summary of Rule: Increase seed potato certification fee from \$13.50 to \$26.00.

Reason for Supporting Proposed Action: It has been twelve years since the potato certification fee was increased. This fee increase is necessary in order to cover increased inspection costs.

Agency Personnel Responsible for Drafting, Implementing and Enforcing: Max G. Long, Seed Branch Supervisor, 2015 South 1st Street, Yakima, WA 98903, phone (509) 575-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments or Recommendations: None.

Rule Amendments Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order No. 1587, filed 11/21/78)

WAC 16-324-380 FEES. (1) Potato certification fees shall be ~~((thirteen dollars and fifty cents))~~ \$26.00 per acre.

Applications shall be accompanied by fifty percent of the total charge due and payable on or before June 15 of each year. Applications may be adjusted ten percent on or before July 15.

(2) Final payment of above fee is due and payable November 1 of each year(:); PROVIDED(:), That (a) Fees for five acres or less must be paid in full at the time of application.

(b) Fee for two acres or less must be paid in full at time of application.

(c) No fees will be charged, up to five acres, for regularly enrolled high school 4-H or FFA projects.

(3) Refunds of the application fee will be made only if the withdrawal form is received by the department prior to the first field inspection.

(4) Lots rejected on or before October 1 will not be subject to final fees.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees will be considered.

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

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

WAC 16-324-350 PROMULGATION

WSR 84-08-068
PROPOSED RULES
DEPARTMENT OF GAME
 [Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Game intends to adopt, amend, or repeal rules concerning:

Rep WAC 232-12-084 Director empowered to alter seasons.
 New WAC 232-12-085 Director empowered to alter seasons;

that the agency will at 9:00 a.m., Sunday and Monday, May 20-21, 1984, in the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 21, 1984.

The authority under which these rules are proposed is RCW 77.04.020.

The specific statute these rules are intended to implement is RCW 77.12.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 20, 1984.

Dated: April 3, 1984

By: Jack S. Wayland

for Sam Wright, Divisional Administrator
 Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-085 Director empowered to alter seasons.

Statutory Authority for the Rule: RCW 77.04.020.

Specific Statute that Rule is Intended to Implement: RCW 77.12.010 and 77.12.150.

Summary of the Rule: Delegates emergency rule power to the director to close, shorten or reopen an established season, and to establish daily, weekly, or seasonal bag limits for that season when necessary due to biological data or climatic conditions.

Reasons Supporting the Proposed Rule: The 1984 legislature passed legislation to delegate emergency rule power to the director for purposes as stated in RCW 77.12.150 which will be effective June 8, 1984. Adoption of this rule will meet the intent of the legislation.

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: R. B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-085 DIRECTOR EMPOWERED TO ALTER SEASONS. When the director determines from biological data or climatic conditions that the population of game fish, game animals or game birds is in jeopardy or distressed or may become in jeopardy or

distressed within the established season, the director may close or shorten that season by emergency rule. After a season has been closed or shortened, the director may reopen it, limited to the time period originally established by the Game Commission, and establish daily, weekly, or seasonal bag limits for that season.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-084 DIRECTOR EMPOWERED TO ALTER SEASONS.

WSR 84-08-069
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning establishing an open fishing season for hatchery origin steelhead trout on the mainstem Columbia River and Drano Lake, adopting WAC 232-28-60701;

that the agency will at 9:00 a.m., Sunday and Monday, May 20-21, 1984, in the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 21, 1984.

The authority under which these rules are proposed is RCW 77.12.030.

The specific statute these rules are intended to implement is RCW 77.12.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 20, 1984.

Dated: March 29, 1984

By: Jack S. Wayland
for Sam Wright, Divisional Administrator
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-60701 Establish an open fishing season for hatchery origin steelhead trout on the mainstem Columbia River and Drano Lake.

Statutory Authority for the Rule: RCW 77.12.030.

Specific Statute that Rule is Intended to Implement: RCW 77.12.010.

Summary of the Rule: Provides fishing opportunity in areas previously closed by allowing selective fishery for hatchery fish only.

Reasons Supporting the Proposed Rule: Hatchery origin fish are available to be harvested in these formerly closed areas. Wild fish can be protected by the selective fishery regulation.

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: R. B.

Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-60701 ESTABLISH AN OPEN FISHING SEASON FOR HATCHERY ORIGIN STEELHEAD TROUT ON THE MAINSTEM COLUMBIA RIVER AND DRANO LAKE. Notwithstanding the provisions of WAC 232-28-607 and 232-28-612, it shall be lawful for any sport fisherman to take, fish for, or possess steelhead trout in the mainstem Columbia River and Drano Lake provided that these activities occur under the following provisions.

Open Area:

Columbia River Mainstem - From the Megler-Astoria Bridge upstream to the Highway 12 Bridge at Pasco except those waters closed to all fishing under WAC 232-28-607 adjacent to Bonneville, Dalles, John Day and McNary Dams.

Drano Lake

Season Dates:

July 26, 1984 through October 31, 1984

Special Provisions:

- 1) Only steelhead with dorsal fins measuring less than 2 1/4 inches in height when fully extended or with missing adipose or ventral fins may be reduced to possession.
- 2) It is unlawful to possess a steelhead with a freshly cut or mutilated dorsal, ventral or adipose fin.

Catch and Possession Limits for Steelhead:

Daily catch limit - 2

Possession limit - 4

WSR 84-08-070
PROPOSED RULES
DEPARTMENT OF GAME
[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Game intends to adopt, amend, or repeal rules concerning season closure for steelhead fishing on the Quinault River system, adopting WAC 232-28-61301;

that the agency will at 9:00 a.m., Sunday and Monday, May 20-21, 1984, in the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 21, 1984.

The authority under which these rules are proposed is RCW 77.12.030.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 20, 1984.

Dated: March 29, 1984

By: Jack S. Wayland
for Sam Wright, Divisional Administrator
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-61301 Season closure for steelhead fishing on the Quinault River system.

Statutory Authority for the Rule: RCW 77.12.030.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Prohibits non-Indian sport fishermen from taking steelhead trout from the Quinault River system.

Reasons Supporting the Proposed Rule: Information gathered by the Department of Game from sport anglers fishing the Quinault River above Lake Quinault indicates that the wild Quinault summer steelhead run is extremely low and may be near extinction. The run requires maximum protection if it is to be saved. Therefore it is necessary to close the sport steelhead fishery on the Quinault River to allow all available fish to spawn.

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: R. B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-61301 SEASON CLOSURE FOR STEELHEAD FISHING ON THE QUINAULT RIVER SYSTEM. Notwithstanding the provisions of WAC 232-28-613, effective May 26, 1984 it is unlawful for non-Indian sport fishermen to take, fish for, or possess steelhead trout greater than 20 inches in length from or in the Quinault River system.

WSR 84-08-071
PROPOSED RULES
DEPARTMENT OF GAME
[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Game intends to adopt, amend, or repeal rules concerning steelhead fishing regulation change on the mainstem of the Stillaguamish River, adopting WAC 232-28-61101;

that the agency will at 9:00 a.m., Sunday and Monday, May 20-21, 1984, in the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 21, 1984.

The authority under which these rules are proposed is RCW 77.12.030.

The specific statute these rules are intended to implement is RCW 77.12.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 20, 1984.

Dated: March 29, 1984

By: Jack S. Wayland
for Sam Wright, Divisional Administrator
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-61101 Steelhead fishing regulation change on the mainstem of the Stillaguamish River.

Statutory Authority for the Rule: RCW 77.12.030.

Specific Statute that Rule is Intended to Implement: RCW 77.12.010.

Summary of the Rule: Forbids the taking of steelhead trout less than 30" in length from the mainstem of the Stillaguamish River.

Reasons Supporting the Proposed Rule: In the Stillaguamish system, the important Deer Creek natural stock is depressed. Scale analysis of fish collected from Deer Creek over a period of years confirm that nearly all adults are less than 30 inches long. Deer Creek steelhead need complete protection. Deer Creek and Little Deer Creek are closed to all recreational angling to protect native summer-run populations. Regulations prohibit retention of steelhead under 30 inches in length in the North Fork below the mouth of Deer Creek from May 26 to November 30. Deer Creek stock must pass through the mainstem of the Stillaguamish and protective regulations must be extended to cover this area.

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: R. B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-61101 STEELHEAD FISHING REGULATION CHANGE ON THE MAINSTEM OF THE STILLAGUAMISH RIVER. Notwithstanding the provisions of WAC 232-28-611, effective May 26, 1984, the following regulation changes will be in effect:

Stillaguamish River and ALL sloughs west of Warm Beach-Stanwood Highway	STEELHEAD; min. lgth. - 30".
Stillaguamish River From the Warm Beach-Stanwood Highway to forks - except HARVEY CREEK, PIONEER PONDS and PORTAGE CREEK; these are CLOSED.	STEELHEAD; min. lgth. - 30".

**WSR 84-08-072
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed April 4, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning unlawful firearms for hunting, amending WAC 232-12-047;

that the agency will at 9:00 a.m., Sunday and Monday, May 20-21, 1984, in the Renton-Sheraton Inn, 800 Rainier Avenue South, Renton, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 20 or 21, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 17, 1984.

Dated: April 2, 1984
By: Richard J. Poelker, Administrator
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-047
Unlawful firearms for hunting.

Statutory Authority for the Rule(s): RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Amends WAC 232-12-047 to prohibit hunting of blue grouse, spruce grouse, and ruffed grouse with rifle or pistol, except a rifle or pistol containing .22 caliber rimfire ammunition.

Reasons Supporting the Proposed Rule: In order to avoid unnecessary waste of this resource and make grouse hunting a specific, rather than incidental, hunting activity, as well as implement resource management needs identified in the statewide grouse management plan.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 177 [198], filed 1/28/82 [12/2/82])

WAC 232-12-047 UNLAWFUL FIREARMS FOR HUNTING. (1) It is unlawful to hunt any big game with:

- (a) A fully automatic firearm.
- (b) A handgun, except deer, bear, or cougar may be hunted with a 41 magnum, 44 magnum, 44 automatic magnum, or 45 Winchester magnum, or any handgun .24 caliber or larger provided it:
 - (i) Has a minimum barrel length of 6 inches and
 - (ii) Uses a centerfire cartridge with a minimum overall length (including bullet) of at least 2 inches which are loaded with mushrooming or expanding type bullet of 100 grains or heavier bullet weight designed for big game hunting.
- (c) A rifle with a bore diameter less than .240 of an inch (6mm), or barrel length less than 16 inches.
- (d) A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yards.
- (e) A rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.
- (f) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer and bear.
- (g) A muzzle-loader that does not meet the definition as provided in WAC 232-12-051.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry.

(4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

(5) It is unlawful to hunt game birds with a rifle or pistol ~~with the exception of blue grouse, spruce grouse, and ruffed grouse except blue grouse, spruce grouse, and ruffed grouse may be hunted with a rifle or pistol containing .22 caliber rimfire ammunition.~~

(6) It is unlawful to hunt wildlife with a crossbow.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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 84-08-073
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 232-28-208	1984 Hunting Seasons and Game Bag Limits and 1984 Game Management Units and Area Legal Descriptions.
Rep	WAC 232-28-207	1983 Hunting Seasons and Game Bag Limits and 1983 Game Management Units and Area Legal Descriptions;

that the agency will at 9:00 a.m., Sunday and Monday, May 20-21, 1984, in the Renton-Sheraton Inn, 800 Rainier Avenue South, Renton, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 20 or 21, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 17, 1984.

Dated: April 2, 1984

By: Richard J. Poelker, Administrator
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: New section WAC 232-28-208 1984 Hunting Seasons and Game Bag Limits and 1984 Game Management Units and Area Legal Descriptions.

Statutory Authority of the Rule: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule(s): Seasons and bag limits will be established in the manner outlined in the 1983 pamphlet. Dates, hunting hours, either-sex permit numbers will change dependent upon calendar and regional recommendations. Game management requires the flexibility in establishing season limits in time and amount to properly manage the wildlife resource. Also establishes unit and area legal descriptions.

Reasons Supporting the Proposed Rule(s): Resource management.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-208 1984 HUNTING SEASONS AND GAME BAG LIMITS AND 1984 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1984 Hunting Seasons and Game Bag Limits and 1984 Game Management Units and Area Legal Descriptions proposed 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.

REPEALER

The following Section of the Administrative Code is repealed:

WAC 232-28-207 1983 HUNTING SEASONS AND GAME BAG LIMITS AND 1983 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS.

WSR 84-08-074
PROPOSED RULES
DEPARTMENT OF
EMERGENCY SERVICES
 [Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Emergency Services intends to adopt, amend, or repeal rules concerning classes of emergency workers, scope of duties of each class, conditions for employment, manner of registration;

that the agency will at 10:00 a.m., Wednesday, May 9, 1984, in the State Emergency Operations Center, State Department of Emergency Services, 4220 East Martin Way, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 38.52.310.

The specific statute these rules are intended to implement is chapter 38.52 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 9, 1984.

Dated: April 4, 1984

By: William Lokey

Assistant Director

STATEMENT OF PURPOSE

Title: Classes of emergency workers, scope of duties of each class, conditions for employment, manner of registration.

Purpose: Adopt rules for setting up classes of emergency workers, scope of duties of each class, conditions for employment, and manner of registration.

Statutory Authority: RCW 38.52.310.

Summary of Rules: Describes different classes of emergency workers, scope of duties, conditions for employment and manner of registration.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: William Lokey, Assistant Director.

Person or Organization Proposing Rule: Department of Emergency Services.

Chapter 118-04 WAC

CLASSES OF EMERGENCY WORKERS; SCOPE OF DUTIES OF EACH CLASS; CONDITIONS FOR EMPLOYMENT; MANNER OF REGISTRATION

NEW SECTION

WAC 118-04-010 PURPOSE. The purpose of this chapter is to adopt rules, regulations, and guidelines pursuant to chapter 38.52 RCW, for appropriate action pertaining to the class, scope of duty, conditions of duty, and coverage of emergency workers.

NEW SECTION

WAC 118-04-030 SCOPE. (1) This chapter is applicable for emergency activities as outlined in chapter 38.52 RCW; for emergencies and disasters as determined by appropriate local authorities and the governor of the state of Washington, and for search and rescue missions under the authority of local law enforcement.

(2) This chapter is not applicable to air search and rescue missions or training exercises conducted by the Washington state aeronautics division.

NEW SECTION

WAC 118-04-050 DEFINITIONS. The terms used in this chapter have the same meaning as they do in chapter 38.52 RCW.

NEW SECTION

WAC 118-04-070 REGISTRATION. (1) Registration is a prerequisite for eligibility of workers for benefits and legal protection under chapter 38.52 RCW. Except as provided in subsections (2), (3), and (4) of this section, an emergency worker shall be considered as registered if he/she has met these qualifications prior to participating in emergency activities:

(a) Has a properly filled out and current registration card on file with an approved organization under chapter 38.52 RCW.

(b) Has been assigned to an emergency class as listed in WAC 118-04-110.

(c) Has been issued an identification card which conforms substantially with those recommended by the Washington state department of emergency services.

(2) An employee of the state, or a political subdivision of the state who is required to perform emergency duties shall be considered as registered with the local organization of emergency services in whose jurisdiction he/she resides.

(3) In emergency situations which require recruiting of volunteers to assist in an immediate time frame, these workers will be considered registered if they are under the control and supervision of an appropriate authority and if said authority provides adequate documentation including name, age, and address, the emergency function they provided, and time they were involved in said service.

(4) Any citizen commandeered for service shall be entitled, during the period of such service, to all privileges, benefits and immunities provided by state law and state or federal regulations for registered emergency workers.

NEW SECTION

WAC 118-04-090 SCOPE OF EMERGENCY DUTIES. Each emergency worker in any class, is considered to be on duty while he/she is performing emergency functions with the authorization and under the direction and control of an appropriate authority in the local or state emergency organization.

NEW SECTION

WAC 118-04-110 CLASSES OF EMERGENCY WORKERS. The following classes of emergency workers and the scope of duties of each class are hereby established. Classes additional to these may be established from time to time by the director, state department of emergency services.

(1) Staff services:

Staff services include the recruiting, coordinating, and directing any emergency activities, including technical, administrative, and clerical services.

(2) Law enforcement services:

Law enforcement services include securing compliance with both state and federal laws, in accordance with chapter 38.52 RCW, and assisting law enforcement offices and agencies in administrative and nonenforcement functions for the purpose of relieving commissioned personnel for enforcement duties.

(3) Fire services:

Fire services include assisting fire fighting forces or agencies in both urban and rural areas, rescuing persons or protecting property, and instructing residents regarding fire prevention and emergency information for individual citizens, methods of detecting fires and precautions to be observed in reducing fire hazards.

(4) Medical and health services:

Medical and health services include medical and surgical field teams, triage, general emergency and mobile hospitals, nursing service, first aid and ambulance service, sanitation, mortuary and laboratory service, radiological monitoring, defense against biological and/or chemical incidents, identification of sick and injured, and other medical and health services.

(5) Welfare services:

Welfare services include the provision of food, clothing, and lodging in mass care centers for persons whose homes have been destroyed, or made temporarily uninhabited by emergency or disaster; evacuation service for other than medical cases, registration and information, welfare inquiries, rehousing, counseling, and other necessary assistance to disaster victims.

(6) Engineering and rescue services:

Engineering and rescue services include construction, repair and maintenance of highways, roads, streets, and essential facilities and performing heavy-duty rescue operations.

(7) Transportation services:

Transportation services include the movement of supplies, evacuees, personnel, and equipment, including planning, organizing, maintaining, operating, and coordinating available means of transportation.

(8) Communications services:

Communications services include communications activities in accordance with approved state and/or local emergency operations and communications plans.

(9) Radiological services:

Radiological services include radiological monitoring, reporting, and planning duties, in accordance with approved state and/or local emergency operations and radiological emergency plans including gathering and evaluating radiological data and providing technical guidance concerning radiological decontamination operations.

(10) Chemical services:

Chemical services include chemical hazards incident response duties such as planning and coordination of response resources, in accordance with approved state and/or local emergency operations and hazardous materials plans.

(11) Supply services:

Supply services include procurement, warehousing, and release of supplies, equipment, and materials.

(12) Utilities services:

Utilities services include assisting utility personnel in the repair of water, gas, electric, telephone, telegraph, steam, sewer, and other utility facilities.

(13) Congregate care services:

Congregate care services include duties in accordance with the current shelter managing guidelines and subsequent procedures published in approved state and/or local emergency operations and shelter plans.

(14) Special services:

Special services include duties which can be performed by persons who are without permanent specific emergency services assignment and who do not carry a standard emergency identification card but whose participation is essential to training (i.e., students or other serving as triage victims during a medical exercise). These personnel shall be issued a temporary registration card for the period of time they are participating in emergency training activities.

(15) General services:

General services include duties which can be performed by persons without permanent specific emergency assignment. These may include general purpose emergency workers who support local or state emergency departments in a variety of activities. They may also include personnel who are not ordinarily a part of an emergency organization and who do not carry a standard emergency identification card but whose participation is essential to a specific emergency operation, such as sandbagging in a flood.

(16) Search and rescue services:

Search and rescue services include duties involving searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while out of doors, or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used.

(17) Training and education services:

Training and education services include all activities, public and private, relating to the education process and proficiency skill building for the enhancement of emergency preparedness under the concept of comprehensive emergency management, including but not limited to, specific courses, workshops, seminars, exercises, volunteer training activities, which includes the administration, reporting, and maintaining of appropriate records.

NEW SECTION

WAC 118-04-130 SEARCH AND RESCUE EMERGENCY WORKERS CRITERIA AND STANDARDS. Local jurisdictions have the responsibility to establish criteria and standards for the emergency workers whom they register. A precondition of registration shall be the demonstrated proficiency of the worker to perform emergency activities as indicated by assignment and personnel class. The following guidelines are offered as minimal standards which all search and rescue emergency workers should meet.

- (1) The level of knowledge, proficiency, and experience for field personnel will be greater than support personnel.
- (2) Support personnel should have a working knowledge of the skills of field personnel, but need not have hands-on experience nor the physical capabilities of field personnel.
- (3) Specific desirable qualifications:
 - (a) First aid training.
 - (b) Demonstrated self-proficiency in survival techniques and outdoor living.
 - (c) Good physical fitness.
 - (d) Demonstrated proficiency in wilderness navigation (map and compass).
 - (e) Demonstrated proficiency in search and rescue techniques.
 - (f) Demonstrated proficiency in two-way radio communications.
 - (g) Demonstrated knowledge in procedures if a crime or deceased is discovered in the search and rescue operation.
 - (h) Demonstrated knowledge in helirescue operations.
- (4) The department of emergency services acknowledges the following state-wide volunteer search and rescue organizations as having existing standards, training, and certification programs:

- (a) Washington Mountain Rescue Association;
- (b) Washington Explorer Search and Rescue Association;
- (c) National Ski Patrol Systems, Inc.;
- (d) The Search and Rescue Dog Association;
- (e) German Shepherd Search Dog Association;
- (f) Northwest Bloodhound Association;
- (g) Civil Air Patrol;
- (h) Coast Guard Auxiliary.

Further, the department of emergency services may acknowledge the self-certification programs of these volunteer organizations by letters of agreement between each organization and this department, which authorize these organizations to certify their own members and any new organizations wishing to be identified with these particular state-wide volunteer organizations.

NEW SECTION

WAC 118-04-150 DEPARTMENT OF EMERGENCY SERVICES MISSION NUMBER. (1) The state department of emergency services may assign a mission number to emergency response activities and to search and rescue missions reported by a local jurisdiction. The local department of emergency services director, or their designee shall notify the state department of emergency services as soon as practical of all emergency response activities or search and rescue missions in the respective local jurisdiction and request the assignment of a mission number when emergency workers are called out to assist.

(2) The mission number assigned shall provide a reference for the dispatch of state, local, or federal resources to assist in the mission, and as a basis for record keeping for the payment of any emergency worker compensation claims which may be filed as a result of activities on that mission.

(3) If additional resources from a different jurisdiction are needed to respond to an emergency response activity or search and rescue mission, the appropriate authority should make the request through (or inform that the request has been made) the state department of emergency services duty officer (206-753-5990) in Olympia, WA.

(4) Upon notification by an appropriate authority to report to regular or training duty at a specific time and place, volunteers are then covered under the provisions of chapter 38.52 RCW when acting in compliance with such notification. Coverage will be limited to the time and distance necessary to travel to duty station, performance of duty, and return to the point of origin.

(5) Mission numbers will not be assigned nor compensation provided for activities which involve arrest, search, apprehension, or detention of suspects or persons in the act of committing a crime or breaking a law.

NEW SECTION

WAC 118-04-170 EVIDENCE SEARCH TRAINING MISSION NUMBER. An evidence search training mission number may be issued by the state department of emergency services for the utilization of emergency workers to search for evidence in support of law enforcement agencies. To receive authorization for an evidence search training mission number, the following criteria must be met. The local department of emergency services, or its designee, will send a hard copy via ACCESS to the state department of emergency services (ACCESS address code BK) or to the Washington state patrol dispatch in Olympia (ACCESS address code BN), if during nonbusiness hours, addressed "PLEASE RELAY TO DES DUTY OFFICER IMMEDIATELY" outlining the following by item:

- Item 1 — Jurisdiction requesting the evidence search training mission number.
- Item 2 — Name of officer in charge on scene.
- Item 3 — Location of the evidence search.
- Item 4 — Emergency workers being utilized listed by name or by unit.
- Item 5 — A statement of what training is being accomplished for the development of proficiency skills.
- Item 6 — A statement certifying that the emergency workers will be utilized and trained within the scope of their normal emergency worker assignment.
- Item 7 — A statement certifying that the activity does NOT involve the arrest, search for, apprehension, or detention of suspects or persons in the act of committing a crime or breaking a law.

After the hard copy is sent via ACCESS, the local DES or designee may call the DES duty officer and coordinate the details of the mission. Upon receipt of the hard copy information, the request will be

considered, and if approved, an EVIDENCE SEARCH TRAINING MISSION NUMBER will be assigned.

Other rules and policy established by the director, state department of emergency services, for the utilization of emergency workers will apply for the evidence search, including the submission of the training mission report.

NEW SECTION

WAC 118-04-190 ELIGIBILITY AND RESPONSIBILITY.

(1) Compensation will be authorized only when appropriate eligibility has been clearly established and the provisions of all appropriate regulations and statutes have been complied with.

(2) Compensation board composition, procedural records and claim preparations are the responsibility of the local jurisdiction, in which the loss occurred (see RCW 38.52.210).

(3) Volunteer emergency workers, in supporting other agencies, must remain under the direction and control of an appropriate authority to continue compensation eligibility.

(4) In no event, shall a public agency, other than the local emergency services organization or local law enforcement agency as outlined in other sections of this chapter, utilize the services of an emergency worker unless the said agency has received the prior approval of the director, Washington state department of emergency services or his designee. Said approval shall set forth time and purpose of the utilization of said emergency worker.

NEW SECTION

WAC 118-04-210 ELIGIBILITY REQUIREMENTS AND PROCEDURES FOR FILING PERSONAL INJURY CLAIMS BY EMERGENCY WORKERS. (1) Claimant must be a duly registered emergency worker of his county of residence and/or with the jurisdiction directing the mission. Claimant must file the claim with the jurisdiction where the mission occurred.

(2) Claimant must have been activated by an appropriate authority on an authorized activity under a state department of emergency services mission number.

(3) Claimant must have registered his name and registration card number if applicable with the on-scene commander or other appropriate authority.

(4) In the event of injury the responsible agency's on-scene authority must be notified as soon as possible.

(5) The responsible agency's on-scene authority will advise the local emergency services director of any injuries and will provide appropriate and timely documentation. The local director will notify the state department of emergency services of any injuries. The state department of emergency services will assist the local director in processing claims for those claimants registered outside of the county and activated by state department of emergency services.

(6) The state department of emergency services will provide necessary forms for personal injury claims which must be completed by the local department of emergency services director, the emergency worker, and the attending physician and submitted with other documentation to Washington state department of emergency services. DO NOT USE LABOR AND INDUSTRIES WORKMAN'S COMPENSATION FORMS, AND DO NOT SUBMIT ANY INFORMATION TO THE DEPARTMENT OF LABOR AND INDUSTRIES FOR A CLAIM MADE PURSUANT TO CHAPTER 38.52 RCW.

(7) Other documentation should include any reports, mission logs, ambulance and hospital bills, receipts, medical reports, or other information helpful in describing the circumstances of how the injury occurred and what costs were incurred.

(8) Claims for injury, disability, death, and related compensation are adjusted and paid in accordance with labor and industry workman's compensation schedules.

(9) For claims in excess of the amount set by statute, a compensation board must meet to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, and 38.52.250.

(10) The local emergency services director will give immediate notice to Washington state emergency services of any pending claim in excess of the amount set by statute.

(a) The claimant will be notified of date, time and place of the compensation board hearing by the local emergency services director by personal service or registered mail.

(b) Claimant may be requested to appear before the compensation board as established under chapter 38.52 RCW. Itemized medical bills and reports must be presented at the hearing to support the claim.

(c) The local emergency services director will transmit the findings of the compensation board to Washington state department of emergency services for final disposition.

NEW SECTION

WAC 118-04-230 ELIGIBILITY REQUIREMENTS AND PROCEDURES FOR FILING PROPERTY LOSS/DAMAGE CLAIMS BY EMERGENCY WORKERS. (1) Claimant must be a duly registered emergency worker of his county of residence and/or the jurisdiction directing the mission. Claimant must file the claim with the jurisdiction where the mission occurred.

(2) Claimant must have been activated by an appropriate authority on an authorized activity under a state department of emergency services mission number.

(3) Claimant must have registered his name and registration card number if applicable with the on-scene commander or other appropriate authority.

(4) In the event of property loss or damage the responsible agency's on-scene authority must be notified as soon as possible.

(5) The responsible agency's on-scene authority will advise the local emergency services director of any property loss or damage and will provide appropriate and timely documentation. The local director will notify the state department of emergency services of any property loss or damage. The state department of emergency services will assist the local director in processing claims for those claimants registered outside of the jurisdiction and activated by state department of emergency services.

(6) Only property that is deemed necessary and reasonable for the emergency services activity will be considered for compensation, if lost or damaged. Claims will not be paid for personal property lost or damaged that was not necessary and reasonable to the activity. For example, expensive watches, cameras, jewelry, etc., generally will not be considered necessary and reasonable.

(7) Damage to personal property caused by normal wear and tear, freezing, mechanical or electrical breakdown, or other such loss or damage, and loss or inconvenience consequent to such loss or damage that was not the result of the emergency services activity in which the owner was engaged will not be considered for compensation. Damage must not have been caused by the willful misconduct, gross negligence, or bad faith of the claimant.

(8) Compensation for the loss or theft of property left unsecured, or damage incurred which could have been prevented through reasonable care may be denied.

(9) The state department of emergency services will provide necessary forms for property loss/damage claims which when filled out by the emergency worker must be notarized and sent, with all supporting documentation to the Washington state office of financial management.

(10) For claims in excess of the amount set by statute, a compensation board must meet to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, and 38.52.250.

(11) The local emergency services director will give immediate notice to the Washington state emergency services of the pending claim, in excess of the amount set by statute.

(a) The claimant will be notified of date, time, and place of the county compensation board hearing by the local emergency services director by personal service or registered mail.

(b) Claimant may be requested to appear before the compensation board as established under chapter 38.52 RCW. Itemized bills and reports must be presented at the hearing to support the claim.

(c) The local emergency services director will transmit the findings of the compensation board to Washington state department of emergency services for final disposition.

NEW SECTION

WAC 118-04-250 FUEL AND TOLL CLAIMS. (1) The state department of emergency services will provide necessary forms for use by emergency workers for reimbursement of fuel and toll expenses as authorized by chapter 38.52 RCW. Proper receipts and documentation must be submitted with these forms for reimbursement.

(2) Claims for fuel and toll expenses may be sent directly to the state Department of Emergency Services, 4220 E. Martin Way, Olympia, WA 98504.

NEW SECTION

WAC 118-04-270 EXTRAORDINARY EXPENSE CLAIMS. The state department of emergency services will provide necessary forms for use by emergency workers for extraordinary expenses for missions lasting over twenty-four hours as authorized by chapter 38.52 RCW. Local organizations of emergency services and local law enforcement agencies may submit extraordinary expense claims on behalf of volunteers if the expenses meet the following criteria:

- (1) They are in direct support of volunteers working under a state DES mission number;
- (2) They represent extraordinary, expendable obligations such as for feeding or lodging volunteers; and
- (3) All expenses must be documented with proper receipts.

WSR 84-08-075
PROPOSED RULES
STATE BOARD
OF EDUCATION
 [Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning school accreditation, chapter 180-55 WAC;

that the agency will at 9:00 a.m., Thursday, May 10, 1984, in the Multipurpose Room, James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is RCW 28A.04.120(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Dated: April 4, 1984

By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-55 WAC School accreditation.

Rule Section(s): WAC 180-55-010 Intent and purposes; 180-55-015 Definitions; 180-55-020 Compliance with requirements for entitlement to basic education allocation funds or approved private school status; and 180-55-050 Self-study—Common guidelines.

Statutory Authority: RCW 28A.04.120(4).

Purpose of the Rule(s): To establish policies and procedures for the accreditation of schools.

Summary of the New Rule(s) and/or Amendments: WAC 180-55-010, amends section to apply accreditation to vocational skill centers and vocational-technical institutes; 180-55-020, defines vocational-technical institutes; and 180-55-050, expands planned participation in self study accreditation to include program supervisors, advisory committee members and VTI students, if applicable.

Reasons Which Support the Proposed Action(s): To assure the public and the federal government that procedures are in place to assure quality programs in vocational skill centers and VTIs.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Bruce Brennan, SPI, 3-1066.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Accreditation of VTIs is a requirement in order for schools to qualify for federal student loan guarantees.

AMENDATORY SECTION (Amending Order 2-85, filed 3/26/81)

WAC 180-55-010 INTENT AND PURPOSES. (1) Intent. It is the intent of the state board of education to establish accreditation procedures in which participation by schools is voluntary and by which such procedures:

- (a) Enhance the quality of a school's educational program.
- (b) Facilitate a comprehensive self-examination of the school including but not limited to: Program planning, program balance, human and material resources, services and facilities.
- (c) Provide means whereby such self-examination may be validated by objective observers.
- (d) Promote the subsequent implementation of an effective plan for program improvement.
- (e) Provide maximum flexibility to the district and the school by making available different procedures for accreditation.
- (f) Provide assurance to the public that students in an accredited elementary school have available a program containing a comprehensive foundation of knowledge and learning skills.
- (g) Provide assurance to the public that students in an accredited middle school or junior high school have available a program containing an expanded and reinforced foundation of knowledge and learning skills, a variety of introductory and survey courses that offer exploratory opportunities to meet emerging individual student interests, and a suitable transitional experience designed to provide a bridge from elementary to secondary instructional organization.
- (h) Provide assurance to the public that students in an accredited comprehensive secondary school have available a program in which they can prepare for the requirements of higher education and/or occupational opportunities.

(i) Provide assurance to the public that students in accredited vocational skill centers have available a program which, through dual enrollment in a high school and a skill center, provides the student with instruction that leads to a high school diploma and entry level job skills.

(j) Provide assurance to the public that students in accredited vocational-technical institutes have available vocational programs which prepare students for entry level employment, to upgrade the skills and knowledge required to continue or to retrain for job change.

(2) Purposes. The provision of school accreditation procedures by the state board of education is designed to serve the following purposes:

- (a) Improve the general quality of the educational program at a school.
- (b) Promote staff growth and commitment.
- (c) Promote improved community awareness of and sensitivity to the school program.
- (d) Provide a statement of accountability to the public.
- (e) Fulfill such assessment and planning requirements as may exist.

AMENDATORY SECTION (Amending Order 2-85, filed 3/26/81)

WAC 180-55-015 DEFINITIONS. (1) An accredited school is a public or an approved private school that meets all statutory provisions for schools in the state of Washington and all regulations established by the state board of education, and one that has completed either self-study or standards-only accreditation procedures described by the state superintendent of public instruction pursuant to RCW 28A.04.120(4) and WAC 180-55-005 through 180-55-135.

(2) "Accredited" status shall be assigned to public or approved private schools that:

(a) Complete and meet fully the requirements for self-study accreditation procedures as described in WAC 180-55-040 through 180-55-065, or;

(b) Complete and meet substantially the requirements for standards-only accreditation procedures as described in WAC 180-55-070 through 180-55-135; or

(c) Participate and qualify in accordance with standards and procedures established by the Northwest Association of Schools and Colleges (NWASC).

(3) "Self-study" shall mean an approved comprehensive set of needs-assessment and program improvement plan procedures as described in WAC 180-55-040 through 180-55-065.

(4) "Standards-only" shall mean an appraisal whereby requirements established by the state board of education are applied to an individual school as described in WAC 180-55-070 through 180-55-135.

(5) "Plan for program improvement" shall mean a formal document produced as a result of the self-study procedure for implementation at an accredited school.

(6) "Validation" shall mean an objective, external review of self-study or standards-only activities for the purposes of establishing their correctness, accuracy and thoroughness, and in the case of self-study accreditation procedures, an objective, external review of the plan for program improvement in terms of its feasibility of operation, as described in WAC 180-55-035.

(7) "Northwest Association of Schools and Colleges alternative" shall mean the secondary and vocational-technical institute school accreditation activities provided through school membership in the NWASC and shall be accepted by the state board of education in lieu of state board accreditation procedures as described in WAC 180-55-025 through 180-55-135.

(8) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 180-90 WAC.

(9) "Vocational-technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area for persons sixteen years of age or older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and funding of vocational-technical institutes. In applying the provisions of this chapter the terms "school" and "principal" shall mean a vocational-technical institute and director of such institute, respectively.

AMENDATORY SECTION (Amending Order 2-85, filed 3/26/81)

WAC 180-55-020 COMPLIANCE WITH REQUIREMENTS FOR ENTITLEMENT TO BASIC EDUCATION ALLOCATION FUNDS OR APPROVED PRIVATE SCHOOL STATUS. (1) Public schools.

(a) District compliance. Certification by the state board of education of compliance by a school district's program pursuant to provisions of "basic education allocation entitlement requirements" or receipt of waiver therefrom (WAC 180-16-191 through 180-16-225) shall be prerequisite to a public school's participation in accreditation activities and to a public school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.

(b) School contribution to district compliance with requirements for entitlement to basic education allocation funds. Each school engaged in the state board of education's accreditation procedures must review the school's contribution to district compliance with such entitlement requirements (WAC 180-16-191 through 180-16-225). Although these entitlement requirements are enforced at the district level rather than at the individual school, the intent of this review shall be to serve the following purposes:

(i) Increase the awareness of and familiarity with such entitlement requirements by staff and community members.

(ii) Identify those instances where district compliance is affected adversely by the school.

(iii) Prepare rationale or proposals for corrective action in such instances.

(c) Assessment of school compliance with supplemental program standards. Supplemental program standards (WAC 180-16-240), if unmet, do not affect basic education allocations to the district. At the school level, however, failure to comply with these standards may create an adverse impact on the instructional program. Therefore, each school engaged in the state board of education's accreditation procedures must review the school's compliance with these standards in order to serve the following purposes:

(i) Increase the awareness of and familiarity with supplemental program standards by staff and community members.

(ii) Identify those instances where district compliance is affected adversely by the school.

(iii) Prepare rationale or proposals for corrective action in such instances.

(d) Vocational-technical institutes—Additional requirement. Certification by the state board of education of compliance with the program approval provisions of chapter 180-58 WAC shall be conditional to the receipt of accreditation status by a vocational-technical institute.

(2) Private schools. Certification by the state board of education of compliance by a private school with the approval requirements of chapter 180-90 WAC shall be prerequisite to a private school's participation in the state board of education's accreditation activities and to a private school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.

AMENDATORY SECTION (Amending Order 2-85, filed 3/26/81)

WAC 180-55-050 SELF-STUDY—COMMON GUIDELINES. Each of the three types of state board of education's self-study accreditation procedures shall include at least the following:

(1) A coordinator generally responsible for the self-study.

(2) A steering committee generally responsible for guiding the self-study.

(3) Planned participation from the following individuals or groups: A district-level administrator, the principal, teachers, parents, and classified employees, and students (secondary only). For a vocational skill center or a vocational-technical institute the following individuals and groups also shall be included: Program supervisors, advisory committee members (industry representatives) and vocational-technical students, if applicable.

(4) The self-study shall be comprehensive in scope, with needs assessments conducted in the following areas: Instructional program, staff, services, materials and resources, and facilities.

(5) The product of the self-study procedure shall be a plan for program improvement which shall set priorities, identify constraints that may affect reaching the desired goals, include an implementation timeline, describe an internal monitoring process, and provide for revisions and periodic updating.

WSR 84-08-076
PROPOSED RULES
STATE BOARD
OF EDUCATION
 [Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning high school graduation requirements, chapter 180-51 WAC;

that the agency will at 9:00 a.m., Thursday, May 10, 1984, in the Multipurpose Room, James W. McGee Elementary School, 4601 North Horizon Drive, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1984.

The authority under which these rules are proposed is chapter 28A.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1984.

Dated: April 4, 1984
 By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-51 WAC High school graduation requirements.

Rule Section(s): WAC 180-51-005 Authority; 180-51-010 Purpose; 180-51-015 Application of chapter to approved private schools and community colleges; 180-51-020 Additional local standards; 180-51-025 Local application of state requirements; 180-51-030 No high school credit for courses taken prior to admission to ninth grade; 180-51-035 Applicable standards for graduation—Amendments to this chapter; 180-51-040 Copies of graduation requirements for each year; 180-51-045 Notice to students, parents, and guardians; 180-51-050 High school credit—Definition; 180-51-055 Minimum credits for high school graduation; 180-51-060 Minimum subject areas for high school graduation; 180-51-065 Sequential requirement for English, mathematics, and science—Exception for transfer students from without the state and for students who fail a required course; 180-51-070 Laboratory science requirement; 180-51-075 Social studies requirement—Mandatory courses—Equivalencies; 180-51-080 Occupational education requirement; 180-51-085 Physical education requirement—Excuse; 180-51-100 Temporary exemption from 1985 graduation requirements for high schools with fewer than four hundred students; 180-51-105 Exceptions to graduation requirements for former educational clinic students; 180-51-110 Equivalency credit for alternative learning experiences, nonhigh school course, work experience, and challenges; and 180-51-115 Procedures for granting high school graduation credits for students with special educational needs.

Statutory Authority: Chapter 28A.05 RCW.

Purpose of the Rule(s): To establish high school graduation requirements.

Summary of the New Rule(s) and/or Amendments: WAC 180-51-005, this section references the authority for the State Board of Education to establish graduation requirements; 180-51-010, this section states the purpose of chapter 180-51 WAC; 180-51-015, the application of chapter 180-51 WAC to private schools and community colleges is stated; 180-51-020, the criteria for additional graduation requirements established by district boards of directors are stated; 180-51-025, this section assigns the determination of course content and definition of courses to district boards of directors; 180-51-030, this section states that high school graduation credit will not be given before grade nine; 180-51-035, this section establishes which graduation requirements are applicable to individual students; 180-51-040, this section mandates that copies of graduation requirements shall be kept on file; 180-51-045, this section states that notice shall be given regarding each student's program toward graduation; 180-51-050, high school credit is defined in this section; 180-51-055, this section states the minimum number of credits required for high school graduation; 180-51-060, the minimum subject area and credits required for high school graduation are listed; 180-51-070, this section states the science requirements;

180-51-075, this section states the social studies requirements and equivalencies; 180-51-080, the occupational education requirement is stated; 180-51-085, the physical education requirement is stated; 180-51-100, the temporary exemption from the 1985 graduation requirement for high schools is stated; 180-51-105, this section states the exemption for former educational clinic students; 180-51-110, this section states the procedure for granting equivalency credit for alternative learning experience, nonhigh school courses, work experience, and challenges; and 180-51-115, this section states the procedure for granting high school graduation credit to students with special educational needs.

Reasons Which Support the Proposed Action(s): Implementation of section 6, chapter _____, Laws of 1984.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Alfred Rasp, SPI, 3-3449.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): These regulations will implement the high school graduation requirements as established by the legislature in section 6, chapter _____, Laws of 1984.

Chapter 180-51 WAC
HIGH SCHOOL GRADUATION REQUIREMENTS

NEW SECTION

WAC 180-51-005 AUTHORITY. The authority for this chapter is chapter 28A.05 RCW which authorizes the state board of education to establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985.

NEW SECTION

WAC 180-51-010 PURPOSE. The purpose of this chapter is to establish high school graduation requirements, including policies and procedures for equivalencies, for students who commence the ninth grade subsequent to July 1, 1985. Graduation requirements and policies and procedures for equivalencies for students who commence the ninth grade prior to July 1, 1985, are codified in chapter 180-56 WAC and, pursuant to WAC 180-15-035, shall remain in effect for such students even though such provisions in chapter 180-56 WAC are repealed.

NEW SECTION

WAC 180-51-015 APPLICATION OF CHAPTER TO APPROVED PRIVATE SCHOOLS AND COMMUNITY COLLEGES. High school diplomas granted by approved private schools and by community colleges shall meet the requirements of this chapter. References in this chapter to the board of directors of a school district shall apply to the governing board of the approved private school or the community college district affected. References within this chapter to school district shall refer to the approved private school or community college district. References within this chapter to high school shall refer to each approved private school or each community college.

NEW SECTION

WAC 180-51-020 ADDITIONAL LOCAL STANDARDS. Nothing within this chapter shall preclude the board of directors of any district offering a high school diploma from establishing such additional course, credit, and test requirements as deemed desirable. A

district may not adopt any policy which requires enrollment for a minimum number of semesters or trimesters or for a minimum number of courses in a semester or trimester as an additional condition for high school graduation.

NEW SECTION

WAC 180-51-025 LOCAL APPLICATION OF STATE REQUIREMENTS. The content of courses and the determination of which courses satisfy particular subject area requirements and whether a particular course may satisfy more than one subject area requirement for different students shall be determined locally in accordance with rules adopted by boards of directors of districts.

NEW SECTION

WAC 180-51-030 NO HIGH SCHOOL CREDIT FOR COURSES TAKEN PRIOR TO ADMISSION TO NINTH GRADE. No high school credit may be granted for any course taken prior to admission to the high school program as a ninth grade student.

NEW SECTION

WAC 180-51-035 APPLICABLE STANDARDS FOR GRADUATION—AMENDMENTS TO THIS CHAPTER. A student shall have the right to graduate in accordance with the standards in effect for the school of graduation for any year since such student commenced the ninth grade unless more than ten years has passed since such entry. In such case, the student shall have the right to graduate in accordance with the standards in effect for the school of graduation for any year within the last ten years. All subsequent amendment to this chapter and all subsequent local standards shall apply prospectively to the students who enter the ninth grade subsequent to the amendment.

NEW SECTION

WAC 180-51-040 COPIES OF GRADUATION REQUIREMENTS FOR EACH YEAR. Each high school shall keep on file for student and public inspection a copy of the state board of education rules and regulations regarding high school graduation requirements and procedures for equivalencies applicable for the school year, including the preceding ten years. Any locally adopted high school graduation requirements and procedures for equivalencies shall also be kept on file with such state requirements. Copies of state requirements by year also shall be kept on file in the office of superintendent of public instruction.

NEW SECTION

WAC 180-51-045 NOTICE TO STUDENTS, PARENTS, AND GUARDIANS. Commencing with the beginning of the ninth grade and each year thereafter, each high school shall provide each student and his or her parents or guardians with a copy of the high school graduation requirements applicable to each student and a progress report at the close of each school year thereafter of each individual student's progress toward meeting those requirements. If a student is not making normal progress toward such requirements, the high school shall notify the student and parents or guardians of alternative education experiences, including summer school opportunities available in the community, if any, or in close proximity.

NEW SECTION

WAC 180-51-050 HIGH SCHOOL CREDIT—DEFINITION. As used in this chapter the term "high school credit" shall mean:

- (1) At the high school level, 60 (50 minute) hours of planned in-school instruction or 3,000 minutes (i.e., equals one high school credit);
- (2) At the adult education level, 60 (50 minute) hours of planned in-school instruction or 3,000 minutes or, in lieu thereof, 30 (50 minute) hours of planned in-school instruction with three hours of planned individual study (homework) substituted for each 50 minute hour of in-school instruction less than 60 (i.e., equals one high school credit); and
- (3) At the college or university level, three quarter or two semester hour credits (i.e., equals one high school credit).

NEW SECTION

WAC 180-51-055 MINIMUM CREDITS FOR HIGH SCHOOL GRADUATION. The minimum credits for high school graduation shall be fifty-four credits.

NEW SECTION

WAC 180-51-060 MINIMUM SUBJECT AREAS FOR HIGH SCHOOL GRADUATION. The minimum subject areas and credits therein shall be:

SUBJECT	CREDIT
English	9
Mathematics	6
Science	6
Social Studies	7-1/2
Occupational Education	3
Physical Education	6

The remainder of the fifty-four minimum credits for high school graduation may be in elective subject areas, additional credits in required subjects or local requirements.

NEW SECTION

WAC 180-51-065 SEQUENTIAL REQUIREMENT FOR ENGLISH, MATHEMATICS, AND SCIENCE—EXCEPTION FOR TRANSFER STUDENTS FROM WITHOUT THE STATE AND FOR STUDENTS WHO FAIL A REQUIRED COURSE. English, mathematics, and science credit shall not be applied toward the subject area requirements in WAC 180-51-060 at a rate exceeding one credit per trimester or one and one-half credits per semester. High schools may make exceptions to this sequential requirement for high school students:

- (1) Who transfer from without the state who have already earned fifteen or more credits but who will not be able to make normal progress toward graduation with their class without an exception; and
- (2) Who fail a course and jointly enroll in the failed course and another course in the same subject area if such other course does not require the failed course as a prerequisite and the students are not able to make normal progress toward graduation with their class without an exception.

Additional credits in these subjects in excess of the credit per trimester or semester rate of accumulation shall be counted toward the minimum state credit requirement or local requirements if applicable.

NEW SECTION

WAC 180-51-070 LABORATORY SCIENCE REQUIREMENT. At least three credits of the six science credits shall be in a laboratory science.

NEW SECTION

WAC 180-51-075 SOCIAL STUDIES REQUIREMENT—MANDATORY COURSES—EQUIVALENCIES. The social studies requirement in WAC 180-51-060 shall consist of the following mandatory courses or equivalencies:

- (1) Pursuant to the provisions of RCW 28A.02.080 and 28A.05.050 three credits shall be required in United States history and government which shall include study of the Constitution of the United States. No other course content may be substituted as an equivalency for this requirement;
- (2) Pursuant to the provisions of RCW 28A.02.080 and 28A.05.050, one and one-half credits shall be required in Washington state history and government which shall include study of the Constitution of the state of Washington. Equivalency credit may be given a student who transfers from without the state for credit in northwest history and government. The Washington state history and government requirement for twelfth grade students who transfer from without the state who have or will have earned six credits in social studies at graduation but who will not be able to make normal progress toward graduation with their class without an exception may have this requirement waived by their principal;

(3) Pursuant to the provision of chapter 28A.05 RCW, three credits shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be met by any approved vocational education course or any course which qualifies as a work skill pursuant to RCW 28A.58.754(1)(b).

NEW SECTION

WAC 180-51-080 OCCUPATIONAL EDUCATION REQUIREMENT. The three credit occupational education requirement may be met by any approved vocational education course or any course which qualifies as a work skill pursuant to RCW 28A.58.754(1)(b).

NEW SECTION

WAC 180-51-085 PHYSICAL EDUCATION REQUIREMENT—EXCUSE. The six credit physical education requirement shall be met by physical education courses. Students shall be excused from physical education pursuant to RCW 28A.05.040. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts.

NEW SECTION

WAC 180-51-100 TEMPORARY EXEMPTION FROM 1985 GRADUATION REQUIREMENTS FOR HIGH SCHOOLS WITH FEWER THAN FOUR HUNDRED STUDENTS. The board of directors of any school district containing a high school with fewer than four hundred students may petition the state board of education for a temporary delay in the implementation of the 1985 graduation requirements as provided in this chapter. A delay shall be granted for one year if such board of directors states within its petition that the high school affected does not currently have within its staff certified persons qualified to teach the additional courses required by the 1985 graduation requirements.

NEW SECTION

WAC 180-51-105 EXCEPTIONS TO GRADUATION REQUIREMENTS FOR FORMER EDUCATIONAL CLINIC STUDENTS. Pursuant to the provisions of RCW 28A.97.030 and chapter 392-184 WAC, the provisions of this chapter are modified in order to provide for the exemptions required by RCW 28A.97.030 for former educational clinic students.

NEW SECTION

WAC 180-51-110 EQUIVALENCY CREDIT FOR ALTERNATIVE LEARNING EXPERIENCES, NONHIGH SCHOOL COURSES, WORK EXPERIENCE, AND CHALLENGES. The board of directors of a district offering a high school diploma shall adopt rules providing for the granting of high school graduation credit for alternative learning experiences, nonhigh school courses, work experience, and challenges. High school credits may be given for:

- (1) Planned learning experiences conducted away from the school under the supervision or with the approval of the school;
- (2) Work experience on the basis that one hundred thirty-five hours of work experience equals one credit;
- (3) National guard high school career training;
- (4) Postsecondary courses in accredited colleges and universities;
- (5) Courses in accredited or approved vocational-technical institutes;
- (6) Correspondence courses from accredited colleges and universities or schools approved by the National University Extension Association or the National Home Study Council;
- (7) Other courses offered by any school or institution if specifically approved for credit by the district; and
- (8) Credit based on competency testing, in lieu of enrollment or taking specific courses, may be granted by the district.

NEW SECTION

WAC 180-51-115 PROCEDURES FOR GRANTING HIGH SCHOOL GRADUATION CREDITS FOR STUDENTS WITH SPECIAL EDUCATIONAL NEEDS. No student shall be denied the opportunity to earn a high school diploma solely because of limitations on the student's ability. The board of directors of districts granting high school diplomas shall develop rules, including procedures, for

meeting the unique limitations of each student. Such procedures may provide for:

- (1) The extension of time the student remains in school up to and including the school year in which such student reaches twenty-one years of age;
- (2) A special education program in accordance with chapter 28A.13 RCW if the student is eligible; and
- (3) Special accommodations for individual students, or in lieu thereof, exemption from any requirement in this chapter, if such requirement impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's limitation.

WSR 84-08-077
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning establishment of new risk classification to separate reporting of developmentally disabled workers employed in a work activity center, revise WAC 296-17-350(6) to allow the reporting of these developmentally disabled workers on the basis of the piece worker rule for industrial insurance premium purposes;

that the agency will at 10:00 a.m., Tuesday, May 8, 1984, in the Director's Conference Room, General Administration Building, Third Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, May 15, 1984.

The authority under which these rules are proposed is RCW 51.04.020(1).

The specific statute these rules are intended to implement is RCW 51.16.100 Changes in classification.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5 p.m., May 7, 1984.

Dated: April 4, 1984

By: Paula Rinta Stewart
 Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: The proposals for rule changes which follow, amend chapter 296-17 WAC which is the administrative code comprising the "Manual of rules, classification, rates, and rating system for Washington state workers' compensation insurance." The proposed rules govern the classification of work activity centers and the reporting procedures for the purposes of industrial insurance coverage.

Statutory Authority for the Rule(s): The attached rules are proposed under statutory authority provided by RCW 51.04.020(1) and 51.16.100.

Implementation of Specific Statute: RCW 51.16.100.

Description of the Proposed Rule(s): The notice proposes to add a new section to and amend another section of chapter 296-17 WAC, Rules, classifications, rates

and rating system for Washington workers' compensation insurance which provides for a separate risk classification assignment for employers operating a work activity center and allowance to use the piece worker method of determining and reporting worker hours for such centers. The classification changes will adjust the premium payments for workers in work activity centers to reflect the increased hours of exposure to produce a product. Allowing the employer to report on a piece worker basis reduces the amount of premium due on these disabled employees.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule(s): Richard Slunaker, Assistant Director for Industrial Insurance, 753-6308; Marjorie Shavlik, Employer Services Chief, 753-7016; Gary Brown, Rating and Data Analysis Supervisor, 753-6463; General Administration Building, Olympia, Washington 98504, AX-31.

Name of Person or Organization Whether Private, Public or Governmental, that is Proposing the Rule(s): These rules are proposed by the Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): None.

These rules are not proposed to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Department of Labor and Industries, Division of Industrial Insurance, is proposing to add a new section and amend another section of chapter 296-17 WAC, Manual of rules, classifications, rates and rating system for Washington workers' compensation insurance.

The proposed amended rule will, in certain cases, reduce the amount of premium being paid by affected employers but should not result in an increase to others. The proposed new rule will have no direct economic impact on employers, large or small.

Amend WAC 296-17-350(6) Minimum premiums—Assumed worker hours—Piece workers: This rule will allow employers that employ developmentally disabled workers to report hours by piece work instead of reporting actual hours worked which will, in certain cases, reduce the premium paid by these employers. Due to the requirements of other state agencies, such employers are required to keep a record of actual hours worked by a developmentally disabled worker. The worker, however, is paid by the accomplishment of individual tasks and not by the hour. The piece worker rule prior to this proposed amendment required such employers to pay premium on actual hours worked if such records were maintained by the employer. This requirement in turn caused a disparity in certain cases as premium payments were equal to or higher than the actual pay received by the worker. By amendment of this rule the inequity will be removed.

New WAC 296-17-779 Risk classification 73-9—Work activity centers: This rule provides for the separate rating of workers who are developmentally disabled

and who are employed within a work activity center. As these workers are just entering a program to learn work skills under close supervision, there exists a difference in exposure between these individuals and those disabled and nondisabled workers employed in a sheltered workshop whose productivity and output are significantly higher. Prior to the development of this rule, developmentally disabled workers employed in a work activity center were reported for premium purposes in the same risk classification as those employed within a sheltered workshop. By implementation of this rule employers operating work activity centers will be grouped by a common classification which will reflect exposures common to them.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKER HOURS. A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) Minimum premium for elective adoption. Any employer having in their employ any person exempt from mandatory coverage under the provisions of RCW 51.12.020 and whose application for coverage under the elective adoption provisions of RCW 51.12.110 is accepted by the director, shall have a minimum premium rate for such employer's applicable class based upon not less than 40 worker hours for each month, until such time as elective adoption coverage is cancelled: PROVIDED, That the minimum premium rate as specified above shall not apply to executive officers obtaining coverage under this rule and the elective adoption provisions of RCW 51.12.110.

(3) Apartment house, apartment hotel, motor court and similar operations. Resident managers, caretakers or other similar occupations who are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of calculation of premiums, each four dollars of compensation in money or a substitute for money shall represent one worker hour: PROVIDED, That the employer shall not be required to report in excess of 40 hours per week for each person so employed.

(4) Commission personnel. Commission personnel are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered. Commission personnel are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: PROVIDED, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately, such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon 40 worker hours for each week in which any duties of salaried personnel are performed: PROVIDED, That salaried personnel, as defined by the foregoing, who are not regularly and continuously employed by the employer may for the purpose of premium calculation compute premiums in accordance with the piece worker rule, subsection (6) of this section: PROVIDED FURTHER, The 40 hours per week may be substituted on behalf of all salaried employees by assuming 160 hours per month for each month in which employees are on salary: PROVIDED FURTHER, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract teachers employed by schools.

(6) Piece workers. Employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise, the employer shall

for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: PROVIDED, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: PROVIDED FURTHER, That if the employer maintains books and records to show separately the hours employed for each worker in their employ engaged in piece work then such actual worker hours shall be reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: PROVIDED, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

NEW SECTION

WAC 296-17-779 CLASSIFICATION 73-9.

Work activity centers

For the purpose of this rule "work activity center" will refer to such centers licensed through the department of social and health services and as defined in Title 29, Part 525.2(c) of the Code of Federal Regulations as published by United States department of labor, providing job training and learning skills to developmentally disabled workers and who are enrolled as clients of the center. Usage of this classification will be limited to developmentally disabled workers employed within a work activity center and excludes all other employments of developmentally disabled workers not employed in a work activity center which will be separately rated in risk classification 67-9 (WAC 296-17-740). This classification further excludes professional, clerical, and other blue-collar employments which will be separately rated in risk classification 67-9 (WAC 296-17-740) even though the only operation of the employer may be a work activity center.

WSR 84-08-078
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 4, 1984]

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 national pollutant discharge elimination system permit program, chapter 173-220 WAC. The department proposes to redefine "person" in WAC 173-220-030 to be consistent with state waste discharge permit program, chapter 173-216 WAC; revise WAC 173-220-130 to require effluent limitations to reflect any variations in industrial loading; add public ownership requirements contained in submission of plans and reports for construction of wastewater facilities, chapter 173-240 WAC to WAC 173-220-150; refer to the underground injection control program, chapter 173-218 WAC in WAC

173-220-220 control of disposal of pollutants into wells; and edit WAC 173-220-150 and 173-220-210.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 10, 1984, 2:00 p.m., Room 273, Headquarters Office, St. Martins College Campus, Lacey, Washington.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 90.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 4, 1984.

Dated: April 4, 1984

By: Donald W. Moos

Director

STATEMENT OF PURPOSE

Title: National pollutant discharge elimination system permit program, chapter 173-220 WAC.

Description of Purpose: This rule establishes a state permit program applicable to the discharge of pollutants and other wastes and materials into navigable waters of the state.

Statutory Authority: Water Pollution Control Act, chapter 90.48 RCW.

Summary of Rule: The department proposes to redefine person to be consistent with the state waste discharge permit program, chapter 173-216 WAC; to revise in WAC 173-220-130 to require effluent limitations to reflect any variations in industrial loading, to refer to chapter 173-218 WAC in WAC 173-220-220; to add public ownership requirements contained in chapter 173-240 WAC to WAC 173-220-150; and to edit WAC 173-220-150 and 173-220-210.

Reasons Supporting Proposed Action: Changes are necessary to fully implement the provisions of the federal Clean Water Act and to update this regulation.

Agency Personnel Responsible for Drafting: Bert D. Bowen, (206) 459-6077; Implementation and Enforcement: Stan Springer, (206) 459-6042, Department of Ecology, MS: PV-11, Olympia, WA 98504.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: N/A.

Small Business Economic Impact Statement: No significant economic impact.

AMENDATORY SECTION (Amending Order DE 82-39, filed 12/1/82)

WAC 173-220-030 DEFINITIONS. For purposes of this chapter, the following definitions shall be applicable:

- (1) "Department" means department of ecology.
- (2) "Director" means the director of the department of ecology or his authorized representative.
- (3) "Administrator" means the administrator of the United States Environmental Protection Agency.
- (4) "Regional administrator" means the regional administrator of Region X of the Environmental Protection Agency (EPA).

(5) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(6) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

(7) "Navigable waters of the state" means all navigable waters as defined in section 502 of the FWPCA within the boundaries of the state such as lakes, rivers, ponds, streams, inland waters, ocean, bays, estuaries, sounds and inlets.

(8) "Person" (~~means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body~~) includes any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(9) "Discharge of pollutant" and the term "discharge of pollutants" each means (a) any addition of any pollutant or combination of pollutants to navigable waters of the state from any point source, (b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source, other than a vessel or other floating craft which is being used as a means of transportation.

(10) "Major discharger" means any discharger appearing on the list of major dischargers appearing in the annual state-EPA agreement.

(11) "Combined waste treatment facility" means any publicly owned waste treatment facility in which the maximum monthly average influent from any one industrial category, or categories producing similar wastes, constitutes over eighty-five percent of the design load for biochemical oxygen demand or suspended solids. Each single industrial category must contribute a minimum of ten percent of the applicable load.

AMENDATORY SECTION (Amending Order DE 82-39, filed 12/1/82)

WAC 173-220-130 EFFLUENT LIMITATIONS, WATER QUALITY STANDARDS AND OTHER REQUIREMENTS FOR PERMITS. (1) Any permit issued by the department shall apply and insure compliance with all of the following, whenever applicable:

(a) Effluent limitations under sections 301, 302, 306, and 307 of the FWPCA. The effluent limitations shall not be less stringent than those based upon the treatment facility design efficiency contained in approved engineering plans and reports or approved revisions thereto. The effluent limits shall reflect any (~~seasonal~~) variation in industrial loading.

For combined waste treatment facilities, the effluent limitations for biochemical oxygen demand or suspended solids may be adjusted upwards to a maximum allowed by applying effluent limitations pursuant to sections 301(b)(1)(B) or 301(h) of the FWPCA to the domestic portion of the influent and effluent limitations pursuant to sections 301(b)(1)(A)(i), 301(b)(2)(A), and 301(b)(2)(E) of the FWPCA or standards of performance pursuant to section 306 of the FWPCA to the industrial portion of the influent: PROVIDED, That the following additional condition is met:

Fecal coliform levels shall not exceed a monthly average of 200 organisms per 100 ml with a maximum weekly average of 400 organisms per 100 ml, unless a waiver is granted pursuant to section 301(h) of the FWPCA;

(b) Any more stringent limitation, including those:

(i) Necessary to meet water quality standards, treatment standards or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the FWPCA; or

(ii) Necessary to meet any federal law or regulation other than the FWPCA or regulations thereunder; or

(iii) Required to implement any applicable water quality standards; such limitations to include any legally applicable requirements necessary to implement total maximum daily loads established pursuant to

section 303(d) and incorporated in the continuing planning process approved under section 303(e) of the FWPCA and any regulations and guidelines issued pursuant thereto;

(iv) Necessary to prevent or control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or raw material storage;

(v) Necessary to provide all known, available and reasonable methods of treatment.

(c) Any more stringent legal applicable requirements necessary to comply with a plan approved pursuant to section 208(b) of the FWPCA; and

(d) Prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306, and 307 of the FWPCA, such conditions as the department determines are necessary to carry out the provisions of the FWPCA.

(2) In any case where an issued permit applies the effluent standards and limitations described in subparagraph (a) of paragraph (1) of this section, the department shall make a finding that any discharge authorized by the permit will not violate applicable water quality standards.

(3) In the application of effluent standards and limitations, water quality standards and other legally applicable requirements pursuant to paragraphs (1) and (2) hereof, each issued permit shall specify average and maximum daily quantitative (in terms of weight) or other such appropriate limitations for the level of pollutants and the authorized discharge.

AMENDATORY SECTION (Amending Order DE 82-39, filed 12/1/82)

WAC 173-220-150 OTHER TERMS AND CONDITIONS. (1) In addition to the requirements of WAC 173-220-130 and 173-220-140, each issued permit shall require that:

(a) All discharges authorized by the permit shall be consistent with the terms and conditions of the permit; any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants must be reported to the department by submission of a new application or supplement thereto; or, if such discharge does not violate effluent limitations specified in the permit, by submission to the department of notice of such new or increased discharges of pollutants; any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permit may be modified, suspended or revoked in whole or in part during its terms for cause including, but not limited to, the following:

(i) Violation of any term or condition of the permit;

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(c) The permittee shall allow the department or its authorized representative upon the presentation of credentials and at reasonable times:

(i) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the permit subject to any access restrictions due to the nature of the project;

(ii) To have access to and copy at reasonable cost any records required to be kept under terms and conditions of the permit;

(iii) To inspect any monitoring equipment or method required in the permit; or

(iv) To sample any discharge of pollutants.

(d) That, if the permit is for a discharge from a publicly owned treatment works, the permittee shall provide notice to the department of the following:

(i) Any new introduction of pollutants into such treatment works from a source which would be a new source as defined in section 306 of the FWPCA if such source were discharging pollutants;

(ii) Except as to such categories and classes of point sources or discharges specified by the department, any new introduction of pollutants into such treatment works from a source which would be subject to section 301 of the FWPCA if such source were discharging pollutants;

(iii) Any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit.

Such notice shall include information on:

(I) The quality and quantity of effluent to be introduced into such treatment works; and

(II) Any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

(e) The permittee shall at all times properly operate and maintain any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit. Where design criteria have been established, the permittee shall not permit flows or waste loadings to exceed approved design criteria, or approved revisions thereto.

(f) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the FWPCA for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the department shall revise or modify the permit in accordance with the toxic effluent standard of prohibition and so notify the permittee.

~~((3))~~ (2) Every permit shall be conditioned to insure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308 of the FWPCA.

(3) Permits for domestic wastewater facilities shall be issued only to a public entity, except in the following circumstances:

(a) Facilities existing or approved for construction with private operation on or before the effective date of this chapter, until such time as the facility is expanded;

(b) Facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered single commercial establishments for the purpose of the preceding sentence.

(c) Facilities that are owned by nonpublic entities and under contract to a public entity shall be issued a joint permit to both the owner and the public entity.

AMENDATORY SECTION (Amending Order DE 82-39, filed 12/1/82)

WAC 173-220-210 MONITORING, RECORDING AND REPORTING. (1) Monitoring.

(a) Any discharge authorized by a permit may be subject to such monitoring requirements as may be reasonably required by the department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). These monitoring requirements would normally include:

(i) Flow (in gallons per day); ~~(and (ii) all of the following pollutants:~~

~~(A))~~ (ii) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the permit;

~~((B))~~ (iii) Pollutants which the department finds could have a significant impact on the quality of navigable waters; and

~~((C))~~ (iv) Pollutants specified by the administrator, in regulations issued pursuant to the FWPCA, as subject to monitoring ~~(and)~~.

(b) Each effluent flow or pollutant required to be monitored pursuant to ~~((paragraph (b)))~~ subsection (a) of this section shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant. Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels which may be monitored at less frequent intervals.

(c) Monitoring of intake water, influent to treatment facilities, ~~(and/or other)~~ internal waste streams, and/or receiving waters may be required when determined necessary by the department to verify compliance with net discharge limitations or removal requirements, ~~((or))~~ to verify that proper waste treatment or control practices are being maintained, or to determine the effects of the discharge on the waters of the state.

(2) Recording of monitoring activities and results. Any permit which requires monitoring of the authorized discharge shall require that:

(a) The permittee shall maintain records of all information resulting from any monitoring activities required of him in his permit;

(b) Any records of monitoring activities and results shall include for all samples:

(i) The date, exact place, and time of sampling;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods used; and

(v) The results of such analyses; and

(c) The permittee shall be required to retain for a minimum of three years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.

(3) Reporting of monitoring results.

(a) The permittee shall periodically report (at a frequency of not less than once per year) on the proper reporting form, the monitoring results obtained pursuant to monitoring requirements in a permit. In addition to the required reporting form, the department at its discretion may require submission of such other results as it determines to be necessary.

(b) Monitoring reports shall be signed by:

(i) In the case of corporations, by a responsible corporate officer or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

(ii) In the case of a partnership, by a general partner.

(iii) In the case of a sole proprietorship, by the proprietor.

(iv) In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

AMENDATORY SECTION (Amending Order DE 82-39, filed 12/1/82)

WAC 173-220-220 CONTROL OF DISPOSAL OF POLLUTANTS INTO WELLS. ~~((+))~~ The disposal of pollutants into wells ~~(; excepting in the most extraordinary circumstances, is not authorized by the department:~~

~~(2) All applications requesting permission to dispose of pollutants into wells shall be processed under RCW 90.48.160, and/or under an approved underground injection control program:~~

~~(3) Under the extraordinary circumstance where an application for a permit is approved, the department shall include terms and conditions which shall control the proposed disposal in order to prevent pollution of ground and surface water resources and to protect the public health and welfare)) is regulated by the Underground injection control program, chapter 173-218 WAC.~~

WSR 84-08-079

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF ECOLOGY

[Memorandum—April 4, 1984]

The Washington Department of Ecology (WDOE), the Washington Department of Social and Health Services (DSHS), the Washington Department of Agriculture (WDA), and the U.S. Environmental Protection Agency, Region 10 (EPA) are requesting public review and comment on proposed environmental programs to be included in a formal agreement between these agencies for fiscal year 1985, July 1, 1984 – June 30, 1985. The State/EPA Agreement (SEA) contains priorities for water quality, drinking water, hazardous waste, air quality, and pesticide programs.

A public meeting will be held to discuss the SEA and to receive public comments on May 22, 1984, 7:30 p.m., Energy Facility Site Evaluation Council (EFSEC), 4224 6th Avenue S.E., Building #1, Lacey, Washington.

The draft SEA consists of an executive document and individual program documents which outline in more detail the water quality, hazardous waste, drinking water, air quality, and pesticides programs. Copies of all SEA documents will be available to the public after May 4, 1984, at WDOE Headquarters (Lacey), WDOE regional offices (Tumwater, Redmond, Yakima, and Spokane), DSHS Headquarters (Tumwater), WDA Headquarters (Olympia), and EPA offices (Seattle and Lacey).

The draft SEA or other information about the SEA can be obtained by contacting Philip Miller, Department of Ecology, MS PV-11, Olympia, Washington 98504, phone: (206) 459-6144. All requests should specify which SEA documents are being requested. Written comments on the SEA should be sent to the same address. All comments should be received by May 31, 1984.

WSR 84-08-080
PROPOSED RULES
BOARD OF PHARMACY
[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pharmacy intends to adopt, amend, or repeal rules concerning the amending of WAC 360-16-240 and adding WAC 360-16-025;

that the agency will at 9:00 a.m., Wednesday, May 16, 1984, in the Sea-Tac Tower, Suite 500, 18000 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.64.043.

The specific statute these rules are intended to implement is RCW 18.64.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 16, 1984.

Dated: April 4, 1984
By: Donald H. Williams
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose: The purpose of WAC 360-16-025 is to outline the requirements for renewal of pharmacy licenses. The purpose of WAC 360-16-240 is to describe the standards for grading pharmacies and actions that must be taken as a result of pharmacy grades.

Statutory Authority: RCW 18.64.043 and 18.64.005.

Summary of the Rules: WAC 360-16-025 contains the requirement for renewal of any pharmacy license. WAC 360-16-240 contains general information regarding pharmacies. It describes the standards and grading

of pharmacies and outlines what must be done if a pharmacy receives certain grades.

Reason Proposed: These rules are proposed to implement RCW 18.64.043 and to delete an obsolete reference in WAC 360-16-240.

Responsible Personnel: In addition to the members of the board, the following Board of Pharmacy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donald H. Williams, Executive Secretary, W.E.A. Building, 319 East 7th Avenue, Olympia, WA 98504, telephone (206) 753-6834 comm, (206) 234-6834 scan.

Proponents: These rules are proposed by the Washington State Board of Pharmacy.

Agency Comments: These rules are promulgated pursuant to the authority granted in RCW 18.64.005.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 360-16-025 PHARMACY LICENSE RENEWAL. The state board of pharmacy will not renew any pharmacy license after June 1, 1984 unless the following are submitted:

- (1) A completed renewal application form;
- (2) A completed self-inspection form; and
- (3) The fee as established by WAC 360-18-020.

AMENDATORY SECTION (Amending Order 146, filed 2/1/79)

WAC 360-16-240 GENERAL. (1) A list of antidotes for poisoning shall be posted or otherwise readily available for reference. The telephone number of the nearest poison control center shall be readily available.

(2) The Washington state board of pharmacy shall set standards for the grading of pharmacies in the state of Washington. There shall be three classifications: A, 100-90; B, 89-80; and C, below 80. Each pharmacy being inspected shall receive either a Class A, Class B, or Class C certificate, depending on the extent of compliance with the set standards.

(3) Any pharmacy receiving a Class C rating will have 60 days to raise its standards to a Class B or better. If after 60 days the pharmacy has failed to raise its standards to a Class B or better, a hearing will be conducted to consider disciplinary action.

(4) Any pharmacy receiving two consecutive B grades will be subject to a hearing to consider disciplinary action.

(5) The certificate of inspection must be posted on the front of the prescription case in conspicuous view of the general public and shall not be removed or defaced.

~~((6)) Forms and instructions for a self inspection program shall be mailed to all pharmacies. Up to five points may be granted on the inspection conducted by the investigator for pharmacy compliance with this program.(+)~~

~~((7))~~ (6) Noncompliance with the provisions of RCW 18.64A.010 - 900 (pharmacy Assistants) and WAC 360-52-010 - 100 (Pharmacy Assistants) shall result in an automatic "C" grade regardless of point score as found in (2) above. Refer to (3) above for specific information on "C" grades((+));

WSR 84-08-081
PROPOSED RULES
BOARD OF PHARMACY
[Filed April 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pharmacy

intends to adopt, amend, or repeal rules concerning the amending of WAC 360-16-150;

that the agency will at 9:00 a.m., Wednesday, May 16, 1984, in the Sea-Tac Tower, Suite 500, 18000 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.64.005.

The specific statute these rules are intended to implement is RCW 18.64.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 16, 1984.

Dated: April 4, 1984

By: Donald H. Williams
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose: The purpose of the amendment to WAC 360-16-150 is to clarify under what circumstances prescriptions, drugs, medicines, sick room supplies, and items of personal hygiene may be returned to pharmacies.

Statutory Authority: RCW 18.64.005.

Summary of the Rule: WAC 360-16-150 contains the circumstances under which certain items may be returned to pharmacies. It also clarifies under what circumstances these returned items may be reused. It does not relate to items such as orthopedic appliances, crutches, canes, and wheelchairs. Under this rule it is made clear that controlled substances may be returned to the pharmacy only for proper disposal by the Drug Enforcement Administration or the State Board of Pharmacy.

Reason Proposed: This rule is proposed in an attempt to clarify questions regarding the return of drugs.

Responsible Personnel: In addition to the members of the board, the following Board of Pharmacy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donald H. Williams, Executive Secretary, W.E.A. Building, 319 East 7th Avenue, Olympia, WA 98504, telephone (206) 753-6834 comm, (206) 234-6834 scan.

Proponents: These rules are proposed by the Washington State Board of Pharmacy.

Agency Comments: These rules are promulgated pursuant to the authority granted in RCW 18.64.005.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Regulation 28, filed 3/23/60)

WAC 360-16-150 RETURN OR EXCHANGE OF DRUGS ((PROHIBITED)). Except as provided in this rule, ((P))prescriptions, drugs, medicines, sick room supplies and items of personal hygiene shall not be accepted for return or exchange by any pharmacist or

pharmacy after such prescriptions, drugs, medicines, sick room supplies or items of personal hygiene have been taken from the premises where sold, distributed or dispensed.

(1) Those drugs and sick room supplies legally dispensed by prescription in unit dose forms or in sealed single or multiple dose ampoules or vials in which the pharmacist can readily determine that entry or attempted entry by any means has not been made and which, in the pharmacist's professional judgment, meet the standards of the United States Pharmacopeia for storage conditions including temperature, light sensitivity, chemical and physical stability.

(2) Pharmacies serving hospitals and long-term care facilities may accept for return and reuse, unit dose packages or full or partial multiple dose medication cards based on the following criteria:

(a) The pharmacist can readily determine that entry or attempt at entry to the unit dose package or blister card has not been made;

(b) In the pharmacist's professional judgment, the unit dose package or full or partial multiple dose medication card meets the standards of the United States Pharmacopeia's standards for storage conditions including temperature, light sensitivity, chemical and physical stability;

(c) The drug has been stored in such a manner as to prevent contamination by a means that would affect the efficacy and toxicity of the drug;

(d) The drug has not come into physical possession of the person for whom it was prescribed and control of the drug being returned is known to the pharmacist to have been the responsibility of a person trained and knowledgeable in the storage and administration of drugs;

(e) The drug labeling or packaging has not been altered or defaced so that the identity of the drug, its potency, lot number, and expiration date is retrievable.

(f) In the re-issue of the drug, it shall not be mixed with drugs of different lot numbers and/or expiration dates, unless the specific lot number is retrievable and the expiration date accompanies the drug.

(3) This rule shall not include items such as orthopedic appliances, crutches, canes, wheelchairs and other similar items unless otherwise prohibited.

(4) Controlled substances may be returned to a pharmacy for proper disposal by the Drug Enforcement Administration or the Washington State Board of Pharmacy.

WSR 84-08-082

EMERGENCY RULES

BOARD OF PHARMACY

[Order 185—Filed April 4, 1984]

Be it resolved by the Washington State of Pharmacy, acting at Olympia, Washington, that it does adopt the annexed rules relating to adding new rule WAC 360-16-025 and amending WAC 360-16-240.

We, the Washington State Board of Pharmacy, find that an emergency exists and that this 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 the emergency is this rule must be in place to establish the requirement in time for the upcoming renewal period.

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

This rule is promulgated pursuant to RCW 18.64.043 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED April 4, 1984.

By Donald H. Williams
Executive Secretary

NEW SECTION

WAC 360-16-025 *PHARMACY LICENSE RENEWAL*. The state board of pharmacy will not renew any pharmacy license after June 1, 1984 unless the following are submitted:

- (1) A completed renewal application form;
- (2) A completed self-inspection form; and
- (3) The fee as established by WAC 360-18-020.

AMENDATORY SECTION (Amending Order 146, filed 2/1/79)

WAC 360-16-240 *GENERAL*. (1) A list of antidotes for poisoning shall be posted or otherwise readily available for reference. The telephone number of the nearest poison control center shall be readily available.

(2) The Washington state board of pharmacy shall set standards for the grading of pharmacies in the state of Washington. There shall be three classifications: A, 100-90; B, 89-80; and C, below 80. Each pharmacy being inspected shall receive either a Class A, Class B, or Class C certificate, depending on the extent of compliance with the set standards.

(3) Any pharmacy receiving a Class C rating will have 60 days to raise its standards to a Class B or better. If after 60 days the pharmacy has failed to raise its standards to a Class B or better, a hearing will be conducted to consider disciplinary action.

(4) Any pharmacy receiving two consecutive B grades will be subject to a hearing to consider disciplinary action.

(5) The certificate of inspection must be posted on the front of the prescription case in conspicuous view of the general public and shall not be removed or defaced.

~~((6) Forms and instructions for a self inspection program shall be mailed to all pharmacies. Up to five points may be granted on the inspection conducted by the investigator for pharmacy compliance with this program[.])~~

~~((7))~~ (6) Noncompliance with the provisions of RCW 18.64A.010 - 900 (pharmacy Assistants) and WAC 360-52-010 - 100 (Pharmacy Assistants) shall result in an automatic "C" grade regardless of point score as found in (2) above. Refer to (3) above for specific information on "C" grades~~((7))~~.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- REP = Repeal of existing section
- READOPT = Readoption of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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137-12A-010	NEW-P	84-03-014	173-216-020	AMD	84-06-023	174-109-060	NEW-P	84-08-064
137-12A-010	NEW	84-06-009	173-218-010	NEW-P	84-02-070	174-109-070	NEW-P	84-08-064
137-12A-020	NEW-P	84-03-014	173-218-010	NEW	84-06-023	174-109-080	NEW-P	84-08-064
137-12A-020	NEW	84-06-009	173-218-020	NEW-P	84-02-070	174-109-090	NEW-P	84-08-064
137-12A-030	NEW-P	84-03-014	173-218-020	NEW	84-06-023	174-109-100	NEW-P	84-08-064
137-12A-030	NEW	84-06-009	173-218-030	NEW-P	84-02-070	174-109-200	NEW-P	84-08-064
137-12A-040	NEW-P	84-03-014	173-218-030	NEW	84-06-023	174-109-300	NEW-P	84-08-064
137-12A-040	NEW	84-06-009	173-218-040	NEW-P	84-02-070	174-109-400	NEW-P	84-08-064
137-12A-050	NEW-P	84-03-014	173-218-040	NEW	84-06-023	174-109-500	NEW-P	84-08-064
137-12A-050	NEW	84-06-009	173-218-050	NEW-P	84-02-070	174-109-010	REP-P	84-08-064
137-12A-060	NEW-P	84-03-014	173-218-050	NEW	84-06-023	174-148-015	REP-P	84-08-064
137-12A-060	NEW	84-06-009	173-218-060	NEW-P	84-02-070	174-148-030	REP-P	84-08-064
137-12A-070	NEW-P	84-03-014	173-218-060	NEW	84-06-023	174-148-040	REP-P	84-08-064
137-12A-070	NEW	84-06-009	173-218-070	NEW-P	84-02-070	174-148-050	REP-P	84-08-064
137-12A-080	NEW-P	84-03-014	173-218-070	NEW	84-06-023	174-148-060	REP-P	84-08-064
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137-12A-090	NEW-P	84-03-014	173-218-080	NEW	84-06-023	174-148-080	REP-P	84-08-064
137-12A-090	NEW	84-06-009	173-218-090	NEW-P	84-02-070	174-148-085	REP-P	84-08-064
137-48-020	AMD-P	84-04-045	173-218-090	NEW	84-06-023	174-148-090	REP-P	84-08-064
137-48-020	AMD-E	84-04-046	173-218-100	NEW-P	84-02-070	174-148-100	REP-P	84-08-064
137-48-020	AMD	84-08-011	173-218-100	NEW	84-06-023	174-148-110	REP-P	84-08-064
137-48-060	AMD-P	84-04-045	173-218-110	NEW-P	84-02-070	174-148-120	REP-P	84-08-064
137-48-060	AMD-E	84-04-046	173-218-110	NEW	84-06-023	180-16-002	NEW-P	84-08-051
137-48-060	AMD	84-08-011	173-220-030	AMD-E	84-07-058	180-16-003	REP-P	84-08-051
137-57	AMD-P	84-08-023	173-220-030	AMD-P	84-08-078	180-16-006	NEW-P	84-08-051
137-57-005	AMD-P	84-08-023	173-220-130	AMD-E	84-07-058	180-16-191	AMD-P	84-08-051
137-57-010	AMD-P	84-08-023	173-220-130	AMD-P	84-08-078	180-16-195	AMD-P	84-08-051
137-57-020	AMD-P	84-08-023	173-220-150	AMD-E	84-07-058	180-16-200	AMD-P	84-08-051
137-57-040	AMD-P	84-08-023	173-220-150	AMD-P	84-08-078	180-16-205	AMD-P	84-08-051
137-57-050	AMD-P	84-08-023	173-220-210	AMD-E	84-07-058	180-16-210	AMD-P	84-08-051
137-57-060	AMD-P	84-08-023	173-220-210	AMD-P	84-08-078	180-16-220	AMD-P	84-08-051
137-57-070	AMD-P	84-08-023	173-220-220	AMD-E	84-07-058	180-16-225	AMD-P	84-08-051
137-70	AMD-P	84-08-060	173-220-220	AMD-P	84-08-078	180-16-240	AMD-P	84-08-051
137-70-010	AMD-P	84-08-060	173-303	AMD-C	84-04-075	180-22-100	NEW-P	84-08-047
137-70-020	AMD-P	84-08-060	173-303	AMD-C	84-07-057	180-22-100	NEW-W	84-08-058
137-70-030	AMD-P	84-08-060	173-305-010	NEW	84-05-012	180-22-105	NEW-P	84-08-047
137-70-040	AMD-P	84-08-060	173-305-015	NEW	84-05-012	180-22-105	NEW-W	84-08-058
137-70-050	AMD-P	84-08-060	173-305-020	NEW	84-05-012	180-22-140	NEW-P	84-08-047
137-70-055	NEW-P	84-08-060	173-305-030	NEW	84-05-012	180-22-140	NEW-W	84-08-058
137-70-057	NEW-P	84-08-060	173-305-040	NEW	84-05-012	180-22-150	AMD-P	84-08-047
137-70-060	AMD-P	84-08-060	173-305-050	NEW	84-05-012	180-22-150	AMD-W	84-08-058
137-70-070	AMD-P	84-08-060	173-305-060	NEW	84-05-012	180-22-200	REP-P	84-08-047
137-70-080	AMD-P	84-08-060	173-305-070	NEW	84-05-012	180-22-200	REP-W	84-08-058
139-50-030	NEW-P	84-07-041	173-305-080	NEW	84-05-012	180-22-250	REP-P	84-08-047
173-19-1104	AMD	84-02-073	173-305-090	NEW	84-05-012	180-22-250	REP-W	84-08-058
173-19-130	AMD-C	84-06-042	173-400-075	AMD-P	84-04-076	180-22-250	REP-P	84-08-059
173-19-130	AMD	84-08-030	173-422-050	AMD-P	84-03-056	180-22-255	REP-P	84-08-047
173-19-250	AMD-P	84-03-057	173-514-010	NEW	84-04-014	180-22-255	REP-W	84-08-058

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180-22-260	REP-P 84-08-047	180-55-020	AMD-P 84-08-075	197-10-405	REP 84-05-021
180-22-260	REP-W 84-08-058	180-55-050	AMD-P 84-08-075	197-10-410	REP 84-05-021
180-22-260	REP-P 84-08-059	182-08-140	REP-E 84-04-063	197-10-420	REP 84-05-021
180-22-265	REP-P 84-08-047	182-08-140	REP-P 84-05-029	197-10-425	REP 84-05-021
180-22-265	REP-W 84-08-058	182-08-150	REP-E 84-04-063	197-10-440	REP 84-05-021
180-22-265	REP-P 84-08-059	182-08-150	REP-P 84-05-029	197-10-442	REP 84-05-021
180-22-270	REP-P 84-08-047	182-08-195	NEW-E 84-04-063	197-10-444	REP 84-05-021
180-22-270	REP-W 84-08-058	182-08-195	NEW-P 84-05-029	197-10-446	REP 84-05-021
180-22-270	REP-P 84-08-059	182-12-125	AMD-E 84-04-063	197-10-450	REP 84-05-021
180-22-275	REP-P 84-08-047	182-12-125	AMD-P 84-05-029	197-10-455	REP 84-05-021
180-22-275	REP-W 84-08-058	192-12-131	NEW 84-02-061	197-10-460	REP 84-05-021
180-22-275	REP-P 84-08-059	192-12-132	NEW 84-02-061	197-10-465	REP 84-05-021
180-22-280	REP-P 84-08-047	192-12-134	NEW 84-02-061	197-10-470	REP 84-05-021
180-22-280	REP-W 84-08-058	196-08-085	AMD 84-04-027	197-10-480	REP 84-05-021
180-22-280	REP-P 84-08-059	196-12-010	AMD 84-04-027	197-10-485	REP 84-05-021
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180-22-285	REP-W 84-08-058	196-12-030	AMD 84-04-027	197-10-495	REP 84-05-021
180-22-285	REP-P 84-08-059	196-12-050	AMD 84-04-027	197-10-500	REP 84-05-021
180-22-290	REP-P 84-08-047	196-12-060	AMD 84-04-027	197-10-510	REP 84-05-021
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180-22-290	REP-P 84-08-059	196-16-007	AMD 84-04-027	197-10-530	REP 84-05-021
180-22-295	REP-P 84-08-047	196-16-010	AMD 84-04-027	197-10-535	REP 84-05-021
180-22-295	REP-W 84-08-058	196-16-020	AMD 84-04-027	197-10-540	REP 84-05-021
180-22-295	REP-P 84-08-059	196-16-031	AMD 84-04-027	197-10-545	REP 84-05-021
180-23-037	NEW-P 84-08-050	196-20-010	AMD 84-04-027	197-10-550	REP 84-05-021
180-23-040	NEW-P 84-08-050	196-20-030	AMD 84-04-027	197-10-570	REP 84-05-021
180-23-043	NEW-P 84-08-050	196-24-030	AMD 84-04-027	197-10-580	REP 84-05-021
180-23-047	NEW-P 84-08-050	196-24-040	AMD 84-04-027	197-10-600	REP 84-05-021
180-23-050	NEW-P 84-08-050	196-24-050	AMD 84-04-027	197-10-650	REP 84-05-021
180-23-055	NEW-P 84-08-050	196-24-080	AMD 84-04-027	197-10-652	REP 84-05-021
180-23-058	NEW-P 84-08-050	196-27-010	NEW 84-04-027	197-10-660	REP 84-05-021
180-23-060	NEW-P 84-08-050	196-27-020	NEW 84-04-027	197-10-690	REP 84-05-021
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180-23-070	NEW-P 84-08-050	197-10-020	REP 84-05-021	197-10-700	REP 84-05-021
180-23-075	NEW-P 84-08-050	197-10-025	REP 84-05-021	197-10-710	REP 84-05-021
180-23-077	NEW-P 84-08-050	197-10-030	REP 84-05-021	197-10-800	REP 84-05-021
180-23-078	NEW-P 84-08-050	197-10-040	REP 84-05-021	197-10-805	REP 84-05-021
180-23-080	NEW-P 84-08-050	197-10-050	REP 84-05-021	197-10-810	REP 84-05-021
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180-26-025	AMD-P 84-08-049	197-10-180	REP 84-05-021	197-11-020	NEW 84-05-020
180-27-035	AMD-P 84-08-048	197-10-190	REP 84-05-021	197-11-030	NEW 84-05-020
180-27-040	AMD-P 84-08-048	197-10-200	REP 84-05-021	197-11-040	NEW 84-05-020
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180-27-060	AMD-P 84-08-048	197-10-210	REP 84-05-021	197-11-060	NEW 84-05-020
180-27-070	AMD-P 84-04-084	197-10-215	REP 84-05-021	197-11-070	NEW 84-05-020
180-27-070	AMD 84-07-036	197-10-220	REP 84-05-021	197-11-080	NEW 84-05-020
180-51-005	NEW-P 84-08-076	197-10-225	REP 84-05-021	197-11-090	NEW 84-05-020
180-51-010	NEW-P 84-08-076	197-10-230	REP 84-05-021	197-11-100	NEW 84-05-020
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180-51-020	NEW-P 84-08-076	197-10-240	REP 84-05-021	197-11-305	NEW 84-05-020
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180-51-030	NEW-P 84-08-076	197-10-260	REP 84-05-021	197-11-315	NEW 84-05-020
180-51-035	NEW-P 84-08-076	197-10-270	REP 84-05-021	197-11-330	NEW 84-05-020
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180-51-055	NEW-P 84-08-076	197-10-320	REP 84-05-021	197-11-360	NEW 84-05-020
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180-51-100	NEW-P 84-08-076	197-10-365	REP 84-05-021	197-11-410	NEW 84-05-020
180-51-105	NEW-P 84-08-076	197-10-370	REP 84-05-021	197-11-420	NEW 84-05-020
180-51-110	NEW-P 84-08-076	197-10-375	REP 84-05-021	197-11-425	NEW 84-05-020
180-51-115	NEW-P 84-08-076	197-10-380	REP 84-05-021	197-11-430	NEW 84-05-020
180-55-010	AMD-P 84-08-075	197-10-390	REP 84-05-021	197-11-435	NEW 84-05-020

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197-11-442	NEW 84-05-020	197-11-796	NEW 84-05-020	220-32-04000T	NEW-E 84-02-049
197-11-443	NEW 84-05-020	197-11-797	NEW 84-05-020	220-32-04000U	REP-E 84-04-060
197-11-444	NEW 84-05-020	197-11-799	NEW 84-05-020	220-32-04000U	NEW-E 84-04-060
197-11-448	NEW 84-05-020	197-11-800	NEW 84-05-020	220-32-04000U	REP-E 84-05-035
197-11-450	NEW 84-05-020	197-11-810	NEW 84-05-020	220-32-04000V	NEW-E 84-05-035
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197-11-460	NEW 84-05-020	197-11-825	NEW 84-05-020	220-32-044	AMD 84-08-014
197-11-500	NEW 84-05-020	197-11-830	NEW 84-05-020	220-32-05100B	NEW-E 84-05-036
197-11-502	NEW 84-05-020	197-11-835	NEW 84-05-020	220-32-055	AMD-P 84-03-059
197-11-504	NEW 84-05-020	197-11-840	NEW 84-05-020	220-32-055	AMD 84-05-046
197-11-508	NEW 84-05-020	197-11-845	NEW 84-05-020	220-32-05700T	NEW-E 84-02-049
197-11-510	NEW 84-05-020	197-11-850	NEW 84-05-020	220-36-02500J	NEW-E 84-06-051
197-11-535	NEW 84-05-020	197-11-855	NEW 84-05-020	220-36-03001	AMD-P 84-04-091
197-11-545	NEW 84-05-020	197-11-860	NEW 84-05-020	220-36-03001	AMD 84-08-014
197-11-550	NEW 84-05-020	197-11-865	NEW 84-05-020	220-40-030	AMD-P 84-04-091
197-11-560	NEW 84-05-020	197-11-870	NEW 84-05-020	220-40-030	AMD 84-08-014
197-11-570	NEW 84-05-020	197-11-875	NEW 84-05-020	220-44	AMD-P 84-04-091
197-11-600	NEW 84-05-020	197-11-880	NEW 84-05-020	220-44	AMD 84-08-014
197-11-610	NEW 84-05-020	197-11-890	NEW 84-05-020	220-44-020	AMD-P 84-04-091
197-11-620	NEW 84-05-020	197-11-900	NEW 84-05-020	220-44-020	AMD 84-08-014
197-11-625	NEW 84-05-020	197-11-902	NEW 84-05-020	220-44-030	AMD-P 84-04-091
197-11-630	NEW 84-05-020	197-11-904	NEW 84-05-020	220-44-030	AMD 84-08-014
197-11-635	NEW 84-05-020	197-11-906	NEW 84-05-020	220-44-040	AMD-P 84-04-091
197-11-640	NEW 84-05-020	197-11-908	NEW 84-05-020	220-44-040	AMD 84-08-014
197-11-650	NEW 84-05-020	197-11-910	NEW 84-05-020	220-44-050	AMD-P 84-04-091
197-11-655	NEW 84-05-020	197-11-912	NEW 84-05-020	220-44-050	AMD 84-08-014
197-11-660	NEW 84-05-020	197-11-914	NEW 84-05-020	220-44-05000E	REP-E 84-08-007
197-11-680	NEW 84-05-020	197-11-916	NEW 84-05-020	220-44-05000F	NEW-E 84-08-007
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197-11-702	NEW 84-05-020	197-11-918	NEW 84-05-020	220-44-060	NEW 84-08-014
197-11-704	NEW 84-05-020	197-11-920	NEW 84-05-020	220-44-070	NEW-P 84-04-091
197-11-706	NEW 84-05-020	197-11-922	NEW 84-05-020	220-44-070	NEW 84-08-014
197-11-708	NEW 84-05-020	197-11-924	NEW 84-05-020	220-47-121	AMD-P 84-08-065
197-11-710	NEW 84-05-020	197-11-926	NEW 84-05-020	220-47-121	REP-P 84-08-065
197-11-712	NEW 84-05-020	197-11-928	NEW 84-05-020	220-47-253	REP-P 84-08-065
197-11-714	NEW 84-05-020	197-11-930	NEW 84-05-020	220-47-254	REP-P 84-08-065
197-11-716	NEW 84-05-020	197-11-932	NEW 84-05-020	220-47-255	REP-P 84-08-065
197-11-718	NEW 84-05-020	197-11-934	NEW 84-05-020	220-47-256	REP-P 84-08-065
197-11-720	NEW 84-05-020	197-11-936	NEW 84-05-020	220-47-257	REP-P 84-08-065
197-11-722	NEW 84-05-020	197-11-938	NEW 84-05-020	220-47-258	REP-P 84-08-065
197-11-724	NEW 84-05-020	197-11-940	NEW 84-05-020	220-47-259	REP-P 84-08-065
197-11-726	NEW 84-05-020	197-11-942	NEW 84-05-020	220-47-260	REP-P 84-08-065
197-11-728	NEW 84-05-020	197-11-944	NEW 84-05-020	220-47-261	REP-P 84-08-065
197-11-730	NEW 84-05-020	197-11-946	NEW 84-05-020	220-47-263	REP-P 84-08-065
197-11-732	NEW 84-05-020	197-11-948	NEW 84-05-020	220-47-264	REP-P 84-08-065
197-11-734	NEW 84-05-020	197-11-950	NEW 84-05-020	220-47-265	REP-P 84-08-065
197-11-736	NEW 84-05-020	197-11-955	NEW 84-05-020	220-47-267	REP-P 84-08-065
197-11-738	NEW 84-05-020	197-11-960	NEW 84-05-020	220-47-268	REP-P 84-08-065
197-11-740	NEW 84-05-020	197-11-965	NEW 84-05-020	220-47-307	AMD-P 84-08-065
197-11-742	NEW 84-05-020	197-11-970	NEW 84-05-020	220-47-311	AMD-P 84-08-065
197-11-744	NEW 84-05-020	197-11-980	NEW 84-05-020	220-47-312	AMD-P 84-08-065
197-11-746	NEW 84-05-020	197-11-985	NEW 84-05-020	220-47-313	AMD-P 84-08-065
197-11-748	NEW 84-05-020	197-11-990	NEW 84-05-020	220-47-314	REP-P 84-08-065
197-11-750	NEW 84-05-020	212-75-001	NEW-P 84-05-013	220-47-319	AMD-P 84-08-065
197-11-752	NEW 84-05-020	212-75-001	NEW 84-08-018	220-47-411	AMD-P 84-08-065
197-11-754	NEW 84-05-020	212-75-005	NEW-P 84-05-013	220-47-412	AMD-P 84-08-065
197-11-756	NEW 84-05-020	212-75-005	NEW 84-08-018	220-47-413	AMD-P 84-08-065
197-11-758	NEW 84-05-020	220-16-085	AMD-P 84-04-091	220-47-414	AMD-P 84-08-065
197-11-760	NEW 84-05-020	220-16-085	AMD 84-08-014	220-47-50101	AMD-P 84-08-065
197-11-762	NEW 84-05-020	220-16-100	AMD-P 84-04-091	220-47-50201	AMD-P 84-08-065
197-11-764	NEW 84-05-020	220-16-100	AMD 84-08-014	220-47-503	AMD-P 84-08-065
197-11-766	NEW 84-05-020	220-16-375	NEW-P 84-03-060	220-48-011	AMD-P 84-04-091
197-11-768	NEW 84-05-020	220-16-380	NEW-P 84-03-060	220-48-011	AMD 84-08-014
197-11-770	NEW 84-05-020	220-20-010	AMD-P 84-04-091	220-48-015	AMD-P 84-04-091
197-11-772	NEW 84-05-020	220-20-010	AMD 84-08-014	220-48-015	AMD 84-08-014
197-11-774	NEW 84-05-020	220-20-015	AMD-P 84-08-065	220-48-01500G	REP-E 84-05-025
197-11-776	NEW 84-05-020	220-22-030	AMD-P 84-08-065	220-48-01500H	NEW-E 84-05-025
197-11-778	NEW 84-05-020	220-22-410	AMD-P 84-04-091	220-48-01500H	REP-E 84-06-007
197-11-780	NEW 84-05-020	220-22-410	AMD 84-08-014	220-48-01500I	NEW-E 84-06-007
197-11-782	NEW 84-05-020	220-32-02000L	NEW-E 84-05-006	220-48-01500I	REP-E 84-07-002
197-11-784	NEW 84-05-020	220-32-02200K	NEW-E 84-04-043	220-48-01500J	NEW-E 84-07-002
197-11-786	NEW 84-05-020	220-32-02200K	REP-E 84-05-006	220-48-01500J	REP-E 84-08-004
197-11-788	NEW 84-05-020	220-32-02500I	NEW-E 84-06-022	220-48-01500K	NEW-E 84-08-004
197-11-790	NEW 84-05-020	220-32-02500I	REP-E 84-06-051	220-48-017	AMD-P 84-04-091
197-11-792	NEW 84-05-020	220-32-03000H	NEW-E 84-05-037	220-48-017	AMD 84-08-014
197-11-793	NEW 84-05-020	220-32-03000H	REP-E 84-06-008	220-48-029	AMD-P 84-04-091

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220-52-010	AMD	84-08-014	220-57-16000D	NEW-E	84-07-022
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220-52-01901	AMD-P	84-04-091	220-57-285	AMD-P	84-03-060
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220-52-050	AMD	84-08-014	220-57-520	AMD-P	84-03-060
220-52-053	AMD-P	84-04-091	220-57-525	AMD-P	84-03-060
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220-56-180	AMD-P	84-03-060	220-76-010	AMD-P	84-03-059
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220-56-196	AMD-P	84-03-060	220-85-050	AMD-P	84-03-059
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220-56-23500B	NEW-E	84-08-005	220-85-110	AMD	84-05-046
220-56-240	AMD-P	84-03-060	220-95-021	AMD-P	84-03-059
220-56-24000A	NEW-E	84-08-005	220-95-021	AMD	84-05-046
220-56-250	AMD-P	84-03-060	220-95-026	AMD-P	84-03-059
220-56-25000D	NEW-E	84-08-005	220-95-026	AMD	84-05-046
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220-56-29500A	NEW-E	84-08-005	220-110-020	AMD	84-04-047
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232-28-60602	NEW-E	84-04-001	232-28-60603	NEW-E	84-04-002
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251-04-020	AMD-P	84-04-070	251-04-020	AMD-P	84-04-070
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251-04-020	AMD-C	84-06-004	251-04-020	AMD-C	84-06-004
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251-04-020	AMD-P	84-06-065	251-04-020	AMD-P	84-06-065
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251-04-040	AMD-C	84-06-004	251-04-040	AMD-C	84-06-004
251-10-045	AMD-P	84-04-070	251-10-045	AMD-P	84-04-070
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251-10-055	AMD-E	84-04-071	251-10-055	AMD-E	84-04-071
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251-10-112	NEW-P	84-06-065	251-10-112	NEW-P	84-06-065
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296-81-991	NEW	84-05-005	308-26-017	AMD	84-08-019	315-10-030	AMD	84-05-008
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296-93-290	NEW-P	84-05-032	308-50-010	AMD-P	84-04-048	316-02-030	NEW	84-07-037
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296-200-300	NEW-C	84-07-021	308-53-030	AMD-P	84-05-069	316-02-130	NEW-P	84-04-081
296-200-310	NEW-E	84-03-003	308-53-085	AMD-P	84-05-069	316-02-130	NEW	84-07-037
296-200-310	NEW-P	84-04-072	308-53-120	AMD-P	84-05-069	316-02-140	NEW-P	84-04-081
296-200-310	NEW-C	84-07-021	308-53-190	REP-P	84-05-069	316-02-140	NEW	84-07-037
296-200-320	NEW-E	84-03-003	308-54-140	AMD-P	84-04-086	316-02-150	NEW-P	84-04-081
296-200-320	NEW-P	84-04-072	308-54-140	AMD	84-07-051	316-02-150	NEW	84-07-037
296-200-320	NEW-C	84-07-021	308-54-150	AMD-P	84-04-086	316-02-160	NEW-P	84-04-081
296-400-300	NEW-P	84-04-072	308-54-150	AMD	84-07-051	316-02-160	NEW	84-07-037
296-400-300	NEW-C	84-07-021	308-78-010	AMD-P	84-06-066	316-02-170	NEW-P	84-04-081
304-12-015	REP-P	84-04-089	308-78-040	AMD-P	84-06-066	316-02-170	NEW	84-07-037
304-12-015	REP	84-07-020	308-78-045	AMD-P	84-06-066	316-02-180	NEW-P	84-04-081
304-12-020	NEW-P	84-04-089	308-78-050	AMD-P	84-06-066	316-02-180	NEW	84-07-037
304-12-020	NEW	84-07-020	308-78-070	AMD-P	84-06-066	316-02-200	NEW-P	84-04-081
304-12-025	NEW-P	84-04-089	308-93-650	NEW-P	84-06-056	316-02-200	NEW	84-07-037
304-12-025	NEW	84-07-020	308-138-200	AMD	84-05-011	316-02-210	NEW-P	84-04-081
304-12-125	AMD-P	84-04-089	308-138A-025	AMD	84-05-011	316-02-210	NEW	84-07-037
304-12-125	AMD	84-07-020	308-138B-120	REP	84-05-011	316-02-220	NEW-P	84-04-081
304-25-040	AMD-P	84-04-089	308-138B-165	NEW	84-05-011	316-02-220	NEW	84-07-037
304-25-040	AMD	84-07-020	308-138B-170	AMD	84-05-011	316-02-230	NEW-P	84-04-081
304-25-090	REP-P	84-04-089	314-16-110	AMD	84-02-066	316-02-230	NEW	84-07-037
304-25-090	REP	84-07-020	314-16-200	AMD-W	84-03-019	316-02-300	NEW-P	84-04-081
304-25-100	REP-P	84-04-089	314-16-200	AMD-P	84-07-052	316-02-300	NEW	84-07-037
304-25-100	REP	84-07-020	314-16-205	NEW-P	84-06-063	316-02-310	NEW-P	84-04-081
308-12-031	AMD	84-04-028	314-18-040	AMD-P	84-06-064	316-02-310	NEW	84-07-037
308-12-050	AMD	84-04-028	314-20-010	AMD-P	84-06-062	316-02-320	NEW-P	84-04-081
308-12-110	AMD	84-04-028	314-24-110	AMD-P	84-06-062	316-02-320	NEW	84-07-037
308-25-020	REP	84-04-088	315-04-070	AMD-E	84-06-045	316-02-330	NEW-P	84-04-081
308-25-025	NEW	84-04-088	315-04-120	AMD-P	84-05-050	316-02-330	NEW	84-07-037
308-25-025	AMD-P	84-07-049	315-04-120	AMD-E	84-06-045	316-02-340	NEW-P	84-04-081
308-25-030	AMD	84-04-088	315-04-132	NEW-E	84-06-045	316-02-340	NEW	84-07-037

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316-45-290	NEW	84-07-037	316-65-525	NEW-P	84-04-081	326-06-130	NEW-E	84-05-034
316-45-310	NEW-P	84-04-081	316-65-525	NEW	84-07-037	326-06-140	NEW-P	84-05-033
316-45-310	NEW	84-07-037	316-65-530	NEW-P	84-04-081	326-06-140	NEW-E	84-05-034
316-45-330	NEW-P	84-04-081	316-65-530	NEW	84-07-037	326-06-160	NEW-P	84-05-033
316-45-330	NEW	84-07-037	316-65-535	NEW-P	84-04-081	326-06-160	NEW-E	84-05-034
316-45-350	NEW-P	84-04-081	316-65-535	NEW	84-07-037	326-08-010	NEW-P	84-05-033
316-45-350	NEW	84-07-037	316-65-540	NEW-P	84-04-081	326-08-010	NEW-E	84-05-034
316-45-370	NEW-P	84-04-081	316-65-540	NEW	84-07-037	326-08-020	NEW-P	84-05-033
316-45-370	NEW	84-07-037	316-65-545	NEW-P	84-04-081	326-08-020	NEW-E	84-05-034
316-45-390	NEW-P	84-04-081	316-65-545	NEW	84-07-037	326-08-030	NEW-P	84-05-033
316-45-390	NEW	84-07-037	316-65-550	NEW-P	84-04-081	326-08-030	NEW-E	84-05-034
316-45-410	NEW-P	84-04-081	316-65-550	NEW	84-07-037	326-08-040	NEW-P	84-05-033
316-45-410	NEW	84-07-037	316-65-555	NEW-P	84-04-081	326-08-040	NEW-E	84-05-034
316-45-430	NEW-P	84-04-081	316-65-555	NEW	84-07-037	326-08-050	NEW-P	84-05-033
316-45-430	NEW	84-07-037	316-65-560	NEW-P	84-04-081	326-08-050	NEW-E	84-05-034
316-45-550	NEW-P	84-04-081	316-65-560	NEW	84-07-037	326-08-060	NEW-P	84-05-033
316-45-550	NEW	84-07-037	316-75-001	NEW-P	84-04-081	326-08-060	NEW-E	84-05-034
316-55-001	NEW-P	84-04-081	316-75-001	NEW	84-07-037	326-08-070	NEW-P	84-05-033
316-55-001	NEW	84-07-037	316-75-010	NEW-P	84-04-081	326-08-070	NEW-E	84-05-034
316-55-010	NEW-P	84-04-081	316-75-010	NEW	84-07-037	326-08-080	NEW-P	84-05-033
316-55-010	NEW	84-07-037	316-75-030	NEW-P	84-04-081	326-08-080	NEW-E	84-05-034
316-55-020	NEW-P	84-04-081	316-75-030	NEW	84-07-037	326-08-090	NEW-P	84-05-033
316-55-020	NEW	84-07-037	316-75-050	NEW-P	84-04-081	326-08-090	NEW-E	84-05-034
316-55-030	NEW-P	84-04-081	316-75-050	NEW	84-07-037	326-08-100	NEW-P	84-05-033
316-55-030	NEW	84-07-037	316-75-070	NEW-P	84-04-081	326-08-100	NEW-E	84-05-034
316-55-050	NEW-P	84-04-081	316-75-070	NEW	84-07-037	326-08-110	NEW-P	84-05-033
316-55-050	NEW	84-07-037	316-75-090	NEW-P	84-04-081	326-08-110	NEW-E	84-05-034
316-55-070	NEW-P	84-04-081	316-75-090	NEW	84-07-037	326-08-120	NEW-P	84-05-033
316-55-070	NEW	84-07-037	316-75-110	NEW-P	84-04-081	326-08-120	NEW-E	84-05-034
316-55-090	NEW-P	84-04-081	316-75-110	NEW	84-07-037	326-08-130	NEW-P	84-05-033
316-55-090	NEW	84-07-037	316-75-130	NEW-P	84-04-081	326-08-130	NEW-E	84-05-034
316-55-110	NEW-P	84-04-081	316-75-130	NEW	84-07-037	326-20-050	AMD-P	84-05-033
316-55-110	NEW	84-07-037	316-75-150	NEW-P	84-04-081	326-20-050	AMD-E	84-05-034
316-55-130	NEW-P	84-04-081	316-75-150	NEW	84-07-037	326-20-060	AMD-P	84-05-033
316-55-130	NEW	84-07-037	316-75-170	NEW-P	84-04-081	326-20-060	AMD-E	84-05-034
316-55-150	NEW-P	84-04-081	316-75-170	NEW	84-07-037	326-20-180	AMD-P	84-05-033
316-55-150	NEW	84-07-037	316-75-190	NEW-P	84-04-081	326-20-180	AMD-E	84-05-034
316-55-160	NEW-P	84-04-081	316-75-190	NEW	84-07-037	326-20-210	AMD-P	84-05-033
316-55-160	NEW	84-07-037	316-75-190	NEW	84-07-037	326-20-210	AMD-E	84-05-034
316-55-170	NEW-P	84-04-081	316-75-210	NEW-P	84-04-081	326-30-010	NEW	84-03-005
316-55-170	NEW	84-07-037	316-75-210	NEW	84-07-037	326-30-020	NEW	84-03-005
316-55-500	NEW-P	84-04-081	316-75-230	NEW-P	84-04-081	326-30-030	NEW	84-03-005
316-55-500	NEW	84-07-037	316-75-230	NEW	84-07-037	326-30-035	NEW	84-03-005
316-55-505	NEW-P	84-04-081	316-75-250	NEW-P	84-04-081	326-30-040	NEW	84-03-005
316-55-505	NEW	84-07-037	316-75-250	NEW	84-07-037	326-30-050	NEW	84-03-005
316-55-510	NEW-P	84-04-081	316-75-270	NEW-P	84-04-081	326-30-060	NEW	84-03-005
316-55-510	NEW	84-07-037	316-75-270	NEW	84-07-037	326-30-070	NEW	84-03-005
316-55-515	NEW-P	84-04-081	316-75-290	NEW-P	84-04-081	326-30-080	NEW	84-03-005
316-55-515	NEW	84-07-037	316-75-290	NEW	84-07-037	326-30-090	NEW	84-03-005
316-55-520	NEW-P	84-04-081	316-75-310	NEW-P	84-04-081	326-30-100	NEW	84-03-005
316-55-520	NEW	84-07-037	316-75-310	NEW	84-07-037	326-30-100	AMD-P	84-03-048
316-55-525	NEW-P	84-04-081	326-02-030	AMD-P	84-05-033	326-30-100	AMD-E	84-03-049
316-55-525	NEW	84-07-037	326-02-030	AMD-E	84-05-034	326-30-100	AMD-P	84-05-033
316-55-600	NEW-P	84-04-081	326-06-010	NEW-E	84-05-034	326-30-100	AMD-E	84-05-034
316-55-600	NEW	84-07-037	326-06-010	NEW-P	84-05-033	326-30-100	AMD	84-06-017
316-65-001	NEW-P	84-04-081	326-06-020	NEW-E	84-05-034	326-30-110	NEW	84-03-005
316-65-001	NEW	84-07-037	326-06-020	NEW-P	84-05-033	326-40	NEW-C	84-03-002
316-65-010	NEW-P	84-04-081	326-06-030	NEW-E	84-05-034	326-40-010	NEW-E	84-05-034
316-65-010	NEW	84-07-037	326-06-030	NEW-P	84-05-033	326-40-010	NEW	84-05-054
316-65-030	NEW-P	84-04-081	326-06-040	NEW-E	84-05-034	326-40-020	NEW-E	84-05-034
316-65-030	NEW	84-07-037	326-06-040	NEW-P	84-05-033	326-40-020	NEW	84-05-054
316-65-050	NEW-P	84-04-081	326-06-050	NEW-E	84-05-034	326-40-100	NEW-P	84-05-033
316-65-050	NEW	84-07-037	326-06-050	NEW-P	84-05-033	326-40-100	NEW-E	84-05-034
316-65-090	NEW-P	84-04-081	326-06-060	NEW-E	84-05-034	330-01	NEW-C	84-07-008
316-65-090	NEW	84-07-037	326-06-060	NEW-P	84-05-033	330-01-010	NEW-P	84-03-041
316-65-110	NEW-P	84-04-081	326-06-070	NEW-E	84-05-034	330-01-010	NEW-E	84-03-042
316-65-110	NEW	84-07-037	326-06-070	NEW-P	84-05-033	330-01-010	NEW	84-07-034
316-65-130	NEW-P	84-04-081	326-06-080	NEW-E	84-05-034	330-01-020	NEW-P	84-03-041
316-65-130	NEW	84-07-037	326-06-080	NEW-P	84-05-033	330-01-020	NEW-E	84-03-042
316-65-150	NEW-P	84-04-081	326-06-090	NEW-E	84-05-034	330-01-020	NEW	84-07-034
316-65-150	NEW	84-07-037	326-06-090	NEW-P	84-05-033	330-01-030	NEW-P	84-03-041
316-65-500	NEW-P	84-04-081	326-06-100	NEW-E	84-05-034	330-01-030	NEW-E	84-03-042
316-65-500	NEW	84-07-037	326-06-100	NEW-P	84-05-033	330-01-030	NEW	84-07-034
316-65-510	NEW-P	84-04-081	326-06-110	NEW-E	84-05-034	330-01-040	NEW-P	84-03-041
316-65-510	NEW	84-07-037	326-06-110	NEW-P	84-05-033	330-01-040	NEW-E	84-03-042
316-65-515	NEW-P	84-04-081	326-06-120	NEW-E	84-05-034	330-01-040	NEW	84-07-034
316-65-515	NEW	84-07-037	326-06-120	NEW-P	84-05-033	330-01-050	NEW-P	84-03-041

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330-01-050	NEW-E	84-03-042	356-30-320	AMD-P	84-06-049	388-08-600	REP	84-05-040
330-01-050	NEW	84-07-034	356-46-060	AMD	84-04-022	388-09-010	AMD	84-05-040
330-01-060	NEW-P	84-03-041	356-46-130	AMD-P	84-06-049	388-09-020	AMD	84-05-040
330-01-060	NEW-E	84-03-042	356-49-010	NEW-P	84-06-049	388-09-040	NEW	84-05-040
330-01-060	NEW	84-07-034	356-49-020	NEW-P	84-06-049	388-24-044	AMD-P	84-06-026
330-01-070	NEW-P	84-03-041	356-49-030	NEW-P	84-06-049	388-28-400	AMD-P	84-04-003
330-01-070	NEW-E	84-03-042	356-49-040	NEW-P	84-06-049	388-28-400	AMD	84-07-019
330-01-070	NEW	84-07-034	360-12-015	AMD	84-04-029	388-28-410	AMD-P	84-04-003
330-01-080	NEW-P	84-03-041	360-12-065	AMD	84-03-015	388-28-410	AMD	84-07-019
330-01-080	NEW-E	84-03-042	360-16-025	NEW-P	84-08-080	388-28-415	AMD-P	84-04-003
330-01-080	NEW	84-07-034	360-16-025	NEW-E	84-08-082	388-28-415	AMD	84-07-019
330-01-090	NEW-P	84-03-041	360-16-150	AMD-P	84-08-081	388-28-420	AMD-P	84-04-003
330-01-090	NEW-E	84-03-042	360-16-230	AMD	84-03-015	388-28-420	AMD	84-07-019
330-01-090	NEW	84-07-034	360-16-240	AMD-P	84-08-080	388-28-430	AMD-P	84-04-003
332-30-108	NEW-P	84-06-068	360-16-240	AMD-E	84-08-082	388-28-430	AMD	84-07-019
352-04-010	AMD	84-04-035	360-16-260	REP	84-03-016	388-28-435	NEW-P	84-04-003
352-12-020	AMD-P	84-04-082	360-18-020	AMD-E	84-03-017	388-28-435	NEW	84-07-019
352-16-020	AMD-C	84-04-036	360-18-020	AMD	84-04-030	388-28-438	NEW-P	84-04-003
352-16-020	AMD	84-08-016	360-19-010	NEW	84-03-016	388-28-438	NEW	84-07-019
352-28	AMD-C	84-04-037	360-19-020	NEW	84-03-016	388-28-440	AMD-P	84-04-003
352-28-005	NEW	84-08-017	360-19-030	NEW	84-03-016	388-28-440	AMD	84-07-019
352-28-010	AMD	84-08-017	360-19-040	NEW	84-03-016	388-28-450	AMD-P	84-04-003
352-28-020	AMD	84-08-017	360-19-050	NEW	84-03-016	388-28-450	AMD	84-07-019
352-32-035	AMD-P	84-04-082	360-19-060	NEW	84-03-016	388-28-455	REP-P	84-04-003
352-32-250	AMD-P	84-04-082	360-19-070	NEW	84-03-016	388-28-455	REP	84-07-019
352-60-010	NEW-E	84-07-030	360-19-080	NEW	84-03-016	388-28-473	AMD-P	84-04-003
352-60-010	NEW-P	84-08-063	360-19-090	NEW	84-03-016	388-28-473	AMD	84-07-019
352-60-020	NEW-E	84-07-030	360-19-100	NEW	84-03-016	388-28-484	AMD-P	84-04-003
352-60-020	NEW-P	84-08-063	360-36-400	NEW-P	84-06-067	388-28-484	AMD	84-07-019
352-60-030	NEW-E	84-07-030	360-36-410	NEW-P	84-06-067	388-29-290	AMD	84-02-050
352-60-030	NEW-P	84-08-063	360-36-420	NEW-P	84-06-067	388-29-295	AMD-P	84-06-027
352-60-040	NEW-E	84-07-030	360-36-430	NEW-P	84-06-067	388-33-385	AMD-P	84-06-038
352-60-040	NEW-P	84-08-063	360-36-440	NEW-P	84-06-067	388-33-576	AMD-P	84-06-028
352-60-050	NEW-E	84-07-030	360-36-450	NEW-P	84-06-067	388-42	AMD-C	84-03-053
352-60-050	NEW-P	84-08-063	388-08-00101	REP	84-05-040	388-42	AMD-C	84-06-039
352-60-060	NEW-E	84-07-030	388-08-002	REP	84-05-040	388-54-601	NEW	84-06-015
352-60-060	NEW-P	84-08-063	388-08-00201	NEW	84-05-040	388-54-620	AMD	84-06-014
352-60-070	NEW-E	84-07-030	388-08-00401	AMD	84-05-040	388-54-676	AMD-P	84-03-012
352-60-070	NEW-P	84-08-063	388-08-006	AMD	84-05-040	388-54-676	AMD	84-06-029
352-60-080	NEW-E	84-07-030	388-08-00601	AMD	84-05-040	388-54-728	NEW	84-06-015
352-60-080	NEW-P	84-08-063	388-08-010	AMD	84-05-040	388-54-737	AMD	84-04-067
352-60-090	NEW-E	84-07-030	388-08-050	REP	84-05-040	388-54-740	AMD	84-04-067
352-60-090	NEW-P	84-08-063	388-08-055	REP	84-05-040	388-54-745	AMD	84-06-015
352-60-100	NEW-E	84-07-030	388-08-080	REP	84-05-040	388-54-760	AMD	84-06-014
352-60-100	NEW-P	84-08-063	388-08-083	REP	84-05-040	388-54-765	AMD	84-06-014
352-60-110	NEW-E	84-07-030	388-08-150	REP	84-05-040	388-54-768	NEW	84-06-014
352-60-110	NEW-P	84-08-063	388-08-160	REP	84-05-040	388-54-770	AMD	84-06-014
356-06-010	AMD-E	84-04-021	388-08-170	REP	84-05-040	388-54-775	AMD	84-06-014
356-06-010	AMD-P	84-04-073	388-08-180	REP	84-05-040	388-54-776	NEW	84-06-014
356-06-010	AMD-P	84-06-049	388-08-190	REP	84-05-040	388-54-780	AMD	84-06-014
356-06-010	AMD-C	84-07-003	388-08-200	REP	84-05-040	388-54-785	AMD	84-04-067
356-06-050	AMD-P	84-06-049	388-08-210	REP	84-05-040	388-73-012	AMD	84-06-030
356-06-055	AMD-P	84-06-049	388-08-220	REP	84-05-040	388-73-014	AMD	84-06-030
356-07-020	AMD	84-04-022	388-08-230	REP	84-05-040	388-73-054	AMD	84-06-030
356-10-040	AMD-P	84-08-035	388-08-235	REP	84-05-040	388-73-058	AMD	84-06-030
356-15-060	AMD-E	84-04-020	388-08-375	REP	84-05-040	388-73-072	AMD	84-06-030
356-15-060	AMD	84-05-024	388-08-390	REP	84-05-040	388-73-077	NEW	84-06-030
356-15-100	AMD-P	84-08-035	388-08-400	REP	84-05-040	388-73-108	AMD	84-06-030
356-15-110	AMD-P	84-08-035	388-08-405	AMD	84-05-040	388-73-118	AMD	84-06-030
356-18-050	AMD	84-04-022	388-08-406	AMD	84-05-040	388-73-140	AMD	84-06-030
356-18-070	AMD-C	84-04-019	388-08-407	REP	84-05-040	388-73-142	AMD	84-06-030
356-18-070	AMD-C	84-07-003	388-08-408	REP	84-05-040	388-73-144	AMD	84-06-030
356-18-090	AMD-P	84-04-073	388-08-409	AMD	84-05-040	388-73-146	AMD	84-06-030
356-18-090	AMD-C	84-07-003	388-08-413	AMD	84-05-040	388-73-602	AMD	84-06-030
356-26-030	AMD-P	84-06-049	388-08-414	REP	84-05-040	388-73-606	AMD	84-06-030
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