

AUGUST 5, 1987



ISSUE 87-15

IN THIS ISSUE

Accountancy, Board of
Agriculture, Department of
Central Washington University
Clark College
(District 14)

Community Development, Department of
Criminal Justice Training Commission
Ecology, Department of
Edmonds Community College
(District 23)

Employment Security Department
Equipment, Commission on
Fisheries, Department of
Forest Practices Board
Gambling Commission
Game, Department of
Governor, Office of the
Highline Community College
(District 9)

Horse Racing Commission
Human Rights Commission
Insurance Commissioner

Labor and Industries, Department of
Licensing, Department of
Liquor Control Board
Minority and Women's Business
Enterprises, Office of
Natural Resources, Department of
Personnel, Department of
Pharmacy, Board of
Public Works Board
Seattle Community College District
(District 6)
Social and Health Services, Department of
State Employees Insurance Board
State Patrol
Superintendent of Public Instruction
Supreme Court
Transportation, Department of
Urban Arterial Board
Western Washington University
Whatcom Community College
(District 21)

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than July 22, 1987

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.

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of August 1987 pursuant to RCW 19.52.020 is twelve percent (12%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1987 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to RCW 34.08.020. Subscription rate is \$161.70 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

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

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

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

Raymond W. Haman
Chairman, Statute Law Committee

Susan J. Brooks
Editor

Dennis W. Cooper
Code Reviser

Joyce Matzen
Subscription Clerk

Gary Reid
Chief Assistant Code Reviser

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.

1986 - 1987

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	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>
86-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
86-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
86-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
86-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
86-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
86-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987
<hr/>					
87-01	Nov 26	Dec 10	Dec 24, 1986	Jan 7, 1987	Jan 27
87-02	Dec 10	Dec 24, 1986	Jan 7, 1987	Jan 21	Feb 10
87-03	Dec 24, 1986	Jan 7, 1987	Jan 21	Feb 4	Feb 24
87-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10
87-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24
87-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7
87-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21
87-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
87-09	Mar 25	Apr 8	Apr 22	May 6	May 26
87-10	Apr 8	Apr 22	May 6	May 20	Jun 9
87-11	Apr 22	May 6	May 20	Jun 3	Jun 23
87-12	May 6	May 20	Jun 3	Jun 17	Jul 7
87-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21
87-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4
87-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25
87-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
87-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
87-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
87-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
87-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
87-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988

¹All documents are due at the code reviser's office by 5:00 p.m. on or before 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 87-14-013

INDETERMINATE SENTENCE REVIEW BOARD

[Filed June 23, 1987]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

INDETERMINATE SENTENCE REVIEW BOARD
POLICIES AND PROCEDURES MANUAL
June 1987

TABLE OF CONTENTS

CHAPTER I	GENERAL ADMINISTRATIVE POLICIES	1.010 -
1.150		
CHAPTER II	FIXING DURATION OF CONFINEMENT - MINIMUM TERMS	2.010 - 2.160
CHAPTER III	PROCEDURES FOR PROGRESS AND PAROLE REVIEWS	3.010 - 3.161
CHAPTER IV	PROCEDURES FOR CONDUCTING DISCIPLINARY HEARINGS	4.010 - 4.180
CHAPTER V	PROCEDURES FOR CONDUCTING PAROLABILITY HEARINGS	5.010 - 5.180
CHAPTER VI	PROCEDURES FOR CONDUCTING PAROLE HEARINGS	6.010 - 6.440
CHAPTER VII	PROCEDURES FOR CONDITIONAL DISCHARGE - FINAL DISCHARGE - CLEMENCY	7.010 - 7.060
CHAPTER VIII	PUBLIC RECORDS - DISCLOSURE	8.010 - 8.140

CHAPTER I

GENERAL ADMINISTRATIVE POLICIES

TABLES OF CONTENTS

<u>Rule Number</u>	<u>Title</u>
1.010	Purpose
1.020	Authority
1.030	Scope
1.040	Organization Chart
1.050	Policy and Procedures Manual
1.060	Office Procedures Manual
1.070	Board Shall Meet Monthly
1.080	Training
1.090	Management Information System
1.100	Conferences and Seminars
1.110	Confidentiality of Criminal Records
1.120	Conviction Information
1.130	Conflict of Interest
1.140	Anti-Discrimination Policy
1.150	Sexual Harrassment Policy
1.160	Full Board Votes

CHAPTER I

- 1.010 PURPOSE The purpose of this Chapter is to specify general administrative policies of the Washington State Indeterminate Sentence Review Board.
- 1.020 AUTHORITY Revised Code of Washington 90.95.150, 9.95.900(2); Chapter 224, laws of 1986 and Washington Merit System Rules.
- 1.030 SCOPE The provisions of this Chapter shall apply to the members and staff of the Indeterminate Sentence Review Board and to the offenders over whom the Board has jurisdiction.

- 1.040 ORGANIZATION CHART There shall be an organization chart published by the Board which accurately reflects the structure and authority, within the agency. The chart will be reviewed by the Board annually and revised as required.
- 1.050 POLICY AND PROCEDURES MANUAL The Board shall publish a policy and procedures manual which shall be reviewed annually for accuracy and completeness. The Board will publish any changes, deletions or additions to the manual within 30 days after they are adopted. Changes to this manual will be forwarded to the Code Reviser for publication in the Washington Register and Washington Administrative Code.
- 1.060 OFFICE PROCEDURES MANUAL There shall be an office procedures manual which contains important instructions to staff on internal agency operations. The manual shall be reviewed annually by management team for accuracy and completeness, and revisions will be published within 15 working days of adoption and distributed to all staff.
- 1.070 BOARD SHALL MEET MONTHLY The entire Board shall meet monthly with senior staff to discuss policy issues, to communicate instructions, to act on those cases requiring full Board consideration, and to schedule its work calendar for the ensuing period of time. The agency's management team shall meet not less than monthly to receive and disseminate information and to enhance communication within the organization.
- 1.080 TRAINING It is the intent of the Indeterminate Sentence Review Board that each of its members as well as each staff person shall receive 40 hours of initial training and not less than 40 hours of job-related training or education annually within the agency's budget parameters. A person of supervisory rank within the agency shall be assigned the additional duty of Training Officer and will be responsible for curriculum plan development, scheduling, and training records maintenance.
- 1.090 MANAGEMENT INFORMATION SYSTEM There shall be a Management Information System maintained by the Board to accurately record and retrieve important data on every case processed by the agency. Such data shall include, but not be limited to, all information necessary for the Board to examine its decision-making activity periodically and assist it in considering the impact of its policies on the criminal justice system and the community.
- 1.100 CONFERENCES AND SEMINARS It is the policy of the Indeterminate Sentence Review Board to encourage its members and staff to attend conferences and seminars relating to criminal justice, and to participate actively in planning efforts conducted by local, regional, and national corrections agencies.

1.110 CONFIDENTIALITY OF CRIMINAL RECORDS It is the policy of the Indeterminate Sentence Review Board that all agency personnel shall observe the provisions of Chapter 10.97 Revised Code of Washington in disseminating criminal record information or research data pertaining thereto.

1.120 CONVICTION INFORMATION Conviction information may be disseminated to the public without restriction. Individual members of the Indeterminate Sentence Review Board and designated staff are authorized to disclose conviction information to the public.

1.130 CONFLICT OF INTEREST It is the policy of the Board that whenever a member or hearing officer has personal knowledge of a case, or a personal interest, or personal acquaintance of the subject person, any of which factors might reasonably be construed as having an influence on the outcome, the member or hearing officer shall withdraw completely from the decision making process on that case.

1.140 ANTI-DISCRIMINATION POLICY The Indeterminate Sentence Review Board in accordance with the federal and state anti-discrimination laws, declares that practices of discrimination against individuals because or race, creed, color, national origin, sex, marital status, age, lawful sexual preference or physical handicap threatens not only the rights and proper privileges of such individuals but also menaces the institutions and foundation of a democratic state.

All employees and agents of the Washington State Indeterminate Sentence Review Board, in the course of their official duties, shall not discriminate against any individual on the basis of such person's race, color, national origin, sex, marital status, age, sexual preference, or the presence of any sensory, mental or physical handicap.

1.150 SEXUAL HARASSMENT POLICY The Indeterminate Sentence Review Board, as part of its rules, adopts portions of Executive Order 83-12 regarding sexual harassment, as follows:

It is the policy of the State of Washington, as an employer, to provide and maintain a working environment for its employees, free from harassment on the basis of sex.

Sexual harassment occurs through unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
B. Submission to or rejection of such conduct by an individual is used as the basis for

employment decisions affecting such individual; or

- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Further, sexual harassment will not be tolerated and any one who engages in such activity will be subject to disciplinary action, up to and including termination.

Any employee who feels that he/she is being sexually harassed should report the behavior immediately to his or her supervisor. If the supervisor is unresponsive, or if for any reason the employee feels uncomfortable talking to a supervisor, he/she should contact his department manager, the Chair of the Board, the Personnel Representative, or anyone else in the agency with authority to act.

1.160 FULL BOARD VOTES It shall be the policy of the Board that in all decisions which require a vote of the full Board, the decisions will not be distributed until all Members have voted.

An exception to this policy will be made when a Board Member is absent from the job and not available for work, i.e. extended illness or on annual leave. In this circumstance, the decision will be distributed when available Members have completed their vote. The purpose of this rule is to facilitate timely decision making.

CHAPTER II

FIXING DURATION OF CONFINEMENT - MINIMUM TERMS

TABLE OF CONTENTS

Table with 2 columns: Rule Number and Title. Includes entries for Purpose, Authority, Scope, Minimum Term, New Minimum Term, No Minimum Term for Certain Crimes, Pre-Trial Detention Applied to Minimum Term, Documents Required, Case Preparation, Decisions, Deferred Decisions, Pre Minimum Term Conferences Prohibited, Administrative Decisions, Duration of Confinement - Challenges, Concurrent/Consecutive Sentences, Time Start, Order of Minimum Term.

CHAPTER II

FIXING DURATION OF CONFINEMENT – MINIMUM TERMS/
NEW MINIMUM TERMS

- 2.010 PURPOSE The purpose of this Chapter is to specify Board practice pertaining to the fixing of minimum prison terms.
- 2.020 AUTHORITY Chapters 9.95.040, 9.95.009(2) and Code of Washington, and Chapter 224, Laws of 1986.
- 2.030 SCOPE The provisions of this Chapter shall apply to: (1) persons convicted of felony offenses in the State of Washington under the indeterminate sentencing system and sentenced to confinement in an adult corrections facility; and (2) those officials charged with processing such convicted persons through the adult corrections system.
- 2.040 MINIMUM TERM After July 1, 1986 the minimum term of each offender sentenced, under the indeterminate sentencing system, to a Washington State corrections facility, shall be fixed by the sentencing court in accordance with the provisions of Chapter 224, Laws of 1986.
- 2.041 NEW MINIMUM TERM New minimum terms of parole violators (RCW 9.95.125) will be set by the Board within 30 days of admission and within the following presumptive ranges:
1. Technical/Misdemeanor: 3-6 months
 2. Felony level behavior: 6-12 months
- * Any exceptional new minimum term set outside these ranges will require:
- Adequate reasons supporting an exceptional new minimum term
 - Full Board ratification
- * Factors considered in setting a new minimum term include:
- The length of time previously incarcerated for the commitment offense from which the individual is on parole
 - The SRA ranges of the original offense from which the individual was on parole.
 - The original recommendation of the committing judge and prosecuting attorney
 - Whether or not the parole violation behavior also resulting in an SRA conviction and any incarceration time as a result of the new conviction.
 - Nature of both the original committing offense and the parole violation behavior.
- 2.050 NO MINIMUM TERM FOR CERTAIN CRIMES The Board does not fix minimum terms for persons sentenced or committed as follows: (1) Sentenced to death; (2) Sentenced to a maximum

term of life imprisonment for Aggravated Murder in the First Degree; (3) Sentenced to Treason; (4) Murder First Degree with life mandatory. For informational purposes such persons may be seen at the option of the Board.

- 2.060 PRE-TRIAL DETENTION APPLIED TO MINIMUM TERM Pursuant to In Re Phelan, 97 Wn 2d 590, 647 P2d 1026 (1983) and State v. Phelan, 100 Wn 2d 508, 692 P2d 1026 (1983), that time served in a county jail should be credited against the discretionary minimum term and the maximum term, the Board herein adopts the following policy and procedure: County jail time certified by the county of commitment, or a court of competent jurisdiction, shall be credited to the appropriate cause against the inmate's discretionary minimum term, and maximum sentence.

Pursuant to In Re Knapp, WA. St. Supreme Court No. 50448-2 (Sept. 6, 1984) that time spent in a state mental hospital pursuant to a valid criminal conviction should be credited against the offender's mandatory maximum and discretionary minimum sentences, the Board herein adopts the following policy and procedure: State mental hospital time, certified by the mental facility in which the offender served or recognized by a court of competent jurisdiction, shall be credited to the appropriate cause against the offender's discretionary minimum term, mandatory minimum term and maximum sentence.

Minimum terms which have not been set will have any guidelines used in setting of the minimum term adjusted downward to reflect pre-sentence probationary jail time and time spent in Eastern State Hospital/Western State Hospital as a sexual psychopath or condition of parole, where properly certified. Adjustments will be made to the cause number for which the time was actually served.

- 2.070 DOCUMENTS REQUIRED Effective July 1, 1986, the Board shall require certain documents pertaining to those offenders sentenced to a Washington State Correctional facility under the indeterminate system and whose minimum term was fixed by the sentencing court as follows: (1) Original judgment and sentence; (2) Warrant of Commitment; (3) Signed Statement of the Prosecuting Attorney approved by the Sentencing Judge; (4) Institution Admission Summary; (5) Pre-Sentence Investigation Report or other field reports, if extant; (6) An accurate certification of credits for pre-sentence and probationary jail time. The Prosecuting Attorney of each county and the Secretary, Department of Corrections, are enjoined to provide the applicable aforementioned documents to the Board at its offices in Olympia within twenty-one calendar days after the arrival of each convicted person at an adult correctional facility.

- 2.080 CASE PREPARATION Effective July 1, 1986, the Board shall prepare every case thoroughly prior to fixing the new minimum term or establishing the next Board action on a case. (1) Establishing case file; (2) Reviewing all pertinent documents; (3) Scoring all cases to determine the standard range pursuant to RCW 9.94A.040; (4) Entering data into the Board Management Information System. The Board will take whatever amount of time is necessary for appropriate deliberation and decision on each case.
- 2.090 PANEL DECISION All duration of confinement decisions will be conducted by a panel of at least two members of the Indeterminate Sentence Review Board. All such decisions will be fully supported by reasons for the decision.
- 2.100 DEFERRED DECISIONS In those cases where the Board panel conducting a minimum term review cannot agree as to the term, a deferred decision shall occur and such cases will be referred to the full Board for resolution. No decision will be communicated until all Board members have voted. In addition, the panel may take a deferred decision in cases where more information is required prior to setting the term.
- 2.110 PRE MINIMUM TERM CONFERENCES PROHIBITED No member or members of the Indeterminate Sentence Review Board shall engage in a personal conference with anyone regarding a convicted and committed person prior to the fixing of a minimum or new minimum term. The Board will, however accept written statements from anyone regarding such convicted committed persons.
- 2.120 ADMINISTRATIVE DECISIONS Effective 11/1/86, new minimum term and minimum term decisions within its jurisdiction will be set by a panel of the Board after full administrative review. The Board reserves the right to schedule an in-person meeting.
The convicted person and such institutional persons as the members conducting the meeting deem appropriate may be present during the admissions meeting. A limited number of observers may be present by prior approval of the panel members conducting the hearing provided that the inmate who is the subject of the hearing and the superintendent of the institution where hearing is to be conducted do not object. No family members, friends, relatives, or interested parties shall be present. No attorneys or advocates will be permitted at admissions meetings.
- 2.130 DURATION OF CONFINEMENT CHALLENGES The Indeterminate Sentence Review Board shall fix and review minimum terms in accordance with RCW 9.95, 040, 9.95.009 (2) Chapter 224, Laws of 1986 and Board Rule 2.041. Inmates

shall be provided in writing the information used in arriving at the minimum term. Inmates wishing to challenge adverse information used by the Board for just cause may do so in writing to the Board through their institution counselor. The burden of proof in refuting such adverse information shall lie with the inmate.

- 2.140 CONCURRENT/CONSECUTIVE SENTENCES The Board shall observe RCW 9.92.080 and In Re Chapman (105 Wn2d 211 (1986) in fixing concurrent or consecutive sentence in cases where there are multiple convictions.
- 2.150 TIME START An individual's sentence will begin on the date the Judgment and Sentence is signed. If he is at liberty following the signing of the Judgment and Sentence, credit on his sentence will begin on the date that his parole was suspended or the date of his arrest, whichever was later, if he was not in custody at the time his parole was suspended.
- 2.160 ORDER OF MINIMUM TERM Orders fixing the new minimum term will be signed by the members who fixed the term. The original order will be maintained in the Board file and a copy of such order will be mailed to the institution of confinement.

CHAPTER III
PROCEDURES FOR ADMINISTRATIVE PROGRESS AND
PAROLE REVIEWS
TABLE OF CONTENTS

<u>Rule Number</u>	<u>Title</u>
3.010	Purpose
3.020	Authority
3.030	Scope
3.040	Progress Review
3.050	Required Documents – Progress Meetings
3.060	Parole Review
3.070	Required Documents – Parole Review
3.080	Persons Present – In Person Parole Meetings
3.090	Good Time Credits
3.100	Parole Eligibility
3.110	Orders of Parole
3.120	Length of Parole
3.130	Deferred Decisions
3.140	Waiver of Mandatory Minimum Term
3.150	Parole/Transfer to Consecutive Sentence
3.160	Parole to Detainer or Deportation
3.170	Loss of Life Policy

CHAPTER III
PROCEDURES FOR ADMINISTRATIVE PROGRESS AND
PAROLE REVIEWS

- 3.010 PURPOSE The purpose of this Chapter is to specify policies and procedures for the administrative review of an inmate's progress while incarcerated, as well as review of parole eligibility.

- 3.020 AUTHORITY Chapter 9.95.150 Revised Code of Washington. 9.95.900(2) Chapter 224, Laws of 1986.
- 3.030 SCOPE The provisions of this Chapter shall apply to: (1) persons convicted of felony offenses in the State of Washington and sentenced to confinement in an adult correctional facility, whose crimes were committed on or before July 1, 1984 and are therefore subject to the state's jurisdiction under the indeterminate sentencing system, and (2) those officials charged with processing such convicted persons through the adult correctional system.
- 3.040 PROGRESS REVIEW The Board may elect to review each prisoner's progress during confinement. This review will normally be done at intervals of 24 months, calculated from the prisoner's effective time start.
- The Department of Corrections may request, in writing, the following:
1. An advance of the regularly scheduled progress review date;
 2. That the progress review be conducted at an in-person meeting;
 3. That a scheduled progress review be changed to a parole review.
- 3.050 REQUIRED DOCUMENTS PROGRESS REVIEWS In order for the Board to conduct a progress review on an inmate, the following documents pertaining to the inmate shall be present in the official Board file prior to the review.
- (a) The institutional progress report covering his (her) adjustment, achievement, infractions and program participation since the last meeting with the Board (530X).
 - (b) Complete furlough report, if applicable.
 - (c) A current psychological or psychiatric report, if specifically requested by the Board in writing to the superintendent.
- 3.060 PAROLE REVIEWS At its discretion, the Board may elect to meet with selected prisoners prior to parole. The Board normally will parole individuals after administrative review only.
- 3.070 REQUIRED DOCUMENTS - PAROLE MEETING AND ADMINISTRATIVE PAROLE DECISION In order for an inmate to be approved for a parole meeting or an administrative parole decision, the Board must first be satisfied that he/she is ready to be considered for release. In addition, the following documents pertaining to the inmate shall be provided by the Department of Corrections and shall be present in the official Board file prior to the meeting or the decision:
- (a) The institution progress report covering his/her adjustment, achievement, infractions and program participation since the last meeting with the Board.
 - (b) The institution pre-parole referral report.
 - (c) A current pre-parole investigation report prepared by a community corrections officer
 - (d) The institution superintendent's statement and certification of good time credits, earned or denied. In the case of administrative parole, the good time shall be certified through the date of the submission of the pre-parole referral. The Board will assume that all good time is earned from that date until the date of parole. The Department of Corrections shall notify the Board of any and all infraction and/or loss of good time which occurs between the date the pre-parole referral is sent and the date of parole.
 - (e) A current psychological or psychiatric report, if requested by the Board.
 - (f) A full review and report from the superintendent pertaining to the inmate's prospects for rehabilitation pursuant to RCW 9.95.052.
- 3.080 PERSONS PRESENT: IN PERSON PAROLE MEETINGS The convicted person and such institutional persons as the members conducting the meeting deem appropriate may be present during the parole meeting. A limited number of observers may be present by prior approval of the panel members conducting the hearing provided that the inmate who is the subject of the hearing and the superintendent of the institution where the hearing is to be conducted do not object. No family members, friends, relatives, or interested parties, shall be present. No attorneys or advocates will be permitted at parole meetings. Exclusion of observers other than those expressly excluded herein shall be had only upon a finding of cause made by the Board panel on the hearing record except in cases where the institutional superintendent denies access to the hearing room. The Board reserves the right to exclude any person(s) from the room during the conduct of any hearing under this chapter, upon its own motion or that of any party to the hearing provided that good cause for such exclusion is articulated on the record. In the event of a language communication problem, an interpreter designated by the Board shall be present to interpret and assist. The Board will accept information from any interested person in writing.
- 3.090 GOOD TIME CREDITS RCW 9.95.070 provides that every convicted person who has a favorable record of conduct and who performs the work,

duties and tasks assigned to him to the satisfaction of the superintendent and in whose behalf the superintendent files a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, shall upon, but not until, the adoption of such recommendation by the Board, be allowed time credits from the term of imprisonment fixed by the Board. The Board will consider granting of good time credits only when certification is received from the superintendent. In every case there shall be a report filed either certifying good time credits or denying them. This report shall set forth the reasons for the action taken.

3.100 PAROLE ELIGIBILITY Upon completion of the minimum term, an inmate is eligible for parole when he/she presents an acceptable parole plan unless the Board determines that the inmate is not parolable pursuant to RCW 9.95.100, and presents an unacceptable risk to the safety of the community.

Examples of adequate reasons for a finding of nonparolability are:

- active refusal to participate in available program or resources designed to assist an offender to reduce the risk of reoffense (e.g. anger management, substance abuse treatment).
- Serious and repetitive disciplinary infractions during incarceration.
- Evidence of an inmate's continuing intent or propensity to engage in illegal activity (e.g. victim harrassment, criminal conduct while incarcerated, continued use of illegal substances.)
- Statements or declarations by the inmate that he/she intends to re-offend or does not intend to comply with conditions of parole.
- Compelling evidence within a mental health, psychosocial or psychological report that an inmate presents a substantial danger to the community, if released.

An Acceptable Parole Plan must include:

- Legal means of support (family, friends, job, school, grant, etc.)
- Suitable residence
- Agreement to comply with standard/special conditions of parole, if deemed necessary by the Board, to aid reintegration into the community and reduce the potential to re-offend.

3.110 ORDERS OF PAROLE The Board's Order of Parole and Conditions shall include six standard conditions of parole as follows:

- (1) Upon release from the institution, report as instructed to the community corrections officer (or any other person designated)

and thereafter make a correct report as often as directed.

- (2) Secure written permission of the community corrections officer before leaving the State of Washington.
- (3) Obey all laws, and abide by any special conditions imposed by the Indeterminate Sentence Review Board or any written instructions issued by a Community Corrections Officer of the Department of Corrections.
- (4) (a) At no time purchase, own, have in possession, or under control any firearm or deadly weapon.
(b) Muzzle loading firearms and antique firearms are classified as deadly weapons and may not be owned, possessed by or under the control of a parolee.
- (5) Submit to a search of a person, residence, vehicle and possessions whenever requested by a Community Corrections Officer.
- (6) Obey all court and extradition orders.

The board will impose additional restitution if the court establishes the amount and orders payment. The Board will impose restitution in lieu of a fine or if the defendant is ordered to contribute to the crime victims compensation fund.

The Order of Parole in each case, will be signed by the members of the Board who reviewed and approved the plan or who conducted the meeting which resulted in approval for parole. The Order of Parole will be served in person on the inmate the day he/she is scheduled for release. The inmate's signature on the Order of Parole will be witnessed and the witness will also sign the Order of Parole in the space provided on the document. An inmate will not be released unless he/she has signed the valid Order of Parole in the presence of a witness. In cases where the inmate refuses to sign the Order of Parole, the Order of Parole will be returned to the Board with a written explanation of the refusal to sign.

3.120 LENGTH OF PAROLE

The presumptive range of active parole supervision will be 0 - 18 months. It is anticipated under this policy that most offenders will serve 6 - 12 months on active parole supervision with extensions beyond that being accompanied by reasons for decision. Certain offenders may be granted a Conditional Discharge from Supervision (CDFS) at the time of parole. The length of active parole supervision will be established by the Board at the time of parole release. The reasons for the duration of active supervision for more than 18 months must be supported in the

record by adequate reasons and have the concurrence of the full Board, unless a longer period is required to fulfill a mandatory (RCW 9.95.040).

3.130 DEFERRED DECISIONS Normally, the members conducting a progress or parole review will make the decision. However, if the panel members cannot reach an agreement, if they wish further information, if they wish a legal opinion, if they wish to give the case further study and consideration, or if they wish to have the full Board consider waiver of a mandatory, the Board will designate the decision a "Deferred Decision". The institution of confinement shall be advised in writing of the Board's decision as soon as the decision is final.

3.140 WAIVER OF MANDATORY MINIMUM TERM Except when an inmate of an adult correctional institution has been sentenced under a statutorily non-waivable mandatory, the Board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least two-thirds of the Board Members concur in such action; provided further, than any inmate who has a mandatory minimum term and is paroled prior to expiration of such term according to this rule and pursuant to RCW 9.95-.040, shall not receive a Conditional Discharge from Supervision while on parole until after the mandatory minimum term has expired. At the date of this writing, statutorily nonwaivable mandatory terms include Murder First Degree, Aggravated Murder, Murder Second Degree While Armed with a Deadly Weapon, Rape I, Sale of Heroin for profit.

The question of waiver of the mandatory minimum term may be referred to the full Board by any member of the panel which has been assigned to review the matter. The Board will review and consider any recommendation submitted by the superintendent for waiving of a mandatory minimum term:

- (1) The resident shall serve a portion of the mandatory term as follows:
 - (a) Two (2) years if mandatory term is five (5) years;
 - (b) Three (3) years if mandatory term is seven and one-half (7 1/2) years;
 - (c) Six (6) years if mandatory term is fifteen (15) years;
 - (d) Eight (8) years if mandatory is twenty years.
- (2) If an individual has been convicted of being an Habitual Criminal or is serving a mandatory sentence for Kidnapping in the

First Degree, the policy of the Board is that he or she must serve six (6) years of the mandatory before the Board will consider the waiver.

3.150 PAROLE/TRANSFER TO CONSECUTIVE SENTENCE Upon submission of a certification of good time credits by an institution superintendent, the Board will transfer the time start to the consecutive cause, so that the good time release date of the first cause becomes the time start of the second cause. In the event that the consecutive or subsequent cause is under appeal and the convicted person becomes eligible to be released on bond, the Board will issue a formal parole from the first cause. However, the parole will be issued only upon receipt of an acceptable parole plan.

3.160 PAROLE TO DETAINER OR DEPORTATION A written notice, signed by the superintendent, will be provided to the Board as soon as a detainer is lodged and filed against an inmate and copies of all correspondence referring to detainers and all written notices shall be sent immediately to the Board. The Board's policy regarding detainers is that an individual whose minimum term has been set under the Board guideline procedures can be paroled to a detainer on his EPRD/PERD. The Board will consider parole earlier than the EPRD/PERD to the deportation order. If paroled to an immigration detainer, and there is not alternative parole plan, the parolee shall be subject to a condition that he will report to the nearest Department of Corrections, Division of Community Services Office within 24 hours of any release from custody or the Board shall require an alternate parole plan.

3.170 LOSS OF LIFE POLICY It shall be the policy of the Board that any individual who is serving a term as a result of a conviction for Murder First Degree, Murder Second Degree, Manslaughter, Negligent Homicide and Vehicular Homicide, or any other crime resulting in a loss of life, shall be referred to the full Board for an affirmative vote prior to being paroled, and that such parole shall be granted only by an affirmative vote by the majority of the Board. A Board Panel may schedule a parole meeting in such cases but will defer any decision until the full Board reviews the plan and votes.

When a loss of a life case has a waivable mandatory minimum term, the waiver of the mandatory must occur, and be completed, prior to the scheduling of a parole review and the subsequent full board vote on the parole. In this circumstance two distinct votes must occur.

CHAPTER IV
 PROCEDURES FOR CONDUCTING DISCIPLINARY HEARINGS
 TABLE OF CONTENTS

<u>Rule Number</u>	<u>Title</u>
4.010	Purpose
4.020	Authority
4.030	Scope
4.040	Petition
4.050	Suspension of Parole Date
4.060	Inmate to be Served Notice
4.070	Inmate Shall be Advised of Rights
4.080	Witnesses
4.090	Conducting a Hearing
4.100	Continuances
4.110	Pre-Hearing Conferences
4.120	Inmate to be Present
4.130	Oaths and Affirmations
4.140	Opportunity to Waive
4.150	Rules of Evidence – Admissibility
4.160	Disposition
4.170	Statement of Findings and Conclusions
4.180	Hearing Record Preservation

CHAPTER IV
 PROCEDURES FOR CONDUCTING DISCIPLINARY HEARINGS

- 4.010 PURPOSE The purpose of this Chapter is to specify policy and procedures relating to disciplinary hearings.
- 4.020 AUTHORITY Revised Code of Washington 9.95-.080, 9.95009(2), Chapter 224, Laws of 1986.
- 4.030 SCOPE The provisions of this Chapter shall apply to adult offenders sentenced under the indeterminate sentencing law and committed to a period of confinement in a Washington State correctional facility, to those state officials charged with their care and supervision, and to parties to the hearing.
- 4.040 PETITION Whenever any convicted person sentenced under the Indeterminate sentencing law serving sentence in an adult correctional institution commits any infractions of the rules and regulations of the institutions, the Secretary, Department of Corrections, may request, in writing, that the Board conduct a disciplinary hearing. The written request shall include:
 - (1) Time, place and a statement of the factual circumstances of the rule infraction and any disciplinary action imposed by the institution.
 - (2) Recommendation of the Superintendent
 - (3) Evidence of referral to the Prosecuting Attorney in the event of escape or a rule violation of a felonious nature, and current status of referral.

- (4) In the event the rule infraction concerns escape, the following additional information shall be provided:
 - (a) Facts of the escape
 - (b) Activities during the escape
 - (c) Causes and motivations for escape
 - (d) Dates of escape and return to custody
 - (e) Evaluation

In the event that the rule infraction occurs within fifteen days of the inmate's parole date, the Board will accept and act on telephonic reports from the superintendent pending receipt of the written request.

The Indeterminate Sentence Review Board reserves the right to schedule disciplinary hearings on its own motion when a major rule infraction is brought to the attention of the Board.

The decision to schedule a disciplinary hearing will be made by the vote of the full Board.

Pursuant to the provisions of RCW 9.95.080, a disciplinary hearing may be characterized as an adversary hearing in that the subject of the hearing shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

4.050 SUSPENSION OF PAROLE DATE The Board may suspend the parole date of any individual who is scheduled for a disciplinary hearing pending the outcome of the hearing.

4.060 INMATE TO BE SERVED NOTICE The Board will provide to the institution superintendent three copies of a hearing notice for service upon the inmate at least 10 working days prior to any hearing scheduled for that inmate pursuant to RCW 9.95.080. The hearing notice shall specify the type, time and place of the hearing as well as the reason for that hearing. Possible sanctions, including a statement that no sanction shall exceed the maximum term, will also be included in that notice.

- (1) Upon receipt of the hearing notice, the superintendent or his designee shall immediately serve the subject inmate with the document.
- (2) The original of the hearing notice showing date of service and signed by the inmate shall be returned immediately to the Board offices in Olympia. One copy will be provided to the inmate.
- (3) In cases where the inmate refuses to sign the notice, the superintendent or his designee shall note the time and place of service and obtain the signature of a witness to such service.

- 4.070 INMATE SHALL BE ADVISED OF RIGHTS Each inmate who becomes the subject of a hearing conducted under the provision of RCW 9.95.080 shall be advised of his rights orally and in writing at the time he is served with a notice of the hearing. The written notice provided by the Board will advise the resident that:
- (1) He has been accused of a major rule infraction;
 - (2) That his minimum term may be redetermined but not until after a hearing in front of the Board at which he is present and given the opportunity to be heard under oath and explain the alleged violations to the Board.
 - (3) He will have the right to present evidence and witnesses on his behalf;
 - (4) He will have the right to have an attorney present, but at his own expense.
- 4.080 WITNESSES The subject of any hearing conducted under the provisions of this Chapter may call witnesses on his behalf and at his expense. Such witnesses shall appear voluntarily and shall be limited to those persons who have knowledge of, or who have specific testimony about the allegations which cause the hearing to be convened. The superintendent or his designee shall provide assistance to the inmate in notifying witnesses of the time and place of the hearing as requested by the inmate. The presiding officer may, in certain cases, direct the superintendent to make any staff member or prisoner available for testimony. The Board may, allow, accept and consider telephonic testimony. The witness whose testimony is received telephonically shall be telephonically available for cross-examination.
- 4.090 CONDUCTING A HEARING All hearings conducted under the provisions of this Chapter shall be conducted by a panel of at least two members of the Board. One of the members will serve as the presiding officer. The panel may question witnesses called to testify at the hearing to develop any facts deemed necessary to render a fair and impartial decision. Observers may be present at the hearing if prior approval has been granted by the facility superintendent and the inmate who is the subject of the hearing does not object. No family members, friends, relatives or interested parties may be present. Exclusion of observers other than those expressly excluded herein shall be by cause expressed on the record by the presiding officer of the Board panel conducting the hearing. The Board will accept information from any interested party in writing.
- 4.100 CONTINUANCES Continuances may be granted by the Board prior to and during hearings conducted under provisions of this Chapter, either on its own motion or on petition of the subject of the hearing, provided that such petition is sent to the Board in writing immediately upon receipt of the hearing notice and that it specifies the reasons for continuance. Continuances requested during the hearing may be granted by the Board panel if it appears in the public interest or in the interest of justice that further testimony or argument should be received.
- 4.110 PRE HEARING CONFERENCES The presiding officer conducting a hearing under the provisions of this Chapter may require the parties to appear at a specified time and place for a conference immediately prior to the hearing to discuss and define procedural matters pertaining to the hearing.
- 4.120 INMATE TO BE PRESENT The subject of any hearing conducted under the provisions of this Chapter shall be present during the conduct of the hearing. However, in the event the subject refuses to appear, the Board will continue the hearing until the next scheduled visit by the Board to that particular institution. In the event that the subject of the hearing again refuses to appear, then the hearing will be conducted in absentia.
- 4.130 OATHS AND AFFIRMATIONS The presiding officer conducting hearing under the provisions of this Chapter shall have the authority to administer oaths and affirmations.
- 4.140 OPPORTUNITY TO WAIVE At the time of the disciplinary hearing, it shall be the duty of the presiding officer conducting the hearing to query the inmate and to review the file to determine whether the inmate was given proper notice of the hearing, was advised of his rights to witnesses. If it is determined that the inmate was not properly served or advised of his rights, said inmate shall have the opportunity to:
- (1) Waive such rights, orally or in writing, to the Board, at which time the hearing would proceed; or
 - (2) Request a continuance of the hearing until such time as proper services or notice and rights can be perfected.
- 4.150 RULES OF EVIDENCE – ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having a tendency to make the existence of any fact that is of more consequence to the determination of the action more or less probable than it would be without evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not

be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling.

The presiding officer may, either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time evidence is offered. If the sole evidence is inadmissible hearsay, a finding of guilty shall not be made.

4.160 DISPOSITION The Board panel shall render a decision on each case heard under the provisions of this Chapter.

In disciplinary hearings, sanctions may range from no change in the length of sentence to re-determination of the original sentence and imposition of an extension of the term not to exceed the maximum term. Denial of any good time credits, past and future, is optional with the Board panel.

4.170 STATEMENT OF FINDINGS AND CONCLUSIONS The Board will make a concise written statement of findings and conclusions in each case heard under the provisions of this Chapter.

4.180 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved at the offices of the Board in Olympia for not less than sixty days but no more than six months subsequent to the hearing. Parties requesting partial or total duplication of any hearing must obtain a court order to effect release of the duplicate recording or request such recordings pursuant to the public disclosure act and reimburse the Board for the costs involved in such a procedure.

CHAPTER V

PROCEDURES FOR CONDUCTING PAROLABILITY HEARINGS
TABLE OF CONTENTS

<u>Rule Number</u>	<u>Title</u>
5.010	Purpose
5.020	Authority
5.030	Scope
5.040	Petition
5.050	Suspension of Parole Date
5.060	Inmate to be Served Notice
5.070	Inmate Shall be Advised of Rights
5.080	Witnesses
5.100	Continuances
5.120	Inmate to be Present
5.130	Oaths and Affirmations
5.140	Opportunity to Waive
5.150	Rules of Evidence - Admissibility

<u>Rule Number</u>	<u>Title</u>
5.160	Disposition
5.170	Statement of Findings and Conclusions
5.180	Hearing Record Preservation

CHAPTER V

PROCEDURES FOR CONDUCTING PAROLABILITY HEARINGS

5.010 PURPOSE The purpose of this Chapter is to specify policies and procedures relating to hearings conducted to determine the parolability of certain offenders,

5.020 AUTHORITY Revised Code of Washington 9.95.100, 9.95.009 (2), Laws of 1986.

5.030 SCOPE The provisions of this Chapter shall apply to adult offenders sentenced and committed under the indeterminate sentencing laws committed to a period of confinement in a Washington State correctional facility, to those state officials charged with their care and supervision, and to parties to the hearing.

5.040 PETITION RCW 9.95.100 states that any convicted person undergoing sentence in the penitentiary or reformatory not sooner released under the provisions of this Chapter, shall in accordance with the provisions of law, be discharged from custody for the offense of which such person was convicted or the maximum term fixed by the court where the law does not provide for a maximum term. The Board shall not, however, until the maximum term expires, release a prisoner unless in its opinion, his rehabilitation has been complete and he is a fit subject for release. Therefore, if, in the opinion of an institution superintendent any convicted person serving a sentence in an adult correctional institution is not a fit subject for release and is considered to be incapable of succeeding on parole because of incomplete rehabilitation, the Secretary, Department of Corrections, may request in writing that the Board conduct a hearing pursuant to RCW 9.95.100. The written request shall include:

- (1) A statement to the Board giving reasons why the subject of the request is unable to be paroled.
- (2) Report of the superintendent, pursuant to 9.95.052.
- (3) Supporting data such as psychiatric or psychological reports.
- (4) Other reports and information as necessary.

The Board reserves the right to schedule hearings pursuant to RCW 9.95.100 on its own motion.

5.050 SUSPENSION OF PAROLE DATE The Board may suspend the parole date of any individual who is

scheduled for a parolability hearing pending the outcome of the hearing.

5.060 INMATE TO BE SERVED NOTICE The Board will provide to the institution superintendent the copies of a hearing notice for service upon the inmate at least 10 working days prior to any hearing scheduled for that inmate pursuant to RCW. 9.95.100. The hearing shall specify the type, time and place of the hearing as well as the reason for the hearing. Possible actions, including a statement that no action shall exceed the maximum term, will also be included in the notice.

- (1) Upon receipt of the hearing notice, the superintendent or his designee shall immediately serve the subject inmate with the document.
- (2) The original of the hearing notice showing date of service and signed by the inmate shall be returned immediately to the Board offices in Olympia. One copy may be retained in the inmate's institutional file, and one copy will be provided to the inmate.
- (3) In cases where the inmate refuses to sign the notice, the superintendent or his designee shall note the time and place of service and obtain the signature of a witness to such service.

5.070 INMATE SHALL BE ADVISED OF RIGHTS Each inmate who becomes the subject of a hearing conducted under the provisions of RCW 9.95.100 shall be advised of his right orally and in writing at the time he is served with a notice of the hearing. The written notice provided by the Board will advise the resident that:

- (1) That his minimum term may be redetermined but not until after a hearing in front of the Board, at which he is present and given the opportunity to be heard under the oath.
- (2) He will have the right to present evidence and witnesses in his behalf;
- (3) He will have the right to have an attorney present, but at his own expense since the Board has no funds to pay for attorneys, witness fees, the cost of subpoenas or any other related costs that may be incurred by the inmate.

5.080 WITNESSES The subject of any hearing conducted under the provisions of this Chapter may call witnesses on his behalf and at his expense. Such witnesses shall appear voluntarily and shall be limited to those persons who have knowledge of, or, have specific testimony about the allegations which caused the hearing to be convened. The superintendent or his designee shall provide assistance to the inmate in notifying witnesses of

the time and place of the hearing as requested by the inmate. The presiding officer may, in certain cases, direct the superintendent to make any staff member or prisoner available for testimony.

5.090 CONDUCTING A HEARING All hearings conducted under the provisions of this Chapter shall be held before a panel of a least two members of the Indeterminate Sentence Review Board. One member shall be designated, by decision of the panel, as the presiding officer. A limited number of observers may be present by prior approval of the panel members conducting the hearing provided that the inmate who is the subject of the hearing and the superintendent of the institution where the hearing is to be conducted do not object. No family members, friends, relatives, or interested parties, shall be present. Exclusion of observers other than those expressly excluded herein shall be had only upon a finding of cause made by the Board panel on the hearing record except in cases where the institutional superintendent denies access to the hearing room. The Board reserves the right to exclude any person(s) from the room during the conduct of any hearing under this Chapter upon its own motion or the motion of any party to the hearing provided that good cause for such exclusion is articulated on the record. The presiding officer may recess the hearing at any time for consultation with the other panel member(s). The panel may question witnesses called by the parties to the hearing (as well as the subject of the hearing whether called as a witness or not) to develop any facts deemed necessary to render a fair and impartial decision. The panel conducting the hearing will make the final decision after the hearing as to any change in minimum term. In the event of a language communication problem an interpreter designated by the Board shall be present to interpret and assist. The Board will accept information from any interested person in writing.

5.100 CONTINUANCES Continuances may be granted by the Board prior to and during hearings conducted under provisions of this Chapter, either on its own motion or on petition of the subject of the hearing, provided that such petition is sent to the Board in writing immediately upon receipt of the hearing notice and that it specifies the reasons for the continuance. Continuances requested during the hearing may be granted by the Board panel if it appears in the public interest or in the interest of justice that further testimony or argument should be received.

5.110 PRE-HEARING CONFERENCES The presiding officer conducting a hearing under the provisions of this Chapter may require the parties to appear at a specified time and place for a conference immediately prior to the hearing to discuss and define procedural matters pertaining to the hearing.

- 5.120 INMATE TO BE PRESENT The subject of any hearing conducted under the provisions of this Chapter shall be present during the conduct of the hearing. However, in the event the subject refuses to appear, the Board will continue the hearing until the next scheduled visit by the Board to that particular institution. In the event that the subject of the hearing again refuses to appear, then the hearing will be conducted in absentia.
- 5.130 OATHS AND AFFIRMATIONS The presiding officer conducting hearings under the provisions of this Chapter shall have the authority to administer oaths and affirmations.
- 5.140 OPPORTUNITY TO WAIVE At the time of the hearing under the provisions of RCW 9.95.100, it shall be the duty of the presiding officer conducting the hearing to query the inmate and to review the file to determine whether the inmate was given proper notice of the hearing, was advised of the reason for the hearing, and was properly advised of his rights to witnesses.
 - (1) Waive such rights, orally, or in writing, to the Board, at which time the hearing would proceed; or
 - (2) Request a continuance of the hearing until such time as proper service of notice and rights can be perfected.
- 5.150 RULES OF EVIDENCE – ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having a tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his discretion either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time evidence is offered. If the sole evidence presented to substantiate the allegation is inadmissible hearsay, a finding of guilty shall not be made.
- 5.160 DISPOSITION The Board panel shall render a decision on each case heard under the provisions of this Chapter. (See Rule 3.100)

In paroleability hearings, actions may range from

no change in the length of sentence to redetermination of the original sentence and imposition of an extension of the term not to exceed the maximum term. Good time credits will not be addressed inasmuch as there are no allegations of rule infractions.

If the Board finds an inmate not parolable at a .100 (paroleability) hearing, it shall schedule a parole eligibility review within 24 months from the date of the paroleability decision.

- 5.170 STATEMENT OF FINDINGS AND CONCLUSIONS The Board will make a concise written statement of findings and conclusions in each case heard under the provisions of this Chapter.
- 5.180 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved at the offices of the Board in Olympia for not less than six months subsequent to the hearing. Parties requesting partial or total duplication of any hearing must obtain a court order to effect release of the duplicate recording or request such recordings pursuant to public disclosure and reimburse the Board for the costs involved in such a procedure.

CHAPTER VI
PROCEDURES FOR CONDUCTING PAROLE REVOCATION
HEARINGS
TABLE OF CONTENTS

<u>Rule Number</u>	<u>Title</u>
6.010	Purpose
6.020	Authority
6.030	Scope
6.040	Notice of Arrest
6.050	Notice of Suspension
6.060	Notice of Suspension and Request for Arrest
6.070	Notice of Closure
6.080	Board to Reinstate
6.090	Administrative Reinstatements
6.100	Conditional Release Pending Hearing
6.110	Board to Notify Attorney General
6.120	Service of Factual Allegations
6.130	Contents of Factual Allegations
6.140	Parolee to Be Advised of Rights
6.150	Rights and Privileges Relating to Administrative Review
6.160	Rights and Privileges Relating to Revocation Hearing Record Preservation
6.170	Acknowledgment of Rights
6.180	Refusal to Acknowledge
6.190	Opportunity to Waive
6.200	Violation Report to Be Submitted by Community Corrections Officer
6.210	Violation Report to Be Submitted by Community Corrections Officer in the Event of Waiver
6.220	Issuance of Subpoenas

<u>Rule Number</u>	<u>Title</u>
6.230	Board to Schedule Hearings
6.240	Service of Papers – By Whom Served
6.250	Upon Whom Served
6.260	Methods of Service
6.270	When Service Completed
6.280	Filing with the Board
6.290	Subpoenaes – Where Provided by Law – Form
6.300	Issuance to Parties
6.310	Quashing Subpoenaes
6.320	Subpoenaes – Enforcement
6.330	Subpoenaes – Geographical Scope
6.340	Conducting a Hearing
6.350	Appearance and Practice Before Agency – Who May Appear
6.360	Standards of Ethical Conduct
6.370	Continuances
6.380	Pre – Hearing Conference
6.390	Hearings – Persons Present
6.400	Rules of Evidence – Admissibility
6.410	Hearing Record Preservation
6.420	New Minimum Term
6.430	Suspended Parole Cases
6.440	Determination of Competency

CHAPTER VI

PROCEDURES OF CONDUCTING PAROLE REVOCATION HEARINGS

- 6.010 PURPOSE The purpose of this Chapter is to specify policies and procedures relating to parole revocation hearings.
- 6.020 AUTHORITY Revised Code of Washington 9.95.120.125, RCW 9.95.009(2), Chapter 224, Laws of 1986
- 6.030 SCOPE The provisions of this Chapter shall apply to adult felony offenders granted parole from a Washington prison sentence who are alleged to have violated the terms of their Order of Parole, to those state officials charged with the supervision of such parolees, and to parties to parole revocation hearings.
 - * The Indeterminate Sentence Review Board will exercise its authority over parolees in a manner that:
 - facilities sentencing system transition consistent with the purposes of the Sentencing Reform Act, and the phase-out of the parole system;
 - imposes only those reasonable and enforceable conditions of parole necessary to encourage responsibility, and to assist the offender's lawful reintegration into the community;
 - revokes parole when necessary for public safety and when doing so is consistent with the purposes of the Sentencing Reform Act;

- supports the role and responsibility of the Community Corrections Officer to assist offenders to re-enter the community in a law abiding manner.
- * The Indeterminate Sentence Review Board will hold parole revocation hearings when:
 - violations are technical or misdemeanor in nature, but demonstrate a clear pattern toward felony level criminal activity (e.g. a child molester ignoring parole conditions requiring treatment or monitoring, a child molester associating with minors without another adult, possession of a weapon, drinking and driving when the underlying conviction is Negligent Homicide).
 - felony level behavior that is violent, or repetitive of commitment offense and poses serious harm to the community, and is not sanctioned by new felony charges (e.g. multiple burglaries, multiple forgeries, etc.)
 - felonies that are charged and sanctioned by the SRA, when the behavior is so violent or serious that it requires the full resources of the state to incapacitate, and is consistent with the purposes of the SRA.
 - when the Community Corrections Officer requests a hearing and supports the request with adequate reasons that have considered:
 - the SRA range of parole offense and prior time served;
 - public safety threat
 - whether or not the behavior will result in local sanctions;
 - reasons which advance the purposes of the SRA.
- * In making a parole revocation or reinstatement decision, the Indeterminate Sentence Review Board will consider the following factors in addition to factors which are case specific
 - whether or not the parole violation behavior also resulted in an SRA conviction and any incarceration time as a result of the new conviction;
 - the relationship of the parole violation behavior to the committing offense and the nature of the violation;
 - the length of time the parolee has been on parole;
 - the recommendation and supporting reasons offered by the Community Corrections Officer, the parolee and the Assistant Attorney General;
 - the perspective and/or recommendation of the victim;

- the level of risk to the community posed by the parolee;
 - the previous Board action during the period of parole;
 - purposes of the SRA.
- 6.040 NOTICE OF ARREST Whenever a Community Corrections Officer is notified of a parolee's arrest, he shall submit a Notice of Arrest to the Board (and the Attorney General) within 24 hours, excluding weekends and holidays. Such notice shall include a concise but complete statement concerning the circumstances of the arrest, reason for arrest, the date the Community Corrections Officer found there is probable cause to believe that the parolee violated one or more conditions of parole. The Community Corrections Officer shall state whether or not an Order of Suspension, Arrest and Detention has been:
- (1) Issued, with the approval of a supervisor
 - (2) Issued without the supervisor's approval;
 - (3) Requested but not approved;
 - (4) Not requested;
 - (5) Reasons for 2, 3, or 4.
- 6.050 NOTICE OF SUSPENSION AND DETENTION Whenever a Community Corrections Officer arrests or detains a parolee, he shall issue an Order of Suspension, Arrest, and Detention. The Community Corrections Officer shall also notify the Board on-site desk of the suspension by telephone within 24 hours of service of the suspension order.
- 6.060 NOTICE OF SUSPENSION AND REQUEST FOR ARREST Whenever a Community Corrections Officer requests the arrest and detention of a parolee, he shall issue an order suspending said parolee's parole, and submit a copy of the order to the Board and the Attorney General within 24 hours of service.
- 6.070 NOTICE OF CLOSURE Whenever a Community Corrections Officer requests the arrest and detention of a parolee and issues an Order of Parole Suspension and the parolee is not apprehended and detained within a reasonable period of time, the Community Corrections Officer may close his interest with a report which will include the disposition of the unserved suspension warrant. Copies of such support will be forwarded to the Board and the Attorney General.
- 6.080 BOARD TO REINSTATE Whenever a Community Corrections Officer suspends, arrests or detains a parolee, such parolee shall not be reinstated on parole or released from custody on bail or personal recognizance, except on approval of the Board and the issuance by the Board of an Order of Reinstatement on Parole to the same or modified conditions of parole.
- 6.090 ADMINISTRATIVE REINSTATEMENTS Whenever a Community Corrections Officer has suspended a parolee and after investigation determines:
- (1) That the alleged violations are unfounded;
 - (2) That seriousness of the alleged violations is mitigated by new information; and/or
 - (3) Otherwise believes that further custody is deemed unwarranted and a parole revocation hearing is unnecessary;
- he shall submit a written request or report with recommendations to the Board. The Board will accept and act on telephonic reports of the Community Corrections Officer or supervisory personnel pending receipt of the officer's written report within 10 working days.
- The Board may exercise the option of administrative reinstatement when not recommended by the supervising Community Corrections Officer, when such reinstatement is consistent with criteria identified within 6.030.
- 6.100 CONDITIONAL RELEASE PENDING HEARING An administrative review of the parole violation report and of information submitted by the alleged violator or his attorney shall be conducted by the Board after the parolee has been arrested, to determine probable cause for the suspension. If probable cause is found then a determination is made whether the violation requires a revocation hearing, and to determine whether there is reason to allow the parolee to be conditionally released on parole pending the revocation hearing. Such administrative review shall take place within 15 days after the service of the Order of Parole Suspension, Arrest and Detention.
- 6.110 BOARD TO NOTIFY ATTORNEY GENERAL The Board shall promptly provide the Attorney General with copies of Orders of Reinstatement on Parole issued prior to a parole revocation hearing which has been previously scheduled.
- 6.120 SERVICE OF FACTUAL ALLEGATIONS Whenever a Community Corrections Officer is notified of the arrest and detention of an alleged parole violator and such alleged parole violator's parole has been suspended, or is suspended by the Community Corrections Officer, the Community Corrections Officer shall personally serve the parolee with a copy of the factual allegations within 3 working days of the suspension of parole. Such allegations of violation shall be submitted to the Board with a copy to the Attorney General within 24 hours of service.
- 6.130 CONTENTS OF FACTUAL ALLEGATIONS The factual allegations of the violations of each condition shall include:
- (1) The circumstances of violation;
 - (2) Date of violation or approximation thereof; and

(3) Location or place where violation occurred.

Whenever a parolee is accused of a violation of his parole which includes the commission of, and conviction for, a felony or misdemeanor, the Community Corrections Officer shall request that verification of such conviction be forwarded from the court of conviction to the Board.

6.140 PAROLEE TO BE ADVISED OF RIGHTS Whenever an alleged parole violator is served with the factual allegation of the violation of the conditions of parole, and with an order suspending parole, the Community Corrections Officer shall, advise the parolee orally and in writing of his right to an administrative review to determine probable cause and whether there is reason to allow the parolee to be conditionally released pending the revocation hearing. The Community Corrections Officer also advised the parolee of his right to an on-site parole revocation hearing, and of his rights and privileges pertaining to each proceeding.

6.150 RIGHTS AND PRIVILEGES RELATING TO ADMINISTRATIVE REVIEW The parolee's rights and privileges pertaining to an administrative review are as follows:

- (1) An administrative review shall be conducted by a Board Hearing Office within 15 days of service of the Order of Parole Suspension, Arrest and Detention.
- (2) The parolee shall be advised at the time of service of the Order of Suspension, Arrest and Detention that he and/or his attorney may submit information in writing to the Board which shall be considered by the Board. Proper forms shall be given the parolee to allow the parolee to submit information concerning family stability, job situation, etc. as well as the opportunity to add whatever additional comments or information that is deemed appropriate.

6.160 RIGHTS AND PRIVILEGES RELATING TO REVOCATION HEARINGS

An alleged parole violator shall be entitled to a fair and impartial hearing of the charges of the parole violation within 30 days of service of suspension in the State of Washington, reasonably near the site of alleged violation.

- (a) The alleged parole violator shall be entitled to be represented by an attorney of his own choosing and at his own expense and shall have the right to present evidence and witnesses.
- (b) Upon satisfactory evidence of indigency and upon request, the Board may cause the appointment of an attorney to represent the parolee at an on-site parole revocation hearing. In such cases, the cost of

representation shall be paid by the Board at a rate determined by legislative appropriation.

Counsel may ask, in writing, for exception to the established rate. Such requests should be only in extraordinary cases. Requests should be directed to the Executive Secretary, Indeterminate Sentence Review Board.

- (c) The Board shall have the authority to issue subpoenas for compulsory attendance of witnesses and production of evidence, provided that an offer has been made to pay the statutory fees and mileage.
- (d) The alleged parole violator may be requested to testify during the on-site hearing and any such testimony shall not be used against him in any criminal prosecution (RCW 9.95.124).
- (e) The allegations of violations of the conditions of parole must be proven by a preponderance of evidence. At the conclusion of the hearing, or within 10 days thereafter, the Board shall make written Findings and Conclusions concerning the allegations.
- (f) If the Member having heard the matter should conclude that the allegations of violations of conditions of parole have not been proved by a preponderance of evidence or those which have been proven by a preponderance of evidence are not sufficient cause for revocation of parole, the the parolee shall be reinstated on parole on the same or modified conditions of parole.
- (g) If the Member or Members having heard the matter should conclude that the allegations of violation of conditions of parole have been proven by a preponderance of evidence and constitute sufficient cause for revocation of parole, then such Member or Members shall enter an Order of Parole Revocation and Return to State custody. Within thirty days of the return of such parole violator to a state correctional institution for convicted felons, the Board shall enter an order determining a new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the court.
- (h) A parolee who has been convicted and sentenced to prison on a new felony charge will have the right to a hearing pertaining to disposition only pursuant to (In Re Akridge) and the hearing will be held at the institution of confinement.

Chapter 98, Laws of 1969 provides that an alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights, may admit to one or more of the alleged violations waive the on-site hearing. If the Board accepts the waiver, it shall either:

- (a) Reinstatement the parolee on parole under the same or modified conditions, or
 - (b) Revoke the parole of the parolee and enter an Order of Parole Revocation and Return to State Custody for determination of a new minimum sentence. Such determination shall be made within 30 days of the return of such parole violator to a state correctional institution for convicted felons, and the Board shall enter an order determining the new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the Court.
- 6.170 ACKNOWLEDGEMENT OF RIGHTS Signed copies of the receipt and acknowledgement of these rights shall be forwarded with copies of the factual allegations to the Board and the Attorney General.
- 6.180 REFUSAL TO ACKNOWLEDGE Should the parolee refuse to sign either the violations specified or notification of rights the Community Corrections Officer shall note the time and place of service. The Community Corrections Officer shall certify that he has fully advised the parolee of his rights under this law.
- 6.190 OPPORTUNITY TO WAIVE The Community Corrections Officer shall give the parolee opportunity to complete the violations specified and waiver form immediately after the parolee has been advised of the factual allegations of parole violations and advised of his rights.
- (a) If the parolee wishes to sign the violations specified and waiver form, the Community Corrections Officer will witness the signature. The original of the completed waiver will be forwarded with the factual alleged violations and signed copy of receipt and acknowledgement of rights to the Board with copies to the Attorney General.
 - (b) If the parolee does not wish to admit to one or more violations or sign the waiver, the Community Corrections Officer will so note in the space provided and forward with the factual alleged violations and signed copy of receipt and acknowledgement of rights.
- (c) The parolee may sign the violations specified and waiver form at any time up to and including the date and time of his on-site parole revocation hearing.
- 6.200 VIOLATION REPORT TO BE SUBMITTED BY COMMUNITY CORRECTIONS OFFICER The Community Corrections Officer shall submit the Report of Violation to the Board and the Attorney General within 10 calendar days from the date of service of the factual allegations. This report will include a list of witnesses whom the parole officer may wish to have called for testimony. It should also include a recommendation whether or not waivers should be accepted by the Board.
- 6.210 VIOLATION REPORT TO BE SUBMITTED BY COMMUNITY CORRECTIONS OFFICER IN EVENT OF WAIVER Notwithstanding a waiver of an on-site parole revocation hearing by the alleged parole violator, the supervising Community Corrections Officer or his designee shall submit a report of violation for consideration by the Board.
- 6.220 ISSUANCE OF SUBPOENAS The Board shall provide to the Attorney General and/or the Department of Corrections upon request, subpoenas to be completed at the discretion of the Attorney General and/or the Department of Corrections, provided that such subpoenas are executed without expense to the Board.
- 6.230 BOARD TO SCHEDULE HEARINGS The Board shall schedule all on-site parole revocation hearings and shall provide notice to the alleged parole violator of the time and place of the hearing. Such notice shall also be provided to the Department of Corrections, the Attorney General, and to counsel for the parolee, if known, at least 7 days prior to the hearing. The Board reserves the right to select and/or change the place of the on-site parole revocation hearing.
- 6.240 SERVICE OF PAPERS - BY WHOM SERVED The Board shall cause to be served all notices, orders and other papers issued by it, personally or by First Class Mail, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it with the Board with proof of service, either personally or by Affidavit of Service by First Class Mail upon the parties and all counsel.
- 6.250 UPON WHOM SERVED All papers served and filed by the Board, or any party, shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel.
- 6.260 METHODS OF SERVICE Except as otherwise provided by these rules and Chapter 98, Laws of 1969, service of papers shall be made personally or by First Class Mail, or Registered, or Certified, Return Receipt Requested.
- 6.270 WHEN SERVICE COMPLETE Service upon parties shall be regarded as complete when documents

are deposited in the United States Mail properly stamped and addressed, or when served personally upon the intended party.

- 6.280 FILING WITH THE BOARD Papers required to be filed with the Board shall be deemed filed, upon actual receipt by the Board at its offices in Olympia, or by a member at any place within the State accompanied by proof that service was made upon the parties required to be served.
- 6.290 SUBPOENAS - WHERE PROVIDED BY LAW - FORM Every subpoena, where authorized by law, shall state "Indeterminate Sentence Review Board", the title of the proceeding, if any, the number assigned and shall command the person to whom it is directed to attend and give testimony and/or produce designated documents or things under his control at a specified time and place.
- 6.300 ISSUANCE TO PARTIES Upon application of counsel for any party to a parole revocation case, there shall be issued to such parties subpoenas requiring the attendance and testimony of witnesses and/or the production of evidence in such proceeding. The Board may issue subpoenas not represented by counsel upon request and upon a showing of general relevance and reasonable scope of testimony or evidence sought.
- 6.310 QUASHING SUBPOENAS Upon motion made promptly, and in any event, at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the Board or its unauthorized Member may:
- (a) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter at issue, or
 - (b) Condition denial of the motion upon just and reasonable conditions.
- 6.320 SUBPOENAS - ENFORCEMENT Upon application and for good cause shown, the Board or the member conducting the hearing may seek judicial enforcement of subpoenas in accordance with Chapter 98, Laws of 1969, issued to parties and which have been quashed.
- 6.330 SUBPOENAS - GEOGRAPHICAL SCORE Attendance of witnesses and/or the production of evidence by subpoena may be required from any place in the State of Washington, to any designated place of hearing.
- 6.340 CONDUCTING A HEARING - PRESIDING OFFICER All hearings conducted under the provisions of this Chapter shall be heard by a member of the Indeterminate Sentence Review Board. It shall be the duty of the member to conduct hearings in cases assigned in an impartial and orderly manner, and he/she shall have the authority, subject to the other provisions of these rules to:
- (a) Administer oaths and affirmations;
 - (b) Issue subpoenas on request of any party;
 - (c) Rule on all procedural matters, objections and motions;
 - (d) Rule on offers of proof and receive relevant evidence;
 - (e) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter; and
 - (f) Take any other action necessary and authorized by these rules and the law.
- 6.350 APPEARANCE AND PRACTICE BEFORE AGENCY- WHO MAY APPEAR No person may appear in representative capacity before the Board or any Member thereof at a parole revocation hearing other than the following:
- (a) Attorneys at law, qualified and entitled to practice before the Supreme Court of the State of Washington.
 - (b) Out-of-State attorneys must comply with Admission to Practice Rule 7 (See Washington Court Rules).
- 6.360 STANDARDS OF ETHICAL CONDUCT All persons appearing in parole revocation proceedings before the Board or any Member thereof in a representative capacity shall conform to such standards, the Board may decline to permit such person to appear in a representative capacity in any proceeding before it or any Member thereof.
- 6.370 CONTINUANCES Any party to a parole revocation hearing, or their counsel, who desires a continuance shall, immediately upon receipt of Notice of Hearing, or as soon thereafter as circumstances requiring such continuance come to his knowledge, notify the Board by telephone followed by a written request stating in detail the reasons why such continuance is necessary. Requests for continuances shall arrive at the Board offices in Olympia not less than 72 hours prior to the scheduled hearing. The Board or Member thereof, in passing upon a request for continuance, shall consider whether such request was promptly and timely made for good cause and whether the parolee will be substantially prejudiced in the presentation of his or her defense. Appropriate Board staff will notify all parties when such continuance is granted. During a parole revocation hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the member or members conducting the hearing may, in their discretion or upon motion of counsel, continue the hearing and fix a date for the introduction of additional evidence or presentation or argument. Such oral notice shall constitute the final notice of such continued hearing.

- 6.380 PRE-HEARING CONFERENCE In any proceeding, the presiding officer, upon his own motion or upon the motion of one of the parties or their representatives, may direct the parties to appear at a specified time and place for a conference, or such conference may be immediately prior to the parole revocation proceeding, to consider:
- (a) The simplification of the issues;
 - (b) Necessities of amendments to any of the papers filed with the Board;
 - (c) Possibility of obtaining stipulations, admissions of fact and of documents;
 - (d) Limitation of the number of witnesses; and
 - (e) Such other matters as may aid in the disposition of the proceeding.
- 6.390 HEARINGS PERSONS PRESENT Parole revocation hearings shall be open to the public unless the Board for a specifically stated reason closes the hearing in whole or in part.
- 6.400 RULES OF EVIDENCE ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.
- "Relevant evidence" means evidence having a tendency to make the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his/her discretion, either with or without objection, exclude inadmissible evidence, or, accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. If the sole evidence presented to substantiate the allegation is inadmissible hearsay, or results of polygraph examination, a finding of guilty shall not be made.
- The results of polygraph examinations shall not be admissible into evidence at parole revocation hearings unless the following circumstances are present:
1. The parties have stipulated that the polygraph examination be conducted and the results be admissible in a parole revocation hearing. Such stipulation may be evidenced by showing that the parolee has submitted to a condition of parole that he submit himself/herself to polygraph examination at the request of the Community Corrections Officer and that the results of said examination(s) shall be admissible at a subsequent parole revocation hearing. Other stipulations shall be in writing, signed by the Community Corrections Officer or his agent and by the parolee; and
 2. The Board panel or member specifically finds that the polygraph examiner is qualified and the proper conditions existed during administration of the test; and
 3. The parties have been afforded an opportunity to confrontation of the examiner, unless good cause for nonconfrontation is specifically found or confrontation is waived.
- 6.410 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved for not less than sixty days subsequent to the hearing at the offices of the Board in Olympia. Parties requesting partial or total duplication of any hearing must submit a request in writing along with blank tapes to receive the copy.
- 6.420 NEW MINIMUM TERM Procedures specified in Chapter II of this Manual will be followed in setting new minimum terms for revoked parole violators. Special note should be made of 2.041 which requires such terms to be set within 30 days of admission.
- 6.430 SUSPENDED PAROLE CASES If a parole violator is returned to a Washington State Correctional facility and his (her) parole has been suspended but not revoked by the Board, the Board shall determine if there is sufficient cause for revocation, the violator's parole shall be reinstated and he (she) shall be released from confinement under the same or new conditions of parole.
- 6.440 DETERMINATION OF COMPETENCY:
1. Whenever, as a preliminary matter to a parole revocation hearing, the parolee or his defense counsel raises the issue of the parolee's competency, or there is reason to doubt his competency, the Board member conducting the hearing shall designate at least two qualified experts or professional persons, one of whom shall be approved by the Assistant Attorney General representing the Community Corrections Officer, or the Community Corrections Officer (if no Assistant Attorney General is present) to examine and report upon the mental condition of the defendant. For purposes of the examination, the Board member may order the defendant committed to a hospital or other suitable facility for a period of

time necessary to complete the examination, but not to exceed fifteen days.

A competency examination may be performed by one examiner, provided that the examiner is mutually agreeable to all relevant parties and mutual agreement is reached in advance of the examination and the agreement is reduced to written form executed by by respective counsel.

2. The Board member hearing the parole revocation hearing may direct that a qualified expert or professional person retained by or appointed for the parolee be permitted to the examinations authorized by the above paragraph and he shall have access to all information obtained by the board appointed experts or professional persons. The defendant's expert or professional persons shall have the right to file his own report following the guidelines of paragraph number three of his rule. If the parolee is indigent, the Board shall, upon request of the defendant, assist him in obtaining an expert of professional person.
3. The report of the examination shall include the following:
 - (a) a description of the nature of the examination;
 - (b) a diagnosis of the mental condition of the parolee;
 - (c) if the parolee suffers from a mental disease or defect, an opinion as to his or her competency;
 - (d) if the parolee has indicated his intention to rely on the fact of his incompetency at the time of his specified violations during the dispositional phase of his parole revocation hearing, an opinion as to the parolee's sanity at the time of the act which constituted the specified violation or violations;
 - (e) when directed by the Board, an opinion as to the capacity of the parolee to have a particular state of mind which is an element of the specified violation(s) charged;
 - (f) an opinion as to whether the parolee is of danger to other persons, or under further control by the Board or other persons or institutions.
4. At the time the competency evaluation is ordered, the fact determination phase of the parole revocation hearing shall be entered and completed. The dispositional phase shall be continued (as if requested by the parolee) for a reasonable time until such competency evaluation can be submitted to the Board for its consideration and inclusion in the dispositional phase of the parole revocation hearing.

5. Dispositional phase: The Board shall not lose jurisdiction of a parolee at the dispositional phase, regardless of the outcome of the competency evaluation.

Once the dispositional phase has been convened, the Board shall consider the results of the evaluation in making its decision on whether or not to revoke or reinstate the parolee. At the dispositional phase of the parole revocation hearing, the Board member shall determine, based on the evaluation and evidence presented therein by both parties on whether or not the individual is competent. Should the Board determine that the individual is competent, the Board may proceed to reinstate the parolee to parole with special or modified conditions or may revoke the parolee's parole and return him to the state correctional authorities.

Should the Board member determine that parolee is incompetent, the Board may reinstate the parolee with the special condition that the parolee voluntarily commit him or herself under RCW 71.05, or the Board may revoke the parolee's parole and recommend that the parolee be transferred to a state mental institution pursuant to RCW 72.68.031.

CHAPTER VII
PROCEDURES FOR CONDITIONAL DISCHARGE – FINAL
DISCHARGE – CLEMENCY
TABLE OF CONTENTS

<u>Rule Number</u>	<u>Title</u>
7.010	Purpose
7.020	Authority
7.030	Scope
7.040	Conditional Discharge From Supervision
7.050	Final Discharge From Parole Supervision
7.060	Clemency

CHAPTER VII
PROCEDURES FOR CONDITIONAL DISCHARGE – FINAL
DISCHARGE – CLEMENCY

- 7.010 PURPOSE The purpose of this Chapter is to specify policies and procedures for granting conditional and final discharges from parole supervision and for matters of Clemency (Pardons, Reprieves, Commutations).
- 7.020 AUTHORITY Revised Code of Washington, 9.95-.150; 9.96.050; 10.01.120, 9.95.009(2), Chapter 224, Laws of 1986.
- 7.030 SCOPE The provisions of this Chapter shall apply to adult offenders convicted of crimes in the State of Washington and sentenced under the indeterminate sentencing laws and to those officials charged with the supervision of such offenders.
- 7.040 CONDITIONAL DISCHARGE FROM PAROLE SUPERVISION Conditional Discharge from Supervision is defined as that state of parole where a parolee is no longer required to report to an officer of the Department of Corrections but is required to

observe all laws and make an annual written report to the Board. Civil rights lost at the time of conviction are not restored.

When a paroled offender has adequately performed the obligations of his (her) release for such time as shall satisfy the Indeterminate Sentence Review Board, and his (her) conditional discharge from supervision is compatible with the best interests of society and the welfare or the paroled individual, and upon receipt of a report from the Community Corrections Officer, the Board may grant a Conditional Discharge From Supervision.

Individuals on active parole supervision will be granted a Conditional Discharge from Supervision at the end of their designated parole period unless found guilty of a parole violation or convicted of a criminal offense. Parolees will be required to sign and acknowledge the Conditional Discharge conditions before the CDFS becomes valid. In any case where there is a parole suspension or local charges pending, no Conditional Discharge decision will be made until resolution of those allegations or charges.

A full Board vote is required to grant a CDFS for any Individual convicted of an offense which resulted in a loss of life.

7.050 FINAL DISCHARGE FROM PAROLE SUPERVISION

When a paroled offender has adequately performed the obligations of his (her) release for such time as specified by the Indeterminate Sentence Review Board, and further, when he (she) has completed a violation-free period in conditional discharge (CDFS) status, and has requested a final discharge and upon receipt of a report from the parole officer and a determination made that a final discharge from supervision is compatible with the best interests of society and the welfare of the paroled individual, the Board may grant a Final Discharge Restoring Civil Rights.

Final Discharge Restoring Civil Rights is governed by statute (RCW 9.96.050) which requires a minimum of one year successful Conditional Discharge From Supervision status. Final Discharge Restoring Civil Rights for an individual on CDFS status who was convicted of a crime which resulted in a loss of life, will require full Board ratification.

The right to possess or control firearms is not restored.

In cases where the maximum term has expired, the Board is empowered to grant a Final Discharge Restoring Civil Rights upon application if it believes such action is in the best interests of society. The Board is also empowered to grant restoration of civil rights to individuals convicted of Federal offenses who reside in the State of Washington.

7.060 CLEMENCY The Governor, at his discretion, may refer requests for pardons, commutations, etc., to the Board for a report and recommendation. The report and recommendation shall be reviewed by and voted on by all available Board members prior to its submission to the Governor, (see RCW 9.95.260).

CHAPTER VIII
PUBLIC RECORDS – DISCLOSURE
TABLE OF CONTENTS

<u>Rule Number</u>	<u>Title</u>
8.010	Purpose
8.020	Definitions
8.030	Public Records Available
8.040	Public Records Officer
8.050	Request for Public Records
8.060	Disclosure to Client's Representation
8.070	Fees – Inspection and Copying
8.080	Protection of Public Records
8.090	Disclosure Procedure
8.100	Remedy for Review of Denial of Disclosure
8.110	Exemptions to Public Records Disclosure
8.120	Qualifications on Non-Disclosure
8.130	Interagency Disclosure
8.140	Records Index

CHAPTER VIII
PUBLIC RECORDS – DISCLOSURE

8.010 PURPOSE The purpose of this chapter shall be to ensure compliance by the Indeterminate Sentence Review Board and with the provisions of the Public Disclosures Act, RCW 42.17.250 in conjunction with the Criminal Records Privacy Act, Ch. 10.97, RCW, as well as RCW 9.95.140.

8.020 DEFINITION

- (1) "Public Records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the Board regardless of physical form or characteristics.
- (2) "Writing" means handwriting, typewriting, printing, photocopies, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.
- (3) "Board" means the Indeterminate Sentence Review Board.
- (4) "Client" means any person organization about whom the Board has a record.

- (5) "Disclosure" means inspection and/or copying.
- (6) "Denial of disclosure" denotes any exempting from disclosure of any public record.

8.030 PUBLIC RECORDS AVAILABLE Requests for any identifiable public record may be initiated at the central records keeping office of the Board during normal business hours.

The Board shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within ten working days of receipt of the request for disclosure. The Board's failure to respond shall entitle the person seeking disclosure to petition the public records officer pursuant to Rule 8.010.

8.040 PUBLIC RECORDS OFFICER The Chair shall designate a senior staff member as the public records officer, who shall be responsible for implementing the Board's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

8.050 REQUESTS FOR PUBLIC RECORDS

- (1) All requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request may include:
 - (a) The name of the person requesting the record;
 - (b) The time of day and calendar date on which
 - (c) The nature of the request.
- (2) A request for disclosure shall be made during the customary business hours or by mail. Persons who appear at the Board's office for the purpose of inspection and copying of the Board files are requested to make an appointment with the public disclosure coordinator at least ten (10) working days in advance, in order to allow sufficient time for the removal and deletion of exempted record information.
- (3) This chapter shall not be construed as giving authority to to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law.
- (4) If the public record contains material exempt from disclosure pursuant to law, including those laws cited in Rule 8.011, the Board must provide the person requesting disclosure with a written explanation for the non-disclosures, pursuant to Rule 8.090.

(5) Any person continuing to seek disclosure, after having received a written explanation for the nondisclosure, pursuant to Rule 8.090, may request a review under the provisions of Rule 8.010.

(6) When a person's identify is relevant to an exemption, that person may be required to provide personal identification.

(7) Nothing in this section or elsewhere in this chapter shall be construed to require the Board to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the Board and is not required litigation by rules of pretrial discovery.

(8) If public records or information contained in a Board file are in the field for purposes of a hearing, and are thus not available, the public disclosure coordinator or his designee shall promptly inform the person requesting disclosure that there will be a delay in responding to the disclosure request due to the unavailability of the public record.

(9) All requests from the press or media shall be referred to the Chair for response.

8.060 DISCLOSURE TO CLIENT'S REPRESENTATIVE

(1) If a client requests disclosure to a representative, this request must be accompanied by a written release signed by the client, except that, as an accomodation to the client and if the legislator or attorney representing the client can provide assurance that the client has authorized disclosure, the client's record may be briefly discussed with that legislator or attorney so long as there is neither physical inspection nor copying of client records by that representative. A written release may also include:

- (a) The identity of the persons(s) or organization(s) to whom disclosure is to be made.
- (b) An identification of the record, or portion thereof, to be disclosed;
- (c) A statement of when the authorization for disclosure expires.

(2) Disclosures of information to a representative shall be made to the same extent as to the client.

(3) The legal guardian of a client has any and all rights accorded to a client by this section.

8.070 FEES - INSPECTION AND COPYING

(1) No fee shall be charged for the inspection of public records.

- (2) The Board shall collect fees, plus postage, to reimburse itself for actual costs incident to providing copies of public records.
- (3) Nothing contained in this section shall preclude the Board from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the Board.
- (4) Prepayment of copying costs and postage shall be a prerequisite to copying and/or mailing of public records.

8.080 PROTECTION OF PUBLIC RECORDS Public records shall be disclosed only in the presence of a public disclosure coordinator or his or her designee, who shall withdraw the records if the person requesting disclosure acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the Board. The section shall not be construed to prevent the Board for accommodating a client by use of the mails in the disclosure process.

8.090 DISCLOSURE PROCEDURE

- (1) The public records officer shall review file material prior to disclosure.
- (2) If the file does not contain materials exempt from disclosure, the public records officer shall ensure full disclosure.
- (3) If the file does contain materials exempt from disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption applies. The remaining non-exempt materials shall be fully disclosed pursuant to Rule 8.012(1).

8.100 REMEDY FOR REVIEW OF DENIAL OF DISCLOSURE

- (1) If the person requesting disclosure disagrees with the decision of a public disclosure reviewer denying disclosure of a public record, this person may at any time petition the Board's public records officer for review of the decision denying disclosure. The form used by the public disclosure reviewer to deny disclosure of a public record shall clearly indicate this right of review.
- (2) The public records officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the Board of the petition for review. This shall constitute final agency action for

the purposes of judicial review, pursuant to RCW 42.17.320.

8.110 EXEMPTIONS TO PUBLIC RECORDS DISCLOSURE

The Board reserves the right to determine if a public record requested in accordance with the procedures outlined herein is exempt or nondisclosable under RCW 42.17.250 through RCW 42.17.340. Nondisclosable records include, but are not limited to:

- (1) Personal information in any files concerning a prisoner, probationer, or parolee to the extent required by 42.17.310 (1)(a); however, disclosure may be made to that person or that person's representative, except as otherwise provided by these rules;
- (2) Data (including information revealing the identity of persons who file complaints, except as the complainant may authorize) contained in intelligence, investigative, and other related files compiled by investigative, law enforcement or penology agencies, the state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or the protection of any persons's right to privacy. This data is nondisclosable to the extent required by RCW 42.17.310 (1)(d)(e), RCW 10.97.080, Chapter 446-20WAC;
- (3) Certain juvenile justice or juvenile care records to the extent required by Chapter 13.50 RCW;
- (4) Personal information in files maintained for an employee of the Board to the extent required by RCW 42.17.310 (1)(b);
- (5) Deliberative material, as opposed to facts upon which a decision is based, contained in preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended; except that a specific record shall be disclosable when publicly cited by the Board in connection with any action to the extent required by RCW 42.17.310 (1)(i);
- (6) Records which are relevant to a controversy to which the Board is a party but which records would not be available to another party to the rules of pre-trial discovery for causes pending in the superior courts, including records involving attorney-client communications between the Board and the office of the Attorney General privileged under RCW 5.60.060(2).
- (7) Non-conviction data, as defined in RCW 10.97.030(2), may be disclosed to the subject of the record in person in the central

office of the Board but may not be copied except for the purpose of challenge or correction when the person who is the subject of the record asserts the belief in writing that the information regarding such person is inaccurate or incomplete. Incarcerated subjects shall be provided with a designation of documents in the Board file which contain non-conviction data concerning the subject, per RCW 10.97.080.

8.120 QUALIFICATIONS ON NONDISCLOSURE

- (1) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.
- (2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

8.130 INTERAGENCY DISCLOSURE

- (1) Unless prohibited by law, information may be disclosed by the Board to outside agencies, including other State of Washington agencies, or agencies of other states.
- (2) Outside agencies receiving information pursuant to subsection (1) of this section shall be thereby subject to the same standards of disclosure as required of the Board.

8.140 RECORDS INDEX

- (1) The Board finds it would be unduly burdensome and interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence, reports, surveys, staff studies, and other materials.
- (2) The Board will make available for public disclosure all indices which may at a future time be developed for agency use.

Reviser's note: Errors of punctuation or spelling in the above material occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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

WSR 87-15-001

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1938—Filed July 2, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to desiccants and defoliant, chapter 16-230 WAC.

This action is taken pursuant to Notice No. WSR 87-11-055 filed with the code reviser on May 20, 1987. 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 chapters 15.58 and 17.21 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 July 2, 1987.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1682, filed 4/4/80)

WAC 16-230-160 DESICCANTS AND DEFOLIANTS—GROUND EQUIPMENT—NOZZLE AND PRESSURE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Nozzle requirements – a minimum orifice diameter of 0.072 inches shall be used for application of all restricted use desiccants and defoliant: PROVIDED, That applications of Dinitro may use a minimum orifice diameter of 0.052 inches: PROVIDED FURTHER, That a RD-2 raindrop nozzle shall be allowed.

(2) Pressure requirements – maximum pressure at the nozzles for all applications of restricted use desiccants and defoliant shall be 30 psi.

(3) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliant within the area as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives, and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

AMENDATORY SECTION (Amending Order 1871, filed 8/21/85)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DESICCANTS AND DEFOLIANTS IN WALLA WALLA COUNTY. (1) Area 1 description – town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east twenty miles to the northeast corner of Section 11, T7N, R37E; thence south seven miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) During the period of February 15 through November 1 of any year, any application of Paraquat or Diquat or any ((mix)) mixture containing Paraquat or Diquat ((is hereby prohibited in Area 1: PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry Creek in Area 1)) shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(b) The loading and/or mixing of dinitro, Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla County. Aerial application equipment used for dinitro, Paraquat or Diquat applications shall be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla County: PROVIDED, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E: PROVIDED FURTHER, That the department may issue a permit for loading and mixing of dinitro at a specified location and between specified dates upon receipt of a written request.

(c) Aerial applications of dinitro are prohibited during the period of August 25 through October 31 of any year.

(d) During the period of August 25 through October 31 of any year, diesel and other fuel oils shall be prohibited in dinitro tank mixes.

(e) During the period of August 25 through October 31 of any year, the ground application of dinitro or any mixture containing dinitro shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(f) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: PROVIDED, That the department may issue permits for aerial application within these areas.

(g) During the period of August 1 through October 31 of any year, any person applying dinitro shall keep records on forms prescribed by the director which shall include the following:

(i) The name and address of the person for whom the pesticide was applied;

(ii) The location of the land and number of acres where dinitro was applied;

(iii) The year, month, day, and time that dinitro was applied;

(iv) The product name of the dinitro applied;

(v) The direction and estimated velocity of the wind and temperature at the time the dinitro was applied;

(vi) The amount of dinitro applied per acre;

(vii) The type of carrier(s) and number of gallons per acre applied.

(h) The records required by (g) of this subsection shall be completed and available to the department the same day dinitro was applied. These records shall be kept for a period of one year from the date of application of dinitro. The director upon written request shall forthwith be furnished a copy of the records.

(i) Applications of dinitro by licensed commercial applicators shall be exempt from (g) and (h) of this subsection: PROVIDED, That the licensed applicator's records shall comply with RCW 17.21.100 and WAC 16-228-190(1) through 16-228-190(4): PROVIDED FURTHER, That such records shall include the number of acres of application.

(3) Area 2 description – southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington–Oregon border and the west section line of Section 14, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence east along the Dodd Road to the Touchet River; thence northerly along the Touchet River to north section line of Section 6, T8N, R34E; thence east along section lines twenty-two miles more or less to the northeast corner of Section 2, T8N, R37E; thence south along section lines seven miles more or less to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington–Oregon border; thence west along the border five miles more or less to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

~~((†))~~ During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington state department of agriculture.

~~((ii) Visco elastic additives shall be added to any Diquat application and applicable label directions for that product shall be followed.))~~

(c) Dinitro restrictions:

(i) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: PROVIDED, That the department may issue permits for aerial application within these areas. The permits, if issued, may in addition to other application restrictions prohibit certain carriers or diluents for the dinitro.

(ii) During the period of August 25 through October 31 of any year, aerial applications of dinitro or any mixtures containing dinitro are prohibited: PROVIDED, That the department may issue a written permit for such aerial applications.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in Area 2.

(5) Area 3 description – an area lying west of Area 2 in the southern part of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington–Oregon border and the east section line of Section 15, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence southwest along the Dodd Road and Maxwell Road four miles more or less to its intersection with the western section line of Section 6, T7N, R33E; thence south along the section lines eight miles more or less to the Washington–Oregon border; thence east along the Washington–Oregon border four miles more or less to the point of beginning.

(6) Area 3 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

((~~(i)~~)) During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a written permit from the Washington state department of agriculture.

((~~(ii) Visco-elastic additives shall be added to any Diquat application and applicable label directions for that product shall be followed.~~))

(c) Dinitro restrictions:

During the period of August 1 through October 31 of any year, aerial applications of dinitro are prohibited within one-half mile from the center of the town of Touchet, and within one-half mile of commercially grown alfalfa hay: PROVIDED, That the Washington state department of agriculture may issue permits for aerial applications within these areas.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in Area 3.

WSR 87-15-002

EMERGENCY RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Order 87-13—Filed July 2, 1987]

I, Chuck Clarke, director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to bond cap allocation.

I, Chuck Clarke, 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 issuers in Washington state cannot issue private activity bonds until the Department of Community Development adopts rules to allocate the state's bond cap.

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

This rule is promulgated pursuant to chapter 297, Laws of 1987, 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 July 1, 1987.

By Chuck Clarke
Director

Chapter 365-135 WAC BOND CAP ALLOCATION

WAC

365-135-010	Purpose.
365-135-020	Definitions.
365-135-030	Initial allocations.
365-135-040	Procedure for obtaining an allocation, extension, or carryforward.
365-135-050	Fees.

NEW SECTION

WAC 365-135-010 PURPOSE. The federal Tax Reform Act of 1986 imposes an annual ceiling on each state limiting the dollar volume of certain private activity bonds that can be issued. To allocate this ceiling among eligible issuers in Washington state, chapter 297, Laws of 1987 has been enacted. In accordance with the statute, the department of community development will allocate the state's private activity bond ceiling and establish by rule a fee schedule. The department will carry out such functions through the bond cap allocation program (BCAP).

NEW SECTION

WAC 365-135-020 DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly provides otherwise.

Allocation assessment: The fee which is comprised of both the issuer's filing fee and approval fee and is assessed by the department upon an issuer, based upon the following formula: 1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater.

Approval fee: The amount of an issuer's allocation assessment less the filing fee.

Department: The Washington state department of community development.

Filing fee: A fee which is payable to the department in the amount of three hundred dollars and is due from the issuer upon filing an allocation request.

Reallocation: The assignment of an unused portion of the state ceiling from one bond use category to another or the provision of a certificate of approval to any issuer for an allocation amount which previously had been returned to the department.

Statute: Chapter 297, Laws of 1987.

NEW SECTION

WAC 365-135-030 INITIAL ALLOCATIONS. Initial allocations shall be made in accordance with provisions of the statute. In addition, until September 1 of each calendar year, at least twenty-five percent of the initial allocation for the small issue bond use category shall be reserved for the community economic revitalization board's umbrella bond program, except that this amount may be reduced if the board indicates that a reduced amount is appropriate.

NEW SECTION

WAC 365-135-040 PROCEDURE FOR OBTAINING AN ALLOCATION, EXTENSION, OR CARRYFORWARD. No issuer may receive an allocation of the state ceiling without a certificate of approval from the department.

Issuers may apply for a certificate of approval by submitting a completed allocation request form to the department and paying a three hundred dollar filing fee. An allocation request form will be available from the department.

The department will respond to any such completed request in accordance with the statute. Each issuer that receives a certificate of approval for allocation will be concurrently notified of an approval fee due. The issuer must either confirm its intention to use its allocation by paying the approval fee in accordance with WAC 365-135-050 (3)(b) or lose the allocation approval. If an issuer does not issue private activity bonds in the amount and by the date for which it has received a certificate of approval, the unused amount shall revert to the department for reallocation, unless an extension or carryforward is granted.

An issuer may apply for an extension or carryforward of its allocation by submitting its request to the department and supplying any additional information required by the department. The department will promptly notify the issuer if any fees are due and respond to the request for extension or allocation in a timely manner.

NEW SECTION

WAC 365-135-050 FEES. A fee schedule is hereby established, which will consist of:

(1) A filing fee, due at the time a request is filed with the department of community development, and

(2) An approval fee, due after the department approves an allocation amount for an issuer, and

(3) In certain cases, an extension or carryforward fee.

If an issuer's allocation request is denied, only the filing fee is due. The filing fee and the approval fee together comprise the issuer's allocation assessment, the total amount of which is based on the following formula:

1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater.

Payment of the fees will occur as indicated by the schedule below.

(a) Filing. Upon filing an allocation request, the issuer must submit a nonrefundable filing fee of three hundred dollars, which will count as part of the total allocation assessment if an allocation of the state ceiling is granted. The issuer may also elect to pay in advance any additional amount toward the balance of its anticipated allocation assessment.

(b) Approval. Any request that receives allocation approval will be concurrently notified of the approval fee amount due. The approval fee represents the unpaid balance of the allocation assessment. Within fifteen business days from the date the department of community development grants an allocation approval, the issuer must submit the approval fee or lose the allocation approval, except that any amount of the approval fee greater than one thousand dollars may be payable within ten business days from the date the bond sale is closed or at such date as agreed upon by both the department and the issuer.

(c) Extensions and carryforwards. The department may assess an additional filing fee, not to exceed two hundred fifty dollars, upon any request for extension or carryforward. However, if the BCAP administrator determines that an issuer's allocation assessment includes a sufficient amount to pay for the additional administrative expenses associated with granting or denying such a request, the additional fee shall be waived.

(d) Refunds. If a requesting issuer pays any fee greater than the amount assessed by the department, that amount shall be refunded by the department.

WSR 87-15-003

NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE

[Memorandum—June 30, 1987]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regular meeting on July 14, 1987, 2:00 p.m., Whatcom Community College, Lynden, 1700 Grover, Building B, Lynden, WA 98264.

WSR 87-15-004
NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD
 [Memorandum—July 2, 1987]

MEETING NOTICE
 RED LION INN AT SEA-TAC
 18740 PACIFIC HIGHWAY SOUTH
 (Apollo 4 Room)

WORK SESSION

Beginning at 3:00 p.m., Thursday, July 16, 1987.

BOARD MEETING

Beginning at 9:30 a.m., Friday, July 17, 1987.

Note: Persons wishing to testify at this meeting will be required to contact the UAB in writing prior to July 9, 1987.

WSR 87-15-005
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-63—Filed July 2, 1987]

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

I, Joseph R. Blum, 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 harvestable numbers of chinook are available to allow a directed fishery in Grays Harbor and an incidental fishery in Willapa Bay.

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 June 30, 1987.

By Joseph R. Blum
 Director

NEW SECTION

WAC 220-40-02100U WILLAPA HARBOR GILLNET SEASON. Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from the waters of Willapa Harbor except as provided for in this section:

(1) The following Willapa Harbor Salmon Management and Catch Reporting Areas are open during the times indicated:

Those waters of Area 2G east of a line from Toke Point to Goose Point and south of a line from Leadbetter Point to Goose Point, and Areas 2J, 2K, and 2M – Open continuously from 6:00 p.m. July 5 to 6:00 p.m. August 7, 1987.

(2) Lawful gear is limited to gill nets no longer than 1,500 feet; 9 inch minimum mesh restriction.

NEW SECTION

WAC 220-36-02100J GRAYS HARBOR GILLNET SEASON. Notwithstanding the provisions of WAC 220-36-021, 220-36-022, and 220-36-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from the waters of Grays Harbor except as provided for in this section:

(1) The following Grays Harbor Salmon Management and Catch Reporting Areas are open during the times indicated:

Area 2B east of a line drawn true north-south through lighted piling number 16 on Whitcomb flats, Area 2C, and Area 2D –

6:00 p.m. July 5 to 6:00 p.m. July 9,
 6:00 p.m. July 12 to 6:00 p.m. July 16,
 6:00 p.m. July 19 to 6:00 p.m. July 23,
 6:00 p.m. July 26 to 6:00 p.m. July 30,
 6:00 p.m. August 2 to 6:00 p.m. August 6, 1987.

(2) Lawful gear is limited to gill nets no longer than 1,500 feet; no special mesh restrictions.

WSR 87-15-006
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-64—Filed July 2, 1987]

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

I, Joseph R. Blum, 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 adopted at the recommendation of the Pacific Fisheries Management Council, and is intended to conserve chinook salmon stocks.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 1, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000I SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190:

(1) Effective July 5, 1987, until further notice it is unlawful to fish for salmon in Punchcard Area 4, Pacific Ocean waters, and Washington waters west of the Buoy 10 line except as provided for in this subsection:

(a) In those waters north of a line projected due west from the mouth of the Queets River and west of the mouth of the Sekiu River:

(i) Open to salmon angling immediately until further notice or until either 2,500 chinook salmon or 26,100 coho salmon are taken, whichever comes first.

(ii) Bag Limit F, except that only one chinook salmon may be retained per day.

(iii) Barbless hooks

(b) In those waters south of a line projected due west from the mouth of the Queets River, north of a line projected due west from Point Brown, and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside three miles), those waters south of a line projected due west from Point Brown, north of a line projected due west from Cape Shoalwater, and west of a line three miles to the west to the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside six miles), and in those waters south of a line projected due west from Cape Shoalwater, north of a line projected due west from Point Leadbetter and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside three miles):

(i) Open to salmon angling immediately until further notice or until either 28,000 chinook or 74,300 coho salmon are taken, whichever comes first.

(ii) Bag Limit F

(iii) Barbless hooks

(c) In those waters south of a line projected due west of Point Leadbetter, north of a line projected due west from Klipsan Beach (46 degrees 28 minutes 12 seconds North Latitude), and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside three miles):

(i) Open to salmon angling June 28, 1987 until further notice or until either 14,100 chinook or 100,500 coho salmon are taken, whichever comes first, from these waters and those waters south of the red buoy line at the

mouth of the Columbia River and north of Cape Falcon, Oregon.

(ii) Bag Limit F.

(iii) Barbless hooks

(d) In all open areas provided for in this subsection it is unlawful to fish for salmon from 12:01 a.m. Friday to 11:59 p.m. Saturday of each week.

(2) Effective immediately until further notice:

(a) In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.

(b) In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length. This subsection does not effect the June 16 to August 31 chinook closure in Port Susan. See WAC 220-56-199.

(3) Effective immediately until further notice those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling, except that it is lawful to fish for and possess pink salmon taken from these waters during the period August 22 through September 11, 1987. The special daily bag limit is two pink salmon. Barbless hooks are required and any salmon other than pink salmon must be released immediately.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., July 5, 1987:

WAC 220-56-19000H SALTWATER SEASONS AND BAG LIMITS. (87-56)

WSR 87-15-007

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-65—Filed July 2, 1987]

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

I, Joseph R. Blum, 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 adopted at the recommendation of the Columbia River Compact Commission for the harvest of sockeye salmon.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 2, 1987.

By Judith Merchant
for Joseph R. Blum
Director

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

This rule is promulgated pursuant to RCW 76.04.305 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 July 6, 1987.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 220-32-05100L SEASONS—SALMON ABOVE BONNEVILLE DAM. Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, effective July 6, 1987, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish, using 4 1/2 inch maximum mesh from:

6:00 a.m. July 6 to noon July 10, 1987.

It is lawful to sell sockeye salmon, chinook salmon, shad and sturgeon taken in this fishery.

During the fishery provided for in this section the restriction zone at the mouth of Spring Hatchery is open.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 6, 1987

WAC 220-32-05100K SEASONS—SALMON ABOVE BONNEVILLE DAM. (87-60)

WSR 87-15-008

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 506—Filed July 6, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of emergency rules designating areas of the state to be "closed to entry" from the period of midnight July 6, 1987, to midnight October 4, 1987.

I, Brian J. Boyle, 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 described areas of the state contain a large concentration of forest fuels which, by reason of their condition, are particularly exposed to fire danger. Restriction of access to these lands is necessary to protect them from the threat of fire.

NEW SECTION

WAC 332-26-010 SOUTHWEST REGION CLOSURES. Cowlitz County.

Cowlitz County: Township 8 North, Range 3 East: E1/2, E1/2W1/2, Section 4; all Section 12; S1/2 Section 14; SE1/4 Section 15; all Section 22; N1/2, SW1/4 Section 23; NW1/4 Section 26; all Section 27; SW1/4 Section 28; NE1/4 Section 33; NW1/4 Section 34. Township 8 North, Range 4 East: SW1/4 Section 4; all Section 5; all Section 6; all Section 7; all Section 8; all Section 9; W1/2 Section 10. Township 9 North, Range 3 East: E1/2 Section 36. Township 9 North, Range 4 East: S1/2 Section 31.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Monday, July 6, 1987, to midnight, Sunday, October 4, 1987.

NEW SECTION

WAC 332-26-020 OLYMPIC REGION CLOSURES. Clallam and Jefferson Counties.

Clallam County: Township 30 North, Range 14 West: S1/2NW1/4, NE1/4, N1/2SW1/4, N1/2SE1/4, SESW, SWSE Section 24; NE1/4, E1/2NW1/4 Section 26; SESE Section 28; S1/2SW1/4, NWSW,

SWNW, SE1/4 Section 29, W1/2SW1/4, SW1/4 Section 32; N1/2NW1/4, SW1/4 Section 33; NENE Section 34; SWSE Section 35. Township 30 North, Range 13 West: N1/2SW1/4 east of 9000 Rd, W1/2NW1/4 west of 9000 Rd, Section 13; W1/2NW1/4 Section 19; W1/2NW1/4, W1/2SW1/4, SE1/4 Section 22; S1/2NE1/4, SE1/4, E1/2SW1/4 Section 23; W1/2 west of 9000 Rd. Section 24; N1/2NE1/4, SENE, E1/2SW1/4, west of Lake Pleasant Rd. Section 26; E1/2 NE1/4, S1/2NW1/4, Section 27; SENE Section 28; E1/2SE1/4 west of Conley Rd. Section 35; SESW, W1/2SW1/4, east of Conley Rd. Section 36. Township 29 North, Range 15 West: E1/2SW1/4, Lot 3 Section 4; SWSE Section 5; NE1/4, E1/2SW1/4 Section 8; SW1/4, S1/2NW1/4 Section 9; SW1/4, S1/2NW1/4 Section 12; E1/2 SE1/4, Section 23; S1/2, SWNW Section 24; N1/2NW1/4, SWNW Section 25. Township 29 North, Range 14 West: W1/2SW1/4 Section 4; SW1/4 Section 12; NENW, N1/2NE1/4 west of East Fork Dickey Section 13; N1/2SE1/4, E1/2SW1/4 Section 21; S1/2SE1/4, S1/2SW1/4, NWSW, SWNW, N1/2, NW1/4 Section 22; SESE east of County Rd. Section 31. Township 28 North, Range 14 West: SENE North of Kilmer Rd. Section 19; W1/2NW1/4 north and west of Kilmer Rd., E1/2SE1/4 Section 20; SWSW Section 21. Township 28 North, Range 13 West: SESW, N1/2SW1/4, SWNW Section 21; SW1/4 Section 27; SESE Section 28.

Jefferson County: Township 27 North, Range 14 West: NW1/4, W1/2NE1/2 Section 2; all Section 3; all Section 4; E1/2NE1/4, E1/2SE1/4 Section 5; NE1/4 SE1/4, E1/2NW1/4, E1/2 SW1/4 Section 8; all Section 9; all Section 10; all except SESE Section 11; N1/2NW1/4, NWNE Section 14; NW1/4, N1/2NE1/4, SWNE Section 15; all except S1/2SW1/4 Section 16. Township 27 North, Range 13 West: NE1/4, N1/2SE1/4 Section 32; SWNW, W1/2NE1/4, E1/2SW1/4, W1/2SE1/4 Section 33; NW1/4, N1/2SW1/4, E1/2NE1/4 Section 34; NW1/4, N1/2SW1/4 Section 35. Township 27 North, Range 12 West: SW1/4, SE1/4 Section 29; NW1/4 Section 32. Township 27 North, Range 11 West: NW1/4, N1/2NE1/4, SWNE, NWSE Section 27. Township 26 North, Range 13 West: N1/2 Section 3; SWSW Section 11; N1/2NW1/4, SWNW Section 14; S1/2 NE1/4, NENE, E1/2NW1/4, NESW Section 15. Township 26 North, Range 12 West: N1/2SE1/4, north of Hwy 101 Section 7; NW1/4, SW1/4, W1/2NE1/4, W1/2SE1/4 Section 24; S1/2, NW1/4 Section 25; S1/2SW1/4 south of 1714 Rd. Section 27; S1/2SE1/4, S1/2SW1/4 south of 1715 Rd. Section 28; NE1/4, NENW Section 34.

Grays Harbor County: Township 17 North, Range 10 West: NE1/4NE1/4, NW1/4NE1/4, S1/2NE1/4, portions of Little Hoquiam River, NW1/4NE1/4, SW1/4 North of Little Hoquiam River, lots 1 and 2 Section 3; NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, S1/2NW1/4, N1/2SW1/4, NE1/4SE1/4, NW1/4NE1/4, lots 3 and 4 Section 4; N1/2NE1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4NW1/4, SE1/4NW1/4, N1/2SE1/4 Section 5. Township 18 North, Range 10 West: E1/2, except NE1/4NE1/4

Section 10; all Section 12; that portion west of East Fork Hoquiam River Section 13; all Section 14; NE1/4 (except NE1/4NE1/4) E1/2NE1/4, E1/2SW1/4, E1/2, W1/2SW1/4, SW1/4SE1/4 Section 15; that portion east of Polson Slough and that portion east of Hoquiam River Section 22; all Section 23; that portion west of East Fork Hoquiam River Section 24; that portion west of East Fork Hoquiam River Section 25; all Section 26; that portion east of Hoquiam River, SW1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4 Section 27; SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4 Section 28; SE1/4SW1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4 Section 32; NE1/4NE1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, SE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, E1/2SW1/4, E1/2NW1/4 Section 33; NE1/4NE1/4 (that portion north of Hoquiam River), NW1/4NE1/4, SW1/4NE1/4, NW1/4, SW1/4, NW1/4SE1/4, SW1/4SE1/4 Section 34; that portion north and east of Hoquiam River, bordered by Panhandle Road and East Fork Hoquiam River.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Monday, July 6, 1987, to midnight, Sunday, October 4, 1987.

NEW SECTION

WAC 332-26-040 CENTRAL REGION CLOSURES. Lewis County.

Lewis County: Township 11 North, Range 5 West: all except N1/2N1/2 Section 1; all Section 2; E1/2, part E1/2W1/2 lying east of Chehalis River, Section 3; part S1/2 lying south and east of West Fork Chehalis River, Section 8 S1/2, part NW1/4 lying south of West Fork Chehalis River, S1/2NE1/4 Section 9; all except part NW1/4 lying northwest of Chehalis River Section 10; part N1/2 lying north of Salmon Creek, part NW1/4SW1/4 Section 11; N1/2 Section 12; all Section 15; all Section 16; E1/2, part W1/2 lying east of West

Fork Chehalis River Section 17. Township 12 North, Range 5 West: SW1/4, part SE1/4 lying south of Sand Creek Section 1; S1/2 Section 2; all Section 11; W1/2, W1/2E1/2, part N1/2N1/2NE1/4 Section 12; W1/2, W1/2E1/2 Section 13; E1/2, part W1/2 lying east of Big Creek Section 14; all except W1/2NW1/4NW1/4 Section 34; part S1/2NW1/4, SW1/4, part SE1/4 Section 35. Township 12 North, Range 6 East: all Section 1; W1/2, SE1/4, part W1/2NE1/4, part SE1/4NE1/4 Section 3; part NE1/4NE1/4 Section 10; part N1/2 Section 11. Township 13 North, Range 3 East: all Section 1; N1/2 Section 3; all Section 6; part E1/2 lying east of North Fork Tilton River Section 11; part N1/2 lying both north of North Fork Tilton River and North of Wallanding Creek Section 13. Township 14 North, Range 1 West: all Section 1; S1/2 Section 2; part E1/2, part NE1/4NW1/4 Section 3; NE1/4, NW1/4 except SW1/4NW1/4, SE1/4 except SW1/4SE1/4 Section 11; all Section 12; SW1/4 except NE1/4SW1/4, SW1/4SE1/4 Section 14; E1/2SE1/4 Section 15; NE1/4, NE1/4SE1/4 Section 20; all Section 21; all except SE1/4 Section 22; all except part SE1/4 Section 23; NW1/4 except SE1/4NW1/4, NW1/4SW1/4 Section 26; all Section 27. Township 14 North, Range 2 East: all Section 11; all Section 12; all Section 13; all Section 24. Township 14 North, Range 3 East: all Section 1; all Section 2; all except NW1/4 Section 3; S1/2 Section 4; all Section 5; all Section 6; all Section 7; all Section 8; all Section 9; all Section 10; all Section 11; all Section 12; all Section 13; all Section 14; all Section 15; all Section 16; all Section 17; all Section 18; all Section 19; all Section 20; all Section 21; all Section 22; all Section 23; all Section 25; all Section 27; N1/2 Section 29; all Section 33. Township 15 North, Range 3 East: part SW1/4 lying west of Deschutes River Section 25; S1/2 Section 26; all Section 35; part W1/2 lying west of Deschutes River Section 36.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Monday, July 6, 1987, to midnight, Sunday, October 4, 1987.

NEW SECTION

WAC 332-26-050 NORTHWEST REGION CLOSURES. Whatcom, Skagit, and Snohomish Counties.

Whatcom County: Township 41 North, Range 6 East: SE1/4, W1/2SW1/4 Section 33; S1/2 Section 34. Township 39 North, Range 7 East: SW1/4 Section 7. Township 39 North, Range 6 East: W1/2NW1/4 Section 12; NE1/4NE1/4 Section 13. Township 38 North, Range 6 East: SE1/4SW1/4 Section 34. Township 37 North, Range 6 East: E1/2NE1/4, SW1/4, Section 3; SE1/4NW1/4, N1/2SW1/4, N1/2S1/2SW1/4, SW1/4NW1/4SE1/4 Section 15; SW1/4NW1/4, S1/2 Section 21; W1/2 except NE1/4NW1/4 Section 27; SW1/4SW1/4, E1/2 Section 28; E1/2NW1/4, E1/2 Section 29; N1/2NE1/4, SE1/4NE1/4 Section 32; all Section 33; all Section 34; SW1/4 Section 35. Township 37 North, Range 5 East: W1/2SW1/4 Section 7. Township 37 North, Range 4 East: SE1/4 Section 12; NE1/4 Section 13; S1/2 Section 36. Township 37 North, Range 3 East: SE1/4 Section 2; NE1/4 Section 3; all Section 27; all Section 28; all Section 29.

Skagit County: Township 36 North, Range 8 East: SE1/4NW1/4, E1/2E1/2, S1/2SW1/4, NE1/4SW1/4, W1/2SE1/4 Section 17; all Section 19; all Section 20. Township 36 North, Range 7 East: All of E1/2, W1/2SE1/4 Section 2; all except W1/2W1/2 Section 6; NE1/4 Section 7; SW1/4 Section 8; SE1/4SE1/4 Section 10; W1/2 Section 11; NW1/4 Section 14; NE1/4NE1/4 Section 15; N1/2NW1/4, W1/2NE1/4, SE1/4NE1/4 Section 17. Township 36 North, Range 6 East: all Section 3; E1/2SW1/4, SE1/4 Section 4; E1/2NW1/4, NE1/4 Section 9; N1/2 Section 10; SE1/4 Section 24; N1/2NE1/4 Section 25. Township 36 North, Range 4 East: NE1/4 Section 1; SW1/4NE1/4, W1/2 Section 2; SE1/4, NE1/4 Section 3; SE1/4NE1/4, N1/2SE1/4, W1/2NE1/4 Section 15. Township 35 North, Range 8 East: SE1/4NW1/4, S1/2 Section 26; S1/2NW1/4, S1/2 Section 27; all except SW1/4NW1/4 Section 28; all Section 33; all Section 34; all Section 35. Township 35 North, Range 6 East: S1/2NE1/4, SE1/4 Section 12. Township 34 North, Range 10 East: W1/2SW1/4, SW1/4NW1/4 Section 30; W1/2NW1/4 Section 31. Township 34 North, Range 9 East: E1/2E1/2, SW1/4SE1/4 Section 25; S1/2 Section 26; NE1/4, SW1/4 Section 36. Township 34 North, Range 6 East: all Section 4; all Section 5; all Section 7; all Section 8; all Section 9; all Section 10; SW1/4 Section 17; S1/2SE1/4NE1/4, E1/2NW1/4, NE1/4SE1/4 Section 18; NE1/4NE1/4 Section 19; all Section 29; NW1/4, E1/2SW1/4, W1/2SE1/4 Section 30. Township 34 North, Range 5 East: E1/2 Section 7; W 3/4 Section 8. Township 33 North, Range 10 East: SW1/4NW1/4 Section 13; NE1/4 Section 14; E1/2W1/2, NW1/4NW1/4 Section 24. Township 33 North, Range 7 East: N1/2 Section 13; N1/2 Section 14; N1/2 Section 21; W1/2NW1/4 Section 22.

Snohomish County: Township 30 North, Range 7 East: NE1/4 Section 4; SW1/4 Section 27. Township 30 North, Range 6 East: S1/2S1/2, E1/2E1/2 Section 23; N1/2N1/2 Section 26. Township 29 North, Range 6

East: SW1/4SW1/4 Section 2; SE1/4 Section 3; NW1/4NE1/4 Section 10; N1/2N1/2SW1/4 Section 13; NE1/4SE1/4 Section 14. Township 28 North, Range 8 East: S1/2S1/2 Section 15; S1/2SE1/4SE1/4 east of the Sultan Basin Road Section 16. Township 27 North, Range 8 East: N1/2 north of Kellogg Lake Road Section 22; N1/2N1/2SW1/4 north of Kellogg Lake Road Section 23. Township 27 North, Range 7 East: S1/2 Section 9; SW1/4 Section 15; all Section 16.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Monday, July 6, 1987, to midnight, Sunday, October 4, 1987.

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 332-26-060 SOUTH PUGET REGION CLOSURES. King County.

King County: Township 26 North, Range 9 East: W1/2NE1/4, N1/2S1/2 Section 6; all Section 14. Township 26 North, Range 7 East: NE1/4, portions of W1/2SW1/4 Section 13. Township 25 North, Range 7 East: E1/2SE1/4 Section 11; SW1/4 Section 12; NW1/4 Section 13; E1/2E1/2, W1/2NW1/4 Section 14; NE1/4, N1/2SE1/4, NE1/4SW1/4 Section 15; all Section 19; SE1/4, SE1/4NW1/4 Section 34. Township 24 North, Range 9 East: all Section 19. Township 24 North, Range 8 East: W1/2SE1/4 Section 24. Township 24 North, Range 7 East: N1/2 Section 3. Township 23 North, Range 9 East: SE1/4SW1/4 Section 6; N1/2, NE1/4SW1/4 Section 7. Township 23 North, Range 8 East: N1/2 Section 1; clearcut and partial cut portions of E1/2 Section 21; W1/2 Section 22; N1/2 Section 27; NE1/4 Section 28. Township 23 North, Range 7 East: SW1/4 Section 14; N1/2 Section 22. Township 22 North, Range 10 East: all Section 19, SE1/4, E1/2SW1/4 Section 21. Township 22 North, Range 9 East: S1/2SE1/4 Section 3; all Section 4;

NE1/4 Section 10; N1/2NE1/4, NE1/4NW1/4 Section 13. Township 21 North, Range 7 East: all lands lying east of the Burlington Northern Railroad tracks within the following: E1/2SE1/4, NW1/4SE1/4, SE1/4NE1/4 Section 21; all Section 22 except the W1/2NW1/4 and the north 160 feet of the NW1/4SW1/4; all Section 27 north of Coal Creek and west of the Weyerhaeuser Mainline road. Township 20 North, Range 11 East: all Section 29; all Section 30. Township 20 North, Range 10 East: all Section 31; all Section 33. Township 20 North, Range 9 East: all Section 35. Township 20 North, Range 8 East: all Section 11; part NE1/4, part NW1/4, all SW1/4, part SE1/4 Section 12; all Section 13; all Section 14; NE1/4 Section 22; all Section 23; all Section 24. Township 19 North, Range 11 East: all Section 5; all Section 7; all Section 9; all Section 17; all Section 19; all Section 21. Township 19 North, Range 10 East: all Section 1; all Section 3; all Section 5; all Section 7; all Section 9; all Section 11; all Section 13; all Section 15; all Section 17; N1/2 Section 19; N1/4 Section 21; N1/2 Section 23. Township 19 North, Range 9 East: all Section 1; all Section 12; part Section 13.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Monday, July 6, 1987, to midnight, Sunday, October 4, 1987.

WSR 87-15-009

NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD

[Memorandum—July 6, 1987]

The Public Works Board, by motion at its regular meeting on Tuesday, April 21, 1987, has taken the following actions:

The next regular meeting of the Public Works Board will begin at 8:30 a.m. on Tuesday, August 4, 1987,

Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, (206) 246-8600.

The Public Works Board will hold the next regular meeting beginning at 8:30 a.m. on Tuesday, September 1, 1987, Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, (206) 246-8600.

The Public Works Board will hold a regular meeting beginning at 8:30 a.m. on Tuesday, September 15, 1987, Sea-Tac Airport Hilton, 17620 Pacific Highway South, Seattle, (206) 244-4800.

WSR 87-15-010

NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Memorandum—July 2, 1987]

The regularly scheduled meetings of the Central Washington University board of trustees will be held in Bouillon Hall, Room 143, on the Central Washington University campus in Ellensburg at 12:00 noon on the following dates:

September 18, 1987
October 30, 1987
December 11, 1987
February 19, 1988
April 8, 1988
June 17, 1988

WSR 87-15-011

EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Order 1939—Filed July 6, 1987]

I, C. Alan Pettibone, director of [the Department of] Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to rapeseed production and establishment of districts, chapter 16-570 WAC.

I, C. Alan Pettibone, 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 Washington rapeseed production districts and industry have requested clarification and strengthening changes in the rules relating to rapeseed production in the state of Washington. The proposed rule changes are scheduled for implementation by early September 1987. This date would preclude the use of WAC 16-570-030 (3)(a) and (b) for the 1987-88 crop year as seeding would normally be accomplished prior to the implementation date, therefore they have requested the department to adopt an emergency rule on this portion only. The agency has not encountered any opposition to the proposed change, therefore supports the request.

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

This rule is promulgated pursuant to chapter 15.65 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 July 6, 1987.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1900, filed 7/30/86)

WAC 16-570-010 *DEFINITIONS*. The definitions set forth in this section apply throughout these rules unless the context clearly requires otherwise.

(1) "Board" means the rapeseed production district board as established by the director under the provisions of these rules.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(5) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land.

(6) "Rapeseed" means those species of *Brassica napus*, *Brassica campestris* and *Brassica juncea*.

(7) "Types" means those species and varieties of rapeseed classified under the following rapeseed types:

(a) *CANOLA, LOW ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (LEAR-LG)* shall be the seed of the species *Brassica napus* or *Brassica ((campestris)) campestris*, the oil components of which seed contain less than two percent erucic acid and the solid component of which seed contains less than 30 micromoles of any one or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4-pentenyl glucosinolate per gram of air dry, oil free solid as determined by any approved method.

(b) *LOW ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (LEAR-HG)* Rapeseed varieties shall contain less than two percent erucic acid in the oil of the rapeseed and more than 30 micromoles per one gram (um/g) glucosinolates in the rapeseed meal.

(c) *HIGH ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (HEAR-LG)* Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and less than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

(d) *HIGH ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (HEAR-HG)* Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and more than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

AMENDATORY SECTION (Amending Order 1900, filed 7/30/86)

WAC 16-570-030 DUTIES OF RAPESEED PRODUCTION DISTRICT BOARDS, PERSONS, PRODUCERS. (1) Duties of the board shall include:

(a) Proposing and clearly defining district/subdistrict boundaries to be submitted to the director for establishment by rule. District and subdistrict boundaries shall follow geographical and/or topographical characteristics or provide for buffer zones to provide for isolation. Consideration is to be given to existing crop production to minimize negative impact to sensitive crops and shall also be extended beyond district and state lines to minimize impacts to producers in contiguous districts or states and cooperate to avoid the need for buffer zones which could prevent producers from raising rapeseed near district or state lines.

(b) Producers and industry shall have the ability to petition the board to recommend to the director to adopt subdistricts within an initial production district, should production for multiple markets develop.

(c) The board shall designate the Washington State University extension offices to ~~((be utilized by producers in the district to register))~~ facilitate the production districts in the registration of rapeseed production fields, in accordance with subsection (2) of this section.

(d) The board shall examine the economic potential for the differing types of rapeseed, and with input from affected producers, propose the dominant type for the district and/or subdistricts. In proposing the district and/or subdistrict boundaries and the dominant types of rapeseed for production, the board shall avoid negative impacts to already existing crops. The board shall propose and recommend to the director, rules establishing a dominant rapeseed type. A public hearing shall be held no later than March 15th, with rules adopted no later than May 15th of any production year after 1986. Hearings need not be held each year if there is no petition to change existing rule(s). The board shall inform producers of the areas and type(s) that are approved for production. This may be accomplished by utilizing producer meetings, local news and radio media, and the use of Washington State University cooperative extension personnel.

(e) The board shall serve as the first level for disputes involving production of conflicting types by conducting an inquiry to determine the facts of the dispute. If resolution is not reached at the board level the board shall then render an advisory opinion to be submitted to the director for additional action.

(f) The board shall have the authority to recommend to the director production of "off type" rapeseed (other than the authorized dominant type) or rapeseed production in an area where it is otherwise prohibited under the following criteria:

(i) The producer of the "off type" rapeseed must petition the board to allow "off type" rapeseed production.

(ii) The petition shall contain the following information:

(A) Producer name, address, telephone number and location within district/subdistrict.

(B) Crop year.

(C) Variety name and species of rapeseed to be produced.

(D) Principal use of proposed production (i.e., industrial or food oil, seed, forage, cover crop etc.).

(E) Variety traits - Erucic acid and glucosinolate levels.

(F) Contracting company - (if any).

(G) Acreage to be produced.

(H) Exact legal description and reference to local landmarks of proposed acreage.

(I) Evidence of isolation of at least one-half mile, or at such greater distance as required by rule within the respective district and/or subdistrict, from other rapeseed production or other sensitive crops.

(J) Signed statements from all landowners/operators within one-half mile of the proposed production site stating that they will not plant a conflicting type during the proposed crop year.

(2) Persons or producers of rapeseed shall register all fields prior to planting, by location, type and variety of all rapeseed to be produced, with the district board at the extension ~~((agent's))~~ office ~~((as))~~ designated by the district board ~~((; prior to planting))~~.

(3) Seed certification requirements.

(a) Only certified seed ((and seed treated with Environmental Protection Agency or state approved chemicals for the control of phoma lingam (black leg) fungus)) shall be used for Washington production: PROVIDED, That ((any introduced and/or noncertified rapeseed varieties)) the variety dwarf essex may be used for seed purposes without certification as certified seed is no longer available.

(b) All rapeseed varieties utilized for Washington production shall be ((treated for and be)) accompanied by phyto-sanitary certification that it is free from phoma ((lingam)) lingam (black leg) fungus((; and)). In the event that low level phoma lingam (black leg) fungus is present, the seed must be treated with environmental protection agency and/or Washington state approved chemicals for the control of phoma ((lingam)) lingam (black leg) fungus, and recertified as free from viable phoma lingam fungus after treatment.

(4) Any person selling or offering rapeseed for sale in the state of Washington, either in person, through dealerships or through radio, video or printed media, must be licensed by the Washington state department of agriculture seed branch.

(5) Any volunteer or uncontrolled rapeseed may be subject to the Washington state noxious weed control board and chapter 17.10 RCW. Any transport of unbagged rapeseed ~~((beyond production district or subdistrict boundaries))~~ for the purpose of conveyance, shall be in suitably covered ~~((and))~~ or sealed containers or vehicles to avoid the spread of volunteer or otherwise

uncontrolled rapeseed ((in nonproduction and/or prohibited areas)). All harvesting and planting equipment shall be properly cleaned and adequate precautions taken to avoid the spread of rapeseed prior to movement from any farm or production area.

(6) The director shall have the authority to require destruction prior to bloom of any rapeseed production that does not meet the rules of the director or any established production district. In the event that the person or producer of said production does not comply with the destruction order prior to bloom, the director is authorized to have the production destroyed by a third party and the cost of such destruction is to be charged to the producer of said production.

WSR 87-15-012

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 507—Filed July 6, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of emergency rules designating areas in Eastern Washington where outdoor rule burn is suspended from the period of midnight July 6, 1987, to September 30, 1987.

I, Brian J. Boyle, 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 described areas of Eastern Washington are experiencing extreme fire danger due to adverse weather conditions.

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

This rule is promulgated pursuant to RCW 76.04.205 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 July 6, 1987.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-031 **OUTDOOR RULE BURN SUSPENSION IN PARTS OF EASTERN WASHINGTON.** Effective on Midnight July 6, 1987 through Midnight September 30, 1987 all outdoor rule burning on land protected by the Department of Natural Resources in parts of Eastern Washington shall require a written burning permit, except as follows: Burning barrels as described in WAC 32-24-225, and recreational fires in approved campgrounds at Deer Lake,

Loon Lake, Liberty Lake and Newman Lake are allowed without a written burning permit.

Effected Areas: Lands under the protection of the Department of Natural Resources in:

1. All of Spokane County.

2. Parts of Southeastern Stevens County lying within the boundaries of the Spokane River on the South, the Spokane Indian Reservation and State Route 231 to the town of Springdale on the West, State Route 292 between the town of Springdale and State Route 395 thence northerly along State Route 395 to the North Line of Township 30 North then East to the Stevens/Pend Oreille County Line on the North; the Stevens/Pend Oreille County line and the Stevens/Spokane County line on the East.

3. The North part of Lincoln County lying within Lincoln County Fire Protection Districts #4 and 7, boundaried by the Spokane River on the North and Highway 2 on the South, and respective Fire District boundaries on the East and West.

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 87-15-013

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-66—Filed July 7, 1987]

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

I, Joseph R. Blum, 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 necessary for protection of White River spring chinook returning to the Mintercreek Hatchery.

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 July 6, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19900A **CHINOOK SALMON—CLOSED AREA—CARR INLET.** Effective immediately through August 15, 1987, it is unlawful to fish for

or possess chinook salmon taken from those waters of Carr Inlet northerly of a line projected 273 degrees true from the northernmost point of land on the south side at the entrance to Horsehead Bay to the Longbranch Peninsula.

WSR 87-15-014
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-67—Filed July 7, 1987]

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

I, Joseph R. Blum, 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 rules are adopted at the recommendation of the Pacific Fisheries Management Council and are intended to conserve chinook salmon stocks.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 7, 1987.

By Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000J SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190:

(1) Effective July 8, 1987, until further notice it is unlawful to fish for salmon in Punchcard Area 4, Pacific Ocean waters, and Washington waters west of the Buoy 10 line except as provided for in this subsection:

(a) In those waters north of a line projected due west from the mouth of the Queets River and west of the mouth of the Sekiu River:

(i) Open to salmon angling until further notice or until either 2,500 chinook salmon or 26,100 coho salmon are taken, whichever comes first.

(ii) Bag Limit F, except that only one chinook salmon may be retained per day.

(iii) Barbless hooks required.

(b) In those waters south of a line projected due west from the mouth of the Queets River, north of a line

projected due west from Leadbetter Point, and west of a line seven miles to the west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside ten miles):

(i) Open to salmon angling until further notice or until either 28,000 chinook or 74,300 coho salmon are taken, whichever comes first.

(ii) Bag Limit F, except that only one chinook salmon may be retained per day.

(iii) Barbless hooks required.

(c) In those waters south of a line projected due west of Leadbetter Point, north of a line projected due west from Klipsan Beach (46 degrees 28 minutes 12 seconds North Latitude), and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside three miles):

(i) Open to salmon angling until further notice or until either 14,100 chinook or 100,500 coho salmon are taken, whichever comes first, from these waters and those waters south of the red buoy line at the mouth of the Columbia River and north of Cape Falcon, Oregon.

(ii) Bag Limit F.

(iii) Barbless hooks required.

(iv) No fish taken in the fishery provided for in subsection (c) may be landed at a coastal Washington port north of Leadbetter Point nor at any Willapa Bay nor Grays Harbor port.

(d) In all open areas provided for in this subsection it is unlawful to fish for salmon from 12:01 a.m. Friday to 11:59 p.m. Saturday of each week.

(2) Effective July 8, 1987 until further notice:

(a) In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.

(b) In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length. This subsection does not effect the chinook closure through August 31 in Port Susan. See WAC 220-56-199.

(3) Effective July 8, 1987, until further notice those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling, except that it is lawful to fish for and possess pink salmon taken from these waters during the period August 22 through September 11, 1987. The special daily bag limit is two pink salmon. Barbless hooks are required and any salmon other than pink salmon must be released immediately.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 8, 1987:

WAC 220-56-19000I SALTWATER SEASONS AND BAG LIMITS. (87-64)

WSR 87-15-015
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-68—Filed July 7, 1987]

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

I, Joseph R. Blum, 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 harvestable numbers of salmon are available, and these regulations are adopted at the recommendation of the Pacific Fisheries Management Council and the International Pacific Salmon Fisheries Commission.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 7, 1987.

By Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-20-02000V **LAWFUL ACTS—TROLL FISHERY.** Notwithstanding the provisions of WAC 220-20-010, 220-20-020, and 220-20-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or west of the Buoy 10 Line except as provided for in this section:

(1) Effective 12:01 a.m. July 25 through 11:59 p.m. July 27 and 12:01 a.m. July 31, 1987, until either 15,000 chinook or 121,200 coho salmon, whichever occurs first, are taken or killed, open to salmon troll fishing in those waters south of a line projected due west from the mouth of the Queets River and north of a line due west from Cape Falcon, Oregon, except for a closed conservation zone at the mouth of the Columbia River described as those waters bounded by a line extending six

nautical miles due west from North Head along 46 degrees, 18 minutes, 00 seconds north latitude to 124 degrees, 13 minutes, 18 seconds west longitude, thence southerly 167 degrees true to a point 46 degrees, 11 minutes, 06 seconds north latitude, 124 degrees, 11 minutes, 00 seconds west longitude, thence east along the Red Buoy Line to shore, from which conservation zone no salmon may be taken or possessed.

(i) All salmon taken by Washington fishermen during the period July 25 to July 27, 1987 must be landed prior to 11:59 p.m. July 28, 1987.

(ii) Salmon taken in the above described fishery must be landed in the coastal Washington ports of Westport, Ilwaco, or Chinook, unless notification is made to the department or the United States Coast Guard prior to leaving the area. Such notification must include the name of the vessel, port of delivery, approximate number of salmon by species, and estimated time of arrival.

(2) Effective 12:01 a.m., August 15, 1987, or when department sampling indicates an 8:1 pink salmon to coho salmon ratio, whichever occurs first, until either 4,000 chinook or 20,000 coho salmon, whichever occurs first, are taken or killed, open to salmon troll fishing in those waters south of the United States-Canada border and north of a line projected east-west through Carroll Island, except for a closed conservation zone defined as those waters bounded by a line from Bonilla Point on Vancouver Island to a point 48 degrees, 20 minutes, 00 seconds north latitude, 124 degrees 51 minutes 00 seconds west longitude, thence to a point 48 degrees 13 minutes 00 seconds north latitude, 124 degrees 54 minutes 00 seconds west longitude thence to a point 48 degrees 00 minutes 18 seconds north latitude, 124 degrees 55 minutes 00 seconds west longitude, thence to Carroll Island, from which conservation zone no salmon may be taken or possessed.

(i) At least 8 pink salmon must be retained for each coho retained, and at least 20 pink salmon must be retained for each chinook salmon retained, except that a single daily possession and landing not to exceed one coho and one chinook may be made without meeting the species ratio.

(ii) Salmon taken in the above described fishery must be landed in the coastal Washington ports of Neah Bay or La Push, unless notification is made to the department or the United States Coast Guard prior to leaving the area. Such notification must include the name of the vessel, port of delivery, approximate number of salmon by species, and estimated time of arrival.

(iii) Terminal gear is restricted to flashers with bare, blued hooks.

(3) In the fisheries provided for in this section it is unlawful to use barbed hooks.

(4) Lawful minimum size is 28 inches in length for chinook and 16 inches in length for coho. There is no minimum size for pink salmon.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-20-02000U **LAWFUL ACTS—TROLL FISHERY.** (87-42)

WSR 87-15-016**ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 224, Resolution No. 233—Filed July 7, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Fortified wine—Exception to definition when affidavit on file, WAC 314-24-095.

This action is taken pursuant to Notice No. WSR 87-12-028 filed with the code reviser on May 29, 1987. 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 386, Laws of 1987, 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 July 7, 1987.

By L. H. Pedersen
Chairman

NEW SECTION

WAC 314-24-095 **FORTIFIED WINE—EXCEPTION TO DEFINITION WHEN AFFIDAVIT ON FILE.** (1) All wines which have an alcohol content equal to or greater than fourteen percent of alcohol by volume shall be considered to be "fortified wine" as defined in RCW 66.04.010(34) until an affidavit of exception, on a form prescribed by the board, has been filed with the board certifying that said wine qualifies under one or more of the statutory exclusions from that definition.

(2) The affidavit may be filed by either the manufacturer, importer or wholesaler of the wine, and whichever licensee files the affidavit is responsible for the information contained therein. Any affidavit which the board finds to contain false information shall result in suspension of label and product approval for the wine which is the subject of the affidavit for a period of not less than one year.

WSR 87-15-017**PROPOSED RULES****DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed July 7, 1987]

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 transporting fuel powered vehicles as it relates to recreational vehicles, WAC 296-150B-320;

that the agency will at 9:00 a.m., Thursday, September 3, 1987, in the General Administration Building, First Floor Conference Room, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 5, 1987.

The authority under which these rules are proposed is RCW 43.22.340 through 43.22.445.

The specific statute these rules are intended to implement is RCW 43.22.340 through 43.22.445.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 3, 1987.

Dated: July 7, 1987

By: Joseph A. Dear
[Deputy] Director

STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 296-150B WAC, Construction standards for mobile homes, commercial coaches and recreational vehicles which includes WAC 296-150B-320, requirements for transporting fuel powered vehicles as it relates to recreational vehicles.

Statutory Authority: Chapter 43.22 RCW.

Specific Statute that Rules are Intended to Implement: Chapter 43.22 RCW.

Summary of the Rule: Defines general language used in the mobile home, commercial coach and recreational vehicle industries; and provides requirements for transporting fuel powered vehicles as it relates to recreational vehicles.

Reasons Supporting the Proposed Rule: To provide the department with adequate rules for transporting fuel powered vehicles as it relates to recreational vehicles.

Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules: James E. Arvan, Chief of Construction Compliance, 805 Plum Street S.E., P.O. Box 9689, Olympia, Washington 98504-9689, phone (206) 586-0215.

Name of the Person or Organization Whether Private, Public or Governmental that is Proposing the Rules: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation and Fiscal Matters Pertaining to the Rules: None.

The rules are 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 Rules or Their Purpose: None.

A small business impact statement is not required since these rules do not impose any fiscal requirements

other than those contained in the statute the proposed rules are intended to implement.

NEW SECTION

WAC 296-150B-320 TRANSPORTATION OF FUEL POWERED VEHICLES. (1) Recreational vehicles as defined in this section, having systems installed to accommodate temporary living quarters, shall not include provisions to internally transport or store any other type of fuel powered vehicle or equipment.

(2) Unless a permanent one hour wall assembly, as defined in the Model Building Code, is installed as a permanent partition between storage area and the temporary living area, there shall be no protrusions into this wall assembly. Access to the vehicles or equipment compartment shall be from the exterior of the unit and that access shall be in addition to and separate from the access or exit from the living section. Nothing herein shall exclude the external transport of such equipment.

WSR 87-15-018
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Order PM 662—Filed July 7, 1987]

I, Theresa Anna Aragon, director of the state of Washington Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to dispensing opticians' examination appeal procedures, new section WAC 308-26-025.

I, Theresa Anna Aragon, 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 that it is necessary to have examination appeal procedures in effect for the dispensing opticians' examination, including the examination administered in June 1987.

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

This rule is promulgated under the general rule-making authority of the director of the Department of Licensing as authorized in RCW 43.24.060.

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 July 2, 1987.

By Theresa Anna Aragon
Director

NEW SECTION

WAC 308-26-025 EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the dispensing optician examining committee of his or her examination results. This request must be in writing and must be received by the department within thirty (30) days of the postmark of notification of the examination results. The committee will not set aside its prior determination unless the candidate

shows conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the Department of Licensing office in Olympia for an appointment to appear personally to review incorrect answers on the written portion of failed examination, and score sheets on the failed practical portion of the examination.

(b) The candidate will be provided a form to complete in the Department of Licensing office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining committee.

(e) The candidate may not bring in notes or texts for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The examining committee will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the dispensing optician examining committee pursuant to the administrative procedures act. Such written request for hearing must be received by the Department of Licensing within twenty (20) days of the postmark of the result of the committee's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining committee will not set aside its prior determination unless the candidate shows conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts and documents;

- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and,
- (f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty (20) days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the applicant at the formal hearing shall be limited to those issues raised by the applicant for consideration at the informal review unless amended by a prehearing order.

WSR 87-15-019

ADOPTED RULES

HORSE RACING COMMISSION

[Resolution No. 87-02—Filed July 8, 1987]

Be it resolved by the Washington Horse Racing Commission, acting at Nendel's Motor Inn, 15900 West Valley Road, Tukwila, WA, that it does adopt the annexed rules relating to:

- Amd WAC 260-24-280 Stewards—Authority to award punishment.
- Amd WAC 260-36-040 Registration of personnel other than owners, trainers, and jockeys—Fees.
- Amd WAC 260-44-080 Weighing out—Overweight—Declarations—Posting—Maximum.

This action is taken pursuant to Notice No. WSR 87-08-029 filed with the code reviser on March 26, 1987. 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 Washington Horse Racing Commission as authorized in RCW 67.16.020 and 67.16.040.

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 May 12, 1987.

By Lyle Smith
Chairman

AMENDATORY SECTION (Amending Order 86-02, filed 4/21/86)

WAC 260-36-040 REGISTRATION OF PERSONNEL OTHER THAN OWNERS, TRAINERS AND JOCKEYS—FEE. (1) Any person acting in an official capacity or any person employed on a race track other than a groom or concession employee shall be licensed by the Washington horse racing commission for three years and the fee shall be \$15.00.

(2) All grooms and concession employees shall be licensed by the Washington horse racing commission for one year and the fee shall be \$5.00.

(3) Any person who serves as a volunteer and is not an owner, trainer, or jockey shall be licensed by the Washington horse racing commission for one year and the fee shall be \$5.00.

(4) All employees of the Washington horse racing commission shall be exempt from any license fees but shall be issued a photo identification badge which shall be displayed in the same manner as all other licensees while in the performance of their duties at the track.

AMENDATORY SECTION (Amending Order 75-1, filed 2/18/75)

WAC 260-44-080 WEIGHING OUT—OVERWEIGHT—DECLARATIONS—POSTING—MAXIMUM. (1) If a jockey intends to carry overweight, he must declare the amount thereof at the time of weighing out, or if in doubt as to his proper weight, he may declare the weight he will carry.

(2) If a jockey intends to carry overweight exceeding by more than two pounds the weight which his horse is to carry, the owner or trainer consenting, he must declare the amount of overweight to the clerk of the scales at least forty-five minutes before the time appointed for the race, and the clerk shall cause the overweight to be stated on the notice board immediately. Failure on the part of a jockey to comply with this rule shall be reported to the stewards.

(3) No horse shall carry more than seven pounds overweight.

(4) However, at nonprofit race tracks, horses may carry more than seven pounds overweight with the permission of the stewards up to a maximum weight of one hundred thirty-five pounds, except handicaps and races where the conditions expressly state to the contrary.

AMENDATORY SECTION (Amending Order 81-01, filed 3/24/81)

WAC 260-24-280 STEWARDS—AUTHORITY TO AWARD PUNISHMENT. The stewards have the power to punish at their discretion any person subject to their control either by suspension of the privilege of attending the races during the meeting; or by suspension from acting or riding during the meeting; or by fine not exceeding (~~(\$400.00)~~) \$750.00; or both, and if in their discretion they deem it necessary they may impose a suspension up to thirty days beyond the meet; for any further punishment or additional fine, they shall so report to the commission. Persons subject to these rules are deemed to come within the control of the board of

stewards assigned to a meet beginning on the day an association accepts entries for the first day of racing of that meet.

WSR 87-15-020

ADOPTED RULES

HORSE RACING COMMISSION

[Resolution No. 87-03—Filed July 8, 1987]

Be it resolved by the Washington Horse Racing Commission, acting at Nendel's Motor Inn, 15900 West Valley Road, Tukwila, WA, that it does adopt the annexed rules relating to:

Amd	WAC 260-70-010	Definitions applicable to chapter 260-70 WAC.
Amd	WAC 260-70-021	Medication standards.
Amd	WAC 260-70-025	Bleeder list.
Amd	WAC 260-70-026	Bleeder treatment.
Amd	WAC 260-70-050	Procedure for taking specimens.
Amd	WAC 260-70-090	Permitted medications.
Amd	WAC 260-70-120	Sampling medication and drugs.
Amd	WAC 260-70-170	Veterinarian report.

This action is taken pursuant to Notice No. WSR 87-09-077 filed with the code reviser on April 22, 1987. 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 Washington Horse Racing Commission as authorized in RCW 67.16.020 and 67.16.040.

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 May 28, 1987.

By Lyle Smith
Chairman

AMENDATORY SECTION (Amending Order 86-02, filed 4/21/86)

WAC 260-70-010 DEFINITIONS APPLICABLE TO CHAPTER 260-70 WAC. As used in this chapter, unless the context clearly requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" means and includes any substance used to treat(~~(, cure, and)~~) or prevent disease, relieve pain, or improve ((~~or pre-~~serve)) health(~~(, including vitamins, food additives, minerals, and domestic remedies)~~) with the exception of prohibited drugs.

(2) "Prohibited drugs" means (a) any medication or metabolic derivatives thereof which is ((~~α~~)) an analgesic, including narcotics(,); or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, or bronchial dilators; or (b) any interfering substance.

(3) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Approved nonsteroidal anti-inflammatory drug (NSAID)" includes and is limited to phenylbutazone(~~(^α means phenylbutazone,)~~) or oxyphenylbutazone(~~(, or their derivatives or metabolites thereof)~~); flunixin; naproxen and meclofenamic acid used in the manner described in WAC 260-70-090.

(5) "Bleeder" means a horse which hemorrhages from ((the respiratory tract)) a nostril or into its trachea during a race or ((within one hour post race or)) during exercise or within one hour of ((such)) the race or exercise.

(6) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission veterinarian.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-021 MEDICATION STANDARDS. (1) No horse shall have in its body any prohibited drug or interfering substance while participating in a race.

(2) No person shall administer, attempt to administer, or aid or abet in the administration of, any medication or drug to a horse on the day of a race in which the horse is entered at any time prior to the race except in accordance with this rule.

(3) Subject to the provisions of this rule, medication calculated to improve or protect the health of a horse may be administered to a horse in training.

(4) The administration of medication to any horse on race day, except as hereinafter provided, is prohibited. For the purpose of this rule, the day of the race shall be deemed to commence at 9:00 p.m. on the day preceding the race.

(5) ~~((Nutritional aids, administered orally only, will be permitted at any time.~~

(~~6~~)) Approved nonsteroidal anti-inflammatory drugs (NSAIDS) may be administered to a horse, but not on race day. No more than one of the NSAIDS may be used on or carried in a horse's body at any one time.

((~~7~~)) (~~6~~) Notwithstanding any other provision of this rule, no two-year old horse shall carry in its body while participating in a race any medication, including medications defined in WAC 260-70-010 (1) through (4) and 260-70-090 (1) through ((~~5~~)) (4). Vitamins are permitted, however, if they do not interfere with testing. The finding of any medication ~~((prohibited herein))~~ in a two-year old horse participating in a race shall disqualify the owner of such horse from participating in the purse distribution; and in addition the stewards may take any authorized action they may consider necessary to preserve the integrity of racing.

((~~8~~)) (~~7~~) In the case of delayed-release substances, the time of administration shall be deemed that time at which such medication, drug, or substance is released within the body of a horse.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-025 BLEEDER LIST. A horse which during the race or following the race, or which during exercise or following exercise is found to be hemorrhaging from one or both nostrils (~~((or is found to have bled internally;))~~) or is found to have bled into the trachea is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the trainer must obtain a certificate of examination from the commission veterinarian and the horse is then placed on the official bleeder list. The commission veterinarian must, by examination, and/or in consultation with the stewards, establish that the horse did in fact hemorrhage from one or both nostrils or that an endoscopic examination in the test barn (~~((of the horse))~~) or receiving barn showed observable amounts of free blood in the respiratory tract. When confirmed by the commission veterinarian, the horse shall be placed on the bleeder list which is maintained by the commission veterinarian. Once on the list, a horse shall be removed from the bleeder list only upon the directions of the commission veterinarian, who must certify in writing to the commission his recommendation for removal of the horse from the list. The list is a state-wide list (~~((and))~~) that applies only at all race meetings at Longacres, Playfair, and Yakima Meadows and not at any other track.

Once a horse is placed on the bleeder list, the horse must be assigned to a prerace security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the commission veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall must be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner.

Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-026 BLEEDER TREATMENT. A horse on the bleeder list must be treated at least four hours prior to post time with (~~((bleeder medication, which may be))~~) furosemide (i.e., Lasix®.) No other medication is permitted for bleeder treatment unless or except as approved by the commission. Bleeder medication must be administered in the manner approved by the commission veterinarian, and furosemide (i.e., Lasix®) by oral administration is NOT PERMITTED for such

purposes. The bleeder medication shall be administered by the horse's regular veterinarian, and may be witnessed by the commission veterinarian or his designee.

AMENDATORY SECTION (Amending Order 78-1, filed 5/4/78)

WAC 260-70-050 PROCEDURE FOR TAKING SPECIMENS. All horses from which specimens are to be drawn are to be taken to the detention area at the prescribed time and remain there until released by the commission veterinarian. No person other than the owner, trainer, groom, or hotwalker of a horse to be tested, and no lead pony, shall be admitted to the detention area without permission of the commission veterinarian.

(a) During the taking of specimens from a horse, the owner or responsible trainer (who in the case of a claimed horse shall be the person in whose name such horse raced), or a stable representative designated by such owner or trainer, shall be present and witness the taking of such specimens and so signify in writing.

(b) Samples taken from a horse by the commission veterinarian or his assistant shall be placed in a container and sealed together with a (~~((double))~~) triple identification tag. One portion of such tag bearing a printed identification number shall remain with the sealed container; the other portion of such tag bearing the same printed identification number shall be detached in the presence of the witness and the commission veterinarian shall thereon identify the horse from which such specimen was taken, as well as the race and day, verified by such witness, and such detached portion of identification tag shall be kept by the commission veterinarian for delivery only to the stewards and/or the racing commission. The commission veterinarian shall take every precaution to insure that the commission chemist and no member of the laboratory staff shall know the identity of the horse from which the specimen has been taken prior to the completion of all testing thereon.

(c)(1) If, after a horse remains a reasonable time in the detention area and a specimen may not be taken from such a horse, the commission veterinarian may permit such horse to be returned to its barn in usual surroundings for the taking of the specimen under the supervision of the commission veterinarian.

(2) With the consent of the trainer or attendant the commission veterinarian may administer to the horse a diuretic to facilitate urination. Quantity, identity, and time of administration shall be noted on both portions of the specimen tag by the commission veterinarian.

(d) The commission veterinarian shall be responsible for safeguarding all specimens while in his possession and shall cause such specimens to be delivered only to the chief chemist as soon as possible after sealing, but in such order or in such manner as not to reveal the identity of any horse from which each sample was taken.

(e) All specimens taken by or under the supervision of the commission veterinarian or other authorized representative of the commission shall be delivered to the chief chemist at the laboratory of the commission for official analysis.

(f) Notwithstanding the provisions of these rules requiring certain functions to be performed by the commission veterinarian, he may delegate any of such duties to an authorized representative or representatives, approved by the commission, so long as such delegation is not of a duty which would under the appropriate statutes be defined as the practice of veterinary medicine.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-090 ~~PERMITTED ((MEDICATION)) LEVEL OF APPROVED NSAIDS. ((Horses))~~ Trainers using permitted medication in the care of their horses are subject to all rules governing such medications ((plus)). Those using approved NSAIDS are also subject to these additional rules:

(1) ~~PHENYLBUTAZONE ((and)) or OXYPHENYLBUTAZONE shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of ((the drug substance, its metabolites and analogs)) phenylbutazone or 5 micrograms of oxyphenylbutazone per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites and analogs per milliliter of urine.~~

(2) ~~NAPROXEN shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites or analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites or analogs per milliliter of urine.~~

(3) ~~FLUNIXIN shall be administered in such dosage amount that the test sample shall not contain more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.~~

(4) ~~MECLOFENAMIC ACID shall be administered in such dosage amount that the test sample shall contain not more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.~~

(5) ~~No horse on a program of permitted medication shall be permitted to race without such medication ((unless authorized to do so by the stewards or their representative)).~~

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74, effective 7/1/74)

WAC 260-70-120 SAMPLING MEDICATIONS AND DRUGS. The state veterinarian, the test barn veterinarian, any duly authorized inspector of the commission, or any member of the board of stewards may take samples of any medicine or other materials suspected of containing improper medication or drugs which would affect the racing condition of a horse in a race, which may be found in stables or elsewhere on race tracks or in the possession of such tracks or any person connected with racing on the grounds of an association and the same shall be delivered to the chief chemist of the commission for analysis under the same conditions as in this article prescribed for analysis of ~~((saliva))~~ blood and urine.

AMENDATORY SECTION (Amending Order 79-03, filed 5/7/80)

WAC 260-70-170 VETERINARIAN REPORT. Every veterinarian who treats a horse upon the approved grounds shall, in writing on a form prescribed by the commission, report to the commission veterinarian in a manner and at a time prescribed by him/her, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the commission veterinarian. Detection of any unreported medication, drug, or substance; or failure to detect any permitted medication, drug or substance by the chief chemist in a test may be grounds for disciplinary action. A list of horses on a program of permitted medication shall be kept in the office of the commission and shall be available for public inspection.

WSR 87-15-021

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

[Order 109—Filed July 8, 1987]

I, Duane Berentson, secretary of [the Department of] Transportation, do promulgate and adopt at Highway Administration Building, Olympia, Washington, the annexed rules concerning guides for control of access on crossroads and interchange ramps, WAC 468-58-080.

This action is taken pursuant to Notice No. WSR 87-09-006 filed with the code reviser on April 3, 1987. 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 47.01.101(5) which directs that the Department of Transportation has authority to implement the provisions of RCW 47.52.020.

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 July 7, 1987.

By A. D. Andreas
Deputy Secretary

AMENDATORY SECTION (Amending Order 34, filed 7/23/79)

WAC 468-58-080 GUIDES FOR CONTROL OF ACCESS ON CROSSROADS AND INTERCHANGE RAMPS. (1) Fully controlled highways, including interstate.

(a) There shall be no connections to abutting property or local service or frontage roads within the full length of any "off" or "on" interchange ramp from a fully controlled limited access highway. Such ramp shall be considered to terminate at its intersection with the local road which undercrosses or overcrosses the limited access facility, provided that in urban areas "off" and "on" ramps may be terminated at local streets other than

crossroads where necessary to service existing local traffic.

(b) There shall be no direct connections from the limited access facility in rural areas to local service or frontage roads except through interchanges.

(c) In both urban and rural areas access control on a fully controlled highway shall be established along the crossroad at an interchange for a minimum distance of three hundred feet beyond the centerline of the ramp or terminus of transition taper. If a frontage road or local road is located in a generally parallel position within three hundred fifty feet of a ramp, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad.

(d) Full control of access should be provided along the crossroad from the centerline of a ramp or terminus of a transition taper for a minimum distance of three hundred feet. Upon determination by the department, full control of access may be provided for the first one hundred thirty feet from the centerline of the ramp or terminus of a transition taper and partial control or modified control of access may be provided for the remainder of the distance to the frontage road or local road for a total minimum distance for the two types of control of three hundred feet. Type A, B, C, D and E road approaches, as defined hereafter under subsection (3) of this section, "general," may be permitted on that portion of the crossroad on which partial or modified control of access is established.

(2) Partially controlled highways.

(a) There shall be no connections to abutting property or local service or frontage roads within the full length of any "off" or "on" interchange ramp from a partially controlled limited access highway. Such ramp shall be considered to terminate at its intersection with the local road which undercrosses or overcrosses the limited access facility, provided that in urban areas "off" and "on" ramps may be terminated at local streets other than crossroads where necessary to service existing local traffic.

(b) In both urban and rural areas access control on a partially controlled highway shall be established along the crossroad at an interchange for a minimum distance of three hundred feet beyond the centerline of the ramp or terminus of transition taper. If a frontage road or local road is located in a generally parallel position within three hundred fifty feet of a ramp, access control ~~((may))~~ should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad.

(c) Access control limits at the crossroads on a partially controlled highway should be established along the crossroad at a grade intersection for a minimum distance of three hundred feet from the centerline of the nearest directional roadway. If a parallel road is located within three hundred fifty feet of said grade intersection, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection

of the parallel road and crossroad. Type D and E approaches may be permitted closer than one hundred thirty feet from the center of the intersection only when they already exist and cannot reasonably be relocated.

(d) Access control limits at intersections on modified control highways should be established along the crossroad for a minimum distance of one hundred thirty feet from the centerline of a two-lane highway or for a minimum of one hundred ~~((fifty))~~ thirty feet from centerline of the nearest directional roadway of a four-lane highway. Type D and E approaches should be allowed within this area only when no reasonable alternative is available.

(3) General.

(a) Access control may be increased or decreased beyond or under the minimum requirements to fit local conditions if so determined by the department.

(b) Type A, B, C, D and E approaches are defined as follows:

(i) Type A approach. Type A approach is an off and on approach in legal manner, not to exceed ~~((fourteen))~~ thirty feet in width, for sole purpose of serving a single family residence. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

(ii) Type B approach. Type B approach is an off and on approach in legal manner, not to exceed ~~((twenty))~~ fifty feet in width, for use necessary to the normal operation of a farm, but not for retail marketing. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

(iii) Type C approach. Type C approach is an off and on approach in legal manner, for special purpose and width to be agreed upon. It may be specified at a point satisfactory to the state at or between designated highway stations.

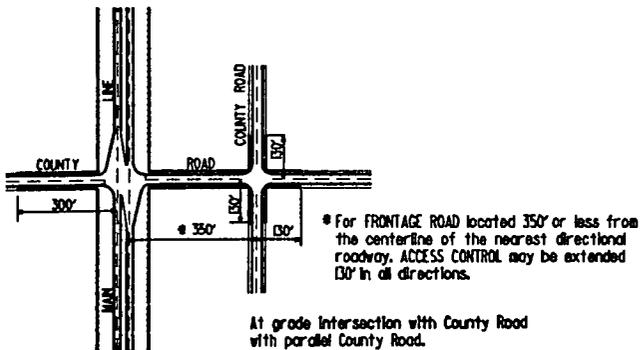
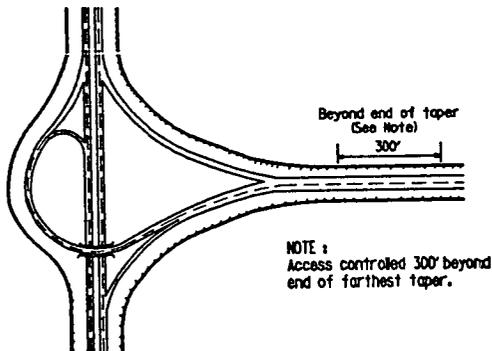
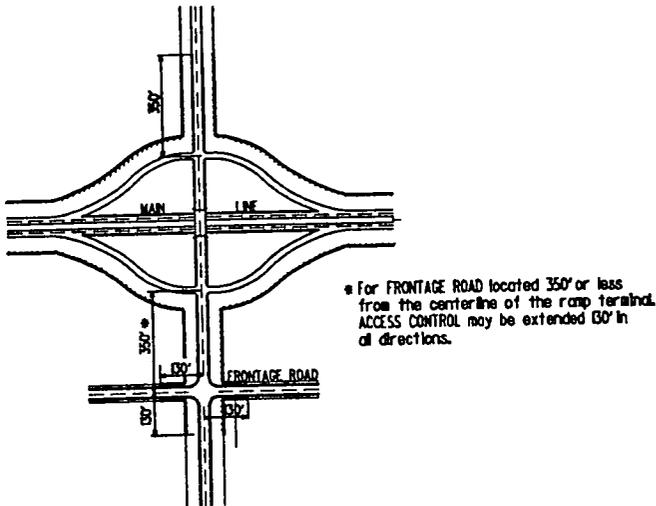
(iv) Type D approach is an off and on approach in a legal manner not to exceed fifty feet in width for use necessary to the normal operation of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. ~~((Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary. Noncompliance or violation of these conditions will result in the immediate closure of the approach.))~~

(v) Type E approach is a separated off and on approach in a legal manner, with each opening not exceeding thirty feet in width, for use necessary to the normal operations of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations.

~~((c))~~ (c) Under no circumstances will a change in location or width of ~~((this))~~ an approach be permitted unless approved by the secretary. Noncompliance or violation of these conditions will result in the immediate closure of the approach.

~~((c))~~ (d) Commercial approaches shall not be permitted within the limits of access control except where modified access control has been approved by the department.

((†)) (e) All access control shall be measured from the centerline of the ramps, crossroads or parallel roads or from the terminus of transition tapers. On multiple lane facilities measurement shall be from the centerline of the nearest directional roadway.



WSR 87-15-022
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 87-69—Filed July 8, 1987]

I, Joseph R. Blum, 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 87-12-063 filed with the code reviser on June 2, 1987. 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 July 7, 1987.

By Ronald E. Westley
 for Joseph R. Blum
 Director

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

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 except as authorized by permit issued by the director for display or scientific 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 86-14, filed 3/28/86)

WAC 220-52-069 SCALLOP FISHERY. (1) It is lawful at any time to take or fish for scallops for commercial purposes in coastal waters with otter trawl or beam trawl or scallop dredge gear. Minimum and maximum size for trawl gear are concurrent with sizes used in coastal shrimp fishing, see WAC 220-52-054. Scallop dredge gear may not exceed fifteen feet in width nor have a ring size of less than three inches inside diameter

except as authorized under a permit issued by the director.

(2) It is lawful at any time to take or fish for scallops for commercial purposes in Puget Sound waters with scallop dredge gear not exceeding fifteen feet in width or having a ring size of not less than three inches inside diameter. It is lawful to take and possess scallops taken incidental to bottomfish trawl fishing as authorized under chapter 220-48 WAC. The taking of scallops with trawl gear at times or of size other than those authorized under chapter 220-48 WAC, with scallop dredge gear of a size other than that provided for in this section, ~~((with dip bag net gear,))~~ or by shellfish diver gear is prohibited except as authorized under permit issued by the director.

(3) It is unlawful at any time to take or possess rock scallop unless a person has first obtained 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.

AMENDATORY SECTION (Amending Order 86-199, filed 12/30/86)

WAC 220-52-071 SEA CUCUMBERS. (1) It is unlawful for ~~((divers))~~ persons possessing shellfish diver gear licenses to take or possess sea cucumbers taken for commercial purposes without first having obtained a permit issued by the director.

(2) It is unlawful to take or possess sea cucumbers taken for commercial purposes by divers operating from a vessel without having a number assigned by the department placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air, and the letters must be black on white no less than eighteen inches in height and of proportionate width.

(3) It is lawful to take, fish for and possess sea cucumbers for commercial purposes with ~~((dip bag net gear during seasons provided for in WAC 220-52-072, and with))~~ trawl gear ~~((in))~~ as authorized under chapter 220-48 WAC during seasons and within areas ~~((open to bottom fish trawling))~~ provided for in WAC 220-52-072, or as authorized by a permit issued by the director.

(4) It is unlawful to take or possess sea cucumbers taken for commercial purposes ~~((with dip bag net gear))~~ by shellfish divers from one-half hour before official sunset to official sunrise or 6:00 a.m. whichever is later. It is unlawful to take or possess sea cucumbers taken for commercial purposes ~~((with dip bag net gear))~~ by shellfish divers on Sunday.

(5) It is unlawful to take, fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumbers on board.

AMENDATORY SECTION (Amending Order 86-123, filed 9/23/86)

WAC 220-52-073 SEA URCHINS. (1) It is unlawful to take or possess sea urchins taken for commercial purposes except by ~~((divers))~~ persons possessing

shellfish diver gear licenses using hand-operated equipment that does not penetrate the shell unless authorized by a permit issued by the director.

(2) It is unlawful to take sea urchins for commercial purposes in waters shallower than 10 feet below mean lower low water.

(3) It is unlawful to take or possess purple sea urchins taken for commercial purposes.

(4) It is unlawful to take or possess red sea urchins taken for commercial purposes greater than 4.50 inches or less than 3.0 inches in diameter measured at the largest diameter of the shell, exclusive of the spines unless authorized by a permit issued by the director.

(5) It is unlawful to take or possess green sea urchins taken for commercial purposes unless authorized by a permit issued by the director.

(6) It is unlawful to take, fish for or possess sea urchins for commercial purposes without having a number, which has been assigned by the department of fisheries, placed in a visible location on each side of each vessel and on the top in a manner to be clearly visible from the side or from the air. The letters and numbers shall be black on white and shall be not less than 18 inches high and of proportionate width.

(7) It is unlawful to harvest sea urchins for commercial purposes from one-half hour after sunset to one-half hour before sunrise.

(8) No processing of sea urchins is permitted aboard the harvest vessel.

(9) It is unlawful to take or possess sea urchins taken for commercial purposes except for use as human food unless authorized by a permit issued by the director.

AMENDATORY SECTION (Amending Order 86-199, filed 12/30/86)

WAC 220-52-075 SHELLFISH HARVEST LOGS. It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop, 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, except that commercial sea cucumber harvest logs must be received for each month of the season provided for in WAC 220-52-072 regardless of whether harvest activity occurred during the month, and all shellfish harvesters must submit a log that must be received by the tenth day following the termination of commercial fishing activity showing that shellfish harvest has terminated for the year.

(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, postmarked 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 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.

WSR 87-15-023
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-71—Filed July 8, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 necessary for the conservation of chinook salmon stocks.

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 July 8, 1987.

By Gene DiDonato
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-56-19000K SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190:

(1) *Effective July 12, 1987, until further notice it is unlawful to fish for salmon in Punchcard Area 4, Pacific Ocean waters, and Washington waters west of the Buoy 10 line except as provided for in this subsection:*

(a) *In those waters north of a line projected due west from the mouth of the Queets River and west of the mouth of the Sekiu River:*

(i) *Open to salmon angling until further notice or until either 2,500 chinook salmon or 26,100 coho salmon are taken, whichever comes first.*

(ii) *Bag Limit F, except that only one chinook salmon may be retained per day.*

(iii) *Barbless hooks required.*

(iv) *The following waters are closed to salmon angling: Those waters bounded by a line projected due north one mile from Koitlah Point, thence westerly meandering one mile off-shore to Tatoosh Light, thence southerly in a straight line to the Umatilla Reef Light, thence due east to shore.*

(b) *In those waters south of a line projected due west from the mouth of the Queets River, north of a line projected due west from Leadbetter Point, and west of a line seven miles to the west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside ten miles):*

(i) *Open to salmon angling until further notice or until either 28,000 chinook or 74,300 coho salmon are taken, whichever comes first.*

(ii) *Bag Limit F, except that only one chinook salmon may be retained per day.*

(iii) *Barbless hooks required.*

(c) In those waters south of a line projected due west of Leadbetter Point, north of a line projected due west from Klipsan Beach (46 degrees 28 minutes 12 seconds North Latitude), and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside three miles):

(i) Open to salmon angling until further notice or until either 14,100 chinook or 100,500 coho salmon are taken, whichever comes first, from these waters and those waters south of the red buoy line at the mouth of the Columbia River and north of Cape Falcon, Oregon.

(ii) Bag Limit F.

(iii) Barbless hooks required.

(iv) No fish taken in the fishery provided for in subsection (c) may be landed at a coastal Washington port north of Leadbetter Point nor at any Willapa Bay nor Grays Harbor port.

(d) In all open areas provided for in this subsection it is unlawful to fish for salmon from 12:01 a.m. Friday to 11:59 p.m. Saturday of each week.

(2) Effective July 12, 1987 until further notice:

(a) In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.

(b) In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length. This subsection does not effect the chinook closure through August 31 in Port Susan. See WAC 220-56-199.

(3) Effective July 12, 1987, until further notice those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling, except that it is lawful to fish for and possess pink salmon taken from these waters during the period August 22 through September 11, 1987. The special daily bag limit is two pink salmon. Barbless hooks are required and any salmon other than pink salmon must be released immediately.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 12, 1987:

WAC 220-56-19000J SALTWATER SEASONS AND BAG LIMITS. (87-67)

WSR 87-15-024
RULES OF COURT
STATE SUPREME COURT
[July 2, 1987]

IN THE MATTER OF THE
AMENDMENT TO CAR 4

NO. 25700-A-401
ORDER

The Court of Appeals having proposed an amendment to CAR 4 and the Court having determined that the Rule will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption; Now, therefore, it is hereby

ORDERED:

(a) That the Rule as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the Rule will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 2nd day of July, 1987.

Vernon R. Pearson

Andersen, J.

Brachtenbach, J.

Callow, J.

Dore, J.

Goodloe, J.

Dolliver, J.

Durham, J.

COURT OF APPEALS ADMINISTRATIVE RULES
RULE 4
SESSIONS

The regular sessions of each division of the Court of Appeals shall be held at the headquarters, and, by orders of the Chief Judge of the division, at such other locations as authorized by statute, or at such other locations within the division as may be designated by order of the Chief Judge of the division. Pursuant to Laws of 1969, 1st Ex. Sess., ch. 221, the first division shall have its headquarters in Seattle; the second division shall have its headquarters in Tacoma; and the third division shall have its headquarters in Spokane. Conferences and ceremonial sessions may be held at any location within the geographical boundaries of any division by order of its Chief Judge.

WSR 87-15-025
PROPOSED RULES
STATE EMPLOYEES INSURANCE BOARD
[Filed July 9, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning the repeal of WAC 182-12-126, new section WAC 182-12-127 and amending WAC 182-08-060;

that the agency will at 9:15 a.m., Friday, September 11, 1987, in the Department of Transportation, Materials Lab Building, Tumwater, Washington, 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 chapter 41.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 4, 1987.

Dated: July 9, 1987

By: C. H. Shay
Assistant Benefits Manager

STATEMENT OF PURPOSE

Repealing WAC 182-12-126 Extension of retiree dependents eligibility; new section WAC 182-12-127 Extension of retiree dependents eligibility; and amending WAC 182-08-060 Approval of health maintenance organization plans.

Statutory Authority: Chapter 41.05 RCW.

WAC 182-12-127 replaces WAC 182-12-126 and sets forth required provisions of federal law, P.L. 99-272, which allows continuation of medical and dental coverage on a self-pay basis. The amendments to WAC 182-08-060 modify the language to allow the board to approve more than one health maintenance organization within a given service area.

Responsible for Drafting, Implementation and Enforcement: C. H. Shay, Assistant Benefits Manager, Department of Personnel, Insurance Benefits Division, 1400 Evergreen Park Drive S.W., Olympia, WA 98504, mailstop FX-11, phone 753-2364, scan 234-2364.

Proposed by: State Employees Insurance Board.

Agency Comments: None.

WAC 182-12-127 is necessary due to federal law, P.L. 99-272. Amendment to WAC 182-08-060 is not due to change in federal law.

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-126 Extension of retiree dependents' eligibility.

NEW SECTION

WAC 182-12-127 EXTENSION OF RETIREE DEPENDENTS' ELIGIBILITY. In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), covered dependents of retirees not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB retiree medical and dental coverage by self-payment of premium according to the following guidelines:

(1) In addition to coverage extended to surviving dependents under WAC 182-12-122, enrolled dependents of retirees may continue their coverage for up to thirty-six months following the month in which one of the following qualifying events occur: (a) The retiree becomes divorced, or (b) a child ceases to be a dependent child under the requirements of the plan.

(2) Continuation of coverage may be for medical only or for medical and dental, but not dental only, and each enrolled family member is entitled to make a separate election of these options.

(3) Coverage continued under this section shall be secondary to any other employer group coverage the person may have.

(4) Continued coverage will be terminated when (a) the plan terminates, (b) premium is not paid within the grace period stated in subsection (7) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(5) NOTICE REQUIREMENTS:

(a) At the time their coverage commences under the retiree plan, the employer shall provide to each new retiree written notice of the option to continue coverage as stated in this section.

(b) It is the retiree's or dependent's responsibility to notify the employer of the retiree's death, divorce or of a child ceasing to be an eligible dependent within sixty days of the qualifying event.

(c) When the employer learns of any qualifying event the employer must notify the retiree (or surviving dependent) of the rights of this section within fourteen days of the receipt of this information.

(6) ELECTION TO CONTINUE COVERAGE: Enrolled persons must make their election to continue coverage within a period of sixty days following a qualifying event or following the date notice is received from the employer, whichever is later.

(7) PREMIUM REQUIREMENTS: Payment of premium for continued coverage must be made within forty-five days of the date of election. Premium must be paid retroactive to the first of the month following the qualifying event. Thereafter, premiums are due on the first of each month, subject to a thirty-day grace period.

(8) CONVERSION OPTION: Within a period of thirty-one days following the expiration of a person's continued coverage, the person may purchase an individual conversion policy.

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

WAC 182-08-060 APPROVAL OF HEALTH MAINTENANCE ORGANIZATION ((~~OR PANEL~~)) PLANS. In the absence of any federal or state statute to the contrary, the board may approve one ((~~individual practice and one group practice and one health maintenance operator or panel plan;~~)) or more state certified health maintenance organizations within a service area, during a contract term. Where more than one ((~~health care service contractor~~)) such organization seeks approval within the same service area, the board shall approve ((~~the health care service contractor~~)) those which will best serve the total needs and have the ability to service the proposed benefits with a direct ratio of benefits to premium advantage.

WSR 87-15-026

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 3-87—Filed July 9, 1987]

I, Isiah Turner, commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to application of effective date of chapter 61, Laws of 1987.

I, Isiah Turner, 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 chapter 61, Laws of 1987, has an effective date of July 25, 1987. Since it could be interpreted to be effective for decisions issued after the effective date, or effective for any decision that had not become final by the effective date, this rule was drafted to grant the greater appeal rights of the alternative interpretations. The rule will be needed only for the period of time for which the effective date may be questioned and is necessary to assure uniform application of the effective date of the statute. The shortness of time between the signing of chapter 61, Laws of 1987, and the effective date precluded adopting this rule through regular rule-making

procedure and required the use of emergency rule making.

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

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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 July 7, 1987.

By Isiah Turner
Commissioner

NEW SECTION

WAC 192-09-064 APPLICATION OF EFFECTIVE DATE—LAWS OF 1987, CHAPTER 61. *Laws of 1987, chapter 61, changes the appeal period for certain unemployment insurance benefit and tax appeals from ten to thirty days. The law is effective July 25, 1987. Any appeal that is not final by the effective date of the legislation will be considered to be lengthened to thirty days by operation of the statute.*

The effective date of Laws of 1987, chapter 61, will be interpreted to grant a thirty-day appeal period to any applicable decision issued on or after July 15, 1987.

WSR 87-15-027
ADOPTED RULES
INSURANCE COMMISSIONER
[Order R 87-7—Filed July 9, 1987]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to standards to be met by insurers, fraternal benefit societies, health maintenance organizations and health care service contractors in the advertising, sale, and marketing of long-term care policies or contracts, adding a new chapter to the Washington Administrative Code.

This action is taken pursuant to Notice No. WSR 87-11-056 filed with the code reviser on May 20, 1987. 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 48.02.060(3), 48.30.010 and 48.84.910 which directs that the Insurance Commissioner has authority to implement the provisions of chapter 48.84 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 July 1, 1987.

Dick Marquardt
Insurance Commissioner
By Melodie Bankers
Deputy Commissioner

Chapter 284-54 WAC
LONG-TERM CARE INSURANCE RULES

WAC	
284-54-010	Purpose and authority.
284-54-015	Applicability and scope.
284-54-020	Definitions of terms used in this chapter and chapter 48.84 RCW.
284-54-030	Standards for definitions applicable to long-term care contracts.
284-54-050	Exclusions.
284-54-100	Renewability.
284-54-150	Minimum standards—General.
284-54-160	Minimum standards—Gatekeeping provisions.
284-54-250	Grace period.
284-54-300	Information to be furnished, style.
284-54-350	Form to be used—Long-term care insurance disclosure form.
284-54-500	Format of long-term care contracts.
284-54-600	Loss ratio requirements.
284-54-610	Loss ratio definitions.
284-54-620	Loss ratio—Grouping of contract forms.
284-54-630	Loss ratio requirements—Individual contract forms.
284-54-650	Loss ratio experience records.
284-54-660	Evaluating loss ratio experience data.
284-54-680	Loss ratio—Special circumstances.
284-54-700	Advertising.
284-54-800	Unfair or deceptive acts.
284-54-900	Chapter not exclusive.

NEW SECTION

WAC 284-54-010 PURPOSE AND AUTHORITY. The purpose of this chapter, is to effectuate chapter 48.84 RCW, the Long-Term Care Insurance Act, by establishing minimum standards and disclosure requirements to be met by insurers, health care service contractors, health maintenance organizations, and fraternal benefit societies with respect to long-term care insurance and long-term care benefit policies and contracts.

NEW SECTION

WAC 284-54-015 APPLICABILITY AND SCOPE. (1) Except as otherwise specifically provided, this chapter shall apply to every policy, contract, or certificate, and riders pertaining thereto, of an insurer, fraternal benefit society, health care service contractor, or health maintenance organization, if such contract is primarily advertised, marketed, or designed to provide

long-term care services over a prolonged period of time, which services may range from direct skilled medical care performed by trained medical professionals as prescribed by a physician or qualified case manager in consultation with the patient's attending physician to rehabilitative services and assistance with the basic necessary functions of daily living for people who have lost some or complete capacity to function on their own. Such contract is "long-term care insurance" or a "long-term care contract," and is subject to this chapter.

(2) Pursuant to RCW 48.84.020, this chapter shall not apply to Medicare supplement insurance; nor shall it apply to a contract between a continuing care retirement community and its residents.

(3) Long-term care contracts not meeting the requirements of this chapter, may not be issued or delivered in this state after December 31, 1987.

NEW SECTION

WAC 284-54-020 DEFINITIONS OF TERMS USED IN THIS CHAPTER AND CHAPTER 48.84 RCW. For purposes of the administration of chapter 48.84 RCW and this chapter:

(1) "Community based care" means services provided outside an institutional setting and includes, but is not limited to, the following: (a) Home delivered nursing services or therapy; (b) custodial or personal care; (c) day care; (d) home and chore aid services; (e) nutritional services, both in-home and in a communal dining setting; and (f) respite care, whether provided at any level from skilled care to custodial or personal care.

(2) "Contract" means a long-term care insurance policy or contract, regardless of the kind of insurer issuing it, unless the context clearly indicates otherwise.

(3) "Direct response insurer" means an insurer who, as to a particular contract, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(4) A "gatekeeper provision" is any provision in a contract establishing a threshold requirement which must be satisfied before a covered person is eligible to receive benefits promised by the contract. Examples of such provisions include, but are not limited to the following: A three-day prior hospitalization requirement, recommendations of the attending physician, and recommendations of a case manager.

(5) "Institutional care" means care provided in a hospital, skilled or intermediate nursing home, congregate care facility, adult family home, or other facility certified or licensed by the state primarily affording diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services. Such a facility provides twenty-four-hour nursing services on its premises or in facilities available to the institution on a formal prearranged basis.

(6) "Insured" shall mean any beneficiary or owner of a long-term care contract regardless of the type of insurer.

(7) "Insurer" includes insurance companies, fraternal benefit societies, health care service contractors and health maintenance organizations unless the context clearly indicates otherwise.

(8) "Premium" shall mean all sums charged, received or deposited as consideration for a contract and includes any assessment, membership, contract, survey, inspection, service, or similar fees or charges as paid.

(9) "Terminally ill care" means care for an illness, disease, or injury which has reached a point where recovery can no longer be expected and the attending physician has certified that the patient is facing imminent death; or has a life expectancy of six months or less.

NEW SECTION

WAC 284-54-030 STANDARDS FOR DEFINITIONS APPLICABLE TO LONG-TERM CARE CONTRACTS. The following definitions are applicable to long-term care contracts and the implementation of chapter 48.84 RCW and this chapter, and no contract may be advertised, solicited, or issued for delivery in this state as a long-term care contract which uses definitions more restrictive or less favorable to an insured than the following:

(1) "Acute care" means care provided for patients who are not medically stable. These patients require frequent monitoring by health care professionals in order to maintain their health status.

(2) "Benefit period" means the period of time for which the insured is eligible to receive benefits or services under a contract. A benefit period begins on the first day that the insured is eligible for and begins to receive the benefits of the contract. The benefit period ends when the insured is no longer eligible to receive benefits or has received the lifetime maximum benefits available. Such benefit period must be stated in terms of days rather than in terms of months of benefit.

(3) "Case manager" or "case coordinator" means an individual qualified by training and/or experience to coordinate the overall medical, personal and social service needs of the long-term care patient. Such coordination activities shall include but are not limited to: Assessing the individual's condition to determine what services and resources are necessary and by whom they might most appropriately be delivered; coordination of elements of a treatment or care plan and referral to the appropriate medical or social services personnel or agency; control coordination of patient services and continued monitoring of the patient to assess progress and assure that services are delivered. Such activities shall be conducted in consultation with the attending physician.

(4) "Chronic care" or "maintenance care" means care that is necessary to support an existing level of health and is intended to preserve that level from further failure or decline. The care provided is usually for a long, drawn out or lingering disease or infirmity showing little change or slowly progressing with little likelihood of complete recovery, whether such care is provided in an institution or is community-based and whether such care requires skilled, intermediate or custodial/personal care.

(5) "Convalescent care" or "rehabilitative care" is nonacute care which is prescribed by a physician and is received during the period of recovery from an illness or injury when improvement can be anticipated, whether such care requires skilled, intermediate or custodial/

personal care, and whether such care is provided in an institutional care facility or is community-based.

(6) "Custodial care" or "personal care" means care which is mainly for the purpose of meeting daily living requirements. This level of care may be provided by persons without professional skills or training. Examples are: Help in walking, getting out of bed, bathing, dressing, eating, meal preparation, and taking medications. Such care is intended to maintain and support an existing level of health or to preserve the patient from further decline. Custodial or personal care services are those which may be recommended by the case manager in consultation with the patient's attending physician and are not primarily for the convenience of the insured or the insured's family.

(7) "Guaranteed renewable" means that renewal of a contract may not be declined by an insurer for any reason except for nonpayment of premium, but the insurer may revise rates on a class basis.

(8) A "home health aide" is a person who is providing care under the supervision of a physician, licensed professional nurse, physical therapist, occupational therapist, or speech therapist. Care provided may include ambulation and exercise, assistance with self-administered medications, reporting changes in a covered person's conditions and needs, completing appropriate records, and personal care or household services needed to achieve medically desired results.

(9) "Home care services" or "personal care services" are services of a personal nature including homemaker services, assistance with the activities of daily living, respite care services, or any other nonmedical services provided to ill, disabled, or infirm persons which services enable those persons to remain in their own residences consistent with their desires, abilities and safety.

(10) "Home health care" shall mean any of the following health or medical services: Nursing services, home health aide services, physical therapy, occupational therapy, speech therapy, respiratory therapy, nutritional services, medical or social services, and medical supplies or equipment services.

(11) "Intermediate care" means technical nursing care which requires selected nursing procedures for which the degree of care and evaluation is less than that provided for skilled care, but greater than that provided for custodial/personal care. This level of care provides a planned continuous program of nursing care that is preventive or rehabilitative in nature.

(12) "Long-term care total disability" means the functional inability due to illness, disease or infirmity to engage in the regular and customary activities of daily living which are usual for a person of the same age and sex.

(13) "Managed long-term care delivery system" means a system or network of providers arranged or controlled by a managed long-term care plan. Such systems provide a range of long-term care services with provisions for effective utilization controls and quality assurance. In the case of provision of long-term care in the managed care environment, a case manager or other qualified individual may be used to develop and coordinate a care plan of appropriate long-term care services.

(14) "Managed long-term care plan" means a plan which on a prepaid basis assumes the responsibility and the risk for delivery of the covered long-term care services set forth in the benefit agreement. Actual services are rendered by the plan through its own staff, through capitation, or other contractual arrangements with providers. Managed long-term care plans may include but are not limited to those offered by health maintenance organizations, and health care service contractors, if their services are provided through a managed long-term care delivery system.

(15) "Noncancellable" means that renewal of a contract may not be declined except for nonpayment of premium, nor may rates be revised by the insurer.

(16) "One period of confinement" means consecutive days of institutional care received as an inpatient in a health care institution, or successive confinements due to the same or related causes when discharge from and re-admission to the institution occurs within a period of time not more than ninety days or three times the maximum number of days of institutional care provided by the policy to a maximum of one hundred eighty days, whichever provides the covered person with the greater benefit.

(17) "Preexisting condition," as defined by RCW 48.84.020(3), means a covered person's medical condition that caused that person to have received medical advice or treatment during the specified time period before the effective date of coverage.

(18) "Respite care" is short-term care which is required in order to maintain the health or safety of the patient and to give temporary relief to the primary caretaker from his or her caretaking duties.

(19) "Skilled care" means care for an illness or injury which requires the training and skills of a licensed professional nurse, is prescribed by a physician, is medically necessary for the condition or illness of the patient, and is available on a twenty-four-hour basis.

NEW SECTION

WAC 284-54-050 EXCLUSIONS. No contract shall limit or exclude coverage by type of illness, accident, treatment, or medical condition, except with respect to the following:

(1) Conditions arising out of war or act of war (whether declared or undeclared);

(2) Conditions arising out of participation in the commission of a felony, riot or insurrection;

(3) Conditions resulting from suicide, attempted suicide (while sane or insane) or intentionally self-inflicted injury;

(4) Benefits available under any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law;

(5) Services performed by a member of the covered person's immediate family;

(6) Services for which no charge is made in the absence of insurance;

(7) Dental care or treatment;

(8) Eye glasses, hearing aids and examination for the prescription or fitting thereof;

(9) Rest cures and routine physical examinations;

- (10) Chemical dependency;
- (11) Treatment in a government hospital or in a government facility unless required by law;
- (12) Benefits provided under Medicare or other governmental programs (except Medicaid);
- (13) Experimental treatments, supplies, or services;
- (14) Other exclusions appropriate to the particular contract, justified to the satisfaction of the commissioner, in connection with the filing of the contract form, may be permitted by prior written agreement.

NEW SECTION

WAC 284-54-100 RENEWABILITY. No insurer shall refuse to renew any long-term care contract or coverage thereunder: **PROVIDED**, That after written approval of the commissioner, an insurer may discharge its obligation to renew by obtaining for the insured coverage with another insurer which coverage provides equivalent benefits for value paid.

NEW SECTION

WAC 284-54-150 MINIMUM STANDARDS—GENERAL. No contract may be advertised, solicited, or issued for delivery in this state as a long-term care contract which does not meet the following standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) No contract shall limit benefits to an unreasonable period of time or an unreasonable dollar amount. For example, a provision that a particular condition will be covered only for one year without regard to the actual amount of the benefits paid or provided, is not acceptable. Policies or contracts may, however, limit in-patient institutional care benefits to a reasonable period of time. Benefits may also be limited to a reasonable maximum dollar amount, and, as for example in the case of home health care visits, to a reasonable number of visits over a stated period of time.

(2) If a fixed-dollar indemnity, fee for services rendered or similar long-term care contract contains a maximum benefit period stated in terms of days for which benefits are paid or services are received by the insured, the days which are counted toward the benefit period must be days for which the insured has actually received one or more contract benefits or services. If benefits or services are not received on a given day, that day may not be counted. Waiver of premium shall not be considered a contract benefit for purposes of accrual of days under this section, and long-term care total disability shall not operate to reduce the benefit.

(3) If a contract of a managed health care plan contains a maximum benefit period it must be stated in terms of the days the insured is in the managed care delivery system. The days which are counted toward the benefit period may include days that the insured is under a care plan established by the case manager, or days in which the insured actually receives one or more benefits or services.

(4) Any nursing home or other institutional benefit must cover skilled, intermediate, and custodial or personal care.

(5) No contract may restrict or deny benefits because the insured has failed to meet medicare beneficiary eligibility criteria.

(6) If an insurer offers a contract form which requires entrance to an institution at the skilled care level, it must also offer an otherwise identical contract form offering benefits without such a requirement.

(7) If an insurer offers a contract form which requires prior hospitalization, it must also offer an otherwise identical contract form without such a requirement.

(8) No long-term care contract may restrict benefit payments to a requirement that the patient is making a "steady improvement" or limit benefits to "recuperation" of health.

(9) All long-term care contracts shall be issued as individual or family contracts only, unless coverage is provided pursuant to a group contract, issued to a bona fide group, which contract provides continuity of coverage equivalent to that which would be provided under a guaranteed renewable individual contract, and otherwise satisfies the commissioner that it is not contrary to the best interests of the public.

NEW SECTION

WAC 284-54-160 MINIMUM STANDARDS—GATEKEEPING PROVISIONS. Any gatekeeper provisions must be reasonable in relation to the benefits promised in the contract. It must be demonstrated to the satisfaction of the commissioner that a reasonable number of insureds who can be expected to receive benefit or contract payments because of an illness, injury or condition, are not precluded by the gatekeeper from receiving said benefits. Policies or contracts providing long-term care benefits following institutionalization shall not condition such benefits upon admission to the long-term care facility within a period of fewer than thirty days after discharge from the institution.

NEW SECTION

WAC 284-54-250 GRACE PERIOD. Every long-term care contract must contain a grace period of no fewer than thirty-one days following the due date for the payment of premiums.

NEW SECTION

WAC 284-54-300 INFORMATION TO BE FURNISHED, STYLE. (1) Each broker, agent, or other representative of an insurer selling or offering benefits that are designed, or represented as being designed, to provide long-term care insurance benefits, shall deliver the disclosure form as set forth in WAC 284-54-350 not later than the time of application for the contract. If an agent has solicited the coverage, the disclosure form shall be signed by that agent and a copy left with the applicant. The insurer shall maintain a copy in its files.

(2) The disclosure form required by this section shall identify the insurer issuing the contract and may contain additional appropriate information in the heading. The

informational portion of the form shall be substantially as set forth in WAC 284-54-350 and words emphasized therein shall be underlined or otherwise emphasized in each form issued. The form shall be printed in a style and with a type character that is easily read by an average person eligible for long-term care insurance.

(3) Where inappropriate terms are used in the disclosure form, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor or health maintenance organization shall substitute appropriate terminology.

(4) In completing the form, each subsection shall contain information which succinctly and fairly informs the purchaser as to the contents or coverage in the contract. If the contract provides no coverage with respect to the item, that shall be so stated. Address each of the questions as though they had been raised by the applicant regarding a long-term care policy. Address the answer to the reasonable person likely to purchase long-term care insurance.

(5) A policy which provides for the payment of benefits based on standards described as "usual," "customary," or "reasonable" (or any combination thereof), or words of similar import, shall include an explanation of such terms in its disclosure form and in the definitions section of the contract.

(6) If the contract contains any gatekeeper provision which limits benefits or precludes the insured from receiving benefits, such gatekeeper provision must be fully described.

(7) All insurers shall use the same disclosure form. It is intended that the information provided in the disclosure form will appear in substantially the same format provided to enable a purchaser to compare competing contracts easily.

(8) The information provided shall include the statement: "This is NOT a Medicare supplement policy," and shall otherwise comply with WAC 284-55-067.

(9) The required disclosure form must be filed by the insurer with the commissioner prior to use in this state.

(10) In any case where the prescribed disclosure form is inappropriate for the coverage provided by the contract, an alternate disclosure form shall be submitted to the commissioner for prior approval or acceptance.

aware of and seriously consider certain factors which may affect the insurance protection available under your policy.

If you now have insurance which provides benefits for long-term care, read your policy carefully. Look for what is said about renewing it. See if it contains waiting periods before benefits are paid. Note how it covers pre-existing conditions (health conditions you already have). Compare these features with similar ones in any new policy. Use this information to measure the value of any insurance or health care plans you now have.

DON'T BUY MORE INSURANCE THAN YOU REALLY NEED. One policy that meets your needs is usually less expensive than several limited policies.

If you are eligible for state medical assistance coupons (Medicaid), you should not purchase a long-term care insurance policy.

After you receive your policy, make sure you have received the coverage you thought you bought. If you are not satisfied with the policy, you may return it within thirty days (sixty days for direct response insurer) for a full refund of premium.

NEW SECTION

**WAC 284-54-350 FORM TO BE USED—
LONG-TERM CARE INSURANCE DISCLOSURE
FORM.** The following disclosure form shall be used:

(Company Name)
Disclosure Form
Long-term Care Insurance

The decision to buy a new long-term care policy is very important. It should be carefully considered.

The following data give you some general tips and furnish you with a summary of benefits available under our policy.

Your long-term care policy provides thirty days (sixty days for direct response insurers) within which you may decide without cost whether you wish to keep it. For your own information and protection, you should be

DISCLOSURE FORM

BENEFITS PROVIDED UNDER THE CONTRACT

Level of Care: Location Given:	Skilled Care		Intermediate Care		Custodial/Personal Care	
	Nursing Home	Home-Based	Nursing Home	Home-Based	Nursing Home	Home-Based
Payment Per Day	\$/% _____	\$/% _____	\$/% _____	\$/% _____	\$/% _____	\$/% _____
Number of Days of Benefits:	_____	_____	_____	_____	_____	_____

GENERAL CONTRACT INFORMATION

Premium	Waiver of Premium	Recurring Conditions	Maximum Lifetime Benefits	Restoration of Maximum Lifetime Benefits?
Do premiums remain unchanged for life? Yes/No	Must premiums be paid when you are receiving benefits? Yes/No Explain: _____	If your disability recurs, when do you have to: -satisfy a new waiting period? -pay a new deductible? Explain: _____	Days _____	Yes/No If yes, explain how and when they will be restored: _____
Will premiums automatically increase with age? Yes/No			Dollars _____	
May the company make additional premium increases? Explain: _____	_____	_____	_____	_____
_____	_____	_____	_____	_____

LIMITATIONS ON COVERAGE

Exclusions and Exceptions (List and Explain Carefully)	Pre-Existing Conditions	Restrictions on Where and From Whom Care Received?	Payments You Must Make When You Have A Claim (List, Explain)
How many days do you have to wait to collect benefits: - after the policy is effective? _____	Are conditions for which you have been treated: -excluded? _____ -limited? _____ Treatment how long ago? _____ Excluded how long? _____	Yes/No If yes, Explain: _____	Amount of co-payment charge: _____
- after you become ill: _____		_____	Deductible: _____
Other significant exclusions: _____	_____	_____	Other: _____
_____	_____	_____	_____

NURSING HOME OR OTHER IN-PATIENT BENEFITS

Number of Days of Prior Hospitalization Required	Max. No. of Days Between Hospital Discharge and Nursing Home Admission	Level of Care Required at Time of Nursing Home Admission	No. of Days of Skilled Care Required to Qualify for Another Level of Care	Maximum Nursing Home or In-Patient Benefits
_____	_____	_____	_____	_____
_____	_____	_____	_____	Days? _____ Dollars? _____

HOME-BASED OR OTHER OUT-PATIENT CARE BENEFITS

Covered Services (State whether covered and briefly explain limitations on benefits)	Gatekeeping (Threshold) Requirements	Maximum Home or Out-Patient Benefits
Hygiene/Personal Care? _____ Chore Services? _____ Meals/Nutritional Services? _____ Respite Care? _____ Adult Day Care? _____ Durable Medical Equipment? _____	Transportation? _____ Physician/Nursing Services? _____ Therapists? _____ Medical/Social Worker Services? _____ Drugs? _____ Other: _____ _____	Prior in-patient care required? Yes/No Prior level of in-patient care required? _____ Assessment by case manager or other required? Yes/No Explain: _____ _____
		Maximum number of days or visits: _____ Maximum duration of visits: _____ Dollar Maximum: _____ _____

SPECIAL COVERAGE OR LIMITATIONS: _____

 =====

Premium: _____ Mode: _____

*This disclosure form was delivered to me on: _____ (date)

* _____
(Signature of Applicant)

*By: _____

* (Agent or Broker -- printed name and signature)

Contract Form No. _____

* A direct response insurer need not include this portion of the disclosure form.

NEW SECTION

WAC 284-54-500 **FORMAT OF LONG-TERM CARE CONTRACTS.** No long-term care contract shall be delivered or issued for delivery to any person in this state if it fails to comply with the following:

(1) The style, arrangement, and over-all appearance of the policy shall give no undue prominence to any portion of the text (except as required by this chapter). Every printed portion of the text of the contract and of any amendment or attached papers shall be plainly printed in easily read type.

(2) Limitations, exclusions, exceptions, and reductions of coverage or benefits shall be set forth in the policy and shall be printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "LIMITATIONS and EXCEPTIONS," or "EXCLUSIONS and REDUCTIONS," except that if a limitation, exclusion, exception, or reduction specifically applies only to a particular benefit of the policy, a statement of such limitation, exclusion, exception, or reduction shall be included with the benefit provision to which it applies.

(3) Each contract delivered or issued for delivery to any person in this state shall clearly indicate on its first page that it is a "LONG-TERM CARE INSURANCE" contract. In addition, the contract shall contain a table of contents which shall clearly identify the location within the contract of each of the provisions of the contract with particular attention to the location of contract provisions for (a) limitations, exclusions, exceptions or reductions of coverage, (b) renewability, (c) definitions, (d) gatekeeping provisions, and (e) any unique provisions or circumstances such as elimination periods, or minimum or maximum limits. The term "contract" or "certificate" may be substituted on the first page of the contract for the word "insurance" where appropriate.

NEW SECTION

WAC 284-54-600 **LOSS RATIO REQUIREMENTS.** (1) The provisions of chapter 284-60 WAC shall apply to every contract of long-term care issued by a disability insurer and fraternal benefit society. The provisions of WAC 284-54-610 through 284-54-680 shall apply to every long-term care contract issued by a health care service contractor or health maintenance organization.

(2) Benefits for all long-term care contracts shall be reasonable in relation to the premium or price charged.

NEW SECTION

WAC 284-54-610 **LOSS RATIO DEFINITIONS.** The following definitions apply to WAC 284-54-610 through 284-54-680:

(1) "Loss ratio" means the claims incurred plus or minus the increase or decrease in reserves as a percentage of the earned premiums, or the projected incurred claims plus or minus the increase or decrease in projected reserves as a percentage of projected earned premiums, as defined by the commissioner.

(2) "Claims" shall mean the cost of health care services paid to or provided on behalf of covered individuals

in accordance with the terms of contracts issued by health care service contractors or health maintenance organizations or capitation payments made to providers of long-term care.

(3) The "expected loss ratio" is a prospective calculation and shall be calculated as the projected "benefits incurred" divided by the projected "premiums earned" and shall be based on the pricing actuary's best projections of the future experience within the "calculating period."

(4) The "actual loss ratio" is a retrospective calculation and shall be calculated as the "benefits incurred" divided by the "premiums earned," both measured from the beginning of the "calculating period" to the date of the loss ratio calculations.

(5) The "overall loss ratio" shall be calculated as the "benefits incurred" divided by the "premiums earned" over the entire "calculating period" and may involve both retrospective and prospective data.

(6) The "calculating period" shall be the time span over which the pricing actuary expects the premium rates whether level or increasing, to remain adequate in accordance with his best estimate of future experience and during which the pricing actuary does not expect to request a rate increase.

(7) The "benefits incurred" shall be the "claims incurred" plus any increase (or less any decrease) in the "reserves."

(8) The "claims incurred" shall mean:

- (a) Claims paid during the accounting period; plus
- (b) The change in the liability for claims which have been reported but not paid; plus
- (c) The change in the liability for claims which have not been reported but which may reasonably be expected.

The "claims incurred" shall not include expenses incurred in processing the claims, home office or field overhead, acquisition and selling costs, taxes or other expenses, contributions to surplus, or profit.

(9) The "reserves," as referred to in this section, shall include:

- (a) Active life disability reserves;
- (b) Additional reserves whether for a specific liability purpose or not;
- (c) Contingency reserves;
- (d) Reserves for select morbidity experience; and
- (e) Increased reserves which may be required by the commissioner.

(10) The "premiums earned" shall mean the premiums, less experience credits, refunds or dividends, applicable to an accounting period whether received before, during or after such period.

NEW SECTION

WAC 284-54-620 **LOSS RATIO—GROUPING OF CONTRACT FORMS.** For purposes of rate making and requests for rate increase.

(1) The actuary responsible for setting premium rates shall group similar contract forms, including forms no longer being marketed if issued on or after January 1, 1988, in the pricing calculations. Such grouping shall

rely on the judgment of the pricing actuary and be satisfactory to the commissioner. Among the factors which shall be considered are similar claims experience, types of benefits, reserves, margins for contingencies, expenses and profit, and equity between contract holders. Such grouping shall enhance statistical reliability and improve the likelihood of premium adequacy without introducing elements of discrimination in violation of RCW 48.44-.220 or 48.46.370.

(2) The insureds under similar contract forms are grouped at the time of rate making in accord with RCW 48.44.220 or 48.46.370 because they are expected to have substantially like insuring, risk and exposure factors and expense elements. The morbidity and mortality experience of these insureds will, as a group, deteriorate over time. It is hereby defined to be an unfair discriminatory practice and therefore prohibited pursuant to RCW 48.44.220 or 48.46.370 and 48.84.040(3) to withdraw a form from its assigned grouping by reason of the deteriorating health of the insureds covered thereunder.

(3) One or more of the contract forms grouped for rate making purposes may, by random chance, experience significantly higher or more frequent claims than the other forms. It is hereby defined to be an unfair discriminatory practice and therefore prohibited pursuant to RCW 48.44.220 or 48.46.370, to deviate from the assigned grouping of contract forms for pricing purposes at the time of requesting a rate increase unless the pricing actuary can justify to the satisfaction of the commissioner that a different grouping is more equitable because of some previously unrecognized and nonrandom distinction between forms or between groups of insureds.

(4) Successive contract forms of similar benefits are sometimes introduced by health care service contractors and health maintenance organizations for the purpose of keeping up with trends in hospital costs, new developments in medical practice, additional supplemental benefits offered by competitors, and other reasons. While this is commendable, contract holders who can not qualify for the new improved contracts, or to whom the new benefits are not offered, are left isolated as a high risk group under the prior form and soon become subject to massive rate increases. It is hereby defined to be an unfair discriminatory practice and therefore prohibited pursuant to RCW 48.44.220 or 48.46.370 and 48.84.040(3), to fail to combine successive generic contract forms and to fail to combine contract forms of similar benefits covering generations of contract holders in the calculation of premium rate and loss ratios.

NEW SECTION

WAC 284-54-630 LOSS RATIO REQUIREMENTS—INDIVIDUAL CONTRACT FORMS. The following standards and requirements apply to individual contract forms:

(1) Benefits shall be deemed reasonable in relation to the premiums if the overall loss ratio is at least sixty percent over a calculating period chosen by the health care service contractor or health maintenance organization which calculating period is satisfactory to the commissioner.

(2) The calculating period may vary with the benefit and renewal provisions. The health care service contractor or health maintenance organization may be required to demonstrate the reasonableness of the calculating period chosen by the actuary responsible for the premium calculations. A brief explanation of the selected calculating period shall accompany the filing.

(3) Contract forms, the benefits of which are particularly exposed to the effects of inflation and whose premium income may be particularly vulnerable to an eroding persistency and other similar forces, shall use a relatively short calculating period reflecting the uncertainties of estimating the risks involved. Contract forms based on more dependable statistics may employ a longer calculating period. The calculating period may be the lifetime of the contract for guaranteed renewable and noncancellable contract forms if such forms provide benefits which are supported by reliable statistics and which are protected from inflationary or eroding forces by such factors as fixed dollar coverage, inside benefit limits, or the inherent nature of the benefits. The calculating period may be as short as one year for coverage which are based on statistics of minimal reliability or which are highly exposed to inflation.

(4) A request for a rate increase to be effective at the end of the calculating period shall include a comparison of the actual to the expected loss ratios, shall employ any accumulation of reserves in the determination of rates for the new calculating period, and shall account for the maintenance of such reserves for future needs. The request for the rate increase shall be further documented by the expected loss ratio for the new calculating period.

(5) A request for a rate increase submitted during the calculation period shall include a comparison of the actual to the expected loss ratios, a demonstration of any contributions to and support from the reserves, and shall account for the maintenance of such reserves for future needs. If the experience justifies a premium increase it shall be deemed that the calculating period has prematurely been brought to an end. The rate increase shall further be documented by the expected loss ratio for the next calculating period.

(6) The commissioner may accept a series of two or three smaller rate increases in lieu of one large increase. These should be calculated to reduce lapses and antiselection that often result from large rate increases. A demonstration of such calculations, whether for a single rate increase or for a series of smaller rate increases, satisfactory to the commissioner, shall be attached to the filing.

(7) Health care service contractors and health maintenance organizations shall review their experience periodically and file appropriate rate revisions in a timely manner to reduce the necessity of later filing of exceptionally large rate increases.

NEW SECTION

WAC 284-54-650 LOSS RATIO EXPERIENCE RECORDS. Health care service contractors and health maintenance organizations shall maintain records of earned premiums and incurred benefits for each contract

year for each contract, rider, endorsement, amendment and similar form which were combined for purposes of premium calculations, including the reserves. Records shall also be maintained of the experience expected in the premium calculations. Notwithstanding the foregoing, with proper justification, the commissioner may accept approximation of contract year experience based on calendar year data.

NEW SECTION

WAC 284-54-660 EVALUATING LOSS RATIO EXPERIENCE DATA. In determining the credibility and appropriateness of experience data, due consideration shall be given to all relevant factors including:

- (1) Statistical credibility of premiums and benefits such as low exposure or low loss frequency;
- (2) Past and projected trends relative to the kind of coverage, such as inflation in medical expenses, inflation in expense charges and others;
- (3) The concentration of experience at early contract durations where select morbidity and preliminary term reserves are applicable and where loss ratios are expected to be substantially higher or lower than in later contract durations;
- (4) The mix of business by risk classification;
- (5) The expected lapses and antiselection at the time of rate increases.

NEW SECTION

WAC 284-54-680 LOSS RATIO—SPECIAL CIRCUMSTANCES. Loss ratios other than those indicated in WAC 284-54-630 may be approved by the commissioner with satisfactory actuarial demonstrations. Examples of coverage where the commissioner may grant special considerations are:

- (1) Contract forms exposed to high risk of claim fluctuation because of the low loss frequency, or the catastrophic or experimental nature of the coverage.
- (2) Individual situations where higher than usual expenses are expected because of peculiar administrative or geographic circumstances.

NEW SECTION

WAC 284-54-700 ADVERTISING. In addition to this chapter, specific applicable standards for the regulation of advertisements relating to individual, group, blanket, and franchise and individual and group health care service contractors' agreements, are included in WAC 284-50-010 through 284-50-230, and are applicable to the advertisement of all long-term care insurance contracts.

NEW SECTION

WAC 284-54-800 UNFAIR OR DECEPTIVE ACTS. RCW 48.84.910 authorizes the commissioner to prohibit particular unfair or deceptive acts in the conduct of the advertising, sale, and marketing of long-term care policies and contracts. The purpose of this section is to define certain minimum standards which insurers

should meet with respect to long-term care. If the following standards are violated with such frequency as to indicate a general business practice by an insurer, it will be deemed to constitute an unfair method of competition or a deceptive act by such insurer and a violation of this section.

- (1) Misrepresenting pertinent facts or insurance contract provisions.
- (2) Failing to acknowledge and act reasonably promptly upon communications with respect to communications arising under insurance policies or contracts.
- (3) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies or contracts.
- (4) Refusing to pay claims or provide benefits without conducting a reasonable investigation.
- (5) Failing to affirm or deny coverage of claims within a reasonable time.
- (6) Compelling an insured to institute litigation to recover amounts due under an insurance contract by offering substantially less than the amounts ultimately recovered in actions brought by such an insured.
- (7) Attempting to settle a claim for less than the amount to which a reasonable person would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application.
- (8) Making claims payments to an insured or beneficiaries not accompanied by an explanation setting forth the coverage under which the payments are being made.
- (9) Failing to promptly provide a reasonable explanation of the basis in the insurance contract in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.
- (10) Asserting to an insured or claimant a policy of appealing from arbitration awards in favor of an insured or claimant for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration.
- (11) Delaying the investigation or payment of claims by unreasonably requiring an insured, claimant, or the attending physician of the patient to submit a preliminary claim report and then requiring subsequent submissions which contain substantially the same information.
- (12) Failure to expeditiously honor drafts given in settlement of claims within three working days of notice of receipt by the payor bank except for reasons acceptable to the commissioner.
- (13) Failure to adopt and implement reasonable standards for the processing and payment of claims once the obligation to pay has been established.
- (14) Issue checks or drafts in partial payment of a loss or claim under a specific coverage which contain language which appear to release the insurer from its total liability.
- (15) Failure to reply to the insurance commissioner within fifteen working days of receipt of an inquiry, such reply to furnish the commissioner with an adequate response to the inquiry.
- (16) Failure to settle a claim on the basis that responsibility for payment should be assumed by others

except as may otherwise be provided by policy provisions as permitted by this chapter.

(17) Making statements which indicate the rights of persons may be impaired if a form or release is not completed within a given time unless the statement otherwise is provided by policy provisions or is for the purpose of notifying that person of the provisions of an applicable statute of limitations.

NEW SECTION

WAC 284-54-900 CHAPTER NOT EXCLUSIVE. Nothing contained in this chapter shall be construed to limit the authority of the commissioner to regulate a long-term care contract under other sections of Title 48 RCW.

WSR 87-15-028

ADOPTED RULES

INSURANCE COMMISSIONER

[Order R 87-8—Filed July 9, 1987—Eff. January 1, 1988]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules pertaining to minimum standards for individual disability insurance, by excluding long-term care insurance policies from the scope of the individual disability insurance minimum standards regulation, WAC 284-50-305.

This action is taken pursuant to Notice No. WSR 87-11-057 filed with the code reviser on May 20, 1987. These rules shall take effect at a later date, such date being January 1, 1988.

This rule is promulgated pursuant to RCW 48.02.060(3), 48.20.450 through 48.20.470 and chapter 48.84 RCW which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.84.060 and 48.84.910.

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 July 1, 1987.

Dick Marquardt
Insurance Commissioner
By Melodie Bankers
Deputy Commissioner

AMENDATORY SECTION (Amending Order R 81-7, filed 12/9/81)

WAC 284-50-305 APPLICABILITY AND SCOPE. This regulation shall apply to all individual disability insurance policies delivered or issued for delivery in this state on and after the effective date hereof, except it shall not apply to individual policies issued pursuant to a conversion privilege under a policy of group or individual insurance when such group or individual policy includes provisions which are inconsistent with the requirements of this regulation, nor to policies being issued to employees or members as additions to

franchise plans in existence on the effective date of this regulation. The requirements contained in this regulation shall be in addition to any other applicable regulations previously adopted. This regulation shall not apply to medicare supplement insurance policies, as such policies are defined in the Medicare Supplemental Health Insurance Act, chapter 153, Laws of 1981. This regulation shall not apply to long-term care insurance policies or contracts, as such policies or contracts are defined in the long-term care insurance act, chapter 48.84 RCW.

WSR 87-15-029

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 1940—Filed July 10, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to small grain certification, chapter 16-316 WAC.

I, C. Alan Pettibone, 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 we are now in the seed certification period and this emergency will make effective immediately changes in varieties eligible adopted after a hearing held in May 1987.

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

This rule is promulgated pursuant to chapter 15.49 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 July 10, 1987.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-525 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—ELIGIBLE VARIETY AND STOCK SEED.

Kind, type Variety

Barley, spring Advance, Belford, Andre, Clark, Columbia (P), Cougar, Flynn, Gus (P), Kimberly, Klages, Kombar (P), Larker, Lindy (P), Lud (P), Menuet (P), Morex, Nova (P), Onda (P), Piston (P), Poco (P), Seven (P), Steptoe, Westbred Gustoe (P), Westbred 501 (P), Whitford (P)

Kind, type	Variety
Barley, winter	Adair, Boyer, Casbon, Hesk, Kamiak, Luther, Mal, Scio, Showin
Oat, spring	Appaloosa, Border, Cayuse, Monida, Ogle, Park,
Rye, winter	Puma, Rymin
Wheat, spring	Bliss, Bronze Chief (P), Copper, Dirkwin, Edwall, Fielder, Kodiak (P), McKay, NK 751 (P), Owens, Penawawa, Treasure, Urquie, Wampum, Wald, Wared, Waverly, West Bred 803 (P), West Bred 881 (P), West Bred 906R (P), West Bred 911 (P), WS-1 (P), W-444 (P), Yecora Rojo

Kind, type	Variety
Wheat, winter	Basin (P), Batum, Cashup (P), Crew Daws, Dusty, Hatton, Hill-81, John, Lewjain, McCall, Moro, Nugaines, Paha, Sprague, Stephens, Tres, Tyee, Wanser

Triticale, spring Juan
(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-724 SMALL GRAINS STANDARDS. (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

** Refers to distance from other small grain fields. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless stated by plant breeder.

*** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

* Other tolerance for other crop seed:

OTHER SMALL GRAINS
MAXIMUM

Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

** Other tolerances for weed seed:

		<i>OBJECTIONABLE WEED SEED MAXIMUM</i>	<i>WILD OAT MAXIMUM</i>
<i>Foundation</i>	<i>None</i>	<i>None</i>	
<i>Registered</i>	<i>None</i>	<i>None</i>	
<i>Certified</i>	<i>1/lb</i>	<i>None, except 1/lb</i>	<i>in oat</i>

WSR 87-15-030
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1941—Filed July 10, 1987]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, the annexed rules relating to small grain certification, chapter 16-316 WAC.

This action is taken pursuant to Notice No. WSR 87-08-063 filed with the code reviser on April 1, 1987. 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 15.49 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 May 22, 1987.

By Michael V. Schwisow
 Deputy Director

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-525 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—ELIGIBLE VARIETY AND STOCK SEED.

Kind, type	Variety
------------	---------

Barley, spring	Advance, Belford, Andre, <u>Clark</u> , Columbia (P), Cougbar, <u>Flyn</u> , Gus (P), Kimberly, Klages, Kombar (P), Larker, Lindy (P), Lud (P), Menuet (P), Morex, Nova (P), Onda (P), Piston (P), Poco (P), <u>Seven</u> (P), Steptoe, Westbred Gustoe (P), Westbred 501 (P), Whitford (P)
----------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Kind, type	Variety
Barley, winter	Adair, Boyer, Casbon, Hesk, Kamiak, Luther, Mal, Scio, Showin
Oat, spring	Appaloosa, Border, Cayuse, Monida, Ogle, Park,
Rye, winter	Puma, Rymin
Wheat, spring	<u>Bliss</u> , <u>Bronze Chief</u> (P), <u>Copper</u> , Dirkwin, Edwall, Fielder, <u>Kodiak</u> (P), McKay, NK 751 (P), <u>Owens</u> , <u>Penawawa</u> , <u>Treasure</u> , <u>Urquie</u> , <u>Wampum</u> , <u>Wald</u> , <u>Wared</u> , <u>Waverly</u> , West Bred 803 (P), West Bred 881 (P), West Bred 906R (P), West Bred 911 (P), WS-1 (P), W-444 (P), Yecora Rojo
Wheat, winter	<u>Basin</u> (P), Batum, <u>Cashup</u> (P), Crew Daws, Dusty, Hatton, Hill-81, John, Lewjain, McCall, Moro, Nugaines, Paha, Sprague, Stephens, Tres, Tyee, Wanser

Triticale, spring Juan

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-724 SMALL GRAINS STANDARDS. (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD STANDARDS	
	STANDARDS	STANDARDS	OFF-TYPE	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

- * Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- ** Refers to distance from other small grain fields. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless stated by plant breeder.
- *** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

* Other tolerance for other crop seed:

	OTHER SMALL GRAINS MAXIMUM
Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	
Registered	None	
Certified	None, except 1/lb	in oat

WSR 87-15-031
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Filed July 10, 1987]

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 requirements for tempered air in commercial coaches for portable classrooms and housekeeping changes, chapter 296-150B WAC;

that the agency will at 9:00 a.m., Thursday, September 3, 1987, in the General Administration Building, First Floor Conference Room, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 5, 1987.

The authority under which these rules are proposed is RCW 43.22.340 through 43.22.445.

The specific statute these rules are intended to implement is RCW 43.22.340 through 43.22.445.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 3, 1987.

Dated: July 10, 1987
By: Joseph A. Dear
[Deputy] Director

STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 296-150B WAC, construction standards for mobile homes, commercial coaches and recreational vehicles which includes requirements for tempered air in commercial coaches for portable classrooms and housekeeping changes.

Statutory Authority: Chapter 43.22 RCW.

Specific Statutes that Rules are Intended to Implement: Chapter 43.22 RCW.

Summary of the Rule: Defines general language used in the mobile home, commercial coach and recreational vehicle industries; and provides requirements for tempered air in commercial coaches for portable classrooms and housekeeping changes.

Reasons Supporting the Proposed Rule: To provide the department with adequate rules for requiring tempered air in commercial coaches used for portable classrooms and also to make housekeeping changes. The tempered air requirements were at the request and concurrence of the Governor's Advisory Board for Mobile Homes, Commercial Coaches, and Recreational Vehicles.

Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules: James E. Arvan, Chief of Construction Compliance, 805 Plum Street S.E., P.O. Box 9689, Olympia, Washington 98504-9689, phone (206) 586-0215.

Name of the Person or Organization Whether Private, Public or Governmental that is Proposing the Rules: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation and Fiscal Matters Pertaining to the Rules: None.

The rules are 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 Rules or Their Purpose: None.

A small business impact statement is not required since these rules do not impose any fiscal requirements as it is a direct pass through to the purchaser.

AMENDATORY SECTION (Amending Order 82-13, filed 4/16/82)

WAC 296-150B-030 REQUIREMENTS FOR DESIGN PLANS. (1) General requirements. A design plan must include plan and elevation views of the structure or component, and the specifications, engineering data, and test results necessary for a complete evaluation of the design. A design plan for a recreational vehicle need not include an elevation view (~~or structural data~~). A manufacturer may submit the specifications, engineering data, and test results separately from the drawings.

If the specifications, engineering data, and test reports are not included on the plan drawings, they must be fastened together. The cover sheet of the plan must note that the documents are part of the plan.

The plan and elevation views for the design plan must be drawn to scale on uniformly sized standard drawing sheets. The applicant must submit prints of the drawings; the department will not accept originals.

The applicant must provide, on the cover or face sheet of the design plan, information that describes the plan, including the plan designation, description of design options, sheet numbers, and titles. The cover sheet should also have space for the department to insert the plan number and the approval date.

The plan must indicate where the manufacturer will affix the insignia to the structure or component. A plan that covers three or more modules must have a "key" drawing to show the arrangement of the modules.

(2) If a manufacturer is applying for approval of a design plan for a commercial coach, the manufacturer must designate the occupancy class of the commercial coach pursuant to the occupancy classifications given in the Uniform Building Code.

(3) Specific requirements. The department has numerous specific requirements for design plans. When an applicant asks for an application form for approval of its design plan, it should specify the kind of structure or component it intends to manufacture, and the kind of design plan it intends to submit. The department will send the applicant a copy of the specific requirements.

AMENDATORY SECTION (Amending Order 82-13, filed 4/16/82)

WAC 296-150B-035 ENGINEERING ANALYSIS AND TEST PROCEDURES. (1) ~~(When)~~ A manufacturer must show that a structural design, method of construction, installation, or piece of equipment is adequate to fulfill its intended function, further the manufacturer must submit to the department information on and the results of an engineering analysis or a physical test.

(2) ~~(If)~~ When the manufacturer does an engineering analysis of the design, method, installation, or equipment, the analysis must be made in accordance with generally established principles of engineering and must be signed by an architect or professional engineer licensed in Washington.

(3) ~~(If)~~ When the manufacturer tests the design, method, installation, or equipment, the tests must be performed by a testing agency or must be directed, witnessed, and evaluated by an approved architect or professional engineer licensed in Washington.

Test reports must contain the following items:

- (a) A description of the method or standards that applied to the test;
 - (b) A description and drawings of the item tested;
 - (c) A description of the test set-up;
 - (d) A description of the procedure used to load the item for, and to measure, each condition;
 - (e) Test data (and graphs, where applicable), including pertinent observations of the characteristics and behavior of the item tested;
 - (f) Engineering data; and
 - (g) Analysis, comments, and conclusion.
- (4) The results of the tests or analyses must be in writing and must identify the design plan to which the results relate.

AMENDATORY SECTION (Amending Order 82-13, filed 4/16/82)

WAC 296-150B-050 APPLICATION FOR APPROVAL OF A QUALITY CONTROL MANUAL. ~~((1) A manufacturer of a recreational vehicle or commercial coach must apply, and a manufacturer of a component may apply, to the department for approval of a quality control manual. The application must include:~~

~~(a) A completed application form. The manufacturer may obtain a form from the department;~~

~~(b) One copy of the quality control manual plus one additional copy for each location at which the manufacturer will build the structure or component. The copies must be printed on substantial 8 1/2 by 11 inch paper and must be fastened together;~~

~~(c) An outline of the quality control procedure;~~

~~(d) The name of the corporate officer, partner, or manager who is responsible for the quality control program and for maintaining the inspection records for each unit;~~

~~(e) An application fee;~~

~~(2) If the department has previously approved a quality control manual for the manufacturer, the manufacturer need not submit copies of the manual with the application;~~

~~(3) When the manufacturer asks the department for an application form, it should inform the department of what kind of product it intends to manufacture. The department will send the manufacturer the specific requirements for the quality control manual.)~~ As a minimum the quality control manual/quality control program will provide for the following:

(1) Designation of officer/manager responsible for establishment and implementation of the quality control program.

(2) Design plan submission and approval.

(3) Drawing and change control that provides for the generation and distribution of working drawings, manufacturing processes and procedures, inspection and test procedures consistent with the design approvals and specification requirements.

(4) Receiving inspection of procured material in accordance with established acceptance criteria.

(5) Definition of production stations, the work performed in each station, type and amount of inspection and test performed, minimum acceptance criteria and person responsible.

(6) Description of documentation used to define the as-built configuration of each unit produced.

(7) Identification, control and disposition of nonconforming material.

(8) Corrective action system that will provide positive correction or repetitive discrepancies, failures, or nonconformance.

(9) Controls for material storage to include age-dated material.

(10) Calibration of all special tooling, gauges, and test equipment.

(11) Controls for issuance of Washington state insignias.

AMENDATORY SECTION (Amending Order 82-13, filed 4/16/82)

WAC 296-150B-060 EXPIRATION OF DESIGN PLAN APPROVAL. (1) Approval of a design plan and quality control manual expires ((+)) twelve months after the date the department approves the plan.

(2) A manufacturer must apply to the department for renewal of the design plan and quality control manual approval at least two months before the approval expires to ensure that the department will have time to examine and approve the application. The manufacturer may obtain an application for renewal of plan and quality control manual approval from the department. The manufacturer must submit:

(a) A completed application form; and

(b) The renewal fee required by WAC 296-150B-990. The renewed plan and quality control manual must be identical to the original design plan, except that the manufacturer may change the model name or designation.

(3) If a manufacturer allows a design plan and quality control manual approval to expire, it must return all unused insignias issued to the manufacturer for the product covered by the expired design plan.

NEW SECTION

WAC 296-150B-122 LOCATION OF INSIGNIA. Each insignia affixed to a recreational vehicle or commercial coach shall be located adjacent to the main entry door not less than twelve inches above the floor line.

AMENDATORY SECTION (Amending Order 82-13, filed 4/16/82)

WAC 296-150B-125 IDENTIFICATION OF COMMERCIAL COACHES AND RECREATIONAL VEHICLES. (1) Each commercial coach or recreational vehicle manufactured, sold, leased, or offered for sale or lease in Washington shall bear a permanently affixed identification label that contains the following information:

(a) The name of the manufacturer;

(b) The month and year of manufacture;

(c) The vehicle identification number;

(d) The manufacturer's assigned identification number; and

(e) Where applicable, the assigned plan approval number.

(2) The identification label shall be permanently attached ((either on the forward half of the left side of the exterior wall of the commercial coach or recreational vehicle, not less than six inches above the floor line, or in proximity to the insignia)) adjacent to the main entry door not less than twelve inches above the floor line.

AMENDATORY SECTION (Amending Order 83-13, filed 5/24/83)

WAC 296-150B-185 RECIPROCAL AGREEMENT FOR RECREATIONAL VEHICLES. ((The department has entered into a contract with the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) by which NCSBCS administers a reciprocal program between states for recreational vehicles. The states entering into the reciprocal agreements meet and enforce the standards prescribed by this state. The department, by this rule, accepts in this

state all recreational vehicles manufactured in the states that are parties to the NCSBCS recreational vehicle reciprocal program. Recreational vehicles manufactured in other states may continue to obtain Washington state insignias by complying with the construction standards and inspection requirements of this chapter.)) Monitoring of reciprocal states, third party agencies, or manufacturers attaining self inspection status. The department shall, on a periodic basis, monitor the quality of the inspections performed by states, third party agencies, or manufacturers having self inspection status at the manufacturing facility to assure compliance with the requirements of the approved design plans, quality control manual, and respective specifications. Noncompliances determined during monitoring will be processed in accordance with WAC 296-150B-135.

AMENDATORY SECTION (Amending Order 82-37, filed 12/6/82)

WAC 296-150B-200 GENERAL INSTALLATION REQUIREMENTS FOR MOBILE HOMES. (1) All mobile homes shall be installed in compliance with the national manufactured housing procedural and enforcement regulations in subparts F and I of 24 C.F.R. Part 3282 adopted as of April 1, 1982, which are incorporated into these rules by this reference.

(2) A HUD-labeled mobile home shall also be installed in compliance with the mobile home manufacturer's installation ((recommendations)) instructions. The ((recommendations)) instructions must be approved by HUD. The manufacturer shall send two copies of its approved installation ((recommendations)) instructions to the purchaser of the mobile home. The copies shall be in the home and available at the time of inspection.

A mobile home not labeled by HUD shall also be installed in accordance with installation ((recommendations)) instructions provided by a professional engineer or architect licensed in Washington.

(3) To the extent that the installation of a mobile home is not covered by a manufacturer's, engineer's, or architect's ((recommendations)) instructions, the mobile home shall comply with the installation requirements set out in WAC 296-150B-225 through 296-150B-255.

(4) No person, firm, partnership, corporation, or other entity may install a mobile home unless he, she, or it owns the mobile home, is a licensed mobile home dealer, or is a contractor registered under chapter 18.27 RCW.

(5) In those areas that are (a) recognized as flood plains by the Washington state department of ecology or the Federal Emergency Management Agency, or (b) hazardous because of the probability of earthquakes, ground slides, avalanches, or high winds, the local jurisdictions may set requirements that are necessary to lessen the hazards.

AMENDATORY SECTION (Amending Order 82-4, filed 2/2/82)

WAC 296-150B-513 LIGHT AND VENTILATION. Habitable rooms shall be provided with exterior windows or doors having a total glazed area of not less than 10 percent of the floor area, or shall be provided with artificial light. An area equivalent to not less than 5 percent of the floor area shall be available for unobstructed ventilation. Glazed areas need not be openable where a mechanical ventilation system is provided and is capable of producing a change of air in the room(s) every thirty minutes with not less than one-fifth of the air supply taken from outside the commercial coach.

NEW SECTION

WAC 296-150B-515 HEATING, COOLING, AND VENTILATION REQUIREMENTS FOR PORTABLE CLASSROOMS. Portable classrooms shall comply with the following space comfort control requirements.

(1) Mechanical ventilation.

(a) Portable classrooms shall be provided with a tempered air mechanical ventilation system, automatically controlled.

(b) The air supply volume shall be no less than 1.3 cubic feet per minute (c.f.m.) per square foot of floor area in portable classrooms.

(c) The system shall be provided with an economizer cycle to automatically mix recirculated air and outside air, to provide atmospheric cooling. The air supply system shall be arranged to modulate the amount of outdoor air from minimum setting to one hundred percent outside air during the nonheating period.

(d) The minimum amount of outside air introduced after the room is up to setpoint temperature during occupancy shall not be less than 10 c.f.m. per occupant.

(2) Heating. The system shall provide a temperature differential in the occupied zone not to exceed plus or minus 2°F. Air supply systems shall be provided with a means to discharge air which shall not generate a noise level over 35 N.C. The terminal air velocities in occupied zone shall not exceed 50 feet per minute (f.p.m.).

(3) Temperature control. A system of automatic temperature controls shall be provided which will automatically maintain space setpoint temperature, 72°F heating, 78°F cooling, if cooling is provided, including night setback operation with intermittent fan operation, zero percent outside air and night setback temperature (55°F). Controls shall include seven day scheduling.

(4) Cooling. Mechanical refrigeration is optional. Cooling systems shall be of sufficient capacity to maintain cooling setpoint previously mentioned, under A.S.H.R.A.E. design conditions for the location in which the portable classroom is installed based on 2.5 percentile—dry and wet bulb temperatures. Ventilation rate shall be 10 c.f.m. (cu.ft./min.) per occupant under mechanical cooling cycle operation.

(5) Professional design requirements. Portable classroom design drawings shall incorporate a heating, ventilating (and air conditioning where applicable) design prepared by a professional engineer, registered in Washington state, and experienced in the heating, ventilating and air conditioning field. The engineer's seal shall be affixed to said drawings.

WSR 87-15-032

NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum—July 10, 1987]

July 16, 1987

Thursday, 5:00 p.m.

Board of Trustees Meeting
Lynnwood Hall, Room 424

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 87-15-033

PROPOSED RULES DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed July 13, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning the conditions under which state funds are made available to assist local food banks and food distribution centers;

that the agency will at 2 – 4 p.m., Thursday, August 27, 1987, in the 5th Floor Conference Room, 9th and Columbia Building, Olympia, Washington, 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 43.63A.060 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is section 217(1), chapter 7, [Laws of] 1987 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1987.

Dated: July 2, 1987

By: Chuck Clarke
Director

STATEMENT OF PURPOSE

Title: Chapter 365-140 WAC, State funding of local emergency food programs.

Statutory Authority: RCW 43.63A.060 and chapter 34.04 RCW.

Specific Statute the Rule is Intended to Implement: Section 217(1), chapter 7, [Laws of] 1987 1st ex. sess.

Summary of Rule and Reasons Supporting Proposed Action: Sets forth the conditions and procedures under which state funding will be made available to assist local emergency food assistance programs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Katherine Friedt, Assistant Director, Division for Community Services, Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, (206) 753-4979.

Organization Proposing the Rule: Department of Community Development.

Agency Comments or Recommendations: None.

Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 85-15, filed 3/27/86)

WAC 365-140-010 AUTHORITY. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. ((The program which these rules are designed to implement is found in section 217, chapter 6, Laws of 1985 1st ex. sess.))

AMENDATORY SECTION (Amending Order 86-14, filed 9/22/86)

WAC 365-140-030 DEFINITIONS. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Food bank" means a site where food is collected and distributed to clients at no charge.

(4) "Food distribution center" means a site where food is collected, warehoused, and distributed to food banks without charge on a regional, county, or statewide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients.

(6) "Emergency food assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local food banks and food distribution centers.

(7) "Applicant" means a public or private nonprofit organization, which applies for state emergency food assistance.

(8) ("Grantee") "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community development to provide emergency food assistance to individuals.

(9) "Lead agency ((grantee)) contractor" means a ((grantee)) contractor which may subcontract with one or more local organizations to provide emergency food assistance to individuals.

(10) "Religious service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

(11) "Unmet need" means an area of the state, region, or county that is currently not being adequately served by existing emergency food assistance providers.

(12) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency (grantee) contractor to provide emergency food program services.

AMENDATORY SECTION (Amending Order 86-14, filed 9/22/86)

WAC 365-140-040 (~~GRANTEE~~) CONTRACTOR FUNDING ALLOCATION AND AWARD OF CONTRACTS. (~~(\$475,000 for FY 1986 and \$475,000 for FY 1987 has been allocated to food banks and food distribution centers statewide)~~) Each county of the state is allocated a portion of the total appropriation by the legislature.

(1) Sixty percent of total funds shall be provided to food banks by county according to the following formula:

(a) (~~Two~~) Three thousand dollars minimum allocation to a public or private nonprofit organization in every county for food banks to offset the limited resources and higher costs of providing services in rural areas.

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(2) Forty percent of total funds shall be provided to food distribution centers by county according to the following formulas:

(a) (~~Two~~) Three thousand dollars minimum allocation to a public or private nonprofit organization in every county for food distribution centers to offset the limited resources and higher costs of providing services in rural areas;

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(3) The department may award the combined allocation for two or more counties to a single applicant.

(4) The department shall award a food bank contract to one lead agency (grantee) contractor in each county, with the exception of Pierce County, where there may be two lead agency (grantees) contractors, and King County, where there may be five lead agency (grantees) contractors to administer subcontracts with one or more local providers of emergency food bank services.

(5) The department shall award a contract to food distribution centers which are designated by the emergency food assistance program and the food bank lead agency (grantees) contractors.

(6) The department shall pay for services provided under the emergency food assistance program after the (grantee) contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(7) In the event that funds are not claimed by a eligible organization in a county or that a portion of the funds allocated to a county remain unspent, the county with the highest rate of unemployment which was allocated no more than (~~two~~) three thousand dollars for the contract year will receive unspent funds not to exceed (~~two~~) three thousand dollars. Unspent funds exceeding (~~two~~) three thousand dollars will be reallocated to a county with the next highest rate of unemployment which was allocated no more than (~~two~~) three thousand dollars for the contract year.

AMENDATORY SECTION (Amending Order 86-14, filed 9/22/86)

WAC 365-140-050 APPLICANT ELIGIBILITY CRITERIA.

(1) The applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, have a sponsor providing 501(c)3 status, or be a public nonprofit agency.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency food.

(3) The applicant must provide food to individuals in an emergency, regardless of residency.

(4) The applicant must practice nondiscrimination in providing services and employment.

(5) The applicant must not deny food to an individual because of his or her inability to pay.

(6) Applicants for funding as participating agency or food distribution center must have had a food bank program or food distribution center in operation for one year prior to the beginning date of the contract year, except in areas with unmet need.

(7) The applicant for lead agency (grantee) contractor may or may not actually provide emergency food program services.

AMENDATORY SECTION (Amending Order 86-14, filed 9/22/86)

WAC 365-140-060 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) The total amount of funds provided to a (grantee) contractor under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year.

(5) Administrative costs under this program are limited to (~~five~~) ten percent of the total award for providing direct emergency food assistance services. The administrative costs of a lead agency (grantee) contractor are limited to (~~five~~) ten percent of the (grantee's) contractor's award for providing direct services plus (~~eight~~) ten percent of the multi-agency service provider contract total. Total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

(7) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.

(8) Department funds may not be used to defray costs of meal programs.

WSR 87-15-034

PROPOSED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed July 13, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning the conditions and procedures under which state funds are made available to assist local emergency shelter programs;

that the agency will at 10 a.m. - 12 noon, Thursday, August 27, 1987, in the Fifth Floor Conference Room, 9th and Columbia Building, Olympia, Washington, 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 43.63A.060 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is section 217(1), chapter 7, [Laws of] 1987 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 27, 1987.

Dated: July 2, 1987
By: Chuck Clarke
Director

STATEMENT OF PURPOSE

Title: Chapter 365-120 WAC, State funding of local emergency shelter programs.

Statutory Authority: RCW 43.63A.060 and chapter 34.04 RCW.

Specific Statute the Rule is Intended to Implement: Section 217(1), chapter 7, [Laws of] 1987 1st ex. sess.

Summary of Rule and Reasons Supporting Proposed Action: Sets forth amendments to the conditions and procedures under which state funding will be made available to assist local emergency shelter programs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Katherine Friedt, Assistant Director, Division for Community Services, Department of Community Development, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151, (206) 753-4979.

Organization Proposing the Rule: Department of Community Development.

Agency Comments or Recommendations: None.

Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 85-19, filed 1/6/86)

WAC 365-120-010 AUTHORITY. These rules are adopted under the authority of (~~chapter 43.63A~~) RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. (~~The program which these rules are designed to implement is found in section 217, chapter 6, Laws of 1985 ex. sess.~~)

AMENDATORY SECTION (Amending Order 86-15, filed 9/22/86)

WAC 365-120-030 DEFINITIONS. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Emergency shelter assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local emergency shelter programs.

(4) "Emergency shelter program" means a program within a local agency or organization that provides emergency shelter services.

(5) "Applicant" means a public or private nonprofit organization including local government entities, or a combination thereof, which applies for state emergency shelter funds.

(6) (~~"Grantee"~~) "Contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to provide emergency shelter services.

(7) "Lead agency (~~grantee~~) contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to administer subcontracts with one or more local agency providers of emergency shelter services.

(8) "Homeless" means persons, including families, who, on one particular day or night, do not have a decent and safe shelter nor sufficient funds to purchase a place to stay.

(9) "Voucher system" means a method of purchasing emergency shelter services by the night using a notification coupon.

(10) "Religious service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

(11) "Short-term" means one to thirty-one days.

(12) "Families" means one or more adults with dependent children under 18.

(13) "Congregate care facility" means a licensed boarding home or a licensed private establishment which has entered into a congregate care contract with the department of social and health services (WAC 388-15-560).

(14) "Group care facility" means an agency maintained and operated for the care of a group of children on a 24-hour basis (WAC 388-73-014(1)).

(15) "Crisis residential center" means an agency operated under contract with the department of social and health services to provide temporary protective care to children in a semi-secure residential facility in the performance of duties specified and in a manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036 (WAC 388-73-014(6)).

(16) "Detoxification center" means a public or private agency or program of an agency which is operated for the purpose of providing residential detoxification services for those suffering from acute alcoholism.

(17) "Current or continuous provider" means an agency or organization that currently provides or has provided emergency shelter services for some period during the most recent fiscal year.

(18) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency (~~grantee~~) contractor to provide emergency shelter services.

(19) "Safe home" means a private home where short term emergency shelter is provided primarily to victims of domestic violence.

AMENDATORY SECTION (Amending Order 86-15, filed 9/22/86)

WAC 365-120-040 (~~GRANTEE~~) CONTRACTOR FUNDING ALLOCATION. Each county of the state is allocated a portion of the total (~~grantee~~) contractor appropriation by the legislature according to the following formula:

(1) Five thousand dollars minimum allocation to every county to offset the limited resources and higher costs of providing services in rural areas;

(2) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred percent of poverty using federal guidelines; and

(3) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(4) Any increases in appropriations to this program by the legislature will be allocated according to each county's percent of the total state appropriation which was determined in subsections (1), (2), and (3) of this section.

The department may award the combined allocation of two or more counties to a single applicant.

The department may award a contract to one lead agency (~~grantee~~) contractor in each county with the exception of Pierce County, where there may be two lead agency (~~grantees~~) contractors, and King County, where there may be five lead agency (~~grantees~~) contractors to administer subcontracts with one or more local agency providers of emergency shelter services.

The department will give priority in the awarding of allocations to applicants who serve families and children in need of shelter.

In the event that funds are not claimed by an eligible organization in a county, or that a portion of the funds allocated to a county remain unspent, two thirds of those funds will be awarded to shelters serving the homeless mentally ill in King County and one third of the funds will be awarded to shelters serving the homeless mentally ill in Pierce County.

The department will pay for services provided under the state emergency shelter assistance program after the (~~grantee~~) contractor submits a monthly report of expenditures incurred and a request for reimbursement.

AMENDATORY SECTION (Amending Order 86-15, filed 9/22/86)**WAC 365-120-050 APPLICANT ELIGIBILITY CRITERIA.**

(1) The applicant for funding as a participating agency must have been a provider of emergency shelter for one year prior to the beginning date of the contract year.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency shelter.

(3) The applicant must not require residency in the designated service area as a requirement for a homeless person to receive services.

(4) The applicant must practice ~~((non-discrimination))~~ nondiscrimination in providing services and employment.

(5) The applicant must not deny shelter to a homeless person because of his or her inability to pay.

(6) The applicant for funding as a participating agency must provide short-term emergency shelter services either directly through a shelter facility, through a voucher system, or through a safe home.

(7) The applicant for lead agency ~~((grantee))~~ contractor must be authorized by the applicant participating agencies within each county for which funds are applied.

(8) The applicant for lead agency ~~((grantee))~~ contractor may or may not actually provide emergency shelter program services.

(9) The applicant must be a public or private nonprofit organization, or a local government entity.

(10) Group care facilities, crisis residential centers, congregate care facilities, and detoxification centers are not eligible to receive emergency shelter assistance funding.

AMENDATORY SECTION (Amending Order 86-15, filed 9/22/86)

WAC 365-120-060 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Potential applicants will be notified by the department that in order to be considered for state emergency shelter financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30. Failure of an applicant to make application in a timely manner, as specified by the department, will result in denial of the funding request.

(3) Department funds may not be substituted for other existing funding sources.

(4) The total amount of funds provided to a ~~((grantee))~~ contractor under this program may not exceed the total funding received from other sources for emergency shelter services during the fiscal year.

(5) Administrative costs under this program are limited to ~~((five))~~ ten percent of the total ~~((contract))~~ award for providing direct services. The administrative costs of a ~~((grantee))~~ contractor that provides direct emergency shelter services and also serves as a lead agency ~~((grantee))~~ contractor are limited to ~~((five))~~ ten percent of the ~~((grantee))~~ contractor award for providing direct services plus ~~((eight))~~ ten percent of the multi-agency service provider contract total. However, total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

WSR 87-15-035**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES****(Board of Natural Resources)**

[Order 508, Resolution No. 565—Filed July 13, 1987]

Be it resolved by the Board of Natural Resources, acting at Olympia, Washington, that it does adopt the annexed rules relating to the establishment of rental rates, advance minimum royalty rates, production royalty rate and work requirements for mineral prospecting leases and mining contracts issued by the Department of Natural Resources.

We, the Board of Natural Resources, 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 action is necessary to allow the resumption of mineral leasing during the current field season.

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

This rule is promulgated pursuant to chapter 20, Laws of 1987, RCW 79.01.628, 79.01.632 and 79.01.642 which directs that the Board of Natural Resources has authority to implement the provisions of chapter 20, Laws of 1987, RCW 79.01.628, 79.01.632 and 79.01.642.

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 July 10, 1987.

By Brian J. Boyle

Chairman, Board of Natural Resources
Commissioner of Public Lands

NEW SECTION

WAC 332-16-035 PROSPECTING LEASES AND MINING CONTRACTS — RENTAL RATES, ADVANCE MINIMUM ROYALTY, PROSPECTING WORK REQUIREMENT, DEVELOPMENT WORK REQUIREMENT AND PRODUCTION ROYALTY. *The annual rental for years one through three of a mineral prospecting lease shall be \$2.00 per acre, or \$100.00, whichever is greater. The annual rental for years four through seven of the lease shall be \$3.00 per acre, or \$120.00, whichever is greater. The department may require that more than one year's annual rental be paid in advance prior to issuing the lease.*

The annual prospecting work requirement for a mineral prospecting lease shall be \$3.00 per acre.

The annual advance minimum royalty for years one through five of a mining contract shall be \$5.00 per acre, or \$250.00, whichever is greater. The annual advance minimum royalty for years six through ten of a mining contract shall be \$10.00 per acre, or \$500.00, whichever is greater. The annual advance minimum royalty for years eleven through twenty of a mining contract shall be \$20.00 per acre, or \$1,000.00, whichever is greater.

The production royalty rate for mining contracts shall be 5% of the market price. The rate to be incorporated into a mining contract issued upon conversion from a prospecting lease shall be the rate in effect on the date the prospecting lease was issued.

The annual development work requirement for a mining contract shall be \$5.00 per acre.

All annual rental payments and annual advance minimum royalty payments must be made in advance, and lack of notice of payment due does not relieve the lessee of the obligation to make payments when due.

WSR 87-15-036
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
 [Memorandum—July 10, 1987]

Following are the dates for the regular monthly meetings of the Community College District 9 board of trustees:

- July 9, 1987
- September 10, 1987
- October 8, 1987
- November 12, 1987
- December 10, 1987
- January 14, 1988
- February 11, 1988
- March 10, 1988
- April 14, 1988
- May 12, 1988
- June 9, 1988

WSR 87-15-037
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 87-05]

ESTABLISHING THE SOLE STATE AGENCY FOR THE RECEIPT OF FEDERAL VOCATIONAL FUNDS PURSUANT TO 20 U.S.C. 2307

WHEREAS, the Commission for Vocational Education will sunset June 30, 1987, pursuant to RCW 43.131.287; and

WHEREAS, the Commission has been the sole state agency for the receipt of federal vocational education funds; and pursuant to 20 U.S.C. 2307 federal law authorizes the state to designate the sole state agency;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby:

(1) Designate within the Governor's office a State Board for Vocational Education to be the sole state agency for the receipt of federal vocational education funds to be a five member board consisting of the Governor, who serves as the Chair, (or my designee); the Superintendent of Public Instruction (or his designee); the Director of the State Board for Community College Education (or his designee); one member representing business, appointed by the Governor, and one member representing organized labor, appointed by the Governor, effective July 1, 1987.

(2) I hereby designate the following former employees of the Commission for Vocational Education to continue as employees of the successor sole state agency, under the same terms and conditions: Mike Schmkidkofer, Phil Stewart, Barbara Decker, Myra Peters, Elaine Hangartner, Walt Wong, Gil Zuerlein, Rob Fieldman, Bettye Pressley, Yvonne Sanchez, Barb Glass, Sandra Lester, Deaun Welch, Harriet Gleason, Cassie Rexus, Shirley Sorrell, Gerry Clerget, Patricia Justice, Merritt Long, and Linda Broderick.

(3) The Washington Federation of State Employees will continue to represent the former CVE employees in matters relating to their current union contract until this assignment of responsibility is reallocated by further Executive Order.

(4) All rules and pending business before the Commission for Vocational Education shall be continued and acted upon by the State Board for Vocational Education. All existing contracts and obligations shall remain in full force and shall be performed by the State Board for Vocational Education.

(5) This Executive Order shall continue unless it is modified by further Executive Order or action of the Legislature.

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 June, A.D., nineteen hundred and eighty-seven.

Booth Gardner

BY THE GOVERNOR:

Laura Eckert

Assistant Secretary of State

WSR 87-15-038
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 87-06]

TRANSFERRING THE ADMINISTRATION OF JOB TRAINING AND PARTNERSHIP ACT AND VETERANS ADMINISTRATION APPROVAL UNDER FEDERAL LAW AND THE JOB SKILLS PROGRAM AND REGISTRATION OF SCHOOLS UNDER STATE LAW TO THE NEWLY CREATED STATE BOARD FOR VOCATIONAL EDUCATION PURSUANT TO SECTION 710 OF SHB 1221

WHEREAS, the newly established State Board for Vocational Education is a five member board consisting of the Governor (or a designee), the Superintendent of Public Instruction (or a designee), and the Director of the State Board for Community College Education (or a designee), one representative of organized labor and one representative of business; and

WHEREAS, pursuant to section 710 of SHB 1221, the Legislature has directed that this office designate a successor agency for Job Training and Partnership Act eight percent education and coordination grants and Job Skills Program.

NOW, THEREFORE, I Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby:

(1) Designate the newly created State Board for Vocational Education as the agency to administer the Job

Training and Partnership Act (JTPA) eight percent education and coordination grants and to administer the Job Skills Program pursuant to RCW 28C.04.400 through 28C.04.480.

(2) Designate the new State Board for Vocational Education to administer and carry out the VA approval of vocational programs for the attendance of veterans pursuant to federal law and to administer the licensing of private vocational schools pursuant to Chapter 28C.10 RCW.

(3) Designate the following former employees of the Commission for Vocational Education to continue as employees of the successor sole state agency, under the same terms and conditions: Ken Lisk, John Knold, Caroline Haggard, Ron Berg, Gene Bigger, Vince Ortiz, Bev Hermanson, Bob Hinsch, Cindy Meason, Jean Pettit, Pat Daly, Lucita Waller, and Michelle Waters.

(4) The Washington Federation of State Employees will continue to represent the former CVE employees in matters relating to their current union contract until this assignment of responsibility is reallocated by further executive order.

(5) All rules and all pending business before the Commission for Vocational Education shall be continued and acted upon by the State Board for Vocational Education. All existing contracts and obligations shall remain in full force and shall be performed by the State Board for Vocational Education.

(6) This executive order shall continue in effect unless modified by further order or action by the Legislature.

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 June, A.D., nineteen hundred and eighty-seven.

Booth Gardner

BY THE GOVERNOR:

Laura Eckert

Assistant Secretary of State

WSR 87-15-039
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 87-07]

ESTABLISHING THE COUNCIL ON VOCATIONAL EDUCATION PURSUANT TO SECTION 112 OF PUBLIC LAW 98-524, THE CARL D. PERKINS VOCATIONAL EDUCATION ACT AND SECTION 710 OF SHB 1221

WHEREAS, the State of Washington recognized the benefits of vocational education and desires to participate in vocational education programs authorized by Public Law 98-524, the Carl D. Perkins Vocational Education Act; and

WHEREAS, Section 112 of that act requires each state to establish a State Council on Vocational Education, consisting of thirteen members to be appointed by the Governor who are representative of citizens and groups set forth in that section; and

WHEREAS, the existing Council on Vocational Education will cease to exist on June 30, 1987, with the repeal of RCW 29C.04.300 and 28C.04.310; and

WHEREAS, the existing Council and its members have performed their responsibilities in an effective manner the interests of the State of Washington require that there be continuity in the functions of the Council;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby order and direct that the Washington State Council on Vocational Education be hereby continued in its existence with membership and terms of office as follows:

1. Representatives of labor organizations

Al Brisbois, Seattle	until March 31, 1989
Darrel Elder, Chehalis	until March 31, 1990
2. Representative of small business concerns:

To be named	until March 31, 1990
-------------	----------------------
3. Private sector member of the State Job Training Coordinating Council

Erin Munding, Omak	until March 31, 1989
--------------------	----------------------
4. Representatives of business, industry, and agriculture:

Roger Lampitt, Tacoma	until March 31, 1988
Doug Schmidt, Bothell	until March 31, 1988
Elizabeth Stocker, Kennewick	until March 31, 1989
5. Representative of career guidance and counseling:

Deral Adams, Spokane	until March 31, 1989
----------------------	----------------------
6. Representative of special education:

Margo Thornley, Seattle	until March 31, 1989
-------------------------	----------------------
7. Educational member who has special knowledge and qualifications with respect to the special educational and career development needs of special populations (including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities):

Phyllis Kenney, Seattle	until March 31, 1988
-------------------------	----------------------
8. Representatives of secondary and postsecondary vocational institutions:

Mike Bjur, Vancouver	until March 31, 1988
Lois Andrus, Bainbridge Island	Until March 31, 1990
Bill Mohler, Tacoma	until March 31, 1990
9. I further order and direct that the Council on Vocational Education shall administer the Washington Award for Vocational Excellence Program (WAVE) pursuant to RCW 29C.04.520 through 28C.04.550.
10. This Executive Order shall continue in effect unless modified by further order or action of the Legislature.

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 June, A.D., nineteen hundred and eighty-seven.

Booth Gardner

BY THE GOVERNOR:

Laura Eckert

Assistant Secretary of State

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

WSR 87-15-040
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 87-08]

CORRECTING EO 87-01, SUPERSEDING EXECUTIVE ORDER 83-07 GOVERNOR'S COMMITTEE ON DISABILITY ISSUES AND EMPLOYMENT

It is the public policy of this state to promote full participation and equal opportunity for all persons, including those of disability. (A person of disability means an individual who has physical, mental or sensory characteristics such as those listed listed under the "handicapped person" definition in regulation 28 CFR 41.31(b) for implementation of Section 504 of the Rehabilitation Act of 1973, as amended, PL 93-112.) Yet, despite continued efforts and marked progress to achieve equity for the disability community, this social minority presently experiences one of the highest unemployment rates, has a disproportionate number of members living in poverty and still cannot access most built structures or community activities. Although the disability minority in Washington numbers approximately 400,000 persons, it has a very low sense of group identity, and the abilities, capacities, interests and concerns of persons of disability continue to be misunderstood or undervalued.

NOW, THEREFORE, I, Booth Gardner, Governor of Washington, do hereby reaffirm the establishment of and need for the Governor's Committee on Employment of the Handicapped, retitle it the Governor's Committee on Disability Issues and Employment, hereinafter referred to as the "Committee," reaffirm its administrative attachment to the Employment Security Department and require the following:

- 1. The Committee pursuant to this Executive Order shall serve as a disability minority advocate. It shall identify for attention the issues and concerns pertaining to the rights and needs of all persons of disability and shall work to empower such individuals to take control over their own lives.
2. The Committee shall advise the Governor, Legislature, state agencies, the business community, organized labor, other public and private organizations

and the general public on disability issues and concerns, and make recommendations to address those concerns, with emphasis on increasing opportunities for independence and employment.

- 3. The Committee shall develop, conduct and oversee the execution of policies, projects, activities and other actions that will enhance access, opportunities, options and equity for all persons of disability.
4. Annually, the Committee shall submit to the Governor a report with recommendations which shall address disability issues such as the following: the status of public and private sector employment opportunities; program and physical access; legislative priorities; selected state agency budgets; economic and social status of the disability community; and an overall state government rehabilitation/disability services overview.
5. In carrying out its duties, the Committee may establish such relationships with state agencies, especially those that serve the disability community, local governments, private industry, educational institutions, labor and other private organizations, as may be needed to promote equal opportunity for persons of disability.
6. Each state department and agency shall provide appropriate and reasonable assistance and resources to the Committee so that the Committee may carry out the purposes of this Order. Also, the Committee may secure directly from any department or agency of the state information necessary to enable it to carry out the purpose of this Order.
7. The chairperson and the members of the Committee shall be appointed by the Governor, and
(a) At least fifty percent of new members appointed after the effective date of this Order shall be persons of disability. Up to ten percent of the full Committee membership may be family members of persons of disability and/or advocates;
(b) The membership shall be selected so as to represent a wide variety of physical, mental or sensory disability characteristics. Geography, occupation, sex, age, socioeconomic status, other minority membership and diversity of viewpoints will also be considered in making appointments;
(c) Selected governmental leaders and advocates necessary to enable the Committee to carry out the work of this Order may participate on the Committee as non-voting associate members. The Governor shall appoint associate members; and
(d) The Committee may establish advisory, work and study groups as necessary to carry out the work of this Order.

8. The Employment Security Department shall continue as the lead agency in providing fiscal and administrative support to the Committee, including:

- (a) Seeking and securing additional support for the Committee from other state agencies; and
- (b) Coordinating the fiscal and administrative support that all other agencies and sources provide to the Committee.

9. The Committee shall have authority to accept support and assistance, or receive gifts, grants, endowments or bequests as may be made to or provided from state agencies or other public/private sources for the use and benefit of the purposes of the Committee and to expend the same, or any income therefrom, according to any attached terms.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 1st day of July, A.D., nineteen hundred and eighty-seven.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Laura Eckert

Assistant Secretary of State

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

WSR 87-15-041
RULES OF COURT
STATE SUPREME COURT
[July 9, 1987]

IN THE MATTER OF THE AMENDMENT TO CrRLJ 6.13 NO. 25700-A-402 ORDER

The Washington State Bar Association's Court Rules and Procedures Committee having approved the proposed amendments to CrRLJ 6.13 submitted by the Washington State Patrol and the Court having determined that the Amendments will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption;

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 will be published expeditiously in the Washington Reports and will become effective on

September 1, 1987 to coincide with the effective date of the new set of CrRLJs.

DATED at Olympia, Washington this 9th day of July, 1987.

Vernon R. Pearson, C.J.

James A. Andersen

Robert F. Brachtenbach

Keith M. Callow

Fred H. Dore

Wm. C. Goodloe

James M. Dolliver

B. Durham

CrRLJ 6.13
EVIDENCE

(a) Rules of Evidence. The Rules of Evidence are applicable to criminal prosecutions.

(b) Test Reports by Experts.

(1) Generally. The official written report of an expert witness which contains the results of any test of a substance or object which are relevant to an issue in a trial shall be admitted in evidence without further proof or foundation as prima facie evidence of the facts stated in the report if the report bears the following certification:

TEST CERTIFICATION

The undersigned certifies under penalty of perjury that:

- 1. I performed the test on the (substance) (object) in question;
- 2. The person from whom I received the (substance) (object) in question is: _____;
- 3. The document on which this certificate appears or to which it is attached is a true and complete copy of my official report; and
- 4. Such document is a report of the results of a test which report and test were made by the undersigned who has the following qualifications and experience: _____.

Signature

Title

Business Address and Phone

(2) Exclusion of Test Reports. The court shall exclude test reports otherwise admissible under section (b) if:

- (i) a copy of the certified report or certificate has not been delivered or mailed to the defendant or the defendant's lawyer at least 14 days prior to the trial date or, upon a showing of cause, such lesser time as the court deems proper, or
- (ii) in the case of an unrepresented defendant, a copy of this rule in addition to a copy of the certified report or certificate has not been delivered or mailed to the defendant at least 14 days prior to the trial date or, upon a showing of cause, such lesser time as the court deems proper, or
- (iii) at least 7 days prior to the trial date, or, upon a showing of cause, such lesser time as the court deems

proper, the defendant has delivered or mailed a written demand upon the prosecuting authority to produce the expert witness at the trial.

(c) Breathalyzer Maintenance, and BAC Verifier, and Simulator Solution Certificates.

(1) Admission of Certificate. In the absence of a request to produce a Breathalyzer maintenance technician, or a BAC Verifier Data Master infrared instrument technician, or the person responsible for preparing simulator solutions made at least 7 days prior to trial or such lesser time as the court deems proper, certificates substantially in the following forms are admissible in lieu of a state expert witness in any court proceeding held pursuant to RCW 46.61.506 for the purpose of determining whether a person was operating or in actual physical control of a motor vehicle while under the influence of intoxicating liquors:

BREATHALYZER MAINTENANCE AND CHEMICAL CERTIFICATION

I, _____, do certify under penalty of perjury as follows:

I am a Breathalyzer technician possessing a valid permit or certificate issued to me by the state toxicologist by virtue of his rules, WAC 448-12 and RCW 46.61.506.

On _____ (date) at _____ (time) I examined, tested and calibrated a Breathalyzer machine with serial No. _____ using a sealed ampul of chemicals with control No. _____ according to the methods established and approved by the state toxicologist.

I further certify that said machine was, on that date, in proper working order, and that the chemicals in ampuls with the above control number are suitable for use in this machine.

Signature of Technician

Dated: _____

BAC VERIFIER DATA MASTER CERTIFICATION

I, _____, do certify under penalty of perjury as follows:

I am employed by the ~~Washington State Patrol Crime Laboratory~~ _____ and am certified by the state toxicologist by virtue of applicable regulations and statutes.

On _____ (date) at _____ (time) I examined, tested and ~~verified the calibration of~~ certified a BAC Verifier Data Master instrument with serial No. _____ according to the methods established and approved by the state toxicologist.

I further certify that said instrument was, on that date, in proper working order.

Signature of Technician

Dated: _____

BAC VERIFIER DATA MASTER SIMULATOR SOLUTION CERTIFICATION

{RESERVED}

I, _____, do certify under penalty of perjury as follows:

I am employed by the Washington State Toxicology Laboratory, and a part of my responsibilities include preparing and testing the simulator solutions for the BAC Verifier Data Master breath test instrument. I possess the following qualifications: _____

The simulator solution, Lot Number _____ was prepared in the Washington State Toxicology Laboratory. I examined and tested this solution. It was found to conform to those standards established by the State Toxicologist for the certification of simulator solution.

Dated: _____

Signature

(2) Machine Not Working Properly—Certificate of Technician. If the technician determines that a Breathalyzer machine or a BAC Verifier Data Master instrument is not in proper working order at the time of examination, the technician shall delete the last paragraph from the appropriate certificate form set forth in section (c)(1) of this rule and shall certify substantially in the following form:

I further certify that said machine was ~~not, on that date at the time indicated,~~ in proper working order and; therefore, I am unable to certify that said machine was in proper working order between _____ at _____ M. (date when last previously examined and certified to be in proper working order) and the date and time indicated below: on _____ (date) at _____ M.

I further certify that I repaired or corrected said machine as required on _____ (date) and as of _____ (date) that date at _____ M. said machine was again in proper working order [and that the chemicals in ampuls with the above control number are suitable for use in this machine]. (Cross out bracketed language if not applicable.)

Dated: _____

Technician

(3) Filing of Certificates by Clerk. The clerk of each court of limited jurisdiction shall maintain the certificates as a public record.

(d) Speed Measuring Device: Design and Construction Certification.

(1) Admission of Certificate. In the absence of a request to produce an electronic speed measuring device (SMD) expert made at least 7 days prior to trial or such lesser time as the court deems proper, a certificate substantially in the following form is admissible in lieu of an expert witness in any court proceeding in which the

design and construction of an electronic speed measuring device (SMD) is an issue:

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION OF ELECTRONIC SPEED MEASURING DEVICES

I, _____, do certify under penalty of perjury as follows:

I am employed with _____ as a _____. I have been employed in such a capacity for ___ years and hold the rank of _____. Part of my duties include supervising the purchase, maintenance, and repair of all electronic speed measuring devices (SMD's) used by my agency.

This agency currently uses the following SMD's: (List all SMD's used and their manufacturers.)

I have the following qualifications with respect to the above stated SMD's:

(List all degrees held and any special schooling regarding the SMD's listed above.)

Our agency maintains manuals for all of the above stated SMD's. I am personally familiar with those manuals and how each of the SMD's are designed and operated. All initial testing of the SMD's was performed under my direction. The units were evaluated to meet or exceed existing performance standards. Our agency maintains a testing and certification program. This program requires:

(State the program in detail.)

Based upon my education, training, and experience and my knowledge of the SMD's listed above, it is my opinion that each of these pieces of equipment is so designed and constructed as to accurately employ the Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

Signature

Dated: _____

(e) Continuance. The court at the time of trial shall hear testimony concerning the alleged offense and, if necessary, may continue the proceedings for the purpose of obtaining (1) the maintenance technician's presence for testimony concerning the working order of the Breathalyzer machine and the certification thereof, (2) evidence concerning the working order of the BAC Verifier Data Master instrument and the certification thereof, (3) evidence concerning the preparation of the BAC Verifier Data Master simulator solution and the certification thereof, or (3) (4) evidence concerning an electronic speed measuring device and the certification thereof. If, at the time it is supplied, the evidence is insufficient, a motion to suppress the results of such test or readings shall be granted.

Reviser's note: The brackets and enclosed material in the text of the above material occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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

WSR 87-15-042
RULES OF COURT
STATE SUPREME COURT
[July 9, 1987]

IN THE MATTER OF THE ADOPTION OF GR 11 NO. 25700-A-403 ORDER

The Supreme Court Interpreter Task Force having proposed GR 11 and the Court having determined that the Rule will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption; Now, therefore, it is hereby

ORDERED:

(a) That the Rule as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the Rule will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 9th day of July, 1987.

Vernon R. Pearson, C.J.

James A. Andersen

Robert F. Brachtenbach

Keith M. Callow

Fred H. Dore

Wm. C. Goodloe

James M. Dolliver

B. Durham

NEW GR 11

Court Interpreters

The use of qualified interpreters is authorized in judicial proceedings involving hearing impaired or non-English speaking individuals.

WSR 87-15-043
RULES OF COURT
STATE SUPREME COURT
[July 9, 1987]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO JISCR 2 and 15 NO. 25700-A-404 ORDER

The Judicial Information System Committee having proposed amendments to JISCR 2, and 15 to aid in the prompt and orderly administration of justice and the Court having considered the recommendations of the Judicial Information System Committee, and having further determined that an emergency exists which necessitates an early adoption; 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(g) and (i), the amendments shall be effective retroactively to July 1, 1987.

DATED at Olympia, Washington this 9th day of July, 1987.

	Vernon R. Pearson, C.J.
	James A. Andersen
Robert F. Brachtenbach	Keith M. Callow
Fred H. Dore	Wm. C. Goodloe
James M. Dolliver	B. Durham

JISCR 2
COMPOSITION

(a) Membership. The Judicial Information System Committee (JISC) shall be representative of the judiciary of the state of Washington and shall be appointed by the Chief Justice, with the approval of the Supreme Court from a list of names submitted by representative groups and associations from within the judicial system and shall be composed of a Supreme Court Justice (the Supreme Court), a Court of Appeals judge (Court of Appeals), three superior court judges (Superior Court Judges' Association), three judges of courts of limited jurisdiction (Washington Magistrates' Association), the Supreme Court Clerk, two county clerks (Washington State Association of County Clerks), a prosecuting attorney (Washington State Prosecuting Attorneys' Association), a lay citizen (Chief Justice), a representative of the Washington State Bar Association, a director of juvenile court services (Juvenile Directors Association), the Executive Director of the Washington State Data Processing Authority, the Administrator for the Courts, two superior court administrators (Association of Washington Superior Court Administrators) and three clerks/administrators from courts of limited jurisdiction (Washington State Court Administrators Association). The Chief Justice will consider for appointment those individuals who have been suggested by representative groups and associations from within the judicial system but shall not be bound thereby. In addition, the Chief Justice shall consider for appointment only those individuals who have demonstrated an interest and commitment to judicial administration and to automation of judicial systems and functions. The committee shall be composed of four members from the appellate court level (Supreme Court and Court of Appeals), four members from the superior court level, four members from the courts of limited jurisdiction level, and two at large members from outside the judiciary, at least one of whom will be a member of the Washington State Bar Association.

(b) Terms of Office. The term of membership for those who are appointed to represent specific organizations shall be for a term of 3 years with the initial term as determined by lot, staggered so as to insure that an equal number of terms expire each year. Any vacancy in the membership of the committee shall be filled in the same manner in which the original appointment was made and the term of membership shall expire on the same date as the original appointment expiration date.

(c) Operation. The Supreme Court Justice shall be the chairperson. The members of the committee shall elect a vice-chairperson from among themselves. Meetings of the committee shall be called regularly and at a minimum of four times per year at the discretion of the chair. Any members with two unexcused absences from regularly scheduled JISC meetings during any calendar year shall be requested to resign and the respective association shall appoint a successor to fulfill the unexpired term. ~~Ad hoc committees may also be established for the purpose of making special studies and recommendations to the JISC as required and as recommended by the chair and approved by the committee. The JISC shall review the work of the Administrator for the Courts with regard to the Judicial Information System and be responsible for recommendations to the Supreme Court concerning policies, procedures, and rules which affect the operation of the Judicial Information System or any new or presently existing information system projects within the state judiciary. User advisory committees shall be established for each level of court and will be representative of the users at each level. Ad hoc committees shall also be established for the purpose of monitoring specific projects undertaken by the Judicial Information System.~~

JISCR 15

DATA DISSEMINATION OF COMPUTER-BASED COURT INFORMATION

It is declared to be the policy of the courts to facilitate public access to court records, provided such disclosures in no way present an unreasonable invasion of personal privacy and will not be unduly burdensome to the ongoing business of the courts.

Due to the confidential nature of some court information, authority over the dissemination of such information shall be exercised by the judicial branch. This rule establishes the minimum criteria to be met by each information request before allowing dissemination.

(a) Application. This rule applies to all requests for computer-based court information submitted by an individual, as well as public and private associations and agencies. This rule does not apply to requests initiated by or with the consent of the Administrator for the Courts for the purpose of answering a request vital to the internal business of the courts.

(b) Excluded Information. Records sealed, exempted, or otherwise restricted by law or court rule may not be released to the general public except by court order.

~~(c) Data Dissemination Committee. The Chair of the Judicial Information System Committee shall appoint a Data Dissemination Committee whose members shall be appointed for 3 year terms. Membership terms shall be staggered. Rescinded.~~

(d) Data Dissemination Policies and Procedures. The Administrator for the Courts shall promulgate policies and procedures for handling applications for computer-based information. These policies and procedures shall be subject to the approval of the ~~Data Dissemination~~ Judicial Information System Committee.

(e) Information for Release of Data. Information which must be supplied by the requestor and upon which evaluation will be made includes:

- (1) Identifying information concerning the applicant;
- (2) Statement of the intended use and distribution;
- (3) Type of information needed.

(f) Criteria To Determine Release of Data. The criteria against which the applications are evaluated are as follows:

- (1) Availability of data;
- (2) Specificity of the request;
- (3) Potential for infringement of personal privacy created by release of the information requested;
- (4) Potential disruption to the internal, ongoing business of the courts.

(g) Cost. The requestor shall bear the cost of honoring the request for information in accordance with section (d).

(h) Appeal. If a request is denied by the Administrator for the Courts, the requestor may appeal the decision to the ~~Data Dissemination~~ Judicial Information System Committee in accordance with section (d). The ~~Data Dissemination~~ Judicial Information System Committee shall review and act upon the appeal in accordance with procedures promulgated by the Committee for this purpose.

WSR 87-15-044
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed July 13, 1987]

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 356-42-020 Determination of bargaining unit.
- New WAC 356-42-042 Election provision—General.
- Amd WAC 356-42-043 Union shop requirements.
- Amd WAC 356-42-045 Union shop elections.
- New WAC 356-42-049 Disclaimer of interest petition—Decertification of exclusive representative.
- Amd WAC 356-42-055 Arbitration—Grievance—Procedure.
- Amd WAC 356-42-082 Filing unfair labor practice charge.
- Amd WAC 356-42-084 Answer to complaint—Unfair labor practice.
- New WAC 356-42-105 Requests for mediation and arbitration.
- Amd WAC 356-42-020 Determination of bargaining unit.
- Amd WAC 356-42-082 Filing unfair labor practice charge.
- Amd WAC 356-42-084 Answer to complaint—Unfair labor practice;

that the agency will at 10:00 a.m., Thursday, September 10, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, 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 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 September 8, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-13-038 filed with the code reviser's office on June 15, 1987.

Dated: July 10, 1987
 By: Leonard Nord
 Secretary

WSR 87-15-045
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 280—Filed July 13, 1987—Eff. September 1, 1987]

Be it resolved by the State Personnel Board, acting at the Board Hearings Room, 600 South Franklin, Olympia, WA, that it does adopt the annexed rules relating to:

- Amd WAC 356-14-060 Compensation plan—Additional salary surveys and studies.
- New WAC 356-14-062 Compensation plan—Fiscal impact.

This action is taken pursuant to Notice No. WSR 87-12-025 filed with the code reviser on May 28, 1987. These rules shall take effect at a later date, such date being September 1, 1987.

This rule is promulgated pursuant to RCW 41.06.150 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 July 9, 1987.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-14-060 COMPENSATION PLAN—ADDITIONAL SALARY SURVEYS AND STUDIES. (1) Upon the establishment of new classes, redefinition of existing classes, realignment or reorganization of duties and responsibilities, determination of recruitment and/or retention difficulties, receipt of employee or agency salary protests, or whenever the board or director find it necessary, the director may conduct additional salary surveys and/or alignment studies to determine salaries, or whether salary changes are needed.

(2) Consistent with other provisions of this chapter, interim surveys shall conform to the statistical techniques set forth in this chapter.

(3) Salary levels which are indicated by the results of these surveys or studies may be implemented upon approval of the board provided:

- (a) The salary is for a new class; or

- (b) Substantial changes to duties and responsibilities which affect salary are made to the class; or
 (c) Significant salary-related recruiting and/or retention problems exist, as documented in historic records.

NEW SECTION

WAC 356-14-062 COMPENSATION PLAN—FISCAL IMPACT. The board will not consider fiscal impact in determining salaries. However, salary changes are subject to approval by the director of the office of financial management in accordance with provisions of chapter 43.88 RCW.

WSR 87-15-046
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-74—Filed July 13, 1987]

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

I, Joseph R. Blum, 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 provides for observation of a new thresher shark fishery, and will provide background data for management of the fishery.

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 July 13, 1987.

By Judith Merchant
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-44-09000B PELAGIC SHARK—LANDING REQUIREMENTS. Effective immediately until further notice, it is unlawful to land thresher sharks taken for commercial purposes in any Washington State port except as provided for in this section:

(1) A valid 1987 Washington Thresher Shark Gillnet Fishery Permit must be in possession of any fisherman making a landing.

(2) All conditions of the permit must be met.

(3) The open fishing period is from 6:00 p.m. July 13 to October 1, 1987 or until further notice, and it is unlawful to land thresher sharks taken outside the open fishing period.

WSR 87-15-047
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-75—Filed July 13, 1987]

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

I, Joseph R. Blum, 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 necessary for the conservation of chinook salmon stocks.

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 July 13, 1987.

By Judith Merchant
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-56-19000L SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190:

(1) Effective 12:01 a.m. July 14, 1987, until further notice it is unlawful to fish for salmon in Punchcard Area 4, Pacific Ocean waters and Washington waters west of the Buoy 10 line except as provided for in this subsection:

(a) In those waters north of a line projected due west from the mouth of the Queets River and west of the mouth of the Sekiu River:

(i) Open to salmon angling until further notice or until either 2,500 chinook salmon or 26,100 coho salmon are taken, whichever comes first.

(ii) Bag limit F, except that only chinook salmon may be retained per day.

(iii) Barbless hooks required.

(iv) The following waters are closed to salmon angling: Those waters inside and bounded by a line projected true north one mile from the mouth of the Sekiu River thence westerly meandering one mile off-shore to Tatoosh light, thence north on the Bonilla-Tatoosh line one mile (Duncan Rocks) and thence true west five miles (two miles beyond territorial sea) thence southerly meandering five miles off-shore to intersect a line projected true west from Cape Alava, and southerly at a distance of one mile off-shore from the Cape Alava line meandering along the shoreline at one mile to intersect a true west line projected from the mouth of the Queets River.

(b) In those waters south of a line projected due west from the mouth of the Queets River, north of a line projected due west from Leadbetter Point, and west of a line seven miles to the west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside ten miles):

(i) Open to salmon angling until further notice or until either 28,000 chinook or 74,300 coho salmon are taken, whichever comes first.

(ii) Bag Limit F, except that only one chinook salmon may be retained per day.

(iii) Barbless hooks required.

(c) In those waters south of a line projected due west from Klipsan Beach (46 degrees 28 minutes, 12 seconds North Latitude), and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce NOAA, National Ocean Survey (outside three miles):

(i) Open to salmon angling until further notice or until either 14,100 chinook or 100,500 coho salmon are taken, whichever comes first, from these waters and those waters south of the red buoy line at the mouth of the Columbia River and north of Cape Falcon, Oregon.

(ii) Bag Limit F.

(iii) Barbless hooks required.

(iv) No fish taken in the fishery provided for in subsection (c) may be landed at a coastal Washington port north of Leadbetter Point nor at any Willapa Bay nor Grays Harbor port.

(d) In all open areas provided for in this subsection it is unlawful to fish for salmon from 12:01 a.m. Friday to 11:59 p.m. Saturday of each week.

(2) Effective July 12, 1987 until further notice:

(a) In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.

(b) In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook must be not less than 22 inches in length. this subsection does not effect the chinook closure through August 31 in Port Susan. See WAC 220-56-199.

(3) Effective 12, 1987, until further notice those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling, except that it is lawful to fish for and possess pink salmon taken from these waters during the period August 22 through September 11, 1987. The special daily bag limit is two pink salmon. Barbless hooks are required and any salmon other than pink salmon must be released immediately.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 14, 1987:

WAC 220-56-19000K SALTWATER SEASONS AND BAG LIMITS. (87-71)

WSR 87-15-048

ADOPTED RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 509—Filed July 14, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, Administrator, Department of Natural Resources, do promulgate and adopt at the Office of the Commissioner, Second Floor, John A. Cherberg Building, Olympia, Washington, the annexed rules relating to the establishment of fees to be charged by each county auditor as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats, and condominium surveys, plats or maps.

This action is taken pursuant to Notice No. WSR 87-12-067 filed with the code reviser on June 3, 1987. 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 58.24.070 (section 9, chapter 466, Laws of 1987), 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 July 14, 1987.

By Brian J. Boyle

CHAPTER 332-150 WAC SURVEY, PLAT AND MAP FILING AND RECORDING FEES

AMENDATORY SECTION (Amending Order 378, filed 6/30/82)

WAC 332-150-010 AUTHORITY AND SCOPE. This chapter is promulgated pursuant to the authority granted in (~~Chapter 165, Laws of 1982, WAC 332-150-010 through WAC 332-150-040 are intended to implement section 7 of Chapter 165, Laws of 1982~~) Chapter 58.24 RCW.

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 378, filed 6/30/82)

WAC 332-150-020 DEFINITIONS. As used in WAC 332-150-010 through (~~WAC 332-150-040~~) WAC 332-150-050 the following definitions shall apply:

(1) "Surveys." All records of surveys required to be filed by law pursuant to Chapter 58.09 RCW and all

other (~~land division~~) maps, plats, or (~~maps~~) plans required by local ordinance to be filed and recorded.

(2) "Subdivision plats." All plats required to be filed by law pursuant to Chapter 58.17 RCW.

(3) "Short plats." All short plats required to be filed by law pursuant to Chapter 58.17 RCW.

(4) "Condominium surveys, plats or maps." All surveys, plats, or maps required to be filed by law pursuant to Chapter 64.32 RCW.

(5) "Instrument." The total document filed and recorded of each of the above regardless of the number of pages. (~~This term also includes corrections to such instruments, including but not limited to boundary line adjustments, correction affidavits, and correction plats and surveys.~~) Any correction filed amending a previously filed instrument shall be considered a separate instrument.

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 378, filed 6/30/82)

WAC 332-150-030 FILING AND RECORDING FEES. (~~After the e~~) Effective July 26, 1987, (date of this regulation) each county auditor shall collect the fee of (~~fifteen~~) twenty-six dollars per instrument in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats or condominium surveys, plats or maps.

REPEALER

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

WAC 332-150-040 FILING AND RECORDING FEES.

AMENDATORY SECTION (Amending Order 378, filed 6/30/82)

WAC 332-150-050 BIENNIAL REVIEW. The fee established by these rules shall be reviewed subsequent to the adoption of each biennial budget for surveys and maps to determine the sufficiency of such fee. If revenue is determined to be inappropriate for the program need the (~~department~~) board of natural resources shall adjust the fee accordingly.

WSR 87-15-049

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 87-3—Filed July 14, 1987]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed

rules relating to minimum functional standards for waste handling, amending chapter 173-304 WAC to include a requirement for an analysis of waste reduction and recycling.

This action is taken pursuant to Notice No. WSR 87-11-039 filed with the code reviser on May 18, 1987. 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 70.95 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 July 13, 1987.

By Phillip C. Johnson
Deputy Director

NEW SECTION

WAC 173-304-012 PLANNING REQUIREMENTS FOR ENERGY RECOVERY OR INCINERATION FACILITIES. In order to implement the priorities and provide a basis for permit requirements established in chapter 70.95 RCW, each comprehensive solid waste management plan shall contain an analysis for waste reduction and recycling. The analysis will include a determination of levels of waste reduction and recycling which could occur for solid wastes that are proposed to be landfilled or incinerated. The analysis shall include: A description of markets for recycled material, a review of waste generation trends, a description of waste composition, a cost analysis of the impact of recycling or reduction programs on collection and disposal rates and a discussion and description of any additional programs needed to assist public and private sector recycling programs.

WSR 87-15-050

PROPOSED RULES

GAMBLING COMMISSION

[Filed July 14, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-04-020, 230-04-190, 230-04-201 and 230-12-200 and repealing WAC 230-04-900;

that the agency will at 10:00 a.m., Friday, October 9, 1987, in Ellensburg, Washington, 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 chapter 9.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1987.

Dated: July 14, 1987
By: Frank L. Miller
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 230-04-020 Application procedure—Mandatory training; 230-04-190 Issuance of license; 230-04-201 Fees; 230-12-200 Prohibited practices—Contracts—Gifts—Rebates, etc.; and 230-04-900 Test for optional payment plan for annual licenses.

Description of Purpose: To bring the rules into conformity with the mandatory training rule and the six month payment plan.

Statutory Authority: RCW 9.46.030(1) and 9.46.070 (1), (2), (3), (4) and (14).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-04-020, housekeeping amendment to conform to the license fee; 230-04-190 allows the licensee to use the six month payment plan for submitting license fees; 230-04-201 updates license fee schedule to include the six month payment plan; 230-12-200 would allow licensed manufacturers or distributors of punchboards or pull tabs to sell such items without discrimination and price shall be in conformity with the open market price in the locality where sold; and 230-04-900 repeals an outdated rule.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Ronald O. Bailey, Director, and Frank L. Miller, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-1075 scan, 753-1075 comm.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment and new rule.

Agency Comments: The agency believes the proposed amendment and new rule are self-explanatory and need no further comment.

This amendment and new rule were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of this amendment or new rule.

AMENDATORY SECTION (Amending Order 167A, filed 4/30/87)

WAC 230-04-020 APPLICATION PROCEDURE - MANDATORY TRAINING REQUIRED. Applicants for license from the commission shall submit applications with the fee as established by WAC 230-04-201 to the office of the commission in Olympia. The information requested on the appropriate application form is required to be submitted by each applicant for a license.

The application shall be signed under oath by the highest ranking executive officer of a charitable, nonprofit or profit seeking corporation, such as the president of a firm or club or the head pastor or minister of a church; or by the principal owner of a profit seeking business. Other persons, including but not limited to, the chairman of a board of directors or trustees, the person in charge of the financial records, or persons having a substantial interest in the applicant business and/or charitable nonprofit organization, may at the commission director's discretion be required to sign the application. When the application is being submitted by or on behalf of an incorporated city or town in the

state of Washington, the application must be signed by the mayor or the mayor's designated representative.

Each such person shall acknowledge that he assumes full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts.

The commission will consider only those applicants submitting the form and fully completing all the applicable portions of the form. Each applicant shall certify under oath that the information set forth in the application and any accompanying materials is true, accurate and complete.

The application form and all information set forth therein and all supplemental information submitted at the commission's request, except statements as to arrests of any person, shall constitute public records and the entire contents thereof may, at the discretion of the commission, be disclosed to the public or discussed at the public meetings of the commission.

The commission shall issue the license applied for only after it is satisfied that the applicant is qualified to operate the activity for which the license is being requested. The commission will refrain from issuing the license until the person that signed the application form and the designated person responsible for the gambling activity has completed a training course as established and provided by the Commission and until the completion of such review and investigation as the Commission deems necessary. Provided: mandatory training shall not be required for licensing of manufacturers; manufacturers representatives; recertification of existing licenses, unless there has been a change in the highest ranking executive officer since the issuance of the license; and for licensees with special circumstances as approved by the director.

AMENDATORY SECTION (Amending Order 105, filed 1/16/81)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or to qualified bona fide nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo
- (b) Raffles
- (c) Amusement games
- (d) Punchboards and pull tabs

(e) To allow its premises to be used only by bona fide members and guests to play authorized card games. The operation of each of these activities shall require a separate license from the commission.

(2) Fund raising event as defined in RCW 9.46.020. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.020, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(7) Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and

(d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(8) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) Notwithstanding the provisions of subsection (a), a license issued for the conduct of a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the license through the conclusion of the fair or festival.

(c) Licenses issued for card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(d) Licenses issued for fund raising events shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events

permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.020(23) defining fund raising events.

(e) If the licensee fails to renew the license prior to the expiration date, the license shall expire. The licensee must reapply for licensure according to the statutory and regulatory conditions then in force as would any other person.

(f) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the Commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

(9) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington.

AMENDATORY SECTION (Amending Order 156, filed 6/13/86)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
3. BINGO GAME MANAGER	Original Renewal	\$ 150 75
4. CARD GAMES		
Class A	General (fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage - (fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (no fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25
5. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
LICENSE CLASS	(See WAC 230-04-260) New class fees less	

	DUPLICATE LICENSE REPLACEMENT IDENTIFICATION STAMPS	previous fee paid, plus (See WAC 230-04-290) (See WAC 230-30-016)	25 25 25
6.	FUND RAISING EVENT Class A Class B Class C	One event not more than 24 consec. hrs. One event not more than 72 consec. hrs. Additional participant in joint event (not lead organization)	\$ 300 500 150
7.	PERMITS Class A	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25
8.	PUNCHBOARDS/ PULL TABS Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K	(Fee based on annual gross receipts) Up to \$10,000 Up to \$50,000 Up to \$100,000 Up to \$200,000 Up to \$300,000 Up to \$400,000 Up to \$500,000 Up to \$600,000 Up to \$700,000 Up to \$800,000 Over \$800,000	\$ 300 475 960 1,560 2,360 3,150 3,775 4,350 4,825 5,225 5,900
9.	RAFFLES Class C Class D Class E Class F	(Fee based on annual net receipts) \$500 or less \$501 - 5,000 \$5,001 - 15,000 Over \$15,000	\$ 50 100 400 600
10.	SEPARATE PREMISES BINGO RAFFLES	Occasion (see WAC 230-04-300) (See WAC 230-04-197)	\$ 25 25
11.	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030)	As required As required
12.	OPTIONAL PAYMENT PLANS Full payment option <u>SIX-MONTH PAYMENT PLAN</u> Six-month payment option	(See WAC 230-04-900) Entire license fee as indicated in each category in fee schedule is paid by applicant/licensee at time of application or subsequent renewal. <u>The Commission may allow an applicant to pay their fee in two payments during their annual renewal or submission of an additional or reinstatement application under 90 days.</u> <u>FEE PROCEDURE</u> Administrative processing fee, plus first half of annual license fee at time of application/renewal. Second half of annual license fee will be collected prior to the expiration date of first six-month license. Pertains only to annual licenses \$1,080 and above.	Varies \$ 25 \$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec.	

	Class D	days per tournament		150
	Class E	General (no fee to play charged)		50
	E-1	General (fee to play charged)		
	E-1	One table only		350
	E-2	Up to two tables		600
	E-3	Up to three tables		1,000
	E-4	Up to four tables		2,000
	E-5	Up to five tables		3,000
<hr/>				
2.	CHANGES			
	NAME	(See WAC 230-04-310)		\$ 25
	LOCATION	(See WAC 230-04-320)		25
	BUSINESS CLASSIFICATION	(Same owners - see WAC 230-04-340(3))		50
	LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus		25
	DUPLICATE LICENSE	(See WAC 230-04-290)		25
	OWNERSHIP OF STOCK	(See WAC 230-04-340(1))		50
	REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)		25
	LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)		50
<hr/>				
3.	DISTRIBUTOR	(Fee based on annual gross receipts for sale of punchboards, pull tabs, pull tab dispensing devices and sale/lease of fund raising event equipment.)		
	Class A	up to \$600,000	Original	Renewal
	Class B	over \$600,000	\$2,750	\$1,250
			\$2,750	\$1,700
<hr/>				
4.	DISTRIBUTOR'S REPRESENTATIVE	Original		\$ 220
		Renewal		110
<hr/>				
5.	MANUFACTURER	Original		\$3,300
		Renewal		1,650
<hr/>				
6.	MANUFACTURER'S REPRESENTATIVE	Original		\$ 220
		Renewal		110
<hr/>				
7.	PERMITS	Agricultural fair/special property bingo		
	Class A	One location and event only (see WAC 230-04-191)		\$ 25
	Class B	Annual permit for specified different events and locations (see WAC 230-04-193)		150
<hr/>				
8.	PUBLIC CARD ROOM EMPLOYEE	Original		\$ 150
		Renewal		75
<hr/>				
9.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)		
	Class A	Up to \$10,000		\$ 300
	Class B	Up to \$50,000		475
	Class C	Up to \$100,000		960
	Class D	Up to \$200,000		1,560
	Class E	Up to \$300,000		2,360
	Class F	Up to \$400,000		3,150
	Class G	Up to \$500,000		3,775
	Class H	Up to \$600,000		4,350
	Class I	Up to \$700,000		4,825
	Class J	Up to \$800,000		5,225
	Class K	Over \$800,000		5,900
<hr/>				
10.	SPECIAL FEES			
	INVESTIGATION	(See WAC 230-04-240)		As required
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)		As required

11.	SPECIAL LOCATION	(Fee based on annual net receipts)	
	AMUSEMENT GAMES		
	Class A	One event per year lasting no longer than 12 consecutive days	\$ 500
	Class B	\$25,000 or less	500
	Class C	\$25,001 - 100,000	1,500
	Class D	\$100,001 - 500,000	3,000
	Class E	Over \$500,000	5,000
12.	OPTIONAL PAYMENT PLANS	(See WAC 230-04-900)	
	Full payment option	Entire license fee as indicated in each category in fee schedule is paid by applicant/licensee at time of application or subsequent renewal.	Varies
	<u>SIX-MONTH PAYMENT PLAN</u>	<u>The Commission may allow an applicant to pay their fee in two payments during their annual renewal or submission of an additional or reinstatement application under 90 days.</u>	<u>\$ 25</u>
	Six-month payment option	<u>FEE PROCEDURE</u> Administrative processing fee, plus first half of annual license fee at time of application/renewal. Second half of annual license fee will be collected prior to the expiration date of first six-month license. Pertains only to annual licenses \$1,0800 and above.	\$—25

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.

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.

AMENDATORY SECTION (Amending Order 80, filed 12/28/77)

WAC 230-12-200 PROHIBITED PRACTICES—CONTRACTS—GIFTS—REBATES, ETC. (1) No contract shall be made or entered into whereby any operator or distributor agrees to deal in, purchase or operate any particular brand or brands of gambling device or equipment to the exclusion of any other brand of gambling device or equipment.

(2) No manufacturer or distributor, or his employee, shall directly or indirectly, solicit, give or offer to, or receive from any other licensee or any employee thereof, any gifts, discounts, loans of money, premiums, rebates, free merchandise of any kind, treats or services of any nature whatsoever; nor shall any licensee or employee thereof, directly or indirectly, solicit, receive from, or give or offer to any manufacturer or distributor, or his employee, any gifts, discounts, loans of money, premiums, rebates, free merchandise of any kind, treats or services of any nature whatsoever. Each licensed manufacturer or distributor of gambling devices, equipment or other gambling paraphernalia (except punchboards and pull tabs) selling such items or related services in the state of Washington shall make such items or services available to all persons licensed to sell or operate such items or receive such services in Washington without discrimination and on the same prices and terms for all persons: Provided, That a manufacturer, by policy of the manufacturer, may choose to sell and provide services only to distributors: Provided further, That nondiscriminatory discounts offered to all parties on the same conditions shall be permitted.

(3) No manufacturer or distributor, or distributor's representative, shall sell to any person, or solicit from any person, any order for any device, equipment, merchandise, property or service, contingent upon that person or another purchasing or ordering some other device, equipment, merchandise, property or service. The price of any such device, equipment, merchandise, property or service charged by the licensee to another person shall not vary depending upon whether or not that person, or another, purchases or orders some other device, equipment, merchandise, property or service.

(4) In selling equipment, fixtures, supplies or commodities other than gambling devices, no manufacturer or distributor shall grant to

licensees, nor shall such licensees accept, more favorable credit terms or arrangements than those extended to nonlicensed parties. The price thereof shall be in conformity with the open market price in the locality where sold and the terms of such sales shall not exceed those normally granted in accordance with the customary business practice of the particular trade in the locality where such sales are made.

(5) Each licensed manufacturer or distributor of punchboards or pull tabs selling such items in the state of Washington shall make such items available to all persons licensed to sell or operate such items without discrimination and the price thereof shall be in conformity with the open market price in the locality where sold. (Sales shall not be made at below the manufacturer's or distributor's cost plus 10%.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-04-900 TEST FOR OPTIONAL PAYMENT PLAN FOR ANNUAL LICENSES

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

WSR 87-15-051
PROPOSED RULES
GAMBLING COMMISSION
[Filed July 14, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-20-380 and 230-30-106;

that the agency will at 10:00 a.m., Friday, October 9, 1987, in Ellensburg, Washington, 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 chapter 9.46 RCW.

This notice is connected to and continues the matter in Notice Nos. WSR 87-11-011 and 87-11-017 filed with the code reviser's office on May 12, 1987, and May 13, 1987.

Dated: July 14, 1987

By: Frank L. Miller
Deputy Director

WSR 87-15-052
ADOPTED RULES
GAMBLING COMMISSION
[Order 169—Filed July 14, 1987]

Be it resolved by the Washington State Gambling Commission, acting at Bellingham, Washington, that it does adopt the annexed rules relating to amendatory sections WAC 230-04-145 and 230-30-103 and repealing WAC 230-30-999.

This action is taken pursuant to Notice Nos. WSR 87-11-011 and 87-11-016 filed with the code reviser on May 12, 1987. 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 9.46 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 July 10, 1987.

By Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 167, filed 4/14/87)

WAC 230-04-145 LICENSING OF MANAGERS OF BINGO GAMES. (~~(((1)))~~ No person shall ~~perform the duties of a bingo game manager as defined by WAC 230-02-418 for a Class D and above bingo licensee unless they have:~~

~~(a) Received a license to do so from the commission; or~~

~~(b) Submitted a completed application to the commission on or before the first day the applicant begins working. Provided, That section (1)(b) above shall not apply if one or more of the following reasons exist:~~

~~(i) The applicant's present or past license has been previously denied, suspended, or revoked by the commission; or~~

~~(ii) The applicant is presently involved with pending commission charges or criminal prosecution; or~~

~~(iii) The applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158; or~~

~~(iv) The applicant has violated, failed, or refused to comply with provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW or any rules of the commission.~~

~~(2) Each application shall be submitted as specified in WAC 230-04-020, and signed by both the applicant and the highest ranking executive officer of the employing bingo licensee. The duration of the license shall be:~~

~~(a) One year from the date of application, if the applicant began working the same day or prior to licensure as authorized by section (1)(b) above; or~~

~~(b) One year from the date of issuance, if the applicant waited for licensure as required by section (1)(b)(i-iv) above; or~~

~~(c) Upon termination of employment with the organization listed on the license application, for any reason, the license shall expire and the licensee must reapply for licensure.~~

~~(3) The fee for this license shall be as required by WAC 230-04-201. Provided, That if an applicant is changing employment from one bingo licensee to another prior to the expiration date as specified in (2)(a) and (b) above, the fee shall be as required for license renewal.] fact as a bingo game manager on or after February 1, 1982, unless he or she has either received a license to do so from the commission or, if the commission has not previously denied an application by that person for a license, or the commission has not previously revoked a license issued to that person, he or she has properly applied for such license. If there has been a previous denial of an application and/or revocation of a license, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158 that person shall not act as a bingo game manager unless he or she has been issued a license to do so by the commission. See WAC 230-02-418 for the definition of a "bingo game manager."~~

~~On or before the first day he or she actually performs work as a bingo game manager, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission).] In addition, the applicant must complete a training course as provided by the commission within 30 days after the first day worked. [Except as provided in this section, an operator of a bingo game shall not allow any unlicensed person to perform duties for which a license is required in or in connection with a bingo game and shall take all measures necessary to prevent an unlicensed person from doing so.~~

~~The president of the bingo licensee (or equivalent officer) operating the bingo game in connection with which the applicant will work shall sign the original application~~

~~for license of each bingo game manager acknowledging that the applicant will be working for that bingo licensee with the bingo licensee's knowledge and consent.)) (1) No person shall perform the duties of a bingo game manager as defined by WAC 230-02-418 for a Class D and above bingo licensee unless they have:~~

~~(a) Received a license to do so from the commission; or~~

~~(b) Submitted a completed application to the commission on or before the first day the applicant begins working: Provided, That section (1)(b) above shall not apply if one or more of the following reasons exist:~~

~~(i) The applicant's present or past license has been previously denied, suspended, or revoked by the commission; or~~

~~(ii) The applicant is presently involved with pending commission charges or criminal prosecution; or~~

~~(iii) The applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158; or~~

~~(iv) The applicant has violated, failed, or refused to comply with provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW or any rules of the commission.~~

~~(c) Completed a training course as provided by the commission within 30 days after the first day worked.~~

~~(2) Each application shall be submitted as specified in WAC 230-04-020, and signed by both the applicant and the highest ranking executive officer of the employing bingo licensee. The duration of the license shall be:~~

~~(a) One year from the date of application, if the applicant began working the same day or prior to licensure as authorized by section (1)(b) above; or~~

~~(b) One year from the date of issuance, if the applicant waited for licensure as required by section (1)(b)(i-iv) above; or~~

~~(c) Upon termination of employment with the organization listed on the license application, for any reason, the license shall expire and the licensee must reapply for licensure.~~

~~(3) The fee for this license shall be as required by WAC 230-04-201: Provided, That if an applicant is changing employment from one bingo licensee to another prior to the expiration date as specified in (2)(a) and (b) above, the fee shall be as required for license renewal.~~

AMENDATORY SECTION (Amending Order 154, filed 10/14/85)

WAC 230-30-103 STANDARDS FOR CONSTRUCTION OF PULL TABS. (1) Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, set of symbols, or game protection on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

(2) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

(3) The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of

the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

(4) The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

(5) Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

(6) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington state gambling commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state by the Washington state gambling commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(7) Length and width.

(a) Vendable pull tabs

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be 3 1/2 inches by 1 7/8 inches plus or minus 1 inch.

(b) Nonvendable pull tabs - manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.

(8) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot be determined prior to being opened through the use of high intensity lights or any other method.

(9) Each manufacturer shall establish his own game protection for each pull tab game or series of games. The game protection shall be a method of identifying winning pull tabs, after they have been purchased and opened, from nonwinning, altered or forged pull tabs. The manufacturer may use special numbers, colors, designs, ink or any combination to establish the game protection. Manufacturers will submit to the gambling commission a letter explaining the game protection and will keep the commission informed on any changes. Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(8) are exempt from this requirement.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-30-999 TEST OF CONTINUOUS PLAY/OPEN ENDED PULL TAB SERIES.

WSR 87-15-053
EMERGENCY RULES
GAMBLING COMMISSION
[Order 170—Filed July 14, 1987]

Be it resolved by the Washington State Gambling Commission, acting at Bellingham, Washington, that it does adopt the annexed rules relating to amendatory sections WAC 230-04-020, 230-04-190 and 230-04-201.

We, the Washington State Gambling Commission, 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 six month test rule expires July 31, 1987, and these rules need to be filed to be in effect at that time.

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

This rule is promulgated pursuant to chapter 9.46 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 July 10, 1987.

By Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 167A, filed 4/30/87)

WAC 230-04-020 APPLICATION PROCEDURE - MANDATORY TRAINING REQUIRED. Applicants for license from the commission shall submit applications with the fee as established by WAC 230-04-201 to the office of the commission in Olympia. The information requested on the appropriate application form is required to be submitted by each applicant for a license.

The application shall be signed under oath by the highest ranking executive officer of a charitable, non-profit or profit seeking corporation, such as the president of a firm or club or the head pastor or minister of a church; or by the principal owner of a profit seeking business. Other persons, including but not limited to, the chairman of a board of directors or trustees, the person in charge of the financial records, or persons having a substantial interest in the applicant business and/or charitable nonprofit organization, may at the commission director's discretion be required to sign the application. When the application is being submitted by or on behalf of an incorporated city or town in the state of Washington, the application must be signed by the mayor or the mayor's designated representative.

Each such person shall acknowledge that he assumes full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts.

The commission will consider only those applicants submitting the form and fully completing all the applicable portions of the form. Each applicant shall certify under oath that the information set forth in the application and any accompanying materials is true, accurate and complete.

The application form and all information set forth therein and all supplemental information submitted at the commission's request, except statements as to arrests of any person, shall constitute public records and the entire contents thereof may, at the discretion of the commission, be disclosed to the public or discussed at the public meetings of the commission.

The commission shall issue the license applied for only after it is satisfied that the applicant is qualified to operate the activity for which the license is being requested. The commission will refrain from issuing the license until the person that signed the application form and the designated person responsible for the gambling activity has completed a training course as established and provided by the Commission and until the completion of such review and investigation as the Commission deems necessary. Provided: mandatory training shall not be required for licensing of manufacturers; manufacturers representatives; recertification of existing licenses, unless there has been a change in the highest ranking executive officer since the issuance of the license, and for licensees with special circumstances as approved by the director.

AMENDATORY SECTION (Amending Order 105, filed 1/16/81)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural

fairs. The commission may issue a license to qualified bona fide charitable or to qualified bona fide nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo
- (b) Raffles
- (c) Amusement games
- (d) Punchboards and pull tabs

(e) To allow its premises to be used only by bona fide members and guests to play authorized card games. The operation of each of these activities shall require a separate license from the commission.

(2) Fund raising event as defined in RCW 9.46.020. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.020, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(7) Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and

(d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(8) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) Notwithstanding the provisions of subsection (a), a license issued for the conduct of a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the license through the conclusion of the fair or festival.

(c) Licenses issued for card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(d) Licenses issued for fund raising events shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.020(23) defining fund raising events.

(e) If the licensee fails to renew the license prior to the expiration date, the license shall expire. The licensee must reapply for licensure according to the statutory and regulatory conditions then in force as would any other person.

(f) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the Commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

(9) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington.

AMENDATORY SECTION (Amending Order 156, filed 6/13/86)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
3. BINGO GAME MANAGER	Original Renewal	\$ 150 75
4. CARD GAMES		
Class A	General (fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage - (fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (no fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25
5. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
LICENSE CLASS	(See WAC 230-04-260) New class fees, less previous fee paid, plus	25
DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-290)	25
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25

6.	FUND RAISING EVENT		
	Class A	One event not more than 24 consec. hrs.	\$ 300
	Class B	One event not more than 72 consec. hrs.	500
	Class C	Additional participant in joint event (not lead organization)	150
<hr/>			
7.	PERMITS	Agricultural fair/special property bingo	
	Class A	One location and event only (see WAC 230-04-191)	\$ 25
<hr/>			
8.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
	Class A	Up to \$10,000	\$ 300
	Class B	Up to \$50,000	475
	Class C	Up to \$100,000	960
	Class D	Up to \$200,000	1,560
	Class E	Up to \$300,000	2,360
	Class F	Up to \$400,000	3,150
	Class G	Up to \$500,000	3,775
	Class H	Up to \$600,000	4,350
	Class I	Up to \$700,000	4,825
	Class J	Up to \$800,000	5,225
	Class K	Over \$800,000	5,900
<hr/>			
9.	RAFFLES	(Fee based on annual net receipts)	
	Class C	\$500 or less	\$ 50
	Class D	\$501 - 5,000	100
	Class E	\$5,001 - 15,000	400
	Class F	Over \$15,000	600
<hr/>			
10.	SEPARATE PREMISES BINGO RAFFLES	Occasion (see WAC 230-04-300) (See WAC 230-04-197)	\$ 25 25
<hr/>			
11.	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030)	As required As required
<hr/>			
12.	OPTIONAL PAYMENT PLANS	(See WAC 230-04-900)	
	Full payment option	Entire license fee as indicated in each category in fee schedule is paid by applicant/licensee at time of application or subsequent renewal.	Varies
	<u>SIX-MONTH PAYMENT PLAN</u>	<u>The Commission may allow an applicant to pay their fee in two payments during their annual renewal or submission of an additional or reinstatement application under 90 days.</u>	<u>\$ 25</u>
	Six-month payment option	<u>FEE PROCEDURE</u> Administrative processing fee, plus first half of annual license fee at time of application/renewal. Second half of annual license fee will be collected prior to the expiration date of first six-month license. Pertains only to annual licenses \$1,0800 and above.	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. CARD GAMES		
Class B	(Fee to play charged) limited card games -- to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners -- see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-340(1))	50
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
3. DISTRIBUTOR		
	(Fee based on annual gross receipts for sale of punchboards, pull tabs, pull tab dispensing devices and sale/lease of fund raising event equipment.)	Original Renewal
Class A	up to \$600,000	\$2,750 \$1,250
Class B	over \$600,000	\$2,750 \$1,700
4. DISTRIBUTOR'S REPRESENTATIVE	Original Renewal	\$ 220 110
5. MANUFACTURER	Original Renewal	\$3,300 1,650
6. MANUFACTURER'S REPRESENTATIVE	Original Renewal	\$ 220 110
7. PERMITS		
Class A	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations (see WAC 230-04-193)	150
8. PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$ 150 75

9.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
	Class A	Up to \$10,000	\$ 300
	Class B	Up to \$50,000	475
	Class C	Up to \$100,000	960
	Class D	Up to \$200,000	1,560
	Class E	Up to \$300,000	2,360
	Class F	Up to \$400,000	3,150
	Class G	Up to \$500,000	3,775
	Class H	Up to \$600,000	4,350
	Class I	Up to \$700,000	4,825
	Class J	Up to \$800,000	5,225
	Class K	Over \$800,000	5,900
<hr/>			
10.	SPECIAL FEES		
	INVESTIGATION	(See WAC 230-04-240)	As required
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
<hr/>			
11.	SPECIAL LOCATION	(Fee based on annual net receipts)	
	AMUSEMENT GAMES		
	Class A	One event per year lasting no longer than 12 consecutive days	\$ 500
	Class B	\$25,000 or less	500
	Class C	\$25,001 - 100,000	1,500
	Class D	\$100,001 - 500,000	3,000
	Class E	Over \$500,000	5,000
<hr/>			
12.	OPTIONAL PAYMENT PLANS	(See WAC 230-04-900)	
	Full payment option	Entire license fee as indicated in each category in fee schedule is paid by applicant/licensee at time of application or subsequent renewal.	Varies
	<u>SIX-MONTH PAYMENT PLAN</u>	<u>The Commission may allow an applicant to pay their fee in two payments during their annual renewal or submission of an additional or reinstatement application under 90 days.</u>	<u>\$ 25</u>
	Six-month payment option	<u>FEE PROCEDURE</u> Administrative processing fee, plus first half of annual license fee at time of application/renewal. Second half of annual license fee will be collected prior to the expiration date of first six-month license. Pertains only to annual licenses \$1,0800 and above.	\$-25

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 87-15-054
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2491—Filed July 14, 1987]

I, Leslie F. James, director of Administrative Services,
do promulgate and adopt at Olympia, Washington, the
annexed rules relating to homeless meal providers,

amending WAC 388-54-635, 388-54-660 and 388-54-665.

This action is taken pursuant to Notice No. WSR 87-12-017 filed with the code reviser on May 27, 1987. 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 74.04.510 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 July 8, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-635 APPLICATION AND PARTICIPATION—AUTHORIZED REPRESENTATIVE. (1) An authorized representative is an adult non-household member sufficiently aware of household circumstances and who has been designated in writing by the head of household, spouse or other responsible member of the household to act on behalf of the household in one or all of the following capacities:

(a) Making application. The authorized representative shall be a person who is sufficiently aware of relevant household circumstances. The head of the household or the spouse should prepare or review the application whenever possible, even though another household member or the authorized representative will actually be interviewed. The department shall inform the household that the household will be held liable for any overissue which results from erroneous information given by the authorized representative, except for residents in drug and alcohol treatment facilities.

(b) Obtaining coupons. The authorized representative for coupon issuance may be the same individual designated to make application for the household or may be another individual.

(c) Emergency situations. The household member named on the identification card may also designate an emergency authorized representative at a later date. A separate written designation is needed each time an emergency authorized representative is used.

(d) Using coupons. The authorized representative may use coupons to purchase food for the household's consumption, with the full knowledge and consent of the household, provided the authorized representative has the household's ID card.

(2) Drug addict or alcohol treatment centers and group homes as authorized representatives. Narcotic addicts or alcoholics who regularly participate in a drug or alcohol treatment program on a resident basis and disabled or blind residents of group living arrangements who receive benefits under Title II or Title XVI of the Social Security Act may elect to participate in the food stamp program.

(a) The resident of drug or alcohol treatment centers shall apply and be certified for program participation through the use of an authorized representative who shall be an employee of and designated by the private nonprofit organization or institution administering the treatment and rehabilitation program. The center, which acts on behalf of eligible persons who reside at the center, shall receive and spend the coupons for food prepared by and/or served to the addict or alcoholic.

(b) Residents of group living arrangements shall either apply and be certified through use of an authorized representative employed and designated by the group living arrangement or apply and be certified on their own behalf or through an authorized representative of their own choice.

(3) The following restrictions apply to authorized representatives:

(a) A retailer who is authorized to accept food coupons or an employee of the department, may not act for a household in applying or in purchase of food, without the specific written approval of the CSO administrator following a determination that no one else is available to serve.

(b) A multihousehold authorized representative may act on behalf of more than one household when the CSO determines there is a bona fide need.

(c) Individuals disqualified for fraud may not serve as authorized representatives during their disqualification period unless no other adult is available.

(d) Homeless meal providers, approved by the department to accept coupons from homeless households for the purchase of prepared meals, shall not act as authorized representatives for homeless food stamp recipients.

(4) In the event employers are designated as authorized representatives or a single authorized representative has access to a large number of ATPs or coupons, the department should exercise caution to assure that:

(a) The name of the authorized representative shall be contained in the household's case file and the household has freely requested the assistance of the authorized representative;

(b) The household circumstances are correctly represented and the household is receiving the correct amount of benefits;

(c) The authorized representative is properly using the coupons.

(5) When the department obtains evidence that an authorized representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household or has made improper use of coupons, the department shall disqualify the authorized representative from participating as an authorized representative for up to one year. The department shall send written notification to the affected household or households and the authorized representative thirty days prior to the date of disqualification. The notification shall include:

(a) The proposed action;

(b) The reason for the action; and

(c) The household's right to request a fair hearing.

This provision is not applicable in the case of drug and alcoholic treatment centers and those group homes

which act as authorized representatives for their residents. Refer to WAC 388-54-660 (3)(c)(iii) for drug and alcohol treatment centers who commit fraud or misrepresent center residents in the food stamp application process.

AMENDATORY SECTION (Amending Order 2214, filed 3/6/85)

WAC 388-54-660 APPLICATION AND PARTICIPATION—SPECIAL CIRCUMSTANCES FOR PARTICIPATION. (1) Delivered meals. In order to purchase meals from a nonprofit meal delivery service authorized by FNS, eligible household members:

- (a) Must be sixty years of age or over, or
 - (b) Must be housebound, physically handicapped or otherwise disabled to the extent household members are unable to adequately prepare all meals, or
 - (c) Be the spouse of such a person.
- (2) Communal dining. Members of eligible households sixty years of age or older and spouses, or members receiving SSI and spouses may use all or any part of coupons to purchase meals prepared especially for the household member at a communal dining facility authorized by FNS for that purpose.

(3) Homeless food stamp households. Homeless food stamp households shall be permitted to use food stamps to purchase prepared meals from homeless meals providers. Homeless meals providers must be:

- (a) Approved by the department, and
 - (b) Authorized by food nutrition service (FNS).
- (4) Residents of drug or alcohol treatment and rehabilitation programs. Narcotics addicts or alcoholics regularly participating in a drug or alcoholic treatment and rehabilitation program on a resident basis, may use food coupons to purchase food prepared for or served to the resident during the program, provided:

(a) The program is administered by a private nonprofit organization or institution authorized by FNS as a retailer or certified by the state as providing treatment leading to the rehabilitation of drug addicts or alcoholics pursuant to P.L. 92-255; and

(b) A resident participant shall be certified only under the following conditions:

(i) The resident must voluntarily elect to participate in the food stamp program;

(ii) The resident must be certified through the use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization administering the treatment and rehabilitation program;

(iii) The resident must be certified as a one-person household.

(c) The drug or alcohol treatment center acting as the authorized representative must agree to the following conditions:

(i) The center must receive and spend the coupon allotment for meals prepared by or served to the addict or alcoholic;

(ii) The center must notify the department of changes in the participant's income, resources or household circumstances and when the addict or alcoholic leaves the treatment center, within ten days of the change;

(iii) The center shall be responsible for and can be penalized or disqualified for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident participants;

(iv) The treatment center shall provide resident addicts or alcoholics with ID cards and any untransacted FCA cards issued for the household when the household leaves the program;

(v) The treatment center shall provide the household with one-half of the household's monthly coupon allotment when the household leaves the program prior to the sixteenth day of the allotment month;

(vi) The center shall provide the department with a certified list of currently participating residents on a monthly basis;

(vii) The treatment center shall return to the department the household's FCA or coupons received after the household has left the center.

(d) If an alcohol treatment and rehabilitation program is located on an Indian reservation and the department does not certify reservation-based centers, approval to participate shall be granted if the center is funded by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) pursuant to P.L. 91-616, or was so funded and subsequently transferred to Indian Health Services (IHS) funding.

~~((4))~~ (5) Residents of group living arrangements receiving benefits under Title II or Title XVI of the Social Security Act. A group living arrangement is defined as: A public or private nonprofit residential setting serving no more than sixteen residents certified by the appropriate state agencies under regulations issued under Section 1616(e) of the Social Security Act. The following applies:

(a) The resident must voluntarily apply for the food stamp program;

(b) If the resident makes an application through the use of a group home's authorized representative, the resident's eligibility shall be determined as a one-person household. If the resident applies on his or her own behalf, the household size shall be in accordance with the definition in WAC 388-54-665;

(c) The department shall certify residents of group living arrangements using the same provisions applying to all other households;

(d) The department shall verify the group living arrangement is nonprofit and authorized by FNS or is certified by the appropriate agency or agencies of the state;

(e) The group living arrangement shall provide the department with monthly lists of participating residents signed by a responsible center official. The department shall conduct periodic random on-site visits to assure the accuracy of the lists;

(f) If the resident made an application on his or her own behalf, the household is responsible for reporting changes to the department. If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the

department of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement;

(g) The group living arrangement shall return any household's FCA cards or coupons to the department if received after the household has left the group arrangement;

(h) When the household leaves the facility, the group living arrangement shall provide the resident with the ID card and any untransacted FCA cards;

(i) The group living arrangement shall provide the departing household with the full allotment if issued by direct mail and if no coupons have been spent on behalf of the individual household. These provisions are applicable any time during the month. If the coupons have already been issued and any portion spent on behalf of the resident, the group living arrangement shall provide the resident with one-half of the monthly household's coupon allotment when the household leaves the facility prior to the sixteenth day of the allotment month;

(j) If a resident or a group of residents apply on their own behalf and retain the use of the coupons, the individuals are entitled to keep the coupons when leaving;

(k) If the group living arrangement acts as the authorized representative, the facility must be knowledgeable about the household's circumstances and is responsible for any misrepresentation or fraud the facility knowingly commits in the certification of center residents.

~~((5))~~ (6) Shelters for battered women and children. Effective April 1, 1982, the following provisions apply prior to certifying residents:

(a) The department shall determine the shelter for battered women and children meets the definition in WAC 388-54-665 (6)(d);

(b) Shelters having FNS authorization to redeem at wholesalers shall be considered as meeting the definition for battered women and children;

(c) Shelter residents recently leaving a food stamp household containing a person abusing him or her may apply for and (if otherwise eligible) participate in the program as separate households. Shelter residents included in a previously certified food stamp household shall receive an additional allotment as a separate household only once a month;

(d) Shelter residents applying as separate households shall be certified solely on the basis of income, resources, and the expenses for which the residents are responsible. Residents will be certified without regard to the income, resources, and expenses of the former household;

(e) Jointly held resources shall be considered inaccessible in accordance with WAC 388-54-715. The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner still residing in the former household;

(f) The department shall take prompt action to ensure the former household's eligibility or allotment reflects the change in the household's composition.

~~((6))~~ (7) Sponsored aliens. The following provisions shall apply to those aliens for whom a sponsor has signed an affidavit of support or similar statement on or after February 1, 1983:

(a) "Sponsored alien" means those aliens lawfully admitted for permanent residence into the United States.

(b) "Sponsor" means a person who executed an affidavit or affidavits of support or similar agreement on behalf of an alien as a condition of the alien's entry or admission into the United States as a permanent resident.

(c) Portions of the gross income and the resources of a sponsor and the sponsor's spouse (if living with the sponsor) shall be deemed to be the unearned income and resources of a sponsored alien for three years following the alien's admission for permanent residence to the United States. The spouse's income and resources will be counted even if the sponsor and spouse were married after the signing of the agreement.

(d) The monthly income of the sponsor and sponsor's spouse deemed to be that of the alien shall be the total monthly earned and unearned income of the sponsor and the sponsor's spouse (if living with the sponsor) at the time the household containing the sponsored alien member applies or is recertified for program participation. Reduce by eighteen percent the earned income amount for that portion of income determined as earned income of the sponsor and the sponsor's spouse. Deduct the monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed by the sponsor or sponsor's spouse as a dependent for federal income tax purposes.

(e) If the alien has already reported gross income information on his or her sponsor due to AFDC's sponsored alien rules, that income amount may be used for food stamp program. However, allowable reductions to be applied to the total gross income of the sponsor and the sponsor's spouse prior to attributing an income amount to the alien, shall be limited to the eighteen percent earned income amount and the food stamp program gross monthly income amount.

(f) Actual money paid to the alien by the sponsor or the sponsor's spouse will not be considered as income to the alien unless the amount paid exceeds the amount attributed to the alien. Only the amount paid that actually exceeds the amount deemed would be considered income to the alien.

(g) Resources of the sponsor and sponsor's spouse to be deemed to be that of the alien shall be the total amount of their resources as determined in accordance with WAC 388-54-695 through 388-54-720, reduced by one thousand five hundred dollars. If the alien has already reported total resource information on his or her sponsor due to AFDC's sponsored alien rules, the resource amount calculated by AFDC as the amount to be attributed to the alien may be used for food stamp program deeming purposes.

(h) The amount of income and resources deemed to be that of the sponsored alien shall be considered in determining the eligibility and benefit level of the household of which the alien is a member.

If a sponsored alien can demonstrate to the state agency's satisfaction his or her sponsor sponsors other aliens, then the income and resources deemed available

shall be divided by the number of sponsored aliens applying for or participating in the program.

(i) If the alien switches sponsors during the certification period, then deemed income or resources would be recalculated based on the required information about the new sponsor as soon as possible after the information is supplied by the alien and verified by the state agency.

(j) Exempt aliens. The provisions of subsection (6) of this section do not apply to:

(i) An alien participating in the food stamp program as a member of his or her sponsor's household;

(ii) An alien sponsored by an organization or group as opposed to an individual;

(iii) An alien not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, a parolee, one granted asylum, and a Cuban or Haitian entrant.

(k) Sponsored alien's responsibility. The sponsored alien and his or her spouse are responsible for providing the state agency with any information or documentation necessary to determine the income and resources of the alien's sponsor and the sponsor's spouse for three years from the alien's date of entry or date of admission as a lawful permanent resident. The alien and his or her spouse shall also be responsible for demonstrating that the sponsor also sponsors other aliens, how many, and for obtaining any necessary cooperation from the sponsor.

(l) Verification. The CSO staff shall obtain from the alien or alien's spouse the following information:

(i) The income and resources of the alien's sponsor and the sponsor's spouse (if living with the sponsor) at the time of the alien's application for food stamp assistance.

(ii) The number of other aliens for whom the sponsor has signed an affidavit of support or similar agreement.

(iii) The provision of the Immigration and Nationality Act under which the alien was admitted.

(iv) The date of the alien's entry or admission as a lawful permanent resident as established by INS.

(v) The alien's date of birth, place of birth, and alien registration number.

(vi) The number of dependents for federal income tax purposes of the sponsor and the sponsor's spouse.

(vii) The name, address, and phone number of the alien's sponsor.

(m) If verification is not received on a timely basis, the sponsored alien and his or her spouse shall be ineligible until such time as all necessary facts are obtained. The eligibility of any remaining household members shall be determined. The income and resources of the ineligible alien and his or her spouse (excluding the attributed income and resources of the alien's sponsor and the sponsor's spouse) shall be treated in the same manner as a disqualified member. If the information or verification is subsequently received, the CSO shall act on the information as a reported change in circumstances. The CSO shall obtain verification of information requested pursuant to subsection (6)(l)(i) and (ii) of this section. The CSO shall verify all other information which the state agency determines is questionable and which affects household eligibility and benefit level.

~~((7))~~ (8) Households refusing to cooperate with quality control.

(a) A food stamp household refusing to cooperate as a part of a quality control review is ineligible to receive benefits.

(b) The household remains ineligible until the quality control review requirements have been met or ninety-five days from the end of the annual quality control review period, whichever comes first.

(c) If a household reapplies after ninety-five days from the end of the annual quality control review period, a nonexpedited household must provide verification of all eligibility requirements prior to being determined eligible. Households meeting expedited service eligibility must provide verification of all eligibility requirements prior to receiving second month's benefits.

AMENDATORY SECTION (Amending Order 2448, filed 12/8/86)

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided such individuals or groups are not residents of an institution or residents of a commercial boarding house:

(a) An individual living alone.

(b) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others.

(c) A group of individuals living together but customarily purchasing food and preparing meals together for home consumption.

(d) An individual, age sixty or older, and his or her spouse not able to prepare his or her own meals because he or she suffers from a disability considered permanent under the Social Security Act or some other permanent physical or mental nondisease-related disability even though the elderly individual may be living with others. The income of other household members cannot exceed one hundred sixty-five percent of poverty level.

(2) Separate household status shall not be granted to the following:

(a) Children under eighteen years of age under the parental control of a member of the household;

(b) Parents living with their natural, adoptive, or stepchildren or such children living with parents unless at least one parent is elderly or disabled. Elderly or disabled is defined as:

(i) An individual sixty years of age or older; or

(ii) An individual receiving supplemental security income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act; or

(iii) A veteran with a service-connected disability rated or paid by the Veterans' Administration as total; or

(iv) A veteran considered by Veterans' Administration in need of regular aid and attendance or permanently housebound; or

(v) A surviving spouse of a veteran and considered by Veterans' Administration in need of aid and attendance or permanently housebound; or

(vi) A surviving child of a veteran and considered to be permanently incapable of self-support; or

(vii) A surviving spouse or child of a veteran with a permanent disability under the Social Security Act:

(A) Entitled to compensation for a service-connected death; or

(B) Entitled to compensation for pension benefits for a nonservice-connected death; and

(viii) An individual receiving disability retirement benefits from a government agency because of permanent disability under the Social Security Act.

(ix) An individual receiving an annuity payment under the Railroad Retirement Act of 1974 and determined to be:

(A) Eligible to receive Medicare by the railroad retirement board; or

(B) Disabled under Title XVI of the Social Security Act.

(c) A spouse of a member of the household. Spouse refers to either of two individuals:

(i) Defined as married to each other under applicable state law; or

(ii) Living together and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(d) Siblings (defined as natural, adopted, half or step-brothers and stepsisters) unless at least one sibling is elderly or disabled.

(e) A boarder as defined in WAC 388-54-665(4).

(3) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment and are termed non-household members. Nonhousehold members may, if otherwise eligible, qualify as separate households:

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Live-in attendants. Individuals residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(c) Students enrolled in an institution of higher education who are ineligible because of not meeting the requirements of WAC 388-54-670.

(d) Other individuals sharing living quarters with the household but do not customarily purchase food and prepare meals with the household.

(4) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment levels and are termed excluded household members. Income and resources of excluded individuals are considered as in WAC 388-54-83050.

(a) Persons disqualified for intentional program violation;

(b) Persons sanctioned as part of a disqualified workfare household;

(c) Persons who are ineligible aliens;

(d) Persons who are disqualified for failure to secure or provide a Social Security number.

(5) Boarders are not eligible to participate in the program unless the household providing the board requests the boarder be included in the food stamp household. A boarder is defined as an individual residing with the household and paying reasonable compensation to the

household for lodging and meals. If an applicant household identifies any individual in the household as a boarder, the following provisions apply:

(a) Boarder status shall not be extended to the spouse of a member of a food stamp household, children under eighteen under parental control of a member of the household, children living with parents or parents living with children, unless at least one parent is sixty years of age or older.

(b) Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount equaling or exceeding the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount equaling or exceeding two-thirds of the thrifty food plan for the appropriate size of the boarder household.

(6) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:

(a) An establishment licensed as a commercial enterprise offering meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment offering meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

(7) Residents of institutions. Individuals shall be considered residents of an institution when the institution provides the individual with the majority of meals as part of the institution's normal service and the institution has not been authorized to accept coupons. Residents of institutions are not eligible for participation in the program, with the following exceptions:

(a) Residents of federally subsidized housing for the elderly, built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act;

(b) Narcotic addicts or alcoholics residing at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program;

(c) Disabled or blind individuals who are residents of group living arrangements and are blind or disabled and receive benefits under Title II or Title XVI of the Social Security Act. Group living arrangement is defined as a public or private nonprofit residential setting serving no more than sixteen residents and certified by appropriate state agencies;

(d) Women or women with children temporarily residing in a shelter for battered women and children. "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. Such persons temporarily residing in shelters shall be considered individual household units for

the purposes of applying for and participating in the program.

(e) Residents of public or private nonprofit shelters for homeless persons.

WSR 87-15-055
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2512—Filed July 14, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to employment and training, amending WAC 388-54-601, 388-54-675 and 388-54-677.

This action is taken pursuant to Notice No. WSR 87-08-045 filed with the code reviser on March 31, 1987. 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 74.04.510 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 July 13, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2356, filed 3/26/86)

WAC 388-54-601 DEFINITIONS. (1) Beginning months(⇒) : The first month the household is eligible for food stamp benefits and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive coupons. This includes households who are found eligible but do not receive benefits due to proration.

(2) Compliance date(⇒) : The last day in the process month that the community services office (CSO) will process monthly status reports.

(3) Food stamp monthly budgeting cycle(⇒) : The three-month cycle consisting of the report month, process month, and the payment month.

(4) Food stamp monthly reporting(⇒) : The eligibility requirement for food stamp recipients to submit a monthly report of household circumstances as specified in WAC 388-54-768(1).

(5) Head of household. The household member who is the principal wage earner.

(6) Migrant farmworker(⇒) : A person who works in seasonal agricultural employment and is required to be absent overnight from his or her permanent place of residence.

~~((6))~~ (7) Payment month(⇒) : The third month of the budgeting cycle. The month in which the food stamp allotment is affected by information reported on the monthly status report for the report month.

(8) Principal wage earner. The household member (including excluded members) with the greatest source of earned income in the two months prior to the month of violation provided that:

(a) The employment is at least twenty hours per week, and

(b) There is no other person in the household that is a parent or fulfilling the role of a parent if such person is:

(i) Registered for work, or

(ii) Exempt from work registration because of participation in WIN or receipt of unemployment compensation, or

(iii) Employed or self-employed a minimum of thirty hours per week.

~~((7))~~ (9) Process month(⇒) : The second month of the budgeting cycle. The month in which the monthly status report is to be returned by the client to the CSO.

~~((8))~~ (10) Prospective budgeting(⇒) : The computation of a household's income based on income which has been received or anticipated income the household and the department are reasonably certain will be received during the month of issuance. Travel advances and income of students are treated per WAC 388-54-655 (3)(b) and 388-54-735(9), respectively.

~~((9))~~ (11) Prospective eligibility(⇒) : The determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

~~((10))~~ (12) Report month(⇒) : The first month of the budgeting cycle. The month for which the recipient reports his or her circumstances.

~~((11))~~ (13) Retrospective budgeting(⇒) : The computation of a household's income for a payment month based on actual income which existed in the corresponding report month of the budgeting cycle.

~~((12))~~ (14) Retrospective eligibility(⇒) : The determination of eligibility based on retrospective budgeting rules and other circumstances existing in the report month.

~~((13))~~ (15) Seasonal farmworker(⇒) : A person who works in seasonal agricultural employment and is not required to be absent from his or her permanent place of residence overnight.

AMENDATORY SECTION (Amending Order 2222, filed 4/8/85)

WAC 388-54-675 WORK REGISTRATION AND JOB SEARCH. (1) Unless otherwise exempt, each individual between the ages of eighteen and sixty ((is required to)) shall register for employment at certification and once every twelve months thereafter. A child reaching age eighteen during a certification period shall be registered for work during the next recertification process.

(2) Sixteen or seventeen-year-old heads of households shall register for employment unless the individual is:

(a) Attending school, or

(b) Enrolled in an employment and training program at least half time.

(3) The following people are exempt from work registration:

(a) A person physically or mentally unfit for employment;

(b) A parent or other member of the household having responsibility for the care of a dependent child under six years of age or of an incapacitated person.

If the child has his or her sixth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement at the next recertification, unless the individual qualifies for another exemption.

(c) A person receiving unemployment compensation (UC), or a person applying for but not yet receiving unemployment compensation;

(d) A household member subject to and participating in the work incentive program (WIN), community work and training program (CWEP), or employment and training (E&T) programs;

(e) A person employed or self-employed at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty;

(f) A student enrolled at least half time in any recognized school, training program or institution of higher education provided those students enrolled in higher education have met the eligibility conditions in WAC 388-54-670;

(g) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(h) A person complying with work requirements imposed as a participant in any refugee program;

(i) A migrant or seasonal farmworker under contract or similar agreement with an employer to begin employment within thirty days;

~~((3))~~ (4) The department shall provide work registration forms to the applicant for each household member required to register. Household members are registered when a completed work registration form is submitted to the department.

~~((4))~~ (5) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable. The department shall verify any claim for exemption it determines questionable.

~~((5))~~ (6) Persons required to register for work are subject to job search. Persons subject to job search are required to:

(a) Contact as required by the job service center (JSC) up to twenty-four prospective employers during an eight-week or two four-week period or periods of mandatory job search each time they are entered into the food stamp program or each twelve months, whichever occurs sooner;

(b) Report at a prescheduled time to the JSC on the result of all job contacts twice during the eight-week period;

(c) Comply with JSC follow-up interviews.

~~((6))~~ (7) Each member required to register for employment shall also be required to:

(a) Report for an interview to the JSC;

(b) Respond to a request from the JSC requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom referred by the JSC, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which referred by the JSC;

~~((c))~~ ~~Continue suitable employment to which referred. Suitability of employment shall be determined by the JSC.~~

~~(7) If a household member refuses or fails to comply with the work registration or job search requirements without good cause, the household shall be ineligible for participation in the program, until the member moves from the household, becomes exempt, or, for two months, whichever is earlier. Any new household containing this member shall be disqualified.~~

~~(a))~~ (8) The department shall provide an allowance of twenty-five dollars per month to cover the cost of looking for work for individuals assigned to job search.

(9) If a household member fails to comply with work registration or job search requirements without good cause, the department shall:

(a) Disqualify the entire household if the noncompliant member is the head of household, or

(b) Disqualify the noncompliant person if the noncompliant member is other than the head of household. The disqualified member shall be treated as an ineligible household member.

(10) The disqualification for noncompliance with work registration or job search requirements shall be for two months or until the noncompliant member moves from the household, becomes exempt, or complies, whichever is earlier.

(a) If the noncompliant member moves from the household, and joins another household, the entire new household is ineligible for the remainder of the disqualification if the noncompliant member joins as head of the household.

(b) If the noncompliant member is not the head of household in the new household, the individual shall be treated as an ineligible household member for the remainder of the disqualification.

(11) The JSC shall determine whether good cause existed for failure to comply. Facts and circumstances considered include information from the household member, employer, and the JSC. Good cause includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, unavailability of transportation, or the lack of adequate child care for children having reached age six but under age twelve.

~~((b))~~ (12) A household member exempt from work registration because he or she was registered for work under WIN, E&T, CWEP, or UC and failing to comply with a WIN, E&T, CWEP, or UC requirement comparable to a food stamp work registration or job search requirement shall be treated as though the member had failed to comply with the corresponding food stamp requirements.

~~((c))~~ (a) ~~((When the CSO learns a household member has refused or failed without good cause to comply with such a requirement,))~~ The ~~((CSO))~~ department shall determine whether the requirement was comparable.

(b) The WIN, E&T, CWEP, or UC requirement shall not be considered comparable if it places responsibilities on the household exceeding those imposed by the food stamp work registration requirements.

~~((d))~~ (c) ~~((When the CSO determines))~~ If the requirement is comparable, the entire household shall be disqualified~~((A household shall not be disqualified from participation if))~~ unless the noncomplying member meets one of the work registration exemptions.

(d) Household members failing to comply with a noncomparable WIN, CWEP, E&T, or UC requirement shall lose their exemption and must register for work.

~~((f))~~ (13) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status or failure to comply with work registration and job search requirements for determination of noncompliance with a comparable WIN, CWEP, E&T, or UC work requirement.

Within ten days of receipt of notice of failure to comply, provide the household with notice of adverse action. The notice shall contain the proposed period of disqualification and shall specify the household may reapply at the end of the disqualification period.

~~((g))~~ (14) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

~~((h))~~ (15) A registrant moving out of the jurisdiction of the JSC office with which he or she is registered must reregister at his or her new location.

~~((i))~~ (16) Persons losing exemption status due to any change of circumstance:

(a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

~~((j))~~ (17) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 2360, filed 4/2/86)

WAC 388-54-677 VOLUNTARY QUIT. No applicant or recipient household whose ~~((primary wage earner))~~ head of household voluntarily quit his or her most recent job without good cause shall be eligible for participation in the program. Consequences of the ~~((primary wage earner))~~ head of household quitting his or

her job without good cause shall be explained at the time of application. Benefits shall not be delayed beyond normal processing time pending the outcome of voluntary quit determination.

(1) Voluntary quit applies if any currently unemployed household member required to register for full-time work has quit his or her most recent job without good cause within the last sixty days and the employment involved twenty hours or more weekly or provided weekly earnings equal to federal minimum wage multiplied by twenty.

(a) An employee of the federal, state, or local government participating in a strike against such government and dismissed from that job because of participation in a strike, shall be considered to have voluntarily quit a job without good cause.

(b) Changes in employment status resulting from reducing hours of employment, while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer will not be considered as a voluntary quit for purpose of this subsection.

(2) Voluntary quit applies to the ~~((household's primary wage earner))~~ head of household. ~~((The primary wage earner shall be that household member age eighteen or over acquiring the greatest amount of earned financial support for the household at the time of the quit))~~ The head of household is as defined in WAC 388-54-601.

(3) The CSO determines if the voluntary quit was without good cause. See WAC 388-54-675 (7)(a) for reasons for good cause. Good cause for leaving employment shall also include:

(a) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs;

(b) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(c) Acceptance by the ~~((primary wage earner))~~ head of household of employment, or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions in WAC 388-54-670(2), requiring the ~~((primary wage earner))~~ head of household to leave employment;

(d) Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring the ~~((primary wage earner))~~ head of household to leave employment;

(e) Resignations by persons under the age of sixty recognized by the employer as retirement;

(f) Employment becoming unsuitable by not meeting the criteria specified in WAC 388-54-676(3) after the acceptance of such employment;

(g) Acceptance of a bona fide offer of employment of more than twenty hours a week or where the weekly earnings are equivalent to the federal minimum wage

multiplied by twenty hours which, because of circumstances beyond the control of the (~~primary wage earner~~) head of household, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(h) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

(4) If the quit is without good cause, the household's application shall be denied for a period of ninety days beginning with the day of quit. The household shall be advised of the reason for the denial, period of disqualification, rights to reapply, and right to request a fair hearing.

(5) If the quit without good cause occurs in a participating household, provide notice of adverse action to the household within ten days of the determination of voluntary quit. A participating household shall be disqualified for three months. Those households leaving the program before the sanction can be imposed shall receive the sanction when the household reapplies. The adverse action notice shall be the same as for an applicant household. If a participating household requests a fair hearing to appeal the sanction and the (~~CSO~~) department is upheld, the sanction will begin the first of the month after the hearing decision is rendered.

(6) If the noncompliant head of household (~~member causing the sanction~~) leaves the household, (~~the sanction follows that member~~) the remaining household members are no longer sanctioned. If the head of household committing the violation joins another household as the head of household, the balance of the sanction (~~does not apply to a household that a sanctioned member may join~~) shall be imposed on the new household.

(7) If an application for participation in the food stamp program is filed in the third month of disqualification, the department shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month or months if all other eligibility criteria are met.

(8) The department shall request verification of the household's statements only to the extent the information given by the household is questionable:

(a) The primary responsibility for providing verification rests with the household;

(b) If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the department shall offer assistance to the household to obtain the needed verification;

(c) Acceptable sources of verification include but are not limited to the previous employer, employee association, union representatives and grievance committees or organizations;

(d) The department is responsible for obtaining verification from acceptable collateral contacts provided by the household;

(e) If the household and department are unable to obtain requested verification because the cause for the quit resulted from circumstances that for good reason cannot be verified, the household will not be denied access to the program.

**WSR 87-15-056
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2513—Filed July 14, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to employment and training, amending WAC 388-54-601, 388-54-675 and 388-54-677.

I, Leslie F. James, 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 rules are necessary to implement 7 CFR Parts 271, 272, 273 and 277.

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

This rule is promulgated pursuant to RCW 74.04.510 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 July 13, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2356, filed 3/26/86)

WAC 388-54-601 DEFINITIONS. (1) *Beginning months*(\Rightarrow) : The first month the household is eligible for food stamp benefits and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive coupons. This includes households who are found eligible but do not receive benefits due to proration.

(2) *Compliance date*(\Rightarrow) : The last day in the process month that the community services office (CSO) will process monthly status reports.

(3) *Food stamp monthly budgeting cycle*(\Rightarrow) : The three-month cycle consisting of the report month, process month, and the payment month.

(4) *Food stamp monthly reporting*(\Rightarrow) : The eligibility requirement for food stamp recipients to submit a

monthly report of household circumstances as specified in WAC 388-54-768(1).

(5) Head of household. The household member who is the principal wage earner.

(6) Migrant farmworker(⇒). A person who works in seasonal agricultural employment and is required to be absent overnight from his or her permanent place of residence.

((6)) (7) Payment month(⇒). The third month of the budgeting cycle. The month in which the food stamp allotment is affected by information reported on the monthly status report for the report month.

(8) Principal wage earner. The household member (including excluded members) with the greatest source of earned income in the two months prior to the month of violation provided that:

(a) The employment is at least twenty hours per week, and

(b) There is no other person in the household that is a parent or fulfilling the role of a parent if such person is:

(i) Registered for work, or

(ii) Exempt from work registration because of participation in WIN or receipt of unemployment compensation, or

(iii) Employed or self-employed a minimum of thirty hours per week.

((7)) (9) Process month(⇒). The second month of the budgeting cycle. The month in which the monthly status report is to be returned by the client to the CSO.

((8)) (10) Prospective budgeting(⇒). The computation of a household's income based on income which has been received or anticipated income the household and the department are reasonably certain will be received during the month of issuance. Travel advances and income of students are treated per WAC 388-54-655 (3)(b) and 388-54-735(9), respectively.

((9)) (11) Prospective eligibility(⇒). The determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

((10)) (12) Report month(⇒). The first month of the budgeting cycle. The month for which the recipient reports his or her circumstances.

((11)) (13) Retrospective budgeting(⇒). The computation of a household's income for a payment month based on actual income which existed in the corresponding report month of the budgeting cycle.

((12)) (14) Retrospective eligibility(⇒). The determination of eligibility based on retrospective budgeting rules and other circumstances existing in the report month.

((13)) (15) Seasonal farmworker(⇒). A person who works in seasonal agricultural employment and is not required to be absent from his or her permanent place of residence overnight.

AMENDATORY SECTION (Amending Order 2222, filed 4/8/85)

WAC 388-54-675 WORK REGISTRATION AND JOB SEARCH. (1) Unless otherwise exempt, each individual between the ages of eighteen and sixty

(is required to) shall register for employment at certification and once every twelve months thereafter. A child reaching age eighteen during a certification period shall be registered for work during the next recertification process.

(2) Sixteen or seventeen-year-old heads of households shall register for employment unless the individual is:

(a) Attending school, or

(b) Enrolled in an employment and training program at least half time.

(3) The following people are exempt from work registration:

(a) A person physically or mentally unfit for employment;

(b) A parent or other member of the household having responsibility for the care of a dependent child under six years of age or of an incapacitated person.

If the child has his or her sixth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement at the next recertification, unless the individual qualifies for another exemption.

(c) A person receiving unemployment compensation (UC), or a person applying for but not yet receiving unemployment compensation;

(d) A household member subject to and participating in the work incentive program (WIN), community work and training program (CWEP), or employment and training (E&T) programs;

(e) A person employed or self-employed at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty;

(f) A student enrolled at least half time in any recognized school, training program or institution of higher education provided those students enrolled in higher education have met the eligibility conditions in WAC 388-54-670;

(g) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(h) A person complying with work requirements imposed as a participant in any refugee program;

(i) A migrant or seasonal farmworker under contract or similar agreement with an employer to begin employment within thirty days;

((3)) (4) The department shall provide work registration forms to the applicant for each household member required to register. Household members are registered when a completed work registration form is submitted to the department.

((4)) (5) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable. The department shall verify any claim for exemption it determines questionable.

((5)) (6) Persons required to register for work are subject to job search. Persons subject to job search are required to:

(a) Contact as required by the job service center (JSC) up to twenty-four prospective employers during an eight-week or two four-week period or periods of mandatory job search each time they are entered into

the food stamp program or each twelve months, whichever occurs sooner,

(b) Report at a prescheduled time to the JSC on the result of all job contacts twice during the eight-week period;

(c) Comply with JSC follow-up interviews.

~~((f))~~ (7) Each member required to register for employment shall also be required to:

(a) Report for an interview to the JSC;

(b) Respond to a request from the JSC requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom referred by the JSC, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which referred by the JSC;

~~((e))~~ Continue suitable employment to which referred. Suitability of employment shall be determined by the JSC.

~~(7) If a household member refuses or fails to comply with the work registration or job search requirements without good cause, the household shall be ineligible for participation in the program, until the member moves from the household, becomes exempt, or, for two months, whichever is earlier. Any new household containing this member shall be disqualified.~~

~~((a))~~ (8) The department shall provide an allowance of twenty-five dollars per month to cover the cost of looking for work for individuals assigned to job search.

(9) If a household member fails to comply with work registration or job search requirements without good cause, the department shall:

(a) Disqualify the entire household if the noncompliant member is the head of household, or

(b) Disqualify the noncompliant person if the noncompliant member is other than the head of household. The disqualified member shall be treated as an ineligible household member.

(10) The disqualification for noncompliance with work registration or job search requirements shall be for two months or until the noncompliant member moves from the household, becomes exempt, or complies, whichever is earlier.

(a) If the noncompliant member moves from the household, and joins another household, the entire new household is ineligible for the remainder of the disqualification if the noncompliant member joins as head of the household.

(b) If the noncompliant member is not the head of household in the new household, the individual shall be treated as an ineligible household member for the remainder of the disqualification.

(11) The JSC shall determine whether good cause existed for failure to comply. Facts and circumstances considered include information from the household member, employer, and the JSC. Good cause includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, unavailability of transportation, or the lack of adequate child care for children having reached age six but under age twelve.

~~((b))~~ (12) A household member exempt from work registration because he or she was registered for work under WIN, E&T, CWEP, or UC and failing to comply with a WIN, E&T, CWEP, or UC requirement comparable to a food stamp work registration or job search requirement shall be treated as though the member had failed to comply with the corresponding food stamp requirements.

~~((c))~~ (a) ~~((When the CSO learns a household member has refused or failed without good cause to comply with such a requirement,))~~ The ~~((CSO))~~ department shall determine whether the requirement was comparable.

(b) The WIN, E&T, CWEP, or UC requirement shall not be considered comparable if it places responsibilities on the household exceeding those imposed by the food stamp work registration requirements.

~~((d))~~ (c) ~~((When the CSO determines))~~ If the requirement is comparable, the entire household shall be disqualified ~~((: A household shall not be disqualified from participation if))~~ unless the noncomplying member meets one of the work registration exemptions.

(d) Household members failing to comply with a noncomparable WIN, CWEP, E&T, or UC requirement shall lose their exemption and must register for work.

~~((f))~~ (13) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status or failure to comply with work registration and job search requirements for determination of noncompliance with a comparable WIN, CWEP, E&T, or UC work requirement.

Within ten days of receipt of notice of failure to comply, provide the household with notice of adverse action. The notice shall contain the proposed period of disqualification and shall specify the household may reapply at the end of the disqualification period.

~~((g))~~ (14) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

~~((h))~~ (15) A registrant moving out of the jurisdiction of the JSC office with which he or she is registered must reregister at his or her new location.

~~((i))~~ (16) Persons losing exemption status due to any change of circumstance:

(a) Subject to reporting requirements shall register for work, the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

~~((j))~~ (17) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 2360, filed 4/2/86)

WAC 388-54-677 VOLUNTARY QUIT. No applicant or recipient household whose (~~primary wage earner~~) head of household voluntarily quit his or her most recent job without good cause shall be eligible for participation in the program. Consequences of the (~~primary wage earner~~) head of household quitting his or her job without good cause shall be explained at the time of application. Benefits shall not be delayed beyond normal processing time pending the outcome of voluntary quit determination.

(1) Voluntary quit applies if any currently unemployed household member required to register for full-time work has quit his or her most recent job without good cause within the last sixty days and the employment involved twenty hours or more weekly or provided weekly earnings equal to federal minimum wage multiplied by twenty.

(a) An employee of the federal, state, or local government participating in a strike against such government and dismissed from that job because of participation in a strike, shall be considered to have voluntarily quit a job without good cause.

(b) Changes in employment status resulting from reducing hours of employment, while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer will not be considered as a voluntary quit for purpose of this subsection.

(2) Voluntary quit applies to the (~~household's primary wage earner~~) head of household. (~~The primary wage earner shall be that household member age eighteen or over acquiring the greatest amount of earned financial support for the household at the time of the quit~~) The head of household is as defined in WAC 388-54-601.

(3) The CSO determines if the voluntary quit was without good cause. See WAC 388-54-675 (7)(a) for reasons for good cause. Good cause for leaving employment shall also include:

(a) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs;

(b) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(c) Acceptance by the (~~primary wage earner~~) head of household of employment, or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions in WAC 388-54-670(2), requiring the (~~primary wage earner~~) head of household to leave employment;

(d) Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring the (~~primary wage earner~~) head of household to leave employment;

(e) Resignations by persons under the age of sixty recognized by the employer as retirement;

(f) Employment becoming unsuitable by not meeting the criteria specified in WAC 388-54-676(3) after the acceptance of such employment;

(g) Acceptance of a bona fide offer of employment of more than twenty hours a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the (~~primary wage earner~~) head of household, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(h) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

(4) If the quit is without good cause, the household's application shall be denied for a period of ninety days beginning with the day of quit. The household shall be advised of the reason for the denial, period of disqualification, rights to reapply, and right to request a fair hearing.

(5) If the quit without good cause occurs in a participating household, provide notice of adverse action to the household within ten days of the determination of voluntary quit. A participating household shall be disqualified for three months. Those households leaving the program before the sanction can be imposed shall receive the sanction when the household reapplies. The adverse action notice shall be the same as for an applicant household. If a participating household requests a fair hearing to appeal the sanction and the (~~CSO~~) department is upheld, the sanction will begin the first of the month after the hearing decision is rendered.

(6) If the noncompliant head of household (~~member causing the sanction~~) leaves the household, (~~the sanction follows that member~~) the remaining household members are no longer sanctioned. If the head of household committing the violation joins another household as the head of household, the balance of the sanction (~~does not apply to a household that a sanction member may join~~) shall be imposed on the new household.

(7) If an application for participation in the food stamp program is filed in the third month of disqualification, the department shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month or months if all other eligibility criteria are met.

(8) The department shall request verification of the household's statements only to the extent the information given by the household is questionable:

(a) The primary responsibility for providing verification rests with the household;

(b) *If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the department shall offer assistance to the household to obtain the needed verification;*

(c) *Acceptable sources of verification include but are not limited to the previous employer, employee association, union representatives and grievance committees or organizations;*

(d) *The department is responsible for obtaining verification from acceptable collateral contacts provided by the household;*

(e) *If the household and department are unable to obtain requested verification because the cause for the quit resulted from circumstances that for good reason cannot be verified, the household will not be denied access to the program.*

WSR 87-15-057
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Order 87-27—Filed July 14, 1987]

I, Phillip C. Johnson, deputy director, programs of the Washington Department of Ecology, do promulgate and adopt at the Department's Headquarters Office in Lacey, the annexed rules relating to emergency rules to implement chapter 70.146 RCW and allocate \$10.66 million for funding shellfish and watershed planning projects and sole-source aquifer protection activities.

I, Phillip C. Johnson, 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 of Ecology is proposing this emergency rule to meet pressing needs. To follow the standard rule adoption procedure would cause potentially harmful delays in aquifer protection, a lapse in funding for existing shellfish protection projects, and failure to achieve deadlines imposed by the 1987 Puget Sound water quality management plan. These needs are further described below:

Immediate funding is necessary to continue existing shellfish protection projects which are critical to preventing shellfish bed closures and subsequent loss of jobs and state revenue.

Immediate funding is necessary for projects to protect the Spokane sole-source aquifer. The area overlying the aquifer must continue to make consistent progress toward aquifer protection. Failure to take corrective and preventative measures as soon as possible could result in aquifer degradation, thus endangering the public health. Aquifer degradation could also have severe economic consequences for the Spokane region and the state.

Immediate funding is necessary for nonpoint control pollution control programs if local governments are to meet deadlines imposed by the 1987 Puget Sound water quality management plan.

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

This rule is promulgated pursuant to chapter 70.146 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 July 13, 1987.

By Phillip C. Johnson
 Deputy Director, Programs

Chapter 173-91 WAC
NONPOINT SOURCE POLLUTION CONTROL
AND AQUIFER PROTECTION ASSISTANCE FI-
NANCING PROGRAM

WAC

- 173-91-010 *Purpose and scope.*
- 173-91-020 *Definitions.*
- 173-91-030 *Provision of guidelines.*
- 173-91-040 *Nonpoint source pollution control activity grants—Eligible recipients, funding levels, and new activities.*
- 173-91-050 *Protection of federally designated sole source aquifers—Eligible recipients, funding levels, establishing priority, and new activities.*

NEW SECTION

WAC 173-91-010 PURPOSE AND SCOPE. *The purpose of this chapter is to set forth criteria and limitations on uses of moneys administered by the department of ecology pursuant to chapter 70.146 RCW, Water pollution control facilities financing. This chapter directs the department's obligation of up to ten million six hundred sixty thousand dollars from the fiscal year 1988 and 1989 water quality account. Existing threats to water quality, shellfish, valuable watersheds, and sole source aquifers require immediate release of funds to be obligated in fiscal year 1988 for state grants for the following purposes:*

- (1) *Nonpoint source pollution control activities:*
 - (a) *Existing shellfish protection projects;*
 - (b) *Early action watersheds;*
 - (c) *Watershed ranking committees.*
- (2) *Assistance to federally designated sole source aquifers.*

NEW SECTION

WAC 173-91-020 DEFINITIONS. (1) *"Department" means the Washington state department of ecology.*

(2) *"Eligible cost" means the cost of that portion of a water pollution control facility or activity that can be financed under this chapter.*

(3) *"Director" means the director of the Washington state department of ecology or the director's designee.*

(4) *"Water pollution control facility" or "facilities" means any facilities or systems owned or operated by a*

public body for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes:

(a) To prevent or mitigate pollution of underground water,

(b) To control nonpoint sources of water pollution;

(c) To restore the water quality of fresh water lakes, and

(d) To maintain or improve water quality through the use of water pollution control facilities or other means.

(6) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, or other aquatic life.

(7) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(8) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the United States Environmental Protection Agency pursuant to Public Law 93-523 (42 U.S.C. 300 *f et seq.*)

(9) "Public body" means any county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(10) "Lead agency" means, unless otherwise specified in this chapter, any county, city or town, or Indian tribe which has regulatory jurisdiction over water pollution control activities which are eligible for grants under this chapter. A county, city or town, or Indian tribe may designate another public body to serve as the lead agency (even though that public body may not have regulatory jurisdiction) if the former is a participant in the watershed management committee. The watershed management committee can also designate a lead agency.

(11) "Watershed" means the geographic region within which water drains into a particular river, stream, or body of water.

(12) "Shellfish protection project" means existing plans and/or activities designed primarily to restore and preserve a commercial or high-use recreational shellfish area.

(13) "Watershed ranking committee" means the committee in each of the twelve Puget Sound counties as described in the 1987 Puget Sound Water Quality Management Plan; "Each county shall convene a committee of representatives from cities, special purpose districts, tribes, and other appropriate entities in the county for the purpose of identifying and ranking all watersheds for future nonpoint watershed action plans."

(14) "Watershed management committee" means a committee convened by a county or counties to develop a watershed action plan; and as further described in the 1987 Puget Sound water quality management plan.

(15) "Early action watershed" means a watershed selected by the department in accordance with the 1987 Puget Sound water quality management plan.

NEW SECTION

WAC 173-91-030 PROVISION OF GUIDELINES. Unless superseded by this chapter, the department will utilize the existing guidelines listed below which establish procedures and describe the grant application review and award process for categorical funding areas described in WAC 173-91-040 through 173-91-050. The department will use the "Centennial Clean Water Interim Grants Program, Nonpoint Source Pollution Control Activities Program Guidelines," "Centennial Clean Water Fund Interim Groundwater Management Area Grants Program," "Guidance for Scopes of Work for Shellfish Watershed Action Grants," and "Financial Guidelines for Grants Management," WDOE 80-6. These guidelines will be made available prior to the first grant award.

NEW SECTION

WAC 173-91-040 NONPOINT SOURCE POLLUTION CONTROL ACTIVITY GRANTS—ELIGIBLE RECIPIENTS, FUNDING LEVELS, AND NEW ACTIVITIES. Grants will be available to lead agencies for existing shellfish protection projects, early action watersheds, and watershed ranking committees. Grants made under this section must be consistent with the nonpoint source pollution program of the 1987 Puget Sound water quality management plan.

(1) Eligible recipients.

(a) Grants shall be made available to lead agencies involved in the planning and implementation of nonpoint source pollution control programs.

(b) The department shall accept applications from lead agencies for: The six existing shellfish protection projects, early action watersheds, Puget Sound counties which are establishing watershed ranking committees, tribal participation in these activities.

(2) Funding levels.

(a) Total grant funds available under this chapter in the 1988-1989 biennium for assisting in the planning and implementation of nonpoint source pollution control programs shall not exceed two million six hundred sixty thousand dollars. Depending upon specific project needs, up to the following amounts may be awarded to a public body per project for each of the following activities:

(i) For existing shellfish protection projects, one hundred sixty thousand dollars each for a two-year period. If, after the amount of each shellfish protection grant has been determined, through consultation with the grantee, there are funds remaining in the shellfish protection category (nine hundred sixty thousand dollars, total), individual grants may be increased beyond the one hundred sixty thousand dollar limit. Any such increase will be at the discretion of the department.

(ii) For early action watersheds, one hundred sixty thousand dollars per watershed for a two-year period. If, after the amount of each early action watershed project grant has been determined, through consultation with the grantee, there are funds remaining in the early action watershed category (nine hundred sixty thousand dollars, total), individual grants may be increased beyond the one hundred sixty thousand dollar limit, or additional grants may be offered. Any such increase or additional grants will be at the discretion of the department.

(iii) For watershed ranking committees, forty-five thousand dollars per committee (five hundred forty thousand dollars, total).

(iv) For the Northwest Indian fisheries commission for pass through grants for Indian tribal participation in the activities identified in (a) (i), (ii), and (iii) of this subsection, two hundred thousand dollars.

(b) The total state share shall not exceed seventy-five percent of the eligible costs. A local share of twenty-five percent of the eligible costs is required. The local match commitment may consist of the following:

(i) Up to fifteen percent of eligible costs from:

- Federal funds,
- Valuation of volunteer services, or
- Valuation of donated real and personal property.

(ii) At least ten percent from:

- Cash,
- Loans with a contractual obligation for repayment,
- Force account (labor, materials, or equipment provided by the grantee and not funded by another grant).

(3) New activities. Eligible costs shall be limited to activities conducted after the signing of a grant contract for such activities. Written approval must be obtained from the department for any exceptions to this rule. Costs incurred prior to the date of such written approval are not grant eligible.

NEW SECTION

WAC 173-91-050 PROTECTION OF FEDERALLY DESIGNATED SOLE SOURCE AQUIFERS—ELIGIBLE RECIPIENTS, FUNDING LEVELS, ESTABLISHING PRIORITY, AND NEW ACTIVITIES. (1) Eligible recipients. Grants shall be made available to public bodies involved in sole source aquifer protection. A public body shall be eligible for a grant if

it has jurisdiction within a federally designated sole source aquifer.

(2) Funding levels.

(a) Total state grant awards shall not exceed eight million dollars for aquifer protection.

(b) Total funding assistance to any public body shall not exceed five million dollars.

(c) Grants will be made for eligible planning, design and construction on a cost-share basis, with the state-funded portion not to exceed fifty percent of the total eligible cost.

(3) Establishing priority. The department shall fund sole source aquifer protection projects on a first come first served basis.

(4) New activities. Eligible costs shall be limited to activities conducted after the signing of a grant contract for such activities. Written approval must be obtained from the department for any exceptions to this rule. Costs incurred prior to the date of such written approval are not grant eligible.

WSR 87-15-058
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-70—Filed July 14, 1987]

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

I, Joseph R. Blum, 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 necessary for the protection of Duwamish River/Green River origin fall chinook salmon stocks.

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 July 10, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19500F CLOSED AREA—SALMON FISHING—ELLIOTT BAY. Notwithstanding the provisions of WAC 220-56-195,

(1) Effective 12:01 a.m., August 1 through 11:59 p.m. September 9, 1987, it is unlawful to fish for or possess

salmon taken for personal use from those waters of Elliott Bay easterly of a line projected 187 degrees true from Pier 91 through Duwamish Head Light to the shore.

(2) Effective 12:01 a.m. September 10 until further notice it is unlawful to fish for or possess salmon taken for personal use from those waters of Elliott Bay easterly and southerly of a line projected approximately 72 degrees true from the Armeni Public Boat Ramp in West Seattle through the Columbia Sea-First Center Building in downtown Seattle.

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 87-15-059
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 87-72—Filed July 14, 1987]

I, Joseph R. Blum, 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 87-12-086 filed with the code reviser on June 3, 1987. 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 June 12, 1987.

By Judith Merchant
for Joseph R. Blum
Director

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

WAC 220-16-075 **DEFINITIONS—PURSE SEINE.** (1) "Purse seine" (~~shall be~~) is defined as including all types of fishing gear consisting of a lead line, cork line, auxiliary lines, purse line and purse rings and (~~of~~) mesh net webbing fashioned in such a manner that it is used to encircle fish, and in addition prevents their escape under the bottom or lead line of the net by drawing in the bottom of the net by means of the purse line so that it forms a closed bag.

(2) "Bunt" is defined as the portion of the purse seine net located at the end of the net designed to form the bag that holds the net's catch after the net is pursed and is the last portion of the net to be pulled aboard the catching vessel.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

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 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 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.

(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 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point light, 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 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, excluding those waters of East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point light.

(10) 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 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) 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) 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) Area 7E shall include those waters of Puget Sound within East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(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.

(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 110° true to the shipwreck on the opposite shore, southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) Area 8D shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a ~~((fishing boundary marker approximately))~~ point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Point, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to ~~((a fishing boundary marker off))~~ the intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay~~((thence due east to a fishing boundary marker at the slide))~~.

(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 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point.

(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.

(19) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point, westerly of a line projected 233° true from the 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.

(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.

(21) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(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.

(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.

(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.

(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.

(29) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(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.

(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 public boat ramp at Union.

(32) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the public boat ramp at Union.

(33) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(35) Area 13C shall include those waters of Puget Sound easterly of the 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 southwesterly 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 southwesterly of a line projected 64° true from Kamilche Point to the opposite shore.

(42) Area 13J shall include those waters of Puget Sound northwesterly 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 86-46, filed 6/12/86)

WAC 220-47-301 PUGET SOUND—LAWFUL GEAR—PURSE SEINE. (1) Lawful purse seine salmon nets in Puget Sound shall not exceed 1,800 feet in length along the cork line while wet and purse seine and lead combined shall not exceed 2,200 feet. Neither shall contain meshes of a size less than 4 inches, nor shall the meshes of the seine and lead be lashed together to form one continuous piece of webbed gear. It shall be lawful as part of the purse seine to have a bunt 10 fathoms long and 200 meshes deep which may contain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound which contains mesh webbing constructed of a twine size smaller than 210/30d nylon, 12 thread cotton or the equivalent diameter in any other material.

(3) It shall be unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation, nor may an extra lead or portion thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while wet.

(5) A purse seine will not be considered to be fishing once both ends of the seine are attached to the primary vessel.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

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, 7 and 7A – closed.

Area 6D – September ((~~21~~)) 20 through October ((~~25~~)) 31.

Area 7B – September ((~~7~~)) 13 through November ((~~29~~)) 28.

Areas 7C((;)) and 7D((; and ~~7E~~)) – closed.

Area 7E – August 16 through September 5.

Area 8 – (~~October 26 through November 22~~) closed.

Area 8A – (~~September 7~~) August 23 through November ~~((+5)) 28~~.

Areas 8D, 9, and 9A – closed.

Areas 10 and 11 – September ~~((7)) 13~~ through November ~~((+5)) 28~~.

Areas 10A, 10C, (~~and~~) 10D, 10E, 10F, 10G, and 11A – closed.

~~((Area 10E – October 19 through November 15.~~

~~Areas 10F, 10G and 11A – closed.))~~

Area 12 – September ~~((7)) 6~~ through November ~~((+5)) 20~~.

Area 12A – September ~~((7)) 6~~ through October ~~((+1)) 10~~.

Area 12B – July ~~((27)) 26~~ through November ~~((+5)) 20~~.

Area 12C – July ~~((27)) 26~~ through ~~((August 30))~~ November 27.

Areas 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas – closed.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

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 September ~~((21)) 20~~ and ~~((28)) 27~~, October ~~((5)) 4~~, and October ~~((12)) 11~~: Sunday through Saturday. Week beginning October ~~((19)) 18~~: Sunday through Friday.

Area 7B – Week beginning September ~~((7)) 13~~: Monday through Saturday. Weeks beginning September ~~((14, 21)) 20~~ and ~~((28)) 27~~, and October ~~((5)) 4~~ and ~~((12)) 11~~: Sunday through Saturday. Week beginning October ~~((19)) 18~~: Sunday through Friday. Weeks beginning October ~~((26)) 25~~ and November ~~((2)) 1~~: Monday ~~((;))~~ and Tuesday ~~((, and Wednesday))~~.

~~((Area 8 – Weeks beginning October 26 and November 2: Monday.))~~

Area 7E – Week beginning August 16: Monday and Tuesday. Week beginning August 23: Tuesday and Wednesday.

Area 8A – Weeks beginning September ~~((7)) 13~~ and ~~((21)) October 25~~: Monday. Weeks beginning September ~~((14)) 20~~ and ~~((October 19)) November 1~~: Tuesday. ~~((Week beginning October 26: Monday.))~~

Areas 10 and 11 – Week beginning September ~~((7)) 13~~: Monday. Weeks beginning September ~~((14)) 20~~ and October ~~((19)) 18~~: Tuesday.

~~((Area 10E – Week beginning October 19: Tuesday.))~~

Area 12 – ~~((Weeks))~~ Week beginning September ~~((7 and 21)) 6~~: ~~((Monday and Tuesday))~~ Wednesday and Thursday. Week beginning September ~~((14)) 13~~: Monday and Tuesday ~~((and Wednesday))~~. Week beginning September 20: Tuesday and Wednesday. Week beginning October ~~((19)) 18~~: Tuesday. Week beginning October ~~((26)) 25~~: Monday.

Area 12A – ~~((Weeks))~~ Week beginning September ~~((7 and 21)) 6~~: Wednesday and Thursday. Week beginning September 13: Monday and Tuesday. Week beginning September ~~((14)) 20~~: Tuesday and Wednesday.

Area 12B – ~~((Weeks beginning July 27 and August 10: Monday, Tuesday, Wednesday, and Thursday. Week beginning August 3: Tuesday, Wednesday, Thursday, and Friday. Weeks))~~ Week beginning September 6: Wednesday and Thursday. Week beginning September ~~((7 and 21)) 13~~: Monday and Tuesday. Week beginning September ~~((14)) 20~~: Tuesday and Wednesday. Week beginning October ~~((19)) 18~~: Tuesday. Week beginning October ~~((26)) 25~~: Monday.

Area 12C – Weeks beginning July ~~((27)) 26~~ and August ~~((10)) 9~~: ~~((Monday,))~~ Tuesday ~~((, Wednesday, and Thursday))~~ through Friday. Week beginning August ~~((3)) 2~~: ~~((Tuesday, Wednesday,))~~ Monday through Thursday ~~((, and Friday))~~.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

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 ~~((21)) 20~~ to October ~~((23)) 22~~ and Area 7B from September ~~((8)) 13~~ to October ~~((23)) 22~~ – 24 hours per day.

Areas 6D and 7B on October ~~((24)) 23~~ – 12:01 a.m. to 4:00 p.m. Pacific daylight time.

~~((Areas 12B and))~~ Area 12C on July 31 and August ~~((8)) 14~~ – 5:00 a.m. to 4:00 p.m. Pacific daylight time.

All other open areas – July ~~((27)) 26~~ through October ~~((25)) 24~~: 5:00 a.m. to 9:00 p.m. Pacific daylight time. October ~~((26)) 25~~ through November ~~((29)) 28~~: 5:00 a.m. to 8:00 p.m. Pacific standard time.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

WAC 220-47-401 REEF NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

Areas 7 and 7A – September ~~((28)) 27~~ through November ~~((29)) 28~~.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

WAC 220-47-402 REEF NET—WEEKLY PERIODS. It is unlawful to take, fish for or possess salmon taken with reef net gear except during the weekly open periods hereinafter designated:

~~((Areas 7 and 7A – Weeks beginning September 28, October 5 and 12 – Sunday, Monday, Tuesday, Wednesday, and Thursday))~~ No fishery.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

WAC 220-47-403 REEF NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with reef net gear except during the daily open hours hereinafter designated:

~~((Areas 7 and 7A - September 28 through October 25: 5:00 a.m. to 9:00 p.m. Pacific daylight time; October 26 through November 29: 5:00 a.m. to 8:00 p.m. Pacific standard time))~~ No fishery.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

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, 6C, 7 and 7A - closed.

Area 6D - September ((2+)) 20 through October ((25)) 31.

Area 7B - July ((27)) 26 through November ((29)) 28.

Area 7C - July ((27)) 26 through August ((+6)) 29.

Area 7D ((and 7E)) - closed.

Area ((8 - July 27 through November 22)) 7E - August 16 through September 5.

Area 8 - August 23 through September 5.

Area 8A - ((September 7)) August 23 through November ((+5)) 28.

Areas 8D, 9, and 9A - closed.

Area 10 - September ((7)) 13 through November ((+5)) 28.

Areas 10A, 10C, 10D, 10E, 10F, and 10G - closed.

~~((Area 10E - October 19 through November 15;~~

~~Areas 10F and 10G - closed.))~~

Area 11 - September ((7)) 13 through November ((+5)) 28.

Area 11A - closed.

Area 12 - September ((7)) 6 through November ((+5)) 20.

Area 12A - September ((7)) 6 through October ((+1)) 10.

Area 12B - July ((27)) 26 through November ((+5)) 20.

Area 12C - July ((27)) 26 through ((August 30)) November 27.

Areas 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas - closed.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

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 September ((2+)) 20, ((28)) 27, and October ((5)) 4 and ((+2)) 11: Sunday

through Saturday. Week beginning October ((+9)) 18: Sunday through Friday.

Area 7B - Week beginning July ((27)) 26: Monday and Tuesday nights. Weeks beginning August ((3)) 2 and ((+0 and October 26)) 9: Monday, Tuesday, and Wednesday nights. Weeks beginning September ((7)) 6, ((+4)) 13, ((2+)) 20, and ((28)) 27, and October ((5)) 4 and ((+2)) 11: Sunday through Saturday. Week beginning October ((+9)) 18: Sunday through Friday. Week beginning October 25: Monday and Tuesday nights. Week beginning November ((2)) 1: Sunday((:)) and Monday ((and Tuesday)) nights.

Area 7C - Week beginning July ((27)) 26: Monday and Tuesday nights. Weeks beginning August ((3)) 2 and ((+0)) 9: Monday, Tuesday and Wednesday nights.

Area 7E - Weeks beginning August 16 and 23: Monday and Tuesday nights.

Area 8 - Week beginning ((July 27: Monday and Tuesday nights. Week beginning August 3: Monday, Tuesday, and Wednesday nights. Week beginning October 26: Monday night. Week beginning November 2: Sunday night)) August 23: Tuesday through Saturday nights. Week beginning August 30: Sunday and Monday nights.

Area 8A - Weeks beginning September ((7, +4,)) 13 and ((2+ and)) 20, October ((+9)) 5 and ((26)) November 1: Monday night.

Areas 10 and 11 - Weeks beginning September ((7)) 13 and ((+4)) 20 and October ((+9)) 18: Monday night.

~~((Area 10E - Week beginning October 19: Monday night.))~~

Area 12 - ((Weeks)) Week beginning September ((7, +4,)) 6: Tuesday and Wednesday nights. Weeks beginning September 13 and ((2+)) 20: Monday and Tuesday nights. Weeks beginning October ((+9)) 18 and ((26)) 25: Monday night.

Area 12A - ((Weeks)) Week beginning September ((7, +4,)) 6: Tuesday and Wednesday nights. Weeks beginning September 13 and ((2+)) 20: Monday and Tuesday nights.

Area 12B - Weeks beginning July ((27)) 26 and August ((3)) 2 and ((+0)) 9: Monday((, Tuesday, Wednesday, and)) through Thursday nights. Week((s)) beginning September ((7, +4,)) 6: Tuesday and Wednesday nights. Weeks beginning September 13, and ((2+)) 20: Monday and Tuesday nights. Weeks beginning October ((+9)) 18 and ((26)) 25: Monday night.

Area 12C - Weeks beginning July ((27)) 26 and August ((3)) 2 and ((+0)) 9: Monday((, Tuesday, Wednesday, and)) through Thursday nights.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

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 ((27)) 26 through August ((9)) 8 - 7:00 p.m. to 9:30 a.m. Pacific daylight time in all open areas.

August ((+0)) 9 through September ((+3)) 12 - 6:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.

September ((7)) 6 through October ((23)) 22 - open 24 hours per day in Area 7B.

September ((21)) 20 through October ((23)) 22 - open 24 hours per day in Area 6D.

October ((24)) 23 - 12:01 a.m. to 4:00 p.m. Pacific daylight time in Areas 6D and 7B.

September ((+4)) 13 through October ((25)) 24 - 5:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.

October ((26)) 25 through November ((+5)) 14 - 4:00 p.m. to 8:00 a.m. Pacific standard time in all open areas.

November ((+6)) 15 through November ((29)) 28 - 3:00 p.m. to 9:00 a.m. Pacific standard time in all open areas.

AMENDATORY SECTION (Amending Order 86-46, filed 6/12/86)

WAC 220-47-414 GILL NET—MESH SIZES. It is unlawful to take or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure or larger than the maximum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

Area 6D - September ((21)) 20 through October ((25)) 31: 5 inch minimum mesh.

Area 7B - July ((27)) 26 through September ((6)) 5: 7 inch minimum mesh; September ((7)) 6 through October ((25)) 24: 5 inch minimum mesh; October ((26)) 25 through November ((30)) 29: 6 inch minimum mesh.

Area 7C - July ((27)) 26 through August ((+6)) 22: 7 inch minimum mesh.

Area 7E - August 16 through September 5: 7 inch minimum mesh.

Area 8 - (~~July 27 through~~) August ((+6)) 23 through September 5: ((7)) 5 inch minimum, 6 inch maximum mesh (~~(; October 26 through November 22: 6 inch minimum mesh)~~), maximum depth of 60 meshes.

Area 8A - August 23 through September 12: 5 inch minimum, 6 inch maximum mesh; September ((7)) 13 through October ((+8)) 17: 5 inch minimum mesh; October ((+9)) 18 through November ((+5)) 14: 6 inch minimum mesh.

Areas 10 and 11 - September ((7)) 13 through October ((+1)) 10: 5 inch minimum mesh; October ((+2)) 18 through November ((+5)) 14: 6 inch minimum mesh.

~~((Area 10E - October 19 through November 15: 6 inch minimum mesh.))~~

Area 12 - September ((7)) 6 through October ((+8)) 17: 5 inch minimum mesh; October ((+9)) 18 through November ((+5)) 14: 6 inch minimum mesh.

Area 12A - September ((7)) 6 through October ((+1)) 10: 5 inch minimum mesh.

Area 12B - July ((27)) 26 through ~~((September 6))~~ August 15: 7 inch minimum mesh; September ((7)) 6 through October ((+8)) 17: 5 inch minimum mesh; October ((+9)) 18 through November ((+5)) 28: 6 inch minimum mesh.

Area 12C - July ((27)) 26 through August ((30)) 15: 7 inch minimum mesh. October 11 through October 24: 5 inch minimum mesh; November 8 through November 28: 6 inch minimum mesh.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-47-50101 PUGET SOUND TROLL LINE SEASONS—SALMON.

WAC 220-47-50201 PUGET SOUND TROLL LINE WEEKLY PERIODS.

WAC 220-47-503 PUGET SOUND TROLL LINE CLOSED AREAS.

WSR 87-15-060

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-73—Filed July 14, 1987]

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

I, Joseph R. Blum, 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 harvestable numbers of salmon are available, and this regulation is adopted at the recommendation of the Pacific Fisheries Management Council and the International Pacific Salmon Fisheries Commission.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 10, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000V **LAWFUL ACTS—TROLL FISHERY.** *Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or west of the Buoy 10 Line except as provided for in this section:*

(1) Effective 12:01 a.m. July 25 through 11:59 p.m. July 27 and 12:01 a.m. July 31, 1987, until either 15,000 chinook or 121,200 coho salmon, whichever occurs first, are taken or killed, open to salmon troll fishing in those waters south of a line projected due west from the mouth of the Queets River and north of a line due west from Cape Falcon, Oregon, except for a closed conservation zone at the mouth of the Columbia River described as those waters bounded by a line extending six nautical miles due west from North Head along 46 degrees, 18 minutes, 00 seconds north latitude to 124 degrees, 13 minutes, 18 seconds west longitude, thence southerly 167 degrees true to a point 46 degrees, 11 minutes, 06 seconds north latitude, 124 degrees, 11 minutes, 00 seconds west longitude, thence east along the Red Buoy Line to shore, from which conservation zone no salmon may be taken or possessed.

(i) All salmon taken by Washington fishermen during the period July 25 to July 27, 1987 must be landed prior to 11:59 p.m. July 28, 1987.

(ii) Salmon taken in the above described fishery must be landed in the coastal Washington ports of Westport, Ilwaco, or Chinook, unless notification is made to the department or the United States Coast Guard prior to leaving the area. Such notification must include the name of the vessel, port of delivery, approximate number of salmon by species, and estimated time of arrival.

(2) Effective 12:01 a.m., August 15, 1987, or when department sampling indicates an 8:1 pink salmon to coho salmon ratio, whichever occurs first, until either 4,000 chinook or 20,000 coho salmon, whichever occurs first, are taken or killed, open to salmon troll fishing in those waters south of the United States-Canada border and north of a line projected east-west through Carroll Island, except for a closed conservation zone defined as those waters bounded by a line from Bonilla Point on Vancouver Island to a point 48 degrees, 20 minutes, 00 seconds north latitude, 124 degrees 51 minutes 00 seconds west longitude, thence to a point 48 degrees 13 minutes 00 seconds north latitude, 124 degrees 54 minutes 00 seconds west longitude thence to a point 48 degrees 00 minutes 18 seconds north latitude, 124 degrees 55 minutes 00 seconds west longitude, thence to Carroll Island, from which conservation zone no salmon may be taken or possessed.

(i) At least 8 pink salmon must be retained for each coho retained, and at least 20 pink salmon must be retained for each chinook salmon retained, except that a single daily possession and landing not to exceed one coho and one chinook may be made without meeting the species ratio.

(ii) Salmon taken in the above described fishery must be landed in the coastal Washington ports of Neah Bay or La Push, unless notification is made to the department or the United States Coast Guard prior to leaving the area. Such notification must include the name of the vessel, port of delivery, approximate number of salmon by species, and estimated time of arrival.

(iii) Terminal gear is restricted to flashers with bare, blued hooks.

(3) In the fisheries provided for in this section it is unlawful to use barbed hooks.

(4) Lawful minimum size is 28 inches in length for chinook and 16 inches in length for coho. There is no minimum size for pink salmon.

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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-24-02000U **LAWFUL ACTS—TROLL FISHERY.** (87-42)

WAC 220-20-02000V **LAWFUL ACTS—TROLL FISHERY.** (87-68)

WSR 87-15-061

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-76—Filed July 14, 1987]

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

I, Joseph R. Blum, 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 harvestable numbers of salmon are available.

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 July 10, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-13000K **BOGACHIEL RIVER.** Notwithstanding the provisions of WAC 220-57-130, effective July 15 through August 31, Bag Limit A in those waters downstream from the Highway 101 Bridge.

NEW SECTION

WAC 220-57-13500I **CALAWAH RIVER.** Notwithstanding the provisions of WAC 220-57-130, effective July 15 through August 31, Bag Limit A in those waters downstream from the Highway 101 Bridge.

NEW SECTION

WAC 220-57-38500M *QUILLAYUTE RIVER. Notwithstanding the provisions of WAC 220-57-385, effective July 15 through August 31, Bag Limit A in those waters downstream from the confluence of the Soleduck and Bogachiel Rivers.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-38500L *QUILLAYUTE RIVER. (87-53)*

WSR 87-15-062
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-78—Filed July 15, 1987]

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

I, Joseph R. Blum, 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 harvestable numbers of salmon are available.

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 July 15, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-36-02100K *GRAYS HARBOR GILL-NET SEASON. Notwithstanding the provisions of WAC 220-36-021, 220-36-022, and 220-36-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from the waters of Grays Harbor except as provided for in this section:*

(1) *The following Grays Harbor Salmon Management and Catch Reporting Areas are open during the times indicated:*

Area 2B east of a line drawn true north-south through lighted piling number 16 on Whitcomb flats, Area 2C, and Area 2D -

*Immediately to 6:00 p.m. July 23,
6:00 p.m. July 26 to 6:00 p.m. July 30,
6:00 p.m. August 2 to 6:00 p.m. August 6, 1987.
(2) Lawful gear is limited to gill nets no longer than
1,500 feet, 5 inch minimum mesh.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100J *GRAYS HARBOR GILL-NET SEASON. (87-63)*

WSR 87-15-063
PROPOSED RULES
FOREST PRACTICES BOARD
[Filed July 16, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Forest Practices Board intends to adopt, amend, or repeal rules concerning forest practices rules and regulations, Title 222 WAC, previously filed in WSR 87-10-018;

that the agency will at 1:30 p.m. - 10:00 p.m., Thursday, September 3, 1987, in the House Office Building, Hearing Room A, Olympia, Washington, 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 chapters 76.09 and 34.04 RCW.

This notice is connected to and continues the matter in Notice No. WSR 87-10-018 filed with the code reviser's office on May 1, 1987.

Dated: July 15, 1987
By: Thomas E. Robinson
Executive Secretary

WSR 87-15-064
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—July 15, 1987]

This notice is given pursuant to provisions of RCW 42.30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its regular meeting on September 3, 1987, instead of the originally published date of August 12, 1987. The meeting will be held from 1:30 p.m. until 10:00 p.m. in Hearing Room A in the House Office Building, Olympia, Washington.

Further information may be obtained from the Division of Forest Regulation and Assistance, 120 East Union Avenue, Room 109, EK-12, Olympia, Washington 98504, (206) 753-5315.

WSR 87-15-065

ADOPTED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Order 281—Filed July 16, 1987—Eff. September 1, 1987]

Be it resolved by the State Personnel Board, acting at the Board Hearings Room, 600 South Franklin, Olympia, WA, that it does adopt the annexed rules relating to:

New	WAC 356-05-048	Base range.
New	WAC 356-05-275	Point range.
Amd	WAC 356-05-370	Salary range.
Amd	WAC 356-05-430	Transfer.
Amd	WAC 356-14-140	Salary—Increase on promotion.
Amd	WAC 356-15-080	Standby compensation.
Amd	WAC 356-15-125	Assignment pay provisions.

This action is taken pursuant to Notice No. WSR 87-11-054 filed with the code reviser on May 20, 1987. These rules shall take effect at a later date, such date being September 1, 1987.

This rule is promulgated pursuant to RCW 41.06.150 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 July 9, 1987.

By Leonard Nord
Secretary

NEW SECTION

WAC 356-05-048 **BASE RANGE.** A salary range identified by a whole number, rather than a number with a decimal suffix (as opposed to a "point range" which has a decimal suffix).

NEW SECTION

WAC 356-05-275 **POINT RANGE.** A salary range identified by a whole number with a decimal suffix (as opposed to a "base range" which has no decimal suffix).

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-370 **SALARY RANGE.** A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class. Salary ranges are identified in the compensation plan by number. Those with a decimal suffix are "point ranges"; those with only whole numbers are "base ranges".

[AMENDATORY SECTION (Amending Order 209, filed 8/10/84)]

WAC 356-05-430 **TRANSFER.** The change of an employee from ~~((one to another classified position having the same salary range number))~~ a position in one

class to another position in a class having the same maximum salary.

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

AMENDATORY SECTION (Amending Order 141, filed 2/19/80)

WAC 356-14-140 **SALARY—INCREASE ON PROMOTION.** (1) All promotional salary changes shall be determined as if the employee's old and new classes were both paid on the base ranges with the same whole-number designations as the point ranges which may be involved. Thus under the rules which follow in this section, a four-range promotion would be exemplified by movement from base range 30 to base range 34; not from base range 30 to point range 30.4. The following examples are cited to further clarify the intent of this rule:

(a) A four-range promotion from range 26.4 step i to range 30.2 would be determined as though the move were from range 26 step i to range 30 step e (same dollar amount) plus two increments to step g; then to step g of range 30.2.

(b) A six-range increase would occur if an employee promoted from range 26.4 to range 32.2, even though the actual dollar amount of the range increase is less than a promotion from range 26 to range 32.

(c) A five-range increase would occur if an employee promoted from range 26 to range 31.4 even though the actual dollar amount of the increase appears to be closer to six ranges.

(d) Promotional movement from range 30.1 step d to range 30.3 would be made as though the movement were from range 30 step d to range 30 step f, then to range 30.3 step f.

~~((+))~~ (2) An employee who is promoted less than six ((basic)) salary ranges shall ((have his/her salary increased by the next two salary schedule increments over the basic salary he/she received immediately prior to the)) receive a two-increment salary increase on the date of promotion, or

(a) To the minimum step of the newly assigned range, if the minimum dollar amount is higher, or

(b) To the maximum step of the newly assigned range, if a two-increment increase would have otherwise placed the employee above the maximum step of the range, or

(c) To the next higher salary schedule dollar amount which would represent more than a one-increment increase but not more than a two-increment increase, if the employee's basic salary in the former class was Y-rated between two salary schedule steps, and (a) or (b) above do not apply.

~~((2))~~ (3) ((When a)) An employee who is promoted ((to a new classification at least six basic salary ranges above his/her former classification, he/she shall have his/her salary increased by the next four salary schedule increments over his/her former basic salary)) six or more ranges shall receive a four-increment salary increase on the date of promotion.

~~((3))~~ (4) ~~((When a))~~ An employee who is working in a position that is included in an approved class series study and who accepts a promotion within ((his/her)) that agency to a classification impacted by the same study, ((he/she)) shall be paid not less than the salary that would have been paid had the employee remained in the former position and benefited from an upward reallocation. In no event, however, shall the employee receive a salary higher than the maximum step of the classification to which ((he/she promotes)) promoted. The higher salary shall become effective ((upon)) on the effective date of the class study.

~~((4))~~ (5) ~~((When a))~~ An employee who is promoted in either situation (a) or (b) below, ((his/her salary shall be increased by the next four salary schedule increments over his/her former salary)) shall receive a four-increment salary increase:

(a) ~~((The))~~ When the employee is promoted over an intervening class in ((his/her)) the same class series, or

(b) ~~((An))~~ When the employee is promoted from one class series to a higher class series and over an intervening class in the new series which would have represented a promotion.

~~((5))~~ (6) ~~((Whenever a promotion would require a))~~ An employee ((to move his/her)) whose promotion requires a change of residence to another geographic area to be within a reasonable commuting distance of the new place of work((, he/she shall have his/her salary increased by the next four salary schedule increments over the former basic salary)) shall receive a four-increment increase on the date of promotion.

~~((6))~~ (7) ~~((Employees))~~ An employee will be entitled to only one of the increases of ~~((2))~~ (3), ~~((4))~~ (5) or ~~((5))~~ (6) above~~((, and not the accumulation, when the situations happen within 12 months of each other))~~ within a 12 month period. An employee whose salary would otherwise be increased under (3), (5) or (6) above shall receive a salary increase as provided in (2) above when the promotions occur within 12 months of each other.

~~((7))~~ (8) When the increase prescribed in ~~((2))~~ (3), ~~((4))~~ (5) and ~~((5))~~ (6) above would result in a salary above the maximum of a range or the increase was from an amount between the steps, then the same limitations prescribed in ~~((1))~~ (2)(a), (b) or (c) will prevail.

~~((8))~~ (9) Any additional salary ranges that were afforded by a special assignment pay provision shall not be used in the above computations.

~~((9))~~ (10) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15 but will not be used in the above computation.

~~((10))~~ (11) Increases will not be provided as above when teachers' salaries are prescribed in the teachers and principal salary schedules.

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 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-080 STANDBY COMPENSATION. (1) Requirements:

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) Payment: Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate ~~((as shown in the state compensation plan))~~. Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.

(3) Rate: The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly two whole numbers higher. That is: (28 - 26, or 28.3 - 26.3) divided by 128 hours.

AMENDATORY SECTION (Amending Order 163, filed 11/16/81)

WAC 356-15-125 ASSIGNMENT PAY PROVISIONS. The personnel board may grant additional pay to recognize assigned duties that exceed ordinary conditions. Hazards, equipment operations and other specialized skills are examples of areas for personnel board consideration. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

Assignment pay provisions for additional ranges mean additional ranges in the same category of base or point

ranges. That is, a range 30.3 class receiving four assignment pay ranges would be paid at range 34.3.

Final Date For Action	First-Class Districts	Second-Class Districts
-----------------------	-----------------------	------------------------

WSR 87-15-066
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed July 16, 1987]

Notice is hereby given that the Department of Ecology will not take further action under WSR 87-09-081 to amend WAC 173-19-360, San Juan County.

This notice is given pursuant to WAC 1-12-033. The Department of Ecology may, at a later date, file a new notice of intent to amend the program.

Phillip C. Johnson
 Deputy Director, Programs

WSR 87-15-067
ADOPTED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
 [Order 87-7—Filed July 16, 1987]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 392-123-054 Time schedule for budget.
- Amd WAC 392-123-078 Review of first class school district budgets and budget extensions.

This action is taken pursuant to Notice No. WSR 87-12-087 filed with the code reviser on June 3, 1987. 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 28A.65-.465 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 July 8, 1987.

By Frank B. Brouillet
 Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 85-3, filed 7/24/85)

WAC 392-123-054 TIME SCHEDULE FOR BUDGET. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare budget. Upon completion of their budgets, every	Same as first-class.

school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

July 15

Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

July 20

Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

Final Date For Action	First-Class Districts	Second-Class Districts	Final Date For Action	First-Class Districts	Second-Class Districts
July 25		Final date for educational service district to notify districts of problems noted in review.		<u>enter the same in the official minutes of the board.</u>	
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total two days: PROVIDED, That the budget must be adopted no later than August 1st. Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.			Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.
			September 3	Final date for district to file two copies of said adopted budget with their educational service district.	
			September 10	Last date for educational service district to file a copy of said adopted budgets with the superintendent of public instruction. One copy will be retained by educational service district.	Same as first-class except one copy of adopted and approved budget must be returned to local school district.
August 3		Last date to forward three copies of said adopted budget to educational service district for review, alteration and approval.			
August 10	Final date for educational service district to notify districts of review problems noted in review.				
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution <u>adopt the budget and the appropriations as so finally determined, and</u>	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction.			

AMENDATORY SECTION (Amending Order 85-3, filed 7/24/85)

WAC 392-123-078 REVIEW OF FIRST-CLASS SCHOOL DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of first-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. First-class school districts shall submit a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.

The educational service district shall notify each of its first-class school districts of any problems noted during the review prior to adoption of the budget by the school district.

Budgets and budget extensions adopted by first-class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said reviews shall include but not be limited to completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget ((of)) or budget extension is in compliance with this chapter, state statutory law and

budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

WSR 87-15-068

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Memorandum—July 15, 1987]

The August 11, 1987, regular meeting of the board of trustees of Whatcom Community College, District Number Twenty-One, has been cancelled.

The board of trustees has rescheduled its regular meeting of September 8, 1987, to September 1, 1987, at the following time and place: September 1, 1987, Tuesday, 2:00 p.m., Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

WSR 87-15-069

**EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)**

[Order 61, Resolution No. 300—Filed July 16, 1987]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to the transportation of mobile homes, WAC 468-38-120.

We, the Washington State Transportation Commission, 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 that the movement of mobile homes from other states has become impossible under current rules and that some modifications should be made.

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

This rule is promulgated pursuant to RCW 46.44.090 which directs that the Washington State Transportation Commission has authority to implement the provisions of chapter 46.44 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 July 16, 1987.

By Leo Sweeney
Chairman

AMENDATORY SECTION (Amending Order 58, Resolution No. 286, filed 10/21/86)

WAC 468-38-120 OVERSIZE MOBILE HOME TRANSPORT REGULATIONS. (1) *The purpose of this section is to supplement the provisions of chapter 468-38 WAC as they relate to the movement of mobile homes. Where conflicts with other sections of this chapter occur, the following rules apply.*

(2) *Definitions:*

(a) *"Mobile home" means all trailers of the semitrailer type with hitch ball coupler designed as structures for human habitation which may have been subsequently adapted to other uses, which are capable of being towed upon the public highways and are more than thirty-six feet in length and more than eight and one-half feet in width.*

(b) *"Modular homes and sectional buildings" means any factory-built housing designed for human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can be towed are considered to be mobile homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code regulating the movement of overlegal loads.*

(c) *Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and others assisting in the transport must function as agents or employees of the permittee.*

(d) *A "unit" is a complete or irreducible part of an oversize mobile home(~~,-together with its tow vehicle~~).*

(3) *Oversize limits: The following regulations apply to mobile homes of semi-trailer design whose width exceeds eight and one-half feet but does not exceed fourteen feet and whose length exceeds thirty-six feet but ~~((in combination with a tow vehicle))~~ does not exceed ~~((eighty-five))~~ seventy-five feet including tongue: PROVIDED, That a fourteen foot wide unit may have an eight inch eave on one side: AND PROVIDED FURTHER, That the mobile home shall be transported with this eave on the right side in the direction of traffic.*

(4) *Oversize mobile home permits may be issued as follows:*

(a) *Annual permits may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW or to transporters licensed as provided in chapter 46.76 RCW.*

Annual permits shall apply only to transport of mobile homes fourteen feet or less in height, above level ground, while being transported.

(b) Monthly permits may be issued to dealers, manufacturers, and transporters under the same conditions as annual permits except that fourteen foot height limitations may be waived.

(c) Single trip permits may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

(5) The permittee must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand dollars – three hundred thousand dollars public liability and fifty thousand dollars property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) If an accident occurs while transporting a mobile home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred and fifty dollars to the mobile home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling twelve to fourteen foot wide mobile homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of twelve to fourteen foot wide mobile homes.

(8) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) Mobile homes:

(a) Overall dimensions shall not exceed those stated in the permit except for minor protrusions not to exceed two inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. Mobile homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The complete system of the mobile home, including running gear assembly, shall comply with the rules and regulations adopted by the United States Department of Housing and Urban Development (24 CFR 280 (1976) and as thereafter amended). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those mobile homes not certified as qualifying to the minimum H.U.D. specifications shall have brakes on at least two axles and on four wheels. Units of sixty feet or more in length shall have at least three full axles, except that twelve-foot wide mobile homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the mobile home and its load. They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-

cell or approved battery with a full charged rating of twelve volts will be installed in the mobile home to actuate electric brakes in the event of a breakaway. The minimum track width between two wheels on the same axle shall be eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging and shall be inflated to the maximum recommended tire pressure and have tread depth no less than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of mobile home tires must be in excess of their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side of half sections of mobile homes shall be covered in such a way as to prevent billowing of the covering material.

(d) Furnishings or loose objects within the mobile home shall be secured in positions to achieve proper weight and balance.

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

Mobile Home Width to be Towed	Drive Axle Tire Width	Drive Axle Tire Rating	Gross Curb Weight	(1) Weight	Rear Axle Rating
Over 8 1/2 to 10	7.00"	6 ply	(2)	6,000#	(2)
Over 10 to 12	8.00"	8 ply	35,000(3)	8,000#	15,000#
Over 12 to 14	8.25"	10 ply	35,000#	9,000#	15,000#

(1) Includes fuel and accessories prior to hook-up with mobile home.

(2) Not required.

(3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of one hundred twenty inches. Cab-over engine tow vehicles shall have a minimum wheelbase of eighty-nine inches. Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to mobile home brake systems will be capable of producing rated voltage and amperage at the mobile home brake magnets in accordance with the mobile home brake manufacturer's specifications.

(11) Signs and flags: In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the trailer home with the bottom edge between five and seven feet above the road surface. Sign material shall be impervious to moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC 468-38-170, six-inch diameter flashing amber lights with a minimum of thirty-five candle power shall be mounted on the upper outer edges of the rear of the trailing unit. They shall be operated with a flashing cycle of sixty to one hundred twenty times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for mobile homes shall be as set forth in WAC 468-38-340.

(14) Mobile homes traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two mobile home units. All units shall maintain a minimum distance of from four hundred to five hundred feet behind any truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) The mobile home unit shall be operated in the right lane except when passing. On two-lane highways, units shall not pass other vehicles except when required to pass a vehicle being operated at a speed so slow as to hinder the safe flow of traffic.

(16)(a) A decal issued by the county treasurer shall be displayed on any mobile or modular home being transported on public highways in this state. The decal is not required if one of the following conditions is met:

- (i) When a mobile home is to enter the state;
- (ii) When a mobile home is being moved from the manufacturer or distributor to a retail sales outlet;
- (iii) When a mobile home is being moved from the manufacturer or distributor to a purchaser's designated location; or
- (iv) When a mobile home is being moved between retail sales outlets.

(b) The county treasurer's decal shall be displayed on the rear of the mobile home while in transport. It shall be issued at the same time as the tax certificate for mobile home movement. If the tax certification is for a double-wide mobile home, two mobile home movement decals shall be issued.

(c) The decal shall meet the following requirements:

- (i) It shall be at least eight and one-half inches square.
- (ii) It shall be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.
- (iii) It shall be of fluorescent orange color.
- (iv) It shall show the make, model and serial number of the mobile home, the date issued, the name of the transporter, the transporter's WUTC permit number if required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(v) It shall display in readily legible script the expiration date of the decal, which shall be not more than fifteen days after the date the decal is issued.

(d) Mobile home movement decals may not be transferred.

WSR 87-15-070

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 17, 1987]

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 certified seed potato, chapter 16-324 WAC;

that the agency will at 1:15 p.m., Tuesday, August 25, 1987, in the Whatcom County Courthouse Annex, 1000

Forest Street, Bellingham, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 11, 1987.

The authority under which these rules are proposed is chapter 15.14 RCW.

Dated: July 17, 1987

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-324 WAC.

Description of Purpose: To set requirements and standards for the certification of seed potatoes.

Statutory Authority: Chapter 15.14 RCW.

Summary of Rules: These rules establish requirements, standards and fees for services performed by the department to certify seed potatoes. The limited generation program is one that has been developed over the past few years and adopted by other states. Because Washington growers are becoming involved in this program, these rules will set standards for that program.

Reasons for Supporting Proposed Actions: Washington growers are becoming involved with the limited generation program.

Agency Personnel Responsible for Drafting, Implementing and Enforcing Rules: Max G. Long, Supervisor, Seed Branch, 2015 South 1st Street, Yakima, WA 98903, phone (509) 575-2750.

Persons Proposing Amendments: Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact: None.

AMENDATORY SECTION (Amending Order 1199, filed 5/5/71, effective 6/7/71)

WAC 16-324-360 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Potatoes" mean Irish potatoes that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington.

(4) "Disease tested" means tested for potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll, spindle tuber viroid, Erwina carotovora carotovora, Erwina carotovora atroseptica and Corynebacterium sependonicum.

(5) "Nematode" means a disease (infestation) of plant parasitic nematodes of potatoes including but not limited to Ditylenchus, Pratylenchus, and Meloidogyne genera.

(6) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(7) "In vitro" means in an artificial environment outside the living organism.

(8) "Prenuclear" means micropropagated plants in vitro or tubers in vitro. Also included are micropropagated plants or microtubers produced in a greenhouse.

(9) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from pre-nuclear stock.

(10) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(11) "Minitubers" means tubers produced under controlled greenhouse conditions.

(12) "Tuber unit" means a method of planting whereby cut seed pieces from one tuber are dropped consecutively in a row.

(13) "Hill unit" means a method of planting whereby all tubers from one plant are dropped consecutively in a row.

(14) "Family unit" means a method of planting whereby pre-nuclear stock made up of various family lines are mass planted in recognizably separate plots limited to the size and number of plants per plot.

AMENDATORY SECTION (Amending Order 1825, filed 5/17/84)

WAC 16-324-380 CERTIFIED SEED POTATO STOCK—FEES. (1) Potato certification fees shall be ~~((twenty-three))~~ twenty-seven dollars 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 is forty dollars minimum to be paid in full at time of application.

(c) No fees ~~((with))~~ may be charged, up to five acres, for regularly enrolled high school 4-H or FFA projects.

(3) Refunds of the application fee ~~((with))~~ may 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 ~~((with))~~ shall 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 ~~((with))~~ may be considered.

AMENDATORY SECTION (Amending Order 1897, filed 7/17/86)

WAC 16-324-390 REQUIREMENTS FOR PRODUCTION OF FOUNDATION AND/OR CERTIFIED SEED POTATO STOCK. (1) Land requirements.

(a) Potatoes shall not be eligible for certified class if planted on land on which potatoes were grown in either of the previous two years unless the prior crops were entered for and passed certification. Potatoes shall not be eligible for foundation class if planted on land on which potatoes were grown in any of the previous three years unless the prior crops are of the same variety that were entered for and passed certification.

(b) Any land known to be infested with parasitic potato nematode shall not be accepted.

(c) Any land planted with potatoes found to have ring rot shall not be eligible for planting for certified seed potato production for at least three years. Volunteers in a field with ring rot history shall disqualify the field for certification, modification of land history may be approved by the department when a cultural practice has been proven to be successful. Cultural practices may include, but is not limited to, mechanical means (such as deep plowing) and/or chemical means (such as fumigants or other material) for seed bed preparation. Materials and methods shall be a matter of record with the department. Whichever method is used, it shall be approved by the department and shall be adequate to maintain variety and disease purity. Plants outside of the defined row shall be construed as volunteers.

(2) Isolation requirements.

(a) Potatoes intended for certification shall be isolated by at least one hundred feet from other potatoes except potatoes entered for certification.

(b) A distinct separation of at least six feet shall be left unplanted or planted to some other crop between different lots of foundation class seed potatoes or varieties of potatoes that have so similar tuber type, color, skin, or shape characteristics that varietal mixture is not readily identifiable during the storage, sorting, and grading process. No separation shall be required between lots of a red variety and another variety with obviously different skin color. When more than one lot of seed potatoes are planted in the same field, each lot shall be so marked that any inspector not previously having been at the location can identify each lot.

(c) When ring rot is found in a field planted with more than one lot of seed, the entire field shall be rejected unless at least six feet has been left unplanted or planted to some other crop between lots.

(3) Planting stock. Eligible planting stock shall consist of foundation seed potatoes or seed stock approved by the department.

(a) Foundation seed is tubers that have met field standards and winter test standards for foundation seed.

(b) Desirable planting stock of known history and varietal purity may be accepted. This stock shall have been produced the preceding year under the special observation of the department. Stock under observation by the department shall pay the usual certification fees.

(c) Planting stock from other states or countries is eligible for certification if the planting stock has met the requirements for foundation standards of their program.

(d) A seed stock or lot shall not be eligible for foundation classification if blending two different sources of seed.

(e) A seed stock or lot shall not be eligible for certification if planted with culls.

(4) Field inspections. Each lot shall be visually inspected on a sample basis. Lots shall be subjected to at least two inspections. The first inspection shall be made before the rows have filled in or the vines touch in the row. The lots shall be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. Lots shall be considered ready for inspection at all times. Notification shall be given to grower or grower representative when inspection is to be performed. A second inspection shall be performed and the time of the inspection shall be determined by the variety and growing season. Additional inspections shall be made when deemed necessary. The grower shall be responsible for notifying the department of unusual field conditions which reflect premature dying, from any cause, prior to the final reading of the field.

(5) Russet Burbank/Netted Gem potatoes to be eligible for certification shall be within the field tolerances and the winter test tolerances set for certified seed potatoes. Shipments for export prior to January 15 may be certified based on field readings only.

(6) Miscellaneous requirements. Prospective growers entering the certification program for the first time shall be interviewed by the department before applications are processed. This is in order that the applicant knows what is expected and what may be expected from the certifying agency.

(7) Sanitation requirements. All equipment used in the cutting, planting, digging, storage, and grading process shall be sanitized between each lot and variety. Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter followed by an application of an approved chemical to kill bacteria.

AMENDATORY SECTION (Amending Order 1897, filed 7/17/86)

WAC 16-324-430 CERTIFIED SEED POTATO—DIGGING, STORAGE AND PREMARKETING. Specific requirements.

(1) Stored so as to maintain each lot's identity. Storage bin or room (an area with a controlled access and enclosed by solid barriers) to be so marked that any inspector not previously having been in the room or storage bin could identify the lot:

(a) Each storage or room containing more than one lot shall have a solid barrier between each lot that is not of the same seed source, variety or classification. The presence of ring rot or nematode in a lot that is stored with other lots shall be cause for rejection of all lots that are not isolated or separated by a solid barrier.

(b) Lots previously known or found to be infected with bacterial ring rot disease at time of storage or noncertified potatoes shall not be stored within the same storage with certified seed potatoes. Known infected seed lots stored with certified seed lots shall be cause for rejection of all lots in the same storage.

(2) The applicant shall notify in writing receivers of a seed stock or receivers of a lot associated with a seed stock that has been found to be infected with bacterial ring rot. The applicant shall provide the department with a copy of this notification sent to the receiver.

(3) Graded according to state of Washington standards for seed potatoes.

~~((3))~~ (4) Placed in new sacks when tagging is requested, identified with the official Washington seed potato tags which shall show the grower's name, address ~~((and))~~, lot number and variety unless such information is printed on the sacks together with the usual net weight.

~~((4))~~ (5) Tags may be issued to the grower who shall:

(a) Tag the bags as the potatoes are sorted.

(b) Allow inspection of graded potatoes at any time.

(c) If the potatoes are out-of-grade, remove the tags under the supervision of the inspector.

(d) Return all unused tags to the inspector.

Failure to observe any of the above provisions is sufficient cause for the inspector to withhold the privilege of permitting the grower to tag at his convenience. The deliberate disregard for subsection ((4)) (5)(b) and (c) of this section shall be just cause to eject a grower from the certification program.

((5)) (6) Bulk lots, properly identified, may be moved under certification.

AMENDATORY SECTION (Amending Order 1587, filed 11/21/78)

WAC 16-324-450 **CERTIFIED SEED POTATO—SPECIFIC REQUIREMENTS.** The diseases tolerated ~~((with))~~ shall be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

Disease or Defects	Foundation	Certified
Bacterial ring rot, powdery scab, black wart, tuber moth, nematodes	0.00 %	0.00 %
Net necrosis associated with leaf roll	0.25 %	1.00 %
Scab (deep pitted)	1.00 %	3.00 %
Variety mixture	0.00 %	0.25 %

NEW SECTION

WAC 16-324-600 **LIMITED GENERATION (L.G.) CERTIFIED SEED POTATO PRODUCTION.** (1) The limited generation (L.G.) program is offered as an alternative to the current program for certification of seed potatoes. This L.G. program is not intended to supersede or replace existing rules and standards for certified seed potato production. Limited generation certified seed potato production shall comply with current standards, where applicable, in addition to the following rules. The purpose of the program is to provide certification for additional kinds of propagative stock now being produced by tissue culture and/or stem cutting techniques.

(2) Eligibility - to be accepted for certification, seed stocks shall be derived from seed stocks that have been disease tested, certified by an official seed certifying agency and continued identity maintained in an approved manner.

(a) To be eligible for recertification, a seed stock shall meet or exceed minimum requirements for field inspection, latent virus testing and winter testing as prescribed in WAC 16-324-630 and 16-324-640.

(b) Applications for all lots planted for certification shall be accompanied by an eligible tag or inspection certificate in addition to winter test results and a signed grower affidavit.

NEW SECTION

WAC 16-324-605 **LIMITED GENERATION CERTIFIED SEED POTATO—REQUIREMENTS FOR PRODUCTION AND ELIGIBILITY OF PRENUCLEAR STOCK.** Requirements for production and eligibility of pre-nuclear seed potato stock are as follows:

(1) Basic requirements for plant material increase:

(a) All micropropagation facilities shall be approved by the department.

(b) All material shall be documented as to source of variety and shall be a variety approved by the department.

(c) All tests required shall be conducted by a third party laboratory approved by the department.

(d) Entry level material shall be isolated from all other material and limited to fifty in vitro propagules per line selection. All plant material to be mass micropropagated shall be disease tested.

(2) Testing requirements for mother plants. Yearly testing of one hundred percent of the mother plants for the following pathogens shall be required as follows:

(a) *Corynebacterium sepedonicum* by gram stain and immunofluorescent antibody stain and Richardsons Media. The egg-plant bioassay may be substituted for Richardsons Media.

(b) *Erwinia* species by crystal violet pectate.

(c) Potato viruses - X, Y, S, M, A, and leafroll by ELISA, radioimmuno assay and nonspecific viral assay by electron microscopy or dsRNA hybridization.

(d) Potato spindle tuber viroid by cDNA, dot hybridization or gel electrophoresis.

(e) All plant material to be mass propagated shall test negative for the pathogens listed above.

(3) Sampling requirements for mass propagated plants or tubers.

(a) Samples shall be taken prior to kill down or shipping plantlets. A minimum of one percent (no less than twenty samples) of the plants or tuber population shall be disease tested in the manner described for testing requirements for mother plants. No more than five plants or tubers shall be bulked per sample.

(b) Prenuclear class stock shall have a zero tolerance for all pathogens listed above.

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 16-324-610 **LIMITED GENERATION CERTIFIED SEED POTATO—LAND REQUIREMENTS.** Land requirements in the L.G. certified seed potato program are as follows:

(1) Well water shall be the source of irrigation.

(2) Class Produced Years out of Potatoes
 (Unless prior crop was a higher class—same variety)

Prenuclear Approved laboratory (greenhouse)

Nuclear Six years (new ground preferred, fumigation required)

Generation I Four years

Generation II Three years

Generation III Two years

Generation IV Two years.

NEW SECTION

WAC 16-324-620 **LIMITED GENERATION CERTIFIED SEED POTATO—ISOLATION REQUIREMENTS.** Isolation required for limited generation seed potato are as follows:

(1) Prenuclear - approved laboratory (greenhouse).

(2) Nuclear - Generation I: Location of field approved by the department.

(3) Generation II - three hundred feet from potatoes not classified as virus tested.

(4) Foundation and certified - six feet minimum space between lots of a different class and variety.

(5) Each lot shall remain distinctly separated in the field and in storage.

(6) Fields shall be staked or marked so that varieties, lots, unit plantings, single drop plantings, and different seed sources can be identified.

(7) Access to fields shall be severely restricted. Entrance shall only be allowed in the presence of the grower.

(8) Nuclear and Generation I stocks are to be planted by a unit method. Cut seed and single drop seed shall be sorted and planted separately within the unit plot, with single drop seed identified.

(9) Nuclear units shall be planted with a one row skip between every two rows. If a ground rig is used for spraying, a wide enough spray row shall be allowed so tires will not touch plants during the growing season.

NEW SECTION

WAC 16-324-630 LIMITED GENERATION CERTIFIED SEED POTATO—FIELD INSPECTION TOLERANCES.

FIELD INSPECTION TOLERANCES: PERCENT DISEASES

Factor	NUCLEAR		GEN. I		GEN. II		GEN. III		GEN. IV	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.01	0.08	0.05
Pvy mosaic	0.00	0.00	0.00	0.00	0.01	TR	0.50	0.25	0.50	0.25
Leafroll	0.00	0.00	0.00	0.00	0.01	TR	0.03	.010	.080	0.05
Blackleg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total visible virus	0.00	0.00	0.10	0.00	0.20	0.10	2.00	1.00	2.00	1.00
PVX	0.00		0.50		1.00		3.00		4.00	

(4) Results of winter testing will be published upon completion of testing. Only seed lots meeting the minimum requirements shall be listed.

(1) Two or more visual inspections shall be made of each lot by the department. Fields shall be considered ready for inspection at all times.

(2) Leaf samples shall be submitted in late August for virus determination. Prenuclear and nuclear stocks shall be tested for PVX, PVS, PVY, and PLRV. Generation I through IV shall be tested for PVX.

(a) The minimum number of plants per lot to be sampled for latent virus determination shall be one hundred; nuclear stock twenty-five percent of the total number of plants per lot; Generation I ten percent of the total number of plants per lot; Generation II fifty leaves per acre; Generation III and IV twenty leaves per acre. No more than ten plants shall be bulked per sample.

(b) Samples shall be labeled as to row and location within the row.

(c) If a positive test results on a virus sample, a retest of every plant after rouging infected area is acceptable.

(d) Any plant rogued and suspected of being contaminated with virus, *Erwinia carotavora* or *Corynebacterium sepedonicum* shall be submitted for testing.

(e) Bacterial ring rot found in a seed lot of a seed operation shall be cause for removing the lot from certification. A third or additional inspections shall be required on remaining seed lots. All other seed lots associated with or planted after the rejected lot shall not be eligible for recertification.

(3) A limited generation growers list shall be published annually after final field inspection showing the results, including bacterial ring rot.

(4) All seed sources entered for certification shall be represented in a Washington seed lot source trial. Each sample shall consist of three hundred tubers each for every twenty-five acres or fraction thereof, to be planted from a given seed source. The presence of bacterial ring rot in the sample shall be cause for rejection of seed lots planted from the same seed source by the grower submitting the sample.

NEW SECTION

WAC 16-324-640 LIMITED GENERATION CERTIFIED SEED POTATO—WINTER TEST TOLERANCE.

WINTER GREENHOUSE TEST TOLERANCE (PERCENT)

Factor	NUCLEAR	GEN. I	GEN. II	GEN. III	GEN. IV
Leafroll	0	0.25	0.3	0.75	1
Mosaic	0	0.25	0.5	1	2
Spindle Tuber	0	0	0	0	0
Other virus	0	0.25	0.75	2	2
Total virus	0	0.50	0.75	2	2

(1) Each lot shall be represented in a winter greenhouse test or be entered in a southern grown winter test.

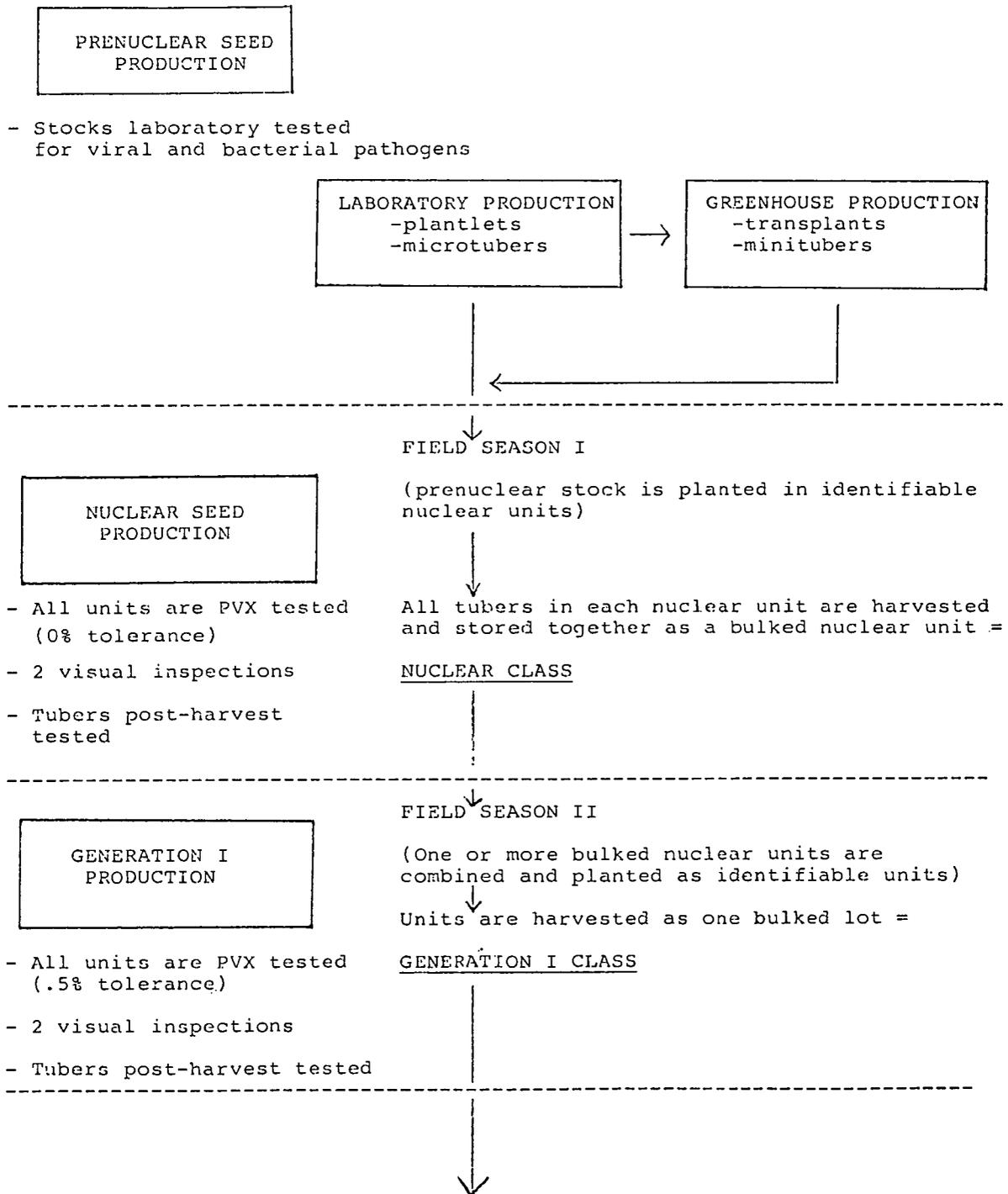
(2) Certification on seed potatoes graded before the results of the winter test reading shall be based on field readings.

(3) Samples for winter test shall be required as follows:

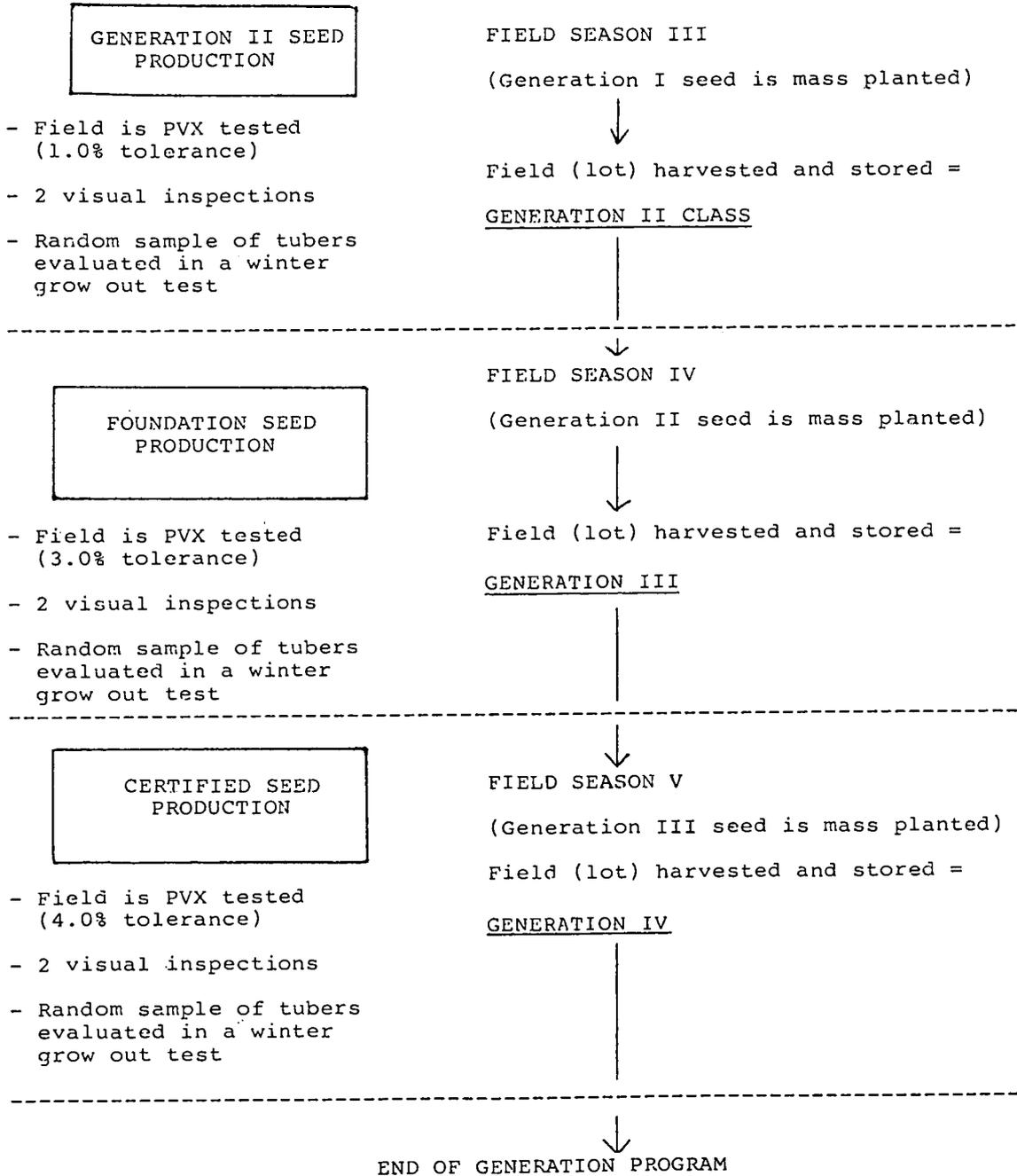
- (a) Generation I – one sample for each five acres;
- (b) Generation II – one sample for each ten acres;
- (c) Generation III & IV – one sample for each forty acres.

NEW SECTION

WAC 16-324-650 LIMITED GENERATION CERTIFIED SEED POTATO—PRODUCTION PHASES. (1) Prenuclear seed production phases:



(2) Generation II seed production phases:



NEW SECTION

WAC 16-324-660 LIMITED GENERATION CERTIFIED SEED POTATO—SANITATION. Requirements for sanitation in the limited generation certified seed program are as follows:

(1) Chemicals used in the sanitation of equipment shall be those recommended by the "Pacific Northwest Plant Disease Control Handbook." Vector control shall be maintained throughout the growing season as prescribed by the "Pacific Northwest Plant Disease Control Handbook."

(2) Seed stocks in a limited generation program shall be planted and harvested prior to handling any other seed stock. The highest generation shall be handled prior to lower classes within the program. All equipment used in the cutting, planting, digging, storage, and sorting process shall be sanitized between lots and varieties. When cutting nuclear stock, gloves and knives shall be sanitized between each tuber cut.

(3) Precautions shall be taken when roguing, irrigating, or cultivating to prevent the spread of potato pathogens. Only sanitized footwear shall be allowed in the field.

(4) To produce nuclear, Generation I and Generation II stock, a grower shall have successfully produced certified seed potatoes the previous two years with no bacterial ring rot disease during this period. Exceptions to this subsection are possible on approval by the department.

(5) Only department approved containers shall be used during the digging, storage, and packing process. Approved containers shall be new sacks or bags. Wood containers shall be painted with no bare wood exposed.

(6) Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter, followed by steam cleaning, followed by application of an approved chemical to kill bacteria.

NEW SECTION

WAC 16-324-670 LIMITED GENERATION CERTIFIED SEED POTATO—TAGS. All lots shipped outside of the immediate area of production shall be tagged and accompanied by shipping permit. Permits and tags shall only be issued for Generation II, III, or IV seed stocks.

(1) In addition to meeting the requirements of WAC 16-324-430(3), tags shall identify seed class and percent of PVX.

(2) Two colors of tags shall be available for use in Limited Generation seed potatoes. The color of tag designates grade only.

(a) Blue tags shall meet or exceed minimum requirements of United States Standards for U.S. No. 1 Seed Potatoes.

(b) Yellow tags shall indicate a Contract Grade between buyer and seller and shall meet or exceed minimum requirements of WAC 16-324-490.

(c) Tags shall not be issued for culls.

NEW SECTION

WAC 16-324-680 LIMITED GENERATION CERTIFIED SEED POTATO—STORAGE. In addition to meeting the requirements in WAC 16-324-430 (1)(a) and (b), all tubers harvested from unit plantings shall be numbered and stored as an identifiable unit for the next year's planting of pre-nuclear stock.

WSR 87-15-071
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-77—Filed July 17, 1987]

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

I, Joseph R. Blum, 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 harvestable numbers of sturgeon exist for a treaty commercial fishery above Bonneville Dam; harvestable numbers of salmon are available for a subsistence fishery in the Klickitat River.

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 July 15, 1987.

By Joseph R. Blum
 Director

NEW SECTION

WAC 220-32-05100M STURGEON SEASON ABOVE BONNEVILLE. Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, effective immediately until further notice it is unlawful to fish for or possess sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon until further notice under the following conditions:

(1) Lawful fishing gear is restricted to set line.

(2) It is unlawful to retain sturgeon taken for commercial purposes that are less than 48 inches or more than 72 inches in length.

(3) It is unlawful to remove the head or tail from a sturgeon prior to sale of the sturgeon to a wholesale dealer licensed under RCW 75.28.300.

(4) It is unlawful to sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon to a wholesale dealer licensed under RCW 75.28.300.

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 220-32-05900N COLUMBIA RIVER TRIBUTARY SUBSISTENCE FISHERY—KLICKITAT RIVER. Notwithstanding the provisions of WAC 220-32-059, effective immediately until further notice it is unlawful to fish for or possess salmon taken for subsistence purposes from the Klickitat River, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon for subsistence purposes until further notice under the following conditions:

(1) Subsistence fishing on the Klickitat River will be for non-commercial use except during those periods that a tribal commercial fishery is being conducted in the Columbia River.

(2) It is unlawful to fish for, molest, injure, or possess salmon taken for subsistence or commercial purposes from those waters of the Klickitat River above a deadline 25 feet downstream of fishway #5 (RM 2.2) and below Swinging Bridge (RM 1.5), or in an area 10 feet above and 25 feet below any fishway.

(3) Legal gear is restricted to dipnets, setbag nets, or rod and reel with bait or lures; any other fishing methods, such as snagging, are unlawful.

(4) Lawful fishing periods are 12:00 noon Tuesday to 6:00 p.m. Saturday of each week.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100L SEASONS—SALMON ABOVE BONNEVILLE. (87-65)

WSR 87-15-072

ADOPTED RULES

BOARD OF ACCOUNTANCY

[Order ACB 134—Filed July 17, 1987]

Be it resolved by the Washington State Board of Accountancy, acting at Tacoma, Washington, that it does adopt the annexed rules relating to CPA exam—Application, WAC 4-25-141.

This action is taken pursuant to Notice No. WSR 87-10-033 filed with the code reviser on May 1, 1987. 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 18.04.105 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 June 19, 1987.

By Carey L. Rader
Chief Executive Officer

AMENDATORY SECTION (Amending Order ACB 105, filed 10/26/83)

WAC 4-25-141 ((APPLICATIONS)) **CPA EXAM—APPLICATION.** Applications to take the certified public accountant examination must be made on a form provided by the board and filed with the board

on or before March 1 for the May examination and September 1 for the November examination.

An application will not be considered filed until the examination fee and ((aH)) required ((supporting documents have been received, including)) photographs((of-ficial transcripts and certification of degree.

Applicants whose graduation occurs after the deadlines may file official transcripts and certification of degrees after those deadlines but not later than 150 days after the date of the examination)) have been received.

An applicant who fails to appear for examination or reexamination shall forfeit the fees charged ((the)) for examination and reexamination.

Notice of the time and place of the examination shall be mailed at least ten days prior to the date set for the examination to each candidate whose application to sit for the examination has been approved by the board.

(1) **Form of exam.** The examination required by ((section 7(c) of the act)) RCW 18.04.105 shall be the uniform CPA examination, including the following subjects:

- ((1)) (a) Auditing
- ((2)) (b) Business law
- ((3)) (c) Theory of accounts, and
- ((4)) (d) Accounting practices ((I and H)).

((In addition to the uniform CPA examination, candidates shall be required to pass an examination, or alternatively to complete a course of study, prescribed by or acceptable to the board, in professional ethics.))

A passing grade for each subject shall be seventy-five. The board uses the Advisory Grading Services of the American Institute of Certified Public Accountants.

An applicant, at each sitting of the examination in which he takes any part of the examination, must take all parts not previously passed.

(2) **Conditional credits.** An applicant who at one sitting for the examination receives a passing grade in any two parts of the examination, or in the subject accounting practice I and II, and who receives a grade of at least fifty in each of the remaining parts, shall be granted credit for parts passed, on the condition that the applicant receives a passing grade in each of the remaining parts of reexamination at one or more of the next six consecutive examinations.

An applicant who at one sitting for the examination receives a passing grade in any three parts of the examination shall, regardless of the grade received on the remaining part, be granted credit for the parts passed, on the condition that the applicant receives a passing grade in the remaining part on reexamination at one of the next six consecutive examinations.

((For purposes of satisfying the education requirements of section 7(b) of the act, an applicant holding a certificate of another state must complete semester hours, or the equivalent, in an accredited institution as defined by the foregoing rules which shall include not less than nine semester hours, or the equivalent, in accounting and auditing subjects and six semester hours, or the equivalent, in business administration subjects, such as economics, business law and finance.))

(3) Ethics exam. In addition to the uniform CPA examination, candidates shall be required to pass an examination, or alternatively to complete a course of study, prescribed by or acceptable to the board, in professional ethics.

(4) Proctoring CPA exam candidates. The board may agree to request the assistance of another accountancy board in proctoring Washington's applicants at out-of-state exam sites and may agree to proctor another accountancy board's applicants at a Washington exam site, both subject to space and staffing constraints. The board will not arrange for out-of-state proctoring for applicants domiciled out of state who wish to take the uniform CPA exam as Washington candidates. Such applicants must take the CPA exam in Washington on a space available basis.

(5) CPA exam—Completion of education requirement. A person who has met the education requirement of WAC 4-25-140, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived, is eligible to take the uniform CPA examination provided all other requisites have been satisfied. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any part of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application.

WSR 87-15-073
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed July 17, 1987]

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 Certification—General methods, amending WAC 356-26-060;

that the agency will at 10:00 a.m., Thursday, September 10, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, 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 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 September 8, 1987.

Dated: July 10, 1987

By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amending WAC 356-26-060 Certification—General methods.

Purpose: The process in which the director of personnel will certify to the appointing authority a list of names after a request for certification is received.

Statutory Authority: RCW 41.06.150(2).

Summary and Reasons: Would allow an agency to propose multilevel structured training programs within an occupational series, and authorize training periods other than one year if designated in the job specifications.

Responsibility for Drafting: Larry Goodman, Washington Federation of State Employees, 1212 Jefferson Street S.E., Suite 300, Olympia, WA 98501, phone 352-7603; Implementation and Enforcement: Department of Personnel.

Agency of [or] Organization Submitting Proposal: Department of Personnel, governmental agency.

Comments: None.

Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 267, filed 1/2/87)

WAC 356-26-060 CERTIFICATION—GENERAL METHODS. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to four more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute five names per vacancy to be filled.

(3) When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ties shall be broken by lot upon each instance of certification.

(4) An unranked register may be used to complete a certification. In such cases, all names appearing on that register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) The director of personnel, upon request and after consultation with the employing agency and employee representatives, may declare positions, groups of positions or classes of positions as in-training positions. Such positions ~~((may))~~ shall be filled from ~~((the))~~ a register ~~((for the next))~~ of a lower level class in the series. The employee shall automatically advance after completion of one year of service in the lower level class, except when the classification specifications designate a different time period.

(6) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are protected group members on the existing registers. If there are fewer than three protected group members on the register, the agency shall:

(a) Appoint one of the eligibles from the register; or
 (b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

(7) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of names to assure that the requesting agency has not less than five names available for consideration:

(a) The position is in an isolated or undesirable location.
 (b) The position has undesirable working conditions.
 (c) The agency needs to fill several positions in the class.
 (d) One or more agencies have had difficulty filling positions in the class.

(e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

WSR 87-15-074
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed July 17, 1987]

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 work period designations, amending WAC 356-15-020;

that the agency will at 10:00 a.m., Thursday, September 10, 1987, 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 September 8, 1987.

Dated: June 29, 1987

By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amending WAC 356-15-020 Work period designations.

Purpose: Describes scheduled alternate work period designations.

Statutory Authority: RCW 41.06.150(9).

Summary: Add four 9-hour and one 4-hour day to options under "scheduled alternate."

Reasons: This change will make use of this schedule accessible without having to approve individual "unlisted work period designations."

Responsibility for Drafting: Gail Salisbury, Standards and Surveys, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98504, phone 753-5383; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Comments: Recommend adoption.

Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-020 WORK PERIOD DESIGNATIONS. (1) The personnel board shall assign a specific work period designation to each job class. In deciding which work period designation is appropriate, the personnel board shall consider the following factors:

(a) Whether the positions are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

(b) Whether the positions have been historically paid overtime by the state.

(c) Whether the private sector or other governmental jurisdictions have a historical or prevailing overtime pay practice for direct counterpart positions.

(d) Other factors it may deem to be appropriate.

(2) The personnel board may authorize a work period designation for an individual position which differs from the class-wide designation when the position has atypical working conditions. When two or more designations are indicated for a job class, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed, except that if the position is designated "exceptions," the employee's work period designation will be "nonscheduled."

(a) Scheduled (S):

(i) Standard: Full-time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

(ii) Alternate: Full-time positions with conditions of employment which may be completed within:

(A) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(B) Four work days lasting not more than ten working hours each within the same workweek; or

(C) Four nine-hour work days and one four-hour work day; or

(D) Ten consecutive work days with four consecutive days off; or

~~((B))~~ (E) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

~~((E))~~ (F) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than fifty-two 40-hour workweeks per year. Positions are limited to communications officers and scheduled commercial vehicle enforcement officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule

provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(iii) Unlisted: Full-time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(b) Nonscheduled (NS): Full-time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions may have preset schedules or task assignments which require their attendance at certain hours, but are generally responsible to adjust their hours to best accomplish their workload.

(c) Law enforcement (l): Full-time positions which meet the law enforcement criteria of section 7(k) of the Fair Labor Standards Act. (Defined as law enforcement personnel in WAC 356-05-210.)

(d) Exceptions (e): Full-time positions which are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

WSR 87-15-075
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-80—Filed July 17, 1987]

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

I, Joseph R. Blum, 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 necessary for the conservation of chinook salmon stocks.

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 July 17, 1987.

By Ronald E. Westley
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000M SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190:

(1) Effective 12:01 a.m. July 19, 1987, until further notice it is unlawful to fish for salmon in Punchcard Area 4, Pacific Ocean waters and Washington waters west of the Buoy 10 line except as provided for in this subsection:

(a) In those waters north of a line projected due west from the mouth of the Queets River and west of the mouth of the Sekiu River:

(i) Open to salmon angling until further notice.

(ii) Bag limit F, except that no chinook salmon may be retained.

(iii) Barbless hooks required.

(iv) The following waters are closed to salmon angling: Those waters inside and bounded by a line projected true north one mile from the mouth of the Sekiu River thence westerly meandering one mile off-shore to Tatoosh light, thence north on the Bonilla-Tatoosh line one mile (Duncan Rocks) and thence true west five miles (two miles beyond territorial sea) thence southerly meandering five miles off-shore to intersect a line projected true west from Cape Alava, and southerly at a distance of one mile off-shore from the Cape Alava line meandering along the shoreline at one mile to intersect a true west line projected from the mouth of the Queets River.

(b) In those waters south of a line projected due west from the mouth of the Queets River, north of a line projected due west from Leadbetter Point, and west of a line seven miles to the west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside ten miles):

(i) Open to salmon angling until further notice or until either 28,000 chinook or 74,300 coho salmon are taken, whichever comes first.

(ii) Bag limit F, except that only one chinook salmon may be retained per day.

(iii) Barbless hooks required.

(c) In those waters south of a line projected due west of Leadbetter Point, north of a line projected due west from Klipsan Beach (46 degrees 28 minutes, 12 seconds North Latitude), and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce NOAA, National Ocean Survey (outside three miles):

(i) Open to salmon angling until further notice or until either 14,100 chinook or 100,500 coho salmon are taken, whichever comes first, from these waters and those waters south of the red buoy line at the mouth of the Columbia River and north of Cape Falcon, Oregon.

(ii) Bag Limit F.

(iii) Barbless hooks required.

(iv) No fish taken in the fishery provided for in subsection (c) may be landed at a coastal Washington port north of Leadbetter Point nor at any Willapa Bay nor Grays Harbor port.

(d) In all open areas provided for in this subsection it is unlawful to fish for salmon from 12:01 a.m. Friday to 11:59 p.m. Saturday of each week.

(2) Effective July 12, 1987 until further notice:

(a) In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.

(b) In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook must be not less than 22 inches in length. this subsection does not effect

the chinook closure through August 31 in Port Susan. See WAC 220-56-199.

(3) Effective 12, 1987, until further notice those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling, except that it is lawful to fish for and possess pink salmon taken from these waters during the period August 22 through September 11, 1987. The special daily bag limit is two pink salmon. Barbless hooks are required and any salmon other than pink salmon must be released immediately.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 19, 1987:

WAC 220-56-19000L SALTWATER SEASONS AND BAG LIMITS. (87-75)

WSR 87-15-076
RULES OF COURT
STATE SUPREME COURT
[July 9, 1987]

IN THE MATTER OF RESCISSION OF MPR 6.1A, AND THE ADOPTION OF MPR 6.1A, 6.2A, 6.4A and 6.5A NO. 25700-A-405 ORDER

The Office of the Attorney General having recommended the rescission of MPR 6.1A and the adoption of MPR 6.1A, 6.2A, 6.4A and 6.5A and the Court having determined that the Rules will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the Rules as attached hereto are adopted.
(b) That pursuant to the emergency provisions of GR 9(i), the Rules will be published expeditiously in the Washington Reports and will become effective upon publication.
(c) That MPR 6.1A is rescinded.

DATED at Olympia, Washington this 9th day of July, 1987.

Vernon R. Pearson, C.J.

James A. Andersen

Robert F. Brachtenbach

Keith M. Callow

Fred H. Dore

Wm. C. Goodloe

James M. Dolliver

B. Durham

MPR 6.1A
PETITION FOR INITIAL INVOLUNTARY
DETENTION OF MINORS

The petition for initial detention of a minor shall contain the following:

(a) The name and address of the petitioner(s) and that the petitioner(s) is (are) the parent, parents, conservator or guardian of the respondent, or that the petitioner is the juvenile court.

(b) The name, address, age, and sex of the respondent.

(c) A statement that the respondent is or is not in detention at the time the petition is filed, and, if so, the name and location of the place of detention.

(d) A statement that the respondent, as a result of mental disorder, presents a likelihood of serious harm to himself or others, or is gravely disabled.

(e) The facts upon which the allegations of the petition are based.

(f) A statement of the alternative courses of treatment which have been considered and that no alternative less restrictive than detention is in the best interest of the respondent.

(g) The name and location of the facility in which respondent will be detained and a statement that such facility is certified by the Department of Social and Health Services to provide evaluation and treatment to persons under 18 years of age suffering from mental disorders.

(h) A demand that a hearing be held to determine whether respondent shall be committed or whether an alternative less restrictive treatment exists.

(i) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY
In re the Detention of: } No.
Respondent: } PETITION FOR INITIAL INVOLUNTARY DETENTION OF A MINOR
RCW

(Petitioner(s)) is (are) parent, parents, conservator, guardian of (respondent), or juvenile court for

County. Petitioner(s)'s address is

(Respondent), residing at (address) in (city or town), Washington, is a male female years of age.

At the time of filing this petition, respondent is is not in detention pursuant to RCW 71.34. If respondent is in detention, the name and location of the facility in which respondent is in detention are _____

Respondent, as a result of mental disorder, presents a likelihood of serious harm to him/herself, presents a likelihood of serious harm to others, is gravely disabled.

The facts upon which the allegations of this petition are based are: _____

The following alternative courses of treatment have been considered: _____

No alternative less restrictive than detention is in the best interest of the respondent.

The facility in which respondent will be detained is (name and location), certified by the Department of Social and Health Services to provide evaluation and treatment to persons under 18 years of age suffering from mental disorders.

The petitioner(s) request(s) that a hearing be held in the above named court to determine whether respondent shall be involuntarily committed pursuant to RCW 71.34 or whether there shall be an alternative less restrictive treatment.

Dated this _____ day of _____, 19__.

Petitioner

Petitioner

Sworn and Subscribed on _____

Notary Public for the
State of Washington
Residing at _____
My commission expires on _____

PETITION FOR INITIAL DETENTION OF A MINOR

The petition for initial detention shall contain the following:

- (a) Identification of the petitioner as a designated mental health professional.
- (b) A statement describing the circumstances under which the condition of the respondent was brought to the petitioner's attention.
- (c) A statement that as a result of the petitioner's personal observation or investigation, the petitioner believes that the actions of the respondent constitute a likelihood of serious harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.
- (d) A statement of the specific facts known to the petitioner upon which he bases his belief that respondent should be detained for the purposes and under the authority of RCW 71.34.
- (e) A request that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour treatment and evaluation period.
- (f) A statement that voluntary admission for inpatient treatment is not possible.
- (g) The date and the signature of the petitioner.

(h) The petition shall be in substantially the following form:

**SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY**

In re the Detention of:	}	No. _____
Petitioner: and		PETITION FOR INITIAL DETENTION OF A MINOR
Respondent:		RCW 71.34.050

Pursuant to RCW 71.34 petitioner, a mental health professional designated by the county, alleges under penalty of perjury that:

Respondent, _____, was brought to my attention under the following circumstances: _____

As a result of my personal observation or investigation I believe that the actions of the respondent constitute a likelihood of serious harm or that the respondent is gravely disabled.

The specific facts known to me as a result of personal observation or investigation, upon which I base the belief that the respondent should be detained for the purposes and under the authority of RCW 71.34 are: _____

Voluntary admission is not possible. Therefore the petitioner requests that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour evaluation and treatment period, excluding Saturdays, Sundays, and holidays.

Dated this _____ day of _____, 19__.

Petitioner

Sworn and Subscribed on _____

Notary Public for the
State of Washington
Residing at _____
My commission expires on _____

**MPR 6.2A
PETITION FOR FOURTEEN-DAY
COMMITMENT OF MINORS**

The petition for 14-day commitment of a minor shall contain the following:

- (a) The names and addresses of the petitioners. The petitioners shall be two physicians or one physician and one mental health professional.
- (b) The name, address, age, and sex of the respondent minor.
- (c) The name, address and telephone number, if known, of every person believed by the petitioner to be legally responsible for the minor.
- (d) A statement that the minor is or is not in detention at the time the petition is filed, and, if so, the name and location of the place of detention.
- (e) A statement that the minor, as a result of mental disorder, presents a likelihood of serious harm to him/herself or others, or is gravely disabled.
- (f) A statement that the minor has been advised of the need of voluntary treatment but has been unwilling or unable to consent to necessary treatment.

(g) The facts upon which the allegations of the petition are based.

(h) A statement concerning whether an alternative less restrictive than inpatient treatment is in the best interest of the minor.

(i) The name and location of the facility in which respondent will be detained and a statement that such facility is certified by the Department of Social and Health Services to provide evaluation and treatment to persons under 18 years of age suffering from mental disorders.

(j) A statement recommending the appropriate facility or facilities to provide the necessary treatment.

(k) A demand that a hearing be held to determine whether the minor shall be committed to inpatient treatment or whether an alternative less restrictive treatment exists.

(l) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON FOR [] COUNTY

In re the Detention of: No. _____

PETITION FOR FOURTEEN-DAY COMMITMENT OF A MINOR

Respondent. RCW 71.34.070

(Petitioners) are (physician) and (physician/mental health professional). Petitioners' addresses are _____.

(Respondent), residing at (address) in (city or town), Washington, is a [] male [] female _____ years of age.

The name, address and telephone number of every person believed by the petitioner to be legally responsible for the minor: _____

At the time of filing this petition, respondent [] is [] is not in detention pursuant to RCW 71.34. If respondent is in detention, the name and location of the facility in which respondent is in detention are _____.

Respondent, as a result of mental disorder, [] presents a likelihood of serious harm to him/herself, [] presents a likelihood of serious harm to others, [] is gravely disabled.

That the minor has been advised of the need for voluntary treatment and is unwilling or unable to consent to necessary treatment.

The facts upon which the allegations of this petition are based are: _____.

The following alternative courses of treatment have been considered: _____.

No alternative less restrictive than detention is in the best interest of the respondent.

The facility in which respondent will be detained is (name and location), certified by the Department of Social and Health Services to provide evaluation and treatment to persons under 18 years of age suffering from mental disorders.

Recommended treatment facilities:

Name _____

Address _____

The petitioner(s) request(s) that a hearing be held in the above named court to determine whether respondent shall be involuntarily committed to inpatient care or whether there shall be an alternative less restrictive treatment pursuant to RCW 71.34.

Dated this ___ day of _____, 19__.

Petitioner (MD)

Petitioner (MD/MHP)

Sworn and Subscribed on _____

Notary Public for the State of Washington Residing at _____ My commission expires on _____

MPR 6.4A

PETITION FOR ONE HUNDRED EIGHTY-DAY INVOLUNTARY TREATMENT OF A MINOR

The petition for 180-day involuntary treatment of a minor shall contain the following:

(a) The name and address of the person filing the petition and the statement that the petitioner is the professional person in charge of the facility in which the person who is alleged, as a result of mental disorder, to present a likelihood of serious harm to others or is gravely disabled, is detained, or in the event that the defendant has received involuntary treatment but has not been committed to a treatment facility or has been conditionally released from such a facility, a statement that the petitioner is the county mental health professional of (name) County.

(b) The name and address and age of the minor alleged, as a result of a mental disorder, to present a likelihood of serious harm to him/herself, others, or property or continues to be disabled. Such minor shall be denominated the respondent.

(c) The name of the court ordering involuntary treatment for which the respondent is presently detained, and the date on which such order was entered.

(d) A summary of the facts supporting the allegations of the petition.

(e) A demand that a hearing be held within 7 days of the filing of the petition for 180-day treatment on the issue of whether the minor alleged, as a result of mental disorder, to present a likelihood of serious harm or is gravely disabled, shall be detained for involuntary treatment for a period not to exceed 180 days.

(f) A statement that the minor is in need of further treatment that can only be provided in a 180-day commitment and this treatment is in the minor's best interests.

(g) A statement that less restrictive alternative treatment is/is not available and/or appropriate.

(h) The petition shall be supported by accompanying affidavits signed by two examining physicians, one of

whom shall be a child psychiatrist, or by one examining physician and one children's mental health specialist.

(i) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON FOR [] COUNTY

In re the Detention of:

No. _____

PETITION FOR ONE HUNDRED EIGHTY-DAY INVOLUNTARY TREATMENT OF A MINOR RCW 71.34.090

Respondent.

(Petitioner), professional person in charge of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date), alleges that:

(Respondent), residing at (address) in (city or town), is a [] single [] married [] widowed [] divorced [] male [] female age _____.

(Respondent) [] presents a likelihood of serious harm to him/herself or [] presents a likelihood of serious harm to others or [] presents a likelihood of serious harm to property or [] is gravely disabled.

(Respondent) [] has threatened, attempted or actually inflicted harm on another person, or substantial damage upon the property of another during respondent's current period of court ordered treatment and as a result of mental disorder presents a likelihood of serious harm to others, or [] was taken into custody as a result of conduct in which respondent attempted or inflicted serious physical harm upon the person of another and continues to present as a result of mental disorder a likelihood of serious harm to others, or [] is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or [] continues to be gravely disabled.

Summary of facts supporting the petition: _____

A form of treatment less restrictive than involuntary detention [] is or [] is not in the best interest of the respondent or others.

The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 180 days.

Dated this ___ day of _____, 19__.

Petitioner (MD)

Petitioner (MD/MHP)

Sworn and Subscribed on _____

Notary Public for the State of Washington Residing at _____ My commission expires on _____

MPR 6.5A

PETITION FOR REVOCATION OF CONDITIONAL RELEASE OR LESS RESTRICTIVE TREATMENT OF A MINOR

The petition for revocation of conditional release or less restrictive treatment shall contain the following:

(a) The name and address of the petitioner and the statement that petitioner is the Secretary of the Department of Social and Health Services, State of Washington, or is the county mental health professional for (name) County.

(b) The name and address of the person alleged to have failed to adhere to the terms and conditions of release or less restrictive treatment or whose functioning has substantially deteriorated. Such person shall be denominated the respondent.

(c) The facts upon which the allegations of the petition are based.

(d) A statement that the respondent was released under terms and conditions of a court ordered less restrictive treatment or under terms and conditions set by an evaluation and treatment facility, and that a copy of the terms and conditions is attached to the petition, or that substantial deterioration of the minor's functioning has occurred. The statement shall also contain the date the order was entered, number of days for which effective, and the court entering such order.

(e) The date, time and place of detention of the respondent if he/she is detained pursuant to an order of the secretary, or whether such an order has been or will be issued.

(f) A demand that a hearing be held within 7 days of the date on which respondent was detained.

(g) The petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation.

(h) The petition shall be in substantially the following form, with a copy of the terms and conditions attached:

SUPERIOR COURT OF WASHINGTON FOR [] COUNTY

In re the Detention of:

No. _____

PETITION FOR REVOCATION OF CONDITIONAL RELEASE OR LESS RESTRICTIVE ALTERNATIVE TREATMENT RCW 71.34.110

Respondent.

(Petitioner), [] Secretary of the Department of Social and Health Services, State of Washington, or [] county mental health professional for (name) County alleges that:

(Respondent), residing at (address) in (city or town), is a [] single [] married [] widowed [] divorced [] male [] female age _____.

Pursuant to an order of (name) court entered on (date), respondent was detained for involuntary treatment for a period not to exceed (number) days in (name of facility), or was placed on less restrictive alternative treatment.

[] (Respondent) was conditionally released from inpatient care at (name of facility) prior to expiration of the court ordered period of detention, under terms and conditions for such release copies of which, including

modifications, are attached and were filed in (name) court on (date(s)) or respondent was placed on less restrictive treatment under terms and conditions copies of which, including modifications, are attached.

During the period of conditional release or less restrictive treatment, respondent was receiving outpatient care from (name of facility) located in (city or town), (name) County.

Pursuant to RCW _____, petitioner has has not issued an order for the apprehension and detention of respondent and respondent is not detained is detained in (name of facility) located in (city or town), (name) County.

(Respondent) has failed to adhere to the terms and conditions of respondent's release from involuntary detention or less restrictive alternative treatment, the minor's routine functioning has substantially deteriorated and the conditions of release or less restrictive treatment should be modified or the person should be placed in an involuntary treatment facility.

The facts upon which the allegations of this petition are based are as follows:

The petitioner requests that a hearing be held to determine whether respondent has failed to adhere to the terms and conditions of release or less restrictive treatment, or whether the minor's routine functioning has substantially deteriorated, and whether the respondent shall be placed on involuntary treatment on an inpatient basis or whether the terms and conditions of release or less restrictive treatment shall be modified.

Dated this ___ day of _____, 19__.

Sworn and Subscribed on _____
Petitioner

Notary Public for the
State of Washington
Residing at _____
My commission expires on _____

Reviser's note: The brackets and enclosed material in the text of the above material occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 87-15-077
PROPOSED RULES
STATE PATROL
(Commission on Equipment)
[Filed July 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning definition of special motor vehicles.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 1, 1987.

The authority under which these rules are proposed is RCW 46.37.005.

The specific statute these rules are intended to implement is RCW 46.27.005 [46.37.005].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 1, 1987.

Dated: July 20, 1987
By: Lieutenant LaVere
Executive Secretary
Commission on Equipment

STATEMENT OF PURPOSE

Title: WAC 204-90-030 Definitions, (1) Special motor vehicles.

Description of Purpose: To amend the definition of "special motor vehicle" to include vehicles with equipment that does not comply with the specifications listed elsewhere in this chapter.

Statutory Authority: RCW 46.37.005.

Specific Statute Rule is Intended to Implement: RCW 46.37.005.

Summary of Rule: Special motor vehicles (Type 1) shall include vehicles that have one or more items of equipment, listed elsewhere in this chapter, that has been altered from original manufacture as to no longer meet the minimum specifications.

Reasons Supporting Proposed Action: Several of the equipment items listed in this chapter were formally listed, with complete specifications, in statute or other WAC rules that have been voided, canceled or superseded. This has left aftermarket vehicles of recognized manufactures [manufacturers], without specifications for safety related equipment. These items include exhaust system termination point, door and hood latches, steering and some light system requirements.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant LaVere E. Klewin, phone 753-6569.

Rule Proposed by: Washington State Patrol, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This amendment is needed to establish safe limits for vehicle equipment alteration and is necessary for the public welfare and safety. The equipment items listed in this chapter are common to virtually all motor vehicles and the specifications for this equipment are clear and enforceable.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 83-05-01, filed 5/13/83)

WAC 204-90-030 DEFINITIONS. (1) Special motor vehicles: Passenger vehicles, multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating of 10,000 pounds or less equipped with two or more axles having at least two wheels per axle and which are intended for use on public highways. The term "special motor vehicle" shall include the following types:

(a) Type I: Vehicles that retain or are exact replicas of the original body configuration of a recognized vehicle manufacturer with changes made to ~~((the steering, brake, power train, or suspension systems))~~ any of the equipment items specified in this chapter. This type shall also include vehicles that have been modified from a recognized vehicle manufacturer's original body chassis configuration but that retain the general appearance of the original body chassis. ~~((Changes may also~~

have been made to the engine, brake system, power train, steering or suspension:))

(b) Type II: All special motor vehicles which are custom built with fabricated parts or parts taken from existing vehicles excluding Type I vehicles.

(c) Enclosed vehicle: Every Type I and Type II vehicle having a solid enclosed compartment for occupants as compared to an open or "soft top" convertible vehicle.

(2) Recognized manufacturer: A person, firm, co-partnership, association, or corporation who is or has engaged in the business of manufacturing motor vehicles intended for use on the public highways and offered for sale in interstate commerce.

(3) FMVSS: Federal Motor Vehicle Safety Standard. Notwithstanding any other provisions of law, a vehicle or exact replica of a vehicle more than thirty years old owned and operated primarily as a collectors item and which has been restored to the original configuration and specifications of a recognized manufacturer is exempted from the requirements of this chapter.

Person or Organization Proposing Rule: Washington State Patrol, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This change will enable law enforcement officers to enforce the intent of the rule.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Yes, however state district courts are not courts of record.

Small Business Economic Impact Statement: Not applicable.

WSR 87-15-078
PROPOSED RULES
STATE PATROL
(Commission on Equipment)
[Filed July 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning standards for bolt clamp and wedge type brake adjustments.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 1, 1987.

The authority under which these rules are proposed is RCW 46.27.005 [46.37.005].

The specific statute these rules are intended to implement is RCW 46.37.360(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 1, 1987.

Dated: July 20, 1987
By: Lieutenant LaVere E. Klewin
Executive Secretary
Commission on Equipment

STATEMENT OF PURPOSE

Title: Chapter 204-76 WAC, Standards for brake systems.

Description of Purpose: To amend the wording of adjustment limits for bolt and clamp type brakes and adopt adjustment limits for wedge type brakes.

Statutory Authority: RCW 46.37.005.

Specific Statute Rule is Intended to Implement: RCW 46.37.360(1).

Summary of Rule: Existing rule indicates when bolt and clamp type brakes should be adjusted. Does not address wedge type brakes at all.

Reasons Supporting Proposed Action: Several district court decisions indicate that current wording is advisory in nature and not enforceable.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lieutenant LaVere E. Klewin, phone 753-6569.

AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-99001 BOLT TYPE BRAKE CHAMBER DATA.

BOLT TYPE BRAKE CHAMBER DATA (Dimensions in inches)					
Type	Effective Area (Square Inches)	* Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes Should Be Readjusted
A	12	6 15/16	1 3/4	Should be as short as possible without brakes dragging	1 3/8
B	24	9 3/16	2 1/4		1 3/4
C	16	8 1/16	2 1/4		1 3/4
D	6	5 1/4	1 5/8		1 1/4
E	9	6 3/16	1 3/4		1 3/8
F	36	11	3		2 1/4
**G	30	9 7/8	2 1/2		2

BOLT TYPE BRAKE CHAMBER DATA
(Dimensions in inches)

Type	Effective Area (Square Inches)	*Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum stroke shall not be more than
A	12	6 5/16	1 3/4	Should be	1 3/8
B	24	9 3/16	2 1/4	as short as	1 3/4
C	16	8 1/16	2 1/4	possible	1 3/4
D	6	5 1/4	1 5/8	without	1 1/4
E	9	6 3/16	1 3/4	brakes	1 3/8
F	36	11	3	dragging	2 1/4
**G	30	9 7/8	2 1/2		2

AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-99002 CLAMP TYPE BRAKE CHAMBER DATA.

CLAMP TYPE BRAKE CHAMBER DATA
(Dimensions in inches)

Type	Effective Area (Square Inches)	* Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes Should Be Readjusted
6	6	4 1/2	1 5/8	Should be	1 1/4
9	9	5 1/4	1 3/4	as short as	1 3/8
12	12	5 11/16	1 3/4	possible	1 3/8
16	16	6 3/8	2 1/4	without	1 3/4
20	20	6 25/32	2 1/4	brakes	1 3/4
24	24	7 7/32	2 1/4	dragging	1 3/4
**30	30	8 3/32	2 1/2		2
36	36	9	3		2 1/4

~~((Dimensions listed do not include capscrew head projections for bolt clamp projections for clamp type brake chambers.~~

~~**Most common types.))~~

CLAMP TYPE BRAKE CHAMBER DATA
(Dimensions in inches)

Type	Effective Area (Square Inches)	*Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum stroke shall not be more than
6	6	4 1/2	1 5/8	Should be	1 1/4
9	9	5 1/4	1 3/4	as short as	1 3/8
12	12	5 11/16	1 3/4	possible	1 3/8
16	16	6 3/8	2 1/4	without	1 3/4
20	20	6 25/32	2 1/4	brakes	1 3/4
24	24	7 7/32	2 1/4	dragging	1 3/4
**30	30	8 3/32	2 1/2		2
36	36	9	3		2 1/4

*Dimensions listed do not include capscrew head projections for bolt clamp projections for clamp type brake chambers.

**Most common types.

NEW SECTION

WAC 204-76-99005 AIR OPERATED WEDGE BRAKE ADJUSTMENT. Wedge brake shoe travel shall not exceed 1/16 inch, nor shall the gap between the brake shoe lining and the brake drum exceed .06225 inch when the brake is released.

WSR 87-15-079
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
 [Filed July 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning transportation of mobile homes, WAC 468-38-120;

that the agency will at 10:00 a.m., Thursday, September 17, 1987, in the Thunderbird Motel, 1225 Wenatchee Avenue, Wenatchee, WA 98801, 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 46.44.090.

The specific statute these rules are intended to implement is RCW 46.44.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 17, 1987.

Dated: July 16, 1987

By: Leo Sweeney
 Chairman

STATEMENT OF PURPOSE

Title: WAC 468-38-120 Transportation of oversize mobile homes.

Description of Purpose: Amendment to WAC 468-38-120.

Statutory Authority: RCW 46.44.090, Authority of Transportation Commission to implement statutes on size and weight.

Summary of Rule: Changes the length of mobile homes from 85 feet (with transporter) to 75 feet (without transporter) and allows an 8 inch eave on a 14 foot wide mobile home.

Reason for Amendment: The present rule restricts the movement of mobile homes manufactured outside the state which are longer than 85 feet including the power unit. The mobile home industry needs an 8 inch eave for proper shedding of precipitation and to make the unit more acceptable to local officials. Approval of this amendment does not appear to present any problems with traffic safety and would help to regulate effectively the movement of mobile homes.

Agency Proposing Action: Washington State Department of Transportation.

Department Personnel Responsible for Drafting and Implementation: Mr. D. D. Ernst, State Maintenance Engineer, Department of Transportation, Room 1C9,

Transportation Building, Olympia, WA 98504, (206) 754-6014.

Agency Comments or Recommendations: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 58, Resolution No. 286, filed 10/21/86)

WAC 468-38-120 **OVERSIZE MOBILE HOME TRANSPORT REGULATIONS.** (1) The purpose of this section is to supplement the provisions of chapter 468-38 WAC as they relate to the movement of mobile homes. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) Definitions:

(a) "Mobile home" means all trailers of the semitrailer type with hitch ball coupler designed as structures for human habitation which may have been subsequently adapted to other uses, which are capable of being towed upon the public highways and are more than thirty-six feet in length and more than eight and one-half feet in width.

(b) "Modular homes and sectional buildings" means any factory-built housing designed for human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can be towed are considered to be mobile homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code regulating the movement of overlegal loads.

(c) Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and others assisting in the transport must function as agents or employees of the permittee.

(d) A "unit" is a complete or irreducible part of an oversize mobile home (~~(, together with its tow vehicle)~~).

(3) Oversize limits: The following regulations apply to mobile homes of semi-trailer design whose width exceeds eight and one-half feet but does not exceed fourteen feet and whose length exceeds thirty-six feet but (~~(in combination with a tow vehicle)~~) does not exceed (~~(eighty-five)~~) seventy-five feet including tongue: PROVIDED, That a fourteen foot wide unit may have an eight inch eave on one side: AND PROVIDED FURTHER, That the mobile home shall be transported with this eave on the right side in the direction of traffic.

(4) Oversize mobile home permits may be issued as follows:

(a) Annual permits may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW or to transporters licensed as provided in chapter 46.76 RCW.

Annual permits shall apply only to transport of mobile homes fourteen feet or less in height, above level ground, while being transported.

(b) Monthly permits may be issued to dealers, manufacturers, and transporters under the same conditions as annual permits except that fourteen foot height limitations may be waived.

(c) Single trip permits may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

(5) The permittee must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand dollars - three hundred thousand dollars public liability and fifty thousand dollars property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) If an accident occurs while transporting a mobile home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred and fifty dollars to the mobile home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling twelve to fourteen foot wide mobile homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of twelve to fourteen foot wide mobile homes.

(8) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) Mobile homes:

(a) Overall dimensions shall not exceed those stated in the permit except for minor protrusions not to exceed two inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. Mobile homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The complete system of the mobile home, including running gear assembly, shall comply with the rules and regulations adopted by the United States Department of Housing and Urban Development (24 CFR 280 (1976) and as thereafter amended). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those mobile homes not certified as qualifying to the minimum H.U.D. specifications shall have brakes on at least two axles and on four wheels. Units of sixty feet or more in length shall have at least three full axles, except that twelve-foot wide mobile homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the mobile home and its load. They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-cell or approved battery with a full charged rating of twelve volts will be installed in the mobile home to actuate electric brakes in the event of a breakaway. The minimum track width between two wheels on the same axle shall be eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging and shall be inflated to the maximum recommended tire pressure and have tread depth no less than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of mobile home tires must be in excess of their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side of half sections of mobile homes shall be covered in such a way as to prevent billowing of the covering material.

(d) Furnishings or loose objects within the mobile home shall be secured in positions to achieve proper weight and balance.

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

Mobile Home Width to be Towed	Tire Width	Drive Axle Tire Rating	Gross Curb Weight	(1) Weight	Rear Axle Rating
Over 8 1/2' to 10'	7.00"	6 ply	(2)	6,000#	(2)
Over 10' to 12'	8.00"	8 ply	35,000(3)	8,000#	15,000#
Over 12' to 14'	8.25"	10 ply	35,000#	9,000#	15,000#

(1) Includes fuel and accessories prior to hook-up with mobile home.

(2) Not required.

(3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of one hundred twenty inches. Cab-over engine tow vehicles shall have a minimum wheelbase of eighty-nine inches. Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to mobile home brake systems will be capable of producing rated voltage and amperage at the mobile home brake magnets in accordance with the mobile home brake manufacturer's specifications.

(11) Signs and flags: In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the trailer home with the bottom edge between five and seven feet above the road surface. Sign material shall be impervious to moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC 468-38-170, six-inch diameter flashing amber lights with a minimum of thirty-five candle power shall be mounted on the upper outer edges of the rear of the trailing unit. They shall be operated with a flashing cycle of sixty to one hundred twenty times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for mobile homes shall be as set forth in WAC 468-38-340.

(14) Mobile homes traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two mobile home units. All units shall maintain a minimum distance of from four hundred to five hundred feet behind any truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) The mobile home unit shall be operated in the right lane except when passing. On two-lane highways, units shall not pass other vehicles except when required to pass a vehicle being operated at a speed so slow as to hinder the safe flow of traffic.

(16)(a) A decal issued by the county treasurer shall be displayed on any mobile or modular home being transported on public highways in this state. The decal is not required if one of the following conditions is met:

(i) When a mobile home is to enter the state;

(ii) When a mobile home is being moved from the manufacturer or distributor to a retail sales outlet;

(iii) When a mobile home is being moved from the manufacturer or distributor to a purchaser's designated location; or

(iv) When a mobile home is being moved between retail sales outlets.

(b) The county treasurer's decal shall be displayed on the rear of the mobile home while in transport. It shall be issued at the same time as the tax certificate for mobile home movement. If the tax certification is for a double-wide mobile home, two mobile home movement decals shall be issued.

(c) The decal shall meet the following requirements:

(i) It shall be at least eight and one-half inches square.

(ii) It shall be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.

(iii) It shall be of fluorescent orange color.

(iv) It shall show the make, model and serial number of the mobile home, the date issued, the name of the transporter, the transporter's WUTC permit number if required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(v) It shall display in readily legible script the expiration date of the decal, which shall be not more than fifteen days after the date the decal is issued.

(d) Mobile home movement decals may not be transferred.

WSR 87-15-080

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF GAME

[Filed July 20, 1987]

The Department of Game hereby withdraws the proposed amendment to WAC 232-12-181, Livestock grazing on Department of Game lands.

The CR-1 was filed June 3, 1987, Notice No. WSR 87-12-075.

Dave Schultz
Assistant Director

WSR 87-15-081

ADOPTED RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 292—Filed July 20, 1987]

Be it resolved by the State Game Commission, acting at the Red Lion Inn, 221 North Lincoln, Port Angeles, WA 98362, that it does adopt the annexed rules relating to cooperative road management program, adopting WAC 232-28-214.

This action is taken pursuant to Notice No. WSR 87-12-077 filed with the code reviser on June 3, 1987. 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 77.12.320 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 July 7, 1987.

By Dr. James M. Walton
Chairman, Game Commission

NEW SECTION

WAC 232-28-214 COOPERATIVE ROAD MANAGEMENT PROGRAM

COOPERATIVE ROAD MANAGEMENT

NUMBER	UNIT	AREA	EFFECTIVE PERIOD
103	Boulder	Sherman Creek	Dec 1 - Apr 1
112	Sullivan	Sullivan Lake	Year-round
112	Sullivan	Snyder Hill	Sep 20 - Nov 30
160	Touchet	Griffen Peak/Chase Mt.	Oct 1 - Nov 30
175	Lick Creek	Hogback/Triple Ridge	Oct 1 - Nov 30
175	Lick Creek	Lick Creek	Dec 1 - Mar 31
224	Pearrygin	Okanogan	Oct 1 - Dec 31
231	Gardner	Okanogan	Other closures are variable, contact Okanogan NF for details
239	Chiliwist	Okanogan	
242	Alta	Okanogan	
328/329	Naneum/Quilomene	*Naneum	Year-round
344	Wenas	*Little Naches	Oct 28 - Nov 30
344	Wenas	Clemen Mt./Wenas	Year-round
360	Bethel	Oak Creek	Year-round
472	White River	White River	Nov 1-22
472	White River	Greenwater	Nov 1-22
478	Mashel	Champion	Oct 17 - Nov 22
478	Mashel	Eibe Hills	Oct 1 - Nov 30
502	Doty	Pe Ell	Sep 1 - Dec 31
558	Marble	*Marble Mt.	Oct 1 - Nov 30
572	Siouxon	*Swift/Mitchell	Sep 1 - Dec 15
572	Siouxon	*Cooney Pt/Siouxon	Oct 1 - Nov 30
588	Grayback	Grayback	Sep 1 - Dec 31
588	Grayback	Klickitat	5 days prior to spring turkey opener to Jun 15 & 5 days prior to fall turkey opener to end of season
601	Hoko	Hoko	Sep 1 - Mar 31
602	Dickey	Dickey River	Year-round, starts Oct 15
607	Soleduck	Soleduck River	Year-round
615	Clearwater	Clearwater	Nov 4-17
615	Clearwater	Miller Creek	Nov 4-17
618	Matheny	Matheny	Year-round
621	Olympic	Lilliwaup	Dec 1 - Apr 15
621	Olympic	Quilcene	Year-round
636	Skokomish	Lower Wynoochee River	Oct 1 - Apr 30
636	Skokomish	Upper Wynoochee River	Oct 1 - Apr 30
636	Skokomish	Skokomish River	Oct 1 - Apr 30
636	Skokomish	Lake Cushman	Nov 1 - Apr 30
638	Colonel Bob	Colonel Bob	Year-round
639	Humtulpis	Humtulpis	Year-round
645	Hoquiam	Furlough Cr/Jones Cr	Year-round
645	Hoquiam	Polson Camp	Sep 1 - Apr 30
663	Capitol Peak	Capitol Forest	Early archery opener to Dec 31

IT IS UNLAWFUL TO OPERATE OR BE A PASSENGER IN A MOTOR-DRIVEN VEHICLE ON ROADS THAT ARE CLOSED UNLESS EXEMPTED BY THE DEPARTMENT OF WILDLIFE OR THE COOPERATIVE AGENCY OR COMPANY.

Cooperative road management is made possible through the voluntary actions of numerous forest landowners, which include: Boise Cascade Company, Cavenham Forest Industries, Champion, Department of Wildlife, Department of Natural Resources, Kayser-Davenport, Longview Fibre, Mayr Brothers, Plum Creek Timber Company, Publishers Forest Products Company, Rayonier Timberlands, Simpson Timber Company, U.S. Forest Service, and Weyerhaeuser Company.

These road management areas, which have some roads closed to motorized vehicles for all or a portion of the year, are designed to benefit fish and wildlife.

LONG-TERM CLOSURES prevent motorized vehicle use year-round, providing extensive areas free from disturbance for wildlife. In the long run, the condition, reproduction, and number of animals will be enhanced.

SEASONAL CLOSURES prevent motorized vehicle access during critical times of the year. Some closures protect habitat during the winter-spring period of greatest stress for big game, allowing them to make full use of wintering areas and enhancing production of young. Other closures are designed to protect the breeding and brooding season of animals such as large birds of prey and wild turkeys.

HUNTING SEASON CLOSURES prevent motorized vehicle use during game hunting seasons. These closures reduce hunter crowding and result in better big game escapement.

If you encounter some of these road management areas in your pursuit of an outdoor activity, keep in mind that the roads are closed to vehicles, not to all entry. You can get out and walk in the area as much as you like! We ask your help and cooperation to make this program a success.

*GREEN DOT SYSTEM: Under the existing road management program, roads in management areas are posted closed. However, the Department of Wildlife and several forest landowners are working out the details of a new signing program: the Green Dot System. These areas have been selected for trial use in order to check public understanding and acceptance of the system and to assess costs and benefits of the program. Under the "Green Dot" signing system, some roads are posted open — forest users are invited to drive on any roads posted with a circular green reflector. Roads without a green dot are closed to motor vehicles. The green dots are supplemented by large information boards at major points of entry into the area and by handout maps showing the open road system.

Free maps (8-1/2" x 14") of each road management area are available at all six Department of Wildlife regional offices and at the headquarters office in Olympia.

Legal Descriptions, Green Dot Road Management Areas

Naneum: All Department of Wildlife lands, Department of Natural Resources lands, and Boise Cascade Timber company lands lying within the following boundary: beginning at the intersection of the Colockum Pass Road and Naneum Ridge Road in Section 13, Township 20 North, Range 20 North of the Willamette Meridian, then West along the Naneum Ridge Road to

the Radio Tower in Section 36, Township 21 North, Range 19 East, then Northwest along Naneum Ridge to the North boundary of Section 27, Township 21 North, Range 19 East, then West along that boundary to the Northwest corner of Section 30, Township 21 North, Range 19 East, then South along that boundary to the intersection of the North boundary of Township 18 North, then East along that boundary to the intersection of the Southeast corner of Section 31, Township 19 North, Range 21 North, then North along that boundary to the intersection with the Colockum Pass Road, then west along the Colockum Pass Road, then West along the Colockum Pass Road to the point of beginning.

Little Naches: All Forest Service lands and Plum Creek Timber Company lands lying within the following boundary: beginning at the intersection of Highway 410 and the Little Naches River Road in Section 4, Township 17 North, Range 14 East of the Willamette Meridian, then west along Highway 410 to West boundary of Section 18, Township 17 North, Range 13 East, then North along that boundary to the intersection of the Norse Peak Wilderness boundary in Section 18, Township 17 North, Range 13 East, then North along that boundary to the intersection of the Pacific Crest Trail in Section 2, Township 18 North, Range 11 East, then North along the Pacific Crest Trail in Section 13, Township 19 North, Range 12 East, then East along Forest Service Trail 1388 to the intersection of the East boundary of Range 14 East, then South along this boundary to the intersection of the South boundary of Township 18 North, then East along this boundary to the intersection of the Little Naches River Road in Section 32, Township 18 North, Range 14 East, then South along this road to the point of beginning.

Marble: Same as GMU 558 - Marble.

Cooney Point/Siouxon: All Department of Natural Resources lands and Weyerhaeuser Company lands lying within the following boundary: Beginning at the intersection of U.S. Forest Service Road 54 (the Canyon Creek Road) and DNR Road 2000 in Section 34, Township 6 North, Range 4 East of the Willamette Meridian, then west along Road 54 to the southern boundary of Range 6 North, then west along that boundary to the west boundary of Section 33, Township 6 North, Range 4 East, then north along that boundary to the east shore of Yale Reservoir, then north and east along that shore to the North Fork Lewis River, then along the south shore of that river to Swift Reservoir, then along the south shore of Swift Reservoir to the east boundary of Section 26, Township 7 North, Range 5 East, then south to the southern boundary of Township 6 North, then west to the eastern boundary of Range 4 East, then south 1/2 mile, then west to Forest Service Road 54, then west along Forest Service Road 54 to the DNR 2000 Road and the point of beginning.

Swift Mitchell/Siouxon: All Plum Creek Timber Company lands lying within the following boundary: Beginning at the south shore of Swift Reservoir where it intersects with the east boundary of Section 28, Township 7 North, Range 5 East of the Willamette Meridian, then south to the southern boundary of Section 15,

Township 6 North, Range 5 East, then east to the eastern boundary of Range 5 East, then north to the southern boundary of Section 7, Township 6 North, Range 6 East, then east to the eastern boundary of Range 6 East, then north to the northern boundary of Range 6 North, then west to the eastern boundary of Section 35, Township 7 North, Range 6 East, then north to the northern boundary of Section 35, then west to Swift Reservoir, then west along the southern shore of Swift Reservoir to the point of beginning.

WSR 87-15-082

ADOPTED RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 293—Filed July 20, 1987]

Be it resolved by the State Game Commission, acting at the Red Lion Inn, 221 North Lincoln, Port Angeles, WA 98362, that it does adopt the annexed rules relating to wild animal trapping, amending WAC 232-12-141.

This action is taken pursuant to Notice No. WSR 87-12-074 filed with the code reviser on June 3, 1987. 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 77.12.040 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 July 7, 1987.

By Dr. James M. Walton
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-141 WILD ANIMAL TRAPPING.
It is unlawful to trap for wild animals:

(1) With a steel trap having a jaw spread exceeding seven and one-half inches, except that an instant kill trap having a jaw spread exceeding seven and one-half inches is lawful when set beneath the water surface.

(2) With a No. 3 size or larger steel trap if it does not have spacing of at least three-sixteenth of one inch when the trap is sprung and when the set is not capable of drowning the trapped animal.

(3) With a No. 3 size or larger steel trap with teeth when the set is not capable of drowning the trapped animal.

~~((3))~~ (4) Unless traps or devices are checked and animals removed within seventy-two hours.

WSR 87-15-083
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 294—Filed July 20, 1987]

Be it resolved by the State Game Commission, acting at the Red Lion Inn, 221 North Lincoln, Port Angeles, WA 98362, that it does adopt the annexed rules relating to:

- New WAC 232-28-110 1987 Upland migratory game bird seasons and rules.
Rep WAC 232-28-109 1986 Upland migratory game bird seasons and rules.

This action is taken pursuant to Notice No. WSR 87-12-076 filed with the code reviser on June 3, 1987. 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 77.12.040 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 July 7, 1987.

By Dr. James M. Walton
Chairman, Game Commission

[NEW SECTION]

WAC 232-28-110 1987 UPLAND MIGRATORY GAME BIRD SEASONS AND RULES

DOVE
MOURNING DOVE:

September 1 - September 15, inclusive
Daily Bag Limit: 10
Possession Limit: 20

PIGEON
BAND-TAILED PIGEON:

September 7 - September 22, inclusive
Daily Bag Limit: 4
Possession Limit: 4

SELECTED REGULATIONS AND LAWS PERTAINING TO DOVE AND PIGEON HUNTING:

RCW 77.16.070 Hunting while intoxicated It is unlawful to hunt while under the influence of intoxicating liquor or drugs.

RCW 77.16.090 Waste of wildlife It is unlawful for a person who kills or possesses game animals, game birds, or game fish to allow them to needlessly go to waste.

RCW 77.16.095 Mutilation of wildlife, hampering identification It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The Commission may prescribe specific criteria for field identification to satisfy this section.

RCW 77.16.100 Use of dogs—public nuisance, when It is unlawful for the owner or a person harboring a dog to directly or negligently permit the dog to pursue or injure deer or elk or to accompany a person who is hunting deer or elk. During the closed season for a species of game animal or game bird, a dog found pursuing that species molesting its young, or destroying the nest of a game bird may be declared a public nuisance.

RCW 77.16.250 Loaded firearms in vehicles It is unlawful to carry, transport, convey, possess, or control in or on a motor vehicle a shotgun or rifle containing shells or cartridge in the magazine capped or primed.

RCW 77.16.260 Shooting firearm from public highway It is unlawful to shoot a firearm from across, or along the maintained portion of a public highway.

WAC 232-12-077 WILDLIFE TAKEN BY ANOTHER It is unlawful to possess wildlife taken during the open season by another unless it is accompanied by a statement which shows the name, address, hunting, fishing or other license or permit number and signature of the taker, the date, county and game management unit where taken.

WAC 232-12-081 CHECKING STATIONS—INSPECTION OF GAME AND LICENSES Hunters and fishermen occupying a motor vehicle approaching or entering a check station established by a Wildlife Agent must stop and produce for inspection:

- (1) Wildlife in their possession;
(2) Licenses, permits, tag, stamps or punchcards required under Title 77 RCW or rules adopted thereunder.

WAC 232-12-247 TRANSMISSION LINES—UNLAWFUL HUNTING It is unlawful to shoot at wild animals or wild birds while they are on a telephone or electrical transmission line, or the pole, crossarm or insulator thereof.

WAC 232-12-254 DISCHARGE OF LITTER ON DEPARTMENT LANDS—UNLAWFUL It is unlawful for any person to throw, to drop, or to leave any discarded object, garbage, debris, or waste upon any of the properties owned, leased or controlled by the department except into a litter or garbage receptacle or container installed for that purpose on such property.

FOR SAFETY, HUNTERS ARE ENCOURAGED TO WEAR HUNTER ORANGE WHILE HUNTING UPLAND BIRDS AS WELL AS OTHER SPECIES.

SHOOTING HOURS as follows: (Daylight Saving Time)

Table with 4 columns: Date Inclusive, Western Washington from A.M. to P.M., Eastern Washington from A.M. to P.M., and shooting times. Rows include Sept 1-6, 7-13, 14-20, 21-27, and 28-29.

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

REPEALER

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

WAC 232-28-109 1986 UPLAND MIGRATORY GAME BIRD SEASONS AND RULES

WSR 87-15-084
ADOPTED RULES
DEPARTMENT OF LICENSING
(Securities Division)
 [Order SDO-80-87—Filed July 20, 1987]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, Olympia, Washington, the annexed rules relating to the regulation and exemption of securities, amending WAC 460-46A-040 Maximum number of purchasers under exemption, raising the maximum number of purchasers from twenty-five to forty and to be given retroactive effect to August 15, 1983.

This action is taken pursuant to Notice No. WSR 86-21-078 filed with the code reviser on October 16, 1986. 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 21.20.320(9) and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 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 July 16, 1987.

By Theresa Anna Aragon
 Director

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-040 MAXIMUM NUMBER OF PURCHASERS UNDER EXEMPTION. The maximum number of purchasers under the limited offering exemption in any consecutive ((+2)) twelve months shall be ((25)) forty. Husband and wife shall be counted as one purchaser, as shall an estate. Each shareholder of a corporation and each beneficiary of a trust shall be counted separately as a purchaser in addition to the corporation or trust unless the shareholder or beneficiary has been such for at least six months prior to the purchase. This section shall be given retroactive effect to August 15, 1983.

WSR 87-15-085
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 288—Filed July 20, 1987]

Be it resolved by the State Game Commission, acting at the Ridpath Hotel, Spokane, Washington, that it does adopt the annexed rules relating to hydraulic code guidelines, amending WAC 232-14-010.

This action is taken pursuant to Notice No. WSR 87-08-070 filed with the code reviser on April 1, 1987. 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 75.20.100, [75.20].103, [75.20].106, [75.20].130 and [75.20].140 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 May 20, 1987.

By Dr. James M. Walton
 Chairman, Game Commission

AMENDATORY SECTION (Amending Order 256, filed 11/6/84)

WAC 232-14-010 HYDRAULIC CODE GUIDELINES. The State Hydraulic Code, RCW 75.20.100, 75.20.103, 75.20.106, 75.20.130, and 75.20.140, is jointly administered by the department((s)) of fisheries and department of game, by law separate agencies. That code requires that prior to construction or other work that will use, divert, obstruct, or change the natural flow or bed of any ((~~river or stream or that will utilize any~~)) of the salt or fresh waters of the state ((~~or materials from the stream beds~~)), that written approval be obtained from the director((s)) of the department((s)) of fisheries ((~~and~~)) department of game. Rules establishing procedures for obtaining a hydraulic project approval and explaining criteria, policies and procedures typically utilized by the department((s)) of fisheries and department of game in administering the Hydraulic Code have been jointly promulgated by the two agencies. The body of the regulations is codified as WAC 220-110-010 et seq., which can be found under rules and regulations codified for the department of fisheries. Those rules, chapter 220-110 WAC, as last amended by the department of fisheries Order ((84-176)) 87-48, are here adopted by reference and also made a part of Title 232 WAC.

WSR 87-15-086

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 87-48—Filed July 20, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hydraulic project regulations.

This action is taken pursuant to Notice No. WSR 87-08-062 filed with the code reviser on April 1, 1987. 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 May 20, 1987.

By Ray Ryan
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-010 PURPOSE. Pursuant to RCW 75.20.100, 75.20.103, 75.20.106, 75.20.130, and 75.20.140, this chapter establishes regulations for the construction of any form of hydraulic project or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any ~~(river or stream, or that will utilize any)~~ of the salt or fresh waters of the state, ~~((or materials from the stream beds and require approval under RCW 75.20.100;))~~ and ~~((establishes))~~ sets forth procedures for obtaining a hydraulic project approval. In addition, this chapter incorporates criteria ((the departments have developed for the protection of fish life which are used)) and guidelines generally used by the department of fisheries and the department of game for project review and conditioning hydraulic project approvals. It is not intended that the ((following regulations)) technical provisions will automatically apply to each hydraulic project approval. ((The regulations are intended to provide notice of the criteria and guidelines generally utilized to administer RCW 75.20.100. This chapter shall be administered by the department of fisheries and the department of game as required under RCW 75.20.100;)) Rather, each application will be reviewed on an individual basis.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-020 DEFINITIONS. As used in this chapter, unless the context clearly requires otherwise:

(1) "Beach area" means the beds between the ordinary high water line and extreme low tide.

(2) "Bed" means the land((s within or)) below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm-water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(3) "Bed materials" means natural-occurring material found in the beds of waters of the state.

(4) "Cofferdam" means a temporary enclosure used to keep water from a work area.

(5) "Departments" means the department of fisheries and the department of game.

(6) "Dredging" means removal of bed material.

(7) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions or other natural conditions.

(8) "Equipment" means any device powered by internal combustion(;;); hydraulics(;;); electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

(9) "Established ford" means a crossing place in a river or stream which has existed for at least three years and has an identifiable approach on the stream bank.

(10) "Extreme low tide" means the lowest level reached by a receding tide.

~~((+0))~~ (11) "Filter blanket" means a layer or combination of layers of pervious materials (mineral or man-made) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

~~((+1))~~ (12) "Fish life" means all fish species, including but not limited to food fish, shellfish, and game fish, and all stages of development of those species.

~~((+2))~~ (13) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director of the department of fisheries. ~~((The term "food fish" includes all stages of development and the bodily parts of food fish species.~~

~~((+3))~~ (14) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

~~((+4))~~ (15) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the state game commission.

~~((+5))~~ (16) "General provisions" means those provisions that are contained in every hydraulic project approval.

(17) "Hand-held tools" means tools that are held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Examples are shovels, rakes, and hammers, etc.

~~((+6))~~ (18) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any ~~((river or stream, or that will utilize any))~~ of the salt or fresh waters of the state ~~((; or materials from the stream beds)).~~

~~((17))~~ (19) "Hydraulic project application" means a form provided by and submitted to the department ~~((s))~~ of fisheries or the department of game accompanied by plans and specifications of the proposed hydraulic project.

~~((18))~~ (20) "Hydraulic project approval" (HPA) means:

(a) A written approval for a hydraulic project signed by the director of the department of fisheries or the director of the department of game, or by employees designated and authorized to do so; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of fisheries or the director of the department of game, or by employees designated and authorized to do so.

~~((19))~~ (21) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each days' lowest tide at a particular location over a period of 18.6 years. It is the datum base for tide levels and vertical references in the saltwater area.

~~((20))~~ (22) "Mitigation" means:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action; and/or(;;)

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation; and/or(;;)

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; and/or(;;)

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and/or(;;)

(e) Compensating for the impact by replacing ~~((enhancing))~~ or providing substitute resources or environments; and/or

(f) Monitoring the impact and taking appropriate corrective measures.

~~((21))~~ (23) "Natural conditions" means those conditions which arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

~~((22))~~ (24) "Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the line of mean high water.

~~((23))~~ (25) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

~~((24))~~ (26) "River or stream" means waters in which fish may spawn, reside, or through which they may pass. This includes watercourses which exist on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This also includes any natural watercourses which have been altered

by man. This definition is not meant to include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses except where they exist in a natural watercourse which has been altered by man.

~~((25))~~ (27) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

~~((26))~~ (28) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director of the department of fisheries. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((27))~~ (29) "Special provisions" means those conditions that are a part of the hydraulic project approval, but are site or project specific, and are used to supplement or amend the technical provisions.

~~((28))~~ (30) "Technical provisions" means those conditions that are a part of the hydraulic project approval and apply to most projects of that nature.

~~((29))~~ (31) "Watercourse" means any portion of a channel, bed, bank, or bottom within the ordinary high water line of waters of the state. This definition is not meant to include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by man.

~~((30))~~ (32) "Waters of the state" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((31))~~ (33) "Wetted perimeter" means the areas of a watercourse covered with water, flowing or nonflowing.

AMENDATORY SECTION (Amending Order 84-176, filed 10/15/84)

WAC 220-110-030 HYDRAULIC PROJECT APPROVALS—PROCEDURES. (1) A person shall secure a hydraulic project approval before conducting a hydraulic project.

(2) ~~((If a person commences construction on any hydraulic project or other work subject to chapter 220-110 WAC without having first obtained written approval of the appropriate department as to the adequacy of the means proposed for the protection of fish life or if any person fails to follow or carry out any of the requirements or provisions as are made a part of such approval, the person is guilty of a gross misdemeanor.~~

~~((3))~~ A person seeking hydraulic project approval shall submit to the department ~~((having jurisdiction of the site))~~ of fisheries or the department of game general plans for the overall project, complete plans and specifications ~~((of))~~ for the proposed construction or work ~~((within the mean higher high water line in salt water or within))~~ below the ordinary high water line ~~((in fresh))~~ of state waters, and complete plans and specifications for the proper protection of fish life.

~~((4))~~ (3) Application for hydraulic project approval shall be submitted to the ~~((appropriate))~~ department ~~((listed below))~~ of fisheries or department of game. The department having jurisdiction ~~((over))~~ of a particular

site will cooperate with the other department (~~in order~~) to protect all species of fish. If ~~((a))~~ either department receives ~~((the))~~ an application concerning a site not in its jurisdiction, it will transmit the application to the ~~((appropriate))~~ other department within three days, and the applicant will be notified.

(a) For projects located in the following areas, an application shall be submitted to the Department of Fisheries, Habitat Management Division, 115 General Administration Building, Olympia, WA 98504, (206) 753-6650:

(i) Western Washington, which includes all lands lying west of the summit of the Cascade Mountains;

(ii) ~~((A))~~ The mainstem Snake River ~~((projects))~~ and ~~((B))~~ the mainstem Columbia River ~~((projects))~~ downstream from Chief Joseph Dam.

(b) For projects located in the following areas, an application shall be submitted to the Department of Game, Habitat Management Division, 600 North Capitol Way, Olympia, WA 98504, (206) 753-5897:

Eastern Washington, which includes all lands lying east of the summit of the Cascade Mountains, including Klickitat County except those areas in ~~((WAC 220-110-030 (4)))~~ (a)(ii) of this subsection.

(c) The departments reserve the right to exchange jurisdiction on individual projects.

(d) Receipt of any one of the following documents at the addresses listed in (a) and (b) of this subsection constitutes application for a hydraulic project approval:

(i) A completed hydraulic project application submitted to the ~~((appropriate))~~ department of fisheries or department of game;

(ii) A completed forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010(19); or

(iii) A section 10 or 404 public notice circulated by the Army Corps of Engineers or United States Coast Guard.

~~((5))~~ (4) The appropriate department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the State Environmental Policy Act (chapter 43.21C RCW). The departments shall strive to process hydraulic project applications in less than thirty days. The forty-five day requirement shall be suspended if:

(a) An incomplete application is received;

(b) The site is physically inaccessible for inspection;

(c) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(d) The applicant requests delay.

~~((6))~~ (5) Immediately upon determination that the forty-five day period is suspended, the appropriate department shall notify the applicant in writing of the reasons for the delay.

~~((7))~~ (6) Verbal ~~((applications may))~~ approval shall be ~~((accepted in lieu of written applications))~~ granted immediately upon request for emergency work to repair existing structures, move obstructions, restore banks, or

protect property that is subject to immediate danger by weather, flow, or other natural conditions. Verbal approval shall be granted immediately upon request for driving across a stream during an emergency, as defined in WAC 220-110-020(7).

~~((8))~~ (7) The departments may accept written or verbal requests for time extensions, renewals, or alterations of an existing approval.

~~((9))~~ (8) Each approval is usually specific to a watercourse, stating the exact location of the project site, and usually consists of general, technical, and special provisions.

~~((10))~~ (9) The written hydraulic project approval, or an exact copy, ~~((except verbal approvals,))~~ shall be on the project site when work is being conducted and shall be immediately available for inspection.

~~((11))~~ (10) All hydraulic project approvals may be granted for a period of up to five years. ~~((The))~~ However, approvals issued under RCW 75.20.103 for work of a seasonal nature that diverts water for irrigation or stock watering purposes shall remain in effect without need for periodic renewal, provided the permittee notifies the agency that issued the approval before commencing the work each year. All permittees must demonstrate substantial progress on construction of that portion of the project relating to the hydraulic approval within two years of the date of issuance.

~~((12))~~ (11) A hydraulic project application will be denied when, in the judgment of the department ~~((having jurisdiction over the site))~~ of fisheries or department of game, the project is directly or indirectly harmful to fish life unless adequate mitigation can be assured by conditioning the approval or modifying the proposal. If approval is denied, the ~~((appropriate))~~ department of fisheries or department of game will provide the applicant, in writing, a statement of the specific reason(s) why and how the proposed project would adversely ~~((effect))~~ affect fish life.

(12) Protection of fish life shall be the only ground upon which an approval may be denied or conditioned.

(13) Hydraulic project approvals may have specific time limitations on project activities to protect fish life.

(14) Hydraulic project approvals do not exempt the applicant from obtaining ~~((the))~~ other appropriate permits and following the rules or regulations of ~~((other))~~ local, other state, and federal agencies.

(15) Administration of this chapter shall be conducted in compliance with the State Environmental Policy Act, chapter 43.21C RCW, chapter ~~((197-10))~~ 197-11, 220-100 or ~~((232-18))~~ 232-19 WAC.

(16) ~~((In addition to hydraulic project approval, placing rock, concrete, tires, or other materials on the beds in the saltwater area for the purpose of improving fish habitat requires a permit under WAC 220-20-040 for artificial reef construction.))~~ If a person commences any activity subject to RCW 75.20.100 or 75.20.103 without having first obtained approval of the department of fisheries or department of game or if any person fails to follow or carry out any of the requirements or provisions as are made a part of such approval, that person is guilty of a gross misdemeanor. In lieu of gross misdemeanor charges, at the discretion of the department of fisheries

or the department of game, the person who violates RCW 75.20.100, 75.20.103, or chapter 220-110 WAC may be subject to a civil penalty of up to one hundred dollars per day. The amount of the civil penalty will be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty. The notice will describe the violation, the amount of the penalty, how to pay the penalty, and the appeal rights of the person incurring the penalty.

(17) In addition to hydraulic project approval, mechanical or hydraulic clam harvesters shall be governed by the provisions of WAC 220-52-018 and shall obtain and comply with the provisions of the department of fisheries' permit to operate a clam harvesting machine.

(18) The hydraulic code ~~((does not apply to the actual exercise of water rights (e.g. the amount of diversion or stream flow) which matters are generally regulated by the Washington department of ecology and hydraulic project approvals will not))~~ cannot be used to limit the amount or timing of water diverted under a water right. However, construction of structures or placement of devices or other work within waters of the state which will use, divert, obstruct or change the natural flow or bed of any river or stream, or that will utilize any of the waters of the state in order to take water allowed by a water right requires a hydraulic project approval. Regulation of water flow from a permanent irrigation structure by operating valves, or manipulating stop logs, check boards or head boards, does not require hydraulic project approval.

(19) ~~((Each approval shall contain))~~ Persons who have historically used and are currently using a gravel berm dam as the method of diversion shall be permitted to continue to do so. The departments can, however, condition the approval of gravel berms.

(20) The following general provisions apply to and are found on each hydraulic project approval:

(a) This approval is to be available on the job site at all times and its provisions followed by the permittee and operator performing the work.

(b) The person(s) to whom this approval is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this approval.

(c) Failure to comply with the provisions of this approval ~~((is))~~ could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

(d) ~~((The departments reserve the right subject to the holders opportunity to a hearing to contest agency actions as provided by the Administrative Procedure Act, chapter 34.04 RCW, to make additional restrictions or conditions or revoke the approval when new information shows such action is necessary by the departments for the protection of fish life.~~

(e) ~~These departments cannot be held liable for any property damage which might occur as a result of this project, except where damages are proximately caused by actions of the departments.)~~ All hydraulic project approvals issued pursuant to RCW 75.20.100 are subject to additional restrictions, conditions, or revocation if the department of fisheries or department of game determine

that new biological or physical information indicates the need for such action. The permittee has the right pursuant to chapter 34.04 RCW, to appeal such decisions. All hydraulic project approvals issued pursuant to RCW 75.20.103 may be modified by the department of fisheries or department of game due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, That such modifications shall be subject to appeal to the hydraulic appeals board established in RCW 75.20.130.

~~((f))~~ (e) This approval pertains only to the provisions of the fisheries and game codes. Additional authorization from other public agencies may be necessary for this project.

~~((20))~~ (21) Cleaning, adjusting, ~~((operation))~~ operating, and ~~((maintenance of))~~ maintaining existing irrigation diversion structures or maintaining established fords, by use of hand-held tools, may be accomplished without first securing a written hydraulic project approval. For these purposes, this subsection, or the latest edition of the Irrigation and Fish pamphlet issued by the departments of fisheries and game, shall serve as the hydraulic project approval. This does not include the use of equipment as defined in WAC 220-110-020(8). If adverse impacts to fish life occur, the project shall immediately cease, and an application for approval shall be made in accordance with WAC 220-110-030 (1), (2), and (3)~~((, (4)))~~.

~~((21))~~ (22) Aquatic weed control by hand pulling or hand tools does not require hydraulic project approval. This does not include the use of equipment as defined in WAC 220-110-020(8).

(23) Driving a vehicle, or operating equipment, on or across an established ford does not require a hydraulic project approval. However, ford repair with equipment or construction work within the ordinary high water lines requires a hydraulic project approval. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires a hydraulic project approval.

(24) The installation, by hand or hand tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require a hydraulic project approval.

(25) The installation and operation of portable boat hoists in lakes does not require a hydraulic project approval, provided:

(a) Equipment is not operated below the ordinary high water line during installation;

(b) The hoist is not installed at the mouth of any river or stream; and

(c) Dredging, filling, or pile driving is not conducted as part of the project.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-040 FRESHWATER TECHNICAL PROVISIONS. WAC 220-110-050 through 220-110-220 set forth technical provisions that typically apply to freshwater hydraulic projects. Certain technical provisions may be required depending upon the individual proposal and site specific characteristics. Additional

special provisions may be included. Those provisions, where applicable, shall be contained in the hydraulic project approval, as necessary to protect fish life.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-050 BANK PROTECTION. The following technical provisions may apply to bank protection projects:

- (1) Bank protection work shall be confined to damaged banks.
- (2) Watercourse encroachment shall be held to a minimum.
- (3) Bank protection material shall not appreciably reduce normal watercourse capacity or configuration.
- (4) The toe shall be designed to protect the integrity of bank protection material.
- (5) Bank sloping shall be accomplished in a manner that will prevent the release of overburden material into the water.
- (6) Bank protection material shall be clean, angular rock or other material of a sufficient size to prevent its being washed away by water action. River gravels shall not be used as exterior armor.
- (7) Bank protection and filter blanket material shall be placed from the bank or a barge. Dumping onto the bank face shall be permitted only if the toe is established and the material can be confined to the bank face.
- (8) Filter blanket material shall be placed prior to placement of bank protection material.
- (9) Alteration or disturbance of the bank and bank vegetation shall be held to a minimum.
- (10) Overburden material resulting from this project shall be deposited so as not to reenter the water.
- ~~((11) Bulkheads shall be constructed in the dry.~~
- ~~((12) Bulkhead faces shall be constructed of material not readily subject to erosion.))~~

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-060 BRIDGE, PIER, AND PILING CONSTRUCTION. The following technical provisions may apply to bridge, pier, and piling construction projects:

- (1) Excavation for the footings, piers, or abutments shall be isolated from the wetted perimeter by a dike, cofferdam, or similar mechanism.
- (2) Wastewater discharged to receiving waters shall not adversely impact fish life.
- (3) Structures containing concrete or wood preservatives shall be cured or dried prior to water encroachment.
- (4) Abutments, piers, piling, sills, etc., shall not restrict the flow so as to cause any appreciable increase in backwater elevation or scour and shall be aligned to cause the least effect on the hydraulics of the body of water.
- (5) Riprap materials used for structure protection shall be clean and of sufficient size to prevent their being washed away.

(6) Backfilling and armoring around each structure shall take place prior to removal of cofferdams.

(7) The bridge shall be constructed high enough to pass the fifty-year flood level. Exception shall be granted if applicant provides design criteria to support a more appropriate level.

(8) Alteration or disturbance of bank or bank vegetation shall be held to a minimum, and all disturbed areas shall be protected from erosion and revegetated.

~~((9) Anchoring systems for floating structures shall be designed and deployed in a manner that will not damage the beds as a result of structure or anchor movement.))~~

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-080 CHANNEL CHANGE—TEMPORARY AND PERMANENT. The following technical provisions may apply to channel change—Temporary and permanent projects:

- (1) Permanent new channels shall be similar in length, width, depth, gradient, and meander configuration as the old channel.
- (2) The new channel shall provide fish habitat similar to that which previously existed in the old channel.
- (3) During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel.
- (4) Diversion of flow into a new channel shall be accomplished by: (a) First removing the downstream plug; (b) removing the upstream plug; and (c) closing the upstream end of the old channel.
- (5) Filling of the old channel shall begin from the upstream closure and the fill material compacted. Water discharging from the fill shall not adversely impact fish life.
- (6) Before water is diverted into a permanent new channel, the banks shall be armored to prevent erosion.
- (7) The angle of the structure used to divert the water into the new channel shall allow a smooth transition of water flow.
- (8) After completion of the permanent new channel and filling of the old channel, all unprotected banks shall be revegetated or otherwise protected to prevent erosion.
- (9) ((The applicant shall have fish capture and transportation equipment ready and on the job site. Captured fish shall be immediately and safely transferred)) If fish may be endangered as a result of this project, the permittee will be required to capture and safely transport game and food fish from the job site to the nearest free-flowing water. The permittee may request the department of fisheries or department of game to assist in capturing and safely transporting game and food fish from the job site to free-flowing water, and assistance may be granted if personnel are available.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-090 CHANNEL REALIGNMENT. The following technical provisions may apply to channel realignment projects:

(1) The realigned channel shall provide fish habitat similar to that which previously existed.

(2) All material removal from the new channel shall take place before any filling operations within the existing channel. Material removal shall proceed from mid-stream toward the bank and be completed prior to filling.

(3) Excavation and filling may take place simultaneously if excavated materials are to be used in the filling operation.

(4) Prior to filling, an armored dike or other approved mechanism shall be constructed to divert the flowing stream and isolate the fill area.

(5) Filling shall begin at the upstream end and proceed downstream.

(6) Water discharging from the fill area shall not adversely impact fish life.

~~(7) ((The applicant shall have fish capture and transportation equipment ready and on the job site. Captured fish shall immediately be transferred safely))~~ If fish may be endangered as a result of this project, the permittee will be required to capture and safely transport game and food fish from the job site to the nearest free-flowing water. The permittee may request the department of fisheries or department of game to assist in capturing and safely transporting game and food fish from the job site to free-flowing water, and assistance may be granted if personnel are available.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-100 CONDUIT CROSSING. The following technical provisions may apply to conduit crossing projects:

(1) Conduit alignment shall be as nearly perpendicular to the watercourse as possible.

(2) The conduit shall be installed at sufficient depth so that subsequent disturbance of the bed of the watercourse is avoided.

(3) If the method used is boring or jacking:

(a) Pits shall be isolated from surface water flow((-));

(b) All drainage water removed from the boring or jacking pit shall not adversely impact fish life; and

(c) Provisions of subsection (4)(a), (b), (c), and (d) of this section shall not apply.

(4) If the method used is trench excavation:

(a) Trenches shall be excavated in the dry or shall be isolated from the flowing watercourse by the installation of a cofferdam, culvert, flume, or other approved method((-);

(b) Plowing, placement, and covering shall occur in a single pass of the equipment((-);

(c) Disturbance of the bed as a result of the plowing operation shall be held to a minimum; and

(d) Provisions of subsection (3)(a), (b), and (c) of this section shall not apply.

(5) Trenches shall be backfilled with approved materials and the bed shall be returned to preproject condition.

(6) Excess spoils shall be disposed of so as not to re-enter the watercourse.

(7) The conduit approach trench shall be isolated from the watercourse until laying of the conduit across the watercourse takes place.

(8) Alteration or disturbance of banks or bank vegetation shall be held to a minimum and all denuded areas shall be revegetated or otherwise protected from erosion.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-110 CULVERT INSTALLATION. The following technical provisions may apply to culvert installation projects:

~~(1) ((Culverts shall be installed so that spawning habitat is maintained.~~

~~(2)))~~ Culverts shall be designed and constructed so as not to impede fish passage.

~~((3))~~ (2) The culvert shall be of a sufficient size to pass the fifty-year flood level. Exception shall be granted if applicant provides design criteria to support a more appropriate level.

~~((4))~~ (3) Disturbance of the bed of a watercourse shall be held to a minimum and affected bed areas shall be restored to preproject condition following installation of the culvert.

~~((5))~~ (4) Fill associated with the culvert installation shall be protected from erosion.

~~((6))~~ (5) Culverts shall be designed and constructed to avoid inlet and outlet scouring.

~~((7) When a multiple barrel culvert is utilized the structure shall be designed and constructed to ensure fish passage during low-flow periods.~~

~~(8))~~ (6) The culvert facility shall be maintained, in perpetuity, by the owner(s), such that fish passage is not impeded.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-120 TEMPORARY BYPASS CULVERT OR FLUME. The following technical provisions may apply to temporary bypass culvert or flume projects:

(1) The temporary bypass culvert or flume shall be in place prior to initiation of other work in the wetted perimeter.

(2) A sandbag revetment or similar device shall be installed at the inlet to divert the entire flow through the culvert or flume.

(3) A sandbag revetment or similar device shall be installed at the downstream end of the culvert or flume to prevent backwater from entering the work area.

(4) Culvert or flume shall be of sufficient size to pass flows and debris occurring during the project.

(5) Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.

(6) Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to preproject conditions.

(7) If fish may be endangered as a result of this project, the permittee will be required to capture and safely transport game and food fish from the job site to

the nearest free-flowing water. The permittee may request the department of fisheries or department of game to assist in capturing and safely transporting game and food fish from the job site to free-flowing water, and assistance may be granted if personnel are available.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-140 GRAVEL REMOVAL. The following technical provisions may apply to gravel removal projects:

~~(1) ((Preproject and postproject monitoring of gravel recruitment and other related physical parameters is required for commercial and large scale flood control projects:~~

~~(2)) An excavation line shall be established. "Excavation line" means a line on the dry bed, parallel to the water's edge; two feet vertically above the existing water level, unless otherwise stated, and changes with water level fluctuations.~~

~~((3)) (2) Bed material shall not be removed from the water side of the excavation line.~~

~~((4)) (3) Excavation shall begin at the excavation line and proceed toward the bank, perpendicular to the alignment of the watercourse.~~

~~((5)) (4) The maximum distance of excavation toward the bank from the excavation line shall be approximately equal throughout the excavation zone. "Excavation zone" means the area between the excavation line and the bank.~~

~~((6)) (5) The excavation zone shall be identified by boundary markers.~~

~~((7)) (6) A minimum two percent gradient upward from the excavation line shall be maintained in the excavation zone.~~

~~((8)) (7) At the end of each days' operation the excavation zone shall not contain pits or potholes.~~

~~((9)) (8) Excavated materials shall not be stockpiled or spoiled within the ordinary high water line.~~

~~((10)) (9) Equipment shall not enter the wetted perimeter of the watercourse.~~

~~((11)) (10) Debris in the excavation zone shall be disposed of so as not to reenter the watercourse.~~

~~((12)) (11) Gravel washing or crushing operations shall not take place below the ordinary high water line.~~

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-190 WATER DIVERSIONS(~~(= GENERAL FISH SCREENING CRITERIA)~~). The following technical provisions may apply to water diversions (~~where fish screens are required. General fish screening criteria are applicable to rotary drum screens, traveling screens, belt screens and stationary flat plate screens:~~

~~Screens shall be designed, constructed and located as follows:~~

~~(1) Structure placement—flowing waters (rivers and creeks):~~

~~(a) Where physically practical, the screen shall be constructed at the diversion entrance parallel to the flow~~

~~with the screen face continuous with the adjacent bankline. The bankline shall be altered, if necessary, to prevent eddies and maintain parallel velocities past the screen; or~~

~~(b) Where site or hydraulic conditions make installation of fish screens at the diversion entrance physically impractical, screens may be located in the conduit or diversion canal at a more suitable location. Such screens shall be provided with bypass systems to efficiently collect juvenile fish and safely transport them back to the flowing water body. Such screens shall also be constructed at an angle not to exceed 45° (degrees) from the approaching flow with the downstream end of the screen terminating at the bypass system entrance.~~

~~(2) Structure placement—nonflowing waters (lakes and reservoirs):~~

~~In nonflowing waters, diversion structures and associated fish screens will be constructed offshore to minimize fish contact.~~

~~(3) Approach velocity (local velocity component perpendicular to the screen face) shall not exceed:~~

~~(a) 0.5 feet/second for chinook and coho salmon fry and all fingerling salmon (fingerling minimum length: 60 mm); or~~

~~(b) 0.2 feet/second for pink, chum and sockeye salmon and gamefish fry;~~

~~(c) When screens are not readily accessible for cleaning, the screens shall be designed with an approach velocity of 0.05 feet/second.~~

~~(4) Wetted screen area, excluding area blocked to flow by structural components, required at ordinary low water shall be calculated by dividing maximum diverted flow by the allowable approach velocity:~~

~~(5) In flowing water, the velocity component parallel and adjacent to the screen face shall be at least two times the approach velocity. Screen faces shall be placed flush with adjacent screen bay piers or walls.~~

~~(6) Screen openings shall not exceed 1/4 (0.25) inch measured horizontally. Where fish less than 60 mm in length are present the screen openings shall not exceed 1/8 (0.125) inch.~~

~~(7) The long axis of slot or rectangular screen openings shall be vertical.~~

~~(8) Screens may be constructed of any rigid material, woven or perforated, that physically excludes fish provided that structural integrity and cleaning effectiveness are not impaired.~~

~~(9) Screens shall be removed only by written permission of the departments.~~

~~(10) Alteration or disturbance of banks or bank vegetation shall be held to a minimum, and all disturbed slopes shall be revegetated or otherwise protected from erosion):~~

~~(1) Gravel berm dams shall be constructed of gravels available on site. No dirt from outside the ordinary high water line shall be used to seal them and no logs or woody debris presently in the river may be utilized for their construction.~~

~~(2) Logs and woody debris may be removed from the river or stream only if they block water flow into the ditch or inhibit construction.~~

(3) As long as the applicant or permittee can divert enough water to satisfy the water right, the gravel berm dam shall be constructed so that it does not hinder upstream and downstream adult and juvenile fish passage. If passage problems develop, department of fisheries or department of game personnel may, after consultation, require modification of the gravel berm dam.

(4) At pump stations, a backhoe may be used to remove accumulated silts and gravel from the pumping sump. Material removed shall be placed so it will not be washed back into the river.

(5) A diversion device used for conducting water from a lake, river, stream or other watercourse for any purpose shall be equipped with a fish guard (screen) approved by the department of fisheries pursuant to RCW 75.20.040 and the department of game pursuant to RCW 77.16.220 to prevent the passage of fish into the diversion device.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-200 MINERAL PROSPECTING (PANNING). The following technical provisions may apply to mineral prospecting (panning) projects:

(1) ((For mineral prospecting as provided in subsection (2) of this section, a copy of the Gold and Fish Pamphlet shall be on the project site at all times, and shall serve as the hydraulic project approval.

(2) The equipment authorized in this section is gold pans, mini-rocker boxes, and nonmotorized sluice boxes not larger than 12" x 36" including attachments. Sluice boxes shall not exceed twenty-five percent of the width of the wetted perimeter.

(3) All work shall be performed by hand or hand-held tools.

(4) Graveled spawning areas shall not be disturbed.

(5) Streambanks shall not be excavated.

(6) Materials too large to be moved by hand shall not be disturbed.

(7) The flowing stream shall not be dammed or diverted.

(8) Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.

(9) Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding this.)) Gold pans, mini-rocker boxes, and nonmotorized sluice boxes are allowed. Sluice box size shall not exceed one-foot width by three-foot length in the riffle area, and not to exceed fifty percent of the width of the wetted perimeter.

(2) All work will be performed by hand or hand tools only.

(3) There shall be no disturbance of graveled spawning areas.

(4) There shall be no streambank excavation.

(5) There shall be no disturbance of rooted or embedded woody plants (trees, shrubs, etc.).

(6) Materials too large to be moved by hand will not be disturbed.

(7) There shall be no damming of the flowing stream.

(8) All pits, furrows, potholes and diversions must be filled, leveled, or removed prior to leaving the project site, to prevent fish entrapment.

(9) No motorized, tracked or wheeled vehicles will be allowed within the wetted perimeter of the stream.

(10) Any siltation in excess of state water quality standards resulting from this project may be considered damaging to fish life, causing operations to be terminated.

(11) Entry onto private property or removal of minerals from an existing mining claim is not authorized. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources or bureau of land management should be contacted regarding this.

(12) A copy of the current Gold and Fish Pamphlet shall be on the job site at all times and shall serve as a formal approval.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-210 MINERAL PROSPECTING (SLUICING). The following technical provisions may apply to mineral prospecting (sluicing) projects:

(1) ((The equipment authorized by this section is: (a) One nonmotorized sluice box not larger than 18" x 60" or 7.5 square feet, (b) one nonmotorized sluice box not larger than 24" x 96" or 16 square feet. Neither sluice box shall exceed twenty-five percent of the width of the wetted perimeter.

(2) All excavations shall be performed by hand or hand-held tools.

(3) Graveled spawning areas shall not be disturbed.

(4) Streambanks shall not be excavated.

(5) The flowing stream shall not be dammed or diverted.

(6) Materials too large to be moved by hand shall not be disturbed.

(7) Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.

(8) Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding this.

(9) The Gold and Fish Pamphlet shall be on the project site.)) Nonmotorized sluice boxes are allowed. Sluice boxes shall not be wider than two feet in the riffle area and not to exceed fifty percent of the wetted perimeter.

(2) Suction removal of aggregate from sluice or sluice tailings may be performed by a suction device powered by an engine of not more than 3 HP with a maximum intake nozzle size of 1.5 inches.

(3) There shall be no stream bank excavation.

(4) There shall be no disturbance of graveled spawning areas.

(5) All excavations shall be performed by hand or hand-held tools only.

(6) Materials too large to be moved by hand or hand-held tools shall not be disturbed.

(7) Diversion of the flowing stream shall be only that necessary to direct water into a sluice box.

(8) There shall be no damming of the flowing stream.

(9) All pits, furrows, potholes and diversions must be filled, leveled, or removed prior to leaving the project site, to prevent fish entrapment.

(10) No motorized, tracked or wheeled vehicles shall be allowed within the wetted perimeter of the stream.

(11) Any siltation in excess of state water quality standards resulting from this project may be considered damaging to fish life, causing operations to be terminated and the hydraulics project approval cancelled.

(12) This approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources or bureau of land management should be contacted regarding this.

(13) A copy of the current Gold and Fish Pamphlet shall be on the job site at all times.

(14) There shall be no disturbance of rooted or imbedded woody plants (trees, shrubs, etc.).

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-220 MINERAL PROSPECTING ((~~MOTORIZED~~)) DREDGING). The following technical provisions may apply to mineral prospecting ((~~motorized~~)) dredging projects:

(1) ((~~The equipment authorized by this section is: (a) One suction dredge having a maximum nozzle intake diameter of 2-1/2", 4", 6", or 8"; or (b) one motorized sluice box not larger than 18" x 60" and/or 7.5 square feet; or (c) one motorized sluice box not larger than 24" x 96" or 16 square feet. The total width of the equipment shall not exceed twenty-five percent of the wetted perimeter.~~)

(2) ~~Hydraulic (jet or nozzle) outside of the wetted perimeter is prohibited.~~

(3) ~~Stream banks shall not be excavated.~~

(4) ~~Graveled spawning areas shall not be disturbed.~~

(5) ~~Pits, furrows, and potholes shall be filled and leveled prior to leaving the project site.~~

(6) ~~The flowing stream shall not be dammed or diverted.~~

(7) ~~Motorized, tracked, or wheeled vehicles shall not enter the wetted perimeter of the stream.~~

(8) ~~Motorized tools shall not be used to move materials too large to be moved by hand such as boulders, logs, stumps, etc.~~

(9) ~~Stable woody debris jams shall not be disturbed.~~

(10) ~~Petroleum products shall not be allowed to enter the water.~~

(11) ~~This section shall include lessor activities such as sluicing or panning provided provisions and timing are followed and a copy of the Gold and Fish Pamphlet is on the project site.~~

(12) ~~Issuance of an approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources should be contacted regarding~~

this:)) This approval authorizes the use of a suction dredge having a nozzle intake size not to exceed that allowed in the stream listing section of the current Gold and Fish Pamphlet for the area in which it is operated.

(2) There shall be no hydraulic (jet or nozzle) outside of the wetted perimeter.

(3) There shall be no streambank excavation.

(4) There shall be no disturbance of rooted or imbedded woody plants (trees, shrubs, etc.).

(5) There shall be no disturbance of graveled spawning areas.

(6) All pits, furrows, and potholes must be filled or leveled prior to leaving the project site, to prevent fish entrapment.

(7) Damming or diversion of the stream shall be allowed only to the extent necessary to operate a dredge, and shall be removed prior to leaving the site.

(8) No motorized, tracked, or wheeled vehicles shall be allowed within the wetted perimeter of the stream.

(9) Motorized tools shall not be used to move materials offering fish cover (boulders, logs, stumps, etc.) too large to be moved by hand.

(10) Stable woody debris jams shall not be disturbed.

(11) Extreme care shall be taken to assure that no petroleum products or other deleterious material is allowed to fall, be wasted into, or otherwise deposited so as to enter surface waters.

(12) Any siltation in excess of state water quality standards resulting from this project may be considered damaging to fish life, causing operations to be terminated and the hydraulic project approval cancelled.

(13) This approval does not authorize entry onto private property or removal of minerals from an existing mining claim. It is the applicant's responsibility to determine if a claim has been issued. The department of natural resources or the bureau of land management should be contacted regarding this.

(14) A copy of the current Gold and Fish Pamphlet shall be on the job site at all times.

AMENDATORY SECTION (Amending Order 83-25, filed 4/13/83)

WAC 220-110-320 DREDGING. The following technical provisions commonly apply to dredging projects.

(1) Dredging in Tidal Reference Areas 1 through 13 is limited to the period June 16 through March 15.

(2) Dredging in Tidal Reference Area 14 is permitted year-round.

(3) Dredging in Tidal Reference Area 15 in water shallower than the minus ((~~fifteen (-15.0))~~) twenty (-20.0) foot contour (MLLW = 0.0) is limited to the period May 1 through February 28.

(4) Dredging in Tidal Reference Area 16 in water shallower than the minus ((~~fifteen (-15.0))~~) twenty (-20.0) foot contour (MLLW = 0.0) is limited to the period June 16 through February 15.

(5) Dredging in Tidal Reference Area 17 in water shallower than the minus ((~~fifteen (-15.0))~~) twenty (-20.0) foot contour (MLLW = 0.0) is limited to the period May 1 through February 15.

(6) Floatable materials such as debris and piling shall not be disposed of in the water.

(7) Dredging shall stop if distressed or dead fish are observed in the work area, and the departments shall be notified immediately.

(8) A hydraulic dredge shall not be operated with the intake above the surface of the material being removed. The intake may be raised not over 3 feet above the bed for brief periods of purging or flushing the intake system. This provision does not apply to hopper dredges.

(9) Dredged bed materials shall be disposed of at department of natural resources deep water disposal sites or approved upland sites.

(10) Dredging shall be conducted to a depth not greater than the channel depth at the seaward end.

(11) Dredging is prohibited on herring spawning beds.

(12) Dredging shall be conducted with dredge types that cause the least adverse impact on fish and shellfish and their habitat.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-340 INFORMAL APPEAL OF ADVERSE ADMINISTRATIVE DECISIONS. Any person who (~~(; upon proper application, is denied a requested hydraulic project approval or contests a condition placed in a granted approval,~~ may contact the field investigator from the appropriate department having jurisdiction over the site to discuss the denial or provisions. If the result of this contact with the field investigator does not satisfy the applicant, then that person may contact the field investigator's supervisors up through the chain of command to the director of the department having jurisdiction over the site. If the applicant is not satisfied by the results of this informal appeal process, then that person may make a formal appeal. We encourage the applicant to exhaust this informal appeal process prior to initiating a formal appeal)) has received a civil penalty notice of violation of any provision of RCW 75.20.100 or 75.20.103, any person who, upon proper application pursuant to RCW 75.20.100 or 75.20.103, is denied a requested hydraulic project approval, any person who wishes to contest a condition placed in a granted approval, or any person who is aggrieved by a hydraulic project approval or the conditions thereon issued pursuant to RCW 75.20.100 or 75.20.103 may initiate an informal agency review of any such decision by notifying a field representative of the department having jurisdiction over the project site. Upon the receipt of a request for informal agency review, the department having jurisdiction over the site shall coordinate a comprehensive review of the agency decision by the chief of the habitat management division whose ultimate decision shall be approved or disapproved by the director or designee. If, following this informal agency review process, any person still feels aggrieved by the agency decision, a formal appeal may be taken pursuant to WAC 220-

110-350. All parties are encouraged to take advantage of this informal appeal process prior to initiating a formal appeal.

AMENDATORY SECTION (Amending Order 84-04, filed 1/30/84)

WAC 220-110-350 FORMAL APPEAL OF ADVERSE ADMINISTRATIVE DECISIONS. (1) Any person (~~(who, upon proper application, is denied a requested hydraulic project approval or contests a condition placed in a granted approval,)) issued a civil penalty pursuant to RCW 75.20.106 for being in violation of RCW 75.20.100 or 75.20.103, any person denied a hydraulic project approval requested pursuant to RCW 75.20.100, any person wishing to contest a condition placed in an approval granted pursuant to RCW 75.20.100, or any person aggrieved by a hydraulic project approval or the conditions thereon issued pursuant to RCW 75.20.100 is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.04 RCW. To obtain a hearing, a written request must be filed with the ((appropriate)) department ((having jurisdiction over the site)) that issued or denied the approval or levied the civil penalty. The mailing addresses are: Department of Fisheries, Habitat Management Division, Room 115, General Administration Building, Olympia, WA 98504; Department of Game, Habitat Management Division, 600 North Capitol Way, Olympia, WA 98504. Requests must be received within thirty days from the date of denial of a hydraulic approval or issuance of an approval with contested conditions ((sought to be contested)). Hearings are conducted pursuant to the Uniform Procedure Rules, chapter 1-08 WAC, unless modified in writing ((or)) and by agreement of the parties. Ordinarily, it is expected that an aggrieved party seeking administrative review will waive the notice of hearing requirements provided by RCW 34.04.090(1) in order to provide an expeditious decision. An administrative law judge will ((be used to)) hear all evidence((, with)); subsequently, proposed findings of fact, conclusions of law, proposed order, and exceptions and replies thereto, and written argument, if any, shall be prepared and presented to the director((s of the departments)), together with a tape of the contested case hearing, for final decision. All final decisions are appealable as provided by the Administrative Procedure Act, chapter 34.04 RCW. Administrative law judges will be provided by the office of administrative hearings.~~

(2) Any person denied a hydraulic project approval requested pursuant to RCW 75.20.103, any person wishing to contest a condition or modification of an approval granted pursuant to RCW 75.20.103, or any person aggrieved by a hydraulic project approval or the conditions thereon issued pursuant to RCW 75.20.103 is entitled to an opportunity for hearing before the hydraulic appeals board established in RCW 75.20.130 and outlined in chapter 259-04 WAC.

WSR 87-15-087
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed July 21, 1987]

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 Long Beach, town of, amending WAC 173-19-3302;

that the agency will at 7:00 p.m., Tuesday, September 1, 1987, in the City Council Chambers, 115 Bolstad Avenue West, Long Beach, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Thursday, October 1, 1987.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1987.

Dated: July 17, 1987

By: Phillip C. Johnson
 Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-3302, Long Beach, town of.

Description of Purpose: Adoption of a revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: Adopts revisions to the shoreline master program for the town of Long Beach.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Davis, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6762.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3302 LONG BEACH, TOWN OF. Town of Long Beach master program approved May 2, 1975. Revision approved October 1, 1987.

WSR 87-15-088
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed July 21, 1987]

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:

Amd WAC 173-19-420 Thurston County.
 Amd WAC 173-19-4203 Olympia, city of.
 Amd WAC 173-19-4205 Tumwater, city of;

that the agency will at 2:00 p.m., Monday, August 31, 1987, in Room 131, Abbott Raphael Hall, St. Martin's College Campus, Lacey, 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, September 29, 1987.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1987.

Dated: July 17, 1987

By: Phillip C. Johnson
 Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-420 Thurston County; 173-19-4203 Olympia, city of; and 173-19-4205 Tumwater, city of.

Description of Purpose: Adoption of a revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: Adopts revisions to the shoreline master programs for Thurston County and the cities of Olympia and Tumwater.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Davis, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6762.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 84-30, filed 9/14/84)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982. Revision approved August 30, 1984. Revision approved September 29, 1987.

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 84-30, filed 9/14/84)

WAC 173-19-4203 OLYMPIA, CITY OF. City of Olympia master program approved May 21, 1976. Revision approved March 29, 1984. Revision approved April 30, 1984. Revision approved August 30, 1984. Revision approved September 29, 1987.

AMENDATORY SECTION (Amending Order DE 84-30, filed 9/14/84)

WAC 173-19-4205 TUMWATER, CITY OF. City of Tumwater master program approved May 21, 1976. Revision approved August 30, 1984. Revision approved September 29, 1987.

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 87-15-089
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 87-09]

ESTABLISHING THE GOVERNOR'S TASK FORCE ON AIDS

Infection with the human immunodeficiency virus (HIV), the retrovirus responsible for AIDS, is one of the most significant public health issues facing Washington State. Government, private industry, schools and citizens must each do their part to prevent the spread of infection and to assure the availability of humane social and health care to infected individuals. The Governor's Task Force on AIDS will help improve cooperation between diverse segments of the community in preventing AIDS by raising public awareness of the crisis and by improving services to those already infected.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby establish the Governor's Task Force on AIDS, as follows:

- A. The Task Force shall be composed of not more than twenty members, to be appointed by the Governor. The Secretary, Department of Social and Health Services shall serve as Chair. A majority of the Task Force shall constitute a quorum and a majority of those present can approve Task Force action.
- B. Members of the Task Force shall represent public health, state government, school educators, citizens groups, and other interested persons.
- C. The Task Force will have seven primary responsibilities:

- 1. To provide information about AIDS to the public and the Governor and to assist the Governor in the preparation of AIDS-related policies and programs.
 - 2. To advise the Governor on issues related to AIDS, including but not limited to HIV testing; continuum of care; financing of care; civil/human rights; and education.
 - 3. To develop and propose to the Governor legislative initiatives for 1988 and beyond.
 - 4. To review and comment on proposed state legislation.
 - 5. To provide the Governor with the latest epidemiologic information on AIDS and its anticipated impact on the state.
 - 6. To be available to advise the Governor on specific AIDS-related questions.
 - 7. To provide the Governor with a forum in which to debate issues surrounding AIDS.
- D. Administration. The Task Force will be administered through the Department of Social and Health Services with support staff from the Department of Social and Health Services.
 - E. The Governor's Task Force on AIDS created by this Executive Order shall complete its responsibilities prior to December 31, 1988, and will automatically cease operation and be disbanded on January 1, 1989.
 - F. This Executive Order is effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18th day of July, A.D., nineteen hundred and eighty-seven.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 87-15-090
PROPOSED RULES
WESTERN WASHINGTON UNIVERSITY
[Filed July 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the board of trustees of Western Washington University intends to adopt, amend, or repeal rules concerning skateboards, chapter

516-15 WAC. To protect and control pedestrian traffic, and to protect from physical damage the walkways, benches, steps and plazas, the use of skateboards on the campus of Western Washington University is to be prohibited, except in those areas which may be so designated;

that the institution will at 10:00 a.m., Tuesday, September 29, 1987, in 300 Old Main, WWU, 516 High Street, Bellingham, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1987.

The authority under which these rules are proposed is RCW 28B.35.120(12).

The specific statute these rules are intended to implement is RCW 28B.35.120(1).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before September 15, 1987.

Dated: July 20, 1987

By: Wendy K. Bohlke
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 516-15 WAC, Skateboards.

Statutory Authority: RCW 28B.35.120 (1) and (12) and 28B.10.528.

Specific Statute that Rule is Intended to Implement: Chapter 516-15 WAC.

Summary of the Rules: Chapter 516-15 WAC regulates the use of skateboards on Western Washington University's campus.

Reasons Supporting the Proposed Rules: Both to protect and control pedestrian traffic and traffic of persons using skateboards and to protect from physical damage the benches, walkways, stairs, steps, ramps and plazas caused by use of skateboards on such areas.

Agency Personnel Responsible for Drafting: Wendy Bohlke, Assistant Attorney General, Old Main 410, WWU, Bellingham, WA 98225, (206) 676-3117; and Implementation: Don Cole, Vice President for Business and Financial Affairs, Old Main 300, WWU, Bellingham, WA 98225, (206) 676-3180.

Name of Person or Organization that is Proposing the Rule: Western Washington University.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None at this time.

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.

NEW SECTION

WAC 516-15-010 DEFINITIONS. As used in this chapter, the following word means:

"Skateboard." A toy consisting of an oblong or rectangular board, made of wood, plastic, metal or components thereof, with a pair of small wheels at each end, ridden, as down an incline, usually in a standing position. It may or may not be motorized.

[NEW SECTION]

WAC 516-15-020 PURPOSE. The purpose of these regulations is:

(1) To protect and control pedestrian traffic and traffic of persons using skateboards.

(2) To protect from physical damage and more than ordinary wear the wooden and concrete benches, brick and paved walkways, stairs, steps, loading ramps, plazas, and ramps for the disabled, caused by use of skateboards on such areas.

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

[NEW SECTION]

WAC 516-15-030 AUTHORITY. The Board of Trustees of Western Washington University is granted authority under Title 28B RCW to exercise full control of the university and its property of various kinds, and is authorized to promulgate rules and regulations to carry out its duties. The administration of these regulations is the responsibility of the president and the vice president for business and financial affairs. Enforcement is the responsibility of the director of public safety and, if the alleged violator is a student, additionally, the vice president and dean for student affairs.

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

[NEW SECTION]

WAC 516-15-040 REGULATION OF SKATEBOARDS. Skateboards may not be used on the campus except in areas as may be designated for such use by the vice president for business and financial affairs.

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

[NEW SECTION]

WAC 516-15-050 ENFORCEMENT. A skateboard user who refuses to abide by these regulations will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of Chapter 9A.52 RCW.

If the user is a student, the student will be asked to remove the skateboard from use on campus. If the student refuses, a proceeding may be initiated under Chapter 516-22 WAC, the Student Rights and Responsibilities Code.

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

WSR 87-15-091

EMERGENCY RULES

WESTERN WASHINGTON UNIVERSITY

[Resolution No. 87-02—Filed July 21, 1987]

Be it resolved by the board of trustees of Western Washington University, acting at Bellingham, Washington, that it does adopt the annexed rules relating to skateboards, chapter 516-15 WAC.

We, the board of trustees, 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 persons are using skateboards on campus in increasing numbers due in part to increased use of the campus by primary and secondary students during summer vacation and the present popularity of skateboards; and in part to restrictions on such use in

the municipality in which the campus is situated. One result of the increased use is that brick work on various walkways and steps on the campus are becoming loosened and broken, causing hazards to pedestrians and bicyclists, which has resulted in at least one injury to an employee; and another result of the increased use is that the skateboard traffic creates hazards for pedestrians, which include university staff, faculty, and students, as well as visitors to cultural events on the campus.

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

This rule is promulgated under the general rule-making authority of Western Washington University as authorized in RCW 28B.35.120(12).

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 July 20, 1987.

By Don Cole
for G. Robert Ross, President
Acting for the board of trustees

NEW SECTION

WAC 516-15-010 DEFINITIONS. As used in this chapter, the following word means:

"Skateboard." A toy consisting of an oblong or rectangular board, made of wood, plastic, metal or components thereof, with a pair of small wheels at each end, ridden, as down an incline, usually in a standing position. It may or may not be motorized.

[NEW SECTION]

WAC 516-15-020 PURPOSE. The purpose of these regulations is:

(1) To protect and control pedestrian traffic and traffic of persons using skateboards.

(2) To protect from physical damage and more than ordinary wear the wooden and concrete benches, brick and paved walkways, stairs, steps, loading ramps, plazas, and ramps for the disabled, caused by use of skateboards on such areas.

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

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 516-15-030 AUTHORITY. The Board of Trustees of Western Washington University is granted authority under Title 28B RCW to exercise full control of the university and its property of various kinds, and is authorized to promulgate rules and regulations to carry out its duties. The administration of these regulations is the responsibility of the president and the vice president

for business and financial affairs. Enforcement is the responsibility of the director of public safety and, if the alleged violator is a student, additionally, the vice president and dean for student affairs.

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

[NEW SECTION]

WAC 516-15-040 REGULATION OF SKATEBOARDS. Skateboards may not be used on the campus except in areas as may be designated for such use by the vice president for business and financial affairs.

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

[NEW SECTION]

WAC 516-15-050 ENFORCEMENT. A skateboard user who refuses to abide by these regulations will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of Chapter 9A.52 RCW.

If the user is a student, the student will be asked to remove the skateboard from use on campus. If the student refuses, a proceeding may be initiated under Chapter 516-22 WAC, the Student Rights and Responsibilities Code.

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

**WSR 87-15-092
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed July 21, 1987]**

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 Employee appointment status—Upward reallocation, amending WAC 356-10-050;

that the agency will at 10:00 a.m., Thursday, September 10, 1987, 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 September 8, 1987.

Dated: June 29, 1987

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amending WAC 356-10-050 Employee appointment status—Upward reallocation.

Purpose: Provides for determination of incumbent status when a position is reallocated upwards.

Statutory Authority: RCW 41.06.150.

Summary: This is a wording change to clarify the meaning of the rule.

Reasons: A recent appeal decision made on a literal interpretation of the rule brought to light some wording problems in the rule.

Responsibility for Drafting: Christina Valadez, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98504, phone 586-1769; Implementation and Enforcement: Department of Personnel.

Agency Submitting Proposal: Department of Personnel, governmental agency.

Comments: None.

Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-10-050 EMPLOYEE APPOINTMENT STATUS—UPWARD REALLOCATION. Employees ~~((m))~~ who are incumbents of positions which have been reallocated upward ~~((are))~~ will be affected as follows:

(1) ~~The employee must compete and be certified from the appropriate ((eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the rule governing promotion)) register except when the director or designee determines that other subsections of this section apply.~~

(2) ~~((Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion)) When the employee has held a permanent appointment in the reallocated position and has performed the duties of the higher class in excess of one continuous year, the employee shall retain status in the reallocated position, provided:~~

(a) ~~The incumbent meets the minimum ((or desirable)) qualifications for the ((new)) higher class; or, ((the incumbent meets acceptable qualifications as determined by)) the director of personnel or designee determines that the employee meets acceptable qualifications.~~

(b) ~~The employee passes the appropriate examination.~~

(3) ~~If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply. This shall not preclude the ((employee's eligibility for)) agency from making a provisional appointment if the employee is eligible under these rules. ((Employees who do)) An employee who does not achieve status in a reallocated position shall be paid for time worked in the higher class for up to a maximum of three years, based on the rule governing promotion ((up to a maximum of three years)).~~

(4) ~~The employee retains existing appointment status when the position is reallocated with no change in duties or responsibilities and is 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 any personnel board action ((if any), when the reallocation involves no change in duties or responsibilities)). The employee's salary then is adjusted to the same step in the new range as held in the present range.~~

(a) ~~An employee in an underfill status will maintain that status.~~

(b) ~~Subsection (1) or (2) of this section shall apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.~~

(5) ~~The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction~~

~~of a long-term inequity. ((The employee's salary is adjusted in accordance with the rule governing promotion:)) The application of this subsection shall not be denied in those cases where the employee has held a permanent appointment and has performed the duties ((at a)) of the higher class for three continuous years or more.~~

(6) ~~The effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. For those agencies with decentralized allocation authority, it will be the earliest date that a copy of the classification questionnaire is received at the agency's personnel office. Receipt of such classification questionnaires shall be acknowledged by the department of personnel or by the agency if the submitting party includes a self-addressed stamped envelope ((with the copy of the classification questionnaire furnished the department of personnel)).~~

(7) ~~The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel or by the agency with decentralized allocation authority.~~

(8) ~~The salary of an employee whose status is determined under subsection (1), (2), or (5) of this section will be adjusted in accordance with the rule governing promotion.~~

WSR 87-15-093

PROPOSED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Filed July 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Criminal Justice Training Commission intends to adopt, amend, or repeal rules concerning requirement of basic law enforcement training, amendatory section WAC 139-05-200;

that the agency will at 1:00 p.m., Thursday, September 10, 1987, in Cavanaugh's, West 700 Division, Spokane, 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 43.101.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 9, 1987.

Dated: July 21, 1987

By: James C. Scott
Executive Director

STATEMENT OF PURPOSE

Rule: WAC 139-05-200 Requirement of basic law enforcement training.

General Purpose of Rule: Prescribes the basic training requirement for law enforcement officers mandated by RCW 43.101.200, provides for specific exemptions therefrom, and establishes a process for hiring notification and notification of noncompliance. Subsection (2)(c)(i) of that rule, and the proposed amendment thereof, provides for an administrative exemption from the basic law enforcement training requirement and sets forth specific conditions and limitations regarding the initial grant and continuing effects of such exemption.

Description, Summary, and Statutory Authority for Rule: This rule and the proposed amendments thereto are based upon the requirements of RCW 43.101.200 and the Training Commission's general authorities provided by RCW 43.101.080 and [43.101].160. The proposed amendment provides greater specificity to the conditions and limitations regarding the initial grant and continuing effect of an administrative exemption from this state's basic law enforcement training requirement and, as such, will better advise requestors of such exemption and preclude subsequent noncompliance with its conditions and/or limitations through ignorance or misunderstanding. Additionally, the authority to revoke any approved administrative exemption for cause is provided to the commission.

Responsible Agency Personnel: The following personnel of the Washington State Criminal Justice Training Commission have responsibility for drafting, implementing and enforcing this rule: James C. Scott, Executive Director, and Garry E. Wegner, Assistant Director, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504, phone 459-6342.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-200 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING. (1) All full-time commissioned law enforcement employees of a city, county, or political subdivision of the State of Washington, except officers of the Washington State Patrol, unless otherwise exempted by the Washington State Criminal Justice Training Commission, shall as a condition of continued employment successfully complete a 440-hour basic law enforcement academy sponsored or conducted by the Commission, or obtain a certificate of equivalent basic training from the Commission. This requirement of basic law enforcement training shall be met within the initial fifteen-month period of law enforcement employment, unless otherwise extended by the Commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section shall include:

(a) individuals holding the office of sheriff of any county on September 1, 1979;

(b) auxiliary and reserve personnel; and

(c) commissioned personnel

(i) ~~((whose usual and regular function does not include and will not include the general law enforcement of traffic or criminal laws of the State of Washington or any political subdivision thereof, provided that any exemption under this subsection may be granted to a sheriff or police chief only with the approval of the Commission and, in the instance of a police chief, based upon a written exemption request signed by the appointing authority, and provided further that no police chief or sheriff of any agency with ten or fewer full-time, commissioned personnel shall be granted an exemption solely upon the basis of this subsection; or))~~ who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:

(A) no police chief or sheriff of any agency with ten or fewer full-time patrol officers shall be eligible to receive such exemption;

(B) any request for such exemption shall be submitted to the Commission on approved form and, in any instance wherein the requestor is a police chief, such request shall be co-signed by requestor's appointing authority;

(C) any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(D) any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's

primary duties and responsibilities change from administrative to general enforcement; and

(E) any approved administrative exemption may be revoked by the commission at any time and upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;

(ii) whose initial date of continuing, full-time, regular and commissioned law enforcement employment within the State of Washington precedes January 1, 1978, and such employment is without break or interruption in excess of ninety days; or

(iii) who have been certified in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four months' duration.

(3) Each law enforcement agency of the State of Washington, or any political subdivision thereof, except the Washington State Patrol, shall immediately notify the Commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency on or after January 1, 1978. Such notification shall be maintained by the Commission and shall be utilized by the Commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of noncompliance, by the Commission, on approved form, to:

(a) the individual in noncompliance;

(b) the head of his/her agency;

(c) the civil service commission having jurisdiction of such agency;

(d) the judges and clerks of the municipal, district, and superior courts in which said agency is located;

(e) the State Auditor's Office; and

(f) any other agency or individual, as determined by the commission.

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 87-15-094

PROPOSED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Filed July 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Criminal Justice Training Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 139-10-210	Requirement of basic corrections training.
Amd	WAC 139-10-220	Requirements of basic corrections academy.
Amd	WAC 139-10-230	Basic corrections officers academy curriculum.
Amd	WAC 139-10-235	Basic ((correctional)) <u>adult</u> services academy curriculum.
Amd	WAC 139-10-240	Juvenile security workers academy curriculum.
New	WAC 139-10-237	Basic juvenile services academy curriculum;

that the agency will at 1:00 p.m., Wednesday [Thursday], September 10, 1987, in Cavanaugh's, West 700 Division, Spokane, 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 43.101.080(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 9, 1987.

Dated: July 21, 1987

By: James C. Scott
Executive Director

STATEMENT OF PURPOSE

Rule: WAC 139-10-210 Requirement of basic corrections training; 139-10-220 Requirements of basic corrections academy; 139-10-230 Basic corrections officers academy curriculum; 139-10-235 Basic (~~correctional~~) adult services academy curriculum; 139-10-240 Juvenile security workers academy curriculum; and 139-10-237 Basic juvenile services academy curriculum.

General Purpose of Rules: To prescribe and explain the state-wide basic training requirement for all corrections personnel pursuant to RCW 43.101.220.

Description, Summary, and Statutory Authority for Rules: RCW 43.101.220 provides that all newly hired corrections personnel complete basic training as prescribed by the Washington State Criminal Justice Training Commission within the first six months of employment as a condition of further employment. The specific course of training is dependent upon the function and/or classification of affected personnel. The above rules prescribe and explain that requirement. The proposed amendments thereto and the proposed new section delete outdated transitory language; bifurcate the existing correctional services academy into an adult services academy and a juvenile services academy; reflect curriculum modifications for the adult services academy and the juvenile security workers academy; establish a new curriculum for the proposed juvenile services; and expands the curriculum of the basic corrections officers academy from 80 to 160 instructional hours.

Responsible Agency Personnel: The following personnel of the Washington State Criminal Justice Training Commission have responsibility for drafting, implementing and enforcing this rule: James C. Scott, Executive Director, and Myra Wall, Corrections Training Manager, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504, phone 459-6342.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-210 REQUIREMENT OF BASIC CORRECTIONS TRAINING. As provided in RCW 43.101.220, all full-time corrections employees of the State of Washington or of any city, county, or political subdivision of the State of Washington, initially hired on or after January 1, 1982, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored, or conducted by the Washington State Criminal Justice Training Commission for their class. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the Commission (~~provided, that those persons hired on or after January 1, 1982, and prior to July 1, 1982, shall complete the required basic training before January 1, 1983~~). Requests for extension or waiver of the basic training requirement shall be submitted to the Commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections Officers Academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and work release facilities. Representative job classifications include, but are not limited to, jailers and correctional officers.

(b) (~~Correctional~~) Adult Services Academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, (~~juvenile probation and parole officers, community service officers, institution counselors, and psychiatric social workers~~) community corrections officers, probation counselors, institution counselors, and psychiatric social workers.

(c) Juvenile Services Academy. All employees working with juveniles whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors and juvenile rehabilitation counselors.

(~~(c)~~) (d) Juvenile Security Workers Academy. All employees responsible for the care, custody, and safety of youth in county juvenile court detention centers (~~state institutions, camps and group homes~~). Representative job class(es) includes, but (~~are~~) is not limited to, juvenile detention workers (~~, and group life counselors~~).

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the Commission.

(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the Commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the civil service commission, (~~the Board on Corrections Standards~~) and/or the State Auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the Commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1-B, filed 9/20/86 [9/10/86])

WAC 139-10-220 REQUIREMENTS OF BASIC CORRECTIONS ACADEMY. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington State Criminal Justice Training Commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the Commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification; provided, that any applicant whose beginning date of continuous corrections (~~officer~~) employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections (~~officer~~) training. In no instance shall certification be granted until successful completion of physical training, including defensive tactics, has been achieved.

(c) Department and conduct. Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy assignment.

(2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the Commission may allow certification after such

trainee has successfully completed a subsequent academy, in whole or part, as determined by the Commission.

Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

(3) In all other instances of termination of a trainee's academy assignment, the Commission shall allow such trainee's admission to any subsequent academy only if:

(a) Such trainee has been terminated by the employing agency and subsequently rehired by it; or

(b) Such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

(4) Upon the written request of a trainee, or the head of his or her employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the Commission.

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.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-230 BASIC CORRECTIONS OFFICERS ACADEMY CURRICULUM. The basic Corrections Officers Academy curriculum of the Washington State Criminal Justice Training Commission, effective January 1, 1988, shall be ~~((eighty))~~ one hundred sixty instructional hours in length and shall include the following subject matter:

- (1) ~~((The System))~~ Core Skills
 - (a) ~~((Practical Law for Corrections Officers))~~ Observation Skills
 - (b) ~~((Problem Solving))~~ Communication Skills
 - (c) Security Management
 - (d) Supervision of Inmates
 - (e) Discipline of Inmates
 - (f) Proper Use of Physical Force
 - (g) Writing Skills
 - (2) ~~((Supervision and Care of Inmates))~~ Key Skills
 - (a) ~~((Supervising Inmates))~~ Legal Issues
 - (b) ~~((Health and Mental Health Care))~~ Dealing with Aggressive Behavior
 - (c) ~~((Discipline of Inmates))~~ Dealing with Medical Problems
 - (d) ~~((Professionalism))~~ Dealing with Mental Illness Problems
 - (e) ~~((Dealing with Aggressive Behavior))~~ Problem Solving
 - (f) Report Writing
 - (g) Avoiding Inmate Manipulation
 - (h) Booking and Classification
 - (i) Fingerprinting
 - (j) Courtroom Security
 - (k) Weapons Familiarization
 - (3) ~~((Safety and Security))~~ Related Skills
 - (a) ~~((Security Management))~~ Stress Management
 - (b) ~~((Proper Use of Force))~~ Physical Fitness
 - (c) Professionalism
 - (d) Human Relations/Cultural Awareness
 - (e) Self-Leadership
 - ~~((4))~~ Communication Skills
 - (a) Incident Report Writing
 - (b) Listening
 - (c) Interpersonal Skills
 - (5) Personal Development
 - (a) Stress Management
 - (b) Physical Fitness

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-235 BASIC ~~((CORRECTIONAL))~~ ADULT SERVICES ACADEMY CURRICULUM. The basic Correctional Services Academy curriculum of the Washington State Criminal Justice Training Commission shall be eighty hours in length and shall include the following subject matter:

- (1) ~~((Key Treatment Approaches))~~ Core Skills
 - (a) ~~((Research Review))~~ Assessment
 - (b) ~~((Program Specificity))~~ Motivation
 - (c) ~~((Offense Prevention))~~ Goal Setting/Action Planning
 - (d) ~~((Life Goals))~~ Monitoring and Intervention
 - ~~((e))~~ Skills Training
 - (2) ~~((Core))~~ Key Skills
 - (a) Interpersonal Skills
 - (b) Interviewing
 - (c) ~~((Managing Information))~~ Classification
 - (d) ~~((Report Writing))~~ Supervision and Discipline
 - (e) ~~((Rewards and Sanctions))~~ Offense Prevention
 - ~~((f))~~ Legal Issues
 - (3) ~~((Personal))~~ Related Skills
 - (a) ~~((Stress Management))~~ Dealing With Aggressive and Resistive Behavior
 - (b) ~~((Physical Fitness (alternate option: health class)))~~ Ethnic Competency
 - (c) ~~((Time Management))~~ Legal Issues
 - (d) ~~((Personal Development))~~ Report Writing
 - (e) Counseling Techniques
 - (f) Managing Information
 - ~~((4))~~ Case Management Skills
 - (a) Assessment
 - (b) Goal Setting
 - (c) Program Planning
 - (d) Intervention and Monitoring

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW CHAPTER [SECTION]

WAC 139-10-237 BASIC JUVENILE SERVICES ACADEMY CURRICULUM. The basic Juvenile Services Academy curriculum of the Washington State Criminal Justice Training Commission shall be eighty hours in length and shall include the following subject matter:

- (1) Core Skills
 - (a) Assessment
 - (b) Motivation
 - (c) Goal Setting/Action Planning
 - (d) Monitoring and Intervention
- (2) Key Skills
 - (a) Interpersonal Skills
 - (b) Interviewing
 - (c) Classification
 - (d) Supervision and Discipline
 - (e) Offense Prevention
- (3) Related Skills
 - (a) Dealing With Aggressive and Resistive Behavior
 - (b) Ethnic Competency
 - (c) Legal Issues
 - (d) Report Writing
 - (e) Counseling Techniques
 - (f) Skill Training
 - (g) Teamwork

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

AMENDATORY CHAPTER [SECTION] (Amending Order 1-B, filed 9/10/86)

WAC 139-10-240 JUVENILE SECURITY WORKERS ACADEMY CURRICULUM. The Juvenile Security Workers Academy curriculum of the Washington State Criminal Justice Training Commission shall be eighty instructional hours in length and shall include the following subject matter:

- (1) ~~((The System))~~ Core Skills
 - (a) ~~((Overview of the Juvenile Justice System))~~ Observation Skills
 - (b) ~~((Legal Rights of Incarcerated Youth))~~ Interpersonal Skills
 - (c) ~~((Reception and Classification))~~ Security Management
 - (d) Supervision of Youth
 - (e) Discipline of Youth
 - (f) Proper Use of Physical Force
 - (g) Writing Skills
 - (2) ~~((Supervision and Care))~~ Key Skills

- (a) (~~Dealing with Aggression~~) Legal Issues
- (b) (~~First Aid/CPR~~) Dealing With Aggressive Behavior
- (c) (~~Disciplining Youth~~) Handling Medical Problems
- (d) (~~Health and Mental Health Care~~) Handling Mental Illness Problems
- (e) (~~Supervision of Youth~~) Report Writing
- (f) Skills Training
- (g) Reception and Classification
- (3) (~~Program Techniques~~) Related Skills
- (a) (~~Listening Skills~~) Professionalism
- (b) (~~Interpersonal Skills~~) Physical Fitness
- (c) (~~Observation Skills~~) Stress Management
- (~~4~~) Group Dynamics
- (4) Security
- (a) Incident Report Writing
- (b) Proper Use of Physical Force
- (c) Safety and Security
- (5) Personal Development
- (a) Physical Fitness
- (b) Stress Management

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.

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 87-15-095

PROPOSED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Filed July 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Criminal Justice Training Commission intends to adopt, amend, or repeal rules concerning:

- Amd WAC 139-10-310 Requirement of (~~first level and second level~~) corrections supervisory training.
- Amd WAC 139-10-320 First-level and second-level supervision curriculum—Corrections.
- Amd WAC 139-10-410 Requirement of middle-management corrections training.
- Amd WAC 139-10-510 Requirement of executive management corrections training.
- Amd WAC 139-10-520 Executive management curriculum—Corrections;

that the agency will at 1:00 p.m., Thursday, September 10, 1987, in Cavanaugh's, West 700 Division, Spokane, 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 43.101.080(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 9, 1987.

Dated: July 21, 1987

By: James C. Scott
Executive Director

STATEMENT OF PURPOSE

Rule: WAC 139-10-310 Requirement of first- and second-level corrections supervisory training; 139-10-320 First- and second-level supervision curriculum—Corrections; 139-10-410 Requirement of middle-management corrections training; 139-10-510 Requirements of executive management corrections training; and 139-10-520 Executive management curriculum—Corrections.

General Purpose of Rule: To prescribe and explain the training requirement imposed upon corrections personnel at the supervisory, mid-management, and executive levels pursuant to RCW 43.101.220.

Description, Summary, and Statutory Authority for Rules: RCW 43.101.220 provides that all newly promoted or appointed supervisory, mid-management, and executive corrections personnel must complete training as prescribed by the Washington State Criminal Justice Training Commission. The proposed amendments to the above rules which prescribe and explain those requirements would delete outdated transitory language, change the nature of those requirements from certification attainment to course completion, provide curriculum specification for mandated courses, and, in the instance of the executive management curriculum, decrease the number of instructional hours from 64 to 40.

Responsible Agency Personnel: The following personnel of the Washington State Criminal Justice Training Commission have responsibility for drafting, implementing and enforcing this rule: James C. Scott, Executive Director, and Myra Wall, Corrections Training Manager, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504, phone 459-6342.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-310 REQUIREMENT OF (~~FIRST-LEVEL AND SECOND-LEVEL~~) CORRECTIONS SUPERVISORY TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the State of Washington, or any city, county or political subdivision of the State of Washington, promoted or appointed to a full-time first-level or second-level supervisory position on or after January 1, 1982, shall (~~obtain the supervisory certification of the Washington State Criminal Justice Training Commission~~) successfully complete, prior to or within six months after such promotion or appointment, (unless otherwise extended or waived by the Commission; provided that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the supervisory certification before January 1, 1983. The requirements for supervisory certification are:

(a) ~~Possession of a basic corrections academy certificate of the Commission, and~~

(b) ~~Successful completion of~~) the Commission's first-level and second-level supervision course, or other training deemed the equivalent by the Corrections Training Manager of the Commission.

(2) It shall be the responsibility of the employing agency, in consultation with the Corrections Training Manager, to determine which of its (job classifications) employees should attend the first-level and second-level course (based on job duties and the prerequisites for the above required course). In general, first-level supervision positions are defined as positions above operational level for the direct supervision of nonsupervisory personnel. Second-level supervisors are defined as those persons who supervise first-level supervisors. Representative job classes include sergeants, lieutenants, district supervisors, (~~district administrators~~) classification and parole community corrections officer supervisors, cottage supervisors, and unit supervisors (~~and unit program directors~~).

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his or her employing agency, any action affecting such trainee's status or (~~eligibility~~) compliance with the above requirement for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the Commission.

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.

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.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-320 FIRST-LEVEL AND SECOND-LEVEL SUPERVISION CURRICULUM - CORRECTIONS. The first-level and second-level supervision curriculum of the Washington State Criminal Justice Training Commission shall be forty instructional hours in length and shall include the following subject matter:

- (1) Role of the Supervisor
- (2) Advanced Oral and Written Communication
- (3) Team Building
- (4) Goal Setting
- (5) Work Planning/Time Management
- (6) Scheduling and Delegating
- (7) On-The-Job Training
- (8) Performance Monitoring
- (9) Employee Selection
- (10) Employee Performance Appraisal
- (11) Handling Incompetent and Difficult Staff and Preventing Grievances
- (12) Handling Criticism From Staff
- (13) Preventing and Handling Staff Burnout
- (14) Leading Meetings

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-410 REQUIREMENT OF MIDDLE-MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the State of Washington, or any city, county or political subdivision of the State of Washington, promoted or appointed to a full-time middle-management position on or after January 1, 1982, shall (~~obtain the middle-management certification of the Washington State Criminal Justice Training Commission~~) successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the Commission(;;), ((provided, that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the middle-management certification before January 1, 1983. The requirements for middle-management certification are:

(a) Possession of the supervisory certificate of the Commission, provided that such certificate requirement may be waived for any person serving within a first-level or second-level supervisory position as defined in WAC 139-10-310 prior to January 1, 1982; and further provided, that this waiver shall be extended to persons laterally entering a correctional department as a middle manager;

(b) ~~Successful completion of~~) the Commission's corrections middle-management course (~~and Advanced Problem Solving and Conflict Management course or Correctional Services Academy Phase H;~~) or other middle-management training deemed the equivalent thereof by the Corrections Training Manager.

(2) It shall be the responsibility of the employing agency to determine which of its (~~job classifications~~) employees should attend the middle-management course(~~,-based on job duties and the prerequisites for the above required course~~)). In general, middle managers shall

be defined as those (~~people~~) persons in the organization who manage and develop programs and who are responsible for the smooth functioning of work groups supervised by first-level and second-level supervisors. Representative job classes include regional administrators, central office staff, captains, associate superintendents, (~~and superintendents of small and medium sized jails and correctional facilities~~) district administrators, and unit program directors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his or her employing agency, any action affecting such trainee's status or (~~eligibility for certification~~) compliance with the middle-management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the Commission.

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.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-510 REQUIREMENT OF EXECUTIVE MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the State of Washington, or any city, county, or political subdivision of the State of Washington, promoted or appointed to a full-time executive management position on or after January 1, 1982, shall (~~obtain the executive management certification of the Washington State Criminal Justice Training Commission~~) successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the Commission(;;), ((provided, that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the executive management certification before January 1, 1982. The requirements for executive management certification are:

(a) ~~Possession of middle-management certification of the Commission; provided that such certification requirements may be waived for any person serving in a middle-management position as defined by WAC 139-10-410 prior to January, 1982; and~~

(b) ~~Successful completion of~~) the Commission's corrections executive management (~~training program~~) course or other executive management training deemed the equivalent thereof by the Corrections Training Manager of the Commission.

(2) It shall be the responsibility of the employing agency to determine which of its (~~job classifications~~) employees should attend the executive management course(~~,-based on job duties and the prerequisites for the above required course~~)). In general, executive managers are defined as superintendents of large correctional institutions and jails, central office directors, deputy directors and assistant directors, and juvenile court directors in large jurisdictions.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his or her employing agency, any action affecting such trainee's status or (~~eligibility for certification~~) compliance with the executive management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the Commission.

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.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-520 EXECUTIVE MANAGEMENT CURRICULUM—CORRECTIONS. The executive management curriculum of the Washington State Criminal Justice Training Commission shall be (~~sixty-four~~) forty instructional hours in length and shall include the following subject matter:

- (1) Team Building and Organizational Goal Setting
- (2) Long-Range Planning
- (3) Your Public Image
- (4) Creating Momentum for Organizational Change
- (5) Organizational Communication
- (6) Organizational Leadership
- (7) Policy Development
- (8) Executive Self-Care
- (9) Managing With Limited Resources
- (10) Executive Career Ladder and Power Base
- (11) Program Effectiveness Research
- (12) Quality Control
- (13) View of the Executive
- (14) Training Systems
- (15) Budgeting
- (16) Futures Planning

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 87-15-096
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-79—Filed July 21, 1987]

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

I, Joseph R. Blum, 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 adopted at the recommendation of the Pacific Fisheries Management Council and is necessary to conserve bottomfish stocks.

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 July 17, 1987.

By Joseph R. Blum
 Director

NEW SECTION

WAC 220-44-05000G COASTAL BOTTOMFISH CATCH LIMITS Notwithstanding the provisions of WAC 220-44-050, effective July 22, 1987, until further notice it is unlawful to possess, transport through

the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes 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*) – One vessel trip per week in excess of 3,000 not to exceed 30,000 pounds. no limit on the number of landings of less than 3,000 pounds.

(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*) – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 per cent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, of which no more than 7,500 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1987 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Sunday through the second Saturday following of which no more than 15,000 pounds may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species in any one calendar week of which no more than 3,750 pounds in any one landing may be yellowtail rockfish. All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The 1987 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after any landing that occurs more than four calendar weeks after the immediate

prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(5) Sablefish – Minimum size 22 inches in length, unless dressed in which case minimum size 15 1/2 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 for trawl gear or 1,500 pounds for fixed gear 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.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiating of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiating of transfer of catch.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 22, 1987:

WAC 220-44-05000F COASTAL BOTTOMFISH CATCH LIMITS (87-33)

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 87-15-097
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-81—Filed July 21, 1987]

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

I, Joseph R. Blum, 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 harvestable numbers of salmon are available, and this regulation is adopted at the recommendation of the Pacific Fisheries Management Council and the International Pacific Salmon Fisheries Commission.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 21, 1987.

By Ray Ryan
for Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000W **LAWFUL ACTS—TROLL FISHERY.** Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or west of the Buoy 10 Line except as provided for in this section:

(1) Effective 12:01 a.m. July 25 through 11:59 p.m. July 26 and 12:01 a.m. July 30, 1987, until either 17,600 chinook or 121,200 coho salmon, whichever occurs first, are taken or killed, open to salmon troll fishing in those waters south of a line projected due west from the mouth of the Queets River, north of the Washington-Oregon border, and west of a line seven miles to the west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside ten miles).

(i) All salmon taken by Washington fishermen during the period July 25 to July 26, 1987 must be landed prior to 11:59 p.m. July 27, 1987.

(ii) Salmon taken in the above described fishery must be landed in the coastal Washington ports of Westport, Ilwaco, or Chinook, unless notification is made to the department or the United States Coast Guard prior to leaving the area. Such notification must include the name of the vessel, port of delivery, approximate number of salmon by species, and estimated time of arrival.

(2) Effective 12:01 a.m., August 15, 1987, or when department sampling indicates an 8:1 pink salmon to coho salmon ratio, whichever occurs first, until either 4,000 chinook or 20,000 coho salmon, whichever occurs first, are taken or killed, open to salmon troll fishing in those waters south of the United States-Canada border and north of a line projected east-west through Carroll Island, except for a closed conservation zone defined as those waters bounded by a line from Bonilla Point on Vancouver Island to a point 48 degrees, 20 minutes, 00 seconds north latitude, 124 degrees 51 minutes 00 seconds west longitude, thence to a point 48 degrees 13 minutes 00 seconds north latitude, 124 degrees 54 minutes 00 seconds west longitude thence to a point 48 degrees 00 minutes 18 seconds north latitude, 124 degrees 55 minutes 00 seconds west longitude, thence to Carroll Island, from which conservation zone no salmon may be taken or possessed.

(i) At least 8 pink salmon must be retained for each coho retained, and at least 20 pink salmon must be retained for each chinook salmon retained, except that a single daily possession and landing not to exceed one

coho and one chinook may be made without meeting the species ratio.

(ii) Salmon taken in the above described fishery must be landed in the coastal Washington ports of Neah Bay or La Push, unless notification is made to the department or the United States Coast Guard prior to leaving the area. Such notification must include the name of the vessel, port of delivery, approximate number of salmon by species, and estimated time of arrival.

(iii) Terminal gear is restricted to flashers with bare, blued hooks.

(3) In the fisheries provided for in this section it is unlawful to use barbed hooks.

(4) Lawful minimum size is 28 inches in length for chinook and 16 inches in length for coho. There is no minimum size for pink salmon.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000V **LAWFUL ACTS—TROLL FISHERY.** (87-73)

WSR 87-15-098

PROPOSED RULES

SEATTLE COMMUNITY COLLEGE DISTRICT

[Filed July 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Seattle Community College District VI intends to adopt, amend, or repeal rules concerning regular meeting of the Community College District VI board of trustees, WAC 132F-104-010;

that the institution will at 9:00 a.m., Tuesday, August 25, 1987, in the Board Room of Seattle Community College District, 300 Elliott Avenue West, Seattle, WA 98119, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 1, 1987, at the regular board meeting.

The authority under which these rules are proposed is chapter 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 25, 1987.

Dated: June 30, 1987

By: Donald G. Phelps
Chancellor

STATEMENT OF PURPOSE

Title and Number of Rule Chapters: WAC 132F-104-010 Regular meeting of the Community College District VI board of trustees.

Statutory Authority: RCW 28B.50.140(13).

Specific Statute that Rule is Intended to Implement: Chapter 28B.50 RCW.

Summary of the Rules: Authorizes the day of the month and yearly schedule for regular meetings of the Seattle Community College District board of trustees, in accordance with the Open Public Meetings Act of 1971, as amended.

Reasons Supporting Proposed Action: The board members voted to change the regular meeting date from the third to the first Tuesday of the month.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Donald G. Phelps, Chancellor and Secretary to the Board of Trustees of Seattle Community College District VI, 300 Elliott Avenue West, Seattle, WA 98119.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Change: Seattle Community College District VI board of trustees.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

This 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 copy of the small business economic impact statement is not applicable.

AMENDATORY SECTION (Amending Order 48, filed 10/7/85)

WAC 132F-104-010 **REGULAR MEETING OF THE COMMUNITY COLLEGE DISTRICT VI BOARD OF TRUSTEES.** The board of trustees will hold a regular meeting on the ((third)) first Tuesday of each month for eleven months of the year, unless that day is a legal holiday or otherwise modified by board action. In the event that the board of trustees is unable to meet on the regular meeting date, the chairman of the board may order that the meeting be rescheduled or that no regular meeting of the board be held that month. The board shall maintain and announce a tentative meeting schedule approximately six months in advance showing the date, time, and location of each meeting. Advance notice of meetings shall be given in accordance with the Open Public Meetings Act of 1971, as amended.

WSR 87-15-099

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 21, 1987]

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 authority, WAC 392-129-003;

that the agency will at 9:00 a.m., Monday, September 14, 1987, in the SPI Old Capitol Building, Wanamaker Conference Room, Olympia, Washington, 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 28A.41.170.

Dated: July 21, 1987

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-129 WAC.

Rule Section(s): WAC 392-129-003.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): Authorizes the Superintendent of Public Instruction to establish terms and conditions allowing school districts to receive basic education moneys.

Summary of the New Rule(s) and/or Amendments: [No information supplied by agency.]

Reasons Which Support the Proposed Action(s): [No information supplied by agency.]

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: 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 information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

NEW SECTION

WAC 392-129-003 AUTHORITY. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to establish the terms and conditions for allowing school districts to receive basic education moneys when said districts are unable, due to an unforeseen emergency, to fulfill the requirement of one hundred eighty days of operation or to meet the total program hour offerings, teacher contact hours, or course mix and percentage requirements imposed by law.

WSR 87-15-100**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 510—Filed July 21, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to mineral prospecting lease and mining contract rules, chapter 332-16 WAC.

I, Brian J. Boyle, 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 action is necessary to allow the resumption of mineral leasing during the current field season.

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

This rule is promulgated pursuant to chapter 20, Laws of 1987, RCW 79.01.616 - 79.01.651 which directs that the Department of Natural Resources has authority to implement the provisions of chapter 20, Laws of 1987, RCW 79.01.616 - 79.01.651.

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 July 21, 1987.

By Brian J. Boyle
Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 3, filed 2/6/68)

WAC 332-16-040 APPLICATIONS. Applications for prospecting leases (~~(or mining contracts)~~) will be received during business hours of the Department of Natural Resources, (~~(Public Lands-Social Security Building, P.O. Box 168;)~~) Olympia, Washington (~~(98501)~~). An application fee of (~~(\$5.00 and first year's rental)~~) \$25.00 must be submitted with each application. All applications received by any means other than the United States mail shall be stamped by the department with the date and time of receipt in the Olympia office. Applications will be accepted in the order received, and priority of leasing will be established on this basis, except as provided in WAC 332-16-050. Applications received through the United States mail on any business day shall be considered as having been received as of the close of business on that day. (~~(An application may be submitted for a mining contract without first obtaining a prospecting lease.)~~)

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 3, filed 2/6/68)

WAC 332-16-070 AREA AND TERM OF LEASES AND CONTRACTS. A person may hold any number of leases or contracts at any time. No lease or contract may exceed the equivalent of one section or be less than the equivalent of one-sixteenth of a section in legal subdivisions, according to the United States government surveys, unless the available land managed by the department is less than one-sixteenth of a section. Scattered tracts may, at the discretion of the department, be included in a single lease or contract, provided such leases or contracts are situated in the same or contiguous sections.

All prospecting leases (~~(shall be for a term of two years)~~) may be for a term of up to seven years from the date of the lease unless converted to a mining contract prior to the expiration of the prospecting lease.

All mining contracts shall be for a term of not to exceed 20 years. The holder of a mining contract shall have the option to a new contract.

AMENDATORY SECTION (Amending Order 3, filed 2/6/68)

WAC 332-16-100 CONVERSION OF LEASES TO CONTRACTS. To convert a prospecting lease issued prior to April 14, 1986, to a mining contract, the

lessee, prior to the expiration of the prospecting lease, must submit an application to the department with the \$5.00 application fee, the first year's rental under the contract, and evidence of development work in an amount of not less than \$1.25 per acre per year or fractional year thereof. Any contract issued upon conversion from a prospecting lease issued prior to April 14, 1986 shall have the time already expended on said prospecting lease deducted from the prospecting or exploration period of the contract, but said prospecting lease and contract shall be for a total term not to exceed 20 years. Any prospecting lease or mining contract issued after July 3, 1987 shall be governed by rules in effect at the time the lease or contract is issued.

AMENDATORY SECTION (Amending Order 3, filed 2/6/68)

~~WAC 332-16-150 TIMBER. ((The department is responsible for managing the timber as well as the mineral resources on state lands. The department has the right to sell or otherwise dispose of timber on state lands. It is not obligated to withhold from sale any timber usable for prospecting or mining purposes.~~

~~The lessee may cut and use such timber located on the leased premises as is necessary to prospecting or mining operations. No timber may be removed from the leased premises for processing or manufacturing. No charge will be made for timber cut and used on the premises if such timber is necessary to the prospecting or mining operations. Prior to any cutting of timber from the leased premises, the lessee must contact the local district administrator of the department for approval. All timber to be cut must be marked by the lessee or otherwise designated by the department.~~

~~Prior approval of the department must also be obtained for the cutting and removing or destruction of forest products which is necessary to the lessee's operations and which will not be used on the premises. The lessee shall submit a request, in writing, and a plat indicating the area from which forest products are to be cut and removed or destroyed to either the department's local district administrator or its Olympia office. All forest products proposed to be cut and removed or destroyed must be appropriately marked by the lessee. The department will then appraise the forest products involved, utilizing its established techniques. Lessee shall, upon being billed, pay the appraised value of such forest products. Payment shall be made within 30 days of billing unless a longer period is approved, in writing, by the department, but in any event, prior to the cutting, removal, or destruction.~~

~~In cases where the appraised value of forest products, as provided in the paragraph last above, cannot be readily established in advance due to the nature of the proposed prospecting or mining operations, the lessee may, in lieu of advance payment, post a cash bond or approved surety bond, in an amount sufficient, in the opinion of the department, to cover possible damages.~~

~~In the event land clearings are required by the mining operation, the lessee shall so advise the department and,~~

~~prior to the commencement of such clearing, obtain written approval from the department. The department, whenever possible, will attempt to sell the timber involved within a reasonable time. Should the department elect not to sell or is unable to sell, the lessee will be charged and payment made as provided in the paragraph next above.)) No forest products owned by the department shall be cut, removed or destroyed unless approved in advance by the department. The lessee shall appropriately mark all forest products proposed to be cut. Unless the department elects to directly dispose of the forest products, the department will appraise the forest products and the lessee shall pay the appraised value of such forest products within thirty days of billing unless there is a written extension of time by the department, and in any event, prior to their cutting.~~

WSR 87-15-101

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

(Board of Natural Resources)

[Filed July 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources intends to adopt, amend, or repeal rules concerning the establishment of application fees, rental rates, advance minimum royalty rates, production royalty rate and work requirements for mineral prospecting leases and mining contracts issued by the Department of Natural Resources, and the establishment of the fee for a recreational prospecting permit;

that the agency will at 7:30 p.m., Tuesday, August 25, 1987, in the Spokane County Agricultural Center, North 222 Havana, Spokane, and at 7:30 p.m., Wednesday, August 26, 1987, in the Okanogan County P.U.D., 1331 2nd Avenue North, Okanogan, and at 7:30 p.m., Thursday, August 27, 1987, in the Junior Chamber of Commerce Building, 601 Mountain View Avenue, Ellensburg, and at 7:30 p.m., Wednesday, September 9, 1987, in Room I-169, Everett Community College, 801 Wetmore Avenue, Everett, and at 7:30 p.m., Thursday, September 10, 1987, in Room 3037, Thurston County Courthouse, 2000 Lakeridge Drive S.W., Olympia, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 6, 1987.

The authority under which these rules are proposed is RCW 79.01.618, 79.01.088 and 79.01.720.

The specific statute these rules are intended to implement is chapter 20, Laws of 1987, RCW 79.01.628, 79.01.632 and 79.01.642.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 21, 1987.

Dated: July 21, 1987

By: Brian J. Boyle

Chairman, Board of Natural Resources
Commissioner of Public Lands

STATEMENT OF PURPOSE

Purpose of Rule: To set the application fee, annual rental rates and the annual prospecting work requirement for mineral prospecting leases, application fee, annual minimum royalty rates, production royalty rate and annual development work requirement for mining contracts, and the permit fee for recreational prospecting permits issued by the Department of Natural Resources.

Statutory Authority: Substitute Senate Bill 5193, chapter 20, Laws of 1987, RCW 79.01.088 and 79.01.720.

Summary of Rule and Reasons Therefore: Establishes the application fee, annual rental rates and the annual prospecting work requirement for mineral prospecting leases, the application fee, annual minimum royalty rates, production royalty rate and annual development work requirement for mining contracts, and the permit fee for recreational prospecting permits issued by the Department of Natural Resources. This rule is necessary to allow the Department of Natural Resources to issue leases, contracts and permits.

Proponent of Rule: Board of Natural Resources.

Agency Personnel Responsible for Drafting: Kenneth E. Solt, Manager, Division of Land Leasing, Department of Natural Resources, Olympia, WA 98504, (206) 753-2989; Implementation: Deputy Supervisor, State Lands, Department of Natural Resources, Olympia, WA 98504, (206) 753-5308, Kenneth E. Solt, Manager, Division of Land Leasing, Department of Natural Resources, Olympia, WA 98504, (206) 753-2989, and the appointed and acting regional managers of the Department of Natural Resources; and Enforcement: All of the above.

Small Business Impact: Mineral exploration is a limited activity in Washington state. It is the board's opinion that neither twenty percent of all industries nor ten percent of one industry are impacted by the proposed rule. The requirements for the payment of annual rentals and the performance of annual prospecting work will be the same for all lessees of state lands and the costs will not vary with the size of the business.

AMENDATORY SECTION (Amending Order 406, filed 12/6/83)

WAC 332-10-180 APPLICATION FEE. An applicant to purchase or lease any public land or valuable materials shall pay a twenty-five dollar application fee, except for (~~prospecting leases or mining contracts fees as specified by WAC 332-16-040, and~~) oil and gas leases as specified by WAC 332-16-230.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 332-16-035 PROSPECTING LEASES AND MINING CONTRACTS—RENTAL RATES, ADVANCE MINIMUM ROYALTY, PROSPECTING WORK REQUIREMENT, DEVELOPMENT WORK REQUIREMENT AND PRODUCTION ROYALTY. The annual rental for years one through three of a mineral prospecting lease shall be \$2.00 per acre, or \$100.00, whichever is greater. The annual rental for years four through seven of the lease shall be \$3.00 per acre, or \$120.00, whichever is greater. The department may

require that more than one year's annual rental be paid in advance prior to issuing the lease.

The annual prospecting work requirement for a mineral prospecting lease shall be \$3.00 per acre.

The annual advance minimum royalty for years one through five of a mining contract shall be \$5.00 per acre, or \$250.00, whichever is greater. The annual advance minimum royalty for years six through ten of a mining contract shall be \$10.00 per acre, or \$500.00, whichever is greater. The annual advance minimum royalty for years eleven through twenty of a mining contract shall be \$20.00 per acre, or \$1,000.00, whichever is greater.

The production royalty rate for mining contracts shall be 5% of the gross receipts. The rate to be incorporated into a mining contract issued upon conversion from a prospecting lease shall be the rate in effect on the date the prospecting lease was issued.

The annual development work requirement for a mining contract shall be \$5.00 per acre.

All annual rental payments and annual advance minimum royalty payments must be made in advance, and lack of notice of payment due does not relieve the lessee of the obligation to make payments when due.

NEW SECTION

WAC 332-16-045 RECREATIONAL PROSPECTING PERMIT FEE. The fee for a permit for prospecting and collecting in designated recreational prospecting areas shall be \$10.00.

WSR 87-15-102

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

[Filed July 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning mineral prospecting leases, mining contracts, chapter 332-16 WAC;

that the agency will at 7:30 p.m., Tuesday, August 25, 1987, in the Spokane County Agricultural Center, North 222 Havana, Spokane, and at 7:30 p.m., Wednesday, August 26, 1987, in the Okanogan County P.U.D., 1331 2nd Avenue North, Okanogan, and at 7:30 p.m., Thursday, August 27, 1987, in the Junior Chamber of Commerce Building, 601 Mountain View Avenue, Ellensburg, and at 7:30 p.m., Wednesday, September 9, 1987, in Room I-169, Everett Community College, 801 Wetmore Avenue, Everett, and at 7:30 p.m., Thursday, September 10, 1987, in Room 3037, Thurston County Courthouse, 2000 Lakeridge Drive S.W., Olympia, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 6, 1987.

The authority under which these rules are proposed is RCW 79.01.618.

The specific statute these rules are intended to implement is RCW 79.01.616 through 79.01.651.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 21, 1987.

Dated: July 21, 1987

By: Brian J. Boyle
Commissioner of Public Lands

STATEMENT OF PURPOSE

Purpose of Rule: To establish the procedures and requirements for mineral leasing and mineral development on lands managed by the Department of Natural Resources.

Statutory Authority: Substitute Senate Bill 5193, chapter 20, Laws of 1987.

Summary of Rule and Reasons Therefore: Establish the procedures and requirements for obtaining mineral leases and developing mineral resources on lands managed by the Department of Natural Resources. These rules are necessary to allow the Department of Natural Resources to issue and administer mineral leases and mining contracts.

Proponent of Rule: Department of Natural Resources.

Agency Personnel Responsible for Drafting: Kenneth E. Solt, Manager, Division of Land Leasing, Department of Natural Resources, Olympia, WA 98504, (206) 753-2989; **Implementation:** Deputy Supervisor, State Lands, Department of Natural Resources, Olympia, WA 98504, (206) 753-5308, Kenneth E. Solt, Manager, Division of Land Leasing, Department of Natural Resources, Olympia, WA 98504, (206) 753-2989, and the appointed and acting regional managers of the Department of Natural Resources; and **Enforcement:** All of the above.

Small Business Impact: Mineral exploration is a limited activity in Washington state. It is the department's opinion that neither twenty percent of all industries nor ten percent of one industry are impacted by the proposed rules.

The procedures and requirements for mineral leases and mining contracts will be the same for all lessees of state lands and will not vary with the size of the business.

NEW SECTION

WAC 332-16-055 APPLICATION FOR PROSPECTING LEASE. Applications for prospecting leases will be received during business hours in the office of the Department of Natural Resources, Olympia, Washington. Applications must be submitted on forms prescribed by the department and accompanied by the application fee.

All applications received by any means other than United States Mail will be stamped with the date and time of receipt in the Olympia office. Applications received by United States Mail will be considered received as of the close of business on that day. Applications will be accepted in the order received and priority of leasing will be established on this basis. The priority among applications filed simultaneously will be by drawing of lots.

If an application is rejected by the department, the application fee will be refunded and the applicant informed of the reason for rejection. If a portion of the lands applied for are encumbered or otherwise not available, such portion will be deleted from the application and the applicant notified of the change.

NEW SECTION

WAC 332-16-065 CONVERSION OF A PROSPECTING LEASE TO A MINING CONTRACT. An application to convert a prospecting lease to a mining contract must be submitted to the department at least one hundred eighty days prior to the expiration of the prospecting lease, together with the application fee.

The application shall include a plan of development which describes the development, operation and reclamation of the property, an environmental checklist and evidence that the prospecting work requirements of the lease have been met.

NEW SECTION

WAC 332-16-075 PROSPECTING LEASE NOT RENEWABLE. A prospecting lease not converted to a mining contract shall not be renewable. The holder of an expired prospecting lease, or the holder's agents, shall not be entitled to a new lease on the premises covered by the prior lease for one year from the date of the expired prospecting lease.

NEW SECTION

WAC 332-16-085 FAILURE TO EXECUTE PROSPECTING LEASES AND MINING CONTRACTS. When an applicant fails to sign a lease or contract and return the signed document with the rental or minimum royalty within thirty days, the application will be rejected and the application fee forfeited. Additional time for compliance with this section may be granted by the department if the applicant submits a written request for additional time to the department within the thirty day period.

NEW SECTION

WAC 332-16-095 RENEWAL OF MINING CONTRACT. The lessee may apply for renewal of a mining contract, except placer gold mining contracts issued pursuant to RCW 79.01.617, by submitting an application, and the application fee, within the ninety days prior to the expiration of the contract.

The terms of the renewal contract shall be the same as those contained in the previous contract unless valuable minerals or specified materials are not being produced. The terms of a renewal contract on a non-producing lease shall be governed by the rules and rates in effect at the time the renewal contract is issued.

NEW SECTION

WAC 332-16-105 PERFORMANCE SECURITY. The department may, at its option, require the lessee to file a cash bond, savings account assignment, approved corporate surety bond or other form of security satisfactory to the department in an amount sufficient to guarantee performance of the terms and conditions of the lease or contract. Such security, if required, shall be submitted prior to the commencement of prospecting or mining operations. The department may reduce or increase the amount of the security as a result of operational changes requiring different levels of performance. The department may allow a lessee to file a single security device, acceptable to the state, in an amount set by the department covering all of the lessee's state leases.

NEW SECTION

WAC 332-16-115 TIMBER. No forest products owned by the department shall be cut, removed or destroyed unless approved in advance by the department. The lessee shall appropriately mark all forest products proposed to be cut. Unless the department elects to directly dispose of the forest products, the department will appraise the forest products and the lessee shall pay the appraised value of such forest products within thirty days of billing unless there is a written extension of time by the department, and in any event, prior to their cutting.

NEW SECTION

WAC 332-16-125 SURFACE RIGHTS. Where the surface rights for the lands described in the prospecting lease or mining contract are held by a third party, the holder of the prospecting lease or mining contract shall make arrangements with the holder of the surface rights to protect the surface interests and submit to the department evidence of such arrangements, prior to the commencement of prospecting or mining activities, in one of the following forms:

- (1) Waiver of Damages executed by the holder(s) of the surface rights;
- (2) Agreement in the form of a letter, contract or memorandum of understanding executed by both the mineral lessee and the holder(s) of the surface rights which provides for the settlement of all disputes and damages;
- (3) A court order resolving the issues of access, damage claims and any other disputes.

NEW SECTION

WAC 332-16-135 USE OF LEASED PREMISES. The holder of a prospecting lease may use the leased premises as provided in the lease and the approved plan of operations, subject to existing rights and payments as otherwise provided. Such uses shall be those reasonably necessary for the exploration of the premises.

The holder of a prospecting lease may remove valuable minerals or specified materials of a value not exceeding \$100 for the purpose of testing and assaying. The removal of valuable minerals or specified materials in excess of this amount requires prior written approval of the department, and may be subject to the payment of royalties.

The holder of a mining contract may use the leased premises as provided in the contract and the approved plan of operations, subject to existing rights and payments as otherwise provided. Such uses shall be those reasonably necessary for the exploration, development, operation and production of valuable minerals or specified materials.

NEW SECTION

WAC 332-16-145 PROSPECTING AND DEVELOPMENT WORK. Prospecting leases shall require that the lessee perform the required annual prospecting work that contributes to the mineral evaluation of the premises. The lessee may make payment to the department in lieu of prospecting work for not more than three years during the term of the lease.

Mining contracts, except those issued for placer gold mining pursuant to RCW 79.01.617, shall require that the lessee perform the required annual development work that contributes to the mineral development of, and production from, the property. The lessee may make payment to the department in lieu of the performance of development work.

Prospecting work or development work actually accomplished during any one lease or contract year in excess of the lease or contract requirements may be applied toward the next succeeding year only, provided that the work is reported to the department at the end of the year in which it was performed, accompanied by a written request that the excess be applied to the next succeeding year.

All prospecting and development work reported is subject to evaluation and confirmation by the department. Work that does not directly contribute to the mineral evaluation or development of the property will not be accepted. The department shall have the right to inspect the work done and to examine all books and records pertaining to prospecting and development work reported. Prospecting and development work reports shall contain sufficient information, including adequate maps, plans, diagrams, locations, and costs to indicate the location, amount and type of work accomplished on the property and an explanation of how this work contributed to the mineral evaluation or development of the property.

Upon the written request of the lessee at the time the prospecting or development work report is submitted to the department, the report shall be considered confidential until a written release is obtained from the lessee or the termination, cancellation, surrender or expiration of the lease or contract.

NEW SECTION

WAC 332-16-155 PRODUCTION ROYALTY. Production royalties shall be payable as provided in the mining contract upon all valuable minerals, specified materials or any products whatever which are mined, saved, sold or removed from the leased premises.

The production royalty shall be calculated on the gross receipts, including all bonuses and allowances paid, earned, or received, at the point of sale of the first marketable valuable mineral(s) produced from the leased premises, whether or not such valuable mineral(s) are produced through chemical or mechanical processes, subject only to the deduction of transportation costs which transportation costs are part of the development plan approved by the department.

The department may set or calculate the production royalty in the case of specified materials and other products produced from the leased premises based on the volume of material removed from the leased premises.

NEW SECTION

WAC 332-16-165 FIELD INSPECTIONS AND AUDITS. Any person designated by the department shall have the right at any time to inspect and examine the lease premises and the facilities thereon, and shall have the right during lessee's business hours to examine such

books, records, tax returns, and accounts of the lessee as are directly connected with the determination of royalties.

NEW SECTION

WAC 332-16-175 TECHNICAL DATA. In the interest of further developing the mineral resources of the state of Washington, lessees shall submit to the department copies of all geological, geophysical, geochemical, engineering and metallurgical data relating to the property held under lease or contract within ninety days of the termination, cancellation, surrender or expiration of the lease or contract. All of the following data, collected or prepared, are to be submitted:

- (1) geologic maps;
- (2) geochemical surveys, including sample location maps and results of tests for each sample;
- (3) geophysical surveys, including accurate station maps, measurements for each station and the results of data reduction, but not proprietary interpretations;
- (4) lithologic logs and geochemical analyses for exploratory drill holes;
- (5) map showing the location and orientation of exploratory drill holes;
- (6) results of metallurgical tests performed on samples from the premises;
- (7) results of engineering studies relating to the competence and stability;
- (8) surveyed level maps for underground workings.

NEW SECTION

WAC 332-16-185 ASSIGNMENTS. The assignment of any lease or contract may be made, subject to written approval by the department, upon submitting the request on the prescribed form to the department, together with the required assignment fee. The assignee shall be subject to and governed by the terms and conditions of the lease or contract. The approval of an assignment by the department shall not waive compliance with any terms and conditions of the lease or contract. No assignment of a lease or contract will be approved if any delinquencies exist with respect to any of the terms or provisions of the lease or contract.

NEW SECTION

WAC 332-16-195 CONSOLIDATION OF MINING CONTRACTS. The holder or holders of two or more mining contracts may apply to the department for the consolidation of their contracts under a common management to facilitate operation of larger-scale development.

If the department finds the consolidation to be in the best interests of the state, the consolidation will be approved.

NEW SECTION

WAC 332-16-205 PLAN OF OPERATIONS. Prior to the commencement of prospecting activities which disturb the surface, the holder of a prospecting lease shall submit a plan of operations which shall include but is not limited to the following:

- (1) The type, location, and schedule of exploratory drilling and trenching activities;
- (2) Location of other significant activities, including type and depth of drilling, trenching, and underground development;
- (3) Proposed roads;
- (4) Proposed erosion control plans for roads, landings, drilling locations, and trenches; and
- (5) Reclamation, including the method of plugging and sealing drill holes and underground openings.

Prior to the commencement of exploration, development or mining activities, the holder of a mining contract shall submit a plan of operations which includes items (1) through (5), above, and the implementation of the plan of development and reclamation submitted as part of the application for the mining contract.

If the lessee desires changes to the approved plan of operations, department approval is required.

NEW SECTION

WAC 332-16-215 NOTICE OF INTENT TO CONDUCT PROSPECTING OR OPERATIONS. The department must be notified at least fifteen days in advance of the commencement of work that

includes activities approved as part of the lessee's plan of operations, which disturb the surface. If the surface rights on all or a portion of the leased premises are held by a third party, that party shall be provided a copy of the notification of intent to conduct prospecting or operations at the same time the department is notified.

Activities which are not part of the lessee's approved plan of operations cannot be included in the notice of intent.

NEW SECTION

WAC 332-16-225 PLUGGING AND ABANDONMENT PROCEDURES FOR EXPLORATION DRILL HOLES. All exploration drill holes shall be properly plugged and abandoned by the lessee in accordance with procedures approved by the department.

NEW SECTION

WAC 332-16-235 PUBLIC AUCTION OF KNOWN DEPOSITS OF VALUABLE MINERALS OR SPECIFIED MATERIALS. The department may offer mining contracts at public auction on lands for which the department has information for the existence of commercially significant mineral deposits.

NEW SECTION

WAC 332-16-245 PUBLIC AUCTION OF PLACER GOLD MINING CONTRACTS. The department may offer contracts for the mining of placer gold at public auction. Mining contracts for placer gold issued at public auction shall be for a term of 5 years and be nonrenewable. Payment shall be by bonus bid, if any, and an annual rental.

NEW SECTION

WAC 332-16-255 RECREATIONAL PROSPECTING AREAS. The department may consider and evaluate written requests to designate specific areas as recreational prospecting areas. The criteria for the evaluation of such proposals shall include, but not be limited to, use conflicts, the presence of minerals in non-commercial quantities, public access and environmental sensitivity.

The department shall establish the amount of collecting, type of equipment and method(s) of collecting and/or prospecting to be allowed in each designated recreational prospecting area. Such rules will be based on the character of each area, the mineral or minerals sought, and regulations imposed by other state agencies.

Following the determination by the department a site may be suitable for designation as a recreational prospecting area, the department shall hold a public hearing in the county where the lands are located. At least fifteen days but not more than thirty days before the hearing, the department shall publish a public notice setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area.

After a recreational prospecting area has been designated by the department, the boundaries of the area will be marked.

A recreational prospecting permit issued by the department of natural resources is required for the use of designated recreational prospecting areas for prospecting and mineral collecting. The term of the permit shall be a calendar year.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 332-16-010 General objectives of mineral resource management.
- (2) WAC 332-16-020 Lands subject to mineral leasing law and chapter 332-16 WAC.
- (3) WAC 332-16-030 Definitions.
- (4) WAC 332-16-040 Applications.
- (5) WAC 332-16-050 Application—Simultaneous.
- (6) WAC 332-16-060 Applications—Return of Moneys.
- (7) WAC 332-16-070 Area and term of leases and contracts.
- (8) WAC 332-16-080 Leases and contracts in effect on June 10, 1965.
- (9) WAC 332-16-090 Tide and shoreland descriptions.
- (10) WAC 332-16-100 Conversion of leases to contracts.

(11) WAC 332-16-110 Conversion of leases to contracts—Failure to convert.

(12) WAC 332-16-120 Forms.

(13) WAC 332-16-130 Time for return of executed leases and contracts.

(14) WAC 332-16-140 Cash or surety bond may be required.

(15) WAC 332-16-150 Timber.

(16) WAC 332-16-160 Notice of rental or minimum royalty.

(17) WAC 332-16-170 Right of entry.

(18) WAC 332-16-180 Damages to encumbered lands.

(19) WAC 332-16-190 Use of leased premises.

(20) WAC 332-16-200 Development work and improvements.

(21) WAC 332-16-210 Development work and improvements—Examples, acceptable.

(22) WAC 332-16-220 Development work and improvements—Examples, unacceptable.

(23) WAC 332-16-230 Development work and improvements—Reports.

(24) WAC 332-16-240 Development work and improvements—Additional time.

(25) WAC 332-16-250 Advance payment of minimum annual royalty.

(26) WAC 332-16-260 Royalties.

(27) WAC 332-16-270 Royalties—Computation.

(28) WAC 332-16-290 Royalties—Production.

(29) WAC 332-16-300 Royalties—Audit and verification.

(30) WAC 332-16-310 Maps, reports, and assays.

(31) WAC 332-16-320 Assignments.

(32) WAC 332-16-330 Consolidation of mining contracts.

(33) WAC 332-16-340 Administrative Procedure Act.

WSR 87-15-103
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning:

Amd	WAC 308-120-162	Filing of application for licensing examination.
Amd	WAC 308-120-165	Failures—Repeat.
Amd	WAC 308-120-186	Criteria for approved refresher course.
Amd	WAC 308-120-511	Faculty for approved schools of nursing.
New	WAC 308-120-700	Standards of nursing conduct or practice.
New	WAC 308-120-710	Violations of standards of nursing conduct or practice.
New	WAC 308-120-720	Mitigating circumstances.
New	WAC 308-120-730	Mandatory reporting defined.
New	WAC 308-120-740	Violations considered for disciplinary purposes only;

that the agency will at 8:45 a.m., Friday, September 18, 1987, in the Elliott Room, Airport Hilton, 17620 Pacific Highway South, Seattle, WA, and at 8:45 a.m., Friday, October 30, 1987, in the Ridpath Hotel, Terrace Room, 515 West Sprague Avenue, Spokane, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 30, 1987.

The authority under which these rules are proposed is RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180.

The specific statute these rules are intended to implement is RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 9, 1987.

Dated: July 21, 1987

By: Constance Roth, R.N., Ed.D.
Executive Secretary/Program Manager

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-120-162 Filing of application for licensing examination; 308-120-165 Failures—Repeat; 308-120-186 Criteria for approved refresher course; 308-120-511 Faculty for approved schools of nursing; 308-120-700 Standards of nursing conduct or practice; 308-120-710 Violations of standards of nursing conduct or practice; 308-120-720 Mitigating circumstances; 308-120-730 Mandatory reporting defined; and 308-120-740 Violations considered for disciplinary purposes only.

Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180.

Specific Statute that Rule is Intended to Implement: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180.

Summary of the Rules: WAC 308-120-162 Filing of application for licensing examination; 308-120-165 Failures—Repeat; 308-120-186 Criteria for approved refresher course, provides for refresher course requirements; 308-120-511 Faculty for approved schools of nursing; 308-120-700 Standards of nursing conduct or practice, describes the responsibilities and accountability of registered nurses to health care consumers, and states areas of nursing conduct or practice, including nursing process, delegation and supervision, and other responsibilities; 308-120-710 Violations of standards of nursing conduct or practice, more specifically describes the acts, practices or omissions that are inconsistent with standards of nursing conduct or practice and the disciplinary consequences; 308-120-720 Mitigating circumstances, describes the board's recognition that there may be certain circumstances affecting action to be taken under WAC 308-120-700 and 308-120-710; 308-120-730 Mandatory reporting defined, provides for mandatory reporting of violations of chapters 18.88 and 18.130 RCW and the board's rules; and 308-120-740 Violations considered for disciplinary purposes only, states the purpose for the consideration of violation of the board's rules.

Reasons Supporting the Proposed Actions: WAC 308-120-162, 308-120-165 and 308-120-511, to correct punctuation or grammatical errors pointed out in the code reviser's notes; 308-120-186, to update, restate, and clarify the board's requirements and criteria related to approved refresher courses; 308-120-700 and 308-120-710, to advise licensees by describing the duties and responsibilities involved in the nursing process, the delegation and supervision of nursing activities, and the other responsibilities that will assure quality care to health

care consumers and assist the board in protecting consumers by prosecuting unsafe nursing practices. Also, licensees are advised of nursing conduct or practice that may constitute grounds for disciplinary action; 308-120-720, to state the board's recognition of mitigating circumstances that may affect the application of WAC 308-120-700 or 308-120-710; 308-120-730, to require, pursuant to RCW 18.130.070, reporting of any acts of unprofessional conduct or the inability of a licensee to practice safely due to a mental or physical condition; and 308-120-740, to state the intent in the consideration of violation of the board's rules.

Responsible Personnel: In addition to members of the Board of Nursing, and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing and enforcing these rules: Constance Roth, R.N., Ed.D., Executive Secretary/Program Manager, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, (206) 753-3726 comm, 234-2726 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Nursing.

Agency Comments or Recommendations: The Board of Nursing has deemed it appropriate to establish standards of nursing conduct or practice for which it will hold licensees responsible, and to require reporting of unprofessional conduct by licensees or of mental or physical conditions of licensees that pose skill or safety concerns.

These rules are 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 Rules or Their Purposes: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact more than 20 percent of all industries, or more than 10 percent of any one industry as that term is defined by RCW 19.85.020(3).

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-162 FILING OF APPLICATION FOR LICENSING EXAMINATION. (1) All applicants shall file with the Washington state board of nursing a completed notarized application, with the required fee prior to May 1, for the July examination and December 1 for the February examination.

(2) Applicants shall request the school of nursing to send an official transcript directly to the board of nursing.

(3) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(4) Applicant(~~(s)~~)s who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-165 FAILURES—REPEAT EXAMINATION. (1) The application forms to rewrite the examination and fees shall be filed on or before May 1 for the July examination and December 1 for the February examination.

(2) Candidates who (~~(failed)~~) fail the examination will be permitted to rewrite the examination three times within the two-year period from the month of first writing.

(3) If the candidate fails the first examination, the state will require no additional fee from the candidate who takes the next scheduled examination.

(4) Candidates who fail to pass the examination within the time period specified in (2) above shall be required to complete a program of study approved by the board. Upon successful completion of the approved program, the candidate shall be required to write the entire examination.

AMENDATORY SECTION (Amending Order PL-305, filed 5/15/79)

WAC 308-120-186 CRITERIA FOR APPROVED REFRESHER COURSE. (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in RCW 18.88.030.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) ~~((There shall be an adequate number of qualified faculty to develop and implement the program and achieve the stated objectives. The maximum faculty/student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the board))~~ All faculty shall be qualified to develop and implement the program of study.

(d) Faculty shall be sufficient in number to achieve the stated program objectives.

(e) The maximum faculty to student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the board.

(3) Course content.

(a) The course content shall consist of a minimum of forty hours core course content, forty hours of specialty course content, and one hundred sixty hours of clinical practice in the specialty area.

(b) The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

~~((b))~~ (c) The core course content shall include, but not be limited to, a minimum of ~~((eighty))~~ forty hours of theory in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Professional nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological and social sciences necessary for practice; and

(iv) Review and updating of basic nursing knowledge ~~((necessary for assisting people with:~~

~~(A) Maintenance of physical and mental health throughout life span;~~

~~(B) Medical/surgical problems;~~

~~(C) Behavioral problems;~~

~~(D) Problems of development and aging)).~~

(d) The core course content for the advanced registered nurse practitioner shall be taught at the advanced level.

(e) The specialty course content shall include, but not be limited to, a minimum of forty hours of theory in current specialty nursing practice concepts of:

(i) Basic nursing related to the special area of interest such as surgical; pediatrics; obstetrics; psychiatric; acute, intensive, or extended care nursing; or community health nursing; or

(ii) Advanced nursing related to the area of certification as defined in WAC 308-120-315.

~~((f))~~ (f) The clinical course content shall include a minimum of one hundred sixty hours of clinical practice in the specialty area(s) listed in ~~((subsection (b) above))~~ (c), (d), and (e) of this subsection. Exceptions shall be justified to and approved by the board.

~~((d))~~ Examinations shall be given to measure knowledge of content.

~~((e))~~ (4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

~~((f))~~ (b) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid RN license or a limited educational license approved by the Washington state board of nursing.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a ~~((letter certifying))~~ certification of successful completion of the course ~~((shall be sent))~~ to the Washington state board of nursing office.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board prior to starting the course.

AMENDATORY SECTION (Amending Order PL 377, filed 4/28/81)

WAC 308-120-511 FACULTY FOR APPROVED SCHOOLS OF NURSING. (1) Faculty shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) After January 1, 1983, all newly appointed faculty shall have had a minimum of one year of professional experience as a registered nurse.

(c) The baccalaureate degree in nursing shall be the minimum requirement for faculty appointment until January 1, 1985. After January 1, 1985, in addition to the baccalaureate degree in nursing, all newly appointed faculty shall be required to hold a master's degree with a major in nursing from an accredited college or university.

Exceptions shall be justified to and approved by the board of nursing.

(2) Principal functions of the faculty shall include but not be limited to:

(a) Develop, implement and evaluate the philosophy and objectives of the program;

(b) Construct, implement, evaluate and revise the curriculum;

(c) Develop and evaluate policies and standards for the selection, admission, promotion and graduation of nursing students within the framework of the policies of the college or university;

(d) Evaluate student achievement in terms of course and program objectives, assign grades for courses according to policies, and recommend successful candidates for the degree or diploma;

(e) Develop, implement and evaluate statements of policy necessary for the operation of the program, and participate in appropriate activities of the college or university;

(f) Participate in academic advising of students;

(g) Provide for peer and student evaluation of teaching effectiveness;

(h) Participate in periodic review of the total nursing program; and

(i) Participate in the overall faculty activities of the college or university, e.g., governance, interdepartmental teaching and research.

(3) A nursing faculty organization, with delineated policies and procedures, shall be established in harmony with the policies of the college or university.

(a) All faculty shall participate in the activities of the faculty organization in ways consistent with their position and responsibilities.

(b) Committees shall be established as necessary to carry out the functions of the faculty effectively. The purposes and membership of each committee shall be defined clearly.

(c) Meetings shall be held on a regular basis.

(d) Minutes, including faculty action, shall be recorded in writing and kept on file for ready reference.

(4) Faculty/student ratio.

(a) Faculty shall be provided in adequate number and kind to meet the purposes and objectives of the program.

(b) Twelve students is the maximum for which a faculty member shall be responsible at any one time in the clinical area. A lower ratio may apply to students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(i) The preparation and expertise of the faculty member;

(ii) The objectives to be achieved;

(iii) The level of students;

(iv) The number, type, and conditions of patients;

(v) The number, type, location and physical layout of clinical facilities;

(vi) The number of clinical facilities being used for a particular course.

Exceptions shall be justified to and approved by the board of nursing.

NEW SECTION

WAC 308-120-700 STANDARDS OF NURSING CONDUCT OR PRACTICE. The purpose of defining standards of nursing conduct or practice through WAC 308-120-700 and WAC 308-120-710 is to identify responsibilities of the nurse in health care settings and as provided in the Nursing Practice Act chapter 18.88 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW. Each individual, upon entering the practice of nursing, assumes a measure of responsibility and public trust and the corresponding obligation to adhere to the standards of nursing practice. The nurse shall be responsible and accountable for the quality of nursing care given to clients. This responsibility cannot be avoided by accepting the orders or directions of another person. The Standards of Nursing Conduct or Practice include, but are not limited to the following:

- (1) Nursing Process:
 - (a) The nurse shall collect pertinent objective and subjective data regarding the health status of the client.
 - (b) The nurse shall plan and implement nursing care which will assist the client to maintain or return to a state of health or will support a dignified death.
 - (c) The nurse shall communicate significant changes in the client's status to appropriate members of the health care team. This communication shall take place in a time period consistent with the client's need for care.
 - (d) The nurse shall document, on essential client records, the nursing care given and the client's response to that care.
- (2) Delegation and Supervision: The nurse shall be accountable for the safety of clients receiving nursing service by:
 - (a) Delegating selected nursing functions to others in accordance with their education, credentials and demonstrated competence.
 - (b) Supervising others to whom he/she has delegated nursing functions.
- (3) Other Responsibilities:
 - (a) The nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice.
 - (b) The nurse shall be responsible and accountable for practice based on and limited to the scope of her/his education, demonstrated competence and nursing experience.
 - (c) The nurse shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or practices.
 - (d) The nurse shall be responsible for maintaining current knowledge in his/her field of practice.
 - (e) The nurse shall conduct nursing practice without discrimination.
 - (f) The nurse shall respect the client's right to privacy by protecting confidential information.
 - (g) The nurse shall report unsafe nursing acts and practices, and illegal acts as defined in WAC 308-120-730.

NEW SECTION

WAC 308-120-710 VIOLATIONS OF STANDARDS OF NURSING CONDUCT OR PRACTICE. The following will serve as a guideline for the nurse as to the acts, practices or omissions that are inconsistent with generally accepted standards of nursing conduct or practice. Such conduct or practice may be grounds for action with regard to the license to practice nursing pursuant to chapter 18.88 RCW and the Uniform Disciplinary Act, chapter 18.130 RCW. Such conduct or practice includes, but is not limited to the following:

- (1) Failure to adhere to the standards enumerated in WAC 308-120-700(1) which may include:
 - (a) Failing to assess and evaluate a client's status or failing to institute nursing intervention as required by the client's condition.
 - (b) Willfully or repeatedly failing to report or document a client's symptoms, responses, progress, medication, or other nursing care accurately and/or intelligibly.
 - (c) Willfully or repeatedly failing to make entries, altering entries, destroying entries, making incorrect or illegible entries and/or making false entries in records pertaining to the giving of medication, treatments, or other nursing care
 - (d) Willfully or repeatedly failing to administer medications and/or treatments in accordance with policy and procedure.
 - (e) Willfully or repeatedly failing to follow the policy and procedure for the wastage of medications where the nurse is employed or working.

(f) Willfully causing or contributing to physical or emotional abuse to the client.

(2) Failure to adhere to the standards enumerated in WAC 308-120-700(2) which may include:

(a) Delegating nursing care function or responsibilities to a person who the nurse knows or has reason to know lacks the ability or knowledge to perform the function or responsibility, or delegating to unlicensed persons those functions or responsibilities the nurse knows or has reason to know are to be performed only by licensed persons. This section should not be construed as prohibiting delegation to family members and other care givers exempted by RCW 18.88.030 or 18.88.280.

(b) Failure to supervise those to whom nursing activities have been delegated. Such supervision shall be adequate to prevent an unreasonable risk of harm to clients.

(3) Failure to adhere to the standards enumerated in WAC 308-120-700(3) which may include:

(a) Performing or attempting to perform nursing techniques and/or procedures for which the nurse lacks the appropriate knowledge, experience and education and/or failing to obtain instructions, supervision and/or consultation for client safety.

(b) Violating the confidentiality of information or knowledge concerning the client, except where required by law or for the protection of the client.

(c) Writing prescriptions for drugs unless authorized to do so by the board.

(4) Other violations:

(a) Appropriating for personal use medication, supplies, equipment, or personal items of the client, agency or institution.

(b) Practicing nursing while impaired by any mental, physical and/or emotional condition to the extent that the person may be unable to practice with reasonable skill and safety.

(c) Willfully abandoning clients by leaving a nursing assignment without transferring responsibilities to appropriate personnel or care giver when continued nursing care is required by the condition of the client(s).

(d) Practicing nursing while impaired by alcohol and/or drugs.

(e) Conviction of a crime involving physical abuse or sexual abuse relating to the practice of nursing.

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 308-120-720 MITIGATING CIRCUMSTANCES. The board recognizes that there may be circumstances inherent to various practice settings that may affect the board's decision whether to issue a statement of charges, to make a finding of unprofessional conduct, or to determine a sanction.

NEW SECTION

WAC 308-120-730 MANDATORY REPORTING DEFINED.

It is not the intent of the board of nursing that each and every nursing error be reported or that mandatory reporting take away the disciplinary ability and responsibility from the employer of the nurse. Anyone, including nurses, health care facilities and agencies, and state or local government agencies, knowing of a nurse whose behavior or nursing practice fails to meet accepted standards for the level at which the nurse is licensed, should report the nurse to the person in the work setting who has authority to institute corrective action. Failure of any nurse to comply with the reporting requirements may in itself constitute a violation of nursing standards.

(1) Anyone, including nurses, health care facilities and agencies, and state or local government agencies, who has knowledge or concern that a nurse has committed an act which constitutes unprofessional conduct as provided in chapter 18.130.180 RCW, including violations of chapter 308-120 WAC, or is unable to practice with reasonable skill or safety as the result of a physical or mental condition shall report or cause a report to be made to the board of nursing.

(2) The decision to report a suspected violation of chapters 18.130 or 18.88 RCW or the rules adopted thereunder shall be based on, but not limited to the following:

- (a) The past history of the nurse's performance.
- (b) A demonstrated pattern of unsafe practice or conduct in violation of to the standards of nursing.

(c) The magnitude of any single occurrence for actual or potential harm to the public health and safety.

(3) The following shall always be reported to the board of nursing:

(a) A nurse imposter. As used here "nurse imposter" means an individual who is ineligible for nursing licensure or advanced registered nurse practitioner licensure and who practices or offers to practice nursing or advanced nursing or uses any title, abbreviation, card or device to indicate that the individual is licensed to practice in Washington.

(b) A nurse who is practicing nursing when the license has become void due to nonpayment of fees.

(c) A person who is practicing nursing as defined in RCW 18.88 unless licensed as a registered nurse, or a person who is practicing as a nurse practitioner as defined in WAC 308-120-300 while not licensed as an advanced registered nurse practitioner.

(d) A nurse who has been convicted of a crime which relates to the practice of nursing.

(e) A nurse who has been dismissed from employment due to unsafe practice or conduct in violation of the standards of nursing.

(f) Client abuse by a nurse.

(g) A demonstrated pattern of conduct in violation of the standards of nursing as defined by the rules of the board or a single occurrence that creates serious harm or risk to the client.

(h) Any violation of a disciplinary sanction imposed on a nurse's license by the board.

(i) Substance abuse as defined in RCW 18.130.180 (6) and (23). Nursing professionals counseling impaired nurses for substance abuse are exempt from the reporting requirements except as provided in chapter 5.62 RCW.

(k) Any other cause for discipline as defined in RCW 18.130.170 and .180.

NEW SECTION

WAC 308-120-740 VIOLATIONS CONSIDERED FOR DISCIPLINARY PURPOSES ONLY. The consideration of violations of chapter 308-120 WAC are intended only for the purpose of disciplinary action by the board pursuant to chapters 18.88 and 18.130 RCW.

WSR 87-15-104
PROPOSED RULES
DEPARTMENT OF LICENSING
(Examining Board of Psychology)

[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Examining Board of Psychology intends to adopt, amend, or repeal rules concerning Psychologists—Education prerequisite to licensing, amendatory section WAC 308-122-200;

that the agency will at 10:00 a.m., Friday, September 11, 1987, in the Cascade Room, Vance Airport Inn, 18200 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 18.83.050 and 18.83.070(2).

The specific statute these rules are intended to implement is RCW 18.83.070(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 4, 1987.

Dated: July 22, 1987

By: Amanda L. Tomlinson
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Examining Board of Psychology.

Purpose and Reason Proposed: To amend rules to clarify education prerequisite to licensing.

Summary of the Rules: To define an integrated program of graduate study in psychology.

Statutory Authority: RCW 18.83.050 and 18.83.070(2).

Responsible Department Personnel: In addition to members of the Examining Board of Psychology, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney Beckett, Program Manager, 1300 Quince Street, Olympia, WA 98504, phone (206) 753-3129; and Yvonne Braeme, Assistant Program Manager, 1300 Quince Street, Olympia, WA 98504, phone (206) 753-3095.

Proponents: The subject matter of this rules hearing has been proposed by the Washington State Examining Board of Psychology.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 293, filed 11/27/78)

WAC 308-122-200 PSYCHOLOGISTS—EDUCATION PREREQUISITE TO LICENSING. ((+)) To meet the education requirement ((imposed by the statute)) of RCW 18.83.070, an applicant ((must)) shall possess a doctoral degree from ((a training)) an institution ((approved by the board in which)) of higher education accredited in the region in which the doctoral program is offered at the time the applicant's degree was awarded. In that doctoral program, at least forty semester hours, or sixty quarter-hours, of graduate courses ((were passed)) shall have been passed successfully, and ((were)) can be clearly identified by title and course content as being ((primarily psychological in nature, as determined by the board:)) part of a psychology program. One of the standards for issuance of said degree ((must)) [should] require)) shall have been the submission of an original dissertation which ((must be)) was psychological in nature((, as determined by the board)). Endorsement by the program administrator shall be requested and considered.

((2)) The following guidelines define the "academic core" of study that should have been completed by each applicant:

(a) Programs accredited by the American Psychological Association are recognized as one way of meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional training.

(b) Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education:)

An integrated program of graduate study in psychology shall be defined as follows:

(1) The following defines the organizational structure of the program:

((c)) (a) The program ((must)) shall be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures ((must)) shall show intent to educate and train ((professional)) psychologists.

((d)) (b) The psychology program ((must)) shall stand as a ((recognizable)) recognized, coherent, ((organizational)) entity within the institution.

((e)) (c) There ((must)) shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

((f)) (d) There ((must)) shall be an organized sequence of study planned by those responsible for the ((training)) program to provide an appropriate, integrated(;) experience ((applicable to)) covering the ((professional practice)) field of psychology.

~~((g))~~ (e) There ~~((must))~~ shall be an identifiable psychology faculty and a psychologist administratively responsible for the program.

~~((h))~~ (f) There ~~((must))~~ shall be an ~~((identifiable))~~ identified body of students~~(:)~~ selected on the basis of high ability and appropriate educational preparation.

~~((i))~~ Programs must include practicum, internship, field or laboratory experience appropriate to the practice of psychology.

~~((j))~~ (2) The following defines the academic program:

(a) The curriculum ~~((should))~~ shall encompass a minimum ~~((or equivalent))~~ of three academic years of full-time graduate study or their equivalent. The doctoral program ~~((should))~~ shall involve at least one continuous year of full-time residency at the ~~((university at which))~~ institution which grants the degree ((is granted)). ~~((Instruction should include scientific and professional ethics and standards, history and systems, Research design))~~ The applicant shall clearly have had instruction in: History and systems, research design and methodology(:), statistics and ((psychometrics)) psychometrics. The ~~((core))~~ program ~~((should also))~~ shall require each student to ~~((obtain an academic background of the following content areas (typically six or more semester hours))~~ complete three or more semester hours (five or more quarter-hours) of core study in each of the following content areas:

(i) Biological bases of behavior((-e.g.-)) (physiological psychology, comparative psychology, ((neuropsychology)) neurobases, sensation and perception, ((psychopharmacology-)) biological bases of development);

(ii) Cognitive-affective bases of behavior((-e.g.-)) (learning, thinking, motivation, ((emotions-)) emotion, cognitive development);

(iii) Social bases of behavior((-e.g.-)) (social(:)) psychology, ((group processes-)) organizational ((and systems theory-)) theory, community psychology, social development;

(iv) Individual differences((-e.g.-)) (personality theory, ((human development, abnormal psychology-)) psychopathology); and

(v) Scientific and professional ethics.

(b) The program shall include practicum, internship, field or laboratory experience appropriate to the area of psychology that is the student's major emphasis.

(3) If the major emphasis is in ~~((an applied area such as))~~ clinical, counseling, school or other ~~((pertinent))~~ applied area(s), the program ~~((must))~~ shall include ~~((a set of))~~ coordinated practicum and internship experience~~((s which total at least two semesters in the practicum setting, and additionally a "one-year" internship. A minimum of))~~.

(a) Practicum experience shall total at least two semesters (three quarters) and consist of a total of at least 300 hours of ((practicum, including)) direct experience and 100 hours of ((scheduled individual)) supervision((-, should precede the internship)).

~~((4))~~ The psychological services offered in the internship program in "Standards for providers of psychological services" published)) (b) The practica shall be followed by an organized internship. Predoctoral internship programs accredited by the American Psychological Association ((may be used as a framework for the internship program. The board also recognizes other quality internship programs-)) shall be accepted by the board as meeting this requirement. Otherwise, an organized internship shall be as follows:

(i) The internship shall be designed to provide a planned, programmed sequence of training experiences, the primary focus of which is to assure breadth and quality of training.

(ii) The internship setting shall have a clearly designated psychologist who is responsible for the integrity and quality of the training program and who is licensed/certified by the state/provincial board of psychology examiners.

(iii) The internship setting shall have two or more psychologists available as supervisors, at least one of whom is licensed/certified as a psychologist.

(iv) Supervision shall be provided by the person who is responsible for the cases being supervised. At least seventy-five percent of the supervision shall be provided by a psychologist(s).

(v) At least twenty-five percent of the intern's time shall be spent in direct client contact (minimum 375 hours) providing assessment and intervention services.

(vi) There shall be a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with the direct psychological services rendered by the intern. There shall also be a minimum of 2 hours of other learning activities such as: Case conferences, seminars on applied issues, co-therapy with a staff person including discussion, group supervision.

(vii) Supervision/training relating to ethics shall be an ongoing aspect of the internship program.

(viii) Trainees shall have titles such as "intern," "resident," "fellow," or other designation of trainee status.

(ix) The internship setting shall have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of trainees' work, and made available to prospective interns.

(x) The internship experience shall consist of at least 1500 hours and shall be completed within twenty-four months.

WSR 87-15-105

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Department of Licensing intends to adopt, amend, or repeal rules concerning:

Amd	WAC 308-49-140	Registration.
Amd	WAC 308-49-170	Annual statement requirements.
Rep	WAC 308-49-180	Renewal of certification of registration;

that the agency will at 9:30 a.m., Thursday, August 27, 1987, in the Quince Street Building, Exam Conference Room, Olympia, Washington, 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 18.39.290 and 18.39.320.

The specific statute these rules are intended to implement is RCW 18.39.290 and 18.39.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 25, 1987.

Dated: July 16, 1987

By: Robert VanSchoorl
Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Funeral Directors and Embalmers.

Title: WAC 308-49-140 Registration; 308-49-170 Annual statement requirements; and 308-49-180 Renewal of certification of registration.

Description of Purpose: To amend rules relating to registration for entering into prearrangement funeral service contracts, annual statement requirements and repeal renewal date for preneed registration.

Statutory Authority: RCW 18.39.290 and 18.39.320.

Summary of Rules: WAC 308-49-140, transfers authority to the board and deletes reference to licensed public accountant; 308-49-170, to make the filing date of the annual statements consistent with the statute; and 308-49-180, no longer necessary as renewal date is stated in WAC 308-49-170.

Responsible Personnel: In addition to the Board of Funeral Directors and Embalmers, the following professional programs management staff has knowledge of and responsibility for drafting, implementing and enforcing

these rules: Delores E. Spice, Program Manager, Department of Licensing, P.O. Box 9649, Olympia, WA 98504, phone (206) 753-3199 comm or 234-3199 scan.

Proponents: Washington State Board of Funeral Directors and Embalmers.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

AMENDATORY SECTION (Amending Order PL 420, filed 1/26/83)

WAC 308-49-140 REGISTRATION. (1) Before entering into any prearrangement funeral service contracts in this state, a funeral establishment shall first obtain a certificate of registration from the (director) board. To apply for registration, a funeral establishment must file an application on forms (provided by the director) approved by the board of funeral directors and embalmers, which includes:

(a) The name, address, and telephone number of the funeral establishment;

(b) The name and license number of the person at the funeral establishment responsible for supervising the sale of funeral merchandise or service on a prearrangement basis;

(c) A statement of the establishment's current financial condition and an explanation of how the establishment plans to offer, market and service prearrangement contracts, including:

(i) The type of business organization which operates the funeral establishment, e.g., sole proprietorship, partnership, or corporation and a list of all officers, directors, partners and managers by name and title, and any person owning more than ten percent of the business;

(ii) A balance sheet and a profit and loss statement for the most recently concluded fiscal year, certified by a certified public accountant, or a copy of the establishment's most recent federal income tax return verified by a certified public accountant (or a licensed public accountant);

(d) The prearrangement funeral contract forms the establishment proposes to use, which need not be in final printed form when submitted; however, a copy of the final printed form shall be filed with the (director) board before the form is used;

(e) Identification of the qualified public depository the establishment will use with an explanation of the depository's manner of operating and managing the prearrangement funeral service contract trust fund, together with copies of any contract or trust agreement to be entered into in connection with such trust fund, and, if a single trust fund is to be established and maintained with respect to several prearrangement funeral service contracts, a complete explanation of the manner in which records will be maintained to allocate the interest, dividends, increases or accretions and the share of such fund to each contract.

(2) Upon review of the application, the (director) board may require additional information or explanation prior to registration or refusing to register the funeral establishment.

(3) The application shall be accompanied by a check payable to the state treasurer in the amount required by the director for the issuance of the certificate of registration.

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.

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 420, filed 1/26/83)

WAC 308-49-170 ANNUAL STATEMENT REQUIREMENTS. (1) Each registered funeral establishment shall file with the (director) board annually, (before the first day of March) ninety days

after the end of its fiscal year, a true and accurate statement of its financial condition, transactions and affairs for the preceding (calendar) fiscal year.

(2) The statement shall include a balance sheet and a profit and loss statement for the preceding (calendar) fiscal year, certified by a certified public accountant (or a licensed public accountant), or a copy of the establishments most recent federal income tax returns verified by a certified public accountant (or a licensed public accountant).

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in ownership greater than ten percent, which have occurred in the preceding (calendar) fiscal year.

(4) With respect to each prearrangement funeral service contract trust fund, the following information shall be provided:

(a) The name of the depository and the account number;

(b) The number of outstanding contracts at the beginning of the fiscal year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;

(e) The number of new contracts issued during the fiscal year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of individuals withdrawing from the contracts, the principal amount paid to them and the amount of interest, dividends, or accretions, separately stated, paid to them.

(h) The number of cases where prearrangement funeral merchandise and services covered by the contract have been furnished and delivered and the amount transferred out of the trust fund to the funeral establishment for such services;

(i) The number of outstanding contracts as of the end of the (calendar) fiscal year and the amount of the contracts and the amount being held in trust for such contracts.

(5) The annual statement shall be accompanied by a fee as determined by the director, payable to the state treasurer.

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.

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.

REPEALER

The following section of the Washington administrative code is hereby repealed:

WAC 308-49-180 RENEWAL OF CERTIFICATE OF REGISTRATION.

**WSR 87-15-106
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed July 22, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning custom meat facilities, chapter 16-23 WAC;

that the agency will at 9:00 a.m., Wednesday, August 26, 1987, in the Conference Room, Livestock Services, 2627-B Parkmont Lane S.W., Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 2, 1987.

The authority under which these rules are proposed is chapter 16.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 26, 1987.

Dated: July 22, 1987
 By: Mike Willis
 Assistant Director

STATEMENT OF PURPOSE

Title: Custom meat facilities.

Description of Purpose: To implement section 5 of Senate Bill 5381 amending chapter 16.49 RCW, custom slaughtering.

Statutory Authority: Chapter 16.49 RCW.

Summary of Rules: Establishes policies and procedures for the sanitary maintenance of custom meat facilities and for the sanitary preparation and processing of meat and meat food products prepared at custom meat facilities. The rule also provides a means of establishing and maintaining proof of ownership of uninspected carcasses or parts of carcasses. The rule provides guidelines for labeling uninspected meat "NOT FOR SALE" and for labeling inspected custom products in accordance with chapter 16.94 [19.94] RCW, the Weights and Measures Act and chapter 69.04 RCW, the Food and Drug Act. The rule provides for the separation of inspected and uninspected meat in storage and handling and for the handling of pork to destroy Trichinae.

Reasons Supporting the Proposed Rule: The amended law gives the director of agriculture authority to regulate the sanitation standards for custom meat facilities and allows custom meat facilities to sell inspected meat in retail quantities. Rules are necessary to establish specific guidelines in both cases.

Agency Personnel to Contact: Dr. Rolla C. Sexauer, State Veterinarian, Department of Agriculture, Livestock Services/Animal Health, 406 General Administration Building, AX-41, Olympia, WA 98504, (206) 753-5040.

Agency Comment: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: None.

Chapter 16-23 WAC
CUSTOM MEAT FACILITIES

WAC

16-23-010	Definitions.
16-23-020	Maintaining sanitary premises.
16-23-025	Sufficient light.
16-23-030	Adequate ventilation.
16-23-035	Adequate drainage.
16-23-040	Water supply.
16-23-045	Hot water.
16-23-050	Impervious surfaces.
16-23-060	Refrigerated facilities.
16-23-070	Lavatory facilities.
16-23-075	Flush toilets and dressing room facilities.
16-23-085	Rooms, compartments, etc., to be clean and sanitary.
16-23-090	Operations and procedures to be clean and sanitary.
16-23-095	Rooms and compartments to be free from dust and odors.
16-23-100	Rooms and compartments to be free of steam and vapors.
16-23-105	Cleaning characteristics of equipment.

16-23-110	Scabbards for knives.
16-23-115	Persons to keep hands and implements clean.
16-23-120	Clean clothing.
16-23-125	Insanitary practices prohibited.
16-23-150	Flies, rats and other vermin - baits and poisons.
16-23-160	Care of outer premises.
16-23-165	Employee health.
16-23-170	Proof of ownership of uninspected carcasses or parts of carcasses by the operator.
16-23-175	Labeling and packaging requirements.
16-23-180	Meat and meat food products—Preparation and storage.

NEW SECTION

WAC 16-23-010 DEFINITIONS. For the purpose of these rules:

- (1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal.
- (2) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.
- (3) "Department" means the department of agriculture of the state of Washington.
- (4) "Director" means the director of the department or the director's designee.
- (5) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment and vehicles used to transport meat.
- (6) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.
- (7) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act.
- (8) "Meat food animal" means cattle, swine, sheep, or goats.
- (9) "Meat food product" means any product derived from meat food animal and intended for human consumption.
- (10) "Operator" includes any owner, lessee, or manager of a custom meat facility.
- (11) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, any member, officer, or employee thereof or assignee for the benefit of creditors.
- (12) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.
- (13) "Uninspected meat" means carcasses or parts thereof of meat food animals slaughtered or processed for human consumption other than under requirements provided in chapter 16.49A RCW or a federal meat inspection act which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.
- (14) "Unwholesome" includes meat products which may be diseased, contaminated, unsound, unhealthful.
- (15) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act and packaged and sealed in a container or wrapping bearing the seal of federal inspection.

NEW SECTION

WAC 16-23-020 MAINTAINING SANITARY PREMISES. Establishments or premises on or in which meat food products are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-23-025 through 16-23-165 will be deemed necessary for minimum sanitary conditions.

NEW SECTION

WAC 16-23-025 SUFFICIENT LIGHT. There shall be sufficient light consisting of artificial illumination in all operating rooms.

NEW SECTION

WAC 16-23-030 ADEQUATE VENTILATION. There shall be adequate ventilation for all rooms and compartments to prevent condensation of moisture and to carry off odors and vapors.

NEW SECTION

WAC 16-23-035 ADEQUATE DRAINAGE. There shall be a sufficient number of drains to carry off waste accumulations and water and be properly vented to the outside air. Unless otherwise specified in these regulations, all plumbing shall conform to applicable requirements of the plumbing codes effective within the particular jurisdiction, or, in their absence to the requirements of recognized plumbing codes such as the National Plumbing Code ASA A40.8, or the Western Plumbing Officials Association, Uniform Plumbing Code. Waste disposal facilities shall conform to the requirements of local agency having jurisdiction. Domestic sewage shall be disposed of in conformity with the requirements of the jurisdictional health department. Toilet soil lines shall be separate from custom processing plant drainage lines to a point outside the buildings and drainage from toilet bowls and urinals should not be discharged into a grease catch basin. This section and WAC 16-23-050 shall apply only to custom meat facilities constructed or remodeled after the effective date of these rules.

NEW SECTION

WAC 16-23-040 WATER SUPPLY. There shall be sufficient water to meet all operating demands. The water shall pass the test prescribed for potability in the "drinking water standards" promulgated by the United States public health services, department of health, education and welfare. Such water potability tests shall be conducted at six month intervals on private water supplies and yearly on publicly owned water supplies.

NEW SECTION

WAC 16-23-045 HOT WATER. The following shall be provided:

- (1) Hot water sufficient in amount and temperature to assure thorough cleaning of all rooms and equipment.
- (2) Hose connections for cleanup purposes at such places as are necessary to assure thorough cleaning of all rooms and equipment. Suitable racks or reels for storing the hose when not in use.

NEW SECTION

WAC 16-23-050 IMPERVIOUS SURFACES. Floors in rooms in which flushing of the floors with water is required for adequate cleaning must be constructed of impervious material susceptible to proper cleaning such as, but not limited to, concrete or tile. They must be finished so as to enable proper cleaning. Walls in operating departments must be surfaced with a material which is susceptible to being properly cleaned to the height which the surfaces becomes soiled under normal operating conditions. Wooden structures are absorbent and difficult to keep clean, hence their use must be kept at a minimum. Ceilings must be smooth finished and capable of being properly cleaned. All coolers must be ceiled. All exposed wood surfaces must be smooth and painted or properly sealed.

NEW SECTION

WAC 16-23-060 REFRIGERATED FACILITIES. (1) Adequate refrigerated facilities for the chilling and storage of products shall be provided. Carcass chill coolers and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them and the pans properly connected to the drainage system or to other suitable facilities. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. In no event shall the clearance between a hanging carcass and the floor be less than that necessary to avoid contact with or contamination from the floor.

(2) Meat food product storage and display facilities must not be loaded to exceed their intended capacity to maintain fresh and cured products, stored in them, below 45°F internal temperature and frozen meat food product below 0°F internal temperature.

(a) Such refrigeration facilities must be equipped with a visible, accurate thermometer located in the warmest part of the refrigerated area.

(b) Uninspected meat food product must not be stored in facilities used for displaying inspected meat held for sale.

NEW SECTION

WAC 16-23-070 LAVATORY FACILITIES. Foot operated lavatory facility shall be maintained at such places as necessary to assure cleanliness for all persons handling meat products. Such facilities must include hot and cold running water, liquid soap, and towels must be maintained in a clean and sanitary condition.

NEW SECTION

WAC 16-23-075 FLUSH TOILETS AND DRESSING ROOM FACILITIES. A modern conveniently located flush type toilet shall be furnished. Such facilities must be fly tight and properly ventilated. The toilet room must not open directly into any room where products are prepared, processed, stored or handled. The doorway between the toilet room and intervening room must have a tight, full height self-closing door. If the toilet room is not an outside room, it must be properly vented to the outside and forced ventilation provided.

NEW SECTION

WAC 16-23-085 ROOMS, COMPARTMENTS, ETC., TO BE CLEAN AND SANITARY. Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any meat, and all other parts of the establishment, shall be kept clean and in sanitary condition. All equipment must be thoroughly cleaned following each day's operations. There shall be no handling or storing of material which create an objectionable condition in rooms, compartments, or places where meat is prepared, stored or otherwise handled.

NEW SECTION

WAC 16-23-090 OPERATIONS AND PROCEDURES TO BE CLEAN AND SANITARY. Operation and procedures involving the preparation, storing or handling of any meat shall be strictly in accord with clean and sanitary methods.

(1) Receptacles used for inedible meat in rooms in which edible products are handled must be in good repair and must be properly sanitized before being used.

(2) Carcasses or parts of carcasses of uninspected meat not returned to the owner thereof shall be properly denatured and properly disposed of. Inspected carcasses or parts of carcasses not intended for human consumption shall be denatured before disposal.

(3) Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Thirty inches of rail space should be allowed for each beef carcass and eighteen inches of rail space allowed for each hog carcass.

NEW SECTION

WAC 16-23-095 ROOMS AND COMPARTMENTS TO BE FREE FROM DUST AND ODORS. The rooms and compartments in which any meat is prepared or handled shall be free from dust and odors from dressing and toilet rooms and catch basins.

NEW SECTION

WAC 16-23-100 ROOMS AND COMPARTMENTS TO BE FREE OF STEAM AND VAPORS. Rooms and compartments in which any product is processed or prepared shall be kept sufficiently free of steam and vapors to insure clean operations. The walls, ceiling, and overhead structures of rooms and compartments in which products are prepared, handled, or stored shall be kept reasonably free from moisture.

NEW SECTION

WAC 16-23-105 CLEANING CHARACTERISTICS OF EQUIPMENT. Equipment and utensils used for preparing, processing, and otherwise handling products shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned. Cutting boards may be of hardwood or synthetic materials.

NEW SECTION

WAC 16-23-110 SCABBARDS FOR KNIVES. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., shall be constructed of rust resisting metal or other impervious materials and shall be of a type that may be readily cleaned and shall be kept clean.

NEW SECTION

WAC 16-23-115 PERSONS TO KEEP HANDS AND IMPLEMENTS CLEAN. Persons who handle diseased carcasses or parts shall, before handling other carcasses or parts, cleanse their hands with soap and hot water and rinse them in clean water. Implements used shall be thoroughly cleansed in boiling water or in a prescribed disinfectant followed by rinsing in clean water. The persons who handle meat shall keep their hands clean and after visiting the toilet rooms or urinals shall wash their hands before handling any products or implements used in the preparation of meat.

NEW SECTION

WAC 16-23-120 CLEAN CLOTHING. Aprons, frocks, and other outer clothing worn by persons who handle products shall be cleanable material. Only clean garments shall be worn.

NEW SECTION

WAC 16-23-125 INSANITARY PRACTICES PROHIBITED. Such practices as spitting on whetstones, sitting on the floor, placing skewers, tabs or knives in the mouth are prohibited. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments, or other material. All persons working in departments where exposed edible meat is handled must wear head coverings.

NEW SECTION

WAC 16-23-150 FLIES, RATS AND OTHER VERMIN - BAIT AND POISONS. Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin. All windows and doors opening to the outside shall be screened with No. 16 mesh or finer screen or effective air curtains. Louvers may be screened only on the top of the baffle so that debris will not collect. Sprays containing residual acting chemicals must not be used in edible products departments. The use of poisons for any purpose in rooms or compartments where any unpacked meats are stored or handled is forbidden, except under such restrictions as the department may specifically allow. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the department may be used. So called rat viruses shall not be used in any part of an establishment or the premises thereof.

NEW SECTION

WAC 16-23-160 CARE OF OUTER PREMISES. The outer premises of every establishment embracing docks and areas where vehicles are loaded and the driveways, approaches, and yards shall be kept clean and in orderly condition.

NEW SECTION

WAC 16-23-165 EMPLOYEE HEALTH. (1) No person shall work, nor shall any operator permit any person to work, in any room or rooms where meat is processed, stored, or sold when such person is infected with any disease or conditions transmissible to or through food. Provided further, the department may require any person so working to be examined by a physician licensed to practice medicine in this state for the existence of any such disease or condition and require a statement signed by such physician reciting freedom therefrom.

(2) Every person employed in a custom meat facility who may contribute to the transmission of infectious disease through the nature of the employee's contact with meat or equipment and facilities shall obtain and place on file with the person in charge of such establishment, a food and beverage service worker's permit as prescribed by chapter 69.06 RCW.

NEW SECTION

WAC 16-23-170 PROOF OF OWNERSHIP OF UNINSPECTED CARCASSES OR PARTS OF CARCASSES BY THE OPERATOR. The operator of any custom meat facility shall have in his possession certificates of permit as provided by chapter 16-620 WAC or other satisfactory proof of ownership of all uninspected carcasses or parts thereof received in his establishment, and such proof of ownership must be kept on file for a period of six months after receipt of such carcasses or parts of carcasses.

(1) All uninspected cattle carcasses or parts of carcasses shall be identified by a department approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identity shall conform to the requirements of chapter 16.57 RCW.

(2) All uninspected meat food animal carcasses or parts of carcasses other than cattle must be identified as to name and address of the owner, name and address of the slaughterer if different than the owner, and the slaughter date while in the possession of the operator.

(3) Each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparing will be furnished by the operator a written certificate stating the gross weight received for preparing. A duplicate copy of this record will be maintained by the operator at his principle place of business for a period of at least six months.

(4) Operators making sales of prepackaged inspected meat to other than household users shall maintain records of all such transactions as to buyer, type of product sold and total net weight of each exchange.

NEW SECTION

WAC 16-23-175 LABELING AND PACKAGING REQUIREMENTS. (1) All uninspected meat and meat food products stored or prepared for the owner thereof, including packages or containers containing any uninspected meat food products, shall be marked "NOT FOR SALE" in letters 3/8 inch in height immediately upon receipt and immediately after preparing.

(2) All meat food product labels and meat food product packaging must conform to applicable sections of chapter 19.94 RCW, The Weights and Measures Act and chapter 69.04 RCW, The Food and Drug Act now in effect or as amended and regulations promulgated thereunder or amended.

(a) Meat food products shall be deemed mislabeled if offered for sale before the package containing the product bears a label containing the common or usual name of the product, an accurate statement of quantity of the contents expressed as "net weight", and the total price of the package. If fabricated from two or more ingredients, the common name of each ingredient in descending order of prominence and the name and address of the manufacturer is required.

(b) The standards of content and advertising for chopped or ground beef or hamburger are those contained in chapter 16-49 WAC.

NEW SECTION

WAC 16-23-180 MEAT AND MEAT FOOD PRODUCTS—PREPARATION AND STORAGE. (1) Inspected meat and uninspected meat shall be stored and prepared separately at all times. Meat storage areas shall be designated for inspected and uninspected meat and meat food products. There shall be no physical contact between inspected and uninspected meat.

(2) There shall be a complete equipment cleanup after preparation of uninspected meat.

(3) Meat and meat food products shall not be placed on floor surfaces except that which is stored in containers in freezers.

(4) Meat food products containing pork meat, all or in part, prepared in a custom meat facility, and having a cooked or partially cooked appearance in final product form, shall be heated for destruction of Trichinae before delivery to a household user. Such products containing pork shall be heated in all parts to a temperature of 137°F or more. Operators must maintain adequate records of each temperature treatment.

WSR 87-15-107
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning schedule of laboratory fees, WAC 16-32-010;

that the agency will at 1:00 p.m., Wednesday, August 26, 1987, in the Conference Room, Livestock Services, 2627-B Parkmont Lane S.W., Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 2, 1987.

The authority under which these rules are proposed is chapter 16.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 26, 1987.

Dated: July 22, 1987

By: Mike Willis
 Assistant Director

STATEMENT OF PURPOSE

Title: Schedule of laboratory fees.

Description of Purpose: To make minor changes in wording for a more accurate description of diagnostic procedures. Also, to adjust fees for bacterial procedures for companion animals to make fees equivalent to those charged at other diagnostic laboratories.

Statutory Authority: Chapter 16.38 RCW.

Summary of Rules: Establishes a schedule of fees for animal diagnostic services.

Reasons Supporting the Proposed Rule: Fees established by this rule are necessary to defray costs of diagnostic testing of animals. The fees match those charged by Washington State University, College of Veterinary Medicine and private diagnostic laboratories in the state.

Agency Personnel to Contact: Dr. Rolla C. Sexauer, State Veterinarian, Department of Agriculture, Livestock Services/Animal Health, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5040.

Agency Comment: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1928, filed 5/8/87)

WAC 16-32-010 SCHEDULE OF LABORATORY FEES. (1) The following fees shall be charged for services performed by the diagnostic laboratory of the livestock services division, state department of agriculture, for Washington residents:

Bacteriology:

Aerobic culture (1-3 tissues).....	\$ 7.00
each additional culture.....	2.00
Antibiotic sensitivity tests.....	3.00
Anaerobic culture.....	10.00

Paratuberculosis (Johne's disease)	10.00
each additional sample in herd.....	3.00
Milk culture— per animal.....	7.00
each additional ((sample)) animal in herd	2.00
Mycology	10.00
Trichomoniasis and Campylobacteriosis.....	5.00

Serology:

Charges include paired sera (acute and convalescent) from each animal for diagnostic purposes. The fee for single samples for regulatory purposes is one-half that of the paired sera.

Food animal:

Single virus or bacteria	
1st animal	5.00
each additional animal in herd.....	(1.00)
	<u>2.00</u>

Combination tests:

Abortion screen, <u>diagnostic only</u> (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis)	15.00
1st animal	15.00
each additional animal in herd.....	(1.00)
	<u>2.00</u>

Companion animals:

Viral - 1st animal (EIA).....	10.00
((each additional animal, same case	1.00)

Bacterial (Brucella canis, Leptospirosis)

1st animal	((15.00))
	<u>10.00</u>
each additional animal, same case	1.00

(2) The following fees shall be charged for services performed by the diagnostic laboratory of the livestock services division, state department of agriculture, for persons residing outside of the state of Washington:

Bacteriology:

Aerobic culture (1-3 tissues).....	\$ 10.00
each additional culture.....	3.00
Antibiotic sensitivity tests.....	4.00
Anaerobic culture.....	15.00
Paratuberculosis (Johne's disease)	15.00
each additional sample in herd.....	4.00
Milk culture— per animal.....	10.00
each additional ((sample)) animal in herd	3.00
Mycology	15.00
Trichomoniasis and Campylobacteriosis.....	((2.00))
	<u>7.00</u>

Serology:

Charges include paired sera (acute and convalescent) from each animal for diagnostic purposes. The fee for single samples for regulatory purposes is one-half that of the paired sera.

Food animal:

Single virus or bacteria	
1st animal	8.00
each additional animal in herd.....	2.00

Combination tests:

Abortion screen, <u>diagnostic only</u> (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis)	30.00
1st animal	30.00
each additional animal in herd.....	3.00

Viral - 1st animal (EIA).....	15.00
((each additional animal, same case	3.00)

Bacterial (Brucella canis, Leptospirosis)

1st animal	((23.00))
	<u>15.00</u>
each additional animal, same case	3.00

WSR 87-15-108
NOTICE OF PUBLIC MEETINGS
INSURANCE COMMISSIONER
 [Memorandum—July 22, 1987]

NOTICE OF MEMBERSHIP MEETING
WASHINGTON STATE HEALTH INSURANCE POOL

The insurance commissioner hereby gives notice to insurers, health care service contractors and health maintenance organizations, who are members of the Washington state health insurance pool, that the initial organizational meetings of the pool will be held at 9:30 a.m., Monday, September 28, 1987, in Hearing Room #1, John A. Cherberg Building, Olympia, Washington.

The purpose of the meetings will be the nomination and election of the members of the board of directors of the pool, in accord with the requirements of WAC 284-91-010 and 284-91-020, which will be adopted, following a public rule-making hearing, on August 26, 1987.

For purposes of this notice and such meetings, a "member" of the Washington state health insurance pool is defined in section 3(12), chapter 431, Laws of 1987, to include any commercial insurer which provides disability insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW, excluding, however, any whose products are exclusively dental products.

WSR 87-15-109
PROPOSED RULES
INSURANCE COMMISSIONER
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning the Washington state health insurance pool, specifically including the procedures for the nomination and election of members of the pool's board of directors, the organizational meeting, the duties of the pool's board of directors, the duties of the administrator, and prescribing basic forms to be used by the administrator. A new chapter is added to the Washington Administrative Code;

that the agency will at 10:00 a.m., Wednesday, August 26, 1987, in the John A. Cherberg Building, Hearing Room #1, State Capitol Campus, Olympia, Washington, 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 48.02.060, 48.44.050, 48.46.200 and section 17, chapter 431, Laws of 1987.

The specific statute these rules are intended to implement is sections 4, 6, 7, 8 and 9, chapter 431, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 25, 1987.

Dated: July 21, 1987
 By: David H. Rodgers
 Chief Deputy Insurance Commissioner

STATEMENT OF PURPOSE

Title: Chapter 284-91 WAC. A new chapter is proposed to be added to the Washington Administrative Code, which will become the health insurance access regulation, implementing chapter 431, Laws of 1987, the Washington State Health Insurance Coverage Access Act.

The statutory authority for the proposed rules is RCW 48.02.060, 48.44.050, 48.46.200 and chapter 431, Laws of 1987, to effectuate the provisions of sections 4, 7 and 9, chapter 431, Laws of 1987.

WAC 284-91-010 establishes the procedures for the nomination and election of six members of the board of directors of the Washington state health insurance pool, the other three members being appointed by the insurance commissioner. Section 4, chapter 431, Laws of 1987, provides that, to the extent possible, the elected representatives should include at least one representative of health care service contractors, one representative of health maintenance organizations, and one representative of commercial insurers which provides disability insurance. As proposed by the rule, each group will be represented by two directors, one for each group nominated by the members of the particular group on the basis of one vote per member, and the others nominated by the members of the particular group on the basis of a weighted vote, each member's vote being weighted in proportion to its share of the earned premiums received by all members of the group during the preceding calendar year.

After the nominations, as outlined above, the rule provides that the nominees must be confirmed by a majority of all the members present. It is believed that the nomination and election process will provide for a proper mix of representatives on the board of directors and carry out the intent of the legislature.

The rule provides that only one board position may be held by a member, its parent member or its subsidiary members, that no member of the pool may serve as both the administrator of the pool and a director, and requires that a member of the board of directors have at least 1,000 persons insured by it and that it has provided health expense benefits continuously for three or more years.

WAC 284-91-020 provides for the organizational meeting at which nominations and elections are conducted to be called and conducted by the commissioner, and sets forth the basic duties of the board of directors.

WAC 284-91-030 sets forth the basic duties of the administrator which are to be specified by the board of directors.

WAC 284-91-040 sets forth forms to be used by the administrator in reporting the experience of the pool under the various pool policies contemplated by the law.

David Rodgers, Chief Deputy Insurance Commissioner, (206) 753-7302, is directly responsible for the drafting of the proposed rules and will supervise the implementation and enforcement of the rules. His address is Insurance Building, AQ-21, Olympia, Washington 98504.

The rules are proposed by Dick Marquardt, the insurance commissioner, a state public official.

The proposed rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: While the cost of participating in the Washington state health insurance pool could be significant, that is the result of the legislature's enactment of chapter 431, Laws of 1987. From the standpoint of these rules, which merely implement the law's requirements with respect to the procedures for the nomination and election of members of the pool's board of directors, and the basic duties of the board and the administrator, the cost to an insurer, health maintenance organization or health care service contractor in complying with these rules will be insignificant, and the cost to any particular entity will not be affected by the fact that it has more or less than fifty employees. In any event, there is no basis, under the law, for treating a "small business" differently from one with more than fifty employees.

Chapter 284-91 WAC
HEALTH INSURANCE ACCESS REGULATION

WAC

284-91-010	Board of directors.
284-91-020	Organizational meeting, duties of board of directors.
284-91-030	Duties of administrator.
284-91-040	Forms to be used by administrator.

NEW SECTION

WAC 284-91-010 BOARD OF DIRECTORS. Pursuant to section 4(2), chapter 431, Laws of 1987, a board of directors for the Washington state health insurance pool is hereby established. Nine directors shall comprise the board, and shall be selected by position as follows:

(1) Individual persons shall be appointed by the commissioner to positions one, two, and three. Position one will represent the general public. Position two will represent health care providers. Position three will represent health insurance agents.

(2) At the organizational meeting six directors shall be elected by the "members" of the Washington state health insurance pool in attendance at such meeting. The statutory definition of "member" is set forth in section 3(12), chapter 431, Laws of 1987. Nomination for the members' positions shall be in accordance with the following procedures:

(a) Members who are health care service contractors, registered pursuant to chapter 48.44 RCW, shall nominate one member for position four. In the determination of the nominee for position four, each health care service contractor is entitled to one vote. The contractors will then nominate one member for position five. In the determination of the nominee for position five, each health care service contractor's vote shall be weighted in proportion to its share of the earned premiums received by all member contractors during the preceding calendar year. A health care service contractor is not eligible for position four or position five if it is controlled by a health maintenance organization or a commercial insurer.

(b) Members who are health maintenance organizations with certificates of authority pursuant to chapter 48.46 RCW shall nominate one member for position six. In the determination of the nominee for position six, each health maintenance organization is entitled to one vote. The health maintenance organizations will then nominate one member for position seven. In the determination of the nominee for position

seven, each health maintenance organization's vote shall be weighted in proportion to its share of the total earned premium received by all member organizations during the preceding calendar year. A health maintenance organization is not eligible for position six or position seven if it is controlled by a health care service contractor or a commercial insurer.

(c) Members who are commercial insurers providing disability insurance pursuant to certificates of authority issued by the commissioner, shall nominate one member for position eight. In the determination of the nominee for position eight, each commercial insurer is entitled to one vote. The commercial insurers will then nominate a member for position nine. In the determination of the nominee for position nine, each commercial insurer's vote shall be weighted in proportion to its share of the total earned premiums for disability insurance received by all commercial insurers during the preceding calendar year. A commercial insurer is not eligible for position eight or position nine if it is controlled by a health care service contractor or a health maintenance organization.

(d) If, in the nomination process, more than two members are proposed and the resulting vote fails to produce a majority for any candidate, succeeding ballots will be conducted, each dropping the candidate with the lowest vote on the previous ballot until one member receives a majority vote for nomination.

(e) If, in the nominating process, there is a tie vote, the prevailing member will be determined by the flip of a coin, with the nominee whose name comes first in alphabetical order making the call of heads or tails.

(f) For purposes of proportional voting in the nominating process, "earned premium" is that amount reported from the state of Washington in the most recent annual statement filed with the commissioner.

(3) The members nominated pursuant to subsection (2) of this section must be confirmed by a majority of the members present and voting at any election. If the confirming vote results in the rejection of any nominee proposed in accordance with subsection (2) of this section, the appropriate members will caucus and nominate a new candidate. Such nominee must be confirmed by a majority vote of those members present and voting.

(4) The following general rules apply to the nomination and election process set forth in subsections (2) and (3) of this section.

(a) Only one board position may be held by a member, its parent member or its subsidiary members.

(b) No member may serve as both the administrator and a director.

(c) A member is eligible for election to the board of directors if, at time of election, it has at least one thousand persons insured under either individual or group contracts or both and has provided health expense benefits continuously for three or more years.

(d) Except as provided in subsections (2)(a), (b), and (c) of this section, each member shall have one vote which may be cast in person or by proxy granted in writing.

(e) Directors shall serve three-year terms or until a successor has been appointed or elected except as follows. The original directors in positions one, two, and three will first serve one-year terms. The original directors in positions four, six, and eight will first serve two-year terms. All other terms will be for three years or until a successor is appointed or elected.

(f) After the initial terms, elections for positions four through nine will be conducted in accordance with the procedures set forth in subsections (2) and (3) of this section at a time and place designated by the plan of operation.

NEW SECTION

WAC 284-91-020 ORGANIZATIONAL MEETING, DUTIES OF BOARD OF DIRECTORS. (1) The organizational meeting at which nominations and elections are conducted shall be called by the commissioner, pursuant to notice given by mail to all members, which notice shall specify the time, place, and purpose of such meeting. The organizational meeting will be conducted by the commissioner or his designee.

(2) The board of directors shall meet at least once each calendar quarter with five directors constituting a quorum. At the first meeting after the organizational meeting, the board shall:

(a) Select a presiding officer;

(b) Initiate a search for an administrator which shall be either a member domiciled in this state or an experienced third party administrator with headquarters in this state;

(c) Consider retaining such legal, actuarial, accounting, or other professional services as the directors deem necessary to operate the high risk health pool in a sound and competent manner;

(d) Determine the need for an interim assessment as may be reasonable and necessary for organizational or interim operating costs;

(e) Initiate efforts to develop a plan of operation as required by section 4(4), chapter 431, Laws of 1987; and

(f) Such other matters as the directors consider necessary and appropriate to properly initiate the activities of the high risk health pool pursuant to chapter 431, Laws of 1987.

NEW SECTION

WAC 284-91-030 DUTIES OF ADMINISTRATOR. The duties of the administrator shall be specified by the board of directors and include but not be limited to:

(1) Keeping minutes of the board meetings and maintaining a permanent record of the activities of the pool.

(2) Performing the day-to-day administration of the pool including collection of premiums and assessments, processing of claims, and the maintenance of such statistical data as may be necessary for the sound and orderly operation of the pool.

(3) Beginning with the first month for which premium is paid by participating insureds, submit to the board and the commissioner a report indicating the number of insureds by classification, the dollar amount of premiums received and claims paid in each classification and such other information as the directors or the commissioner deem necessary to be informed as to the current claims experience of the pool. A report shall be prepared for each month with year-to-date totals and mailed not later than the 15th day of the following month.

(4) Within sixty days after the end of the first twelve months for which premiums have been paid, and annually thereafter, the administrator will submit to the commissioner and the directors the experience data required by WAC 284-91-040 consistent with the definitions set forth in chapter 284-60 WAC, and such other narrative and statistical data as may be required for the commissioner or the board to keep them fully informed as to the operations and experience of the high risk health pool for each twelve-month period. Forms providing equivalent information in a clear and understandable manner may be substituted for the formats set forth in WAC 284-91-040.

(5) Such other duties and responsibilities as required by chapter 431, Laws of 1987, or as may be ordered by the board of directors.

NEW SECTION

WAC 284-91-040 FORMS TO BE USED BY ADMINISTRATOR.

(1) PLAN A - PRIMARY INSUREDS
 HIGH RISK HEALTH POOL - \$500 DEDUCTIBLE PLAN
 EXPERIENCE REPORT FOR THE PERIOD FROM _____ THROUGH _____

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
COVERAGE	<u>Earned Premium</u>	<u>Incurred Claims</u>	<u>Expense Charges</u>	<u>Surplus (Deficit)</u>	<u>Incurred Loss Ratio (2) ÷ (1)</u>	<u>Expense Ratio (3) ÷ (1)</u>	<u>Combined Ratio (5) + (6)</u>
HOSPITAL							
SURGICAL							
MEDICAL							
DIAGNOSTIC							
MENTAL, ETC.							
PRESCRIPTIONS							
HOME HEALTH							
X-RAY THERAPY							
ANESTHESIA							
DURABLE EQUIP.							
THERAPY							
AMBULANCE							
HOSPICE							
ALL OTHERS	_____	_____	_____	_____	_____	_____	_____
COMBINED TOTALS							

(2) PLAN A - DEPENDENT INSUREDS
 HIGH RISK HEALTH POOL - \$500 DEDUCTIBLE PLAN
 EXPERIENCE REPORT FOR THE PERIOD FROM _____ THROUGH _____

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
COVERAGE	<u>Earned Premium</u>	<u>Incurred Claims</u>	<u>Expense Charges</u>	<u>Surplus (Deficit)</u>	<u>Incurred Loss Ratio (2) ÷ (1)</u>	<u>Expense Ratio (3) ÷ (1)</u>	<u>Combined Ratio (5) + (6)</u>
HOSPITAL							
SURGICAL							
MEDICAL							
DIAGNOSTIC							
MENTAL, ETC.							
PRESCRIPTIONS							
HOME HEALTH							
X-RAY THERAPY							
ANESTHESIA							
DURABLE EQUIP.							
THERAPY							
AMBULANCE							
HOSPICE							
ALL OTHERS	_____	_____	_____	_____	_____	_____	_____
COMBINED TOTALS							

(3) PLAN B - PRIMARY INSUREDS
 HIGH RISK HEALTH POOL - \$1,000 DEDUCTIBLE PLAN
 EXPERIENCE REPORT FOR THE PERIOD FROM _____ THROUGH _____

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
COVERAGE	<u>Earned Premium</u>	<u>Incurred Claims</u>	<u>Expense Charges</u>	<u>Surplus (Deficit)</u>	<u>Incurred Loss Ratio (2) ÷ (1)</u>	<u>Expense Ratio (3) ÷ (1)</u>	<u>Combined Ratio (5) + (6)</u>
HOSPITAL							
SURGICAL							
MEDICAL							
DIAGNOSTIC							
MENTAL, ETC.							
PRESCRIPTIONS							
HOME HEALTH							
X-RAY THERAPY							
ANESTHESIA							
DURABLE EQUIP.							
THERAPY							
AMBULANCE							
HOSPICE							
ALL OTHERS	_____	_____	_____	_____	_____	_____	_____
COMBINED TOTALS							

(4) PLAN B - DEPENDENT COVERAGE
 HIGH RISK HEALTH POOL - \$1,000 DEDUCTIBLE PLAN
 EXPERIENCE REPORT FOR THE PERIOD FROM _____ THROUGH _____

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
COVERAGE	<u>Earned Premium</u>	<u>Incurred Claims</u>	<u>Expense Charges</u>	<u>Surplus (Deficit)</u>	<u>Incurred Loss Ratio (2) ÷ (1)</u>	<u>Expense Ratio (3) ÷ (1)</u>	<u>Combined Ratio (5) + (6)</u>
HOSPITAL							
SURGICAL							
MEDICAL							
DIAGNOSTIC							
MENTAL, ETC.							
PRESCRIPTIONS							
HOME HEALTH							
X-RAY THERAPY							
ANESTHESIA							
DURABLE EQUIP.							
THERAPY							
AMBULANCE							
HOSPICE							
ALL OTHERS	_____	_____	_____	_____	_____	_____	_____
COMBINED TOTALS							

(5) PLAN C
 HIGH RISK HEALTH POOL - MEDICARE SUPPLEMENTS
 EXPERIENCE REPORT FOR THE PERIOD FROM _____ THROUGH _____

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
COVERAGE	<u>Earned Premium</u>	<u>Incurred Claims</u>	<u>Expense Charges</u>	<u>Surplus (Deficit)</u>	<u>Incurred Loss Ratio</u> <u>(2) ÷ (1)</u>	<u>Expense Ratio</u> <u>(3) ÷ (1)</u>	<u>Combined Ratio</u> <u>(5) + (6)</u>
SUPPLEMENT TO PART A MEDICARE							
SUPPLEMENT TO PART B MEDICARE							
COMBINED TOTALS	_____	_____	_____	_____	_____	_____	_____

(6) ALL PLANS COMBINED
 HIGH RISK HEALTH POOL
 EXPERIENCE REPORT FOR THE PERIOD FROM _____ THROUGH _____

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
COVERAGE	<u>Earned Premium</u>	<u>Incurred Claims</u>	<u>Expense Charges</u>	<u>Surplus (Deficit)</u>	<u>Incurred Loss Ratio</u> <u>(2) ÷ (1)</u>	<u>Expense Ratio</u> <u>(3) ÷ (1)</u>	<u>Combined Ratio</u> <u>(5) + (6)</u>
PLAN A PRIMARY INSURED							
PLAN A DEPENDENT COVERAGE							
PLAN B PRIMARY INSURED							
PLAN B DEPENDENT COVERAGE							
PLAN C MEDICARE SUPPLEMENT							
COMBINED TOTALS	_____	_____	_____	_____	_____	_____	_____

WSR 87-15-110

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 220, Resolution No. 229—Filed July 22, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to minimum qualifications for issuance for a Class P license, WAC 314-16-205.

This action is taken pursuant to Notice No. WSR 87-13-012 filed with the code reviser on June 9, 1987. 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 Washington State Liquor Control Board as authorized in RCW 66.08.030.

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 July 22, 1987.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 139, Resolution No. 148, filed 4/11/84)

WAC 314-16-205 MINIMUM QUALIFICATIONS FOR ISSUANCE FOR A CLASS P LICENSE. The decision as to whether or not a Class P license authorized by RCW 66.24.550 will be issued in a particular case is, pursuant to RCW 66.24.010(2), a matter of board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a Class P license, the fact that an applicant meets the qualifications set forth in subsections (1) ~~((and-(2)))~~ through (6) hereof does not establish a vested right that such license shall issue.

(1) The term "gifts at retail" as used in RCW 66.24.550 shall be interpreted as referring to "goods" and shall not include "services."

(2) The sale and delivery of wine under a Class P license shall be adjunct to and not constitute the only retail gift delivery service business of the licensee.

(3) Businesses engaged in the selling of flowers or floral arrangements must establish to the board's satisfaction that the primary business being conducted is the sale of flowers, floral arrangements or ornamental plants. The board may inspect an applicant's inventory, sales figures and business records to make this determination.

(4) A Class P license holder is required to maintain sales records of all wine sales to include date of sale, name of purchaser, date of delivery and the name and address of the person receiving the delivery of wine.

(5) All deliveries of wine are to be made by employees twenty-one years of age and older who will have the responsibility of verifying that the person receiving the wine gift is at least twenty-one years of age.

(6) The restrictions on license issuance as specified in RCW 66.24.550, and in subsections (1) ~~((and-(2)))~~ through (5) hereof, shall be construed to be continuing conditions for retaining the Class P license.

WSR 87-15-111

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 222, Resolution No. 231—Filed July 22, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd WAC 314-24-110 Domestic wineries, wine wholesalers, wine importers—Monthly reports—Bonds required—Payment of tax.
Amd WAC 314-24-190 Wine wholesale price posting.
Amd WAC 314-24-200 Wine suppliers' price filings, contracts and memoranda.

This action is taken pursuant to Notice No. WSR 87-13-013 filed with the code reviser on June 9, 1987. 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 Washington State Liquor Control Board as authorized in RCW 66.08.030.

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 July 22, 1987.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 170, Resolution No. 179, filed 11/27/85)

WAC 314-24-110 DOMESTIC WINERIES, WINE WHOLESALERS, WINE IMPORTERS—MONTHLY REPORTS—BONDS REQUIRED—PAYMENT OF TAX. (1) Every domestic winery and every holder of a wine wholesaler's license must at all times when said license is in force, have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board. The said bond shall be payable to the Washington state liquor control board and conditioned that such domestic winery and wine wholesaler will pay to the board the tax of ~~((twenty and one-fourth cents per liter plus a seven percent surcharge, for a total of \$0.2167))~~ \$0.2192 per liter, levied by reason of RCW 66.24.210 and 82.02.030.

(2) Every person, firm or corporation holding a license to manufacture or produce wine within the state of Washington shall, on or before the twentieth day of each month, submit to the board, upon forms furnished by the board, reports showing all required information on transactions in wine manufactured or produced on the winery premises.

(3) At the time of making such monthly reports to the board, the domestic winery shall pay to the board the total wine tax and surcharge of (~~(\$0.2167)~~) \$0.2192 per liter on wine removed from federal bond for sale at retail on the winery premises, as provided in RCW 66.28.010 and 66.24.170; on wine removed from federal bond for sale to retail licensees as provided in RCW 66.24.170; on wine removed from federal bond for furnishing as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040; and on wine removed from federal bond for furnishing without charge to a not-for-profit group for the purpose of enology or the study of viticulture as provided in RCW 66.28.040: PROVIDED, That such tax shall not apply to or be paid by a domestic winery on sales to Washington wine wholesalers, inter-winery shipments, shipments exported directly to a point outside the state of Washington, or sales to the Washington state liquor control board.

(4) Every person, firm or corporation holding a wine importer's license or a wine wholesaler's license in the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the twentieth day of each month, of all wine that such importer or wholesaler has purchased and received during the preceding calendar month on which the wine tax has not been paid. The total tax and surcharge of (~~(\$0.2167)~~) \$0.2192 per liter shall be paid by the first wine wholesaler to receive the wine on which such tax has not been previously paid, including wine received as samples from outside the state of Washington and/or wine furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040, and shall be remitted to the board at the time of filing the monthly report required in this subsection. Such tax shall apply to sales by a wine wholesaler to the Washington state liquor control board. The report method of payment of tax shall be exclusive of any other method. Where a wine importer does not also hold a wine wholesaler's license, the wine importer shall pay the wine tax on any wines received and/or furnished as samples.

(5) Failure to make such report, or pay said total tax and surcharge where required, at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the delinquent domestic winery, wine importer, or wine wholesaler. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of purchase. When the twentieth day of any month falls on a Sunday, or a legal holiday, the tax may be filed not later than the close of business the next business day. In addition, in case of any such tax delinquency, the board shall immediately give notice to the surety on such domestic winery

or wine wholesaler's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(6) Wine wholesalers or wine importers who export wine to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.210 and the surcharge as imposed by RCW 82.02.030 have been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, wine sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to (~~chapter 245, Laws of 1975 1st ex. sess.:~~) RCW 66.24.395, or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. The wine tax shall not be paid on wine being shipped in interstate commerce from one point outside this state directly through the state to another point outside the geographical confines of this state.

(7) The board may make other arrangements for reporting and payment of total tax and surcharge where an in-state licensee purchases wine from within and/or without the state of Washington primarily for export from the state. Such arrangements would be on an individual basis and would be for the purpose of simplifying the reporting and accounting requirements.

AMENDATORY SECTION (Amending Order 173, Resolution No. 182, filed 8/5/86)

WAC 314-24-190 WINE WHOLESALER PRICE POSTING. (1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a wine wholesaler elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080.

(b) The wholesale prices thereof within the state, which prices shall include the state wine tax plus surcharge of (~~(\$0.2167)~~) \$0.2192 cents per liter imposed under RCW 66.24.210 and 82.02.030.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close-out" item shall be accepted by the board when the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with WAC 314-24-200, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may

file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200.

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 207, Resolution No. 216, filed 12/9/86)

WAC 314-24-200 WINE SUPPLIERS' PRICE FILINGS, CONTRACTS AND MEMORANDA. (1) Every domestic winery shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such winery may have with any wine wholesaler, which contracts or memoranda shall contain a schedule of the prices charged to wholesalers for all items. Requirements for including or omitting from such prices the wine tax plus surcharge of (~~(\$0.2167)~~) \$0.2192 cents per liter, imposed under RCW 66.24.210 and 82.02.030, are set forth in subsection (8) of this section. Contracts and memoranda required to be filed under this subsection must list all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; and all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised prices, contracts or memoranda

shall be filed with the board, as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of wine offered for sale by such licensed domestic winery; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the twenty-fifth day of any month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) Exceptions for changes in wholesalers and newly licensed wholesalers are set forth in WAC 314-24-190 (9) and (10).

(5) In the event that a domestic winery determines to make no changes in any contracts or memoranda last filed and then in effect, such contracts or memoranda shall remain in effect for each succeeding calendar month until revised or amended contracts or memoranda are filed and placed into effect as provided herein.

Provision for filing of temporary price reductions—In the event a licensed domestic winery elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(6) Prices filed by a domestic winery shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is

below acquisition cost plus ten percent of acquisition cost: PROVIDED, That acquisition cost plus ten percent of acquisition cost shall not apply to sales of wine between a wine importer who sells wine to a wine wholesaler, or to a wine wholesaler who sells wine to another wine wholesaler.

(7) The provisions set forth in subsections (1), (2), (3), (4), (5) and (6) of this section shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by certificate of approval holders who sell wine to wine importers; wine importers who sell to wine wholesalers; and wine wholesalers who sell to other wine wholesalers: PROVIDED, That the provisions of this subsection shall not apply, and filing will not be required, in the instance of wine wholesalers making accommodation sales to other wine wholesalers when such sales are made at a selling price not to exceed the laid-in cost of the wine being sold. Accommodation sales may only be made when the wholesaler purchasing the wine is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(8) The wine tax plus surcharge, imposed under RCW 66.24.210 and 82.02.030, is not to be included in the prices filed as required by subsection (1) of this section by (a) a domestic winery, nor (b) by a certificate of approval holder who is not licensed as a wine wholesaler, nor (c) a wine importer who is not licensed as a wine wholesaler.

Every wine wholesaler who sells wine to another wine wholesaler shall include such tax in the prices posted on such required schedules.

(9) No domestic wineries, certificate of approval holders, wine importers, or wine wholesalers shall sell any wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(10) Certificate of approval holders may ship wine into this state when the same has been sold and consigned to the holder of an importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the wine diverted unless such diversion is to another importer, and the board so notified immediately.

(11) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any such price filing, contract or memorandum of oral agreement the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price

filing, contract or memorandum or portion thereof is rejected the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(12) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

WSR 87-15-112

EMERGENCY RULES

LIQUOR CONTROL BOARD

[Order 225, Resolution No. 234—Filed July 22, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Class E licenses—Principal business sale of beer and wine for off-premises consumption—Authorization for selling or serving samples, WAC 314-16-240.

We, the Washington State Liquor Control Board, 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 RCW 66.24-.360 was amended at the last session of the legislature to provide for sampling effective July 26, 1987. There is not sufficient time to provide for notice, etc. of permanent rule making before the law takes effect. At this time it is necessary this standard be in effect to prevent potential abuses of the sampling authority.

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

This rule is promulgated pursuant to RCW 66.08.030 which directs that the Washington State Liquor Control Board has authority to implement the provisions of RCW 66.24.360.

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 July 22, 1987.

By L. H. Pedersen
Chairman

NEW SECTION

WAC 314-16-240 CLASS E LICENSES—PRINCIPAL BUSINESS SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION—AUTHORIZATION FOR SELLING OR SERVING SAMPLES. (1) Class E licensees whose business is primarily the sale of beer and/or wine at retail, who desire

authorization under RCW 66.24.360 to serve on their premises free or for a charge, single serving samples of two ounces or less must, prior to commencing such sales or service, obtain written approval from the board.

(2) To demonstrate to the satisfaction of the board that the class E licensee's primary business is and continues to be the sale of beer and/or wine at retail, the board may require the licensee to make periodic reports concerning the licensee's sales and inventory. A class E and/or F licensee's gross retail sales of beer and/or wine, not to be consumed on premises, must exceed fifty percent of all gross sales for the entire business of said licensee in order to be considered by the board as a business whose primary business is the sale of beer and/or wine.

(3) No more than one sample of any single brand and type of beer, and no more than four samples, may be furnished or sold to a customer or patron during any one visit to the licensed premises.

(4) The sampling privileges authorized by RCW 66-.24.360 as implemented by this section of the rules are not to be a substitute for or an alternative to the on-premises consumption of beer that is authorized under RCW 66.24.240 or 66.28.040.

WSR 87-15-113

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 221, Resolution No. 230—Filed July 22, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Class E licenses—Principal business sale of beer and wine for off-premises consumption—Authorization for selling or serving samples, WAC 314-16-240.

This action is taken pursuant to Notice No. WSR 87-12-027 filed with the code reviser on May 29, 1987. 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 66.08.030 which directs that the Washington State Liquor Control Board has authority to implement the provisions of RCW 66.24.360.

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 July 22, 1987.

By L. H. Pedersen
Chairman

NEW SECTION

WAC 314-16-240 CLASS E LICENSES—PRINCIPAL BUSINESS SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION—

AUTHORIZATION FOR SELLING OR SERVING SAMPLES. (1) Class E licensees whose business is primarily the sale of beer and/or wine at retail, who desire authorization under RCW 66.24.360 to serve on their premises free or for a charge, single serving samples of two ounces or less must, prior to commencing such sales or service, obtain written approval from the board.

(2) To demonstrate to the satisfaction of the board that the class E licensee's primary business is and continues to be the sale of beer and/or wine at retail, the board may require the licensee to make periodic reports concerning the licensee's sales and inventory. A class E and/or F licensee's gross retail sales of beer and/or wine, not to be consumed on premises, must exceed fifty percent of all gross sales for the entire business of said licensee in order to be considered by the board as a business whose primary business is the sale of beer and/or wine.

(3) No more than one sample of any single brand and type of beer, and no more than four samples, may be furnished or sold to a customer or patron during any one visit to the licensed premises.

(4) The sampling privileges authorized by RCW 66.24.360 as implemented by this section of the rules are not to be a substitute for or an alternative to the on-premises consumption of beer that is authorized under RCW 66.24.240 or 66.28.040.

WSR 87-15-114
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning general regulations for air pollution sources, chapter 173-400 WAC, adding new section WAC 173-400-105, "records and reporting" and edited, but not substantively changed rewrite of WAC 18-02-030 which is proposed to be repealed;

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987
By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: General regulations for air pollution sources, chapter 173-400 WAC.

Description of Purpose: To relocate a section from another regulation that would then be rescinded.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Requires the recording and reporting of emissions by sources either listed in regulations or requested by the department.

Reasons Supporting Proposed Action: Necessary for the collection of information to investigate, control or effectuate the purpose of the Clean Air Act.

Agency Personnel Responsible for Drafting: Victor Feltn, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

A new section is being proposed to the regulation cited above. This new section is relocated from another regulation that is proposed to be rescinded. This new section has been edited to clarify the language of the original version.

This action is expected to have no economic effect on businesses as no new requirements are imposed.

Chapter 173-400 WAC
GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

NEW SECTION

WAC 173-400-105 RECORDS AND REPORTING. (1) The owner or operator of a stationary source listed in a source category of section WAC 173-400-100 shall upon notification by the director, maintain records on the type and quantity of emissions from the source and other information deemed necessary by the director to determine whether the source is in compliance with applicable emission limitations and control measures.

(2) The information recorded pursuant to paragraph (1) shall be reported to the department as directed.

(3) When the director determines that record-keeping and reporting of emission data from any stationary source not listed in WAC 173-400-100 is needed for the investigation or control of air pollution or otherwise necessary to effectuate the purposes of the state clean air act (Chapter 70.94 RCW), the director shall notify the owner or operator of the source. This notification shall constitute an order to maintain records and submit reports on emissions as set forth in paragraphs (1) and (2).

WSR 87-15-115
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning implementation of regulations for air contaminant sources, chapter 173-403 WAC, adding a new term "air authority" as identical to "cognizant local authority";

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987
 By: Phillip C. Johnson
 Deputy Director

STATEMENT OF PURPOSE

Title: Implementation of regulations for air contaminant sources, chapter 173-403 WAC.

Description of Purpose: To add new general terms to the definition section.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Add the term "air authority" and its meaning to WAC 173-403-030, definitions.

Reasons Supporting Proposed Action: The new term more clearly identifies the subject and makes the regulation easier to understand.

Agency Personnel Responsible for Drafting: Victor Feltn, Environ. Planner, (206) 867-7122; **Implementation and Enforcement:** Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

New general terms have been added to the definition section of the regulation cited above. The terms do not change the requirements or conditions of any regulation.

This action is expected to have no economic effect on businesses as no new requirements are imposed.

AMENDATORY SECTION (Amending Order 86-30, filed 11/10/86)

WAC 173-403-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter and other chapters of Title 173 WAC shall have the following meanings:

(1) "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately-preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air authority" or "cognizant local authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source.

(4) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

((4)) (5) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

((5)) (6) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable regulatory order.

((6)) (7) "Ambient air" means the surrounding outside air.

((7)) (8) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

((8)) (9) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which

would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

~~((+))~~ (10) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.

~~((++))~~ (11) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit or units in exchange for a decrease in emissions from another emissions unit or units, pursuant to RCW 70.94.155.

~~((+++))~~ (12) "Class I area" means any federal, state, or Indian land which is classified or reclassified Class I.

~~((++2))~~ "Cognizant local authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source.)

(13) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(14) "Department" means the Washington state department of ecology.

(15) "Director" means director of the Washington state department of ecology or duly authorized representative.

(16) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air, other than by the use of pollution abatement equipment or integral process pollution controls.

(17) "Emission" means a release of air contaminants into the ambient air.

(18) "Emission reduction credit (ERC)" means a credit granted to a source for a voluntary reduction in actual emissions.

(19) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(20) "Emissions unit" means any equipment, device, process, or activity that emits to the ambient air, or that may emit to the ambient air, any air contaminant.

(21) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-403-140(2).

(22) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(23) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-403-140(2)(a)(ii).

(24) "In operation" means engaged in activity related to the primary design function of the source.

(25) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(26) "Land manager" means the secretary of the federal or head of the state department or Indian governing body with authority over the Class I area.

(27) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(28) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(29) "Major modification" means (a), (b), or (c) of this subsection, whichever is the most stringent:

(a) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:

(i) Use of an alternative fuel or raw material by reason of an order under Sections 2 (a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or

(ii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or

(iii) Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or

(iv) Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste; or

(v) An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.

(b) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.

(c) Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.

(30) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(31) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

(32) "Natural conditions" include naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(33) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(a) Any increase in actual emissions of a pollutant resulting from a physical change or change in method of operation of a specific emission unit in a source; and

(b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change: PROVIDED, That

(i) Said other increases or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and

(iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and

(iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.

(34) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification shall be construed as construction or installation or establishment of a new source.

(35) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to September 1, 1986.

(36) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(37) "Notice of construction" means a written application to permit construction of a new source or modification of an existing source.

(38) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(39) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

(40) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(41) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(42) "Prevention of significant deterioration (PSD)" means the federal regulations set forth in 40 CFR Subpart 52.21 as promulgated prior to July 1, 1982, and as modified by WAC 173-403-080.

(43) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(44) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(45) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-403-110.

(46) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

(47) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulates	25	500	50
Lead	.6		
Total reduced sulfur (as H ₂ S)	10		
Total fluoride	3		

(48) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(49) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

(50) "Source category" means all sources of the same type or classification.

(51) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(52) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(53) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

(54) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

(55) "Visibility impairment" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

(56) "Visibility impairment of a Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(57) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 millimeters of mercury at ((~~20 degrees C~~) 20°C, except the following excluded compounds: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

WSR 87-15-116

PROPOSED RULES

DEPARTMENT OF ECOLOGY

(Air Pollution)

[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning motor vehicle emission control systems, chapter 173-421 WAC, adopting a generally edited regulation formerly chapter 18-24 WAC under a new title number. The rewrite preserves the requirements substantively unchanged. Repeal chapter 18-24 WAC;

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room

131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987
By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: Motor vehicle emission control systems, chapter 173-421 WAC.

Description of Purpose: To readopt a Title 18 WAC regulation as Title 173 WAC and update the text as necessary without causing substantive changes in the content.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Renumbering chapter 18-24 WAC as chapter 173-421 WAC.

Reasons Supporting Proposed Action: Administratively required for regulation conformity, implementation and enforceability.

Agency Personnel Responsible for Drafting: Victor Feltin, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above has been reviewed in light of this requirement. The proposed amendments to this regulation fall into three categories: General editing to clean up or clarify the language of the original version; material added to bring this state's general air quality regulatory structure into compliance with recently adopted changes in United States Environmental Protection Agency regulations; or renumbering of the regulation so as to comply with the title and chapter numbers assigned to the Department of Ecology.

The conclusions to be drawn from these observations are that this regulatory proposal will impose no requirements upon small (as opposed to large) businesses which did not exist already, or would not have been incurred in any event (in the absence of state action) due to the adoption of federal regulations as stated above.

Chapter 173-421 WAC

MOTOR VEHICLE EMISSION CONTROL SYSTEMS

WAC

173-421-010	Purpose.
173-421-020	Assumption of jurisdiction and applicability.
173-421-030	Definitions.
173-421-100	Emission control systems.

NEW SECTION

WAC 173-421-010 PURPOSE. This chapter promulgated under RCW 70.94.305 and 70.94.331 establishes requirements to preserve emission control equipment installed on motor vehicles.

NEW SECTION

WAC 173-421-020 ASSUMPTION OF JURISDICTION AND APPLICABILITY. The department finds that the prevention and control of air pollution from motor vehicles should be regulated on a state-wide basis and, hereby assumes jurisdiction over motor vehicles for the purpose of controlling air contaminant emissions from the operation of such motor vehicles.

NEW SECTION

WAC 173-421-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to motor vehicle emission control systems as follows:

"Motor vehicle" means a self-powered operating vehicle or one capable of operating, designed to transport people or property, and of a type required to be licensed for operation on public highways.

NEW SECTION

WAC 173-421-100 EMISSION CONTROL SYSTEMS. A person shall not remove or render inoperable any component or change any element of design of a motor vehicle including adjustments outside the range of manufacturer's specifications that could affect the amount of air contaminants emitted from that vehicle subject to the following conditions:

(1) Components of emission control systems may be disassembled and assembled for the purpose of repair and maintenance. These components or elements of design shall be restored to proper working order when they are repaired or maintained.

(2) When components of emission control systems require replacement they may be removed and replaced with a part intended by the vehicle manufacturer as a replacement part for that specific vehicle. Under circumstances established by the United States Environmental Protection Agency, an aftermarket replacement part may be used. A replaced part shall be installed and adjusted so that it is in proper working order.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

18-24-010	STATEMENT OF PURPOSE AND APPLICABILITY
18-24-020	DEFINITIONS
18-24-030	ASSUMPTION OF JURISDICTION
18-24-040	STANDARDS OF MOTOR VEHICLES

WSR 87-15-117
PROPOSED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning sensitive areas, chapter 173-440 WAC, adopting a generally edited regulation formerly chapter 18-06 WAC under a new title number. The rewrite preserves the requirements substantively unchanged. Repeal chapter 18-06 WAC;

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987

By: Phillip C. Johnson
 Deputy Director

STATEMENT OF PURPOSE

Title: Sensitive areas, chapter 173-440 WAC.

Description of Purpose: To readopt a Title 18 WAC regulation as Title 173 WAC and update the text as necessary without causing substantive changes in the content.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Renumbering chapter 18-06 WAC as chapter 173-440 WAC.

Reasons Supporting Proposed Action: Administrative-ly required for regulation conformity, implementation and enforceability.

Agency Personnel Responsible for Drafting: Victor Feltn, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on

more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above has been reviewed in light of this requirement. The proposed amendments to this regulation fall into three categories: General editing to clean up or clarify the language of the original version; material added to bring this state's general air quality regulatory structure into compliance with recently adopted changes in United States Environmental Protection Agency regulations; or renumbering of the regulation so as to comply with the title and chapter numbers assigned to the Department of Ecology.

The conclusions to be drawn from these observations are that this regulatory proposal will impose no requirements upon small (as opposed to large) businesses which did not exist already, or would not have been incurred in any event (in the absence of state action) due to the adoption of federal regulations as stated above.

Chapter 173-440 WAC SENSITIVE AREAS

WAC

173-440-010	Purpose.
173-440-020	Applicability.
173-440-030	Definitions.
173-440-040	Sensitive areas designated.
173-440-100	Standards.
173-440-900	Appendix A—Map.

NEW SECTION

WAC 173-440-010 PURPOSE. This chapter promulgated under RCW 70.94.305 and 70.94.331 designates certain geographical areas of the state as sensitive areas after considering population, development and recreational and scenic values; and provides for the imposition of more stringent standards and compliance requirements for certain stationary source categories within these areas than apply to such categories outside sensitive areas.

NEW SECTION

WAC 173-440-020 APPLICABILITY. The provisions of this chapter shall apply to all sources of a listed source category located in a sensitive area.

NEW SECTION

WAC 173-440-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings: General terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to sensitive areas as follows: "Sensitive area" means a geographical area designated by this chapter.

NEW SECTION

WAC 173-440-040 SENSITIVE AREAS DESIGNATED. Designated as sensitive areas in the state are:

(1) All cities with a population of 1,000 or more that are not located in a county having an air authority, together with those lands within a zone extending one mile (horizontal measure) from the present city limits. These cities are presently:

- (a) Pullman
- (b) Wenatchee
- (c) Ellensburg
- (d) Clarkston
- (e) Othello
- (f) Omak
- (g) Colville
- (h) Colfax
- (i) Dayton
- (j) Goldendale

- (k) Chelan
- (l) Okanogan
- (m) Cashmere
- (n) Ritzville
- (o) Pomeroy
- (p) Cle Elum
- (q) White Salmon
- (r) Oroville
- (s) Newport
- (t) Coulee Dam
- (u) Davenport
- (v) Chewelah
- (w) Leavenworth
- (x) Brewster
- (y) Wilbur
- (z) Odessa

(2) Those sections of state highways designated on the map incorporated herein as Appendix A (WAC 173-440-900), together with those lands within a zone extending one mile (horizontal measure) to either side of the highway right of way and all incorporated cities or towns bordering the designated sections of highway.

(3) Any area on either side of the Columbia, Snake, or Spokane Rivers within a zone extending one mile (horizontal measure) from the line of mean high water.

NEW SECTION

WAC 173-440-100 STANDARDS. In addition to all other applicable regulations the following more restrictive standards shall apply in sensitive areas for stationary sources in the categories listed.

Wigwam burners. All wigwam burners shall comply with the requirements of WAC 173-400-070 (1)(d).

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-06-010 PURPOSE
- 18-06-020 APPLICABILITY
- 18-06-030 DEFINITIONS
- 18-06-040 SENSITIVE AREAS DESIGNATED
- 18-06-050 STANDARDS
- 18-06-900 APPENDIX A - MAP

WSR 87-15-118
PROPOSED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning establishing requirements for the receipt of financial aid, chapter 173-450 WAC, adopting a generally edited regulation formerly chapter 18-20 WAC under a new title number. The rewrite preserves the requirements substantively unchanged. Repeal chapter 18-20 WAC;

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987
 By: Phillip C. Johnson
 Deputy Director

STATEMENT OF PURPOSE

Title: Establishing requirements for the receipt of financial aid, chapter 173-450 WAC.

Description of Purpose: To readopt a Title 18 WAC regulation as Title 173 WAC and update the text as necessary without causing substantive changes in the content.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Renumbering chapter 18-20 WAC as chapter 173-450 WAC.

Reasons Supporting Proposed Action: Administratively required for regulation conformity, implementation and enforceability.

Agency Personnel Responsible for Drafting: Victor Feltin, Environ. Planner, (206) 867-7122; **Implementation and Enforcement:** Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above has been reviewed in light of this requirement. The proposed amendments to this regulation fall into three categories: General editing to clean up or clarify the language of the original version; material added to bring this state's general air quality regulatory structure into compliance with recently adopted changes in United States Environmental Protection Agency regulations; or renumbering of the regulation so as to comply with the title and chapter numbers assigned to the Department of Ecology.

The conclusions to be drawn from these observations are that this regulatory proposal will impose no requirements upon small (as opposed to large) businesses which did not exist already, or would not have been incurred in any event (in the absence of state action) due to the adoption of federal regulations as stated above.

Chapter 173-450 WAC
ESTABLISHING REQUIREMENTS FOR THE RECEIPT OF FINANCIAL AID

WAC	
173-450-010	Purpose and applicability.
173-450-020	Definitions.
173-450-030	Limitations.
173-450-040	Applications.
173-450-050	Workable program.
173-450-060	Grant conditions.
173-450-070	Payments.
173-450-080	Changes, amendments and supplemental state financial aid.
173-450-090	Termination.
173-450-100	Federal grants.

NEW SECTION

WAC 173-450-010 PURPOSE AND APPLICABILITY. These rules and regulations are promulgated under RCW 70.94.143, 70.94.305, and 70.94.385 of the Washington Clean Air Act to establish standard of eligibility for the granting of state and federal financial aid to air authorities.

NEW SECTION

WAC 173-450-020 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to requirements for financial aid as follows:

(1) "Applicant" means an air authority applying for state financial aid under the provisions of chapter 70.94 RCW.

(2) "Grantee" means an applicant for whom state financial aid has been approved by the department.

(3) "Locally funded portion" or "local funds" means the funds provided to the applicant air authority from sources available to it under chapter 70.94 RCW exclusive of state financial aid or federal funds designated specifically for air pollution.

(4) "Payment period" means the period of time for which money for state and federal financial aid is paid to the grantee upon receipt and approval by the department of a properly executed voucher.

(5) "Workable program" means a comprehensive statement of objectives for the prevention and control of air pollution and the existing and proposed measures to achieve these objectives as described in WAC 173-450-050.

NEW SECTION

WAC 173-450-030 LIMITATIONS. State financial aid shall be granted to air authorities qualifying under these regulations subject to the following limitations:

(1) State financial aid shall not exceed an amount equal to fifty percent of the locally funded portion of the annual recurring expenditures of such air authority in each of the first three years during which state financial aid is utilized by the air authority and shall not exceed an amount equal to one hundred percent of the locally funded portion in each following year.

(2) The department may limit the amount of financial aid available to a grantee when it becomes necessary due to the lack of sufficient funds available for distribution to meet the needs of all qualified grantees throughout the state.

(3) The department may limit the amount of financial aid to less than the amount for which the applicant applies when the department determines that proposed items of expenditure are not consistent with air pollution control program needs in the applicant's area of jurisdiction, or are not in the best interests of a coordinated state-wide air pollution control program, or where such items of expenditure duplicate the responsibilities and activities of the department.

NEW SECTION

WAC 173-450-040 APPLICATIONS. Applications for state financial aid shall be prepared and submitted on forms specified by the department under the following conditions:

(1) Applications shall be filed with the department and the department shall take action as to the disposition of an application within sixty-five days of its first presentation. Applications shall be approved, denied, or deferred: PROVIDED, That where action is deferred the applicant shall be advised of the reasons for such deferral and action shall be taken within a reasonable time.

(2) Applications must contain a statement of need for air pollution prevention and control in the applicant's jurisdiction.

(3) The applicant must describe a workable program and its objectives together with a proposed timetable of accomplishment.

(4) The application shall contain the budget of the air authority showing all anticipated revenue and sources of revenue, including requested state financial aid, and shall show proposed expenditures covering salaries, equipment and accessories, expendable supplies, travel, and such other information as may be deemed necessary by the department.

(5) Any air pollution control activity conducted by the applicant air authority during the twelve-month period immediately prior to the proposed grant period shall be described in the application, including funds budgeted and expended.

(6) It shall be the policy of the department in reviewing applications for state financial aid and in administering such financial aid to take into consideration the following factors:

(a) The implementation of coordinated state-wide air pollution prevention and control.

(b) The responsibilities of the department with respect to its jurisdiction over any areas or type of air contaminant sources and for monitoring the movement of air contaminants throughout the state.

(c) The needs and financial capability of the air authorities in the various areas of the state and the relative effectiveness of the air authorities.

(d) The capability and reasonable potential of the air authorities to perform.

(7) The department will, from time to time, determine or estimate the amount of state financial aid that will be available and advise the applicants, or potential applicants, as to the availability of such aid or supplemental aid.

NEW SECTION

WAC 173-450-050 WORKABLE PROGRAM. The applicant shall provide sufficient information to show that its workable program is designed to provide for effective prevention and control of air pollution through an orderly progression of development, establishment, and improvement of air pollution control programs.

(1) The initial activity of an applicant shall be the development of a plan designed to provide an evaluation of existing and potential air pollution within the jurisdiction of the applicant, including a general inventory of the types of air contaminant sources and their relative contribution to the air pollution problem; to provide for the initiation of air quality surveillance appropriate to the air contaminant sources over which the applicant will have jurisdiction; and to provide for the development of regulations appropriate to the existing air contaminant sources or those which may be reasonably anticipated.

(2) The establishment and improvement of air pollution control programs which constitute the operating control activity of an applicant, shall be oriented to attaining compliance with requirements and regulations of the applicant with respect to air contaminant sources under its jurisdiction.

(3) Sampling and monitoring programs shall be oriented to surveillance for control purposes with respect to those air contaminant sources under the applicant's jurisdiction, except as may be requested by the department to supplement the state-wide monitoring program.

(4) Budget for personnel, equipment and other operating expenses must be adequate to carry out the program during the grant period for which state financial aid is requested. Total funding from all sources shall provide, as a minimum, for the equivalent of one full time person: PROVIDED, That the department may approve the sharing of personnel with another agency, the utilization of part time staff, or persons under contract when these methods can be demonstrated as an effective means of carrying out the program and the purposes of the Washington Clean Air Act.

(5) The locally funded portion of the annual operating cost, budgeted and expended in any grant period for which application is made for state financial aid, shall not be less than the locally funded annual expenditure for air pollution control during the twelve-months' period immediately preceding the proposed grant period, unless it can be demonstrated by the applicant that there were necessary nonrecurring expenditures in the previous period or that the program objectives and the purposes of the Washington Clean Air Act can reasonably be met with a reduced expenditure.

NEW SECTION

WAC 173-450-060 GRANT CONDITIONS. (1) No grant of state funds shall be made to any grantee for a period in excess of twelve months.

(2) Any state financial aid granted shall be used solely for carrying out the program outlined in the approved application or approved amendment as provided in WAC 173-450-040 and 173-450-080.

(3) The grantee shall provide for and maintain such accounting, budgetary, and other fiscal procedures so as to assure the proper and efficient administration of funds. The fiscal records shall be such as to reflect currently the receipt and disposition of all funds including state financial aid. Such records and documents pertinent to the receipt and disposition of funds shall be kept available for review and audit.

(4) As a minimum the grantee shall submit quarterly financial and progress reports to the department.

NEW SECTION

WAC 173-450-070 PAYMENTS. (1) Grantees shall initiate requests for payment of state financial aid for the appropriate payment period utilizing properly executed vouchers furnished by the department. The voucher shall state the requested amount of state financial aid and the expenditure of local funds during the payment period. Local funds expended for any item may be shown as the appropriate portion of the total expenditure when the expenditure properly includes the use of, or anticipates, reimbursement with federal or state grant funds.

(2) Upon approval of the voucher by the department, payment for the appropriate payment period shall be authorized.

(3) Payments of state and federal financial aid shall be made by way of reimbursement as contained in the annual agreement payment schedule or otherwise mutually agreed upon, and changed by an amendment to the annual agreement. All expenditures claimed for reimbursement shall be subject to audit.

(4) Final payment of state and federal financial aid shall be based upon approved vouchers applied to the entire grant period.

(5) Vouchers for the final payment period during a grant period shall be submitted by the grantee by the 15th day of July of that year.

(6) The department may withhold approval of the vouchers submitted by the grantee if it finds that said grantee has failed to comply with any of the grant conditions or any other requirement or condition imposed by these regulations or chapter 70.94 RCW, for a period not to exceed thirty days. If at the end of such period the matter has not been resolved and the department has not approved said vouchers, the grantee may request an administrative hearing before the department.

NEW SECTION

WAC 173-450-080 CHANGES, AMENDMENTS AND SUPPLEMENTAL STATE FINANCIAL AID. (1) Changes in the workable program of a grantee during the grant period which would not substantially affect the workable program, nor increase the total cost to the state, and which are for the purpose of improving the operation and performance of the workable plan, may be made: PROVIDED, That written approval in advance is obtained from the department.

(2) Changes in the workable program of a grantee during the grant period which would significantly alter the workable program shall not be made until the grantee has submitted to, and the department has approved, an amendment to the original application.

(3) Application for supplemental state and federal financial aid may be made by the grantee when notice is given by the department that such supplemental funds have become available. The application shall be made as an amendment to the previously approved workable program of the grantee and shall include proposed additions in or improvements to the workable program and proposed changes in the budget including the additional local funds to be provided. The department may approve additional financial aid to the extent such funds become available having considered the needs of all grantees throughout the state.

NEW SECTION

WAC 173-450-090 TERMINATION. The department may terminate state and federal financial aid, in whole or in part, to any grantee when it finds, after reasonable notice and opportunity for appeal to the director, that the grantee has failed to comply with any of the conditions of the approved application or amendments thereto or any of the requirements or conditions imposed by or pursuant to these regulations or the Washington Clean Air Act.

Upon the effective date of termination, the grantee shall promptly render an accounting and final statement as would similarly be required for request for payment of state financial aid under WAC 173-450-070. The department may authorize payment of the state's share of the amount required to settle at minimum cost any contractual obligations properly incurred by the grantee prior to the date of termination, if the department finds that the grantee acted in good faith in incurring the obligations.

NEW SECTION

WAC 173-450-100 FEDERAL GRANTS. The standards and requirements of these regulations establishing the eligibility of air authorities for state financial aid shall be equally applicable to the applications of such air authorities for federal grants.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-20-010 STANDARDS OF PURPOSE AND APPLICABILITY
- 18-20-020 DEFINITIONS
- 18-20-030 LIMITATIONS
- 18-20-040 APPLICATIONS
- 18-20-050 WORKABLE PROGRAM

- 18-20-060 GRANT CONDITIONS
- 18-20-070 PAYMENTS
- 18-20-080 CHANGES, AMENDMENTS AND SUPPLEMENTAL STATE FINANCIAL AID
- 18-20-090 TERMINATION
- 18-20-100 FEDERAL GRANTS

**WSR 87-15-119
PROPOSED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)
[Filed July 22, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning ambient air quality standards for particulate matter, chapter 173-470 WAC, adopting a generally edited regulation formerly chapter 18-40 WAC under a new title number and add a new section WAC 173-470-110, "particle fallout standards" that preserves the requirements of WAC 18-44-030 which is proposed to be repealed. Repeal chapter 18-40 WAC;

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987
By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: Ambient air quality standards for particulate matter, chapter 173-470.

Description of Purpose: To readopt a Title 18 WAC regulation as Title 173 WAC and update the text as necessary without causing substantive changes in the content.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Renumbering chapter 18-40 WAC as chapter 173-470 WAC and relocating WAC 18-44-030 in WAC 173-470-110.

Reasons Supporting Proposed Action: Administratively required for regulation conformity, implementation and enforceability.

Agency Personnel Responsible for Drafting: Victor Feltn, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above has been reviewed in light of this requirement. The proposed amendments to this regulation fall into three categories: General editing to clean up or clarify the language of the original version; material added to bring this state's general air quality regulatory structure into compliance with recently adopted changes in United States Environmental Protection Agency regulations; or renumbering of the regulation so as to comply with the title and chapter numbers assigned to the Department of Ecology.

The conclusions to be drawn from these observations are that this regulatory proposal will impose no requirements upon small (as opposed to large) businesses which did not exist already, or would not have been incurred in any event (in the absence of state action) due to the adoption of federal regulations as stated above.

Chapter 173-470 WAC

AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

WAC

173-470-010	Purpose.
173-470-020	Applicability.
173-470-030	Definitions.
173-470-100	Ambient air quality standards.
173-470-110	Particle fallout standards.
173-470-150	Method of measurement.
173-470-160	Reporting of data.

NEW SECTION

WAC 173-470-010 PURPOSE. This chapter promulgated under RCW 70.94.305 and 70.94.331 establishes maximum acceptable levels for particulate matter in the ambient air. Particulate matter is characterized in criteria developed by the United States Environmental Protection Agency.

NEW SECTION

WAC 173-470-020 APPLICABILITY. The provisions of this chapter apply to all areas of the state of Washington.

NEW SECTION

WAC 173-470-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to standards for particulates as follows:

(1) "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than a few hundred microns.

(2) "Total suspended particulates" means airborne particulate matter, collected on eight by ten inch sheets of flash-fired glass fiber filter

web of specified collection efficiency, using a high-volume air sampler or an equivalent collection system.

NEW SECTION

WAC 173-470-100 AMBIENT AIR QUALITY STANDARDS. Particulate matter in the ambient air as measured shall not exceed the values listed below:

(1) The total suspended particulate concentration measured at any primary air monitoring station shall not exceed:

(a) Sixty micrograms per cubic meter ($60 \mu\text{g}/\text{m}^3$) of air as an annual geometric mean.

(b) One hundred fifty micrograms per cubic meter ($150 \mu\text{g}/\text{m}^3$) of air as a maximum twenty-four-hour concentration more than once per year.

(2) In recognition of natural dust in areas of the state, east of the Cascade range crest the concentration of particulate matter measured by a primary air mass station (PAMS) is reduced by the concentration measured at approved background locations as follows:

(a) When background concentrations are greater than thirty micrograms per cubic meter ($30 \mu\text{g}/\text{m}^3$) of air on individual sampling days, the PAMS's concentration less background shall not be greater than one hundred twenty micrograms per cubic meter ($120 \mu\text{g}/\text{m}^3$) of air for any twenty-four-hour period more than once per year.

(b) When background concentrations are greater than twenty micrograms per cubic meter ($20 \mu\text{g}/\text{m}^3$) of air as an annual geometric mean, the PAMS's concentration less background shall not be greater than forty micrograms per cubic meter ($40 \mu\text{g}/\text{m}^3$) of air as an annual geometric mean.

NEW SECTION

WAC 173-470-110 PARTICLE FALLOUT STANDARDS. Particle fallout shall not exceed the standards enumerated below at the conditions stated.

(1) The particle fallout rate measured at a primary air mass station, ground level monitoring station or special station shall not exceed:

(a) Ten grams per square meter ($10 \text{ g}/\text{m}^2$) per month in an industrial area; or

(b) Five grams per square meter ($5 \text{ g}/\text{m}^2$) per month in an industrial area if visual observations show a presence of wood waste and the volatile fraction of the sample exceeds seventy percent.

(c) Five grams per square meter ($5 \text{ g}/\text{m}^2$) per month in residential and commercial areas.

(d) Three and one-half grams per square meter ($3.5 \text{ g}/\text{m}^2$) per month in residential and commercial areas if visual observations show the presence of wood waste and the volatile fraction of the sample exceeds seventy percent.

(2) In recognition of natural dust in areas of the state, the following exceptions apply to areas east of the Cascade range crest. When concentrations measured at approved background locations exceed three and one-half grams per square meter ($3.5 \text{ g}/\text{m}^2$) per month, the particle fallout rate measured at a primary air mass station, ground level monitoring station or special station, shall not exceed:

(a) Six and one-half grams per square meter ($6.5 \text{ g}/\text{m}^2$) per month plus background in an industrial area; or

(b) One and one-half grams per square meter ($1.5 \text{ g}/\text{m}^2$) per month plus background in residential and commercial areas.

The provisions of WAC 173-470-110 (1)(b) and (d) pertaining to wood waste shall continue to apply regardless of background.

NEW SECTION

WAC 173-470-150 METHOD OF MEASUREMENT. Sampling and analysis for particulate matter shall be conducted according to methods approved by and on file with the department. Methods equivalent in sensitivity, accuracy, reproducibility, and selectivity to the approved standard method may be used after approval by the department.

NEW SECTION

WAC 173-470-160 REPORTING OF DATA. (1) Air authorities sampling for particulate matter shall notify the department of all infractions of these standards. Notification shall be made quarterly. A quarterly summary of all samples greater than the standards shall be submitted within sixty days of the end of each calendar quarter. Quarterly data shall include:

(a) Location of sampler.

- (b) Time period (day and year).
- (c) Individual concentrations recorded at each air monitoring station.
- (d) The applicable geometric or arithmetic mean for each monitoring station (first quarter report only for previous calendar year).
- (2) If particulate matter values greater than the standards are measured by the department, the air authority shall be notified quarterly. This notification shall include:
 - (a) Location.
 - (b) Time or time period.
 - (c) Concentrations recorded.
 - (d) The applicable geometric or arithmetic mean (first quarter report only for previous calendar year).

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-40-010 PREAMBLE
- 18-40-020 DEFINITIONS
- 18-40-030 AIR QUALITY STANDARD
- 18-40-040 AIR QUALITY OBJECTIVE
- 18-40-050 METHOD OF MEASUREMENT
- 18-40-060 REPORTING OF DATA
- 18-40-990 APPENDIX I - HIGH VOLUME SAMPLING SCHEDULE
- 18-40-991 APPENDIX II - METHOD OF DETERMINATION OF REPORTING

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning ambient air quality standards for sulfur oxides, chapter 173-474 WAC, adopting a generally edited regulation formerly chapter 18-56 WAC under a new title number. The rewrite preserves the requirements substantively unchanged. Repeal chapter 18-56 WAC;

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987
 By: Phillip C. Johnson
 Deputy Director

STATEMENT OF PURPOSE

Title: Ambient air quality standards for sulfur oxides, chapter 173-474 WAC.

Description of Purpose: To readopt a Title 18 WAC regulation as Title 173 WAC and update the text as necessary without causing substantive changes in the content.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Renumbering chapter 18-56 WAC as chapter 173-474 WAC.

Reasons Supporting Proposed Action: Administratively required for regulation conformity, implementation and enforceability.

Agency Personnel Responsible for Drafting: Victor Feltin, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above has been reviewed in light of this requirement. The proposed amendments to this regulation fall into three categories: General editing to clean up or clarify the language of the original version; material added to bring this state's general air quality regulatory structure into compliance with recently adopted changes in United States Environmental Protection Agency regulations; or renumbering of the regulation so as to comply with the title and chapter numbers assigned to the Department of Ecology.

The conclusions to be drawn from these observations are that this regulatory proposal will impose no requirements upon small (as opposed to large) businesses which did not exist already, or would not have been incurred in any event (in the absence of state action) due to the adoption of federal regulations as stated above.

Chapter 173-474 WAC
AMBIENT AIR QUALITY STANDARDS FOR SULFUR OXIDES

WAC	
173-474-010	Purpose.
173-474-020	Applicability.
173-474-030	Definitions.
173-474-100	Air quality standards.
173-474-150	Measurement method.
173-474-160	Data reporting.

NEW SECTION

WAC 173-474-010 PURPOSE. This chapter promulgated under RCW 70.94.305 and 70.94.331 establishes maximum acceptable levels for sulfur dioxide as a measure of the sulfur oxide concentration in the ambient air.

NEW SECTION

WAC 173-474-020 APPLICABILITY. The provisions of this chapter apply to all areas of the state of Washington.

NEW SECTION

WAC 173-474-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to standards for sulfur oxide as follows:

"Period" means any interval of the specified time.

NEW SECTION

WAC 173-474-100 AIR QUALITY STANDARDS. Sulfur oxide in the ambient air, measured as sulfur dioxide shall not exceed the following values:

(1) Four-tenths parts per million (0.4 PPM) by volume average for a one-hour period more than once per one-year period.

(2) Twenty-five one-hundredths parts per million (0.25 PPM) by volume average for a one-hour period more than twice in a consecutive seven-day period.

(3) One-tenth parts per million (0.1 PPM) by volume average for a one-day period more than once per one-year period.

(4) Two one-hundredths parts per million (0.02 PPM) by volume average for a one-year period.

(5) In recognition of the need for continuing improvement of the quality of the air resource, it is the intent of the department to work toward the achievement of the following objective for sulfur oxides: The sulfur oxide concentration measured as sulfur dioxide shall not exceed three-tenths parts per million (0.3 PPM) average for five minutes.

NEW SECTION

WAC 173-474-150 MEASUREMENT METHOD. For determining compliance with this regulation, sulfur oxides shall be measured by methods approved by, and on file with, the department. Other methods equivalent in sensitivity, accuracy, reproducibility, and selectivity to the approved methods may be used after approval by the department.

NEW SECTION

WAC 173-474-160 DATA REPORTING. (1) Air authorities sampling for sulfur oxides shall notify the department of all violations of these standards. The notification shall be submitted quarterly. Summaries shall provide the following information:

(a) Location of sampler.

(b) Time period (hours, days, and year).

(c) Actual concentrations recorded that exceeded the standard.

(2) The department will give quarterly notice to an air authority of infractions of the standards within its jurisdiction. This notice will include:

(a) Location.

(b) Time period and dates.

(c) Concentrations recorded.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

18-56-010 PREAMBLE
 18-56-020 DEFINITIONS
 18-56-030 AIR QUALITY STANDARDS
 18-56-040 AIR QUALITY OBJECTIVE
 18-56-050 METHOD OF MEASUREMENT
 18-56-060 DATA REPORTING
 18-56-990 APPENDIX I - SAMPLING AND ANALYSIS FOR SULFUR DIOXIDE IN AMBIENT AIR

WSR 87-15-121**PROPOSED RULES****DEPARTMENT OF ECOLOGY****(Air Pollution)**

[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning ambient air quality and environmental standards for fluorides, chapter 173-481 WAC, adopting a generally edited regulation formerly chapter 18-48 WAC under a new title number. The rewrite preserves the requirements substantively unchanged. Repeal chapter 18-48 WAC;

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987

By: Phillip C. Johnson
 Deputy Director

STATEMENT OF PURPOSE

Title: Ambient air quality and environmental standards for fluorides, chapter 173-481 WAC.

Description of Purpose: To readopt a Title 18 WAC regulation as Title 173 WAC and update the text as necessary without causing substantive changes in the content.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Renumbering chapter 18-48 WAC as chapter 173-481 WAC.

Reasons Supporting Proposed Action: Administratively required for regulation conformity, implementation and enforceability.

Agency Personnel Responsible for Drafting: Victor Feltn, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above has been reviewed in light of this requirement. The proposed amendments to this regulation fall into three categories: General editing to clean up or clarify the language of the original version; material added to bring this state's general air quality regulatory structure into compliance with recently adopted changes in United States Environmental Protection Agency regulations; or renumbering of the regulation so as to comply with the title and chapter numbers assigned to the Department of Ecology.

The conclusions to be drawn from these observations are that this regulatory proposal will impose no requirements upon small (as opposed to large) businesses which did not exist already, or would not have been incurred in any event (in the absence of state action) due to the adoption of federal regulations as stated above.

Chapter 173-481 WAC
AMBIENT AIR QUALITY AND ENVIRONMENTAL STANDARDS FOR FLUORIDES

WAC

173-481-010	Purpose.
173-481-020	Applicability.
173-481-030	Definitions.
173-481-100	Fluoride standards.
173-481-110	Ambient standards.
173-481-150	Compliance with standards.
173-481-160	Sampling and analysis.

NEW SECTION

WAC 173-481-010 **PURPOSE.** This chapter promulgated under RCW 70.94.305 and 70.94.331 establishes fluoride standards for the protection of livestock and vegetation. Standards address the fluoride content of forage and gaseous fluorides in the ambient air.

NEW SECTION

WAC 173-481-020 **APPLICABILITY.** The provisions of this chapter apply to all areas of the state of Washington.

NEW SECTION

WAC 173-481-030 **DEFINITIONS.** Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to standards for fluorides as defined below:

- (1) "Forage" means grasses, pasture and other vegetation that is consumed or is intended to be consumed by livestock.
- (2) "Cured forage" means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

NEW SECTION

WAC 173-481-100 **FORAGE STANDARDS.** (1) All sampling to determine compliance with these standards shall be conducted in locations and during time periods consistent with protecting livestock and vegetation.

- (2) The fluoride content of forage calculated by dry weight shall not exceed:
 - (a) Forty parts per million fluoride ion (40 ppm F⁻) average for any twelve consecutive months.
 - (b) Sixty parts per million fluoride ion (60 ppm F⁻) each month for more than two consecutive months.
 - (c) Eighty parts per million fluoride ion (80 ppm F⁻) more than once in any two consecutive months.

(3) In areas where cattle are not grazed continually, but are fed cured forage part of the year, the fluoride content of the cured forage shall be used as the forage fluoride content for as many months as it is fed to establish the yearly average.

(4) Cured forage grown for sale as livestock feed shall not exceed forty parts per million fluoride ion (40 ppm F⁻) by dry weight after curing or preparing for sale.

NEW SECTION

WAC 173-481-110 **AMBIENT STANDARDS.** (1) All sampling to determine compliance with these standards shall be conducted in locations and during time periods consistent with protecting livestock and vegetation.

(2) Gaseous fluorides in the ambient air calculated as HF at standard conditions shall not exceed:

- (a) Three and seven-tenths micrograms per cubic meter (3.7 µg/m³) average for any twelve consecutive hours;
- (b) Two and nine-tenths micrograms per cubic meter (2.9 µg/m³) average for any twenty-four consecutive hours;
- (c) One and seven-tenths micrograms per cubic meter (1.7 µg/m³) average for any seven consecutive days;
- (d) Eighty-four one hundredths micrograms per cubic meter (0.84 µg/m³) average for any thirty consecutive days;
- (e) Five-tenths micrograms per cubic meter (0.5 µg/m³) average for the period March 1 through October 31 of any year.

NEW SECTION

WAC 173-481-150 **COMPLIANCE WITH STANDARDS.** When requested by the department, persons emitting fluorides to the ambient air shall demonstrate their compliance with WAC 173-481-100 and 173-481-110 by conducting a monitoring program approved in writing by the department. All monitoring data shall be submitted to the department.

NEW SECTION

WAC 173-481-160 **SAMPLING AND ANALYSIS.** Sampling and analysis shall be in accordance with techniques approved by and on file with the department. Other sampling and methods of analysis which are equivalent in accuracy, sensitivity, reproducibility and applicability under similar conditions may be used after approval by the department.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-48-080 PREAMBLE
- 18-48-090 POLICY LIMITATIONS
- 18-48-100 DEFINITIONS
- 18-48-110 INTENT OF REGULATION
- 18-48-120 FORAGE STANDARDS
- 18-48-130 AMBIENT AIR STANDARDS
- 18-48-140 COMPLIANCE WITH STANDARDS
- 18-48-150 SAMPLING AND ANALYSIS
- 18-48-900 APPENDIX I - METHODS OF COLLECTION AND ANALYSIS FOR FLUORIDES IN FORAGE AND AMBIENT AIR

WSR 87-15-122
PROPOSED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning recordkeeping, reporting and public availability of emission data, chapter 18-02 WAC, proposing

to repeal this regulation and add a new section to chapter 173-400 WAC which preserves the requirements of WAC 18-02-030 "recordkeeping and reporting";

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987

By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: Recordkeeping, reporting and public availability of emission data, chapter 18-02 WAC.

Description of Purpose: To readopt a part of a Title 18 WAC regulation as Title 173 WAC and update the text as necessary without causing substantive changes in the content.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Locate WAC 18-02-030 in WAC 173-400-105 and rescind the rest of the regulation as being redundant.

Reasons Supporting Proposed Action: Administrative-ly required for regulation conformity, implementation and enforceability.

Agency Personnel Responsible for Drafting: Victor Feltn, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above is proposed to be rescinded except for WAC 18-02-030 which is to be re-located as WAC 173-400-105.

This action is expected to have no economic effect on businesses as no new requirements are imposed.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

18-02-010	PURPOSE
18-02-020	CLASSIFICATION
18-02-030	RECORD-KEEPING AND REPORTING
18-02-040	PUBLIC AVAILABILITY OF EMISSION DATA
18-02-050	DEFINITIONS

WSR 87-15-123

PROPOSED RULES

DEPARTMENT OF ECOLOGY

(Air Pollution)

[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning Informational reporting by thermal power plants—Aluminum plants and chemical wood pulp mills, chapter 18-28 WAC, proposing to repeal the entire regulation;

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987

By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: Information reporting by thermal power plants—Aluminum plants and chemical wood pulp mills, chapter 18-28 WAC.

Description of Purpose: Rescind a regulation that is no longer applicable.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Required the reporting of information necessary for the department to design and adopt control regulations.

Reasons Supporting Proposed Action: Administrative requirement to keep regulations current.

Agency Personnel Responsible for Drafting: Victor Feltn, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above is proposed to be rescinded. This action is expected to have no economic effect on businesses as the requirements of the regulation are obsolete.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-28-010 STATEMENT OF PURPOSE AND APPLICABILITY
- 18-28-020 DEFINITIONS
- 18-28-030 SUBMISSION OF INFORMATION
- 18-28-040 INTERIM PROCEDURE
- 18-28-050 CONFIDENTIAL INFORMATION

**WSR 87-15-124
PROPOSED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)
[Filed July 22, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning particle fallout, chapter 18-44 WAC, proposing to repeal this regulation and add a new section to chapter 173-470 WAC that preserves the requirements of WAC 18-44-030, "air quality standard";

that the agency will at 10:30 a.m., Wednesday, August 26, 1987, in the Department Headquarters, Room 131, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1987.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987.

Dated: July 20, 1987
By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: Particle fallout, chapter 18-44 WAC.

Description of Purpose: To readopt a part of a Title 18 WAC regulation as Title 173 WAC and update the text as necessary without substantive changes. Rescind obsolete parts of the regulation.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Established standards, objectives and reporting requirements for monitoring particle fallout (dustfall). Relocate WAC 18-44-030 in WAC 173-470-110.

Reasons Supporting Proposed Action: Administratively required for regulation conformity, implementation and enforceability.

Agency Personnel Responsible for Drafting: Victor Feltin, Environ. Planner, (206) 867-7122; Implementation and Enforcement: Stuart A. Clark, Program Manager, Air Programs, (206) 459-6256.

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: No.

Small Business Economic Impact Statement: The proposed changes will impose no new requirements or none not already required by federal or state action.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize their impact upon small businesses.

The regulatory proposal cited above is proposed to be rescinded except for WAC 18-44-030 which is to be relocated as WAC 173-470-110.

This action is expected to have no economic effect on businesses as no new requirements are imposed.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-44-010 PREAMBLE
- 18-44-020 DEFINITIONS
- 18-44-030 AIR QUALITY STANDARD
- 18-44-040 AIR QUALITY OBJECTIVE
- 18-44-050 METHOD OF MEASUREMENT AND ANALYSIS
- 18-44-060 REPORTING OF DATA
- 18-44-990 APPENDIX I - COLLECTION AND ANALYSIS OF PARTICLE FALLOUT

WSR 87-15-125
PROPOSED RULES
CLARK COLLEGE
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Clark Community College, District No. 14, intends to adopt, amend, or repeal rules concerning repeal existing rules titled "parking and traffic rules and regulations"; and adopt new rules titled "parking and traffic rules and regulations";

that the institution will at 4:00 p.m., Wednesday, August 26, 1987, in the Board Room, Baird Administration Building, Clark College, 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 chapters 28B.50 and 28B.10 RCW.

The specific statute these rules are intended to implement is RCW 28B.50.140(10).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 17, 1987.

Dated: July 14, 1987

By: Anthony D. Birch
 Dean of Administrative Services

STATEMENT OF PURPOSE

Title: Clark College parking and traffic rules and regulations.

Statutory Authority: Chapters 28B.50 and 28B.10 RCW and to implement RCW 28B.50.140(10).

Purpose: Parking and traffic rules and regulations have been established to maintain the health and safety of Clark College students, employees, visitors, vendors and to provide a fair and uniform method of regulating campus vehicular and pedestrian traffic. Parking and traffic rules and regulations include the following: A maximum vehicular speed on campus; vehicle parking on campus in open areas and by permit in designated spaces; fees for parking permits; impounding procedures for inoperable or disabled vehicles parked on campus, as well as those parked in hazardous areas; a fair and uniform schedule of fines for violations of parking and traffic regulations; prohibitions on use of interior walkways; and other rules and regulations as appropriate for the effective governance of.

Effect: This action is to repeal existing WAC 132N-156-015, 132N-156-025, 132N-156-035, 132N-156-045, 132N-156-055, 132N-156-065, 132N-156-075, 132N-156-085, 132N-156-095, 132N-156-105, 132N-156-115, 132N-156-125, 132N-156-135, 132N-156-145, 132N-156-155, 132N-156-165, 132N-156-175, 132N-156-185, 132N-156-195 and 132N-156-205.

New rules are to be adopted in substitution for the above.

Reason: To achieve proper rules and regulations allowing for the maximum utilization of parking on Clark College property, establishing definitions, setting fines for parking and moving violations, and providing for the immobilization of vehicles hazardously parked.

Person Responsible for Drafting, Implementation and Enforcement: Mr. Tony Birch, Dean of Administrative Services, Administration Building, Room 164, Clark College, 1800 East McLoughlin Boulevard, Vancouver, Washington 98663, (206) 699-0123.

Organization Proposing Rule: Clark College (Community College District No. 14), a public agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: None.

Chapter 132N-156 WAC

PARKING AND TRAFFIC RULES AND REGULATIONS

WAC

INTRODUCTION

- 132N-156-300 Purpose.
 132N-156-310 Authority.
 132N-156-320 Definitions.
 132N-156-330 Liability of Clark College.

TRAFFIC REGULATIONS

- 132N-156-400 Authorized use of campus avenues and parking facilities.
 132N-156-410 Vehicle speed limitations.
 132N-156-420 Regulatory signs and directions.
 132N-156-430 Pedestrian right of way.
 132N-156-440 Traffic accidents.
 132N-156-450 Traffic offenses.
 132N-156-460 Bicycles and nonvehicular transportation usage.

PARKING FACILITY USAGE

- 132N-156-500 Allocation of parking space.
 132N-156-510 Designated and assigned parking.
 132N-156-520 Parking within designated areas.
 132N-156-530 Impounding of disabled/abandoned vehicles.
 132N-156-540 Registered owner is responsible for illegal parking.
 132N-156-550 Illegal parking.
 132N-156-560 Hazardous illegal parking.
 132N-156-570 Bicycle parking.

PARKING PERMIT REQUIREMENTS

- 132N-156-600 Faculty and staff parking permits.
 132N-156-610 Permit parking on campus.
 132N-156-620 Fees for parking permits.
 132N-156-630 Parking fee payment.
 132N-156-640 Temporary parking permits.
 132N-156-650 Revocations.

PARKING AND TRAFFIC RULES AND REGULATIONS ENFORCEMENT

- 132N-156-700 Policy enforcement.
 132N-156-710 Payment of fines.
 132N-156-720 Reduction in fines.
 132N-156-730 Appeals.
 132N-156-740 Security/parking advisory committee.
 132N-156-750 Unpaid fines.
 132N-156-760 Special circumstances.

INTRODUCTION

NEW SECTION

WAC 132N-156-300 PURPOSE. The parking and traffic regulations contained herein provide a fair and uniform method of regulating college vehicular and pedestrian traffic and are based on the following objectives:

- To protect and control pedestrian and vehicular traffic.
- To assure access at all times for emergency equipment.
- To minimize traffic disturbances during class hours.

● To facilitate the work of the college by assuring access for college vehicles and by assigning the limited parking space to the most efficient use.

Permission to park or operate a vehicle on college property governed by these regulations or the purchase of a permit for designated parking does not ensure the regular availability of a parking space.

NEW SECTION

WAC 132N-156-310 AUTHORITY. Pursuant to the authority granted by RCW 28B.50.140(10) the board of trustees of Clark College, is granted authority to establish rules and regulations for pedestrians and vehicular traffic over property owned, operated, and maintained by the college.

The enforcement of these parking and traffic rules and regulations shall be the responsibility of the college security department.

College security officers are authorized to issue parking and traffic citations, impound and/or immobilize vehicles, and control and regulate traffic and parking as prescribed in these parking and traffic rules and regulations.

Any person interfering with a college security officer in the discharge of the provisions of these parking and traffic rules and regulations shall be in violation of chapter 9A.76 RCW, Obstructing governmental operation, and may be subject to arrest by a peace officer under RCW 9A.76.020.

NEW SECTION

WAC 132N-156-320 DEFINITIONS. College - Community College District No. 14.

College property - Campus property, parking lots, or land owned, leased or controlled by Clark College.

Impoundment - Removal of a vehicle to a storage facility or impoundment by use of a wheel-lock device to prevent removal of a vehicle.

Pedestrian - Any person afoot, as defined in chapter 46.04 RCW.

Student - Individual currently registered for classes at the college.

Vehicular traffic or vehicles - Those devices defined as "vehicles" in chapter 46.04 RCW.

Nonvehicular modes of transportation - Nonvehicular modes of transportation shall mean nonpedestrian transportation devices other than vehicles and shall include, but not be limited to, bicycles and skateboards.

NEW SECTION

WAC 132N-156-330 LIABILITY OF CLARK COLLEGE. The college assumes no liability for vehicles parking or traveling on college property, nor shall it be held liable for the loss of goods or property from vehicles parked on college property. Clark College, the college security department, college security officers, members and employees shall not be held liable for any damages or losses occurring to or from vehicles or equipment when rendering motorist assistance, impounding vehicles, or performing any duties as described in these parking and traffic rules and regulations.

TRAFFIC REGULATIONS

NEW SECTION

WAC 132N-156-400 AUTHORIZED USE OF CAMPUS AVENUES AND PARKING FACILITIES. Only those vehicles as defined and regulated in chapter 46.04 RCW and as defined herein, may be operated in parking lots or in traffic areas by licensed drivers as defined in chapter 46.20 RCW. No vehicle, with the exception of non-motorized bicycles, handicapped transportation devices, and certain maintenance vehicles, may be operated on intracampus property, pathways, or sidewalks without permission of the college security department.

NEW SECTION

WAC 132N-156-410 VEHICLE SPEED LIMITATIONS. No vehicle shall be operated on the campus in excess of ten miles per hour. When safety circumstances dictate, a speed less than ten miles per hour should be maintained.

NEW SECTION

WAC 132N-156-420 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs at all times and shall comply with directions given by college security officers in the control and regulation of traffic and parking.

NEW SECTION

WAC 132N-156-430 PEDESTRIAN RIGHT OF WAY. The operator of a vehicle shall yield the right of way, slowing down or stopping if need be, to so yield to any pedestrian crossing any street, roadway, fire lane, or pathway with or without a crosswalk.

Whenever any vehicle is stopped at a marked crosswalk, unmarked crosswalk, intersection or any other place in order to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass the yielding vehicle.

NEW SECTION

WAC 132N-156-440 TRAFFIC ACCIDENTS. Persons involved in traffic accidents on college property are to report the accident to the college security department. An officer will be dispatched to investigate and file a report on the accident. In addition, RCW 46.52.030 requires that accidents on college property involving injury or property damage in excess of three hundred dollars be reported to local law enforcement agencies.

NEW SECTION

WAC 132N-156-450 TRAFFIC OFFENSES. College security officers may issue a citation for any of the following traffic offenses. Due to the severe risk to public safety, traffic offenses do not require a previous warning prior to the issuance of a fine.

- Failure to yield right of way (posted)
- Failure to yield right of way to pedestrian
- Failure to yield right of way to vehicle
- Failure to yield right of way to emergency vehicle
- Driving with excessive speed
- Failure to stop at traffic signal/sign
- Failure to use due care and caution
- Driving without lights after dark
- Having a passenger or animal outside of vehicle while in motion
- Driving with an obstructed view
- Driving on shoulder, or sidewalk or intracampus sidewalk or lane without authorization
- Disobeying flagman, peace officer, college security officer, or firefighter.

All traffic citations carry a twenty-dollar fine.

NEW SECTION

WAC 132N-156-460 BICYCLES AND NONVEHICULAR TRANSPORTATION USAGE. Bicycles may be ridden any place where vehicles are permitted. They may also be ridden on campus sidewalks or pathways though pedestrians always have the right of way. An audible signal shall be used by bicyclists to warn pedestrians of oncoming bicycles. Bicyclists shall not ride in a reckless manner nor engage in stunts or dangerous acts nor operate at speeds greater than ten miles per hour or such lower speed as is reasonable and prudent under the circumstances. With the exception of handicap transportation devices, no other nonvehicular modes of transportation will be allowed on college property, including, but not limited to, skateboards, roller skates, and snow sleds.

PARKING FACILITY USAGE

NEW SECTION

WAC 132N-156-500 ALLOCATION OF PARKING SPACE. The parking spaces available on college properties shall be assigned by the college security department in such a manner as will best obtain the objectives of these regulations. The security department is authorized to mark various parking areas on college property with numbers or titles or by posting signs, curb or pavement markings.

Open parking - Open parking is limited to those parking areas not otherwise marked as faculty/staff, handicapped, special use, or visitor. Student vehicles are not required to display a parking permit. Open

parking areas may be utilized by vehicles displaying a faculty/staff parking permit.

Faculty/staff parking – Only college employee vehicles displaying a valid parking permit may park in faculty/staff parking zones. Faculty/staff parking zones shall be considered open parking zones after 5:00 p.m. each day that the college is in regular session. Faculty/staff/administrators using college parking facilities up to 5:00 p.m. during the academic year are to purchase parking permits.

Visitor parking – All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public may park on college property in open parking, in designated special use visitor zones, or as directed by the college security office.

Handicapped parking – Handicapped parking zones may only be occupied by vehicles displaying a valid handicap parking permit issued by the college or issued in compliance with RCW 46.16.381 and 46.16.390. Handicap parking permits are available in the college's wellness resource center.

Motorcycle parking – Motorcycle parking zones shall be reserved for motorcycles and motor-driven cycles. These vehicles are not to occupy regular automobile parking spaces.

Service vehicle parking – Service vehicle parking zones are limited to use by authorized college service vehicles.

NEW SECTION

WAC 132N-156-510 DESIGNATED AND ASSIGNED PARKING. Vehicles shall be parked on college property only in those areas set aside and designated as parking areas. In any area requiring a special parking permit, no vehicle shall park without said permit.

NEW SECTION

WAC 132N-156-520 PARKING WITHIN DESIGNATED AREAS. No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require a vehicle attempting to park to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

NEW SECTION

WAC 132N-156-530 IMPOUNDING OF DISABLED/ABANDONED VEHICLES. No disabled or inoperative vehicle shall be parked on college property for a period in excess of twenty-four hours unless permission is arranged with the college security department. Vehicles which have been parked for periods in excess of twenty-four hours may be impounded and stored at the expense of either or both the owner or operator thereof. Notice of intent to impound will be posted on the vehicle at least twenty-four hours prior to impound. Neither the college nor college employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

NEW SECTION

WAC 132N-156-540 REGISTERED OWNER IS RESPONSIBLE FOR ILLEGAL PARKING. Every person in whose name a vehicle is registered (licensed) shall be responsible for any parking of said vehicle and for all offenses other than moving violations under these regulations. It shall be no defense that said vehicle was illegally parked or used by another, unless it be clearly established that at such time said vehicle was being used without the consent of the registered owner.

NEW SECTION

WAC 132N-156-550 ILLEGAL PARKING. No person shall stop, stand, or park a vehicle at any place where official signs, curb, or pavement markings prohibit parking, nor within fifteen feet of a fire hydrant or ten feet of any building, nor at any place for which the vehicle does not have a valid parking permit. Any vehicle not parked in a marked parking stall shall be considered illegally parked.

The driver of any vehicle who is instructed by a college security officer to either move an illegally parked vehicle or not to park in violation of this section, and refuses, will have their vehicle immediately impounded or immobilized.

College security officers may issue a warning citation for any of the following parking violations if a registration check shows that the vehicle has not previously been cited for any violation of these parking and traffic rules and regulations.

- Parking permit not displayed while parking in a designated parking area.

- Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours.

College security officers may issue a citation resulting in a fine if the vehicle has received a previous warning citation for any violation of the parking and traffic rules and regulations or is found in the commission of any of the following parking violations:

- Occupying more than one space.
- Parking in a space not designated for parking.
- Parking in an area not authorized.
- Blocking traffic.
- Parking within fifteen feet of a fire hydrant.
- Parking in a fire lane, sidewalk, or intracampus avenue.
- Parking in a "No Parking" zone.
- Parking on the grass.
- Parking in "Handicapped" parking zone without a handicapped parking permit.

All parking citations carry a ten-dollar fine with the exception of "Handicapped" parking violations which carry a twenty-dollar fine.

NEW SECTION

WAC 132N-156-560 HAZARDOUS ILLEGAL PARKING. No person shall stop, stand, or park a vehicle so as to obstruct traffic along or upon any street, firelane, or sidewalk nor at any location as described in RCW 46.61.570. Due to the severe risk to public safety created by any vehicle parking in violation of this section, college security officers are authorized to cite and immediately impound said vehicle. College security officers will complete a vehicle impound report including the reason for the impound.

NEW SECTION

WAC 132N-156-570 BICYCLE PARKING. Bicycles shall be parked in bicycle racks or other facilities provided for the purpose. Where such facilities are provided, at no time shall a bicycle be parked in a building, against a building, near a building exit, on a path or sidewalk, nor chained or otherwise secured to trees, lamp standards, or sign posts. Any bicycle found in violation of this section may be cited for illegal parking and impounded by the college security department without warning.

PARKING PERMIT REQUIREMENTS

NEW SECTION

WAC 132N-156-600 FACULTY AND STAFF PARKING PERMITS. All college faculty/staff/administrators using college parking facilities up to 5:00 p.m. during the academic year are to purchase and display a valid parking permit. The fact that an employee may be eligible to park in a handicapped parking zone, will not relieve the employee of this requirement. A valid faculty/staff parking permit does not, by itself, constitute authority to park in other parking facilities leased or owned by the college.

NEW SECTION

WAC 132N-156-610 PERMIT PARKING ON CAMPUS. A valid parking permit is:

- A current vehicle permit properly displayed in accordance with permit instructions.

- A temporary parking permit authorized by the college security department and displayed in accordance with the instructions shown on the permit.

Parking permits are not transferable. The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions of these parking policies or other written rules or regulations of the college. All outstanding college parking fines must be paid before a parking permit will be issued or renewed.

NEW SECTION

WAC 132N-156-620 FEES FOR PARKING PERMITS. The fees charged by the college for the issuance of permits shall be those established under the authority of the board of trustees of the college. Parking permits are issued as a license to park on college property.

Fees collected will be utilized for parking operations only, including parking enforcement and parking lot maintenance.

Current faculty/staff parking permit fees are five dollars per quarter for one vehicle and six dollars per quarter for two or more vehicles. Permits may be purchased on either an annual or quarterly basis. Permits are required for Fall, Winter, and Spring quarters only and will not be required Summer quarter.

NEW SECTION

WAC 132N-156-630 PARKING FEE PAYMENT. Faculty and staff can purchase annual permits by cash or check directly to the college or by payroll deduction. Annual contracted faculty and staff members may select the payroll deduction plan for payment of the annual permit only. Those selecting this payment plan must complete a payroll deduction authorization form before issuance of a permit.

Annual or quarterly parking permits may be purchased at either the college bookstore or at the cashier's office in the Baird Administration Building.

NEW SECTION

WAC 132N-156-640 TEMPORARY PARKING PERMITS. Any permit holder may obtain a temporary parking permit from the college security department for an unregistered vehicle when the registered vehicle is unavailable due to repairs or for another valid reason. These permits are good for a period of two weeks.

NEW SECTION

WAC 132N-156-650 REVOCATIONS. Parking permits are licenses and the property of the college and may be recalled for any of the following reasons:

- When the purpose for which the permit was issued changes or no longer exists.
- When a permit is used on an unregistered vehicle or by an unauthorized individual.
- Falsification on a parking permit application form.
- Continued violations of these parking regulations.
- Counterfeiting or altering of parking permits.
- Failure to comply with a decision of the security supervisor.

Appeals of parking permit revocations may be made to the dean of administrative services. Appeals must be filed within seven days of the date of notice of revocation.

PARKING AND TRAFFIC RULES AND REGULATIONS ENFORCEMENT

NEW SECTION

WAC 132N-156-700 POLICY ENFORCEMENT. The board of trustees of the college, or designee, shall set and approve fair and uniform fines for violations of these rules and shall provide adequate means for the enforcement and/or collection of such a fine policy. If a violation of the parking and traffic rules and regulations is committed, the college security department is authorized to issue a citation, either warning or monetary, as prescribed by WAC 132N-156-450, 132N-156-550, and 132N-156-560. Any second violation of any parking and traffic rules and regulations will result in a citation.

Any violation occurring after the second citation may result in the violator's vehicle being impounded or immobilized and held until all outstanding citations have been paid and/or the loss of parking privileges on college property.

NEW SECTION

WAC 132N-156-710 PAYMENT OF FINES. Persons cited for violations of the parking and traffic rules and regulations may respond either by filing a written appeal or by paying a fine within fifteen days of receipt of the citation. All fines are to be made payable to Clark College. Fines can be paid by mail or in person at the cashier's office in the Baird Administration Building. Fines that are mailed must be received within fifteen days of receipt of the citation.

NEW SECTION

WAC 132N-156-720 REDUCTION IN FINES. Fines for parking and traffic offenses will be reduced by two dollars if paid within forty-eight hours (excluding weekends and holidays), payable to Clark College. No reduction will be made on mail-in payments.

NEW SECTION

WAC 132N-156-730 APPEALS. Persons who receive citations for violations of the parking and traffic rules and regulations may appeal to the security supervisor. Upon showing good cause or mitigating circumstances, the security supervisor is authorized to dismiss, suspend, impose any lesser fine, and/or grant an extension of time within which to comply with the determination of the fine.

If the situation is not resolved satisfactorily, an appeal in writing may be made to the dean of administrative services. Appeals must be submitted and received without posting of fine within fifteen days after the date of the citation. The security/parking committee shall consider each appeal on its merits and shall make written notification of each decision of the committee through the dean of administrative services to the appellant and the college security department.

NEW SECTION

WAC 132N-156-740 SECURITY/PARKING ADVISORY COMMITTEE. The security/parking advisory committee is responsible for advising the college security department on security and parking operations. Examples of committee activity include:

- Reviewing parking regulations and fees and recommending their adoption.

- Considering appeals of citations for violations of these parking and traffic rules and regulations, and making written notification of each decision of the committee to the appellant and the security department.

- Reviewing and recommending suggested changes to parking lot configuration and use to improve quality and quantity of parking on campus.

- Reviewing provisions for security on campus and recommending practices and procedures for the enhancement of security.

The security/parking advisory committee meets as needed when the college is in session. The security/parking advisory committee consists of the dean of administrative services (chair), the security supervisor, two faculty, two classified employees, and one student member.

NEW SECTION

WAC 132N-156-750 UNPAID FINES. If any fine remains unpaid after fifteen days, any of the following actions may be taken by the college security department.

- A hold may be placed on transcripts.
- A delay of registration for the following quarter.
- Revocation of parking privileges.
- Fines due and payable will be withheld from paychecks of all college employees including faculty, staff, and students.
- All fines outstanding may be turned over to a collection agency.

If a violator has two or more unpaid fines, his/her vehicle will be impounded or immobilized and held until all outstanding fines are paid.

These procedures will be applicable to all students, faculty, and staff or other persons utilizing college facilities receiving fines for violations of these parking and traffic rules and regulations.

NEW SECTION

WAC 132N-156-760 SPECIAL CIRCUMSTANCES. During special occasions causing additional heavy traffic and during emergencies, the college security department is authorized to impose additional traffic and parking regulations and instructions in order to lessen the chance of personal injury or property damage. Whenever possible, prior notice of these regulations or restriction changes shall be made known and posted. This authorization is of a temporary nature and should last only as long as the situation continues.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132N-156-015 PREAMBLE.

WAC 132N-156-025	BOARD POLICY STATEMENT—
	PARKING AND TRAFFIC REGULATIONS.
WAC 132N-156-035	PURPOSE.
WAC 132N-156-045	REGULATORY SIGNS AND
	DIRECTIONS.
WAC 132N-156-055	PEDESTRIAN RIGHT OF WAY.
WAC 132N-156-065	SPEED LIMITATIONS.
WAC 132N-156-075	PERMIT PARKING ON CAMPUS.
WAC 132N-156-085	FEES FOR PERMITS.
WAC 132N-156-095	DESIGNATED AND ASSIGNED
	PARKING.
WAC 132N-156-105	ALLOCATION OF PARKING SPACES.
WAC 132N-156-115	MOTORCYCLE AND SCOOTER
	PARKING.
WAC 132N-156-125	VISITOR AND GUEST PARKING.
WAC 132N-156-135	PROHIBITIONS.
WAC 132N-156-145	IMPOUNDING OF DISABLED/INOP-
	ERATIVE VEHICLES.
WAC 132N-156-155	ENFORCEMENT.
WAC 132N-156-165	VIOLATIONS OF THE FOLLOWING
	TRAFFIC AND PARKING RULES WILL BE CITED.
WAC 132N-156-175	PAYMENT OF FINES.
WAC 132N-156-185	APPEALS.
WAC 132N-156-195	UNPAID FINES.
WAC 132N-156-205	REVOCATIONS.

WSR 87-15-126**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—July 21, 1987]

The Washington State Human Rights Commission will hold a special commission meeting in Seattle on August 12, 1987. The meeting will consist of an awards ceremony for commission staff beginning at 10:00 a.m. at the Waterfall Park and will adjourn to a brief meeting at the Washington State Human Rights Commission Office, 1516 Second Avenue, Fourth Floor, after lunch. The afternoon session will begin at 1:00 p.m. when the commissioners will act on recommended findings of staff investigators on cases filed throughout the state and address any other business as needed.

WSR 87-15-127**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT**

[Memorandum—July 21, 1987]

The Washington State Department of Community Development plans to hold a public hearing on the proposed 1988 state plan for the low-income home energy assistance program (LIHEAP).

The hearing will be held on Wednesday, August 26, 1987, at the Best Western Tacoma Inn, 8726 South Hosmer, Room B, in Tacoma, Washington. The hearing will begin at 4:30 p.m. and close at 5:30 p.m., unless participation requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., Friday, August 28, 1987, sent to the attention of Katherine

Friedt, Assistant Director, Division for Community Services, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

If you have any questions or need additional information, please contact Steve Payne at (206) 586-8980, scan 321-8980.

WSR 87-15-128**PROPOSED RULES****DEPARTMENT OF PERSONNEL****(Personnel Board)**

[Filed July 22, 1987]

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 Applications—Disqualification, WAC 356-22-070;

that the agency will at 10:00 a.m., Thursday, September 10, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, 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 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 September 8, 1987.

Dated: July 10, 1987

By: Leonard Nord
Secretary**STATEMENT OF PURPOSE**

Amending WAC 356-22-070 Applications—Disqualification.

Purpose: Guidelines in which the director of personnel is expected to follow when refusing to certify an applicant, removing applicant's name from a register, refusing to examine an applicant or disqualifying an applicant after examination.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: This proposal would close a loophole in the rule that affords greater rights to employees who resign in lieu of dismissal than it does to employees who resign at management's request.

Responsibility for Drafting: Art Morse, Personnel Manager, Department of Transportation, Transportation Building, Mailstop KF-01, Olympia, WA 98504, phone 753-6005; Implementation and Enforcement: Department of Personnel.

Agency Submitting Proposal: Department of Transportation, governmental agency.

Comments: None.

Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 267, filed 1/2/87)

WAC 356-22-070 APPLICATIONS—DISQUALIFICATION. The director of personnel is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, may disqualify an applicant after examination or may remove the applicant's name from a register or refuse to certify the applicant if:

(1) The applicant is found to lack any of the requirements established for the register (as defined in WAC 356-26-030) or the class.

(2) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he/she is applying.

(3) The applicant has made a false statement of material fact in the application.

(4) The applicant has previously been dismissed or (~~requested to~~) resigned in lieu of dismissal from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(5) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(6) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(7) The applicant has otherwise violated provisions of these rules.

(8) The applicant has taken part in the compilation, administration or correction of the examination.

(9) The applicant has a disability, as evidenced by a medical examination, that renders the employer unable to reasonably accommodate the applicant in any position within the class.

WSR 87-15-129**PROPOSED RULES****DEPARTMENT OF PERSONNEL****(Personnel Board)**

[Filed July 22, 1987]

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 356-15-090 Schedule change and compensation.

Amd WAC 356-15-030 Overtime provisions and compensation;

that the agency will at 10:00 a.m., Thursday, September 10, 1987, 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 September 8, 1987.

Dated: July 17, 1987

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amending WAC 356-15-090 Schedule change and compensation.

Purpose: Identifies conditions under which overtime is due for certain schedule changes.

Statutory Authority: RCW 41.06.150(9).

Summary: The proposed changes will create transition workweek to protect overtime rights that employees had

prior to FLSA. Also restores overtime pay for sixth and seventh days of former schedule and limits overtime for schedule changes to earlier hours or days to be paid only for those involving moves to and from scheduled standard work periods.

Reasons: These changes are needed to bring recently adopted rules into line with benefits formerly established for scheduled standard work period employees.

Amending WAC 356-15-030 Overtime provisions and compensation.

Purpose: Defines and explains overtime entitlements of employees in various work period designations.

Statutory Authority: RCW 41.06.150.

Specific Statute: The Fair Labor Standards Act, CFR 541.118.

Summary: The proposed changes will identify that "administrative, professional, and executive" employees are not exempt from overtime if they are paid by the hour. Also, it will clarify that if a state holiday occurs on a scheduled Sunday workday, that the Sunday is a holiday, entitling the employee to overtime of [if] worked.

Reasons: The merit system rule needs to be clarified to bring it into compliance with the Fair Labor Standards Act.

Responsibility for Drafting: Gail Salisbury, Standards and Surveys, Department of Personnel, 600 South Franklin, FE-11, Olympia, WA 98504, phone 753-5383; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Comments: None.

Result of Federal Law or Federal or State Court Action: The proposal is related to the Fair Labor Standards Act, section 541.118.

AMENDATORY SECTION (Amending Order 274, filed 5/1/87, effective 6/1/87)

WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty (~~working~~) straight time hours in one workweek or eighty (~~working~~) straight time hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the (~~assigned~~) scheduled workshift). Scheduled work performed on a Sunday which is coincidental with some other State holiday is overtime work.

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.

(4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp supervisor only may be increased to four hundred eighty hours by the employing agency.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7)(a) Part time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

(b) Hourly paid employees whose positions are in job classes designated as exceptions are not exempt from the overtime provisions of the Fair Labor Standards Act. For these employees, an agency must determine and notify the employee of the beginning of the workweek, must maintain the wage and hour records identified in WAC 356-14-220, and must pay overtime compensation for actual hours worked in excess of 40 hours in a workweek.

AMENDATORY SECTION (Amending Order 274, filed 5/1/87, effective 6/1/87)

WAC 356-15-090 SCHEDULE CHANGE AND COMPENSATION. (1) The appointing authority shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period

expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the appointing authority changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the appointing authority deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition workweek. The transition workweek starts at the beginning of the first shift of the last workday under the previous schedule which would have begun a new five-consecutive-day work cycle.

If, during the transition workweek the employee must work on more than five of the seven workdays, then the work in excess of 40 straight-time hours will be paid at overtime rates.

~~((4))~~ (5) If an agency, after providing seven days' notice, initiates a schedule change from one scheduled standard work period to another scheduled standard work period which causes ~~((a scheduled standard work period))~~ an employee to begin work ~~((at an earlier point in time))~~ on an earlier day of the week or an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

~~((5))~~ (6) Contingency scheduling is allowed for employees in scheduled work period positions having the following responsibilities: Highway snow, ice and avalanche control, grain inspection, horticulture inspection, and in the department of natural resources, forest fire suppression, "hoot owl," forest fuels management and aerial applications.

Therefore, for employees in scheduled work period positions, the appointing authority shall not be bound by the above scheduled shift change notice requirement, if the appointing authority notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the appointing authority shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (6) of this section.

~~((6))~~ (7) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate

the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

((7)) (8) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

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.

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 87-15-130
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-82—Filed July 22, 1987]

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

I, Joseph R. Blum, 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 a harvestable surplus of salmon is available.

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 July 22, 1987.

By Ray Ryan
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-36-02100L GRAYS HARBOR GILL-NET SEASON. *Notwithstanding the provisions of WAC 220-36-021, 220-36-022, and 220-36-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from the waters of Grays Harbor except as provided for in this section:*

(1) *The following Grays Harbor Salmon Management and Catch Reporting Areas are open during the times indicated:*

Area 2B east of a line drawn true north-south through lighted piling number 16 on Whitcomb flats, Area 2C, and Area 2D -

*Immediately to 6:00 p.m. July 30,
 6:00 p.m. August 2 to 6:00 p.m. August 6, 1987.*

(2) *Lawful gear is limited to gill nets no longer than 1,500 feet; 5 inch minimum mesh.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100K GRAYS HARBOR GILL-NET SEASON. (87-78)

WSR 87-15-131
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed July 22, 1987]

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 7:00 p.m., Wednesday, August 26, 1987, in the South Bend Community Center, South Bend, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 3, 1987.

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 August 26, 1987.

Dated: July 22, 1987
 By: Ray Ryan
 for Joseph R. Blum
 Director

STATEMENT OF PURPOSE

Title: WAC 220-36-021 Salmon fishing areas—Gill net—Seasons; 220-36-022 Salmon fishing areas—Weekly periods; 220-36-024 Salmon fishing areas—Mesh sizes—Gear; 220-40-021 Willapa Harbor—Gill net—Seasons; 220-40-022 Willapa Harbor—Weekly periods; and 220-40-024 Willapa Harbor—Mesh sizes gear.

Description of Purpose: Set fall seasons in Grays Harbor and Willapa Bay.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Preseason forecast indicates need for change in salmon seasons to allow harvest of available surplus and differentiate between wild and hatchery stocks.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, Washington, 753-5012; 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 proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 86-55, filed 7/10/86)

WAC 220-36-021 SALMON FISHING AREAS—GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor fishing areas except during the seasons provided for hereinafter in each respective fishing area:

Area 2A

Closed during ~~((1986))~~ 1987 season.

~~((Area 2B—~~

~~6:00 p.m. July 6 to 6:00 p.m. July 21.~~

Area 2B east of a line drawn true north-south through lighted piling Number 16 on Whitcomb Flats—
6:00 p.m. July 21 to 6:00 p.m. August 15, 1986.))

Area 2B—

~~((10:00 a.m.))~~ 6:00 p.m. October 11, to ~~((10:00))~~ 6:00 p.m. October ~~((11))~~ 13, ~~((1986))~~ 1987.

6:00 ~~((a.m.))~~ p.m. October ~~((28))~~ 14, to 6:00 p.m. October ~~((28))~~ 17, ~~((1986))~~ 1987.

~~((8:00 a.m.))~~ 6:00 p.m. October ~~((30))~~ 18, to ~~((8:00))~~ 6:00 p.m. October ~~((30))~~ 20, ~~((1986))~~ 1987.

~~((8:00 a.m. November 1 to 8:00 p.m. November 1, 1986.))~~
6:00 p.m. October 26, to 6:00 p.m. October 27, 1987.

Areas 2C and 2D—

6:00 p.m. ~~((July 6 to 6:00 p.m. August 15, 1986.~~

~~10:00 a.m.))~~ October ~~((11))~~ 14, to ~~((10:00))~~ 6:00 p.m. October ~~((11))~~ 15, ~~((1986))~~ 1987.

Areas 2B, 2C, and 2D—

6:00 p.m. November 10, to 6:00 p.m. November 11, 1987.

6:00 p.m. November 13, to 6:00 p.m. November 14, 1987.

AMENDATORY SECTION (Amending Order 86-55, filed 7/10/86)

WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS. It is unlawful to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Grays Harbor fishing areas:

Area 2A

Closed during ~~((1986))~~ 1987 season.

Areas 2B, 2C and 2D

Open continuously.

AMENDATORY SECTION (Amending Order 86-55, filed 7/10/86)

WAC 220-36-024 SALMON FISHING AREAS—MESH SIZES—GEAR. (1) It is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum sizes or larger than the maximum size stretch measure as hereinafter designated in the following Grays Harbor fishing areas:

Areas 2B, 2C and 2D

~~((For the period July 6 to August 15, 1986. 9-inch minimum mesh.~~

~~For October 11, 1986.))~~ 6 1/2 inch maximum mesh.

~~((For the period October 28 through November 1, 1986. No mesh restriction.))~~

(2) It is unlawful to fish in Grays Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

AMENDATORY SECTION (Amending Order 86-55, filed 7/10/86)

WAC 220-40-021 WILLAPA HARBOR—GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor fishing areas, except during the seasons provided for hereinafter in each respective fishing area and except as otherwise provided:

Area 2G—6:00 p.m. ~~((July 6 to 6:00 p.m. August 15 in those waters east of a line from Foke Point to Goose Point and south of a line from Leadbetter Point to Goose Point; 5:00 p.m.))~~ September ~~((15))~~ 19 to 6:00 p.m. October 21 in those waters west of a line drawn true north and south through Willapa River Channel light 7 and north of a line drawn true east and west through Nahcotta Channel light 10; 6:00 p.m. September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; ~~((5:30 a.m. October 28 to 6:30 p.m. October 31.))~~ 6:00 p.m. November 1 to 11:59 p.m. November 30, ~~((1986))~~ 1987.

Area 2H—6:00 p.m. September 21 to 11:59 p.m. November 30, ~~((1986))~~ 1987.

Areas 2J and 2K—6:00 p.m. ~~((July 6 to 6:00 p.m. August 15; 6:00 p.m.))~~ September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; ~~((5:30 a.m. October 28 to 6:30 p.m. October 31.))~~ 6:00 p.m. November 1 to 11:59 p.m. November 30, ~~((1986))~~ 1987.

Area 2M—6:00 p.m. ~~((July 6 to 6:00 p.m. August 15; 6:00 p.m.))~~ September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; ~~((5:30 a.m. October 28 to 6:30 p.m. October 31.))~~ 6:00 p.m. November 1 to 11:59 p.m. November 30, ~~((1986))~~ 1987.

The Naselle River upstream from the Highway 101 Bridge to the fishing boundary marker on the line of pilings at the mouth of Roaring Creek Slough—6:00 p.m. October 1 to 6:00 p.m. October 14, ~~((1986))~~ 1987.

AMENDATORY SECTION (Amending Order 86-55, filed 7/10/86)

WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS. It is unlawful to take, fish for or possess salmon taken with gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor fishing areas:

Areas 2G, 2H, 2M and the Naselle River—Open continuously.

Areas 2J and 2K—Open ~~((continuously, except for period September 21 to October 14, during which open))~~ 6:00 p.m. Sunday to 6:00 p.m. Monday and 6:00 p.m. Wednesday to 6:00 p.m. Thursday only.

AMENDATORY SECTION (Amending Order 86-55, filed 7/10/86)

WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR. (1) It is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum or larger than the maximum size stretch measure as hereinafter designated in the following Willapa Harbor fishing areas:

Areas 2G, 2H, 2J, 2K, 2M, and the Naselle River

~~((For the period July 6 to August 15, 1986. 9-inch minimum mesh.))~~

For the period September 15, to 11:59 p.m. November ~~((18))~~ 19, ~~((1986))~~ 1987: 5-inch minimum to 6-1/2 inch maximum mesh.

For the period 12:01 a.m. November 19 to 11:59 p.m. November 30, ~~((1986))~~ 1987: 7-1/2-inch minimum mesh.

(2) It is unlawful to fish in Willapa Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

**WSR 87-15-132
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Order 2514—Filed July 22, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of charges, amending WAC 275-16-030.

I, Leslie F. James, 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 rules are necessary to implement RCW 71.02.410.

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

This rule is promulgated pursuant to RCW 71.02.412 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 71.02.410 through 71.02.417 [71.02.417].

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 July 22, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2414, filed 8/19/86)

WAC 275-16-030 SCHEDULE OF CHARGES.
Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) **COSTING AND BILLING RATES**

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	\$(124.58)	\$212.06	\$145.21
	132.07	208.02	156.00
Physician Costs	*	((7.14))	*
		7.15	
*Physician costs will be billed on a fee for service basis			
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient	—	—	—
Day Care Per Day	—	((71.17))	—
		69.89	
Per Hour	—	((11.86))	—
		11.65	

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
--	------------------------------	---------------------------------------------------	------------------------------

(c) ANCILLARY SERVICES -
Per relative value unit ^{1/}

Radiology	((4.91	4.91	3.99))
	4.64	4.64	2.24
Pathology	((-.35	.35	-.36))
	.42	.42	.23
Medical Clinics	((2.60	2.64	2.05))
	2.38	2.38	3.12
((Electroencephalogram	—	—	1.00))
Electrocardiogram	((=	—	-.30))
	.24	.24	.44
((Inhalation Therapy	—	—	—))
Physical Therapy	((1.85	1.85	2.29))
	2.19	2.19	2.99
Occupational Therapy	—	—	((21.27))
			11.42
Speech Therapy	—	—	((15.53))
			11.35
Dental	((50.95	22.95	37.66))
	22.54	22.54	27.16
Podiatry	((-.92	.92	1.00))
	1.28	1.28	
((Optometry	—	—	1.00))

(2) *Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.*

^{1/}California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

Reviser's note: 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 87-15-133
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Filed July 22, 1987]

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 schedule of charges, amending WAC 275-16-030;

that the agency will at 10:00 a.m., Friday, August 28, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 31, 1987.

The authority under which these rules are proposed is RCW 71.02.412.

The specific statute these rules are intended to implement is RCW 71.02.410.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1987.

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

Leslie F. James, Director
 Administrative Services
 Department of Social and Health Services
 Mailstop OB 39
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1987. The meeting site is in a location which is barrier free.

Dated: July 22, 1987
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: Amending WAC 275-16-030.

Purpose of the Rule Change: To revise schedule of charges for state hospitals. Charges will generally be increased which will result in substantial additional revenue to the state.

Reason this Rule Change is Necessary: To reflect current costs of operating the state hospitals.

Statutory Authority: RCW 71.02.412.

Summary of the Rule Change: Revise schedule of charges for state hospitals based on current operating costs.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Dave Padget, Mental Health Program Administrator, Mental Health Division, mailstop OB 42F, phone (206) 753-2098, scan 234-2098.

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

AMENDATORY SECTION (Amending Order 2414, filed 8/19/86)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
--	------------------------	----------------------------------	------------------------

(a) INPATIENT SERVICES -

Hospital Costs Per Day	\$(124.58)	\$212.06	\$145.21
Physician Costs	132.07	208.02	156.00
	*	((7.14))	*
		7.15	

*Physician costs will be billed on a fee for service basis

(b) OUTPATIENT SERVICES - Per diem

Outpatient Day Care Per Day	—	—	—
	—	((7+17))	—
		69.89	
Per Hour	—	((11.86))	—
		11.65	

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
--	------------------------	----------------------------------	------------------------

(c) ANCILLARY SERVICES - Per relative value unit ^{1/}

Radiology	((4.91))	4.91	3.99
	4.64	4.64	2.24
Pathology	((-.35))	-.35	-.36
	.42	.42	.23
Medical Clinics	((2.60))	2.64	2.05
	2.38	2.38	3.12
((Electroencephalogram))	—	—	1.00
Electrocardiogram	((—))	—	.30
	.24	.24	.44
((Inhalation Therapy))	—	—	—
Physical Therapy	((1.85))	1.85	2.29
	2.19	2.19	2.99
Occupational Therapy	—	—	((21.27))
			11.42
Speech Therapy	—	—	((15.53))
			11.35
Dental	((50.95))	22.95	37.66
	22.54	22.54	27.16
Podiatry	((.92))	.92	1.00
	1.28	1.28	
((Optometry))	—	—	1.00

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

^{1/}California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

Reviser's note: 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 87-15-134
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Institutions)
 [Filed July 22, 1987]**

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 facility services, amending chapter 275-19 WAC;

that the agency will at 10:00 a.m., Friday, August 28, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 31, 1987.

The authority under which these rules are proposed is chapters 406 and 410, Laws of 1987.

The specific statute these rules are intended to implement is chapters 406 and 410, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1987. The meeting site is in a location which is barrier free.

Dated: July 22, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amending WAC 275-19-020, 275-19-030, 275-19-110, 275-19-140, 275-19-170, 275-19-185, 275-19-400, 275-19-550, 275-19-650, 275-19-660, 275-19-940, 275-19-950, 275-19-960, 275-19-970, 275-19-980, 275-19-985 and 275-19-990; and adding new sections WAC 275-19-450, 275-19-455, 275-19-580, 275-19-585, 275-19-590, 275-19-595, 275-19-675 and 275-19-680.

Purposes of the Rule Changes: To establish rules which will implement SHB 646, the Alcohol and Drug Treatment and Shelter Act (ADATSA); and to establish rules to implement HB 876, the revisions to chapter 69.54 RCW related to methadone treatment facilities.

Reasons These Rules are Necessary: The 1987 legislature passed SHB 646, the Alcohol and Drug Treatment and Shelter Act. The ADATSA sections of these regulations are being proposed to implement that law; and the 1987 legislature passed HB 876, revisions to those sections of chapter 69.54 RCW which govern methadone treatment facilities. The revisions to the methadone treatment sections of these regulations are being proposed to implement that law.

Statutory Authority: Chapters 406 and 410, Laws of 1987.

Summary of the Rule Changes: The ADATSA program rules will include regulations for chemical dependency assessment centers, assessment procedures, assessment service clinical file, shelters, and outpatient treatment; and revisions to the methadone treatment sections in the WAC include separating the regulations into operational and treatment categories, decreasing the time clients must be discharged for dirty urines and absence of methadone in urines, allowing the program physician to approve some exceptions for take-home methadone doses, and eliminating the requirement for quantitative [qualitative] analysis of opened methadone stock.

Person Responsible for Drafting, Implementing and Enforcement of the Rules: Jess McCabe, Program Manager, Bureau of Alcohol and Substance Abuse, phone (206) 753-5866, mailstop OB-44W.

Person or Organization (other than DSHS) who Proposed These Rules: None.

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

Agency Recommendations Concerning Statutory Language: We recommend that RCW 70.96A.090(5) be revised to be consistent with the requirements of the Administrative Procedure Act, chapter 34.04 RCW.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-020 FACILITY SERVICES. (1) The department shall approve and accredit alcoholism, alcohol abuse, drug addiction, and drug abuse treatment facilities pursuant to these rules and regulations to provide the following services:

(a) Alcoholism and alcohol abuse detoxification: Provides care and treatment of persons intoxicated or incapacitated by alcohol during the period in which the person recovers from the transitory effects of acute intoxication.

(b) Drug addiction and drug abuse detoxification: Provides care and treatment of persons intoxicated or incapacitated by drugs during the period in which the person recovers from the transitory effects of acute intoxication or withdrawal.

(c) Alcoholism intensive inpatient treatment: Provides a concentrated residential program consisting of a combination of education, individual therapy, group therapy, and related activities to detoxified alcoholics.

(d) Drug addiction intensive inpatient treatment: Provides a concentrated residential program consisting of a combination of education, individual therapy, group therapy, and related activities to detoxified addicts.

(e) Alcoholism long-term treatment: Provides care and treatment on a long-term basis (ninety days or more) in a residential setting with personal care services for alcoholics with impaired self-maintenance capabilities needing personal guidance and assistance to maintain abstinence and good health.

(f) Drug addiction long-term treatment: Provides care and treatment on a long-term basis (ninety days or more) in a residential setting with personal care services for drug addicts with impaired self-maintenance capabilities needing personal guidance and assistance to maintain abstinence and good health.

(g) Alcoholism recovery house: Provides care and treatment in a residential setting with social and recreational activities for detoxified alcoholics to aid their adjustment to abstinence and aid their engagement in occupational training, gainful employment, or other types of community service.

(h) Drug addiction recovery house: Provides care and treatment in a residential setting with social and recreational activities for detoxified addicts to aid their adjustment to abstinence and aid their engagement in occupational training, gainful employment, or other types of community activities.

(i) Alcoholism extended care recovery house: Provides care and treatment in a residential setting in excess of sixty days for clients needing prolonged treatment services.

(j) Drug addiction extended care recovery house: Provides care and treatment in a residential setting in excess of sixty days for clients needing prolonged treatment services.

(k) Alcoholism and alcohol abuse outpatient treatment: Provides alcoholism and alcohol abuse treatment services according to a prescribed plan in a nonresidential setting.

(l) Drug addiction and drug abuse outpatient treatment: Provides drug addiction and drug abuse treatment services according to a prescribed plan in a nonresidential setting.

(m) Alcoholism intensive outpatient treatment: Provides a concentrated, nonresidential program consisting of a combination of educational sessions, individual therapy, group therapy, and related activities to detoxified alcoholics and their families.

(n) Drug addiction intensive outpatient treatment: Provides a concentrated, nonresidential program consisting of a combination of educational sessions, individual therapy, group therapy, and related activities to detoxified addicts and their families.

(o) Crisis intervention facilities services: Provides services aimed at alleviating acute emotional, behavioral, and/or physical distress resulting from the individual's use of alcohol and/or drugs.

(p) DWI client assessment: A diagnostic service designed to evaluate and assess clients' involvement with alcohol and other drugs, and recommend an appropriate course of action.

(q) Alcohol information school: An educational program providing students with information regarding the use and abuse of alcohol. The goal of the school is to help students not currently presenting a significant alcohol problem to make informed decisions about the use of alcohol.

(r) Drug information school: An educational program providing students with information regarding the use and abuse of drugs. The goal of the school is to help students not currently presenting a significant drug problem to make informed decisions about the use of drugs.

(s) Emergency service patrol: Provides assistance in the streets and in other public places to persons who are intoxicated.

(t) Methadone treatment: Provides methadone (or other drugs approved by the department) as a substitute for opiates, in addition to counseling and other types of psychological or social therapy.

(u) Chemical dependency assessment centers: Contract agencies of the department of social and health services, bureau of alcohol and substance abuse, performing the following:

(i) Alcoholism and drug addiction assessments of a client seeking assistance from the department as a result of incapacity due to alcoholism and/or drug addiction.

(ii) Screening of an indigent client and referral of a client qualifying for supplemental social security income or general assistance—unemployable based on mental illness or physical disability to one of the department's community service offices, and

(iii) Case supervision of treatment and shelter services provided to indigent clients admitted to the ADATSA program.

(v) ADATSA shelters.

(2) A facility may be approved for more than one service if the facility complies with the specific requirements for approval of each service provided.

AMENDATORY SECTION (Amending Order 2484, filed 4/13/87)

WAC 275-19-030 DEFINITIONS. For the purpose of these rules and regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) "Acute detoxification" means detoxification service provided to individuals for whom the consequences of withdrawal from alcohol or other drugs are so severe as to merit assistance from medical and/or nursing personnel.

(2) "ADATSA" means the Alcohol and Drug Addiction Treatment and Shelter Act.

(3) "ADATSA client" means an indigent client receiving services authorized under ADATSA.

(4) "Administrator" means the individual appointed as the chief executive officer by the operators of a facility to act in the facility's behalf in the overall management of the treatment facility.

~~((3))~~ (5) "Alcohol abuse" means use of alcohol in amounts hazardous to individual health or safety.

~~((4))~~ (6) "Alcoholic" means a person with alcoholism.

~~((5))~~ (7) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages or the consumption of alcoholic beverages to the extent a person's health is substantially impaired or endangered or his or her social and economic function is substantially disrupted.

~~((6))~~ (8) "Approved" means having met the standards of the department contained in these rules and regulations and having been approved pursuant to chapters 69.54 and/or 70.96A RCW.

~~((7))~~ (9) "Approved treatment facility" means a treatment facility, either public or private, profit or nonprofit, approved by the department pursuant to these rules and regulations and chapters 69.54 and/or 70.96A RCW.

~~((8))~~ (10) "Authenticated" means written verification of any entry in a patient treatment record by means of a signature including minimally first initial and last name, or initials if the file includes an authentication record and the date of the entry.

~~((9))~~ (11) "Authentication record" means a document which is part of each patient treatment record and includes identification of all individuals initialing entries in the treatment record: Full printed name, signature including minimally first initial and last name, and initials that may appear after entries in the treatment record.

~~((10))~~ (12) "Bureau" means the Washington state department of social and health services bureau of alcohol and substance abuse.

~~((11))~~ (13) "Bureau of alcohol and substance abuse" means the Washington state department of social and health services bureau of alcohol and substance abuse.

~~((12))~~ (14) "Cancel" means a termination of the department's approval of a treatment service or facility.

~~((13))~~ (15) "Certified" means the approval of a treatment facility pursuant to chapters 69.54 and/or 70.96A RCW and these rules and regulations to provide one or more of the treatment services listed in WAC 275-19-020 and the issuing of a certificate of approval for those services by the bureau.

~~((14))~~ (16) "Chemical dependency" means having an alcohol and/or drug abuse or addiction problem.

(17) "Chemotherapy" means the use of prescribed medication to assist in client treatment for drug or alcohol dependency.

~~((15))~~ (18) "Compliance" means being in conformity with the requirements in chapters 69.54 and/or 70.96A RCW and chapter 275-19 WAC applying to the class or classes of treatment services for which a treatment facility is approved and/or has applied for approval.

~~((16))~~ (19) "Department" means the Washington state department of social and health services.

~~((17))~~ (20) "Department of licensing" means the Washington state department of licensing.

~~((18))~~ (21) "Detoxification" means care and treatment of a person during the period in which the person recovers from the transitory effects of acute intoxication or withdrawal.

~~((19))~~ (22) "Detoxified" means withdrawn from the consumption of alcohol, or other drugs, and recovered from the transitory effects of intoxication, or any associated acute physiological withdrawal reactions.

~~((20))~~ (23) "Discrete treatment facility" means an alcoholism and/or drug treatment facility run by operators who:

(a) Receive their revenue from one or more of the following:

(i) Client fees or third-party payments on behalf of clients;

(ii) Federal, state, and county contracts for alcoholism and/or drug treatment services.

(b) Have provided separate supervisory staff and treatment personnel for the alcoholism and/or drug addiction treatment services separate from other services provided by the facility,

(c) Have provided a separate building or a separate area within a building for the approved alcoholism and/or drug addiction treatment services,

(d) Have separate accounting records and documents which identify the source and applications of all funds received in payment for alcoholism and/or drug addiction treatment services.

~~((21))~~ (24) "Drug abuse" means use of a drug in amounts hazardous to individual health or safety.

~~((22))~~ (25) "Drug addiction" means chronic, compulsive, or uncontrollable drug use to the extent a person cannot stop use of the drug. Drug addiction is usually characterized by a process including progressive use, development of tolerance, and a withdrawal syndrome if use of the drug is discontinued.

~~((23))~~ (26) "Face to face" means an individual or group therapeutic contact with a client not including educational sessions.

~~((24))~~ (27) "Facilities" means rooms, areas, and equipment.

~~((25))~~ (28) "Incapacitated by alcohol" means a person, as a result of the use of alcohol, has his or her judgment so impaired he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and constitutes a danger to himself or herself, to any other person, or to property.

~~((26))~~ (29) "Intoxication" means acute alcohol and/or drug poisoning or temporary impairment of a person's mental or physical functioning caused by alcohol and/or other drugs.

~~((27))~~ (30) "Licensed nurse" means either a registered nurse per chapter 18.88 RCW or a licensed practical nurse per chapter 18.78 RCW.

~~((28))~~ (31) "Negative urine" means the results of a urinalysis which do not confirm the presence of any controlled substances, other than drugs medically prescribed for the patient submitting the urine sample.

~~((29))~~ (32) "Operators" means the individual or group legally responsible for the treatment facility.

~~((30))~~ (33) "Physician" means a person duly licensed to practice medicine or osteopathic medicine in the state of Washington per chapter 18.57 or 18.71 RCW.

~~((31))~~ (34) "Positive urine" means the results of a urinalysis ~~((which confirm))~~ confirming the presence of one or more controlled substances, other than drugs legitimately prescribed for the patient submitting the urine sample.

~~((32))~~ (35) "Probation alcohol assessment facility" means a qualified probation department for a district or municipal court within the state of Washington meeting the standards contained in these rules

and regulations governing the operation of a DWI client assessment service as described in WAC 275-19-020.

~~((33))~~ (36) "Residential facilities" means facilities providing board and room as part of the treatment program.

~~((34))~~ (37) "Revoke" means a termination of the department's approval of a treatment facility.

~~((35))~~ (38) "Secretary" means the secretary of the Washington state department of social and health services or his or her designee.

~~((36))~~ (39) "Shall" means compliance is mandatory.

~~((37))~~ (40) "Shelter" means sheltered living for qualified indigent alcoholics and/or drug addicts placed by chemical dependency assessment centers.

(41) "Sick physical" means an initial diagnostic examination of an applicant for admission to a treatment facility, for the purpose of determining whether the individual is currently physiologically dependent on opiates.

~~((38))~~ (42) "Stabilization" means a patient's condition:

(a) Where the program physician has determined that the currently prescribed dose of medication has suppressed physiological withdrawal signs, has not produced sedation, euphoria, or other signs of over-medication, and has provided reasonable comfort for the patient; and

(b) Where the program physician determines no future dose increases should be necessary. Stabilization is evidenced by constant dose levels for fourteen days or by a determination entered into the clinical record by the program physician.

~~((39))~~ (43) "Subacute detoxification" means detoxification service provided to individuals in a supportive, homelike environment where a person can recover from the effects of intoxication. Prescription medication is not provided for the management of withdrawal discomfort.

~~((40))~~ (44) "Suspend" means termination of the department's approval of a treatment facility for a specified period of less than one calendar year or until specific conditions have been met and the agency has been notified of reinstatement.

~~((41))~~ (45) "Take-home medication" means methadone dispensed for self-administration by the client off the premises of the treatment facility.

~~((42))~~ (46) "Transfer patient" means any patient transferring from one methadone program to another methadone program, with a maximum interruption in methadone medication of thirty days.

~~((43))~~ (47) "Urinalysis" means the qualitative analysis of a patient's urine sample for controlled substances.

AMENDATORY SECTION (Amending Order 2484, filed 4/13/87)

WAC 275-19-110 ALL FACILITIES—OPERATORS. (1) Treatment facilities shall be operated by one of the following:

(a) An Indian tribe or an Indian health board;

(b) A unit of city, county, state, or federal government;

(c) A profit corporation~~((f))~~,~~((g))~~ nonprofit corporation, partnership, or an individual proprietor.

(2) Treatment facilities operated by a profit corporation, nonprofit corporation, partnership or an individual proprietor shall be discrete treatment facilities as defined in WAC 275-19-030.

(3) A facility providing treatment services shall have an operator or operators legally responsible for the conduct of the service or services provided. The legally responsible operator or operators shall as a minimum:

(a) Obtain all required state, county, and city licenses, permits, and approvals.

(b) Maintain a current job description for the position of administrator meeting the requirements set forth in WAC 275-19-140 (4)(b).

(c) Establish the philosophy and overall objectives for the treatment facility and each distinct part thereof.

(d) Provide for the personnel, facilities, equipment, and supplies necessary for the care of clients and the maintenance and operation of the facility in accordance with applicable laws and regulations.

(e) Review and approve written personnel policies.

(f) Ensure the administration and operation of the facility is in compliance with these rules and applicable federal, state, and local laws and regulations.

(4) The owners of a partnership shall have a written partnership agreement outlining all of the business elements of the partnership. The partnership agreement shall be signed and dated by each partner.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-140 ALL FACILITIES—PERSONNEL. (1) There shall be sufficient qualified counselors, clerical, and other support staff not currently clients to ensure the attainment of program service objectives and to properly maintain the treatment facility.

(2) Qualified counselors carrying a caseload shall not exceed one hundred hours of face-to-face client contact per full-time equivalent counselor per month. Residential treatment, excluding detoxification, shall in addition maintain a client to staff ratio not to exceed fifteen clients for each counselor.

(3) Personnel employed as counselors shall be qualified counselors or counselor trainees as described in WAC 275-19-145.

(4) For each employee there shall be a current personnel file which includes the following:

(a) Verification (transcripts, certificates, licenses, resumes, etc.) of the employee's qualifications for the assigned position.

(b) A copy of the employee's current job description, signed and dated by the employee, which includes: The job title, a summary of the duties and responsibilities, the minimum qualifications, and the title of the immediate supervisor.

(c) A record of an orientation acquainting the person with the contents of the program manual, the disaster plan for the facility, and the confidentiality of client information.

(d) Written performance evaluations for each year of employment. The completed evaluation form shall be signed and dated by the evaluator and the employee.

(e) Evidence of a tuberculin skin test or chest x-ray~~((as specified in chapter 248-26 WAC.))~~ and a record of any accidents occurring on duty.

(f) There shall be sufficient evidence in the records of the qualified counselors, assessment officers, and information school instructors to determine whether they have received the training and education necessary to meet and maintain the qualified status. The record shall include the date the person became a qualified counselor, assessment officer, or information school instructor.

(g) A signed and dated commitment to maintain confidentiality.

(h) Evidence employees providing client care in a detoxification center in the absence of licensed physicians or nurses have a valid and current red cross card or certificate for first-aid (or its equivalent) and annual training in cardiopulmonary resuscitation.

(5) Employees with a communicable disease in an infectious stage shall not be on duty.

(6) All approved treatment facilities shall adhere to written personnel policies covering the qualifications of staff, job descriptions, hours of work, personnel benefits, hiring practices, termination procedures, promotional requirements, leave days, employee evaluations, grievance procedures, and staff ethical standards.

(7) Approved treatment facilities shall comply with state statutory and regulatory provisions regarding nondiscrimination and affirmative action in employment and client services.

(8) Employees who are or were clients of the approved treatment facility shall have personnel records separate from clinical records. No indication of current or previous client status or client activity, including urinalysis results, may be entered in the personnel record of such an employee.

(9) Work may be assigned to the client when the assignment is part of the client's treatment program, the client's work assignment has therapeutic value, and the client works under the immediate supervision of a member of the staff.

(10) Exclusion from employment shall not be based on former alcohol or drug use, former mental dysfunction, or former criminal convictions except as provided in chapters 9.96A and 49.60 RCW.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-170 ALL FACILITIES—RECORDS. (1) All treatment facilities shall have an accurate and complete record system:

(a) Providing for maintenance of a current and complete record for each client;

(b) Providing a systematic method of identifying and filing client's records so each record can be located readily;

(c) Ensuring confidentiality of patients' case records by storing and handling the records under conditions meeting all pertinent federal, state, and local regulations governing such records;

(d) Including all required state and county data; and

(e) Reflecting all financial transactions of the facility.
 (2) Client file records required in this section shall be retained by the treatment facility for a minimum of five years following the discharge or transfer of the client.

In the event an approved treatment facility is closed, clinical records may be forwarded to any other approved treatment center with the client's consent. Clinical records still subject to minimum retention requirements, where client consent is not obtained, shall be sealed and labeled as follows: "Records of (insert name of approved treatment facility) required to be maintained pursuant to WAC 275-19-170, until a date not later than December 31, (insert year)." Sealed records shall be forwarded to the department, and shall be disclosed only under such circumstances and to such extent as would be permissible for the program in which they originated.

(3) Residential and outpatient facilities shall have individual case records including the following:

(a) An intake form including the client's full name; sex; birthdate; home address; date of admission; name, address, and telephone number of the client's next of kin or other responsible person; name and city of the client's personal physician, if any.

(b) A record of the assessment of the client's involvement with alcohol and/or drugs including the signs and symptoms.

(c) An individualized treatment plan as prescribed in WAC 275-19-165 (1)(c). Doctor's standing orders shall be considered as a treatment plan in inpatient detoxification facilities.

(d) Progress notes on the client's response to treatment relating to the treatment plan and noting all significant events occurring during treatment. At least one progress note every work shift must be entered in inpatient detoxification client's file.

(e) A record of the treatment plan review required by WAC 275-19-165(5).

(g) Each entry in a client's record shall be authenticated.

(g) A copy of any program rules signed and dated by the client.

(h) A voluntary consent to treatment form, signed and dated by the client.

(i) A properly completed authorization for release of information form.

(j) A copy of the client's aftercare plan.

(k) At completion of treatment, a discharge summary including the date of discharge, and a summary of the client's progress in meeting the objectives outlined in the treatment plan. In detoxification facilities, the summary shall outline the client's physical condition relating to detoxification or withdrawal.

(l) Medical records in accordance with chapter 248-26 WAC.

(4) DWI client assessment service facilities including probation assessment facilities shall have individual case records including at a minimum:

(a) An intake form including the client's full name, sex, birthdate, and home address.

(b) The dates of contacts.

(c) A copy of the completed Washington alcohol screening inventory showing the client's score.

(d) A copy of the client's driving record obtained from the department of licensing files.

(e) A record of the client's blood alcohol level at the time of arrest or documentation the information was not available.

(f) A record of the client's alcoholism and/or drug treatment history.

(g) The name of the court referring the client for assessment, including the name of the sentencing judge.

(h) A record of the evaluation and assessment of the client's involvement with alcohol and other drugs as required by WAC 275-19-185.

(i) A properly completed authorization for the release of information form.

(j) Copies of any assessment reports sent to the department of licensing, referring court, the client's attorney, or other person or agency.

(k) Copies of all correspondence relating to the client.

(l) Each entry in a client's record shall be authenticated.

(5) Alcohol information schools or drug information schools shall have individual case records including:

(a) An intake form, including the client's full name, sex, birthdate, and home address;

(b) Dates in attendance;

(c) Source of referral;

(d) Copies of all reports, letters, certificates, and other correspondence sent to attorneys, courts, department of licensing, or any other agency;

(e) A record of any referral of the client to other services;

(f) A properly completed authorization for release of information form;

(g) A copy of the completed post-test as written in An Instructor's Guide to Alcohol Information School, published January 1980, as now or hereafter amended.

(h) Each entry in a client's record shall be authenticated.

(6) Emergency service patrols shall maintain a log including:

(a) The time and origin of the call received,

(b) The time of arrival at the scene,

(c) The location of the pickup,

(d) The name and sex of the person transported,

(e) The destination of transport (either home or inpatient detoxification facility), and

(f) The time of transport completion.

(g) In nonpickup cases, notation shall be made of the reason why said pickup was not made.

(h) Each entry in the log shall be dated and signed by the person making the entry.

(7) ADATSA chemical dependency assessment centers shall have individual case records including, at a minimum:

(a) An intake form including:

(i) Client's full name;

(ii) Address;

(iii) Sex;

(iv) Birthdate;

(v) Assessment date;

(vi) Address and telephone number of the client's next-of-kin, or other emergency contact; and

(vii) Name and city or telephone number of the client's physician, if any.

(b) A properly completed assessment and case supervision form provided by the bureau;

(c) A record of the assessment of the client's involvement with alcohol and drugs recording all of the information required by WAC 275-19-185(2);

(d) A record of the client's own assessment of his or her involvement with alcohol and drugs;

(e) A record of the client's own assessment of his or her mental health problems and any physical incapacity;

(f) A properly completed authorization for release of confidential information form meeting all state and federal requirements;

(g) A record of the placement of the client in each residential and outpatient ADATSA component including the date of the placement, the name of the treatment center or shelter, and the dates each phase of treatment or shelter will begin;

(h) Copies of all reports and correspondence related to the client;

(i) Notes documenting contacts by telephone or in person concerning the client;

(j) A termination summary; and

(k) Each entry in the client's record shall be authenticated.

(8) All residential treatment facilities shall have a permanent, current register of all persons admitted for care or treatment. This shall include at a minimum the date of admission, the client's name, and the date of discharge or transfer.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-185 ASSESSMENT PROCEDURES. (1) The procedures for assessing DWI client's involvement with alcohol and other drugs shall include, as a minimum, the following:

(a) A written test of each client, using as a minimum, the Washington alcohol screening inventory((-));

(b) A review of the following:

(i) When available, the client's blood alcohol level at the time of arrest for any alcohol-related offense; and

(ii) A copy of the client's driving record.

(c) A diagnostic interview with each client which gathers as a minimum:

(i) A history of the client's involvement with alcohol and drugs, including frequency of use, volume, and type of substance used((-));

(ii) The client's statement concerning his or her current physical condition((-); and

(iii) Sociological data describing the client's most recent living situation (e.g., family, environment, employment, and school).

~~((2))~~ (d) A written assessment, based upon the information collected per WAC 275-19-185(1), shall be completed. It shall include as a minimum the following:

~~((1))~~ (i) The client's raw score and percentile score from the Washington alcohol screening inventory~~((:));~~

~~((2))~~ (ii) The client's own assessment of his or her involvement with alcohol or other drugs~~((:)); and~~

~~((3))~~ (iii) The qualified counselor's or the qualified assessment officer's evaluation of the information required by WAC 275-19-185(2)(a) and (b), a diagnostic statement specifically describing the client's involvement with alcohol or other drugs, and the signs and symptoms leading to that assessment.

~~((4))~~ (e) Inform the client of the results of the assessment. If the assessment concludes the person has an alcohol or drug problem requiring treatment, the person shall be advised to seek appropriate, approved alcoholism or drug treatment. If the assessment concludes the person requires only alcohol or drug education, the person shall be advised to attend an approved alcohol or drug information school~~((:));~~

~~((5))~~ (f) All reports required by the courts and the department of licensing shall be properly completed and shall be submitted in a timely manner;

(2) The procedure for assessing ADATSA client's involvement with alcohol and other drugs shall include, at a minimum, the following:

(a) A diagnostic interview with a qualified counselor, as defined in WAC 275-19-145, gathering at a minimum:

(i) The information required on an ADATSA assessment form approved by the bureau;

(ii) A history of the client's involvement with alcohol and other drugs including:

(A) Type,

(B) Frequency of use,

(C) Amount used,

(D) Duration of use, and

(E) Route of administration of each drug used.

(iii) The client's own assessment of his or her own involvement with alcohol and other drugs.

(b) A preliminary screening to determine whether the client may be eligible for social security supplemental income, have a mental illness, or a physical incapacity requiring further evaluation and/or referral to the department's local community service office;

(c) The counselor's written assessment summary statement concerning the client's involvement with alcohol and drugs. If the assessment finds the client is an alcoholic and/or drug addict, the assessment summary must include:

(i) A diagnostic impression of the client's involvement with alcohol and drugs; and

(ii) A listing of the signs and symptoms justifying the conclusions.

(d) A record of the outcome of the assessment interview with the client, indicating the decisions reached by the counselor as to the treatment and shelter plan the client is to follow.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-400 LONG-TERM TREATMENT FACILITIES—PURPOSE. The purpose of WAC 275-19-400 through ~~((275-19-499))~~ 275-19-449 is to provide specific operational program standards for facilities providing long-term treatment services as described in WAC 275-19-020. To be approved as a treatment facility to provide long-term treatment services, the facility must comply with the applicable requirements of WAC 275-19-010 through 275-19-199, 275-19-400 through 275-19-499, chapter 248-26 WAC, and chapters 69.54 and/or 70.96A RCW.

NEW SECTION

WAC 275-19-450 ADATSA SHELTERS—PURPOSE. The purpose of WAC 275-19-450 through 275-19-499 is to provide specific operational program standards for facilities providing ADATSA shelter services as described in WAC 275-19-020. To be approved as an ADATSA shelter, the facility must comply with the applicable requirements of WAC 275-19-450 through 275-19-499 and chapters 69.54 and/or 70.96A RCW.

NEW SECTION

WAC 275-19-455 ADATSA SHELTERS—LICENSING, SUPPORT GROUPS, AND FOOD SERVICES. (1) ADATSA shelters shall meet the rules, facility regulations, and licensing standards required by the city or county they are located in.

(2) Food services for ADATSA shelters having ten or more clients shall meet the requirements in chapter 248-84 WAC.

(3) ADATSA shelters having ten or more clients shall have at least one staff person awake and in the facility at all times.

(4) Each ADATSA shelter shall coordinate activities with local self-support groups, such as alcoholics anonymous and narcotics anonymous as appropriate to sponsor meetings at the facility for interested clients.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-550 EXTENDED CARE RECOVERY HOUSE FACILITIES—PURPOSE. The purpose of WAC 275-19-550 through ~~((275-19-599))~~ 275-19-579 is to provide specific operational program standards for facilities providing extended care recovery house services as described in WAC 275-19-020. To be approved as a treatment facility to provide extended care recovery house services, the facility must comply with the applicable requirements of WAC 275-19-010 through 275-19-199, 275-19-550 through 275-19-599, chapter 248-26 WAC, and chapters 69.54 and/or 70.96A RCW.

NEW SECTION

WAC 275-19-580 CHEMICAL DEPENDENCY ASSESSMENT CENTERS—PURPOSE. The purpose of WAC 275-19-580 through 275-19-599 is to provide specific operational program standards for facilities providing chemical dependency assessment center services as described in WAC 275-19-020. To be approved as a chemical dependency assessment center, the facility must comply with the applicable requirements of WAC 275-19-010 through 275-19-199, 275-19-580 through 275-19-599, and chapters 69.54 and 70.96A RCW.

NEW SECTION

WAC 275-19-585 CHEMICAL DEPENDENCY ASSESSMENT CENTERS—CLIENTS. Chemical dependency assessment centers shall provide services to all indigent clients seeking or receiving assistance from the department as a result of incapacity due to alcoholism and/or drug addiction.

NEW SECTION

WAC 275-19-590 CHEMICAL DEPENDENCY ASSESSMENT CENTERS—REQUIRED SERVICES. Approved chemical dependency assessment centers shall provide:

(1) An alcohol and drug assessment of all clients providing, at a minimum, the evaluation required by WAC 275-19-185(2).

(2) A preliminary screening of clients and referral of those clients qualifying for social security supplemental income or general assistance-unemployable benefits, based on mental illness or physical disability to the department's local community services office.

(3) Case supervision of treatment and/or shelter services for clients admitted to the ADATSA program.

NEW SECTION

WAC 275-19-595 CHEMICAL DEPENDENCY ASSESSMENT CENTERS—DISCRETE ASSESSMENT CENTERS. (1) Discrete chemical abuse assessment centers shall be operated in the following counties:

(a) King county,

(b) Pierce county,

(c) Spokane county, and

(d) Yakima county.

(2) Discrete chemical dependency assessment centers shall not provide client treatment services.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-650 INTENSIVE OUTPATIENT FACILITIES—PURPOSE. The purpose of WAC 275-19-650 through ~~((275-~~

~~19-699~~) 275-19-674 is to provide specific operational program standards for facilities providing intensive outpatient services as described in WAC 275-19-020. To be approved as a treatment facility to provide intensive outpatient treatment services, the facility must comply with the applicable requirements of WAC 275-19-010 through 275-19-199, 275-19-650 through 275-19-699, chapter 248-26 WAC, and chapters 69.54 and/or 70.96A RCW.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-660 INTENSIVE OUTPATIENT FACILITIES—REQUIRED SERVICES. There shall be an organized program and staff sufficient to provide the following services by qualified counselors:

(1) Assessment of each client's needs regarding specific alcohol and/or drug-related problems as perceived by the client, facility staff, and if possible involved others.

(2) Screening criteria shall be developed and applied including such diagnostic techniques as needed to assure the appropriateness of placement in this treatment modality. The diagnosis shall, at a minimum, include an assessment of the client's:

(a) Progression in the disease of alcoholism and/or drug addiction;
(b) Motivation for recovery and the ability to attain and maintain abstinence on an outpatient basis;

(c) Social support systems, including family or significant others, financial condition, and employment status; and

(d) Physical health and general mental status.

(3) Program requirements. The following services shall be provided to clients and their families:

(a) The program shall deliver a minimum of seventy-two hours of treatment services within a maximum of twelve weeks. The first four weeks of treatment must consist of a minimum of three sessions of at least one hour each on three separate days of each week((-);

(b) A review of each active case by the client's case manager not less than once in every twenty hours of treatment. This review shall be noted in the client's case file((-);

(c) Individual counseling sessions with each client every twenty hours of treatment and additionally as needed((-);

(d) Education of clients regarding alcohol, alcoholism, and/or drugs and drug addiction;

(e) No more than twenty percent of treatment time shall consist of film presentations((-);

(f) Group therapy sessions. Sessions shall be limited in attendance to no more than twelve clients per counselor((-);

(g) Whenever possible, the client's family or other social support system shall be substantially involved in the treatment program((-);

(h) Upon completion of intensive outpatient treatment, the client shall be referred to a structured aftercare program((-); and

(i) All clients and their families shall be encouraged to participate in Alcoholics Anonymous, Alanon, Alateen, Narcotics Anonymous, and Naranon as appropriate.

NEW SECTION

WAC 275-19-675 ADATSA OUTPATIENT TREATMENT FACILITIES—PURPOSE. The purpose of WAC 275-19-675 through 275-19-699 is to provide specific operational program standards for facilities providing ADATSA outpatient treatment services as described in WAC 275-19-020. To be approved as an ADATSA outpatient treatment facility, the facility must comply with the applicable requirements in WAC 275-19-010 through 275-19-199, 275-19-675 through 275-19-699, and chapters 69.54 and 70.96A RCW.

NEW SECTION

WAC 275-19-680 ADATSA OUTPATIENT TREATMENT FACILITIES—REQUIRED SERVICES. Facilities providing ADATSA outpatient treatment services shall have an organized program and staff sufficient to provide the following services to clients by qualified counselors:

(1) Counseling services focused on assisting the clients to avoid relapse and to obtain employment.

(2) Assist clients in developing living skills necessary for independent living.

(3) Assist clients in obtaining housing and basic provisions conducive to ongoing recovery.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-940 ALL METHADONE TREATMENT FACILITIES—INTAKE TREATMENT REQUIREMENTS. (1) Sick physicals. Methadone treatment facilities shall provide each patient, upon application by the patient for admission to methadone treatment, a sick physical by a program physician or other appropriately licensed health professional. Methadone treatment facilities shall not prescribe methadone for a patient until a sick physical has been completed and a diagnosis of current physiological dependence on an opiate drug has been reached, except as provided in subsections (8) and (9) of this section. The sick physical shall include observations of the presence or absence of the following signs which shall be documented in the clinical file:

- (a) Rinorrhea((-);
- (b) Pupillary dilation((-);
- (c) Piloerection((-);
- (d) Elevated body temperature((-);
- (e) Elevated pulse rate((-);
- (f) Elevated blood pressure((-);
- (g) Elevated respiration rate((-);
- (h) Lacrimation((-); and
- (i) Intravenous injection site scars.

(2) Overall health evaluation. Methadone treatment facilities shall conduct and document in the client file an overall health evaluation of each patient by a program physician or other appropriately licensed health practitioner within one week of admission to methadone treatment.

(3) Physician involvement in sick physicals. Methadone treatment facilities shall make a program physician available for consultation by telephone or in person when sick physicals are conducted by anyone other than a program physician. A program physician shall conduct sick physicals for all juvenile patients and for all adult patients with unusual or ambiguous signs or symptoms.

(4) Follow-up examination. Following the initial dose of methadone (~~and following all subsequent dose increases, methadone~~), treatment facilities shall conduct and document an in-person, physical examination of the patient. Such an examination shall be conducted as close ((to)) as possible to the time when methadone blood levels are highest, typically three to four hours after a dose is provided to the patient. The examination shall establish adequacy of dose, including signs and symptoms of withdrawal, patient comfort, and side effects from over-medication.

(5) Documentation of addiction history. Methadone treatment facilities shall note all observations, tests, reported symptoms, and documents certifying addiction history, and shall retain such documentation in the patient's clinical record. Methadone treatment facilities shall include in each patient file a summary analysis of all diagnostic data.

(6) Documentation of doses. Methadone treatment facilities shall note the date and amount of the initial dose and the date and amount of all dose changes in the patient's clinical record.

(7) Documentation of physiologic addiction. Methadone treatment facilities shall document evidence supporting diagnoses of addiction for all patients who are prescribed methadone. The department shall conduct an after-the-fact review of a random sample of all patient records, examining sick physical documentation and the resulting diagnosis.

(8) Exception to sick physicals. Recently detoxified patients. Methadone treatment facilities may restart methadone medication without a sick physical for patients detoxified from methadone within the last two years, who continue to receive at least one face-to-face counseling session per month, lasting at least forty-five minutes per session.

(9) Exception to sick physicals—Penal, chronic care, and pregnant clients. Methadone treatment facilities may admit and prescribe methadone to penal, chronic care, and pregnant patients without meeting sick physical requirements, provided the facility has followed the rules outlined in federal regulations, 21 C.F.R. Part 291.505 (d)(3)(iii)(a) and (b), adopted September 19, 1980.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-950 ALL METHADONE TREATMENT FACILITIES—URINALYSIS TREATMENT REQUIREMENTS. (1) Urinalysis frequency. All patients shall submit urine samples for urinalysis at least once per month. After a patient has a positive urine, the patient shall submit four urine samples per month for urinalysis. The patient shall continue to submit at least four samples per month until

the patient has at least four consecutive negative urines, after which the patient may return to once-a-month submittal.

(2) Random sampling. Methadone treatment facilities shall randomly schedule all urine sample submissions, without prior warning to the patient.

(3) Sampling procedures. Methadone treatment facilities shall ensure staff observation of all collections of urine samples. Facility staff shall seal samples immediately in patient's presence with a prenumbered seal. The patient shall initial a log of sample seal numbers next to the seal number. Methadone treatment facilities shall void and retain broken or unusable seals. Facilities shall keep logs of sample seal numbers confidential, apart from all other patient records. Facilities shall discard contaminated samples and samples with broken seals.

(4) Required screens. Each urinalysis shall include qualitative analysis for the presence of opiates, methadone, amphetamines, cocaine, barbiturates, and other drugs as indicated by the patient's drug use history. The urinalysis may instead include qualitative analysis for metabolites of such drugs, if such analysis would yield more accurate results.

(5) ~~((Failure))~~ Refusal to give sample. Methadone treatment facilities shall treat a patient's ~~((failure))~~ refusal to provide a urine sample upon request, for whatever reason, or a patient's refusal to initial the log of seal number in the same manner as a positive urine.

(6) Positive urines. Methadone treatment facilities shall report all positive urines to the patient and discuss in counseling within seven days of obtaining the results.

(7) Dose increase justification. Following stabilization, methadone treatment facilities shall justify all dose increases in the patient's record. Positive urines alone shall not be considered adequate justification. Additional data on desirability of dose increases shall be documented in the patient's record, including signs and symptoms of withdrawal, patient discomfort, or other medically justifiable reasons.

(8) Mandatory discharge for positive urines. Methadone treatment facilities shall discharge any patient with three consecutive positive urines collected later than ninety days after admission. Patients so discharged may not be readmitted to methadone treatment at any facility for ~~((ninety))~~ thirty days following the first discharge and for ~~((one year))~~ ninety days following the second and subsequent discharges.

(9) Mandatory discharge for absence of methadone in urine—Absence of methadone. Methadone treatment facilities shall discharge any patient receiving methadone and whose urinalysis fails to confirm the presence of methadone or methadone metabolite, unless the facility can confirm physiological reasons for the lack of detectable methadone or methadone metabolite. Conformation may include a dose level less than ten milligrams daily ~~((or))~~, a urinalysis of a second sample taken twenty-four hours after in-person administration of a dose which also fails to confirm the presence of methadone or methadone metabolite, or documentation showing the client has taken six doses per week at the clinic until a urinalysis shows the presence of methadone or methadone metabolite in the urine. The facility may use other medically justifiable means of confirming physiological reasons for failure to confirm presence of methadone or metabolite. Any confirmation shall be documented in detail in the patient's record. No methadone treatment facility may admit a patient who has been discharged from any methadone facility pursuant to this subsection during the previous ~~((ninety))~~ thirty days.

~~((10))~~ Urinalysis laboratories. Methadone treatment facilities shall notify the department of the name and address of all laboratories that the facility is using to conduct urinalysis for methadone clients:))

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-960 ALL METHADONE TREATMENT FACILITIES—DETOXIFICATION TREATMENT REQUIREMENTS. (1) Planned detoxification dates required. Within ninety days of admission, methadone treatment facilities shall establish and document a planned detoxification date for each patient. The planned detoxification date may be revised.

(2) Criteria for planned detoxification dates. Methadone treatment facilities shall adopt and adhere to written criteria for establishing and revising planned detoxification dates for all patients entering treatment. The criteria shall include, at a minimum, addiction history, current dose, health, employability, age, personality, support system strengths, and treatment progress to date. Planned detoxification of pregnant clients shall take into account postnatal social and psychological factors and prenatal physical factors.

(3) Planned detoxification dates for patients under age twenty-four. Methadone treatment facilities shall not plan detoxification dates in excess of the following:

(a) All patients under eighteen years of age (at time of admission) shall have a planned detoxification date not later than six months after admission.

(b) All patients eighteen to twenty-four years of age (at time of admission) shall have a planned detoxification date not later than twenty-four months after admission.

(c) Extension of planned detoxification dates beyond the limits specified in subsection (3)(a) or (3)(b) of this section may be made only after prior approval of the department.

(4) Patient records. Methadone treatment facilities shall note in the patient's record the factors considered and how the factors affected the choice of planned detoxification date. Facilities shall also note in the patient's record all changes in planned detoxification date and the reasons for the change.

(5) Detoxification for nonpayment. Any patient detoxified for reasons of nonpayment shall be provided an individual detoxification schedule consistent with sound medical practices approved by the program's physician.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-970 ALL METHADONE TREATMENT FACILITIES—DISPENSARY OPERATIONAL REQUIREMENTS.

(1) Authorization of dispensary personnel. Methadone treatment facilities shall designate individuals authorized to enter the dispensary. Those authorizations shall be limited to persons with a clear need to enter. ~~((Facilities shall note the reasons for granting authorization in personnel records.))~~

(2) Dispensary staffing. Methadone treatment facilities shall establish written procedures, especially recordkeeping practices, designed to minimize the number of individuals who need to be in the dispensary. ~~((Procedures must require that two people shall be in the dispensary any time doses are compounded, dispensed, or administered.))~~

(3) Methadone handling procedures. Methadone treatment facilities shall establish written procedures for all activities involving handling methadone (compounding, dispensing, etc.). Such procedures shall be designed to minimize error and minimize possibilities for diversion of methadone by staff or others.

(4) Methadone stock inventory. Methadone treatment facilities shall ensure dispensary staff measure all opened stocks of methadone before and after each period of time during which methadone is compounded, dispensed, or administered. A period of time shall be deemed to conclude, or a new period begin, whenever any staff person enters or leaves the dispensary. Staff shall note the amount measured in methadone inventory records and verify the entry with initials or signature. All newly opened stocks of methadone shall be measured immediately and the actual amount recorded in the same manner. Methadone treatment facilities shall reconcile inventory changes with doses dispensed. If any discrepancy is uncovered during reconciliation of doses dispensed and inventory changes, and any variations in inventory between previous close and current open, the facility shall obtain statements from all dispensary staff persons involved. The program director shall investigate the discrepancy and report to the federal drug enforcement agency, Washington state board of pharmacy, and the department of social and health services.

(5) Dispensary schedule. Methadone treatment facilities shall schedule dispensing and other activities to minimize impact on neighboring businesses and residences.

(6) Quantitative analysis. Methadone treatment facilities shall conduct a quantitative analysis of all open methadone stocks whenever a transfer case is reported to the program director pursuant to WAC 275-19-990(6), or whenever the program director has other reason to believe dilution and diversion of methadone stocks may be occurring. ~~((In addition, on random occasions at least twice in any calendar year the facility shall conduct a quantitative analysis of all opened methadone stock.))~~ Methadone concentration below the manufacturer's tolerance shall be reported immediately to the federal drug enforcement administration, the Washington board of pharmacy, and the department of social and health services.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-980 ALL METHADONE TREATMENT FACILITIES—COUNSELING TREATMENT REQUIREMENTS.

(1) Individual and group counseling. Methadone treatment facilities

shall make available sufficient individual and group counseling for each patient to accomplish treatment plan goals and objectives. Counseling shall be intensified (increased in frequency, duration, and/or mode) when problems arise, when requested by the patient, or when progress is no longer being made.

(2) Minimum counseling. Methadone treatment facilities shall provide and document, at a minimum, one face-to-face counseling session lasting at least forty-five minutes (group or individual) each week for each patient during the first ninety days after admission. Counseling may be reduced to two face-to-face sessions per month during the next twelve months, and to once per month thereafter. Facilities may not use group counseling sessions with more than twelve patients in attendance to meet this requirement.

(3) Semiannual review. Methadone treatment facilities shall conduct and document an individual counseling session lasting forty-five minutes or more with each patient, between six and seven months after admission, and once every six months thereafter. The purpose of the session is to review treatment progress, revise or reaffirm treatment plan and planned detoxification date, and to review all relevant facts concerning the use of methadone.

(4) Counseling. Methadone treatment facilities shall ensure all counseling is provided by qualified drug abuse counselors or counselor-trainees in a manner that is physically and organizationally separate from other activities, particularly dispensing and fee collection, except to the extent necessary for coordination or for resolution of compliance problems such as nonpayment or missed doses. Facilities may not credit counseling occurring while dispensing methadone or collecting fees toward meeting the counseling requirements of this section.

(5) Counselor/patient ratio. Methadone treatment facilities shall provide at least one qualified counselor (full-time equivalent) for each fifty patients. Facilities shall assign each patient to a primary counselor, who shall be a qualified drug counselor. The primary counselor will bear responsibility for the conduct and management of all cases assigned to him or her. No more than fifty cases may be assigned to any primary counselor at one time.

(6) Counselor-trainees. Methadone treatment facilities may provide counseling services using counselor-trainees, if the counselor-trainees are under the direct, close supervision of a qualified drug counselor. A qualified drug counselor with one or more counselor-trainees may be assigned as primary counselor up to seventy-five patients, including those cases delegated to the counselor-trainees. Each qualified drug counselor may supervise as many counselor-trainees as he or she desires and delegate cases in a responsible fashion, except that no counselor-trainee may be delegated more than thirty-five patients. Primary counselor responsibility for all cases shall rest with a qualified drug counselor, regardless of whom provides counseling services.

(7) Individualized treatment plans. Methadone treatment facilities shall prepare and document individualized treatment plans for each patient, which must specify the patient's problems; the frequency, mode, and duration of counseling sessions; and the planned detoxification date.

(8) Pregnancy and drugs. Methadone treatment facilities shall provide, to any patient who requests, at least one hour per month of counseling and education on matters relating to pregnancy and street drugs, and the effects of methadone treatment when provided during pregnancy. This session may be provided in an individual or group setting at the discretion of the facility director.

(9) Family planning professional. Methadone treatment facilities shall have at least one professional, either a qualified drug counselor, physician, or physician's assistant, who has appropriate training in family planning, prenatal health, and parenting skills.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-985 ALL METHADONE TREATMENT FACILITIES—TAKE-HOME MEDICATION OPERATIONAL REQUIREMENTS. (1) Minimum take-home criteria. Methadone treatment facilities may provide all patients with take-home medication for Sundays and for any legal holiday set forth in RCW 1.16.050, at the discretion of the program physician. Take-home medication on other days shall be permitted only for stabilized patients who have been receiving methadone for a minimum of ninety days and who have had negative urines for the last sixty days.

(2) Criteria for allowing increased take-homes. Methadone treatment facilities may increase frequency of take-home medication when a patient is judged capable of handling increased frequency of take-

home medication. The program (~~(physician)~~) shall consider and document in the client file the following in determining whether a patient is responsible in handling methadone:

- (a) Absence of abuse of drugs and alcohol(-);
- (b) Regularity of attendance, both dispensing and counseling(-);
- (c) Absence of known criminal activity or activities, especially drug sales(-);
- (d) Stability of home environment and social relationships(-);
- (e) Ability to safely store take-home medications(-);
- (f) A positive balance between therapeutic benefit and the risk of diversion of take-home medication; and
- (g) The program physician shall approve all changes in take-home medication.

(3) Restriction of take-home privileges following dose increase. For at least seven days following an increase in dose at any time during treatment, methadone treatment facilities may provide a patient with take-home medications only for Sundays and legal holidays.

(4) Maximum take-home privileges. Methadone treatment facilities shall limit the minimum weekly attendance for in-person administration of methadone, the maximum number of daily doses of take-home medication that is provided at any one time, and the maximum total amount of methadone (number of doses multiplied by dose amount) that is provided at any one time, according to the following schedule:

Months Since Admission to Methadone Treatment	Minimum Attendance (In-Person Administration)	Maximum Number of Take-Home Medication Doses	Maximum Total Amount of Take-Home Medication
0 to 3 months	6 days/week	one-day supply	100 mg.
4 to 6 months	5 days/week	((one-)) two-day supply	70 mg.
7 to 24 months	3 days/week	two-day supply	120 mg.
over 24 months	2 days/week	three-day supply	150 mg.

(5) Maximum take-homes following positive urine. Methadone treatment facilities shall limit the maximum number of daily doses of take-home medication of patients who have one positive urine in the last ninety days and shall require minimum clinic attendance for in-person administration of methadone for such patients according to the following schedule:

Months Since Admission to Methadone Treatment	Minimum Attendance (In-Person Administration)	Maximum Number of Take-Home Medication Doses
0 to 6 months	6 days/week	one-day supply
7 to 24 months	5 days/week	one-day supply
over 24 months	3 days/week	two-day supply

Maximum total amount of take-home medication shall not exceed the amounts set forth in the schedule of subsection (4) of this section. Patients who are restricted to the schedule set forth in this subsection may be placed on the schedule set forth in subsection (4) of this section if they have no additional positive urines for ninety days.

(6) Exceptional take-home; Saturday or Monday holidays. Methadone treatment facilities may provide all patients with one extra take-home dose in addition to the supply limits set forth in subsections (4) and (5) of this section, when a legal holiday falls on a Monday or a Saturday, or when two legal holidays fall on successive days, and restrictions on the patient's take-home medication will not otherwise permit sufficient take-home medication doses for both Sunday and the legal holiday or for both legal holidays.

(7) Labeling. Methadone treatment facilities shall label take-home medication containers with the name of the prescriber, complete directions for use, the name of the drug either by the brand or generic name (~~(and strength per unit dose)~~), the name of the patient, and the date dispensed.

(8) Restarting methadone medication. Methadone treatment facilities may restart medication for patients who undergo planned detoxification, but remain in counseling (at least one face-to-face event per thirty days) for up to two years. Such patients are not considered discharged and may restart medication without sick physicals. Facilities shall not provide take-home medication to such patients, other than for Sundays and legal holidays, for at least seven days following the restart of medication. After the seven-day period has concluded, facilities may reinstate take-home medication privileges as if medication was uninterrupted.

(9) Waivers of take-home standards. A facility's medical director may approve a maximum of three additional take-home doses in a

calendar month and a maximum of six additional doses in a calendar year for an individual client. The medical director shall document in the client's file the reasons for approving the additional take-home doses. Methadone treatment facilities shall request approval from the department of social and health services ((of)) for any and all waivers of take-home medication requirements, in excess of those the medical director can approve, on a case-by-case basis in advance.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-990 ALL METHADONE TREATMENT FACILITIES—ADDITIONAL REQUIREMENTS. (1) ~~((Facility size: To assist in attaining the goal that)) All methadone treatment facilities ((meet the needs of individual patients and to help ensure local neighborhoods are not unduly affected, methadone treatment facilities shall not exceed a three hundred fifty patient caseload at any one time. Approval of a facility exceeding three hundred fifty patients at time of adoption of these rules shall not be revoked due to size of caseload if such facility agrees to cease admitting new patients until such time as they reach the maximum patient load and remain in compliance with the maximum patient load thereafter)) shall comply with the applicable requirements in chapter 69.54 RCW.~~

(2) Double enrollment. Methadone treatment facilities shall participate in periodic meetings, scheduled and coordinated by the department for the purpose of identifying duplicate or prohibited admissions. Facility participation shall include attendance by at least one dispensary staff person and provision of a clear, recent photograph of any active patient and the latest photographs of all patients discharged for drug abuse or failure to consume take-home medication who are still barred from readmission by these rules. Programs shall be required to specifically identify all patients admitted since the previous meeting, all patients enrolled in a methadone treatment facility which is not the closest to their residence, and any patients identified by the department as potential duplicate admissions or barred admissions. All such meetings shall be closed to the public to preserve confidentiality of patient records.

(3) Reporting requirements. All methadone treatment facilities shall report to the department the dose level of each patient, plus such other information as the department may reasonably require, in the form and manner prescribed by the department. Such reports shall be submitted in a timely and accurate manner.

(4) Identifying patients. All methadone treatment facilities shall establish written policies and procedures to reasonably verify the identity of patients. The policies and procedures shall respect the confidentiality of patient records as set forth in federal regulations (42 C.F.R., part 2, published July 1, 1975).

(5) Patient photographs. All methadone treatment facilities shall maintain in the dispensary a file of photographs of all patients. Photographs shall be updated whenever the client's physical appearance changes significantly or every two years, whichever comes first.

(6) Transfer patients. The initial dose of all transfer patients shall be the same as the last prescribed dose at the previous facility. Doses may be increased after the initial dose in the manner and under the conditions required elsewhere in these rules. Detailed evaluation of dose adequacy is mandatory for all transfer patients requesting dose increases. If any transfer patient reporting an inadequate dose at the previous facility is determined to be stabilized at that same dose at the transfer facility, such case shall be immediately reported to the program director of the previous facility and to the department of social and health services.

(7) Transfer fees. Methadone treatment facilities may not levy unreasonable transfer fees on patients attempting to transfer to another facility. Transfer fees may not exceed the actual cost of duplicating and forwarding records.

(8) Rate setting. All services (other than admission services) required by these standards shall be included in the basic daily, weekly, or monthly rate, including dispensing, urinalysis, and counseling. Medical services unrelated to diagnosis and treatment of addiction, such as primary care and prenatal or postnatal care, may be provided at additional charge.

(9) Fees. The patient shall be provided a complete schedule of fees and applicable fee policies prior to the initiation of any treatment services.

~~((10) Detoxification for nonpayment. Any patient detoxified for reasons of nonpayment shall be provided an individual detoxification schedule consistent with sound medical practices approved by the program's physician.))~~

WSR 87-15-135
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Filed July 22, 1987]

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 certification standards for evaluation and treatment program for minors; and outpatient, emergency and inpatient components, amending chapter 275-54 WAC;

that the agency will at 10:00 a.m., Friday, August 28, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 31, 1987.

The authority under which these rules are proposed is RCW 34.04.020.

The specific statute these rules are intended to implement is RCW 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1987. The meeting site is in a location which is barrier free.

Dated: July 22, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Chapters 275-55 and 275-54 WAC.

Purpose of the Rule Change: To clarify the intent of the WAC by revising difficult to interpret sections.

Statutory Authority: RCW 34.04.020.

Summary: A task force composed of mental health division staff, county administrators, and county mental health providers met with the intent of clarifying appropriate WAC sections. This has been accomplished to the satisfaction of the task force members.

Bill Hodgson, Mental Health Program Administrator, Mental Health Division, phone (206) 753-0882, mailstop OB-42F.

AMENDATORY SECTION (Amending Order 2323, filed 12/23/85)

WAC 275-54-170 CERTIFICATION STANDARDS FOR EVALUATION AND TREATMENT PROGRAM FOR MINORS.

(1) The following general requirements shall apply to any agency desiring certification as a component or components of the evaluation and treatment program:

(a) The spectrum of evaluation and treatment services provided by the agency shall include at least one of the following:

- (i) Outpatient.
- (ii) Emergency.
- (iii) Inpatient.

(b) The agency may directly provide one or more of the components specified in subsection (1)(a) of this section, or may indirectly provide one or more through contractual arrangement or agreements with other agencies. Such arrangements shall be set forth in WAC 275-54-160.

(c) The agency shall maintain a written statement describing the organizational structure(,) and objectives(, and the philosophy of the therapeutic program, such statement to include contractual affiliates (if any)).

(d) The agency shall document and otherwise ensure ((that)):

(i) Care for patients is provided in a therapeutic environment.

(ii) Patient rights as described in WAC 275-54-290 is incorporated into this environment.

(iii) The use of ((the least)) a less restrictive treatment alternative is considered for each patient ((and such consideration is documented in each patient's clinical record)) at the time of detention, admission, discharge, and development of fourteen- and one hundred eighty-day petitions.

(iv) Continuity of care, coordination, and integration of services is provided.

(v) ((Immediate transfer from the outpatient component to the inpatient or emergency component of the agency or of the evaluation and treatment program is provided for a patient when a change in the patient's condition necessitates such transfer. In the case of the involuntary patient, such transfer shall be made pursuant to WAC 275-54-150. Patients within any component can and will be transferred without unreasonable delay to any other component, and the patient's necessary clinical information will be made available to persons responsible for the patient's treatment within any other component. In the event of a referral, the original agency will maintain responsibility for follow-up of the patient until such time as the receiving agency may assume primary service responsibility.

(vi)) Referral services and assistance in obtaining supportive services appropriate to treatment ((including, but not limited to, community support services, vocational rehabilitation, and legal services.)) are provided to each patient.

(e) The agency desiring certification of the agency's component or components shall make application for such certification pursuant to WAC 275-54-160.

(2) In addition to the requirements specified for each in WAC 275-54-180, 275-54-190, and 275-54-200, the following general requirements shall apply to all facilities:

(a) ((Admissions. Admission to the inpatient component shall not be denied except under the following circumstances:

(i) There is a determination the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care.

(ii) The person requires specialized medical care and support services of a type not provided by the facility.

(iii) A greater degree of control is required than can be provided by the facility.

(iv) No treatment space is available and is so documented.

(v) A less restrictive alternative provided by another facility is more appropriate and available.

(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section in the case of a seventy-two-hour detention, the county-designated mental health professional shall make arrangements for the most appropriate placement available.

(b)) In general, adults and minors shall be provided services separate from one another, wherever possible. Joint use by adults and minors of a facility's inpatient services is permitted only if the minor's clinical record contains documentation that:

(i) The anticipated effects of such joint use on the minor have been considered by the professional staff, and

(ii) A professional judgment has been made that such joint use will not be deleterious to the minor. No minor shall be placed on an adult inpatient unit unless no other alternative is available, or an emergency exists, and documentation has been made pursuant to subsection (2) of this section.

~~((c) Admission evaluations. Within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, evaluations shall be conducted to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:~~

~~(i) Medical evaluation by a licensed physician.~~

~~(ii) Psychosocial evaluation by a mental health professional to include at least an assessment of family dynamics, interaction with other persons, educational, developmental, legal, and other social service needs of the minor.~~

~~(d)) (b) Treatment plan and clinical record. All components shall:~~

~~(i) Maintain, for each patient, a plan of treatment, and a plan for discharge including a plan for follow-up where appropriate. The treatment plan shall address the needs identified in the admission evaluation of the minor. Such treatment and discharge plans shall be entered in the patient's clinical record ((and shall be revised periodically)) as appropriate.~~

~~(ii) Maintain, for each patient, a clinical record containing sufficient information to justify the diagnosis, delineate the individual treatment plan, and document the course of treatment. The responsibility of the agency is to safeguard the record against loss, defacement, tampering, or use by unauthorized persons.~~

~~((e)) (c) Evaluation and treatment services provided to minors shall be provided by:~~

~~(i) A child mental health specialist, as defined by WAC 275-54-020(2), or~~

~~(ii) A mental health professional, as defined by WAC 275-54-020(14) directly supervised by a child mental health specialist, or~~

~~(iii) A mental health professional receiving at least one hour per week of clinical consultation from a child mental health specialist for each involuntarily detained minor provided direct client services during the week.~~

~~((f)) (d) Treatment. The evaluation and treatment program shall:~~

~~(i) Provide family therapy as needed.~~

~~(ii) Have available, as needed, professional personnel including, but not limited to, a licensed physician and a mental health professional ((skilled in crisis intervention)).~~

~~(iii) Ensure each patient has access to necessary medical treatment ((and support services and access to)) emergency life-sustaining treatment, and medication.~~

~~(iv) Have psychiatric consultation available to other physicians or mental health professionals when treatment is not provided by or under the supervision of a psychiatrist.~~

~~((g)) (e) Use of restraints and seclusion. The use of medication, physical restraints, or locked seclusion rooms in response to assaultive, self-destructive, or unruly patient behavior shall occur only to the extent necessary to ensure the safety of patients and staff, and subject to the following conditions:~~

~~(i) In the event of an emergency use of restraints or seclusion, a licensed physician must be ((immediately)) notified within one hour and shall authorize the restraints or seclusion.~~

~~(ii) No patient may be restrained or secluded for a period in excess of ((four)) two hours without having been ((examined)) evaluated by a mental health professional. Such patient must be directly observed every ((thirty)) fifteen minutes and the observation recorded in the patient's clinical record.~~

~~(iii) If restraint or seclusion exceeds twenty-four hours, patient shall be examined by a licensed physician. The facts determined by his or her examination and any resultant decision to continue restraint or seclusion over twenty-four hours shall be recorded in the patient's clinical record over the signature of the authorizing physician. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.~~

~~((h)) (f) Periodic evaluation. Each involuntary patient shall be evaluated periodically for release from commitment((, and)). Such evaluation ((will be)) shall occur at least weekly for fourteen-day commitments, at least monthly for one hundred eighty-day commitments, and documented in each involuntary patient's clinical record.~~

~~((i)) (g) Training. All components shall develop an inservice training plan and provide regular training to all clinical personnel having responsibility for any aspect of patient care. Documentation of the type and amount of training received by staff members shall be maintained. Such training shall include information about:~~

~~(i) The availability and utilization of less restrictive alternatives.~~

~~(ii) ((Approved)) Methods of patient care.~~

~~(iii) Managing assaultive and((or)) self-destructive behavior.~~

(iv) ~~((Related services, including, but not limited to, transportation, law enforcement, courts, prosecutors, caseworkers, family support systems, advocacy, pharmacotherapy, and hospitals:~~

~~(v))~~ The provisions and requirements of this chapter and chapter 354, Laws of 1985 and standards and guidelines promulgated by the department.

~~((v))~~ (v) Other appropriate subject matter.

~~((j))~~ (h) Administration. All components shall:

(i) Maintain written procedures for managing assaultive and/or self-destructive patient behavior, and assure staff has access to and are familiar with these procedures.

(ii) ~~((Maintain adequate fiscal accounting records:~~

~~(iii))~~ Prepare and submit such reports as are required by the secretary.

~~((iv))~~ (iii) Maintain a procedure for collection of fees and third-party payments.

(3) Whenever a component is also subject to licensure under other federal or state statutes or regulations, the more ~~((limiting or more specific))~~ restrictive standard shall apply.

AMENDATORY SECTION (Amending Order 2323, filed 12/23/85)

WAC 275-54-180 OUTPATIENT COMPONENT. (1) The outpatient component is defined as a setting where evaluation and treatment services are provided on a regular basis to patients ~~((not in residence in the component))~~. These services are intended to stabilize, sustain, and facilitate recovery of the individual within his or her living setting. Services ~~((may include, but are not limited to, day treatment and community support services))~~ shall be provided directly by a licensed physician licensed pursuant to chapter 18.57 or 18.71 RCW, a psychologist licensed pursuant to chapter 18.83 RCW, a psychiatric nurse licensed pursuant to chapter 18.88 RCW, or by an agency licensed pursuant to chapter 71.24 RCW and chapter 275-54 WAC.

(2) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all outpatient components:

(a) Such component shall provide a therapeutic program including, but not limited to, ~~((generally accepted treatment modalities such as))~~ at least one of the following:

(i) Individual therapy.

(ii) Group therapy.

(iii) Family/marital therapy.

(iv) ~~((Pharmacotherapy))~~ Medication management.

(v) Case management.

(b) Such component shall provide treatment to each patient under the supervision of a mental health professional.

(c) Each patient ~~((must))~~ should be seen at least weekly by assigned staff during the period of involuntary treatment. A mental health professional must review each outpatient case at least ~~((weekly))~~ monthly to ensure updating of the treatment plan and such review must be recorded in the patient's clinical record. The frequency of patient contact and case review may be modified if in the opinion of a mental health professional such is warranted and the reasons for so doing are recorded in the patient's clinical record.

(d) Such component must have access to consultation by a psychiatrist or a physician with at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons ~~((, such access to be a minimum of one hour per week for each forty hours of direct client services provided by nonmedical staff))~~.

(e) Such component shall include medical consultation with the involuntary patient to assess and prescribe psychotropic medication to meet the needs of the patient. Such consultation shall occur at least weekly during the fourteen-day period, and monthly during the ~~((ninety-day period and the))~~ one hundred eighty-day period of involuntary treatment unless determined otherwise by the attending physician and the reasons for so doing are recorded in the patient's clinical record.

~~((f))~~ Whenever possible, medication should be made available to the patient at a reduced rate through a state medication purchase contract or through the state hospital pharmacy.)

AMENDATORY SECTION (Amending Order 2323, filed 12/23/85)

WAC 275-54-190 EMERGENCY COMPONENT. (1) The emergency component is defined as a ~~((hospital emergency room or another setting where prompt therapeutic intervention occurs. The term "emergency" refers to a set of circumstances (physiological, psychological, and/or social))~~ public or private agency or hospital having

the capacity to detain a person posing an imminent threat to the safety and/or well-being of ~~((the patient))~~ himself, herself, or others.

(2) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all emergency components:

(a) Such component shall ~~((have the ability to respond promptly to individual crisis situations and to arrange for admission to an inpatient component on a))~~ be available twenty-four ~~((=))~~ hour ~~((=))~~ ~~((=))~~ per ~~((=))~~ day, seven ~~((=))~~ day ~~((=))~~ ~~((=))~~ per ~~((=))~~ week ~~((basis))~~.

(b) Such component shall ~~((have the capability to detain persons dangerous to self, dangerous to others, or gravely disabled))~~ follow a written protocol for detaining an individual and contacting the county designated mental health professional.

(c) Such component shall provide or have ~~((immediate))~~ access to ~~((life support systems and emergency))~~ medical services. ~~((A mental health professional and/or licensed physician shall be available for consultation and communication with the patient and the component staff on a twenty-four-hour-per-day, seven-day-per-week basis))~~

(d) Such component shall have a written agreement with a certified short-term inpatient component for admission on a seven-day-per-week, twenty-four-hour-per-day basis.

(e) Such component shall follow a written protocol for transporting individuals to short-term inpatient components.

AMENDATORY SECTION (Amending Order 2323, filed 12/23/85)

WAC 275-54-200 INPATIENT COMPONENT. (1) The inpatient component is a hospital or residential setting where ~~((an array of))~~ treatment services ~~((is))~~ are provided on a twenty-four-hour-per-day basis for patients on seventy-two-hour detentions, or fourteen-day commitments, or one hundred eighty-day commitments.

(2) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all inpatient components:

(a) The inpatient component shall meet the standards required for state licensing as a psychiatric hospital, general medical hospital, skilled nursing facility, intermediate care facility, or residential treatment facility.

(b) Such component shall have the capability to admit the patient on a twenty-four-hour-per-day, seven-day-per-week basis.

(c) Such component shall not deny admission except under the following circumstances:

(i) After a psychosocial evaluation, there is a determination by a mental health professional that the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care. Reference RCW 71.05.190 for necessary action in this case.

(ii) The person requires specialized medical care and support services of a type not provided by the facility.

(iii) A greater degree of control is required than can be provided by the facility.

(iv) No treatment space is available and is so documented.

(v) A less restrictive alternative provided by another facility is more appropriate and available.

(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section, the county-designated mental health professional shall make arrangements for the most appropriate placement available.

(d) Such component shall within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, conduct evaluations to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:

(i) medical evaluation by a licensed physician.

(ii) Psychosocial evaluation by a mental health professional.

(e) Such component shall have the capability to detain persons dangerous to self, others, or gravely disabled, and shall provide or have access to at least one seclusion room meeting the requirements of WAC 248-18-001 now or as hereafter amended.

~~((f))~~ (f) Such component shall provide ~~((a))~~ therapeutic ~~((program))~~ services including ~~((, but not limited to,))~~ generally accepted treatment modalities such as:

(i) Individual.

(ii) ~~((Group))~~ Family.

(iii) ~~((Family/marital:~~

~~(iv))~~ Pharmacotherapy.

~~((v))~~ Therapeutic community.)

~~((f))~~ (g) Such component shall provide treatment to each patient under the supervision of the professional person in charge.

~~((f))~~ (h) A mental health professional must have contact with each involuntary patient daily for the purpose of observation, evaluation, and the provision of continuity of treatment.

~~((g))~~ (i) Such component shall have access to a mental health professional and a licensed physician for consultation and communication with the patient and the component staff on a twenty-four-hour-per-day, seven-day-per-week basis.

~~((h))~~ Such component shall periodically evaluate each involuntary patient for conditional release, and such evaluation shall be documented in each involuntary patient's clinical record.)

WSR 87-15-136
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Filed July 22, 1987]

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 certification standards; and outpatient, emergency and long-term inpatient components, amending chapter 275-55 WAC;

that the agency will at 10:00 a.m., Friday, August 28, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 31, 1987.

The authority under which these rules are proposed is RCW 34.04.020.

The specific statute these rules are intended to implement is RCW 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 28, 1987.

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

Leslie F. James, Director
 Administrative Services
 Department of Social and Health Services
 Mailstop OB 39
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 14, 1987. The meeting site is in a location which is barrier free.

Dated: July 22, 1987
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Chapters 275-55 and 275-54 WAC.

Purpose of the Rule Change: To clarify the intent of the WAC by revising difficult to interpret sections.

Statutory Authority: RCW 34.04.020.

Summary: A task force composed of mental health division staff, county administrators, and county mental

health providers met with the intent of clarifying appropriate WAC sections. This has been accomplished to the satisfaction of the task force members.

Bill Hodgson, Mental Health Program Administrator, Mental Health Division, phone (206) 753-0882, mailstop OB-42F.

AMENDATORY SECTION (Amending Order 2065, filed 1/13/84)

WAC 275-55-263 CERTIFICATION STANDARDS FOR EVALUATION AND TREATMENT PROGRAM. (1) The following general requirements shall apply to any agency desiring certification as a component or components of the evaluation and treatment program:

(a) The spectrum of evaluation and treatment services provided by the agency shall include at least one of the following:

- (i) Outpatient.
- (ii) Emergency.
- (iii) Short-term inpatient.

(b) The agency may directly provide one or more of the components specified in subsection (1)(a) of this section, or may indirectly provide one or more through contractual arrangement or agreements with other agencies. Such arrangements shall be set forth in WAC 275-55-261(1).

~~((c))~~ ~~(One or more of the components specified in subsection (1)(a) of this section may be provided to persons under the age of eighteen only when the providing agency is in compliance with the provisions of WAC 275-55-331.~~

~~((d))~~ The agency shall maintain a written statement describing the organizational structure(;) and objectives(, and the philosophy of the therapeutic program, such statement to include contractual affiliates (if any)).

~~((e))~~ (d) The agency shall document and otherwise ensure ((that)):

- (i) Care for patients is provided in a therapeutic environment.
- (ii) Patient rights as described in WAC 275-55-211 and 275-55-241 are incorporated into this environment.

(iii) The use of ~~((the least))~~ a less restrictive treatment alternative is considered for each patient ~~((and such consideration is documented in each patient's clinical record))~~ at the time of detention, admission, discharge, and development of fourteen, ninety, and one hundred eighty-day petitions.

(iv) Continuity of care, coordination, and integration of services is provided.

(v) ~~((Immediate transfer from the outpatient component to the inpatient or emergency component of the agency or of the evaluation and treatment program is provided for a patient when a change in the patient's condition necessitates such transfer. In the case of the involuntary patient, such transfer shall be made pursuant to RCW 71.05.340(3). Patients within any component can and will be transferred without unreasonable delay to any other component, and the patient's necessary clinical information will be made available to persons responsible for the patient's treatment within any other component. (Reference RCW 71.05.390.) In the event of a referral, the original agency will maintain responsibility for follow-up of the patient until such time as the receiving agency may assume primary service responsibility.~~

~~((vi))~~ Referral services and assistance in obtaining supportive services appropriate to treatment ~~((including, but not limited to, community support services, vocational rehabilitation, and legal services,))~~ are provided to each patient.

~~((f))~~ (e) The agency desiring certification of the agency's component or components shall make application for such certification pursuant to WAC 275-55-261(3).

(2) In addition to the requirements specified for each in WAC 275-55-271, 275-55-281, and 275-55-291, the following general requirements shall apply to all facilities:

(a) ~~((Admissions. Admission to the inpatient component shall not be denied except under the following circumstances:~~

(i) There is a determination the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care. Reference RCW 71.05.190 for necessary action in this case.

(ii) The person requires specialized medical care and support services of a type not provided by the facility.

~~(iii) A greater degree of control is required than can be provided by the facility.~~

~~(iv) No treatment space is available and is so documented.~~

~~(v) A less restrictive alternative provided by another facility is more appropriate and available.~~

~~(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section, the county-designated mental health professional shall make arrangements for the most appropriate placement available.~~

~~(b) Admission evaluations. Within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, evaluations shall be conducted to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:~~

~~(i) Medical evaluation by a licensed physician.~~

~~(ii) Psychosocial evaluation by a mental health professional.~~

~~(c)) Treatment plan and clinical record. All components shall:~~

~~(i) Maintain, for each patient, a plan of treatment, and a plan for discharge including a plan for follow-up where appropriate. Such treatment and discharge plans shall be entered in the patient's clinical record ((and shall be revised periodically)), as appropriate.~~

~~(ii) Maintain, for each patient, a clinical record containing sufficient information to justify the diagnosis, delineate the individual treatment plan, and document the course of treatment. The responsibility of the agency is to safeguard the record against loss, defacement, tampering, or use by unauthorized persons.~~

~~((d)) (b) Treatment. The evaluation and treatment program shall:~~

~~(i) Have available, as needed, professional personnel including, but not limited to, a licensed physician and a mental health professional ((skilled in crisis intervention)).~~

~~(ii) Ensure each patient has access to necessary medical treatment ((and support services)), ((and access to)) emergency life-sustaining treatment, and medication.~~

~~(iii) Have psychiatric consultation available to other physicians or mental health professionals when treatment is not provided by or under the supervision of a psychiatrist.~~

~~((e)) (c) Use of restraints and seclusion. The use of medication, physical restraints, or locked seclusion rooms in response to assaultive, self-destructive, or unruly patient behavior shall occur only to the extent necessary to ensure the safety of patients and staff, and subject to the following conditions:~~

~~(i) In the event of an emergency use of restraints or seclusion, a licensed physician must be ((immediately)) notified within one hour and shall authorize the restraints or seclusion.~~

~~(ii) No patient may be restrained or secluded for a period in excess of ((four)) two hours without having been ((examined)) evaluated by a mental health professional. Such patient must be directly observed every ((thirty)) fifteen minutes(;) and the observation recorded in the patient's clinical record.~~

~~(iii) If restraint or seclusion exceeds twenty-four hours, the patient shall be examined by a licensed physician. The facts determined by his or her examination and any resultant decision to continue restraint or seclusion over twenty-four hours shall be recorded in the patient's clinical record over the signature of the authorizing physician. This procedure must be repeated for each subsequent twenty-four-hour period of restraint or seclusion.~~

~~((f)) (d) Periodic evaluation. Each involuntary patient shall be evaluated periodically for release from commitment((and)). Such evaluation ((will be)) shall occur at least weekly for fourteen-day commitments, at least monthly for ninety and one hundred eighty-day commitments, and documented in each involuntary patient's clinical record.~~

~~((g)) (e) Training. All components shall develop an inservice training plan(;) and provide regular training to all clinical personnel having responsibility for any aspect of patient care. Documentation of the type and amount of training received by staff members shall be maintained. Such training shall include information about:~~

~~(i) The availability and utilization of less restrictive alternatives.~~

~~(ii) ((Approved)) Methods of patient care.~~

~~(iii) Managing assaultive and ((/or)) self-destructive behavior.~~

~~(iv) ((Related services, including, but not limited to, transportation; law enforcement; courts, prosecutors, caseworkers, family support systems, advocacy, pharmacotherapy, and hospitals.~~

~~((v)) The provisions and requirements of this chapter and chapter 71.05 RCW, and standards and guidelines promulgated by the department.~~

~~((vi)) (v) Other appropriate subject matter.~~

~~((h)) (f) Administration. All components shall:~~

~~(i) Maintain written procedures for managing assaultive and/or self-destructive patient behavior, and assure staff has access to and are familiar with these procedures.~~

~~(ii) ((Maintain adequate fiscal accounting records.~~

~~((iii)) Prepare and submit such reports as are required by the secretary.~~

~~((iv)) (iii) Maintain a procedure for collection of fees and third-party payments.~~

~~(3) Whenever a component is also subject to licensure under other federal or state statutes or regulations, the more ((limiting or more specific)) restrictive standard shall apply.~~

AMENDATORY SECTION (Amending Order 2065, filed 1/13/84)

WAC 275-55-271 OUTPATIENT COMPONENT. (1) The outpatient component is defined as a setting where evaluation and treatment services are provided on a regular basis to patients ((not in residence in the component)). These services are intended to stabilize, sustain, and facilitate recovery of the individual within his or her living setting. Services ((may include, but are not limited to, day treatment and community support services)) shall be provided directly by a licensed physician licensed pursuant to chapter 18.57 or 18.71 RCW, a psychologist licensed pursuant to chapter 18.83 RCW, a psychiatric nurse licensed pursuant to chapter 18.88 RCW, or by an agency licensed pursuant to chapter 71.24 RCW and chapter 275-56 WAC.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all outpatient components:

(a) Such component shall provide a therapeutic program ((including)) which may include, but is not limited to, ((generally accepted treatment modalities such as)) at least one of the following:

(i) Individual therapy.

(ii) Group therapy.

(iii) Family/marital therapy.

(iv) ((Pharmacotherapy)) Medication management.

(v) Case management.

(b) Such component shall provide treatment to each patient under the supervision of a mental health professional.

(c) Each patient ((must)) should be seen at least weekly by assigned staff during the period of involuntary treatment. A mental health professional must review each outpatient case at least ((weekly)) monthly to ensure updating of the treatment plan and such review must be recorded in the patient's clinical record. The frequency of patient contact and case review may be modified if in the opinion of a mental health professional such is warranted and the reasons for so doing are recorded in the patient's clinical record.

(d) Such component must have access to consultation by a psychiatrist or a physician with at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons((, such access to be a minimum of one hour per week for each forty hours of direct client services provided by nonmedical staff)).

(e) Such component shall include medical consultation with the involuntary patient to assess and prescribe psychotropic medication to meet the needs of the patient. Such consultation shall occur at least weekly during the fourteen-day period, and monthly during the ninety-day period and the one hundred eighty-day period of involuntary treatment unless determined otherwise by the attending physician and the reasons for so doing are recorded in the patient's clinical record.

~~((f) Whenever possible, medication should be made available to the patient at a reduced rate through a state medication purchase contract, or through the state hospital pharmacy.))~~

AMENDATORY SECTION (Amending Order 2065, filed 1/13/84)

WAC 275-55-281 EMERGENCY COMPONENT. (1) The emergency component is defined as a ((hospital emergency room or another setting where prompt therapeutic intervention occurs. The term "emergency" refers to a set of circumstances (physiological, psychological, and/or social)) public or private agency or hospital having the capacity to detain a person posing an imminent threat to the safety and/or well-being of ((the patient)) himself/herself or others.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all emergency components:

(a) Such component shall ((have the ability to respond promptly to individual crisis situations, and to arrange for admission to an inpatient component on a twenty-four-hour-per-day, seven-day-per-week basis)) be available seven days per week, twenty-four hours per day.

(b) Such component shall ~~((have the capability to detain persons dangerous to self, dangerous to others, or gravely disabled))~~ follow a written protocol for detaining an individual and contacting the county designated mental health professional.

(c) Such component shall ~~((have immediate access to life support systems and emergency medical services. A mental health professional and/or licensed physician shall be available for consultation and communication with the patient and the component staff))~~ provide or have access to medical services.

(d) Such component shall have a written agreement with a certified short-term inpatient component for admission on a seven-day-per-week, twenty-four-hour-per-day ~~((, seven-day-per-week))~~ basis.

(e) Such component shall follow a written protocol for transporting individuals to short-term inpatient components or state hospitals.

AMENDATORY SECTION (Amending Order 2065, filed 1/13/84)

WAC 275-55-291 SHORT-TERM INPATIENT COMPONENT. (1) The inpatient component is a hospital or residential setting where ~~((an array of))~~ treatment services ~~((is))~~ are provided on a twenty-four-hour-per-day basis for patients on seventy-two hour detentions or fourteen-day commitments.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all inpatient components:

(a) The inpatient component shall meet the standards required for state licensing as a psychiatric hospital, general medical hospital, skilled nursing facility, intermediate care facility, or residential treatment facility.

(b) Such component shall have the capability to admit the patient on a twenty-four-hour-per-day, seven-day-per-week basis.

(c) Such component shall not deny admission except under the following circumstances:

(i) After a psychosocial evaluation, there is a determination by a mental health professional that the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care. Reference RCW 71.05.190 for necessary action in this case.

(ii) The person requires specialized medical care and support services of a type not provided by the facility.

(iii) A greater degree of control is required than can be provided by the facility.

(iv) No treatment space is available and is so documented.

(v) A less restrictive alternative provided by another facility is more appropriate and available.

(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section, the county-designated mental health professional shall make arrangements for the most appropriate placement available.

(d) Such component shall within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, conduct evaluations to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:

(i) Medical evaluation by a licensed physician.

(ii) Psychosocial evaluation by a mental health professional.

(e) Such component shall have the capability to detain persons dangerous to self, others, or gravely disabled, and shall provide or have access to at least one seclusion room meeting the requirements of WAC 248-18-001(65) now or as hereafter amended.

~~((f))~~ (f) Such component shall provide ~~((a))~~ therapeutic ~~((program))~~ services including ~~((, but not limited to,))~~ generally accepted treatment modalities such as:

(i) Individual.

(ii) ~~((Group:~~

~~((iii))~~ Family/marital.

~~((iv))~~ Pharmacotherapy.

~~((v))~~ Therapeutic community.

~~((g))~~ (g) Such component shall provide treatment to each patient under the supervision of the professional person in charge.

~~((f))~~ (h) A mental health professional must have contact with each involuntary patient daily for the purpose of observation, evaluation, and the provision of continuity of treatment.

~~((g))~~ (i) Such component shall have access to a mental health professional and a licensed physician for consultation and communication with the patient and the component staff on a twenty-four-hour-per-day, seven-day-per-week basis.

~~((h))~~ Such component shall periodically evaluate each involuntary patient for conditional release, and such evaluation shall be documented in each involuntary patient's clinical record.)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 275-55-021 APPLICATION OF RULES TO MINORS.

WAC 275-55-050 APPLICATION FOR ADMISSION—VOLUNTARY MINOR.

WAC 275-55-060 ADMISSION TO PUBLIC AGENCY—VOLUNTARY MINOR.

WAC 275-55-071 DISCHARGE—VOLUNTARY MINOR.

WAC 275-55-121 INVOLUNTARY DETENTION AND COMMITMENT—MINOR.

WAC 275-55-331 REQUIREMENTS FOR EVALUATION AND TREATMENT FACILITIES SERVING MINORS.

WSR 87-15-137

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF ECOLOGY

[Memorandum—July 22, 1987]

The Washington State Department of Ecology hereby gives notice of its intention to designate ground water management areas and develop ground water management programs in accordance with chapter 173-100 WAC, ground water management areas and programs. Probable ground water management areas identified by the department include Clark County and north Thurston County. Designation of the areas will allow the development of comprehensive ground water management programs to protect the quality and quantity of ground water, to meet future needs while recognizing existing water rights and to provide for effective and coordinated management of the ground water resources. The programs will be developed by state and local government agencies in conjunction with local ground water advisory committees.

The Department of Ecology will conduct public hearings to consider designation of the following areas at the time and place noted for each area:

Clark County 7:00 p.m., Wednesday
August 26, 1987
2nd Floor Hearing Room
Franklin Center
1013 Franklin Street
Vancouver, Washington

North Thurston County 7:00 p.m., Wednesday
September 3, 1987
Room 152, Building 1
Thurston County Courthouse
2000 Lakeridge Drive
Olympia, Washington

Designation of the above probable ground water management areas will take place on September 14, 1987. Interested persons may request additional information or submit data, views, or comments in writing before September 10, 1987, to David Peeler, Water Resources Program, Washington Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

WSR 87-15-138
PROPOSED RULES
BOARD OF PHARMACY
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Board of Pharmacy intends to adopt, amend, or repeal rules concerning the practice of pharmacy, the fees for legend drug sample distributors and poison manufacturers and sellers and the licensure of pharmacists by examination and reciprocity, and the use and reuse of teat dip containers and closures and other drug product containers and closures;

that the agency will at 9:30 a.m., Thursday, August 27, 1987, in the Airport Executel Inn, 20717 Pacific Highway South, Seattle, 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 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 August 27, 1987.

Dated: July 22, 1987

By: John H. Keith
 Assistant Attorney General
 Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Summary, Purpose of Rule and Reason Proposed: WAC 360-18-020 Fees, proposed amendment would add new fees for legend drug sample distributors and poison manufacturers/sellers; WAC 360-12-015 Examinations and 360-12-050 Applicants—Reciprocity applicants, proposed amendments plus the repeal of WAC 360-12-020 would revise the examination process to conform to the current national examination; and WAC 360-12-150 Monitoring of drug therapy by pharmacists, 360-13-045 Definitions and 360-49-040 Manufacturers, wholesalers, distributors, pharmacy location, requirement that drug products offered for sale comply with 21 U.S.C. 355—Immediate suspension and subsequent revocation of licenses authorized for violation, proposed amendments are to correct technical matters within these rules.

Statutory Authority: RCW 18.64.005(11).

Responsible Agency Personnel: The board and the executive secretary of the board have responsibility for drafting, implementing and enforcing these rules. The executive secretary is Donald H. Williams, 319 East 7th Avenue, W.E.A. Building, FF-21, Olympia, Washington 98504, phone (206) 753-6834.

Proponents of the Proposed Rule: Washington State Board of Pharmacy.

Federal Law or State or Federal Court Requirements: Not necessitated as a result of federal law or state or federal court action.

Small Business Economic Impact Statement: Not necessary since these rules do not impact small businesses as that term was defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 196, filed 10/31/85)

WAC 360-18-020 FEES. The following fees shall be charged by the board of pharmacy:

(a) PHARMACY LOCATION & CSA	
Original pharmacy fee	\$165.00
Original pharmacy assistant utilization fee	35.00
Renewal pharmacy fee	85.00
Renewal pharmacy assistant utilization fee	35.00
Penalty pharmacy fee	165.00
(b) VENDOR	
Original fee	40.00
Renewal fee	40.00
Penalty fee	40.00
(c) PHARMACIST	
Exam fee (full exam)	125.00
Reexamination fee (jurisprudence portion)	25.00
Original license fee	75.00
Renewal fee, active and inactive license	60.00
Penalty fee	60.00
Reciprocity fee	250.00
Certification of license status to other states	10.00
(d) SHOPKEEPER	
(i) SHOPKEEPER - sixteen or more drugs	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
(ii) SHOPKEEPER - with differential hours	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
(e) DRUG MANUFACTURER	
Original fee	250.00
Renewal fee	250.00
Penalty fee	250.00
(f) DRUG WHOLESALER - full time	
Original fee	250.00
Renewal fee	250.00
Penalty fee	250.00
(g) DRUG WHOLESALER - OTC only	
Original fee	150.00
Renewal fee	150.00
Penalty fee	150.00
(h) DRUG WHOLESALER - export	
Original fee	250.00
Renewal fee	250.00
Penalty	250.00
(i) PHARMACY ASSISTANT - Level "A"	
Original fee	30.00
Renewal fee	20.00
(j) PHARMACY INTERN	
Original registration fee	15.00
Renewal registration fee	15.00
(k) CONTROLLED SUBSTANCES ACT (CSA) REGISTRATIONS	
Dispensing registration fee (i.e. pharmacies)	35.00
Dispensing renewal fee (i.e. pharmacies)	30.00

Distributors registration fee (i.e. wholesalers)	50.00
Distributors renewal fee (i.e. wholesalers)	50.00
Manufacturers registration fee	50.00
Manufacturers renewal fee	50.00
Physician assistant registration fee	15.00
Physician assistant renewal fee	10.00
((CRN)) <u>ARNP</u> with prescriptive authorization renewal fee	15.00
((CRN)) <u>ARNP</u> with prescriptive authorization renewal fee	10.00
Sodium pentobarbital for animal euthanization registration fee	20.00
Sodium pentobarbital for animal euthanization renewal fee	15.00
(l) <u>LEGEND DRUG SAMPLE - distributor registration fees</u>	
Original fee	125.00
Renewal fee	85.00
(m) <u>POISON MANUFACTURER/SELLER - license fees</u>	
Original fee	20.00
Renewal fee	20.00

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 183, filed 1/25/84)

WAC 360-12-015 EXAMINATIONS. (1) The examination for licensure as a pharmacist shall be known as the full board examination ~~((and shall consist of both theoretical and practical sections))~~ in such form as may be determined by the board.

(2) The score required to pass the overall examination shall be 75 ~~((percent))~~. In addition, the score~~(s)~~ achieved in the jurisprudence ~~((and written practice of pharmacy))~~ section~~(s)~~ of the exam shall be no lower than 75 percent ~~((and the scores achieved on the other sections of the exam shall be no lower than 60 percent))~~.

~~((3) An examinee failing any portion of the examination other than the jurisprudence section shall retake the regularly scheduled full board examination:))~~

~~((4))~~ (3) An examinee failing the jurisprudence ~~((portion))~~ section of the full board examination shall be allowed to retake the jurisprudence ~~((portion))~~ section at a time and place to be specified by the board.

~~((5))~~ (4) An examinee who fails the jurisprudence examination three times shall not be eligible for further examination until he or she has satisfactorily completed additional preparation as directed and approved by the board.

REPEALER

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

WAC 360-12-020 APPLICANTS—APPLICATION FORMS—FEES.

AMENDATORY SECTION (Amending Order 147, filed 3/27/79)

WAC 360-12-050 APPLICANTS—RECIPROCITY APPLICANTS. (1) Applicants for license by reciprocity whose applications have been approved ~~((for the purpose of taking the jurisprudence examination may appear before the board at the time designated for examination:))~~

~~((2) An applicant for reciprocity licensing))~~ shall be required to take and pass the jurisprudence examination given by the board prior to being issued his or her license. The jurisprudence examination shall be offered at least once in every two months.

~~((3))~~ (2) An applicant for ~~((reciprocity licensing))~~ license by reciprocity who has been out of the active practice of pharmacy for between three and five years must take and pass the jurisprudence examination and additionally must either serve an internship of 300 hours or take and pass such additional practical examinations as may be specified by the board in each individual case.

~~((4))~~ (3) An applicant for ~~((reciprocity licensing))~~ license by reciprocity who has been out of the active practice of pharmacy for over

five years must take and pass the full board examination and serve an internship of 300 hours.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 176, filed 9/29/83)

WAC 360-12-150 MONITORING OF DRUG THERAPY BY PHARMACISTS. The term "monitoring ~~((off))~~ drug therapy" used in RCW 18.64.011(11) shall mean a review of the drug therapy regimen of patients by a pharmacist for the purpose of evaluating and rendering advice to the prescribing practitioner regarding adjustment of the regimen. Monitoring of drug therapy shall include ~~((, but not be limited to))~~, but not be limited to:

- (1) Collecting and reviewing patient drug use histories;
- (2) Measuring and reviewing routine patient vital signs including, but not limited to ~~((, and))~~, pulse, temperature, blood pressure and respiration; ~~((and))~~ and
- (3) Ordering and evaluating the results of laboratory tests relating to drug therapy including, but not limited to ~~((, and))~~, blood chemistries and cell counts, drug levels in blood, urine, tissue or other body fluids, and culture and sensitivity tests when performed in accordance with policies and procedures or protocols applicable to the practice setting, which have been developed by the pharmacist and prescribing practitioners and which include appropriate mechanisms for reporting to the prescriber monitoring activities and results.

AMENDATORY SECTION (Amending Order 158, filed 3/4/81)

WAC 360-13-045 DEFINITIONS. (1) "Board" means the Washington state board of pharmacy.

(2) "Department" means the state department of social and health services.

(3) "Dose" means the amount of drug to be administered at one time.

(4) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

(5) "Legend drug" means a drug bearing the legend, "Caution, federal law prohibits dispensing without a prescription."

(6) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(7) "Licensed practical nurse" means a person duly licensed under the provisions of the licensed practical nurse act of the state of Washington, chapter 18.78 RCW.

(8) "Nursing home" means any home, place or institution licensed as a nursing home under chapter 18.51 RCW.

(9) "Pharmaceutical services committee" means a committee which develops and maintains written policies and procedures for safe and effective drug therapy, distribution, control, and use which are current and followed in practice. The pharmaceutical services committee shall consist of a staff or consultant pharmacist, a physician, the director of nursing or his/her designee and the administer or his/her designee.

(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(11) "Pharmacy" means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW by the Washington state board of pharmacy.

(12) "Practitioner" means a physician under chapter 18.71 RCW; and osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW; a dentist under chapter 18.32 RCW; a podiatrist under chapter 18.22 RCW; an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic commissioners; a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; a registered nurse when authorized by the board of nursing under chapter 18.88 RCW, or a pharmacist under chapter 18.64 RCW.

(13) "Registered nurse" means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

~~((14) "Unit-dose" means the ordered amount of a drug in ~~((an individually sealed package and in))~~ an individually sealed package and in a dosage form ready for administration to a particular person by the prescribed route at the prescribed time.~~

(15) "Unit-dose drug distribution system" means a system of drug dispensing and control that is characterized by the dispensing of the

majority of drugs in unit doses, ready to administer form, and for most drugs, not more than a 48-hour supply of doses is available at the residential care unit at any time.

AMENDATORY SECTION (Amending Order 157, Resolution No. 9/80, filed 9/22/80)

WAC 360-49-040 MANUFACTURERS, WHOLESALERS, DISTRIBUTORS, PHARMACY LOCATION, REQUIREMENT THAT DRUG PRODUCTS OFFERED FOR SALE COMPLY WITH 21 USC 355—IMMEDIATE SUSPENSION AND SUBSEQUENT REVOCATION OF LICENSES AUTHORIZED FOR VIOLATION. (1) In order to provide for enforcement of RCW 69.41-100 through 69.41.180 and to protect the public health and safety when generic drugs are substituted for brand name drugs pursuant to chapter 110, Laws of 1979, drug products which are offered for sale by, or stored at the premises of, any manufacturer, distributor, wholesaler or pharmacy location must have an approved new drug application (NDA) or abbreviated new drug application (ANDA) designation by the Federal Food and Drug Administration pursuant to 21 USC 355 unless they are exempt from the requirements for such a designation.

~~((2))~~ (2) In order to provide for enforcement of RCW 69.41.100 through 69.41.180 and to protect the public health and safety drug products offered for sale by, or stored at the premises of, a manufacturer, wholesaler, distributor or pharmacy location which do not have the required NDA or ANDA, or exemption therefrom referenced in ~~((paragraph (1) above))~~ subsection (1) of this section, are hereby declared to be contraband and subject to surrender to and destruction by the Washington state board of pharmacy. This surrender and destruction shall take place as specified below.

(3) The board shall publish in its newsletter the source from which the current list compiled by the Federal Food and Drug Administration of generic drugs which do not have an NDA or ANDA and are not exempt from such a requirement and are therefore contraband as provided in ~~((paragraph (2) above))~~ subsection (2) of this section may be obtained. The board shall also respond to both written and telephone inquiries from any source regarding the status of any generic drug.

(4) Whenever it is made to appear to the board that a manufacturer, wholesaler, distributor or pharmacy location within the state of Washington is in possession of a stock of drugs which are contraband as defined in ~~((paragraph (2) above))~~ subsection (2) of this section, a representative of the board shall confirm with the Federal Food and Drug Administration, by telephone, that the particular drug or drugs involved do not have the required NDA or ANDA and that they are not exempt from this requirement. Upon receipt of this confirmation, the board shall direct such of its investigative personnel as it deems necessary to proceed to the premises of the manufacturer, wholesaler, distributor or pharmacy location and to then inform the owner, or person in charge, of the contraband status of the drugs in question.

(5) The pharmacy board investigative personnel shall offer the owner, or person in charge, of the premises at which the drug products are being kept the opportunity to immediately voluntarily surrender to the board all stocks of the drug products whether kept at the premises of the manufacturer, wholesaler, distributor, or pharmacy location, or at any separate storage facility under the control of the manufacturer, wholesaler, distributor or retailer, which are contraband under subsection (2) ~~((above))~~ of this section. A receipt shall be given to the owner, or person in charge, for all drug products voluntarily surrendered.

(6) All drug products voluntarily surrendered pursuant to subsection (5) ~~((above))~~ of this section shall be destroyed by the board of pharmacy unless they are ordered returned to the manufacturer, wholesaler, distributor or pharmacy location by order of a court of competent jurisdiction. No destruction of any drug products surrendered will be accomplished until ~~((30))~~ thirty days after the date of their surrender to the board.

(7) Retention, dispensing, promotion or advertisement, of any drug products by a manufacturer, wholesaler, distributor or pharmacy location, either at their business premises or at any separate storage facility after notification of their contraband status under subsection (2) ~~((above))~~ of this section shall constitute a direct and immediate danger to the public health and safety and will be good and sufficient cause for the immediate summary suspension and subsequent revocation of any license issued by the board of pharmacy to the manufacturer, wholesaler, distributor or pharmacy location and will also constitute good and sufficient cause for revocation of any license issued by the board of pharmacy to the owner of any manufacturer, wholesaler, distributor or

pharmacy location or any person in charge thereof who knowingly retains, dispenses, promotes or advertises, any drug products which are contraband under subsection (2) ~~((above))~~ of this section after notification of their status.

WSR 87-15-139
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Department of Licensing intends to adopt, amend, or repeal rules concerning:

Amd	WAC 308-100-010	Vehicles requiring endorsement for their operation.
New	WAC 308-104-004	Definitions for purposes of driver licensing requirements.
New	WAC 308-104-006	Driver's license required.
New	WAC 308-104-008	Persons exempt from driver's license requirement.
Amd	WAC 308-104-050	Waiver of driver education requirement—When granted;

that the agency will at 1:30 p.m., Tuesday, August 25, 1987, in the Fourth Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 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 46.01.110.

The specific statute these rules are intended to implement is RCW 46.20.440, 46.20.450, 46.20.460, 46.20.021, 46.20.025 and 46.20.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 25, 1987.

Dated: July 22, 1987

By: Donald L. Bonner
Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose/Summary of Rules: WAC 308-100-010 deletes that portion of the rule which, in the department's attorney's opinion may be in excess of the department's authority in RCW 46.20.460 with respect to driver's license endorsements; 308-104-050 makes grammatical changes with respect to the rule, and makes changes in descriptions of personnel in order to reflect current position titles within the department; 308-104-004 defines the term "resident" for the purposes of Washington state licensing requirements. The language of the rule attempts to parallel the residency requirement for vehicle licensing; 308-104-006 provides that a person must apply for a Washington drivers' license upon establishing residency in this state; and 308-104-008 establishes the exceptions from licensing requirements for certain categories of individuals temporarily residing in Washington

and holding valid driver's licenses issued by another jurisdiction.

Statutory Authority: RCW 46.01.110.

Reasons Proposed: These rules are proposed by the state of Washington Department of Licensing to conform Department of Licensing rules with respect to driver's license endorsements to the provisions of RCW 46.20.460; to change existing rules in order to conform to current descriptions of Department of Licensing personnel; to define a "resident" for driver's license purposes in a manner consistent with the term "resident" for vehicle license purposes; to clarify that a person must apply for a Washington driver's license as soon as establishing residency in this state; and to exempt certain out-of-state persons in this state for an extended period of time (i.e., students, spouses of students, military personnel, spouses of military personnel from driver's licensing requirements).

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: Don Bonner, Assistant Director, Driver Services, Fourth Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6977 comm or 234-6977 scan.

Proponents: State of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

WAC 308-100-010 VEHICLES REQUIRING ENDORSEMENT FOR THEIR OPERATION. The director of the department of licensing hereby finds that all motor trucks having three axles; truck-tractors having three axles; for-hire vehicles having three or more axles or designed to carry nine or more passengers; crew busses having three or more axles or designed to carry nine or more passengers; (~~state, private and civic organization busses having three or more axles or designed to carry nine or more passengers;~~) school busses; auto stages designed to carry nine or more passengers; and private carrier busses, require special operating skills by the drivers of those vehicles. All persons driving such vehicles must secure from the department of licensing an endorsement on their driver's license designated as INTERMEDIATE.

NEW SECTION

WAC 308-104-004 DEFINITIONS FOR PURPOSES OF DRIVER LICENSING REQUIREMENTS. (1) A "resident" is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring that he or she is a resident for the purpose of obtaining a state license, including but not limited to hunting or fishing license, or tuition fees at resident rates.

(2) The term "Washington public assistance programs" referred to in this chapter includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to

the above criteria include, but are not limited to the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(3) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.

(4) "Jurisdiction" means a state, territory, or possession of the United States; the District of Columbia; or a province of Canada.

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 308-104-006 DRIVER'S LICENSE REQUIRED. (1) No person, except as expressly exempted by chapter 46.20 RCW or by this chapter, may drive any motor vehicle upon a highway in this state unless the person has in his or her possession a valid driver's license issued under the provisions of chapter 46.20 RCW.

(2) A new Washington resident must make application for a Washington State driver's license immediately upon establishing residency.

NEW SECTION

WAC 308-104-008 PERSONS EXEMPT FROM DRIVER'S LICENSE REQUIREMENT. In addition to persons exempt from driver license requirement pursuant to RCW 46.20.025, the following persons are exempt from driver's license requirement: (1) Nonresident student who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued by his or her home jurisdiction. The student must be enrolled as a full-time nonresident student at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a Private Vocation School as that term is defined by RCW 28C.10.020(7). The student must maintain his or her legal home of record at a location outside the state of Washington. The student must carry documentation issued by the institution which readily establishes his or her status as a nonresident student.

(2) The spouse or dependent of the nonresident student has the same licensing privilege as the nonresident student if the spouse or dependent has a valid driver's license which was issued by the same jurisdiction as the nonresident student. Documentation issued by the institution attended by a student must be carried by the spouse or dependent.

(3) Nonresident military personnel who are a least sixteen years of age who has in his or her immediate possession a valid driver's license issued by the jurisdiction designated as his or her home of record.

(4) The spouse or dependent of the nonresident military personnel has the same licensing privilege as the nonresident military personnel if the spouse or dependent has a valid driver's license which was issued by the same jurisdiction as the home of record of the nonresident military personnel.

AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

WAC 308-104-050 WAIVER OF DRIVER EDUCATION REQUIREMENT—WHEN GRANTED. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless: (1) The parent, guardian, or other person having the care, custody and control of the applicant certifies that the applicant is ~~((+))~~:

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: ~~((The))~~ the assistant director for

driver services, the administrator of ~~((driver control))~~ hearings, the administrator of driver ~~((improvement))~~ responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years.

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 87-15-140
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Accountancy intends to adopt, amend, or repeal rules concerning the amending of WAC 4-25-040;

that the agency will at 0900, Friday, August 28, 1987, in the Tacoma City Council Chambers, 740 St. Helens, Tacoma, 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 18.04.055.

The specific statute these rules are intended to implement is RCW 18.04.065.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1987.

Dated: July 22, 1987
 By: Carey L. Rader
 Chief Executive Officer

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Accountancy.

Purpose: Conform fee schedule to statutory changes, implement fee for renewal of CPA certificate.

Statutory Authority: RCW 18.04.055 and 18.04.065.

Summary of the Rules: Replaces fee for "restricted" permit with fee for certificate renewal under provisions of section 4, chapter 295, Laws of 1986 (RCW 18.04.105(9)).

Reasons Proposed: To clarify code citations; implement 1986 accountancy law requirement for certificate renewal; and make language consistent with other sections of rules.

Responsible Personnel: In addition to the members of the board, the following Board of Accountancy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Carey L. Rader, Chief Executive Officer, 210 East Union, Suite H, Olympia, WA 98504, phone (206) 753-2585 or scan 234-2585.

Proponents: Washington State Board of Accountancy.
 Agency Comments: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order ACB 104 [115], filed 10/10/83 [11/26/85])

~~WAC 4-25-040 ((STATE BOARD OF ACCOUNTANCY))~~
BOARD MEETINGS, OFFICERS, FEES. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedures, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

- (1) Fees. Fees charged by the board shall be as follows:
 - (a) CPA examination applications:
 - (i) One or two parts \$ 75
 - (ii) Three parts \$ 100
 - (iii) Five parts \$ 125
 - (b) Transfer of grade credits from other jurisdictions, pursuant to ~~((section 7(5), chapter 234, Laws of 1983))~~ RCW 18.04.105(3) \$ 40
 - (c) Administration of examination for out-of-state applicants, per part \$ 10
 - (d) Application for certificate by reciprocity from other jurisdictions \$ 40
 - (e) Biennial ~~((permit))~~ license to practice public accounting, includes certificate renewal fee \$ 80
 - (f) ~~((Biennial permit restricted to nonpublic accounting (title-only use)))~~
Biennial certificate renewal \$ ~~((50))~~ 10
 - (g) Biennial firm registration:
 - (i) Sole Proprietorships \$ 50
 - (ii) Partnerships \$ 100
 - (iii) P.S. corporations \$ 100
 - (h) Amendments to firm registration, each filing \$ 10
 - (i) Delinquency fee for ~~((permit))~~ certificate renewal applications sixty days overdue \$ 25
 - (j) Delinquency fee for firm license renewal applications sixty days overdue \$ 20
 - (k) Temporary practice ~~((permits))~~ license, per individual who is to practice within this state \$ 10
 - (l) Copies of records, per page \$ 0.10
 - (m) Applications for reinstatement \$ 25
 - (n) Replacement CPA certificates \$ 25

(2) Any applicant for a certificate or ~~((permit))~~ license who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
- (b) The date of the board's letter advising the applicant of the action of the board complained of; and
- (c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

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 87-15-141
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Accountancy intends to adopt, amend, or repeal rules concerning the adoption of WAC 4-25-185, 4-25-186, 4-25-187 and 4-25-188; and the repeal of WAC 4-25-182, 4-25-183 and 4-25-184;

that the agency will at 0900, Friday, August 28, 1987, in the Tacoma City Council Chambers, 740 St. Helens, Tacoma, 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 18.04.055.

The specific statute these rules are intended to implement is RCW 18.04.105 (9) through (11) and 18.04.215(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1987.

Dated: July 22, 1987
By: Carey L. Rader
Chief Executive Officer

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Accountancy.

Purpose: Define rules of applicability, program suitability, and reporting requirements for continuing professional education for CPAs.

Statutory Authority: RCW 18.04.055, 18.04.105 (9) through (11) and 18.04.215(4).

Summary of the Rules: All holders of CPA certificates who elect to use the title CPA for any public, professional, commercial, or occupational purpose are required to obtain and report continuing professional education biennially, subject to transition rules and rules defining reasonable cause for failure to report. WAC 4-25-186 defines types of continuing professional education programs that are acceptable and categorizes subject types. WAC 4-25-188 provides for registering program sponsors and for auditing sponsor records and on site evaluation of sponsor programs.

Reason Proposed: Implement provisions of section 4, chapter 295, Laws of 1986 (RCW 18.04.105 (9) through (11)).

Responsible Personnel: In addition to the members of the board, the following Board of Accountancy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Carey L. Rader, Chief Executive Officer, 210 East Union, Suite H, Olympia, WA 98504, phone (206) 753-2585 or scan 234-2585.

Proponents: Washington State Board of Accountancy.
Agency Comments: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 4-25-185 CONTINUING PROFESSIONAL EDUCATION. WHO MUST HAVE CPE. The following requirements of continuing professional education apply to the biennial renewal, or initial issue if by reciprocity, of certificates and licenses to practice public accounting pursuant to RCW 18.04.105(9) and RCW 18.04.215(4). Renewal of a license to practice means simultaneous renewal of the license and the certificate. Certificates issued to persons born in even numbered years are subject to renewal on July 1, 1988 and biennially thereafter. Certificates issued to persons born in odd numbered years are subject to renewal on July 1, 1989 and biennially thereafter. Each certificate holder shall verify to the board that he has completed at least eighty hours of continuing professional education during the last two-year period unless he can demonstrate that the failure was due to reasonable cause. The board may, in particular cases, make exceptions to these requirements for reasons of individual hardship including health, military service, foreign residence, or other reasonable cause. Reasonable cause may include persons who are (1) retired and (2) persons who are certificate holders but who do not make any public, professional, commercial, or occupational use of the title certified public accountant.

(1) HOURS REQUIRED. (a) PUBLIC ACCOUNTING LICENSE. An applicant seeking regular biennial renewal of a license, which will include renewal of his certificate, shall show that he has completed the required hours of continuing professional education during the two calendar-year period preceding renewal, of which no less than 32 hours shall be accounting and/or auditing subjects. In a reporting period during which the licensee was not involved at any time in the preparation of or reporting on financial statements, no less than 16 hours of the 80 hour requirement shall be accounting and/or auditing subjects. Tax practitioners whose sole relationship to financial statements is the review of the federal income tax provision, related balance sheet accounts and notes are not considered to be associated with financial statements for purposes of this provision. Of the total requirement of 80 hours, no more than 16 hours may be in the continuing professional education course subjects deemed "nontechnical" by the board in WAC 4-25-186 (2)(b).

(b) CERTIFICATE ONLY. An applicant, who holds a certificate but whose activities do not require a license to practice public accounting, is required to show that he has completed not less than 80 hours of continuing professional education to renew his certificate under RCW 18.04.105(9), and shall demonstrate to the board that the courses taken contribute to his own professional competency, meet the criteria for courses set forth in WAC 4-25-186(1) and can be classified into one of the categories of WAC 4-25-186 (2)(a) or (b). The courses must include a minimum of 8 hours of accounting and/or auditing subjects for each biennial reporting period.

(2) RENEWAL OF LAPSED CERTIFICATES OR LICENSES AND RECIPROCITY. An applicant who has previously held a license and certificate who has failed to renew timely, shall satisfy the requirements of subsection (1)(a). An applicant who held a license under the reciprocity provisions of RCW 18.04.180, shall, for the purposes of satisfying the continuing education requirements, make the same showing as prescribed in subsection (1)(a) at the time of application. An applicant who holds a certificate and no license who has failed to renew timely, shall satisfy the requirements of subsection (1)(b).

(3) RENEWAL OF INITIAL CERTIFICATE OR LICENSE AND CERTIFICATE. An applicant seeking to renew an initial certificate or license and certificate issued less than two years but more than one year prior to the renewal must show that he has completed at least 40 hours of such continuing professional education during the calendar year preceding the application. An applicant seeking to renew an initial certificate or license and certificate issued less than one year prior to the renewal will not be required to demonstrate completion of any hours of continuing professional education for the first renewal, subject to provisions of section 2 of this rule as it pertains to certificates or licenses granted through reciprocity.

(4) TRANSITION RULE. Persons who held a certificate and no license and thereby became subject to continuing professional education requirements for the first time on July 1, 1986 pursuant to the requirements of RCW 18.04.105(9), shall make the following showing for purposes of satisfying the continuing professional education requirements:

(a) EVEN NUMBERED BIRTH YEAR - RENEWAL. An individual who first becomes subject to continuing professional education requirements during the period July 1, 1986 through September 30, 1987 pursuant to RCW 18.04.105(9) and whose year of birth is even numbered shall renew his certificate effective July 1 of each even numbered year commencing with 1988. Such individual shall show completion of at least 20 hours of continuing professional education (CPE) obtained during calendar years 1986 and 1987 as a condition of renewing his certificate in 1988. For renewal in 1990, such individuals must demonstrate completion of 80 hours of CPE during calendar years 1988 and 1989. For each subsequent renewal commencing with 1992, individuals must demonstrate 80 hours of CPE obtained in the two calendar year period preceding the year of renewal.

(b) ODD NUMBERED BIRTH YEAR - RENEWAL. An individual who first becomes subject to continuing professional education (CPE) requirements during the period July 1, 1986 through September 30, 1987 pursuant to RCW 18.04.105(9) and whose year of birth is odd numbered shall renew his certificate effective July 1 of each odd numbered year commencing with 1989. Such individual shall show completion of at least 60 hours of continuing professional education obtained during calendar years 1986 through 1988 as a condition of renewing his certificate in 1989. For renewal in 1991, such individuals must demonstrate completion of 80 hours of CPE during calendar years 1989 and 1990. For each subsequent renewal commencing with 1993, individuals must demonstrate 80 hours of CPE obtained in the two calendar year period preceding the year of renewal.

(c) CERTIFICATES ISSUED AFTER SEPTEMBER 30, 1987 - RENEWAL. Certificates issued after September 30, 1987 shall be renewable on July 1 of each even numbered year for individuals whose birth year is even numbered and on July 1 of each odd numbered year for individuals whose birth year is odd numbered.

NEW SECTION

WAC 4-25-186 PROGRAM STANDARDS. (1) QUALIFYING PROGRAMS. A program qualifies as acceptable continuing professional education for purposes of RCW 18.04.215(4) if it is a formal program of learning which contributes to the growth in the professional knowledge and professional competence of an individual in the practice of his profession, and meets the minimum standards of quality of development and presentation and of measurement and reporting of credits set forth in this rule and in the Statement on Standards for Formal Continuing Education published by the National Association of State Boards of Accountancy, or such other educational standards as may be established from time to time by the board. Undergraduate courses are presumed not to contribute to licensees' growth beyond the level of knowledge required for initial certification and are therefore not generally acceptable for continuing professional education.

(2) SUBJECT AREAS. Programs dealing with the following general subject areas (as defined in the AICPA Continuing Professional Education Division. "National Curriculum—A Pathway to Excellence" or its successive documents) are acceptable so long as they meet the standards in subsection (1) of this rule:

- (a) Technical Subjects:
 - (1) Accounting and auditing;
 - (2) Management Advisory Services;
 - (3) Personal Financial Planning;
 - (4) Taxation;
 - (5) Management Information Services;
 - (6) Budgeting and Cost Analysis;
 - (7) Asset Management;

- (8) Professional Ethics;
- (9) Specialized Areas of Industry;
- (10) Human Resource Management;
- (11) Economics;
- (12) Business Law;
- (13) Mathematics, Statistics and Quantitative Applications in Business;
- (14) Business Management and Organization.
- (b) Nontechnical subjects:
 - (1) Communication Skills;
 - (2) Interpersonal Management Skills;
 - (3) Personal Development Skills;
 - (4) Public Relations;
 - (5) Practice Development.

Subjects other than those listed above may be acceptable if the applicant can demonstrate that they contribute to his professional competence. The responsibility for demonstrating that a particular program is acceptable rests solely upon the applicant.

(3) GROUP PROGRAMS. Group programs such as the following are acceptable so long as they meet the standards specified in subsection (1) and deal with subjects referred to in subsection (2):

- (a) Professional education and development programs of national, state and local accounting organizations;
- (b) Technical sessions at meetings of national, state and local accounting organizations and their chapters;
- (c) University or college courses, both credit and non-credit;
- (d) Formal in-firm education programs;
- (e) Programs of other organizations (accounting, industrial, professional, etc.);
- (f) Dinner, luncheon and breakfast meetings which are structured as formal educational programs;
- (g) Firm meetings for staff and/or management groups which are structured as formal education programs. Portions of such meetings devoted to the communication and application of general professional policy or procedure may qualify, but portions devoted to firm administrative, financial and operating matters generally will not qualify.

(4) CREDIT. Continuing professional education credit will be given for whole hours only, with a minimum of fifty minutes constituting one hour. As an example, one hundred minutes of continuous instructions would count as two hours; however, more than fifty minutes but less than one hundred minutes of continuous instruction would count only as one hour. For attendees, only time spent in instruction, and not preparation time, will be credited. For university or college courses, each semester hour of credit shall equal fifteen hours toward the requirement and a quarter hour of credit, shall equal ten hours.

(5) CORRESPONDENCE AND FORMAL INDIVIDUAL STUDY PROGRAMS. The amount of credit to be allowed for correspondence and formal individual study programs (including taped study programs) will be that which is recommended by the program sponsor on the basis of one-half the average completion time under appropriate "field tests." Applicants claiming credit for such correspondence or formal individual study courses are required to obtain evidence of satisfactory completion of the course from the program sponsor. Credit will be allowed in the renewal period in which the course is completed.

(6) INSTRUCTOR, DISCUSSION LEADER, OR SPEAKER. Applicants who have served as instructors, discussion leaders and speakers at programs coming under subsection (1), (2) and (3) of these rules may claim continuing professional education credit for both preparation and presentation time. Credit may be claimed for actual preparation time up to two times the presentation hours. The maximum credit for such preparation and teaching is sixty percent of the applicable renewal period requirement.

(7) PUBLISHED ARTICLES, BOOKS. Credit toward the continuing professional education requirement may be claimed for published articles and books, provided they contribute to the professional competence of the certificate holder. Credit for preparation of such publications may be claimed on a self-declaration basis for up to twenty-five percent of the renewal period requirement. In exceptional circumstances a licensee may request additional credit by submitting the article(s) or book(s) to the board with an explanation of the circumstances which justify a greater credit. The amount of credit awarded for a given publication will be determined by the board.

NEW SECTION

WAC 4-25-187 REPORTS. Applicants for renewal of certificates and/or licenses to practice pursuant to RCW 18.04.105(9) or

18.04.215(4) shall file with their applications therefore a signed statement of the continuing professional education programs for which they claim credit, showing:

- Sponsoring organizations;
- Title of program or description of content;
- Dates attended;
- Hours claimed; and,

For certificate only reporters, a general description of each course's contribution to the CPA's professional competence.

Responsibility for documenting the entitlement to credits rests with the applicant. Such documentation should be retained for a period of five years after the completion of the program. Such documentation may consist of the following:

- (1) Course completion certificate provided by program sponsor;
- (2) Confirmation letter from sponsor stating program title, location and dates and hours of attendance;
- (3) Copy of the course outline prepared by the course sponsor;
- (4) For courses taken for scholastic credit in accredited universities and colleges, evidence of satisfactory completion of the course will be sufficient; for noncredit courses taken, a statement of the hours of attendance, signed by the instructor, is required.
- (5) For formal individual study programs written evidence of completion.

The board or its designees may verify on a test basis information submitted by applicants for license or certificate renewal. In cases where the board determines that the requirement is not met, the board may grant an additional period of time in which the deficiencies can be cured.

NEW SECTION

WAC 4-25-188 PROGRAM SPONSOR AGREEMENTS. Persons or organizations may not state that the board endorses or approves any continuing education program or course. All persons or organizations intending to sponsor programs or courses qualifying for continuing professional education shall enter into a Program Sponsor Agreement for Continuing Education with the board, or at the board's option, with the National Association of State Boards of Accountancy and, accordingly, may state in promotional or program materials that the sponsor has agreed to abide by board rules. The sponsor agreement must indicate the type of organization and the subject areas in which the sponsor plans to present courses. Further, the agreement shall specify that the sponsor will comply with the requirements of WAC 4-25-186 and will retain for a period of five years the required records of program date, location, names of instructors, a verified listing of certificate holders attending and outlines of the program presentation. The agreement shall further specify that the program sponsor agrees that a representative of the board may, upon due notice and without cost to the board, attend any course to perform field observation and review of the sponsor's procedures and course quality.

**WSR 87-15-142
PROPOSED RULES
INSURANCE COMMISSIONER
[Filed July 22, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning expansion of standards for alcoholism treatment benefit provisions in group disability insurance contracts, group health care service contracts and group health maintenance organization agreements to standards for "chemical dependency" treatment in group disability insurance contracts, group health care service contracts and group health maintenance organization agreements. "Chemical dependency" includes alcoholism as well as drug abuse. Additionally, while deductibles, coinsurance and copayments may be commensurate with those applied in the plan for other common illnesses and disease generally, in the case of plans which cover these other

illnesses and diseases at 100% special provision is made to allow the application of reasonable deductibles, coinsurance and copayments for chemical dependency treatment up to \$1,000 in any 24-month period;

that the agency will at 2:00 p.m., Wednesday, August 26, 1987, in the John A. Cherberg Building, Hearing Room #1, State Capitol Campus, 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 Monday, August 31, 1987, 10:00 a.m., Office of the Insurance Commissioner, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060, 48.44.050 and 48.46.200.

The specific statute these rules are intended to implement is RCW 48.21.160, 48.21.180, 48.44.240 and 48.46.350, all as amended and supplemented by sections 13 through 21, chapter 458, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 24, 1987. Mailing address: Insurance Building, AQ-21, Olympia, WA 98504.

Dated: July 22, 1987

By: Patricia D. Petersen
Deputy Insurance Commissioner

STATEMENT OF PURPOSE

Until recently RCW 48.21.160, 48.21.180, 48.44.240 and 48.46.350 required group disability insurance contracts, group health care service contracts and group health maintenance organization agreements to provide benefits for alcoholism treatment and WAC 284-53-010 implemented that statute by establishing standards for such coverage. Sections 13 through 21, chapter 458, Laws of 1987, amended RCW 48.21.160, 48.21.180, 48.44.240 and 48.46.350, and added new sections to each of these chapters, to require these same group contracts and agreements to provide benefits for the treatment of "chemical dependency" which includes both alcoholism and drug abuse.

The purpose of this proposed amendment is to revise WAC 284-53-010 to provide that the standards which were established for alcoholism treatment should now apply to "chemical dependency treatment" which includes both alcoholism and drug abuse.

Additionally, while deductibles, coinsurance and copayments may be commensurate with those applied in the plan for other common illnesses and disease generally, in the case of plans which cover those other illnesses and disease at 100% special provision is made to allow the application of reasonable deductibles, coinsurance and copayments for chemical dependency treatment up to a \$1,000 limit in any 24-month period.

This proposed amendment will have no appreciable disparate economic impact upon small employers or insurers as opposed to large ones.

Chapter 284-53 WAC
**STANDARDS FOR ((GROUP ALCOHOLISM)) COVERAGE OF
CHEMICAL DEPENDENCY**

WAC
284-53-010 Standards for ((group alcoholism)) coverage of
chemical dependency.

AMENDATORY SECTION (Amending Order R 86-2, filed 8/27/86, effective 1/1/87)

WAC 284-53-010 STANDARDS FOR ~~((GROUP ALCOHOLISM))~~ COVERAGE OF CHEMICAL DEPENDENCY. Contractual provisions for ~~((alcoholism benefits))~~ chemical dependency required by RCW 48.21.180, 48.44.240, or 48.46.350 shall meet the following standards and administrative requirements.

(1) The coverage for ~~((alcoholism treatment))~~ chemical dependency shall provide payment toward reasonable charges for any medically necessary treatment and supporting services provided to covered individuals by an "approved treatment facility" approved pursuant to RCW 70.96A.020(2) or 69.54.030, which may include medical evaluations, psychiatric evaluations, room and board (inpatient only), psychotherapy (individual and group), counseling (individual and group), behavior therapy, recreation therapy, family therapy (individual and group) for the patient and covered persons, prescription drugs prescribed by an approved treatment facility, and supplies prescribed by an approved treatment facility. The coverage shall provide such payment whether the treatment or services are provided on an inpatient (resident) or an outpatient (nonresident) basis, except to the extent that inpatient or outpatient coverage is not provided to the individual insured for other common illnesses or disease. Inpatient coverage shall include detoxification if detoxification is not specifically included in other contract coverage.

(2) Except to the extent prohibited by this section, the coverage may be limited by provisions of the contract that are applicable to other benefits or services for other common illnesses or disease including, but not limited to, provisions relating to deductibles, coinsurance and copayments. However, with regard to plans which pay one hundred percent for treatment of other common illnesses or disease generally, reasonable copayments and deductibles may be applied up to an out-of-pocket limit of one thousand dollars in any twenty-four month period. Coverage shall not be denied by reason of contract provisions which are not pertinent to the treatment of ~~((alcoholism))~~ chemical dependency, such as provisions requiring a treatment facility to have surgical facilities or approval by the joint commission on accreditation of hospitals, that there be a physician in attendance, or that the exact date of onset be known.

(3) The minimum benefits for ~~((alcoholism))~~ chemical dependency treatment, supporting services and detoxification shall be an amount which is the lesser of five thousand dollars, exclusive of deductibles, coinsurance and copayments, in any consecutive twenty-four-month period or an amount equal to the benefit limit in the contract applicable to the individual insured which would normally be applied to treatment of any common major illness or disease other than ~~((alcoholism))~~ chemical dependency. The benefits may be limited to a lifetime maximum of not less than ten thousand dollars exclusive of deductibles, coinsurance and copayments, notwithstanding WAC 284-44-040(2). For purposes of determining the limitations allowed by this subsection, with regard to all benefits except the lifetime maximum a carrier may take credit for any benefits paid by any carrier on behalf of a covered individual for ~~((alcoholism))~~ chemical dependency treatment and supporting services received in an immediately preceding twenty-four month period. For purposes of determining the lifetime maximum allowed by this subsection, calculation must be made on either a per contract or per carrier basis except that when one group contract holder has utilized one or more carriers or plans then a carrier may take credit for amounts paid on behalf of a covered individual from ~~((the effective date of this section))~~ January 1, 1987, onward under all past and current carriers and plans with respect to that group contract holder.

(4) Contract provisions subject to this rule:

(a) Shall not impose waiting periods or preexisting condition limitations on ~~((alcoholism))~~ chemical dependency coverage, except that a carrier may impose a waiting period or preexisting condition limitation for ~~((alcoholism))~~ chemical dependency treatment and supporting services to the extent that a waiting period or preexisting condition limitation is imposed for other common illnesses or disease.

(b) Shall not provide for the application of comparative statistical measures which are lacking in statistical reliability. Because of the limited number of approved treatment facilities in this state and the diversity of methodologies and fee structures, a measure based on the application of usual, customary and reasonable charges for overall ~~((alcoholism))~~ chemical dependency treatment and supporting services is not currently acceptable but comparison of costs for specific components of such treatment and supporting services may be acceptable.

(c) Shall not deny reasonable benefits for actual treatment and services rendered solely because a course of treatment was interrupted or was not completed.

(d) May limit coverage to specific facilities but only if the carrier provides one or more reasonably available and conveniently located approved treatment facilities under RCW 70.96A.020(2) or 69.54.030 which alone or in combination offer both inpatient and outpatient care. This right to limit coverage to specific facilities will permit a carrier to limit diagnosis and treatment to that rendered by itself or by a facility to which it makes referrals, but, in either case, only if the facility is an approved treatment facility under RCW 70.96A.020(2) or 69.54.030.

(e) May require prenotification in all reasonable situations; may also require a second opinion if such second opinion is required under the contract generally for other common illnesses and disease. Prenotification with respect to detoxification in most cases would not be reasonable.

(5) In situations where an insured is under court order to undergo ~~((an alcoholism))~~ a chemical dependency assessment or treatment, or in situations related to deferral of prosecution, deferral of sentencing or suspended sentencing, or in situations pertaining to motor vehicle driving rights and the Washington state department of licensing, the carrier may require the insured to furnish at the patient's expense no less than ten and no more than thirty working days before treatment is to begin, an initial assessment of the need for ~~((alcoholism))~~ chemical dependency treatment and a treatment plan, made by an individual of the patient's choice who is a qualified ~~((alcoholism))~~ chemical dependency counselor employed by an approved treatment facility under RCW 70.96A.020(2) or 69.54.030 or licensed under chapter 18.57 or 18.71 RCW to enable the carrier to make its own evaluation of medical necessity prior to scheduled treatment.

(6) Except as provided in this section, contractual provisions subject to this section and the administration of such provisions shall not use definitions, predetermination procedures or other prior approval requirements, or other provisions, requirements or procedures, which unreasonably restrict access to treatment, continuity of care or payment of claims.

~~((7) This section applies to provisions for alcoholism benefits contained in contracts delivered or issued for delivery or renewed in this state on or after January 1, 1987.)~~

WSR 87-15-143
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Filed July 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Minority and Women's Business Enterprises intends to adopt, amend, or repeal rules concerning:

Amd	WAC 326-02-030	Definitions.
Amd	WAC 326-20-010	In general.
Amd	WAC 326-20-050	Proof of ownership.
Amd	WAC 326-20-080	Factors considered in determining control.
New	WAC 326-30-039	Goals for 1987-88;

that the agency will at 1:00 p.m., Tuesday, August 25, 1987, in the OMWBE Conference Room, 406 South Water, Olympia, 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 chapter 39.19 RCW.

The specific statute these rules are intended to implement is chapter 39.19 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 17, 1987.

Dated: July 22, 1987
By: Ralph C. Ruff
Director

STATEMENT OF PURPOSE

Title: WAC 326-02-030 Definitions; 326-20-010 In general; 326-20-050 Proof of ownership; 326-20-080 Factors considered in determining control; and 326-30-039 Goals for 1987-88.

Description of Purpose: To set overall annual goals for state agencies and educational institutions for the period July 1, 1987, through June 30, 1988. To establish criteria for certifying minority and women-owned corporate sponsored dealerships.

Statutory Authority: Chapter 39.19 RCW.

Specific Statute Rule is Intended to Implement: Chapter 39.19 RCW.

Summary of Rule: WAC 326-02-030 defines corporate sponsored dealership; 326-20-010 adds corporate sponsored dealership; 326-20-050 adds that the ownership of a corporate sponsored dealership shall be evaluated by using standards set out in WAC 326-02-030(28); 326-20-080 adds that control of a corporate sponsored dealership will be evaluated using the standards set out in WAC 326-02-030(28); and 326-30-039 sets the overall annual goals for state agencies and educational institutions for the period July 1, 1987, through June 30, 1988.

Agency Personnel Responsible for Drafting: Ralph C. Ruff, Director, Office of Minority and Women's Business Enterprises and Mary Tennyson, Senior Assistant Attorney General; Implementation: State agencies and educational institutions; and Enforcement: Ralph C. Russ, Office of Minority and Women's Business Enterprises and staff.

Person or Organization Proposing Rule: Washington State Office of Minority and Women's Business Enterprises.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: WAC 326-02-030, 326-20-010, 326-20-050 and 326-20-080, no economic impact. WAC 326-30-039, the rule encourages minority business enterprise and women business enterprise participation in state contracting.

AMENDATORY SECTION (Amending Order 86-2, filed 8/11/86)

WAC 326-02-030 DEFINITIONS. Words and terms used in these rules shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in these rules, or the context in which they are used clearly indicates that they be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(3) "Combination minority and women's business enterprise" means a business organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by this office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by this office. The owners must be United States citizens or lawful permanent residents.

(4) "Commercially useful function" means the performance of real and actual services in the discharge of any contractual endeavor.

(a) In determining whether a business is or will be performing a commercially useful function, factors, including but not limited to the following, will be considered:

(i) Whether the business is or will be responsible for executing a distinct element of work as defined in a bid or proposal;

(ii) Whether principals or employees of the business actually perform, manage, and supervise the work for which the business is or will be responsible;

(iii) Whether the business could be considered a "conduit," "front," or "pass-through" as defined in this section.

(b) For the purpose of these rules, a supplier will be considered to be performing a commercially useful function when:

(i) It either assumes the actual and contractual responsibility for furnishing goods or materials and executes material changes in the logistics or configuration of those goods or materials; or

(ii) Is the manufacturer of those goods or materials; or

(iii) Is recognized as a distributor of goods or materials by representatives of the industry involved in the supply of such goods or materials; and

(iv) It owns or leases warehouses, yard buildings, or other facilities which are viewed as customary or necessary by the industry; and

(v) It distributes or delivers goods or materials with its own staff or employees.

(5) "Contract" means a mutually binding legal relationship, including a lease, or any modification thereof, obligating the seller to furnish goods or services, including construction, and the buyer to pay for them.

(6) "Contract by contract basis" means a single contract within a specific class of contracts.

(7) "Contractor" means a party who enters into a contract to provide a state agency or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(8) "Director" means the director of the office of minority and women's business enterprises.

(9) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(10) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume for participation by minority and women-owned businesses, and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. Goals shall be met on a contract by contract or class of contract basis. In meeting their goals on either a contract by contract or a class of contract basis state agencies and educational institutions should facilitate the entry of minority and women's business enterprises into types of businesses in which MBE's and WBE's are underrepresented.

(11) "Goods and/or services" means all goods and services, including professional services.

(12) "Joint venture" means a single enterprise partnership of two or more persons or businesses created to carry out a single business enterprise for profit for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(13) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

Persons who are visibly identifiable as a minority need not provide documentation of their racial heritage but may be required to submit a

photograph. Persons who are not visibly identifiable as a minority must provide documentation of their racial heritage which will be determined on a case-by-case basis. The final determination will be in the sole discretion of the office.

(14) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more minority individuals or minority business enterprises certified by this office. Owned and controlled means a business in which one or more minorities or MBE's certified by this office own at least fifty-one percent, or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The minority owners must be United States citizens or lawful permanent residents.

(15) "MWBE" means a minority-owned business enterprise, a women-owned business enterprise; and/or a combination minority and women's business enterprise certified by the office of minority and women's business enterprises of the state of Washington.

(16) "Office" means the office of minority and women's business enterprises of the state of Washington.

(17) "Procurement" means the purchase, lease, or rental of any goods or services.

(18) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(19) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(20) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more women or women's business enterprises certified by this office. Owned and controlled means a business in which one or more women or WBE's certified by this office own at least fifty-one percent or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The women owners must be United States citizens or lawful permanent residents.

(21) "Common industry practices" mean those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

(22) "Conduit" means a WBE, MBE, or combination MWBE which agrees to be named as a subcontractor on a contract in which such WBE, MBE, or combination MWBE does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other non-MWBE business.

(23) "Front" means a business which purports to be: (a) A WBE but is in fact owned or controlled by a man or men; (b) a MBE but is owned or controlled by a nonminority person or persons; or (c) a combination MWBE but is owned or controlled by a man or men or by a nonminority person or persons to a greater extent than is allowed by WAC 326-02-030(3).

(24) "Pass-through" means a business which buys goods from a non-WBE, non-MBE, or noncombination MWBE without materially changing the configuration or logistics of the goods and resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

(25) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

(26) "Supplier" means a business which provides or furnishes goods or materials, performs a commercially useful function, and is not considered a conduit, front, or pass-through.

(27) "Switch business" means a business which was previously owned and controlled by a man, men or nonminorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

(28) "Corporate-sponsored dealership" means a bona fide minority or women's business which meets the following standards in lieu of the fifty-one percent ownership criteria set out in subsections (14), (15), and (20) of this section, and meets the following standards in lieu of the factors used to evaluate control in WAC 326-20-080.

(a) The minority or women owner(s) have entered into a written agreement, contract, or arrangement with a national or regional corporation and has been granted a license to offer, sell or distribute goods or services at wholesale or retail, leasing, or otherwise use the name, service mark, trademark, or related characteristics of the sponsoring corporation.

(b) The capital investment for the dealership or business is jointly contributed by the minority or women owner(s) and the sponsoring corporation.

(i) The original investment contributed by the minority or women owner(s) may be less than fifty-one percent, but must constitute at least twenty-five percent of the capitalization investment (total required equity capital) in the dealership corporation.

(ii) A specified time limit of not more than ten years must be established, binding between the minority or women owner(s) and the sponsoring corporation, within which the buy-out of the corporate sponsor's interest is complete.

(c) If the sponsoring corporation retains majority voting rights and control of the board of directors, then the minority or women owner(s) must annually apply at least fifty percent of the net profit and bonuses toward the buy-out of the corporate sponsors' interest within the buy-out time limit established with the corporation.

(d) The minority or women owner(s) must show active participation in the decision-making process on the board of directors of the dealership.

(e) The minority or women owner(s) must have operational control, and as such have day-to-day management control of the dealership, with responsibility for sales, service volume, and profits.

(f) The sponsoring corporation must have specifically developed a national or regional corporate sponsored dealership program to address the present-day issue of lack of opportunities for minorities or women in the dealership industry, which includes such features as: Capitalization assistance from the sponsoring corporation, on-going business operations training, technical assistance to the dealership owner, and a corporate sponsored minority and women's business program.

(g) The minority or women owner(s) must demonstrate that the relationship between the corporate sponsor and the minority or women's business was not formed for the primary purpose of achieving certification under chapter 39.19 RCW, or any similar provision of any ordinance, regulation, rule, or law.

(h) The minority or women owner(s) have prior business or management experience relating to the business being entered into as an owner.

(i) The minority or women owner(s) must be president of any corporation formed by the business.

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

WAC 326-20-010 IN GENERAL. Any business which meets the definition of a minority business enterprise, a women's business enterprise, or a combination minority and women's business enterprise or corporate-sponsored dealership as set forth in this title is eligible to be certified by the state of Washington as a minority business enterprise, a women's business enterprise or a combination minority and women's business enterprise. A business owned and controlled by one or more minority females may be certified as both a MBE and a WBE.

AMENDATORY SECTION (Amending Order 84-5, filed 4/5/84)

WAC 326-20-050 PROOF OF OWNERSHIP OF BUSINESS.

(1) All minority or women owners shall submit to the office proof of their ownership of the requisite percentage of the business at the time the application is submitted. Such proof shall consist of stock certificates, a notarized affidavit of stock ownership from the corporate treasurer, a partnership agreement, cancelled check used to purchase ownership, or other recognized proof of ownership.

(2) In cases of sole proprietorships or other cases where documentary proof of ownership is not available, the minority or women owners shall so advise the office, which may undertake further investigation. The office may also require documents showing how and when the minority or women owners' interest in the business was acquired.

(3) The office may, for any reason, require any minority or women owners to provide additional proof of, or information concerning, ownership. The office may request additional information regarding separate ownership of a business including, but not limited to, a separate property agreement.

(4) Ownership of a corporate-sponsored dealership shall be evaluated by using the standards set out in WAC 326-02-030(28).

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

WAC 326-20-080 FACTORS CONSIDERED IN DETERMINING CONTROL. Whether a minority or woman owner meets the fifty-one percent control requirement is determined on an application-by-application basis. Factors which may be considered in determining whether the minority or woman owner meets the control requirement include, but are not limited to, the following:

- (1) Authority and restrictions as indicated in the articles of incorporation, bylaws, partnership agreements and/or other business agreements and documents;
 - (2) The financial interest and/or participation in any other business by any owner or key personnel;
 - (3) Past and current employment history of minority and women owners involved in the business;
 - (4) Members of the board of directors and corporate officers;
 - (5) Experience, training, and expertise of any owners;
 - (6) Recent changes in ownership and/or control of the business;
 - (7) Financial obligation to and capital contributions from nonowners of the business; and
 - (8) Documentation indicating who has ultimate authority to make policy and management decisions and to legally obligate the business.
- (9) Control of a corporate-sponsored dealership will be evaluated using the standards set out in WAC 326-02-030(28).

NEW SECTION

WAC 326-30-039 GOALS FOR 1987-88. The annual overall goals for each state agency and educational institution for each of the following classes of contracts for the period July 1, 1987 through June 30, 1988, shall be:

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

These MWBE participation goals are based on the state agency's or educational institution's total contracts subject to this chapter within each of the above noted classes of contracts, less excluded contracts.

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
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- 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.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-040	AMD-P	87-15-140	16-54-030	AMD	87-08-021	16-104-230	NEW-P	87-12-045
4-25-140	AMD	87-04-051	16-54-082	AMD-P	87-04-053	16-200-695	NEW-P	87-13-061
4-25-141	AMD-P	87-09-059	16-54-082	AMD	87-08-021	16-200-700	REP-P	87-13-061
4-25-141	AMD-C	87-10-033	16-54-120	AMD-P	87-04-053	16-200-710	REP-P	87-13-061
4-25-141	AMD	87-15-072	16-54-120	AMD	87-08-021	16-200-720	REP-P	87-13-061
4-25-181	AMD-P	87-09-060	16-86-005	AMD-P	87-04-052	16-200-730	REP-P	87-13-061
4-25-181	AMD-C	87-10-034	16-86-005	AMD	87-08-020	16-200-740	REP-P	87-13-061
4-25-181	REP-P	87-09-060	16-86-015	AMD-P	87-04-052	16-200-743	REP-P	87-13-061
4-25-181	REP-C	87-10-034	16-86-015	AMD	87-08-020	16-200-705	NEW-P	87-13-061
4-25-182	REP-P	87-15-141	16-96-130	AMD-E	87-08-058	16-200-711	NEW-P	87-13-061
4-25-183	REP-P	87-15-141	16-96-130	AMD-P	87-08-061	16-200-715	NEW-P	87-13-061
4-25-184	REP-P	87-15-141	16-96-130	AMD	87-12-037	16-200-721	NEW-P	87-13-061
4-25-185	NEW-P	87-15-141	16-96-130	AMD-E	87-12-038	16-200-725	NEW-P	87-13-061
4-25-186	NEW-P	87-15-141	16-101-455	NEW-P	87-06-036	16-200-731	NEW-P	87-13-061
4-25-187	NEW-P	87-15-141	16-101-455	NEW-C	87-09-032	16-200-735	NEW-P	87-13-061
4-25-188	NEW-P	87-15-141	16-101-455	NEW-C	87-10-048	16-200-739	NEW-P	87-13-061
4-25-190	NEW-P	87-09-060	16-101-455	NEW	87-12-026	16-213-260	NEW-P	87-05-036
4-25-190	NEW-C	87-10-034	16-101-465	NEW-P	87-06-036	16-213-260	NEW	87-08-030
4-25-280	NEW	87-03-040	16-101-465	NEW-C	87-09-032	16-213-270	NEW-P	87-05-036
10-08-180	AMD-P	87-09-038	16-101-465	NEW-C	87-10-048	16-213-270	NEW	87-08-030
10-08-180	AMD	87-13-036	16-101-465	NEW	87-12-026	16-228-400	NEW-E	87-09-001
16-23-010	NEW-P	87-15-106	16-101-475	NEW-P	87-06-036	16-228-410	NEW-E	87-09-001
16-23-020	NEW-P	87-15-106	16-101-475	NEW-C	87-09-032	16-228-420	NEW-E	87-09-001
16-23-025	NEW-P	87-15-106	16-101-475	NEW-C	87-10-048	16-228-430	NEW-E	87-09-001
16-23-030	NEW-P	87-15-106	16-101-475	NEW	87-12-026	16-228-440	NEW-E	87-09-054
16-23-035	NEW-P	87-15-106	16-101-570	AMD-P	87-06-036	16-228-450	NEW-E	87-09-054
16-23-040	NEW-P	87-15-106	16-101-570	AMD	87-09-033	16-228-460	NEW-E	87-09-054
16-23-045	NEW-P	87-15-106	16-101-690	NEW-P	87-05-028	16-228-470	NEW-E	87-09-054
16-23-050	NEW-P	87-15-106	16-101-690	NEW	87-08-038	16-228-480	NEW-E	87-09-054
16-23-060	NEW-P	87-15-106	16-104-001	REP-P	87-12-045	16-228-490	NEW-E	87-09-054
16-23-070	NEW-P	87-15-106	16-104-001	REP-P	87-12-045	16-228-500	NEW-E	87-09-054
16-23-075	NEW-P	87-15-106	16-104-010	REP-P	87-12-045	16-228-510	NEW-E	87-09-054
16-23-085	NEW-P	87-15-106	16-104-020	REP-P	87-12-045	16-228-520	NEW-E	87-09-054
16-23-090	NEW-P	87-15-106	16-104-030	REP-P	87-12-045	16-228-530	NEW-E	87-09-054
16-23-095	NEW-P	87-15-106	16-104-040	REP-P	87-12-045	16-228-540	NEW-E	87-09-054
16-23-100	NEW-P	87-15-106	16-104-050	REP-P	87-12-045	16-228-550	NEW-E	87-09-054
16-23-105	NEW-P	87-15-106	16-104-060	REP-P	87-12-045	16-230-030	AMD-E	87-11-018
16-23-110	NEW-P	87-15-106	16-104-070	REP-P	87-12-045	16-230-160	AMD-P	87-11-055
16-23-115	NEW-P	87-15-106	16-104-080	REP-P	87-12-045	16-230-160	AMD	87-15-001
16-23-120	NEW-P	87-15-106	16-104-090	REP-P	87-12-045	16-230-190	AMD-P	87-11-055
16-23-125	NEW-P	87-15-106	16-104-100	REP-P	87-12-045	16-230-190	AMD	87-15-001
16-23-150	NEW-P	87-15-106	16-104-110	REP-P	87-12-045	16-230-470	AMD-P	87-04-060
16-23-160	NEW-P	87-15-106	16-104-120	REP-P	87-12-045	16-230-470	AMD-E	87-08-072
16-23-165	NEW-P	87-15-106	16-104-130	NEW-P	87-12-045	16-230-470	AMD	87-09-015
16-23-170	NEW-P	87-15-106	16-104-140	NEW-P	87-12-045	16-230-615	AMD-P	87-04-060
16-23-175	NEW-P	87-15-106	16-104-150	NEW-P	87-12-045	16-230-615	AMD-E	87-08-072
16-23-180	NEW-P	87-15-106	16-104-170	NEW-P	87-12-045	16-230-615	AMD	87-09-015
16-32-010	NEW-P	87-08-057	16-104-180	NEW-P	87-12-045	16-230-640	AMD-P	87-04-060
16-32-010	NEW	87-11-004	16-104-190	NEW-P	87-12-045	16-230-640	AMD-E	87-08-072
16-32-010	AMD-E	87-13-032	16-104-200	NEW-P	87-12-045	16-230-640	AMD	87-09-015
16-32-010	AMD-P	87-15-107	16-104-210	NEW-P	87-12-045	16-230-645	AMD-P	87-04-060
16-54-030	AMD-P	87-04-053	16-104-220	NEW-P	87-12-045	16-230-645	AMD-E	87-08-072

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-230-645	AMD	87-09-015	16-231-720	AMD-E	87-08-072	16-324-360	AMD-P	87-15-070
16-230-650	AMD-P	87-04-060	16-231-720	AMD	87-09-015	16-324-380	AMD-P	87-15-070
16-230-650	AMD-E	87-08-072	16-231-840	AMD-P	87-04-060	16-324-390	AMD-P	87-15-070
16-230-650	AMD	87-09-015	16-231-840	AMD-E	87-08-072	16-324-430	AMD-P	87-15-070
16-230-655	AMD-P	87-04-060	16-231-840	AMD	87-09-015	16-324-450	AMD-P	87-15-070
16-230-655	AMD-E	87-08-072	16-231-910	AMD-P	87-04-060	16-324-600	NEW-E	87-13-017
16-230-655	AMD	87-09-015	16-231-910	AMD-E	87-08-072	16-324-600	NEW-P	87-15-070
16-230-665	AMD-E	87-08-072	16-231-910	AMD	87-09-015	16-324-605	NEW-P	87-15-070
16-230-665	AMD-P	87-14-073	16-231-910	AMD-P	87-14-073	16-324-610	NEW-E	87-13-017
16-230-665	AMD-E	87-14-074	16-231-910	AMD-E	87-14-074	16-324-610	NEW-P	87-15-070
16-230-673	NEW-E	87-08-072	16-231-912	NEW-P	87-04-060	16-324-620	NEW-E	87-13-017
16-230-673	NEW-P	87-14-073	16-231-912	NEW-E	87-08-072	16-324-620	NEW-P	87-15-070
16-230-673	NEW-E	87-14-074	16-231-912	NEW	87-09-015	16-324-630	NEW-E	87-13-017
16-231-015	AMD-E	87-08-072	16-231-935	AMD-P	87-04-060	16-324-630	NEW-P	87-15-070
16-231-015	AMD-P	87-14-073	16-231-935	AMD-E	87-08-072	16-324-640	NEW-E	87-13-017
16-231-015	AMD-E	87-14-074	16-231-935	AMD	87-09-015	16-324-640	NEW-P	87-15-070
16-231-020	AMD-P	87-04-060	16-231-938	NEW-E	87-08-072	16-324-650	NEW-E	87-13-017
16-231-020	AMD-E	87-08-072	16-231-938	NEW-P	87-14-073	16-324-650	NEW-P	87-15-070
16-231-020	AMD	87-09-015	16-231-938	NEW-E	87-14-074	16-324-660	NEW-E	87-13-017
16-231-030	AMD-P	87-04-060	16-232-010	AMD-P	87-04-060	16-324-660	NEW-P	87-15-070
16-231-030	AMD-E	87-08-072	16-232-010	AMD-E	87-08-072	16-324-670	NEW-P	87-15-070
16-231-030	AMD	87-09-015	16-232-010	AMD	87-09-015	16-324-680	NEW-P	87-15-070
16-231-033	NEW-E	87-08-072	16-232-035	AMD-P	87-04-060	16-328-001	REP-P	87-09-085
16-231-033	NEW-P	87-14-073	16-232-035	AMD-E	87-08-072	16-328-001	REP	87-13-016
16-231-033	NEW-E	87-14-074	16-232-035	AMD	87-09-015	16-328-003	REP-P	87-09-085
16-231-115	AMD-P	87-04-060	16-232-038	NEW-E	87-08-072	16-328-003	REP	87-13-016
16-231-115	AMD-E	87-08-072	16-232-038	NEW-P	87-14-073	16-328-008	AMD-P	87-09-085
16-231-115	AMD	87-09-015	16-232-038	NEW-E	87-14-074	16-328-008	AMD	87-13-016
16-231-115	AMD-P	87-14-073	16-232-125	REP-P	87-04-060	16-328-009	NEW-P	87-09-085
16-231-115	AMD-E	87-14-074	16-232-125	REP-E	87-08-072	16-328-009	NEW	87-13-016
16-231-120	AMD-P	87-04-060	16-232-125	REP	87-09-015	16-328-010	AMD-P	87-09-085
16-231-120	REP-E	87-08-072	16-232-225	AMD-P	87-04-060	16-328-010	AMD	87-13-016
16-231-120	REP-P	87-14-073	16-232-225	AMD-E	87-08-072	16-328-015	NEW-P	87-09-085
16-231-120	REP-E	87-14-074	16-232-225	AMD	87-09-015	16-328-015	NEW	87-13-016
16-231-125	AMD-P	87-04-060	16-232-315	AMD-P	87-04-060	16-328-025	AMD-P	87-09-085
16-231-125	AMD-E	87-08-072	16-232-315	AMD-E	87-08-072	16-328-025	AMD	87-13-016
16-231-125	AMD	87-09-015	16-232-315	AMD	87-09-015	16-328-030	AMD-P	87-09-085
16-231-126	REP-P	87-14-073	16-304-040	AMD-P	87-08-063	16-328-030	AMD	87-13-016
16-231-126	REP-E	87-14-074	16-304-040	AMD	87-12-006	16-328-035	AMD-P	87-09-085
16-231-145	AMD-P	87-04-060	16-316-165	AMD-P	87-13-063	16-328-035	AMD	87-13-016
16-231-145	AMD-E	87-08-072	16-316-165	AMD-E	87-14-011	16-328-038	NEW-P	87-13-064
16-231-145	AMD	87-09-015	16-316-525	AMD-P	87-08-063	16-328-038	NEW-E	87-14-012
16-231-145	AMD-P	87-14-073	16-316-525	AMD-E	87-15-029	16-328-060	AMD-P	87-09-085
16-231-145	AMD-E	87-14-074	16-316-525	AMD	87-15-030	16-328-060	AMD	87-13-016
16-231-148	NEW-E	87-08-072	16-316-724	AMD-E	87-15-029	16-328-065	AMD-P	87-09-085
16-231-148	NEW-P	87-14-073	16-316-724	AMD	87-15-030	16-328-065	AMD	87-13-016
16-231-148	NEW-E	87-14-074	16-316-800	AMD-P	87-08-063	16-328-080	AMD-P	87-09-085
16-231-215	AMD-P	87-04-060	16-316-800	AMD	87-12-006	16-328-080	AMD	87-13-016
16-231-215	AMD-E	87-08-072	16-316-810	AMD-P	87-08-063	16-328-083	NEW-P	87-09-085
16-231-215	AMD	87-09-015	16-316-810	AMD	87-12-006	16-328-083	NEW	87-13-016
16-231-225	AMD-P	87-04-060	16-316-815	AMD-P	87-08-063	16-328-085	NEW-P	87-09-085
16-231-225	AMD-E	87-08-072	16-316-815	AMD	87-12-006	16-328-085	NEW	87-13-016
16-231-225	AMD	87-09-015	16-316-820	AMD-P	87-08-063	16-328-088	NEW-P	87-09-085
16-231-235	AMD-P	87-04-060	16-316-820	AMD	87-12-006	16-328-088	NEW	87-13-016
16-231-235	AMD-E	87-08-072	16-316-830	AMD-P	87-08-063	16-328-090	REP-P	87-09-085
16-231-235	AMD	87-09-015	16-316-830	AMD	87-12-006	16-328-090	REP	87-13-016
16-231-238	NEW-E	87-08-072	16-316-832	AMD-P	87-13-063	16-329-001	REP-P	87-09-085
16-231-238	NEW-P	87-14-073	16-316-832	AMD-E	87-14-011	16-329-001	REP	87-13-016
16-231-238	NEW-E	87-14-074	16-316-880	AMD-P	87-08-063	16-329-010	REP-P	87-09-085
16-231-315	AMD-P	87-04-060	16-316-880	AMD	87-12-006	16-329-010	REP	87-13-016
16-231-315	AMD-W	87-05-006	16-319-020	AMD-P	87-08-063	16-329-015	REP-P	87-09-085
16-231-340	AMD-P	87-04-060	16-319-020	AMD	87-12-006	16-329-015	REP	87-13-016
16-231-340	AMD-E	87-08-072	16-319-030	AMD-P	87-08-063	16-329-020	REP-P	87-09-085
16-231-340	AMD	87-09-015	16-319-030	AMD	87-12-006	16-329-020	REP	87-13-016
16-231-343	NEW-E	87-08-072	16-319-041	AMD-P	87-08-063	16-329-025	REP-P	87-09-085
16-231-343	NEW-P	87-14-073	16-319-041	AMD	87-12-006	16-329-025	REP	87-13-016
16-231-343	NEW-E	87-14-074	16-319-051	AMD-P	87-08-063	16-329-030	REP-P	87-09-085
16-231-425	AMD-P	87-04-060	16-319-051	AMD	87-12-006	16-329-030	REP	87-13-016
16-231-425	AMD-E	87-08-072	16-319-061	AMD-P	87-08-063	16-333-020	AMD-P	87-09-085
16-231-425	AMD	87-09-015	16-319-061	AMD	87-12-006	16-333-020	AMD	87-13-016
16-231-530	AMD-P	87-04-060	16-319-081	AMD-P	87-08-063	16-333-040	AMD-P	87-09-085
16-231-530	AMD-E	87-08-072	16-319-081	AMD	87-12-006	16-333-040	AMD	87-13-016
16-231-530	AMD	87-09-015	16-319-091	NEW-P	87-08-063	16-333-050	AMD-P	87-09-085
16-231-620	AMD-P	87-04-060	16-319-091	NEW	87-12-006	16-333-050	AMD	87-13-016
16-231-620	AMD-E	87-08-072	16-319-101	NEW-P	87-08-063	16-333-065	NEW-P	87-13-064
16-231-620	AMD	87-09-015	16-319-101	NEW	87-12-006	16-333-065	NEW-E	87-14-012
16-231-720	AMD-P	87-04-060	16-324-360	AMD-E	87-13-017	16-401-002	REP-P	87-13-062

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
50-52-220	NEW	87-13-030	50-52-610	NEW-P	87-10-046	132L-10-100	NEW	87-13-026
50-52-230	NEW-P	87-10-046	50-52-610	NEW	87-13-030	132L-10-110	NEW-E	87-07-031
50-52-230	NEW	87-13-030	50-52-620	NEW-P	87-10-046	132L-10-110	NEW-P	87-08-017
50-52-240	NEW-P	87-10-046	50-52-620	NEW	87-13-030	132L-10-110	NEW	87-13-026
50-52-240	NEW	87-13-030	50-52-630	NEW-P	87-10-046	132L-10-120	NEW-E	87-07-031
50-52-250	NEW-P	87-10-046	50-52-630	NEW	87-13-030	132L-10-120	NEW-P	87-08-017
50-52-250	NEW	87-13-030	50-52-640	NEW-P	87-10-046	132L-10-120	NEW	87-13-026
50-52-260	NEW-P	87-10-046	50-52-640	NEW	87-13-030	132L-10-130	NEW-E	87-07-031
50-52-260	NEW	87-13-030	82-24-080	AMD	87-06-012	132L-10-130	NEW-P	87-08-017
50-52-270	NEW-P	87-10-046	82-24-090	AMD	87-06-012	132L-10-130	NEW	87-13-026
50-52-270	NEW	87-13-030	82-24-110	AMD	87-06-012	132L-10-140	NEW-E	87-07-031
50-52-280	NEW-P	87-10-046	82-24-130	AMD	87-06-012	132L-10-140	NEW-P	87-08-017
50-52-280	NEW	87-13-030	82-50-021	AMD-P	87-13-066	132L-10-150	NEW-E	87-07-031
50-52-290	NEW-P	87-10-046	100-100-050	AMD-P	87-09-099	132L-10-150	NEW-P	87-08-017
50-52-290	NEW	87-13-030	100-100-050	AMD-E	87-09-100	132L-10-160	NEW-E	87-07-031
50-52-300	NEW-P	87-10-046	100-100-070	AMD-P	87-06-046	132L-10-160	NEW-P	87-08-017
50-52-300	NEW	87-13-030	100-100-070	AMD-C	87-09-101	132L-20	AMD-E	87-07-048
50-52-310	NEW-P	87-10-046	100-100-070	AMD-E	87-09-102	132L-20	AMD-P	87-08-018
50-52-310	NEW	87-13-030	113-12-087	NEW	87-05-064	132L-20	AMD-P	87-14-023
50-52-320	NEW-P	87-10-046	113-12-115	AMD	87-05-064	132L-20	AMD-E	87-14-024
50-52-320	NEW	87-13-030	113-12-195	AMD	87-05-064	132L-20-010	AMD-E	87-07-048
50-52-330	NEW-P	87-10-046	113-12-197	NEW	87-05-064	132L-20-010	AMD-P	87-08-018
50-52-330	NEW	87-13-030	114-12-136	AMD-P	87-07-046	132L-20-010	AMD-P	87-14-023
50-52-340	NEW-P	87-10-046	114-12-136	AMD	87-10-028	132L-20-010	AMD-E	87-14-024
50-52-340	NEW	87-13-030	131-08-010	AMD	87-04-025	132L-20-020	AMD-E	87-07-048
50-52-350	NEW-P	87-10-046	132E-136-010	REP-P	87-10-039	132L-20-020	AMD-P	87-08-018
50-52-350	NEW	87-13-030	132E-136-010	REP	87-14-002	132L-20-020	REP-P	87-14-023
50-52-360	NEW-P	87-10-046	132E-136-020	REP-P	87-10-039	132L-20-020	REP-E	87-14-024
50-52-360	NEW	87-13-030	132E-136-020	REP	87-14-002	132L-20-030	AMD-E	87-07-048
50-52-370	NEW-P	87-10-046	132E-136-030	REP-P	87-10-039	132L-20-030	AMD-P	87-08-018
50-52-370	NEW	87-13-030	132E-136-030	REP	87-14-002	132L-20-030	AMD-P	87-14-023
50-52-380	NEW-P	87-10-046	132E-137-010	NEW-P	87-10-038	132L-20-030	AMD-E	87-14-024
50-52-380	NEW	87-13-030	132E-137-010	NEW	87-14-001	132L-20-040	AMD-E	87-07-048
50-52-390	NEW-P	87-10-046	132E-137-020	NEW-P	87-10-038	132L-20-040	AMD-P	87-08-018
50-52-390	NEW	87-13-030	132E-137-020	NEW	87-14-001	132L-20-040	REP-P	87-14-023
50-52-400	NEW-P	87-10-046	132E-137-030	NEW-P	87-10-038	132L-20-040	REP-E	87-14-024
50-52-400	NEW	87-13-030	132E-137-030	NEW	87-14-001	132L-20-050	AMD-E	87-07-048
50-52-410	NEW-P	87-10-046	132E-137-040	NEW-P	87-10-038	132L-20-050	AMD-P	87-08-018
50-52-410	NEW	87-13-030	132E-137-040	NEW	87-14-001	132L-20-050	AMD-P	87-14-023
50-52-420	NEW-P	87-10-046	132E-137-050	NEW-P	87-10-038	132L-20-050	AMD-E	87-14-024
50-52-420	NEW	87-13-030	132E-137-050	NEW	87-14-001	132L-20-060	AMD-E	87-07-048
50-52-430	NEW-P	87-10-046	132E-137-060	NEW-P	87-10-038	132L-20-060	AMD-P	87-08-018
50-52-430	NEW	87-13-030	132E-137-060	NEW	87-14-001	132L-20-060	REP-P	87-14-023
50-52-440	NEW-P	87-10-046	132E-137-070	NEW-P	87-10-038	132L-20-060	REP-E	87-14-024
50-52-440	NEW	87-13-030	132E-137-070	NEW	87-14-001	132L-20-070	AMD-E	87-07-048
50-52-450	NEW-P	87-10-046	132F-104-010	AMD-P	87-15-098	132L-20-070	AMD-P	87-08-018
50-52-450	NEW	87-13-030	132F-148-010	AMD-P	87-04-064	132L-20-070	AMD-P	87-14-023
50-52-460	NEW-P	87-10-046	132F-148-010	AMD	87-08-026	132L-20-070	AMD-E	87-14-024
50-52-460	NEW	87-13-030	132F-148-030	AMD-P	87-04-064	132L-20-080	AMD-E	87-07-048
50-52-470	NEW-P	87-10-046	132F-148-030	AMD	87-08-026	132L-20-080	AMD-P	87-08-018
50-52-470	NEW	87-13-030	132F-148-040	AMD-P	87-04-064	132L-20-080	AMD-P	87-14-023
50-52-480	NEW-P	87-10-046	132F-148-040	AMD	87-08-026	132L-20-080	AMD-E	87-14-024
50-52-480	NEW	87-13-030	132L-10-010	NEW-E	87-07-031	132L-20-090	AMD-E	87-07-048
50-52-490	NEW-P	87-10-046	132L-10-010	NEW-P	87-08-017	132L-20-090	AMD-P	87-08-018
50-52-490	NEW	87-13-030	132L-10-010	NEW	87-13-026	132L-20-090	AMD-P	87-14-023
50-52-500	NEW-P	87-10-046	132L-10-020	NEW-E	87-07-031	132L-20-090	AMD-E	87-14-024
50-52-500	NEW	87-13-030	132L-10-020	NEW-P	87-08-017	132L-20-100	AMD-E	87-07-048
50-52-510	NEW-P	87-10-046	132L-10-020	NEW	87-13-026	132L-20-100	AMD-P	87-08-018
50-52-510	NEW	87-13-030	132L-10-030	NEW-E	87-07-031	132L-20-100	REP-P	87-14-023
50-52-520	NEW-P	87-10-046	132L-10-030	NEW-P	87-08-017	132L-20-100	REP-E	87-14-024
50-52-520	NEW	87-13-030	132L-10-030	NEW	87-13-026	132L-20-110	AMD-E	87-07-048
50-52-530	NEW-P	87-10-046	132L-10-040	NEW-E	87-07-031	132L-20-110	AMD-P	87-08-018
50-52-530	NEW	87-13-030	132L-10-040	NEW-P	87-08-017	132L-20-110	REP-P	87-14-023
50-52-540	NEW-P	87-10-046	132L-10-040	NEW	87-13-026	132L-20-110	REP-E	87-14-024
50-52-540	NEW	87-13-030	132L-10-050	NEW-E	87-07-031	132L-20-120	AMD-E	87-07-048
50-52-550	NEW-P	87-10-046	132L-10-050	NEW-P	87-08-017	132L-20-120	AMD-P	87-08-018
50-52-550	NEW	87-13-030	132L-10-050	NEW	87-13-026	132L-20-120	REP-P	87-14-023
50-52-560	NEW-P	87-10-046	132L-10-060	NEW-E	87-07-031	132L-20-120	REP-E	87-14-024
50-52-560	NEW	87-13-030	132L-10-060	NEW-P	87-08-017	132L-20-135	NEW-P	87-14-023
50-52-570	NEW-P	87-10-046	132L-10-070	NEW-E	87-07-031	132L-20-135	NEW-E	87-14-024
50-52-570	NEW	87-13-030	132L-10-070	NEW-P	87-08-017	132L-20-140	AMD-E	87-07-048
50-52-580	NEW-P	87-10-046	132L-10-080	NEW-E	87-07-031	132L-20-140	AMD-P	87-08-018
50-52-580	NEW	87-13-030	132L-10-080	NEW-P	87-08-017	132L-20-140	AMD-P	87-14-023
50-52-590	NEW-P	87-10-046	132L-10-090	NEW-E	87-07-031	132L-20-140	AMD-E	87-14-024
50-52-590	NEW	87-13-030	132L-10-090	NEW-P	87-08-017	132L-20-150	AMD-E	87-07-048
50-52-600	NEW-P	87-10-046	132L-10-100	NEW-E	87-07-031	132L-20-150	AMD-P	87-08-018
50-52-600	NEW	87-13-030	132L-10-100	NEW-P	87-08-017	132L-20-150	REP-P	87-14-023

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
132L-20-150	REP-E 87-14-024	132L-24-030	AMD-P 87-14-023	132N-156-640	NEW-P 87-15-125
132L-20-160	AMD-E 87-07-048	132L-24-030	AMD-E 87-14-024	132N-156-650	NEW-P 87-15-125
132L-20-160	AMD-P 87-08-018	132L-24-040	AMD-E 87-07-048	132N-156-700	NEW-P 87-15-125
132L-20-160	REP-P 87-14-023	132L-24-040	AMD-P 87-08-018	132N-156-710	NEW-P 87-15-125
132L-20-160	REP-E 87-14-024	132L-24-040	REP-P 87-14-023	132N-156-720	NEW-P 87-15-125
132L-20-170	AMD-E 87-07-048	132L-24-040	REP-E 87-14-024	132N-156-730	NEW-P 87-15-125
132L-20-170	AMD-P 87-08-018	132L-24-050	AMD-E 87-07-048	132N-156-740	NEW-P 87-15-125
132L-20-170	REP-P 87-14-023	132L-24-050	AMD-P 87-08-018	132N-156-750	NEW-P 87-15-125
132L-20-170	REP-E 87-14-024	132L-24-050	REP-P 87-14-023	132N-156-760	NEW-P 87-15-125
132L-21-010	NEW-E 87-07-031	132L-24-050	REP-E 87-14-024	132Q-04	AMD-P 87-13-070
132L-21-010	NEW-P 87-08-017	132L-24-060	AMD-E 87-07-048	132Q-04-010	AMD-P 87-13-070
132L-21-010	NEW 87-13-026	132L-24-060	AMD-P 87-08-018	132Q-04-020	AMD-P 87-13-070
132L-21-020	NEW-E 87-07-031	132L-24-060	REP-P 87-14-023	132Q-04-030	AMD-P 87-13-070
132L-21-020	NEW-P 87-08-017	132L-24-060	REP-E 87-14-024	132Q-04-050	AMD-P 87-13-070
132L-21-020	NEW 87-13-026	132L-24-070	AMD-E 87-07-048	132Q-04-055	NEW-P 87-13-070
132L-21-030	NEW-E 87-07-031	132L-24-070	AMD-P 87-08-018	132Q-04-060	AMD-P 87-13-070
132L-21-030	NEW-P 87-08-017	132L-24-070	REP-P 87-14-023	132Q-04-095	AMD-P 87-13-070
132L-21-030	NEW 87-13-026	132L-24-070	REP-E 87-14-024	132Q-04-100	AMD-P 87-13-070
132L-21-040	NEW-E 87-07-031	132L-24-080	AMD-E 87-07-048	132Q-04-105	NEW-P 87-13-070
132L-21-040	NEW-P 87-08-017	132L-24-080	AMD-P 87-08-018	132Q-04-110	AMD-P 87-13-070
132L-21-040	NEW 87-13-026	132L-24-080	REP-P 87-14-023	132Q-04-120	AMD-P 87-13-070
132L-22	AMD-E 87-07-048	132L-24-080	REP-E 87-14-024	132Q-04-130	AMD-P 87-13-070
132L-22	AMD-P 87-08-018	132L-25-010	NEW-P 87-14-023	132Q-04-140	AMD-P 87-13-070
132L-22	AMD-P 87-14-023	132L-25-010	NEW-E 87-14-024	132Q-04-150	AMD-P 87-13-070
132L-22	AMD-E 87-14-024	132N-128-080	AMD-P 87-10-045	132Q-04-170	AMD-P 87-13-070
132L-22-010	AMD-E 87-07-048	132N-128-085	NEW-P 87-10-045	132Q-04-180	AMD-P 87-13-070
132L-22-010	AMD-P 87-08-018	132N-128-090	AMD-P 87-10-045	132Q-04-190	AMD-P 87-13-070
132L-22-010	REP-P 87-14-023	132N-128-100	AMD-P 87-10-045	132Q-04-200	AMD-P 87-13-070
132L-22-010	REP-E 87-14-024	132N-128-110	AMD-P 87-10-045	132Q-04-210	AMD-P 87-13-070
132L-22-020	AMD-E 87-07-048	132N-128-112	NEW-P 87-10-045	132Q-04-220	AMD-P 87-13-070
132L-22-020	AMD-P 87-08-018	132N-128-114	NEW-P 87-10-045	132Q-04-230	AMD-P 87-13-070
132L-22-020	AMD-P 87-14-023	132N-128-116	NEW-P 87-10-045	132Q-04-240	AMD-P 87-13-070
132L-22-020	AMD-E 87-14-024	132N-128-118	NEW-P 87-10-045	132Q-04-250	AMD-P 87-13-070
132L-22-030	AMD-E 87-07-048	132N-128-120	AMD-P 87-10-045	132Q-04-260	AMD-P 87-13-070
132L-22-030	AMD-P 87-08-018	132N-156-015	REP-P 87-15-125	132Q-04-270	AMD-P 87-13-070
132L-22-030	REP-P 87-14-023	132N-156-025	REP-P 87-15-125	132Q-05	AMD-P 87-13-070
132L-22-030	REP-E 87-14-024	132N-156-035	REP-P 87-15-125	132Q-05-010	AMD-P 87-13-070
132L-22-040	AMD-E 87-07-048	132N-156-045	REP-P 87-15-125	132Q-05-020	AMD-P 87-13-070
132L-22-040	AMD-P 87-08-018	132N-156-055	REP-P 87-15-125	132Q-05-033	NEW-P 87-13-070
132L-22-040	REP-P 87-14-023	132N-156-065	REP-P 87-15-125	132Q-05-036	NEW-P 87-13-070
132L-22-040	REP-E 87-14-024	132N-156-075	REP-P 87-15-125	132Q-05-040	AMD-P 87-13-070
132L-22-050	AMD-E 87-07-048	132N-156-085	REP-P 87-15-125	132Q-05-050	AMD-P 87-13-070
132L-22-050	AMD-P 87-08-018	132N-156-095	REP-P 87-15-125	132Q-05-060	AMD-P 87-13-070
132L-22-050	REP-P 87-14-023	132N-156-105	REP-P 87-15-125	132Q-05-070	AMD-P 87-13-070
132L-22-050	REP-E 87-14-024	132N-156-115	REP-P 87-15-125	132Q-05-080	AMD-P 87-13-070
132L-22-060	AMD-E 87-07-048	132N-156-125	REP-P 87-15-125	132Q-05-090	AMD-P 87-13-070
132L-22-060	AMD-P 87-08-018	132N-156-135	REP-P 87-15-125	132Q-05-100	AMD-P 87-13-070
132L-22-060	AMD-P 87-14-023	132N-156-145	REP-P 87-15-125	132Q-05-110	AMD-P 87-13-070
132L-22-060	AMD-E 87-14-024	132N-156-155	REP-P 87-15-125	132Q-05-120	AMD-P 87-13-070
132L-22-070	AMD-E 87-07-048	132N-156-165	REP-P 87-15-125	132Q-06	AMD-P 87-13-070
132L-22-070	AMD-P 87-08-018	132N-156-175	REP-P 87-15-125	132Q-06-010	AMD-P 87-13-070
132L-22-070	AMD-P 87-14-023	132N-156-185	REP-P 87-15-125	132Q-06-015	AMD-P 87-13-070
132L-22-070	AMD-E 87-14-024	132N-156-195	REP-P 87-15-125	132Q-06-020	AMD-P 87-13-070
132L-23-010	NEW-E 87-07-031	132N-156-205	REP-P 87-15-125	132Q-06-025	AMD-P 87-13-070
132L-23-010	NEW-P 87-08-017	132N-156-300	NEW-P 87-15-125	132Q-06-030	AMD-P 87-13-070
132L-23-010	NEW 87-13-026	132N-156-310	NEW-P 87-15-125	132Q-06-040	AMD-P 87-13-070
132L-23-020	NEW-E 87-07-031	132N-156-320	NEW-P 87-15-125	132Q-08-010	REP 87-06-014
132L-23-020	NEW-P 87-08-017	132N-156-330	NEW-P 87-15-125	132Q-08-020	REP 87-06-014
132L-23-020	NEW 87-13-026	132N-156-400	NEW-P 87-15-125	132Q-08-030	REP 87-06-014
132L-23-030	NEW-E 87-07-031	132N-156-410	NEW-P 87-15-125	132Q-08-040	REP 87-06-014
132L-23-030	NEW-P 87-08-017	132N-156-420	NEW-P 87-15-125	132Q-08-050	REP 87-06-014
132L-23-030	NEW 87-13-026	132N-156-430	NEW-P 87-15-125	132Q-08-060	REP 87-06-014
132L-23-040	NEW 87-13-026	132N-156-440	NEW-P 87-15-125	132Q-08-070	REP 87-06-014
132L-24	AMD-E 87-07-048	132N-156-450	NEW-P 87-15-125	132Q-08-080	REP 87-06-014
132L-24	AMD-P 87-08-018	132N-156-460	NEW-P 87-15-125	132Q-20	AMD-P 87-13-070
132L-24	AMD-P 87-14-023	132N-156-500	NEW-P 87-15-125	132Q-20-010	AMD-P 87-13-070
132L-24	AMD-E 87-14-024	132N-156-510	NEW-P 87-15-125	132Q-20-020	AMD-P 87-13-070
132L-24-010	AMD-E 87-07-048	132N-156-520	NEW-P 87-15-125	132Q-20-030	AMD-P 87-13-070
132L-24-010	AMD-P 87-08-018	132N-156-530	NEW-P 87-15-125	132Q-20-040	AMD-P 87-13-070
132L-24-010	AMD-P 87-14-023	132N-156-540	NEW-P 87-15-125	132Q-20-050	AMD-P 87-13-070
132L-24-010	AMD-E 87-14-024	132N-156-550	NEW-P 87-15-125	132Q-20-060	AMD-P 87-13-070
132L-24-020	AMD-E 87-07-048	132N-156-560	NEW-P 87-15-125	132Q-20-070	AMD-P 87-13-070
132L-24-020	AMD-P 87-08-018	132N-156-570	NEW-P 87-15-125	132Q-20-080	AMD-P 87-13-070
132L-24-020	AMD-P 87-14-023	132N-156-600	NEW-P 87-15-125	132Q-20-090	AMD-P 87-13-070
132L-24-020	AMD-E 87-14-024	132N-156-610	NEW-P 87-15-125	132Q-20-110	AMD-P 87-13-070
132L-24-030	AMD-E 87-07-048	132N-156-620	NEW-P 87-15-125	132Q-20-130	AMD-P 87-13-070
132L-24-030	AMD-P 87-08-018	132N-156-630	NEW-P 87-15-125	132Q-20-150	AMD-P 87-13-070

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132Q-20-160	AMD-P	87-13-070	172-52-120	REP-P	87-12-022	173-19-420	AMD-P	87-15-088
132Q-20-170	AMD-P	87-13-070	172-52-125	REP-P	87-12-022	173-19-4203	AMD-P	87-15-088
132Q-20-180	AMD-P	87-13-070	172-52-130	REP-P	87-12-022	173-19-4205	AMD-P	87-15-088
132Q-20-190	AMD-P	87-13-070	172-113-010	REP-P	87-12-022	173-19-450	AMD-P	87-08-059
132Q-20-200	AMD-P	87-13-070	172-113-020	REP-P	87-12-022	173-19-450	AMD	87-13-018
132Q-20-210	AMD-P	87-13-070	172-114-010	REP-P	87-12-022	173-60-110	AMD-P	87-02-059
132Q-20-220	AMD-P	87-13-070	172-114-020	REP-P	87-12-022	173-60-110	AMD	87-06-056
132Q-20-230	AMD-P	87-13-070	172-114-030	REP-P	87-12-022	173-91-010	NEW-E	87-15-057
132Q-20-240	AMD-P	87-13-070	172-114-040	REP-P	87-12-022	173-91-020	NEW-E	87-15-057
132Q-20-250	AMD-P	87-13-070	172-114-050	REP-P	87-12-022	173-91-030	NEW-E	87-15-057
132Q-20-260	AMD-P	87-13-070	172-114-060	REP-P	87-12-022	173-91-040	NEW-E	87-15-057
132Q-20-265	NEW-P	87-13-070	172-114-070	REP-P	87-12-022	173-91-050	NEW-E	87-15-057
132Q-20-270	AMD-P	87-13-070	172-114-080	REP-P	87-12-022	173-145	AMD-C	87-02-043
132Q-20-280	REP-P	87-13-070	172-114-090	REP-P	87-12-022	173-145	AMD-C	87-03-044
132Q-20-290	REP-P	87-13-070	172-138-010	REP-P	87-12-022	173-145-010	AMD	87-04-022
132Q-20-300	REP-P	87-13-070	172-138-020	REP-P	87-12-022	173-145-020	AMD	87-04-022
132Q-94	AMD-P	87-13-070	172-138-030	REP-P	87-12-022	173-145-030	AMD	87-04-022
132Q-94-010	AMD-P	87-13-070	172-138-040	REP-P	87-12-022	173-145-040	AMD	87-04-022
132Q-94-020	AMD-P	87-13-070	172-140-010	REP-P	87-12-022	173-145-050	AMD	87-04-022
132Q-94-030	AMD-P	87-13-070	172-140-015	REP-P	87-12-022	173-145-060	AMD	87-04-022
132Q-94-040	REP-P	87-13-070	172-140-020	REP-P	87-12-022	173-145-070	AMD	87-04-022
132Q-94-050	REP-P	87-13-070	172-140-030	REP-P	87-12-022	173-145-080	AMD	87-04-022
132Q-94-060	REP-P	87-13-070	172-140-040	REP-P	87-12-022	173-145-090	AMD	87-04-022
132Q-94-070	REP-P	87-13-070	172-140-050	REP-P	87-12-022	173-145-100	AMD	87-04-022
132Q-94-080	REP-P	87-13-070	172-140-060	REP-P	87-12-022	173-145-110	AMD	87-04-022
132Q-94-090	REP-P	87-13-070	172-140-060	REP-P	87-12-022	173-145-120	AMD	87-04-022
132Q-94-100	REP-P	87-13-070	172-150-010	REP-P	87-12-022	173-145-130	AMD	87-04-022
132Q-94-110	REP-P	87-13-070	172-150-020	REP-P	87-12-022	173-145-140	AMD	87-04-022
132Q-94-120	AMD-P	87-13-070	172-150-030	REP-P	87-12-022	173-145-140	AMD	87-04-022
132Q-94-125	NEW-P	87-13-070	172-150-035	REP-P	87-12-022	173-145-150	REP	87-04-022
132Q-94-130	AMD-P	87-13-070	172-150-040	REP-P	87-12-022	173-145-155	NEW	87-04-022
136-04-030	AMD-P	87-08-022	172-150-050	REP-P	87-12-022	173-201	AMD-P	87-13-069
136-04-030	AMD	87-11-014	172-150-060	REP-P	87-12-022	173-201-010	AMD-P	87-13-069
136-160-050	AMD-P	87-08-022	172-150-070	REP-P	87-12-022	173-201-025	AMD-P	87-13-069
136-160-050	AMD	87-11-014	172-150-080	REP-P	87-12-022	173-201-035	AMD-P	87-13-069
137-12A-060	AMD-P	87-03-028	172-150-090	REP-P	87-12-022	173-201-045	AMD-P	87-13-069
137-12A-060	AMD	87-06-045	172-150-100	REP-P	87-12-022	173-201-047	NEW-P	87-13-069
137-70-020	AMD	87-03-029	172-150-110	REP-P	87-12-022	173-201-070	AMD-P	87-13-069
137-70-040	AMD	87-03-029	172-150-120	REP-P	87-12-022	173-201-080	AMD-P	87-13-069
137-70-040	AMD-P	87-11-049	172-150-130	REP-P	87-12-022	173-201-090	AMD-P	87-13-069
137-70-040	AMD	87-14-044	172-150-140	REP-P	87-12-022	173-201-100	AMD-P	87-13-069
137-70-070	AMD	87-03-029	172-150-145	REP-P	87-12-022	173-201-100	AMD-P	87-13-069
137-75-030	AMD-P	87-11-010	172-150-150	REP-P	87-12-022	173-202-020	AMD-P	87-10-060
137-75-030	AMD	87-14-045	172-150-160	REP-P	87-12-022	173-221-010	NEW-P	87-13-068
137-75-050	AMD-P	87-11-010	172-150-170	REP-P	87-12-022	173-221-020	NEW-P	87-13-068
137-75-050	AMD	87-14-045	172-150-180	REP-P	87-12-022	173-221-030	NEW-P	87-13-068
139-05-200	AMD-P	87-15-093	172-150-180	REP-P	87-12-022	173-221-040	NEW-P	87-13-068
139-10-210	AMD-P	87-15-094	172-150-190	REP-P	87-12-022	173-221-050	NEW-P	87-13-068
139-10-220	AMD-P	87-15-094	172-158-020	REP-P	87-12-022	173-221-100	NEW-P	87-13-068
139-10-230	AMD-P	87-15-094	172-180-010	REP-P	87-12-022	173-221-010	NEW-C	87-02-050
139-10-235	AMD-P	87-15-094	172-180-020	REP-P	87-12-022	173-245-010	NEW-C	87-04-014
139-10-237	NEW-P	87-15-094	172-180-030	REP-P	87-12-022	173-245-010	NEW	87-04-020
139-10-240	AMD-P	87-15-094	172-180-040	REP-P	87-12-022	173-245-015	NEW-C	87-02-050
139-10-310	AMD-P	87-15-095	173-14-055	AMD-P	87-09-080	173-245-015	NEW-C	87-04-014
139-10-320	AMD-P	87-15-095	173-14-060	AMD-P	87-09-080	173-245-015	NEW	87-04-020
139-10-410	AMD-P	87-15-095	173-14-080	AMD-P	87-09-080	173-245-020	NEW-C	87-02-050
139-10-510	AMD-P	87-15-095	173-14-180	REP-P	87-09-080	173-245-020	NEW-C	87-04-014
139-10-520	AMD-P	87-15-095	173-15-040	REP-P	87-09-080	173-245-020	NEW	87-04-020
154-04-040	AMD-P	87-13-076	173-17-010	NEW-P	87-09-080	173-245-030	NEW-C	87-02-050
154-12-015	AMD-P	87-13-076	173-17-020	NEW-P	87-09-080	173-245-030	NEW	87-04-020
154-12-050	AMD-P	87-13-076	173-17-030	NEW-P	87-09-080	173-245-030	NEW	87-04-020
154-12-060	AMD-P	87-13-076	173-17-040	NEW-P	87-09-080	173-245-040	NEW-C	87-02-050
154-12-070	AMD-P	87-13-076	173-17-050	NEW-P	87-09-080	173-245-040	NEW-C	87-02-050
172-08-010	REP-P	87-12-022	173-17-060	NEW-P	87-09-080	173-245-040	NEW-C	87-04-014
172-08-020	REP-P	87-12-022	173-17-070	NEW-P	87-09-080	173-245-040	NEW	87-04-020
172-08-030	REP-P	87-12-022	173-17-080	NEW-P	87-09-080	173-245-050	NEW-C	87-04-014
172-52-010	REP-P	87-12-022	173-19-064	AMD-P	87-09-080	173-245-050	NEW	87-04-020
172-52-020	REP-P	87-12-022	173-19-070	AMD-P	87-09-080	173-245-055	NEW-C	87-02-050
172-52-030	REP-P	87-12-022	173-19-220	AMD-P	87-13-075	173-245-055	NEW-C	87-04-014
172-52-040	REP-P	87-12-022	173-19-2515	AMD-P	87-12-069	173-245-055	NEW	87-04-020
172-52-050	REP-P	87-12-022	173-19-2521	AMD	87-05-015	173-245-060	NEW-C	87-02-050
172-52-060	REP-P	87-12-022	173-19-2521	AMD-P	87-13-074	173-245-060	NEW-C	87-04-014
172-52-070	REP-P	87-12-022	173-19-320	AMD-P	87-06-025	173-245-060	NEW	87-04-020
172-52-080	REP-P	87-12-022	173-19-320	AMD-W	87-11-042	173-245-060	NEW	87-04-020
172-52-090	REP-P	87-12-022	173-19-3302	AMD-P	87-15-087	173-245-070	NEW-C	87-02-050
172-52-100	REP-P	87-12-022	173-19-3508	AMD	87-08-001	173-245-070	NEW	87-04-020
172-52-110	REP-P	87-12-022	173-19-360	AMD-P	87-09-081	173-245-075	NEW-C	87-02-050
			173-19-360	AMD-W	87-15-066	173-245-075	NEW-C	87-04-014
			173-19-390	AMD	87-05-015	173-245-075	NEW	87-04-020

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-245-080	NEW-C	87-02-050	173-303-806	AMD	87-14-029	173-434-190	NEW	87-07-041
173-245-080	NEW-C	87-04-014	173-303-809	AMD-P	87-09-078	173-434-200	NEW	87-07-041
173-245-080	NEW	87-04-020	173-303-809	AMD	87-14-029	173-434-210	NEW	87-07-041
173-245-084	NEW-C	87-02-050	173-303-810	AMD-P	87-09-078	173-440-010	NEW-P	87-15-117
173-245-084	NEW-C	87-04-014	173-303-810	AMD	87-14-029	173-440-020	NEW-P	87-15-117
173-245-084	NEW	87-04-020	173-303-830	AMD-P	87-09-078	173-440-030	NEW-P	87-15-117
173-245-090	NEW-C	87-02-050	173-303-830	AMD	87-14-029	173-440-040	NEW-P	87-15-117
173-245-090	NEW-C	87-04-014	173-303-9901	AMD-P	87-09-078	173-440-100	NEW-P	87-15-117
173-245-090	NEW	87-04-020	173-303-9901	AMD	87-14-029	173-440-900	NEW-P	87-15-117
173-303-017	AMD-P	87-09-078	173-303-9904	AMD-P	87-09-078	173-450-010	NEW-P	87-15-118
173-303-017	AMD	87-14-029	173-303-9904	AMD	87-14-029	173-450-020	NEW-P	87-15-118
173-303-040	AMD-P	87-09-078	173-303-9905	AMD-P	87-09-078	173-450-030	NEW-P	87-15-118
173-303-040	AMD	87-14-029	173-303-9905	AMD	87-14-029	173-450-040	NEW-P	87-15-118
173-303-045	AMD-P	87-09-078	173-303-9906	AMD-P	87-09-078	173-450-050	NEW-P	87-15-118
173-303-045	AMD	87-14-029	173-303-9906	AMD	87-14-029	173-450-060	NEW-P	87-15-118
173-303-060	AMD-P	87-09-078	173-303-9907	AMD-P	87-09-078	173-450-070	NEW-P	87-15-118
173-303-060	AMD	87-14-029	173-303-9907	AMD	87-14-029	173-450-080	NEW-P	87-15-118
173-303-070	AMD-P	87-09-078	173-304-012	NEW-C	87-02-035	173-450-090	NEW-P	87-15-118
173-303-070	AMD	87-14-029	173-304-012	NEW-C	87-04-019	173-450-100	NEW-P	87-15-118
173-303-071	AMD-P	87-09-078	173-304-012	NEW-W	87-04-037	173-470-010	NEW-P	87-15-119
173-303-071	AMD	87-14-029	173-304-012	NEW-P	87-04-038	173-470-020	NEW-P	87-15-119
173-303-081	AMD-P	87-09-078	173-304-012	NEW-W	87-05-035	173-470-030	NEW-P	87-15-119
173-303-081	AMD	87-14-029	173-304-012	NEW-P	87-05-054	173-470-100	NEW-P	87-15-119
173-303-082	AMD-P	87-09-078	173-304-012	NEW-C	87-08-060	173-470-110	NEW-P	87-15-119
173-303-082	AMD	87-14-029	173-304-012	NEW-W	87-11-038	173-470-150	NEW-P	87-15-119
173-303-084	AMD-P	87-09-078	173-304-012	NEW-P	87-11-039	173-470-160	NEW-P	87-15-119
173-303-084	AMD	87-14-029	173-304-012	NEW	87-15-049	173-474-010	NEW-P	87-15-120
173-303-090	AMD-P	87-09-078	173-304-100	AMD-P	87-14-060	173-474-020	NEW-P	87-15-120
173-303-090	AMD	87-14-029	173-304-400	AMD-P	87-14-060	173-474-030	NEW-P	87-15-120
173-303-101	AMD-P	87-09-078	173-304-405	AMD-P	87-14-060	173-474-100	NEW-P	87-15-120
173-303-101	AMD	87-14-029	173-304-407	NEW-P	87-13-067	173-474-150	NEW-P	87-15-120
173-303-102	AMD-P	87-09-078	173-304-407	NEW-P	87-14-060	173-474-160	NEW-P	87-15-120
173-303-102	AMD	87-14-029	173-304-430	AMD-P	87-14-060	173-481-010	NEW-P	87-15-121
173-303-103	AMD-P	87-09-078	173-304-440	AMD-P	87-04-038	173-481-020	NEW-P	87-15-121
173-303-103	AMD	87-14-029	173-304-440	AMD-W	87-05-035	173-481-030	NEW-P	87-15-121
173-303-120	AMD-P	87-09-078	173-304-440	AMD-P	87-05-054	173-481-100	NEW-P	87-15-121
173-303-120	AMD	87-14-029	173-304-440	AMD-C	87-08-060	173-481-110	NEW-P	87-15-121
173-303-170	AMD-P	87-09-078	173-304-440	AMD-W	87-11-038	173-481-150	NEW-P	87-15-121
173-303-170	AMD	87-14-029	173-304-450	AMD-P	87-14-060	173-481-160	NEW-P	87-15-121
173-303-201	AMD-P	87-09-078	173-304-460	AMD-P	87-14-060	174-107-261	NEW-E	87-03-038
173-303-201	AMD	87-14-029	173-304-467	NEW-P	87-13-067	174-116	AMD-P	87-10-054
173-303-220	AMD-P	87-09-078	173-304-467	NEW-P	87-14-060	174-116	AMD	87-14-020
173-303-220	AMD	87-14-029	173-304-600	AMD-P	87-14-060	174-116-010	AMD-P	87-10-054
173-303-230	AMD-P	87-09-078	173-326-010	NEW-E	87-05-032	174-116-010	AMD-C	87-13-029
173-303-230	AMD	87-14-029	173-326-010	NEW-P	87-11-028	174-116-010	AMD	87-14-020
173-303-240	AMD-P	87-09-078	173-326-010	NEW-E	87-11-029	174-116-020	AMD-P	87-10-054
173-303-240	AMD	87-14-029	173-326-010	NEW	87-14-078	174-116-020	AMD-C	87-13-029
173-303-280	AMD-P	87-09-078	173-326-020	NEW-E	87-05-032	174-116-020	AMD	87-14-020
173-303-280	AMD	87-14-029	173-326-020	NEW-P	87-11-028	174-116-030	AMD-P	87-10-054
173-303-360	AMD-P	87-09-078	173-326-020	NEW-E	87-11-029	174-116-030	AMD-C	87-13-029
173-303-360	AMD	87-14-029	173-326-020	NEW	87-14-078	174-116-030	AMD	87-14-020
173-303-400	AMD-P	87-09-078	173-326-030	NEW-E	87-05-032	174-116-040	AMD-P	87-10-054
173-303-400	AMD	87-14-029	173-326-030	NEW-P	87-11-028	174-116-040	AMD-C	87-13-029
173-303-420	AMD	87-03-014	173-326-030	NEW-E	87-11-029	174-116-040	AMD	87-14-020
173-303-420	AMD-P	87-09-078	173-326-030	NEW	87-14-078	174-116-041	AMD-P	87-10-054
173-303-420	AMD	87-14-029	173-326-040	NEW-E	87-05-032	174-116-041	AMD-C	87-13-029
173-303-515	AMD-P	87-09-078	173-326-040	NEW-P	87-11-028	174-116-041	AMD	87-14-020
173-303-515	AMD	87-14-029	173-326-040	NEW-E	87-11-029	174-116-042	AMD-P	87-10-054
173-303-550	AMD-P	87-09-078	173-326-040	NEW	87-14-078	174-116-042	AMD-C	87-13-029
173-303-550	AMD	87-14-029	173-400-105	NEW-P	87-15-114	174-116-042	AMD	87-14-020
173-303-560	AMD-P	87-09-078	173-403-030	AMD-P	87-15-115	174-116-043	AMD-P	87-10-054
173-303-560	AMD	87-14-029	173-421-010	NEW-P	87-15-116	174-116-043	AMD-C	87-13-029
173-303-600	AMD-P	87-09-078	173-421-020	NEW-P	87-15-116	174-116-043	AMD	87-14-020
173-303-600	AMD	87-14-029	173-421-030	NEW-P	87-15-116	174-116-044	AMD-P	87-10-054
173-303-610	AMD-P	87-09-078	173-421-100	NEW-P	87-15-116	174-116-044	AMD-C	87-13-029
173-303-610	AMD	87-14-029	173-422-130	AMD	87-02-051	174-116-044	AMD	87-14-020
173-303-620	AMD-P	87-09-078	173-434	NEW-C	87-03-045	174-116-045	AMD-P	87-10-054
173-303-620	AMD	87-14-029	173-434-010	NEW	87-07-041	174-116-045	AMD-C	87-13-029
173-303-660	AMD-P	87-09-078	173-434-020	NEW	87-07-041	174-116-045	AMD	87-14-020
173-303-660	AMD	87-14-029	173-434-030	NEW	87-07-041	174-116-050	AMD-P	87-10-054
173-303-801	AMD-P	87-09-078	173-434-050	NEW	87-07-041	174-116-050	AMD-C	87-13-029
173-303-801	AMD	87-14-029	173-434-100	NEW	87-07-041	174-116-050	AMD	87-14-020
173-303-802	AMD-P	87-09-078	173-434-110	NEW	87-07-041	174-116-070	REP-P	87-10-054
173-303-802	AMD	87-14-029	173-434-120	NEW	87-07-041	174-116-070	REP-C	87-13-029
173-303-805	AMD-P	87-09-078	173-434-130	NEW	87-07-041	174-116-070	REP	87-14-020
173-303-805	AMD	87-14-029	173-434-160	NEW	87-07-041	174-116-071	AMD-P	87-10-054
173-303-806	AMD-P	87-09-078	173-434-170	NEW	87-07-041	174-116-071	AMD-C	87-13-029

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
174-116-071	AMD	87-14-020	180-24-370	NEW	87-04-059	180-78-195	NEW-P	87-05-049
174-116-072	AMD-P	87-10-054	180-24-375	NEW	87-04-059	180-78-195	NEW	87-09-011
174-116-072	AMD-C	87-13-029	180-24-380	NEW	87-04-059	180-78-197	NEW-P	87-05-049
174-116-072	AMD	87-14-020	180-40-235	AMD-P	87-05-047	180-78-197	NEW	87-09-011
174-116-091	AMD-P	87-10-054	180-40-235	AMD	87-09-040	180-78-198	NEW-P	87-05-049
174-116-091	AMD-C	87-13-029	180-75-005	AMD-P	87-09-052	180-78-198	NEW	87-09-011
174-116-091	AMD	87-14-020	180-75-005	AMD	87-12-042	180-78-199	NEW-P	87-05-049
174-116-092	AMD-P	87-10-054	180-75-015	AMD-P	87-05-048	180-78-199	NEW	87-09-011
174-116-092	AMD-C	87-13-029	180-75-015	AMD	87-09-010	180-79	AMD-P	87-05-050
174-116-092	AMD	87-14-020	180-75-018	NEW-P	87-05-048	180-79	AMD	87-09-012
174-116-119	AMD-P	87-10-054	180-75-018	NEW	87-09-010	180-79-003	NEW-P	87-05-050
174-116-119	AMD-C	87-13-029	180-75-019	NEW-P	87-05-048	180-79-003	NEW	87-09-012
174-116-119	AMD	87-14-020	180-75-019	NEW	87-09-010	180-79-007	NEW-P	87-09-053
174-116-121	AMD-P	87-10-054	180-75-025	AMD-P	87-05-048	180-79-007	NEW	87-12-039
174-116-121	AMD-C	87-13-029	180-75-025	AMD	87-09-010	180-79-010	AMD-P	87-05-050
174-116-121	AMD	87-14-020	180-75-026	NEW-P	87-05-048	180-79-010	AMD	87-09-012
174-116-122	AMD-P	87-10-054	180-75-026	NEW	87-09-010	180-79-015	AMD-P	87-05-050
174-116-122	AMD-C	87-13-029	180-75-034	NEW-P	87-05-048	180-79-045	AMD	87-09-012
174-116-122	AMD	87-14-020	180-75-034	NEW	87-09-010	180-79-060	AMD-P	87-05-050
174-116-123	AMD-P	87-10-054	180-75-035	AMD-P	87-05-048	180-79-060	AMD	87-09-012
174-116-123	AMD-C	87-13-029	180-75-035	AMD	87-09-010	180-79-065	AMD-P	87-05-050
174-116-123	AMD	87-14-020	180-75-037	NEW-P	87-05-048	180-79-065	AMD	87-09-012
174-116-126	AMD-P	87-10-054	180-75-037	NEW	87-09-010	180-79-065	AMD-P	87-09-093
174-116-126	AMD-C	87-13-029	180-75-038	NEW-P	87-05-048	180-79-065	AMD	87-13-044
174-116-126	AMD	87-14-020	180-75-038	NEW	87-09-010	180-79-075	AMD-P	87-05-050
174-116-127	AMD-P	87-10-054	180-75-039	NEW-P	87-05-048	180-79-075	AMD	87-09-012
174-116-127	AMD-C	87-13-029	180-75-039	NEW	87-09-010	180-79-075	AMD-P	87-09-093
174-116-127	AMD	87-14-020	180-75-040	AMD-P	87-05-048	180-79-075	AMD	87-13-044
174-116-190	REP-P	87-10-054	180-75-040	AMD	87-09-010	180-79-080	AMD-P	87-05-050
174-116-190	REP	87-14-020	180-75-042	NEW-P	87-05-048	180-79-080	AMD	87-09-012
174-116-260	REP-P	87-10-054	180-75-042	NEW	87-09-010	180-79-086	AMD-P	87-05-050
174-116-260	REP	87-14-020	180-75-043	NEW-P	87-05-048	180-79-086	AMD	87-09-012
180-16-210	AMD-P	87-09-051	180-75-043	NEW	87-09-010	180-79-115	AMD-P	87-05-050
180-16-210	AMD	87-12-043	180-75-044	NEW-P	87-05-048	180-79-115	AMD	87-09-012
180-16-221	AMD-P	87-09-092	180-75-044	NEW	87-09-010	180-79-230	AMD-P	87-05-050
180-16-221	AMD	87-12-040	180-75-065	AMD-P	87-05-048	180-79-230	AMD	87-09-012
180-24-003	NEW	87-04-059	180-75-065	AMD	87-09-010	180-79-300	NEW-P	87-05-050
180-24-005	REP	87-04-059	180-75-070	AMD-P	87-05-048	180-79-300	NEW	87-09-012
180-24-007	NEW	87-04-059	180-75-070	AMD	87-09-010	180-79-305	NEW-P	87-05-050
180-24-008	NEW	87-04-059	180-75-075	AMD-P	87-05-048	180-79-305	NEW	87-09-012
180-24-010	REP	87-04-059	180-75-075	AMD	87-09-010	180-79-310	NEW-P	87-05-050
180-24-013	NEW	87-04-059	180-75-080	AMD-P	87-05-048	180-79-310	NEW	87-09-012
180-24-015	REP	87-04-059	180-75-080	AMD	87-09-010	180-79-312	NEW-P	87-05-050
180-24-016	NEW	87-04-059	180-75-081	NEW-P	87-05-048	180-79-312	NEW	87-09-012
180-24-017	NEW	87-04-059	180-75-081	NEW	87-09-010	180-79-315	NEW-P	87-05-050
180-24-020	REP	87-04-059	180-75-082	NEW-P	87-05-048	180-79-315	NEW	87-09-012
180-24-021	NEW	87-04-059	180-75-082	NEW	87-09-010	180-79-317	NEW-P	87-05-050
180-24-025	REP	87-04-059	180-75-083	NEW-P	87-05-048	180-79-317	NEW	87-09-012
180-24-030	REP	87-04-059	180-75-083	NEW	87-09-010	180-79-320	NEW-P	87-05-050
180-24-080	NEW	87-04-059	180-75-084	NEW-P	87-05-048	180-79-320	NEW	87-09-012
180-24-100	REP	87-04-059	180-75-084	NEW	87-09-010	180-79-322	NEW-P	87-05-050
180-24-101	NEW	87-04-059	180-75-085	AMD-P	87-05-048	180-79-322	NEW	87-09-012
180-24-102	NEW	87-04-059	180-75-085	AMD	87-09-010	180-79-324	NEW-P	87-05-050
180-24-110	NEW	87-04-059	180-75-086	NEW-P	87-05-048	180-79-324	NEW	87-09-012
180-24-112	NEW	87-04-059	180-75-086	NEW	87-09-010	180-79-326	NEW-P	87-05-050
180-24-115	NEW	87-04-059	180-75-087	AMD-P	87-05-048	180-79-326	NEW	87-09-012
180-24-120	NEW	87-04-059	180-75-087	AMD	87-09-010	180-79-328	NEW-P	87-05-050
180-24-125	NEW	87-04-059	180-75-199	NEW-P	87-05-048	180-79-328	NEW	87-09-012
180-24-130	NEW	87-04-059	180-75-199	NEW	87-09-010	180-79-330	NEW-P	87-05-050
180-24-140	NEW	87-04-059	180-78	AMD-P	87-05-049	180-79-330	NEW	87-09-012
180-24-200	AMD	87-04-059	180-78	AMD	87-09-011	180-79-332	NEW-P	87-05-050
180-24-300	NEW	87-04-059	180-78-003	NEW-P	87-05-049	180-79-332	NEW	87-09-012
180-24-305	NEW	87-04-059	180-78-003	NEW	87-09-011	180-79-334	NEW-P	87-05-050
180-24-310	NEW	87-04-059	180-78-005	AMD-P	87-05-049	180-79-334	NEW	87-09-012
180-24-312	NEW	87-04-059	180-78-005	AMD	87-09-011	180-79-336	NEW-P	87-05-050
180-24-315	NEW	87-04-059	180-78-010	AMD-P	87-05-049	180-79-336	NEW	87-09-012
180-24-320	NEW	87-04-059	180-78-010	AMD	87-09-011	180-79-338	NEW-P	87-05-050
180-24-325	NEW	87-04-059	180-78-025	AMD-P	87-05-049	180-79-338	NEW	87-09-012
180-24-327	NEW	87-04-059	180-78-025	AMD	87-09-011	180-79-340	NEW-P	87-05-050
180-24-330	NEW	87-04-059	180-78-191	NEW-P	87-05-049	180-79-340	NEW	87-09-012
180-24-335	NEW	87-04-059	180-78-191	NEW	87-09-011	180-79-342	NEW-P	87-05-050
180-24-340	NEW	87-04-059	180-78-192	NEW-P	87-05-049	180-79-342	NEW	87-09-012
180-24-345	NEW	87-04-059	180-78-192	NEW	87-09-011	180-79-344	NEW-P	87-05-050
180-24-350	NEW	87-04-059	180-78-193	NEW-P	87-05-049	180-79-344	NEW	87-09-012
180-24-355	NEW	87-04-059	180-78-193	NEW	87-09-011	180-79-346	NEW-P	87-05-050
180-24-360	NEW	87-04-059	180-78-194	NEW-P	87-05-049	180-79-346	NEW	87-09-012
180-24-365	NEW	87-04-059	180-78-194	NEW	87-09-011	180-79-348	NEW-P	87-05-050

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-79-348	NEW	87-09-012	192-09-064	NEW-E	87-15-026	212-51-001	NEW-P	87-03-053
180-79-350	NEW-P	87-05-050	192-12-005	NEW-P	87-08-049	212-51-001	NEW	87-06-044
180-79-350	NEW	87-09-012	192-12-005	NEW	87-12-021	212-51-005	NEW-P	87-03-053
180-79-352	NEW-P	87-05-050	192-12-011	NEW-P	87-08-049	212-51-005	NEW	87-06-044
180-79-352	NEW	87-09-012	192-12-011	NEW	87-12-021	212-51-010	NEW-P	87-03-053
180-79-354	NEW-P	87-05-050	192-12-012	NEW-P	87-08-049	212-51-010	NEW	87-06-044
180-79-354	NEW	87-09-012	192-12-012	NEW	87-12-021	212-51-015	NEW-P	87-03-053
180-79-356	NEW-P	87-05-050	192-12-141	AMD-P	87-08-049	212-51-015	NEW	87-06-044
180-79-356	NEW	87-09-012	192-12-141	AMD	87-12-021	212-51-020	NEW-P	87-03-053
180-79-358	NEW-P	87-05-050	192-12-158	NEW	87-03-006	212-51-020	NEW	87-06-044
180-79-358	NEW	87-09-012	192-23	AMD-P	87-08-049	212-51-025	NEW-P	87-03-053
180-79-360	NEW-P	87-05-050	192-23	AMD	87-12-021	212-51-025	NEW	87-06-044
180-79-360	NEW	87-09-012	192-23-011	AMD-P	87-08-049	212-51-030	NEW-P	87-03-053
180-79-362	NEW-P	87-05-050	192-23-011	AMD	87-12-021	212-51-030	NEW	87-06-044
180-79-362	NEW	87-09-012	192-23-012	AMD-P	87-08-049	212-51-035	NEW-P	87-03-053
180-79-364	NEW-P	87-05-050	192-23-012	AMD	87-12-021	212-51-035	NEW	87-06-044
180-79-364	NEW	87-09-012	192-23-014	AMD-P	87-08-049	212-51-040	NEW-P	87-03-053
180-79-366	NEW-P	87-05-050	192-23-014	AMD	87-12-021	212-51-040	NEW	87-06-044
180-79-366	NEW	87-09-012	192-23-015	AMD-W	87-08-049	212-51-045	NEW-P	87-03-053
180-79-368	NEW-P	87-05-050	192-23-016	AMD-P	87-08-049	212-51-045	NEW	87-06-044
180-79-368	NEW	87-09-012	192-23-016	AMD	87-12-021	212-51-050	NEW-P	87-03-053
180-79-370	NEW-P	87-05-050	192-23-018	NEW-P	87-08-049	212-51-050	NEW	87-06-044
180-79-370	NEW	87-09-012	192-23-018	NEW	87-12-021	220-16-075	AMD-P	87-09-082
180-79-372	NEW-P	87-05-050	192-23-051	AMD-P	87-08-049	220-16-075	AMD-C	87-12-086
180-79-372	NEW	87-09-012	192-23-051	AMD	87-12-021	220-16-075	AMD	87-15-059
180-79-374	NEW-P	87-05-050	192-23-800	AMD-P	87-08-049	220-16-38500A	NEW-E	87-08-034
180-79-374	NEW	87-09-012	192-23-800	AMD	87-12-021	220-16-395	NEW-P	87-03-056
180-79-376	NEW-P	87-05-050	192-23-810	AMD-P	87-08-049	220-16-395	NEW	87-09-066
180-79-376	NEW	87-09-012	192-23-810	AMD	87-12-021	220-20-018	NEW-P	87-13-010
180-79-378	NEW-P	87-05-050	196-08-085	REP-P	87-08-052	220-20-018	NEW-W	87-14-032
180-79-378	NEW	87-09-012	196-08-085	REP	87-13-005	220-20-02000U	REP-E	87-15-015
180-79-380	NEW-P	87-05-050	196-12-010	AMD-P	87-08-052	220-20-02000V	NEW-E	87-15-015
180-79-380	NEW	87-09-012	196-12-010	AMD	87-13-005	220-20-02000V	REP-E	87-15-060
180-79-382	NEW-P	87-05-050	196-12-020	AMD-P	87-08-052	220-20-050	NEW-P	87-13-010
180-79-382	NEW	87-09-012	196-12-020	AMD	87-13-005	220-20-055	NEW-P	87-13-010
180-79-384	NEW-P	87-05-050	196-16-007	AMD-P	87-08-052	220-22-030	AMD-P	87-09-082
180-79-384	NEW	87-09-012	196-16-007	AMD	87-13-005	220-22-030	AMD-C	87-12-086
180-79-386	NEW-P	87-05-050	196-16-010	AMD-P	87-08-052	220-22-030	AMD	87-15-059
180-79-386	NEW	87-09-012	196-16-010	AMD	87-13-005	220-24-02000S	NEW-E	87-10-003
180-79-388	NEW-P	87-05-050	196-20-020	AMD-P	87-08-052	220-24-02000S	REP-E	87-11-006
180-79-388	NEW	87-09-012	196-20-020	AMD	87-13-005	220-24-02000T	NEW-E	87-11-006
180-79-390	NEW-P	87-05-050	196-20-030	AMD-P	87-08-052	220-24-02000T	REP-E	87-11-023
180-79-390	NEW	87-09-012	196-20-030	AMD	87-13-005	220-24-02000U	NEW-E	87-11-023
180-79-392	NEW-P	87-05-050	196-24-050	AMD-P	87-08-052	220-24-02000U	REP-E	87-15-060
180-79-392	NEW	87-09-012	196-24-050	AMD	87-13-005	220-24-02000V	NEW-E	87-15-060
180-79-394	NEW-P	87-05-050	196-24-070	REP-P	87-08-052	220-24-02000V	REP-E	87-15-097
180-79-394	NEW	87-09-012	196-24-070	REP	87-13-005	220-24-02000W	NEW-E	87-15-097
180-79-396	NEW-P	87-05-050	196-24-085	AMD-P	87-08-052	220-28-624	REP-E	87-03-008
180-79-396	NEW	87-09-012	196-24-085	AMD	87-13-005	220-28-625	NEW-E	87-03-008
180-79-398	NEW-P	87-05-050	196-24-100	NEW-P	87-08-052	220-28-625	REP-E	87-05-002
180-79-398	NEW	87-09-012	196-24-100	NEW	87-13-005	220-32-02200S	NEW-E	87-04-013
180-85-020	AMD-P	87-09-094	196-24-105	NEW-P	87-08-052	220-32-02000C	NEW-E	87-14-005
180-85-020	AMD	87-12-041	196-24-105	NEW	87-13-005	220-32-03000E	NEW-E	87-05-037
180-85-045	AMD-P	87-05-051	196-24-110	NEW-P	87-08-052	220-32-03000E	REP-E	87-06-037
180-85-045	AMD	87-09-013	196-24-110	NEW	87-13-005	220-32-03000F	NEW-E	87-14-005
180-85-220	AMD-P	87-05-051	196-26-010	REP-P	87-07-046	220-32-03000F	REP-E	87-14-018
180-85-220	AMD	87-09-013	196-26-010	REP-P	87-13-057	220-32-03000G	NEW-E	87-14-018
180-85-225	AMD-P	87-05-051	196-26-010	REP-E	87-14-088	220-32-03000G	REP-E	87-14-033
180-85-225	AMD	87-09-013	196-26-020	NEW-P	87-07-046	220-32-03000H	NEW-E	87-14-033
180-90-125	NEW-P	87-05-052	196-26-020	NEW-P	87-13-057	220-32-04100J	NEW-E	87-11-059
180-90-125	NEW	87-09-039	196-26-020	NEW-E	87-14-088	220-32-05100H	NEW-E	87-05-037
180-90-141	NEW-P	87-05-052	196-27-020	AMD-P	87-08-052	220-32-05100I	NEW-E	87-14-008
180-90-141	NEW	87-09-039	196-27-020	AMD	87-13-005	220-32-05100I	REP-E	87-14-025
180-90-160	AMD-P	87-05-052	204-08-010	AMD-P	87-13-034	220-32-05100J	NEW-E	87-14-025
180-90-160	AMD	87-09-039	204-65-010	NEW	87-04-065	220-32-05100J	REP-E	87-14-033
182-08-060	AMD-E	87-11-003	204-65-020	NEW	87-04-065	220-32-05100K	NEW-E	87-14-033
182-08-060	AMD-E	87-14-004	204-65-030	NEW	87-04-065	220-32-05100K	REP-E	87-15-007
182-08-060	AMD-P	87-15-025	204-65-040	NEW	87-04-065	220-32-05100L	NEW-E	87-15-007
182-12-126	REP-E	87-11-003	204-65-050	NEW	87-04-065	220-32-05100L	REP-E	87-15-071
182-12-126	REP-E	87-14-004	204-65-060	NEW	87-04-065	220-32-05100M	NEW-E	87-15-071
182-12-126	REP-P	87-15-025	204-76-99001	AMD-P	87-15-078	220-32-05500T	NEW-E	87-11-033
182-12-127	NEW-E	87-11-003	204-76-99002	AMD-P	87-15-078	220-32-05900K	NEW-E	87-09-065
182-12-127	NEW-E	87-14-004	204-76-99005	NEW-P	87-15-078	220-32-05900L	NEW-E	87-09-084
182-12-127	NEW-P	87-15-025	204-90-030	AMD-P	87-15-077	220-32-05900M	NEW-E	87-13-011
182-12-210	AMD-E	87-04-016	204-91-050	AMD-P	87-13-048	220-32-05900N	NEW-E	87-15-071
182-12-210	AMD-P	87-04-039	204-91-060	AMD-P	87-13-048	220-36-021	AMD-P	87-15-131
182-12-210	AMD	87-07-034	212-32-015	AMD-P	87-14-075	220-36-02100J	NEW-E	87-15-005

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-36-02100J	REP-E	87-15-062	220-48-01500Z	NEW-E	87-08-010	220-56-310	AMD-P	87-03-056
220-36-02100K	NEW-E	87-15-062	220-48-017	AMD	87-04-003	220-56-310	AMD	87-09-066
220-36-02100L	REP-E	87-15-130	220-48-025	AMD	87-04-003	220-56-31000H	NEW-E	87-08-048
220-36-02100L	NEW-E	87-15-130	220-48-026	AMD	87-04-003	220-56-320	AMD-P	87-03-056
220-36-022	AMD-P	87-15-131	220-48-027	AMD	87-04-003	220-56-320	AMD	87-09-066
220-36-024	AMD-P	87-15-131	220-48-032	AMD	87-04-003	220-56-32000A	NEW-E	87-08-048
220-36-02500A	NEW-E	87-13-035	220-48-046	REP	87-04-003	220-56-32500H	NEW-E	87-11-022
220-36-02500Y	NEW-E	87-10-031	220-48-056	REP	87-04-003	220-56-32500J	NEW-E	87-11-031
220-36-02500Y	REP-E	87-12-004	220-48-06200B	NEW-E	87-09-050	220-56-350	AMD-P	87-03-056
220-36-02500Z	NEW-E	87-12-004	220-49-02000A	NEW-E	87-09-055	220-56-350	AMD	87-09-066
220-36-02500Z	REP-E	87-12-062	220-49-02000A	REP-E	87-10-004	220-56-35000C	NEW-E	87-08-048
220-40-021	AMD-P	87-15-131	220-49-02000U	NEW-E	87-10-004	220-56-35000D	NEW-E	87-12-030
220-40-02100U	NEW-E	87-15-005	220-49-02000U	REP-E	87-11-002	220-56-360	AMD-P	87-03-056
220-40-022	AMD-P	87-15-131	220-49-02000V	NEW-E	87-11-002	220-56-360	AMD	87-09-066
220-40-024	AMD-P	87-15-131	220-49-02000V	REP-E	87-13-028	220-56-36000N	NEW-E	87-06-034
220-44-050	AMD-P	87-04-070	220-49-02000W	NEW-E	87-13-028	220-56-372	AMD-P	87-03-056
220-44-050	AMD	87-07-042	220-52-03000D	NEW-E	87-08-047	220-56-372	AMD	87-09-066
220-44-05000D	NEW-E	87-09-016	220-52-046	AMD	87-05-038	220-56-37200A	NEW-E	87-08-048
220-44-05000D	REP-E	87-09-030	220-52-05300R	NEW-E	87-08-047	220-56-380	AMD-P	87-03-056
220-44-05000E	NEW-E	87-09-030	220-52-05300S	NEW-E	87-11-022	220-56-380	AMD	87-09-066
220-44-05000E	REP-E	87-09-083	220-52-05300T	NEW-E	87-11-031	220-57-130	AMD-P	87-03-056
220-44-05000F	NEW-E	87-09-083	220-52-063	AMD-P	87-12-063	220-57-130	AMD	87-09-066
220-44-05000F	REP-E	87-15-096	220-52-063	AMD	87-15-022	220-57-13000K	NEW-E	87-15-061
220-44-05000G	NEW-E	87-15-096	220-52-069	AMD-P	87-12-063	220-57-135	AMD-P	87-03-056
220-44-060	REP	87-04-003	220-52-069	AMD	87-15-022	220-57-135	AMD	87-09-066
220-44-070	REP	87-04-003	220-52-071	AMD-P	87-12-063	220-57-135001	NEW-E	87-15-061
220-44-09000A	NEW-E	87-14-048	220-52-071	AMD	87-15-022	220-57-138	AMD-P	87-03-056
220-44-09000B	NEW-E	87-15-046	220-52-07100B	NEW-E	87-08-047	220-57-155	AMD-P	87-03-056
220-47-301	AMD-P	87-09-082	220-52-07100B	REP-E	87-09-025	220-57-155	AMD	87-09-066
220-47-301	AMD-C	87-12-086	220-52-07100C	NEW-E	87-09-025	220-57-160	AMD-P	87-03-056
220-47-301	AMD	87-15-059	220-52-07200A	NEW-E	87-04-004	220-57-160	AMD	87-09-066
220-47-311	AMD-P	87-09-082	220-52-073	AMD-P	87-12-063	220-57-16000F	NEW-E	87-07-011
220-47-311	AMD-C	87-12-086	220-52-073	AMD	87-15-022	220-57-175	AMD-P	87-03-056
220-47-311	AMD	87-15-059	220-52-075	AMD-P	87-12-063	220-57-175	AMD	87-09-066
220-47-312	AMD-P	87-09-082	220-52-075	AMD	87-15-022	220-57-215	AMD-P	87-03-056
220-47-312	AMD-C	87-12-086	220-52-35000B	NEW-E	87-08-047	220-57-215	AMD	87-09-066
220-47-312	AMD	87-15-059	220-55-025	AMD-P	87-03-056	220-57-220	AMD-P	87-03-056
220-47-313	AMD-P	87-09-082	220-55-025	AMD	87-09-066	220-57-220	AMD	87-09-066
220-47-313	AMD-C	87-12-086	220-55-02500A	NEW-E	87-08-048	220-57-235	AMD-P	87-03-056
220-47-313	AMD	87-15-059	220-55-065	AMD-P	87-03-056	220-57-235	AMD	87-09-066
220-47-313	AMD	87-09-082	220-55-065	AMD	87-09-066	220-57-240	AMD-P	87-03-056
220-47-401	AMD-P	87-12-086	220-56-115	AMD-P	87-03-056	220-57-240	AMD	87-09-066
220-47-401	AMD	87-15-059	220-56-115	AMD	87-09-066	220-57-24000B	NEW-E	87-13-011
220-47-402	AMD-P	87-09-082	220-56-11500E	NEW-E	87-08-048	220-57-250	AMD-P	87-03-056
220-47-402	AMD-C	87-12-086	220-56-120	AMD-P	87-03-056	220-57-250	AMD	87-09-066
220-47-402	AMD	87-15-059	220-56-120	AMD	87-09-066	220-57-270	AMD-P	87-03-056
220-47-403	AMD-P	87-09-082	220-56-180	AMD-P	87-03-056	220-57-270	AMD	87-09-066
220-47-403	AMD-C	87-12-086	220-56-180	AMD-C	87-08-005	220-57-280	AMD-P	87-03-056
220-47-403	AMD	87-15-059	220-56-180	AMD	87-08-006	220-57-280	AMD	87-09-066
220-47-411	AMD-P	87-09-082	220-56-18000T	NEW-E	87-06-035	220-57-290	AMD-P	87-03-056
220-47-411	AMD-C	87-12-086	220-56-18000T	REP-E	87-07-020	220-57-290	AMD	87-09-066
220-47-411	AMD	87-15-059	220-56-18000U	NEW-E	87-07-020	220-57-290001	NEW-E	87-10-016
220-47-412	AMD-P	87-09-082	220-56-190	AMD-P	87-03-056	220-57-300	AMD-P	87-03-056
220-47-412	AMD-C	87-12-086	220-56-190	AMD	87-09-066	220-57-300	AMD	87-09-066
220-47-412	AMD	87-15-059	220-56-19000G	NEW-E	87-11-021	220-57-310	AMD-P	87-03-056
220-47-413	AMD-P	87-09-082	220-56-19000G	REP-E	87-14-003	220-57-310	AMD	87-09-066
220-47-413	AMD-C	87-12-086	220-56-19000H	NEW-E	87-14-003	220-57-31000F	NEW-E	87-08-048
220-47-413	AMD	87-15-059	220-56-19000H	REP-E	87-15-006	220-57-315	AMD-P	87-03-056
220-47-414	AMD-P	87-09-082	220-56-19000I	NEW-E	87-15-006	220-57-315	AMD	87-09-066
220-47-414	AMD-C	87-12-086	220-56-19000I	REP-E	87-15-014	220-57-31500F	NEW-E	87-09-014
220-47-414	AMD	87-15-059	220-56-19000J	NEW-E	87-15-014	220-57-31500F	REP-E	87-09-024
220-47-50101	REP-P	87-09-082	220-56-19000J	REP-E	87-15-023	220-57-31500G	NEW-E	87-09-024
220-47-50101	REP-C	87-12-086	220-56-19000K	NEW-E	87-15-023	220-57-335	AMD-P	87-03-056
220-47-50101	REP	87-15-059	220-56-19000K	REP-E	87-15-047	220-57-335	AMD	87-09-066
220-47-50201	REP-P	87-09-082	220-56-19000L	NEW-E	87-15-047	220-57-380	AMD-P	87-03-056
220-47-50201	REP-C	87-12-086	220-56-19000L	REP-E	87-15-075	220-57-380	AMD	87-09-066
220-47-50201	REP	87-15-059	220-56-19000M	NEW-E	87-15-075	220-57-385	AMD-P	87-03-056
220-47-503	REP-P	87-09-082	220-56-195	AMD-P	87-03-056	220-57-385	AMD	87-09-066
220-47-503	REP-C	87-12-086	220-56-195	AMD	87-09-066	220-57-38500L	NEW-E	87-13-024
220-47-503	REP	87-15-059	220-56-19500F	NEW-E	87-15-058	220-57-38500L	REP-E	87-15-061
220-48-011	AMD	87-04-003	220-56-19900A	NEW-E	87-15-013	220-57-38500M	NEW-E	87-15-061
220-48-015	AMD	87-04-003	220-56-205	AMD-P	87-03-056	220-57-410	AMD-P	87-03-056
220-48-01500W	NEW-E	87-04-028	220-56-24500A	NEW-E	87-07-006	220-57-410	AMD	87-09-066
220-48-01500X	NEW-E	87-05-002	220-56-24500B	NEW-E	87-13-007	220-57-415	AMD-P	87-03-056
220-48-01500Y	REP-E	87-07-007	220-56-295	AMD-P	87-03-056	220-57-415	AMD	87-09-066
220-48-01500Y	NEW-E	87-07-007	220-56-295	AMD	87-09-066	220-57-42500J	NEW-E	87-14-003
220-48-01500Y	REP-E	87-08-010	220-56-29500C	NEW-E	87-08-048	220-57-445	AMD-P	87-03-056

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-57-445	AMD	87-09-066	220-110-320	AMD-P	87-08-062	230-20-064	AMD-P	87-03-024
220-57-460	AMD-P	87-03-056	220-110-320	AMD	87-15-086	230-20-064	AMD-C	87-07-037
220-57-460	AMD	87-09-066	220-110-340	AMD-P	87-08-062	230-20-064	AMD-P	87-09-041
220-57-46000Q	NEW-E	87-13-006	220-110-340	AMD	87-15-086	230-20-064	AMD-E	87-09-042
220-57-46000Q	REP-E	87-13-024	220-110-350	AMD-P	87-08-062	230-20-064	AMD	87-13-045
220-57-46000R	NEW-E	87-13-024	220-110-350	AMD	87-15-086	230-20-380	AMD-P	87-03-024
220-57-46000R	REP-E	87-14-033	222	AMD-C	87-15-063	230-20-380	AMD	87-07-038
220-57-46000S	NEW-E	87-14-033	222-08-035	NEW-P	87-10-018	230-20-380	AMD-P	87-11-011
220-57-473	AMD-P	87-03-056	222-08-040	AMD-P	87-10-018	230-20-380	AMD-C	87-15-051
220-57-473	AMD	87-09-066	222-12-030	AMD-P	87-10-018	230-30-050	AMD-P	87-11-011
220-57-495	AMD-P	87-03-056	222-12-040	AMD-P	87-10-018	230-30-050	AMD-P	87-13-047
220-57-495	AMD	87-09-066	222-12-045	NEW-P	87-10-018	230-30-060	AMD	87-03-023
220-57-49500E	NEW-E	87-08-048	222-12-090	AMD-P	87-10-018	230-30-070	AMD	87-03-023
220-57-505	AMD-P	87-03-056	222-16-010	AMD-P	87-10-018	230-30-070	AMD-P	87-11-011
220-57-505	AMD	87-09-066	222-16-030	AMD-P	87-10-018	230-30-070	AMD-P	87-13-047
220-57-50500L	NEW-E	87-08-048	222-16-040	REP-P	87-10-018	230-30-075	AMD-P	87-11-011
220-57-50500M	NEW-E	87-09-024	222-16-050	AMD-P	87-10-018	230-30-075	AMD-P	87-13-047
220-57-510	AMD-P	87-03-056	222-20-010	AMD-P	87-10-018	230-30-103	AMD-P	87-11-011
220-57-510	AMD	87-09-066	222-20-020	AMD-P	87-10-018	230-30-103	AMD	87-15-052
220-57-51500B	NEW-E	87-09-024	222-20-040	AMD-P	87-10-018	230-30-106	AMD-P	87-11-011
220-57-520	AMD-P	87-03-056	222-20-060	AMD-P	87-10-018	230-30-106	AMD-P	87-11-017
220-57-520	AMD	87-09-066	222-20-090	AMD-P	87-10-018	230-30-106	AMD-C	87-15-051
220-57-525	AMD-P	87-03-056	222-20-100	AMD-P	87-10-018	230-30-999	REP-P	87-11-011
220-57-525	AMD	87-09-066	222-20-120	NEW-P	87-10-018	230-30-999	REP	87-15-052
220-57A-175	AMD-P	87-03-056	222-24-010	AMD-P	87-10-018	230-40-401	NEW-P	87-13-046
220-57A-175	AMD	87-09-066	222-24-020	AMD-P	87-10-018	232-12-024	AMD-P	87-08-066
220-57A-180	AMD-P	87-03-056	222-24-025	AMD-P	87-10-018	232-12-024	AMD-W	87-12-072
220-57A-180	AMD	87-09-066	222-24-030	AMD-P	87-10-018	232-12-067	NEW-P	87-14-083
220-76-030	REP-P	87-04-071	222-24-035	AMD-P	87-10-018	232-12-131	AMD-P	87-08-067
220-77-010	NEW-P	87-04-071	222-24-040	AMD-P	87-10-018	232-12-131	AMD	87-12-034
220-77-010	NEW	87-08-033	222-24-050	AMD-P	87-10-018	232-12-136	NEW-P	87-08-068
220-77-020	NEW-P	87-04-071	222-24-060	AMD-P	87-10-018	232-12-136	NEW-W	87-12-073
220-77-020	NEW	87-08-033	222-30-020	AMD-P	87-10-018	232-12-141	AMD-P	87-12-074
220-77-030	NEW-P	87-04-071	222-30-030	AMD-P	87-10-018	232-12-141	AMD	87-15-082
220-77-030	NEW	87-08-033	222-30-040	AMD-P	87-10-018	232-12-169	NEW-P	87-05-030
220-77-040	NEW-P	87-04-071	222-30-050	AMD-P	87-10-018	232-12-169	NEW	87-09-026
220-77-040	NEW	87-08-033	222-30-060	AMD-P	87-10-018	232-12-181	AMD-P	87-12-075
220-77-050	NEW-P	87-04-071	222-30-070	AMD-P	87-10-018	232-12-181	AMD-W	87-15-080
220-77-050	NEW	87-08-033	222-30-090	AMD-P	87-10-018	232-12-274	REP-P	87-14-081
220-77-060	NEW-P	87-04-071	222-30-100	AMD-P	87-10-018	232-12-275	NEW-P	87-14-084
220-77-060	NEW	87-08-033	222-34-010	AMD-P	87-10-018	232-12-276	NEW-P	87-14-081
220-77-070	NEW-P	87-04-071	222-34-020	AMD-P	87-10-018	232-14-010	AMD-P	87-08-070
220-77-070	NEW	87-08-033	222-34-030	AMD-P	87-10-018	232-14-010	AMD	87-15-085
220-87-010	NEW	87-04-003	222-34-040	AMD-P	87-10-018	232-28-109	REP-P	87-12-076
220-87-020	NEW	87-04-003	222-38-020	AMD-P	87-10-018	232-28-109	REP	87-15-083
220-110-010	AMD-P	87-08-062	230-02-240	NEW-P	87-06-013	232-28-110	NEW-P	87-12-076
220-110-010	AMD	87-15-086	230-02-245	NEW-P	87-06-013	232-28-110	NEW	87-15-083
220-110-020	AMD-P	87-08-062	230-02-350	AMD-P	87-03-024	232-28-212	REP-P	87-08-069
220-110-020	AMD	87-15-086	230-02-350	AMD	87-07-038	232-28-212	REP	87-14-031
220-110-030	AMD-P	87-08-062	230-04-020	AMD-P	87-06-008	232-28-213	NEW-P	87-08-069
220-110-030	AMD	87-15-086	230-04-020	AMD	87-09-043	232-28-213	NEW	87-14-031
220-110-040	AMD-P	87-08-062	230-04-020	AMD	87-10-017	232-28-214	NEW-P	87-12-077
220-110-040	AMD	87-15-086	230-04-020	AMD-P	87-15-050	232-28-214	NEW-E	87-13-050
220-110-050	AMD-P	87-08-062	230-04-020	AMD-E	87-15-053	232-28-214	NEW	87-15-081
220-110-050	AMD	87-15-086	230-04-123	AMD-P	87-15-086	232-28-215	NEW-P	87-12-078
220-110-060	AMD-P	87-08-062	230-04-123	AMD	87-09-043	232-28-215	NEW-W	87-14-079
220-110-060	AMD	87-15-086	230-04-140	AMD-P	87-06-008	232-28-215	NEW-P	87-14-080
220-110-080	AMD-P	87-08-062	230-04-140	AMD	87-09-043	232-28-410	REP-P	87-14-082
220-110-080	AMD	87-15-086	230-04-145	AMD-P	87-03-024	232-28-411	NEW-P	87-14-082
220-110-090	AMD-P	87-08-062	230-04-145	AMD-P	87-06-008	232-28-509	REP-P	87-12-079
220-110-090	AMD	87-15-086	230-04-145	AMD	87-07-038	232-28-510	NEW-P	87-12-079
220-110-100	AMD-P	87-08-062	230-04-145	AMD	87-09-043	232-28-61519	NEW-E	87-03-042
220-110-100	AMD	87-15-086	230-04-145	AMD-P	87-11-016	232-28-61601	NEW-E	87-02-046
220-110-110	AMD-P	87-08-062	230-04-145	AMD	87-15-052	232-28-61602	NEW-E	87-06-028
220-110-110	AMD	87-15-086	230-04-190	AMD-P	87-15-050	232-28-61603	NEW-E	87-08-039
220-110-120	AMD-P	87-08-062	230-04-190	AMD-E	87-15-053	232-28-61604	NEW-E	87-13-049
220-110-120	AMD	87-15-086	230-04-201	AMD-P	87-03-024	232-28-708	REP	87-06-027
220-110-140	AMD-P	87-08-062	230-04-201	AMD-C	87-07-037	232-28-709	NEW	87-06-027
220-110-140	AMD	87-15-086	230-04-201	AMD-P	87-15-050	232-28-70901	NEW-E	87-06-029
220-110-190	AMD-P	87-08-062	230-04-201	AMD-E	87-15-053	232-28-808	REP-P	87-05-031
220-110-190	AMD	87-15-086	230-04-900	REP-P	87-15-050	232-28-808	REP	87-12-080
220-110-200	AMD-P	87-08-062	230-08-010	AMD-P	87-13-047	232-28-809	NEW-P	87-05-031
220-110-200	AMD	87-15-086	230-08-170	AMD-P	87-11-011	232-28-809	NEW	87-12-080
220-110-210	AMD-P	87-08-062	230-08-170	AMD-P	87-13-047	240-10-030	AMD-P	87-13-052
220-110-210	AMD	87-15-086	230-12-200	AMD-P	87-15-050	240-10-040	AMD-P	87-13-052
220-110-220	AMD-P	87-08-062	230-12-305	NEW-P	87-06-008	240-10-057	NEW-P	87-13-052
220-110-220	AMD	87-15-086	230-12-305	NEW	87-09-043	248-14-080	AMD	87-03-018

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
248-14-090	AMD	87-03-018	248-100-065	REP	87-11-047	248-100-230	REP-P	87-07-039
248-18-031	AMD	87-03-020	248-100-070	REP-P	87-07-039	248-100-230	REP	87-11-047
248-18-312	NEW	87-03-030	248-100-070	REP	87-11-047	248-100-231	NEW-P	87-07-039
248-18-320	REP	87-03-030	248-100-071	NEW-P	87-07-039	248-100-231	NEW	87-11-047
248-18-321	NEW	87-03-030	248-100-071	NEW	87-11-047	248-100-235	REP-P	87-07-039
248-18-662	NEW	87-03-030	248-100-075	REP-P	87-07-039	248-100-235	REP	87-11-047
248-18-663	NEW	87-03-030	248-100-075	REP	87-11-047	248-100-236	NEW-P	87-07-039
248-18-99902	AMD	87-04-061	248-100-076	NEW-P	87-07-039	248-100-236	NEW	87-11-047
248-19-230	AMD-P	87-06-048	248-100-076	NEW	87-11-047	248-100-240	REP-P	87-07-039
248-19-230	AMD	87-10-023	248-100-080	REP-P	87-07-039	248-100-240	REP	87-11-047
248-19-270	AMD-P	87-06-048	248-100-080	REP	87-11-047	248-100-241	NEW-P	87-07-039
248-19-270	AMD	87-10-023	248-100-081	NEW-P	87-07-039	248-100-241	NEW	87-11-047
248-19-327	AMD-P	87-06-048	248-100-081	NEW	87-11-047	248-100-246	REP-P	87-07-039
248-19-327	AMD	87-10-023	248-100-085	REP-P	87-07-039	248-100-246	REP	87-11-047
248-19-328	NEW-P	87-06-048	248-100-085	REP	87-11-047	248-100-249	REP-P	87-07-039
248-19-328	NEW	87-10-023	248-100-086	NEW-P	87-07-039	248-100-249	REP	87-11-047
248-97-010	NEW-P	87-12-088	248-100-086	NEW	87-11-047	248-100-250	REP-P	87-07-039
248-97-020	NEW-P	87-12-088	248-100-090	REP-P	87-07-039	248-100-250	REP	87-11-047
248-97-030	NEW-P	87-12-088	248-100-090	REP	87-11-047	248-100-255	REP-P	87-07-039
248-97-040	NEW-P	87-12-088	248-100-091	NEW-P	87-07-039	248-100-255	REP	87-11-047
248-97-050	NEW-P	87-12-088	248-100-091	NEW	87-11-047	248-100-260	REP-P	87-07-039
248-97-060	NEW-P	87-12-088	248-100-095	REP-P	87-07-039	248-100-260	REP	87-11-047
248-97-070	NEW-P	87-12-088	248-100-095	REP	87-11-047	248-100-265	REP-P	87-07-039
248-97-080	NEW-P	87-12-088	248-100-100	REP-P	87-07-039	248-100-265	REP	87-11-047
248-97-090	NEW-P	87-12-088	248-100-100	REP	87-11-047	248-100-270	REP-P	87-07-039
248-97-100	NEW-P	87-12-088	248-100-105	REP-P	87-07-039	248-100-270	REP	87-11-047
248-97-110	NEW-P	87-12-088	248-100-105	REP	87-11-047	248-100-275	REP-P	87-07-039
248-97-120	NEW-P	87-12-088	248-100-110	REP-P	87-07-039	248-100-275	REP	87-11-047
248-97-130	NEW-P	87-12-088	248-100-110	REP	87-11-047	248-100-280	REP-P	87-07-039
248-97-140	NEW-P	87-12-088	248-100-115	REP-P	87-07-039	248-100-280	REP	87-11-047
248-97-150	NEW-P	87-12-088	248-100-115	REP	87-11-047	248-100-285	REP-P	87-07-039
248-97-160	NEW-P	87-12-088	248-100-120	REP-P	87-07-039	248-100-285	REP	87-11-047
248-97-170	NEW-P	87-12-088	248-100-120	REP	87-11-047	248-100-290	REP-P	87-07-039
248-97-180	NEW-P	87-12-088	248-100-125	REP-P	87-07-039	248-100-290	REP	87-11-047
248-100-001	REP-P	87-07-039	248-100-125	REP	87-11-047	248-100-295	REP-P	87-07-039
248-100-001	REP	87-11-047	248-100-130	REP-P	87-07-039	248-100-295	REP	87-11-047
248-100-002	REP-P	87-07-039	248-100-130	REP	87-11-047	248-100-300	REP-P	87-07-039
248-100-002	REP	87-11-047	248-100-135	REP-P	87-07-039	248-100-300	REP	87-11-047
248-100-003	REP-P	87-07-039	248-100-135	REP	87-11-047	248-100-305	REP-P	87-07-039
248-100-003	REP	87-11-047	248-100-140	REP-P	87-07-039	248-100-305	REP	87-11-047
248-100-006	NEW-P	87-07-039	248-100-140	REP	87-11-047	248-100-310	REP-P	87-07-039
248-100-006	NEW	87-11-047	248-100-145	REP-P	87-07-039	248-100-310	REP	87-11-047
248-100-010	REP-P	87-07-039	248-100-145	REP	87-11-047	248-100-315	REP-P	87-07-039
248-100-010	REP	87-11-047	248-100-150	REP-P	87-07-039	248-100-315	REP	87-11-047
248-100-011	NEW-P	87-07-039	248-100-150	REP	87-11-047	248-100-320	REP-P	87-07-039
248-100-011	NEW	87-11-047	248-100-155	REP-P	87-07-039	248-100-320	REP	87-11-047
248-100-015	REP-P	87-07-039	248-100-155	REP	87-11-047	248-100-325	REP-P	87-07-039
248-100-015	REP	87-11-047	248-100-160	REP-P	87-07-039	248-100-325	REP	87-11-047
248-100-016	NEW-P	87-07-039	248-100-160	REP	87-11-047	248-100-330	REP-P	87-07-039
248-100-016	NEW	87-11-047	248-100-170	REP-P	87-07-039	248-100-330	REP	87-11-047
248-100-020	REP-P	87-07-039	248-100-170	REP	87-11-047	248-100-335	REP-P	87-07-039
248-100-020	REP	87-11-047	248-100-180	REP-P	87-07-039	248-100-335	REP	87-11-047
248-100-021	NEW-P	87-07-039	248-100-180	REP	87-11-047	248-100-340	REP-P	87-07-039
248-100-021	NEW	87-11-047	248-100-195	REP-P	87-07-039	248-100-340	REP	87-11-047
248-100-025	AMD-P	87-07-039	248-100-195	REP	87-11-047	248-100-345	REP-P	87-07-039
248-100-025	AMD	87-11-047	248-100-200	REP-P	87-07-039	248-100-345	REP	87-11-047
248-100-030	REP-P	87-07-039	248-100-200	REP	87-11-047	248-100-350	REP-P	87-07-039
248-100-030	REP	87-11-047	248-100-205	REP-P	87-07-039	248-100-350	REP	87-11-047
248-100-031	NEW-P	87-07-039	248-100-205	REP	87-11-047	248-100-355	REP-P	87-07-039
248-100-031	NEW	87-11-047	248-100-206	NEW-P	87-07-039	248-100-355	REP	87-11-047
248-100-035	REP-P	87-07-039	248-100-206	NEW	87-11-047	248-100-360	REP-P	87-07-039
248-100-035	REP	87-11-047	248-100-210	REP-P	87-07-039	248-100-360	REP	87-11-047
248-100-040	REP-P	87-07-039	248-100-210	REP	87-11-047	248-100-365	REP-P	87-07-039
248-100-040	REP	87-11-047	248-100-211	NEW-P	87-07-039	248-100-365	REP	87-11-047
248-100-041	NEW-P	87-07-039	248-100-211	NEW	87-11-047	248-100-370	REP-P	87-07-039
248-100-041	NEW	87-11-047	248-100-215	REP-P	87-07-039	248-100-370	REP	87-11-047
248-100-045	REP-P	87-07-039	248-100-215	REP	87-11-047	248-100-375	REP-P	87-07-039
248-100-045	REP	87-11-047	248-100-216	NEW-P	87-07-039	248-100-375	REP	87-11-047
248-100-046	NEW-P	87-07-039	248-100-216	NEW	87-11-047	248-100-380	REP-P	87-07-039
248-100-046	NEW	87-11-047	248-100-220	REP-P	87-07-039	248-100-380	REP	87-11-047
248-100-050	AMD-P	87-07-039	248-100-220	REP	87-11-047	248-100-385	REP-P	87-07-039
248-100-050	AMD	87-11-047	248-100-221	NEW-P	87-07-039	248-100-385	REP	87-11-047
248-100-055	REP-P	87-07-039	248-100-221	NEW	87-11-047	248-100-390	REP-P	87-07-039
248-100-055	REP	87-11-047	248-100-225	REP-P	87-07-039	248-100-390	REP	87-11-047
248-100-060	REP-P	87-07-039	248-100-225	REP	87-11-047	248-100-395	REP-P	87-07-039
248-100-060	REP	87-11-047	248-100-226	NEW-P	87-07-039	248-100-395	REP	87-11-047
248-100-065	REP-P	87-07-039	248-100-226	NEW	87-11-047	248-100-400	REP-P	87-07-039

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
248-100-400	REP	87-11-047	248-102-070	REP-P	87-07-040	251-07-040	NEW-P	87-04-055
248-100-405	REP-P	87-07-039	248-102-070	REP	87-11-040	251-07-040	NEW	87-08-056
248-100-405	REP	87-11-047	248-102-999	REP-E	87-07-033	251-07-050	NEW-P	87-04-055
248-100-410	REP-P	87-07-039	248-102-999	REP-P	87-07-040	251-07-050	NEW	87-08-056
248-100-410	REP	87-11-047	248-102-999	REP	87-11-040	251-07-060	NEW-P	87-04-055
248-100-415	REP-P	87-07-039	248-103-001	NEW-E	87-07-033	251-07-060	NEW	87-08-056
248-100-415	REP	87-11-047	248-103-001	NEW-P	87-07-040	251-08-005	AMD-P	87-04-056
248-100-420	REP-P	87-07-039	248-103-001	NEW	87-11-040	251-08-005	AMD	87-08-056
248-100-420	REP	87-11-047	248-103-010	NEW-E	87-07-033	251-08-021	AMD-P	87-04-056
248-100-425	REP-P	87-07-039	248-103-010	NEW-P	87-07-040	251-08-021	AMD	87-08-056
248-100-425	REP	87-11-047	248-103-010	NEW	87-11-040	251-08-040	AMD-P	87-04-056
248-100-430	REP-P	87-07-039	248-103-020	NEW-E	87-07-033	251-08-040	AMD	87-08-056
248-100-430	REP	87-11-047	248-103-020	NEW-P	87-07-040	251-08-100	AMD-P	87-04-056
248-100-435	REP-P	87-07-039	248-103-020	NEW	87-11-040	251-08-100	AMD-P	87-10-051
248-100-435	REP	87-11-047	248-103-030	NEW-E	87-07-033	251-08-100	AMD	87-14-051
248-100-445	REP-P	87-07-039	248-103-030	NEW-P	87-07-040	251-08-110	AMD-E	87-14-052
248-100-445	REP	87-11-047	248-103-030	NEW	87-11-040	251-08-112	AMD-E	87-14-052
248-100-451	REP-P	87-07-039	250-18-020	AMD-P	87-12-060	251-09-090	AMD-P	87-04-056
248-100-451	REP	87-11-047	250-18-060	AMD-P	87-12-060	251-10-020	AMD-P	87-08-054
248-100-455	REP-P	87-07-039	250-20-011	AMD-P	87-12-046	251-10-020	AMD-P	87-08-055
248-100-455	REP	87-11-047	250-20-015	AMD-P	87-12-046	251-10-020	AMD-P	87-12-082
248-100-460	REP-P	87-07-039	250-20-021	AMD-P	87-04-076	251-10-020	AMD-P	87-12-083
248-100-460	REP	87-11-047	250-20-021	AMD-P	87-12-046	251-10-030	AMD	87-02-036
248-100-465	REP-P	87-07-039	250-20-031	AMD-P	87-12-046	251-10-055	AMD	87-02-036
248-100-465	REP	87-11-047	250-20-041	AMD-P	87-12-046	251-10-108	NEW-P	87-02-054
248-100-470	REP-P	87-07-039	250-20-051	AMD-P	87-12-046	251-10-108	NEW-P	87-04-057
248-100-470	REP	87-11-047	250-20-061	AMD-P	87-12-046	251-10-108	NEW-P	87-06-054
248-100-475	REP-P	87-07-039	250-20-071	AMD-P	87-12-046	251-10-108	NEW	87-08-056
248-100-475	REP	87-11-047	250-20-081	AMD-P	87-12-046	251-10-115	NEW-W	87-02-055
248-100-480	REP-P	87-07-039	250-40-030	AMD-P	87-12-047	251-10-120	AMD-P	87-04-057
248-100-480	REP	87-11-047	250-40-040	AMD-P	87-12-047	251-10-120	AMD	87-08-056
248-100-485	REP-P	87-07-039	250-40-050	AMD-P	87-04-077	251-10-140	AMD-P	87-04-057
248-100-485	REP	87-11-047	250-40-050	AMD-P	87-12-047	251-10-140	AMD	87-08-056
248-100-490	REP-P	87-07-039	250-40-060	AMD-P	87-12-047	251-10-195	AMD	87-02-036
248-100-490	REP	87-11-047	250-40-070	AMD-P	87-12-047	251-12-096	NEW-P	87-12-084
248-100-495	REP-P	87-07-039	250-44-010	AMD-P	87-12-066	251-12-097	NEW-P	87-12-084
248-100-495	REP	87-11-047	250-44-020	AMD-P	87-12-066	251-12-240	AMD	87-02-036
248-100-500	REP-P	87-07-039	250-44-030	AMD-P	87-12-066	251-14-030	AMD-P	87-12-084
248-100-500	REP	87-11-047	250-44-040	AMD-P	87-12-066	251-14-030	AMD-P	87-12-085
248-100-505	REP-P	87-07-039	250-44-050	AMD-P	87-12-066	251-14-035	AMD-P	87-12-085
248-100-505	REP	87-11-047	250-44-060	AMD-P	87-12-066	251-14-050	AMD	87-02-036
248-100-510	REP-P	87-07-039	250-44-080	AMD-P	87-12-066	251-18-176	AMD	87-02-036
248-100-510	REP	87-11-047	250-44-090	AMD-P	87-12-066	251-18-350	AMD	87-02-036
248-100-515	REP-P	87-07-039	250-44-100	AMD-P	87-12-066	251-22-040	AMD	87-02-036
248-100-515	REP	87-11-047	250-44-110	AMD-P	87-12-066	251-22-045	AMD	87-02-036
248-100-520	REP-P	87-07-039	250-44-120	AMD-P	87-12-066	251-22-070	AMD-P	87-10-052
248-100-520	REP	87-11-047	250-44-130	AMD-P	87-12-066	251-22-070	AMD	87-14-051
248-100-525	REP-P	87-07-039	250-44-140	AMD-P	87-12-066	251-22-110	AMD-P	87-10-052
248-100-525	REP	87-11-047	250-44-150	AMD-P	87-12-066	251-22-110	AMD-P	87-10-053
248-100-530	REP-P	87-07-039	250-44-160	AMD-P	87-12-066	251-22-110	AMD	87-14-051
248-100-530	REP	87-11-047	250-44-170	AMD-P	87-12-066	251-22-112	AMD-P	87-10-053
248-100-532	REP-P	87-07-039	250-44-180	AMD-P	87-12-066	251-22-112	AMD	87-14-051
248-100-532	REP	87-11-047	250-44-190	AMD-P	87-12-066	251-22-117	NEW-P	87-10-052
248-100-535	REP-P	87-07-039	250-44-200	AMD-P	87-12-066	251-22-117	NEW-P	87-10-053
248-100-535	REP	87-11-047	250-44-210	AMD-P	87-12-066	251-22-117	NEW	87-14-051
248-100-540	REP-P	87-07-039	251-01-040	AMD-P	87-06-053	251-22-200	AMD-P	87-10-053
248-100-540	REP	87-11-047	251-01-040	AMD-P	87-10-050	251-22-200	AMD	87-14-051
248-100-545	REP	87-11-047	251-01-040	AMD-P	87-12-081	251-23-015	NEW-P	87-06-053
248-100-550	REP-P	87-07-039	251-01-057	NEW-P	87-10-053	251-23-015	NEW-C	87-10-049
248-100-550	REP	87-11-047	251-01-057	NEW	87-14-051	251-23-015	NEW-C	87-14-006
248-100-555	REP-P	87-07-039	251-01-072	NEW-E	87-14-052	251-23-040	AMD	87-02-036
248-100-555	REP	87-11-047	251-01-072	NEW-P	87-12-085	251-23-050	AMD	87-02-036
248-100-560	REP-P	87-07-039	251-01-172	NEW	87-14-051	251-23-060	AMD	87-02-036
248-100-560	REP	87-11-047	251-01-190	AMD	87-02-036	254-20-090	AMD	87-03-039
248-100-560	REP	87-11-047	251-01-208	NEW-P	87-10-053	260-24-280	AMD-P	87-08-029
248-100-565	REP-P	87-07-039	251-01-300	AMD	87-02-036	260-24-280	AMD-E	87-09-031
248-100-565	REP	87-11-047	251-01-382	NEW-E	87-14-052	260-24-280	AMD	87-15-019
248-102-010	REP-E	87-07-033	251-01-392	NEW-E	87-14-052	260-36-040	AMD-P	87-08-029
248-102-010	REP-P	87-07-040	251-01-400	AMD	87-02-036	260-36-040	AMD-E	87-09-031
248-102-010	REP	87-11-040	251-04-040	AMD	87-02-036	260-36-040	AMD	87-15-019
248-102-020	REP-E	87-07-033	251-05-060	AMD	87-02-036	260-40-100	AMD-P	87-08-029
248-102-020	REP-P	87-07-040	251-07-010	NEW-P	87-04-055	260-44-080	AMD-P	87-08-029
248-102-020	REP	87-11-040	251-07-010	NEW	87-08-056	260-44-080	AMD-E	87-09-031
248-102-040	REP-E	87-07-033	251-07-020	NEW-P	87-04-055	260-44-080	AMD	87-15-019
248-102-040	REP-P	87-07-040	251-07-020	NEW	87-08-056	260-70-010	AMD-P	87-08-029
248-102-040	REP	87-11-040	251-07-030	NEW-P	87-04-055	260-70-010	AMD-W	87-09-076
248-102-070	REP-E	87-07-033	251-07-030	NEW	87-08-056	260-70-010	AMD-P	87-09-077

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-70-010	AMD	87-15-020	275-19-650	AMD-P	87-15-134	284-23-510	REP	87-14-015
260-70-021	AMD-P	87-08-029	275-19-660	AMD-P	87-15-134	284-23-520	REP-P	87-09-098
260-70-021	AMD-W	87-09-076	275-19-675	NEW-P	87-15-134	284-23-520	REP	87-14-015
260-70-021	AMD-P	87-09-077	275-19-680	NEW-P	87-15-134	284-23-530	REP-P	87-09-098
260-70-021	AMD	87-15-020	275-19-940	AMD-P	87-15-134	284-23-530	REP	87-14-015
260-70-025	AMD-P	87-08-029	275-19-950	AMD-P	87-15-134	284-30-330	AMD-P	87-06-039
260-70-025	AMD-W	87-09-076	275-19-960	AMD-P	87-15-134	284-30-330	AMD	87-09-071
260-70-025	AMD-P	87-09-077	275-19-970	AMD-P	87-15-134	284-30-350	AMD-P	87-06-039
260-70-025	AMD	87-15-020	275-19-980	AMD-P	87-15-134	284-30-350	AMD	87-09-071
260-70-026	AMD-P	87-08-029	275-19-985	AMD-P	87-15-134	284-30-390	AMD-P	87-06-039
260-70-026	AMD-W	87-09-076	275-19-990	AMD-P	87-15-134	284-30-390	AMD	87-09-071
260-70-026	AMD-P	87-09-077	275-30-010	NEW-P	87-04-023	284-30-500	AMD-P	87-06-039
260-70-026	AMD	87-15-020	275-30-020	NEW-P	87-04-023	284-30-500	AMD	87-09-071
260-70-050	AMD-P	87-08-029	275-30-030	NEW-P	87-04-023	284-30-572	NEW-P	87-06-039
260-70-050	AMD-W	87-09-076	275-30-040	NEW-P	87-04-023	284-30-572	NEW	87-09-071
260-70-050	AMD-P	87-09-077	275-30-050	NEW-P	87-04-023	284-30-574	NEW-P	87-06-039
260-70-050	AMD	87-15-020	275-30-060	NEW-P	87-04-023	284-30-574	NEW	87-09-071
260-70-090	AMD-P	87-08-029	275-30-070	NEW-P	87-04-023	284-30-590	NEW-P	87-06-039
260-70-090	AMD-W	87-09-076	275-54-170	AMD-P	87-15-135	284-30-590	NEW	87-09-071
260-70-090	AMD-P	87-09-077	275-54-180	AMD-P	87-15-135	284-30-620	NEW-P	87-06-039
260-70-090	AMD	87-15-020	275-54-190	AMD-P	87-15-135	284-30-620	NEW	87-09-071
260-70-100	AMD-P	87-08-029	275-54-200	AMD-P	87-15-135	284-30-630	NEW-P	87-06-039
260-70-100	AMD-W	87-09-076	275-55-021	REP-P	87-15-136	284-30-630	NEW	87-09-071
260-70-100	AMD-P	87-09-077	275-55-050	REP-P	87-15-136	284-30-650	NEW-P	87-06-039
260-70-120	AMD-P	87-08-029	275-55-060	REP-P	87-15-136	284-30-650	NEW	87-09-071
260-70-120	AMD-W	87-09-076	275-55-071	REP-P	87-15-136	284-30-750	NEW-P	87-06-039
260-70-120	AMD-P	87-09-077	275-55-121	REP-P	87-15-136	284-30-750	NEW	87-09-071
260-70-120	AMD	87-15-020	275-55-263	AMD-P	87-15-136	284-50-305	AMD-P	87-11-057
260-70-170	AMD-P	87-08-029	275-55-271	AMD-P	87-15-136	284-50-305	AMD	87-15-028
260-70-170	AMD-W	87-09-076	275-55-281	AMD-P	87-15-136	284-53	AMD-P	87-15-142
260-70-170	AMD-P	87-09-077	275-55-291	AMD-P	87-15-136	284-53-010	AMD-P	87-15-142
260-70-170	AMD	87-15-020	275-55-331	REP-P	87-15-136	284-54-010	NEW-P	87-11-056
261-06-070	AMD-P	87-13-073	275-56-135	AMD	87-06-026	284-54-010	NEW	87-15-027
261-06-080	AMD-P	87-13-073	284-07-010	NEW-P	87-02-065	284-54-015	NEW-P	87-11-056
261-06-090	AMD-P	87-13-073	284-07-010	NEW	87-05-011	284-54-015	NEW	87-15-027
261-06-110	AMD-P	87-13-073	284-07-014	NEW-P	87-02-065	284-54-020	NEW-P	87-11-056
261-50-030	AMD	87-04-008	284-07-014	NEW	87-05-011	284-54-020	NEW	87-15-027
261-50-030	AMD-P	87-05-007	284-07-024	NEW-P	87-02-065	284-54-030	NEW-P	87-11-056
261-50-030	AMD	87-08-037	284-07-024	NEW	87-05-011	284-54-030	NEW	87-15-027
261-50-035	NEW-P	87-05-007	284-12-080	NEW	87-03-055	284-54-050	NEW-P	87-11-056
261-50-040	AMD	87-04-008	284-13-110	NEW-P	87-06-049	284-54-050	NEW	87-15-027
261-50-040	AMD-P	87-05-007	284-13-110	NEW	87-09-056	284-54-060	NEW-P	87-11-056
261-50-045	REP	87-04-008	284-13-120	NEW-P	87-06-049	284-54-100	NEW-P	87-11-056
261-50-050	AMD	87-04-008	284-13-120	NEW	87-09-056	284-54-100	NEW	87-15-027
261-50-050	AMD-P	87-05-007	284-13-130	NEW-P	87-06-049	284-54-130	NEW-P	87-11-056
261-50-060	AMD	87-04-008	284-13-130	NEW	87-09-056	284-54-150	NEW	87-15-027
261-50-060	AMD-P	87-05-007	284-13-140	NEW-P	87-06-049	284-54-160	NEW-P	87-11-056
261-50-070	NEW-P	87-05-007	284-13-140	NEW	87-09-056	284-54-160	NEW	87-15-027
261-50-075	NEW	87-08-037	284-13-150	NEW-P	87-06-049	284-54-250	NEW-P	87-11-056
261-50-090	AMD	87-04-008	284-13-150	NEW	87-09-056	284-54-250	NEW	87-15-027
261-50-090	AMD-P	87-05-007	284-23-400	AMD-P	87-09-098	284-54-300	NEW-P	87-11-056
261-50-090	AMD	87-08-037	284-23-400	AMD	87-14-015	284-54-300	NEW	87-15-027
275-16-030	AMD-E	87-15-132	284-23-410	AMD-P	87-09-098	284-54-310	NEW-P	87-11-056
275-16-030	AMD-P	87-15-133	284-23-410	AMD	87-14-015	284-54-350	NEW-P	87-11-056
275-19-020	AMD-P	87-15-134	284-23-420	AMD-P	87-09-098	284-54-350	NEW	87-15-027
275-19-030	AMD-P	87-05-021	284-23-420	AMD	87-14-015	284-54-500	NEW-P	87-11-056
275-19-030	AMD	87-09-035	284-23-430	AMD-P	87-09-098	284-54-500	NEW	87-15-027
275-19-030	AMD-P	87-15-134	284-23-430	AMD	87-14-015	284-54-600	NEW-P	87-11-056
275-19-040	AMD-P	87-05-021	284-23-440	AMD-P	87-09-098	284-54-600	NEW	87-15-027
275-19-040	AMD	87-09-035	284-23-440	AMD	87-14-015	284-54-610	NEW-P	87-11-056
275-19-050	AMD-P	87-05-021	284-23-450	AMD-P	87-09-098	284-54-610	NEW	87-15-027
275-19-050	AMD	87-09-035	284-23-450	AMD	87-14-015	284-54-620	NEW-P	87-11-056
275-19-075	AMD	87-03-016	284-23-455	NEW-P	87-09-098	284-54-620	NEW	87-15-027
275-19-110	AMD-P	87-05-021	284-23-455	NEW	87-14-015	284-54-630	NEW-P	87-11-056
275-19-110	AMD	87-09-035	284-23-460	AMD-P	87-09-098	284-54-630	NEW	87-15-027
275-19-110	AMD-P	87-15-134	284-23-460	AMD	87-14-015	284-54-650	NEW-P	87-11-056
275-19-140	AMD-P	87-15-134	284-23-470	REP-P	87-09-098	284-54-650	NEW	87-15-027
275-19-170	AMD-P	87-15-134	284-23-470	REP	87-14-015	284-54-660	NEW-P	87-11-056
275-19-185	AMD-P	87-15-134	284-23-480	AMD-P	87-09-098	284-54-660	NEW	87-15-027
275-19-400	AMD-P	87-15-134	284-23-480	AMD	87-14-015	284-54-680	NEW-P	87-11-056
275-19-450	NEW-P	87-15-134	284-23-485	NEW-P	87-09-098	284-54-680	NEW	87-15-027
275-19-455	NEW-P	87-15-134	284-23-485	NEW	87-14-015	284-54-700	NEW-P	87-11-056
275-19-550	AMD-P	87-15-134	284-23-490	REP-P	87-09-098	284-54-700	NEW	87-15-027
275-19-580	NEW-P	87-15-134	284-23-490	REP	87-14-015	284-54-800	NEW-P	87-11-056
275-19-585	NEW-P	87-15-134	284-23-500	REP-P	87-09-098	284-54-800	NEW	87-15-027
275-19-590	NEW-P	87-15-134	284-23-500	REP	87-14-015	284-54-900	NEW-P	87-11-056
275-19-595	NEW-P	87-15-134	284-23-510	REP-P	87-09-098	284-54-900	NEW	87-15-027

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-74-010	NEW-P	87-02-066	296-17-579	AMD-P	87-07-047	296-18A-510	AMD-P	87-05-059
284-74-010	NEW	87-05-046	296-17-579	AMD	87-12-032	296-18A-510	AMD	87-10-073
284-74-100	NEW-P	87-02-066	296-17-600	AMD-P	87-07-047	296-20-022	NEW	87-03-004
284-74-100	NEW	87-05-046	296-17-600	AMD	87-12-032	296-20-035	AMD-P	87-02-057
284-91-010	NEW-P	87-15-109	296-17-603	AMD-P	87-07-047	296-20-035	AMD	87-08-004
284-91-020	NEW-P	87-15-109	296-17-603	AMD	87-12-032	296-20-125	AMD-P	87-11-050
284-91-030	NEW-P	87-15-109	296-17-612	AMD-P	87-07-047	296-20-125	AMD-E	87-12-044
284-91-040	NEW-P	87-15-109	296-17-612	AMD	87-12-032	296-20-135	AMD	87-03-004
286-16-035	AMD-P	87-05-026	296-17-615	AMD-P	87-07-047	296-20-140	AMD	87-03-004
286-16-035	AMD	87-08-032	296-17-615	AMD	87-12-032	296-20-145	AMD	87-03-004
289-15-225	AMD	87-05-040	296-17-619	AMD-P	87-07-047	296-20-150	AMD	87-03-004
289-15-225	AMD-P	87-10-061	296-17-619	AMD	87-12-032	296-20-155	AMD	87-03-004
289-15-225	AMD-C	87-13-014	296-17-620	AMD-P	87-07-047	296-21-011	AMD-E	87-02-042
296-08-025	NEW	87-02-037	296-17-620	AMD	87-12-032	296-21-011	AMD	87-03-005
296-15-030	AMD	87-05-008	296-17-622	AMD-P	87-07-047	296-21-013	AMD-P	87-11-050
296-17-310	AMD-P	87-07-047	296-17-622	AMD	87-12-032	296-21-013	AMD-E	87-11-051
296-17-310	AMD	87-12-032	296-17-643	AMD-P	87-07-047	296-21-013	AMD-E	87-12-044
296-17-340	AMD-P	87-07-047	296-17-643	AMD	87-12-032	296-21-015	AMD-P	87-11-050
296-17-340	AMD	87-12-032	296-17-649	AMD-P	87-07-047	296-21-015	AMD-E	87-12-044
296-17-430	AMD-P	87-07-047	296-17-649	AMD	87-12-032	296-21-025	AMD-P	87-11-050
296-17-430	AMD	87-12-032	296-17-655	AMD-P	87-07-047	296-21-025	AMD-E	87-12-044
296-17-440	AMD-P	87-07-047	296-17-655	AMD	87-12-032	296-21-026	AMD-P	87-11-050
296-17-440	AMD	87-12-032	296-17-680	AMD-P	87-07-047	296-21-026	AMD-E	87-12-044
296-17-470	AMD-P	87-07-047	296-17-680	AMD	87-12-032	296-21-027	AMD-P	87-11-050
296-17-470	AMD	87-12-032	296-17-681	AMD-P	87-07-047	296-21-027	AMD-E	87-12-044
296-17-502	AMD-P	87-07-047	296-17-681	AMD	87-12-032	296-21-030	AMD-P	87-11-050
296-17-502	AMD	87-12-032	296-17-686	AMD-P	87-07-047	296-21-030	AMD-E	87-12-044
296-17-505	AMD-P	87-07-047	296-17-686	AMD	87-12-032	296-21-035	AMD-P	87-11-050
296-17-505	AMD	87-12-032	296-17-689	AMD-P	87-07-047	296-21-035	AMD-E	87-12-044
296-17-509	AMD-P	87-07-047	296-17-689	AMD	87-12-032	296-21-040	AMD-P	87-11-050
296-17-509	AMD	87-12-032	296-17-691	AMD-P	87-07-047	296-21-040	AMD-E	87-12-044
296-17-50904	AMD-P	87-07-047	296-17-691	AMD	87-12-032	296-21-045	AMD-P	87-11-050
296-17-50904	AMD	87-12-032	296-17-692	AMD-P	87-07-047	296-21-045	AMD-E	87-12-044
296-17-520	AMD-P	87-07-047	296-17-692	AMD	87-12-032	296-21-046	AMD-P	87-11-050
296-17-520	AMD	87-12-032	296-17-695	AMD-P	87-07-047	296-21-046	AMD-E	87-12-044
296-17-52102	AMD-P	87-07-047	296-17-695	AMD	87-12-032	296-21-057	AMD-P	87-11-050
296-17-52102	AMD	87-12-032	296-17-704	AMD-P	87-07-047	296-21-057	AMD-E	87-12-044
296-17-52104	AMD-P	87-07-047	296-17-704	AMD	87-12-032	296-21-066	AMD-P	87-11-050
296-17-52104	AMD	87-12-032	296-17-724	AMD-P	87-07-047	296-21-066	AMD-E	87-12-044
296-17-52105	NEW-P	87-07-047	296-17-724	AMD	87-12-032	296-21-075	AMD-P	87-11-050
296-17-52105	NEW	87-12-032	296-17-758	AMD-P	87-07-047	296-21-075	AMD-E	87-12-044
296-17-526	AMD-P	87-07-047	296-17-758	AMD	87-12-032	296-22-010	AMD-E	87-02-042
296-17-526	AMD	87-12-032	296-17-759	AMD-P	87-07-047	296-22-010	AMD	87-03-005
296-17-527	AMD-P	87-07-047	296-17-759	AMD	87-12-032	296-22-021	AMD-P	87-11-050
296-17-527	AMD	87-12-032	296-17-760	AMD-P	87-07-047	296-22-021	AMD-E	87-12-044
296-17-538	AMD-P	87-07-047	296-17-760	AMD	87-12-032	296-22-022	AMD-P	87-11-050
296-17-538	AMD	87-12-032	296-17-761	AMD-P	87-07-047	296-22-022	AMD-E	87-12-044
296-17-53806	AMD-P	87-07-047	296-17-761	AMD	87-12-032	296-22-023	AMD-P	87-11-050
296-17-53806	AMD	87-12-032	296-17-765	AMD-P	87-07-047	296-22-023	AMD-E	87-12-044
296-17-542	AMD-P	87-07-047	296-17-765	AMD	87-12-032	296-22-024	AMD-P	87-11-050
296-17-542	AMD	87-12-032	296-17-850	AMD-P	87-07-047	296-22-024	AMD-E	87-12-044
296-17-544	AMD-P	87-07-047	296-17-850	AMD	87-12-032	296-22-025	AMD-P	87-11-050
296-17-544	AMD	87-12-032	296-17-87309	REP-P	87-07-047	296-22-025	AMD-E	87-12-044
296-17-54401	NEW-P	87-07-047	296-17-87309	REP	87-12-032	296-22-031	AMD-P	87-11-050
296-17-54401	NEW	87-12-032	296-17-885	AMD-P	87-07-047	296-22-031	AMD-E	87-12-044
296-17-562	AMD-P	87-07-047	296-17-885	AMD	87-12-032	296-22-036	AMD-P	87-11-050
296-17-562	AMD	87-12-032	296-17-895	AMD-P	87-07-047	296-22-036	AMD-E	87-12-044
296-17-565	AMD-P	87-07-047	296-17-895	AMD	87-12-032	296-22-038	AMD-P	87-11-050
296-17-565	AMD	87-12-032	296-17-913	AMD-P	87-07-017	296-22-038	AMD-E	87-12-044
296-17-566	AMD-P	87-07-047	296-17-913	AMD	87-12-033	296-22-039	AMD-P	87-11-050
296-17-566	AMD	87-12-032	296-17-916	AMD-P	87-07-017	296-22-039	AMD-E	87-12-044
296-17-56601	NEW-P	87-07-047	296-17-917	AMD-P	87-07-017	296-22-042	AMD-P	87-11-050
296-17-56601	NEW	87-12-032	296-17-917	AMD	87-12-033	296-22-042	AMD-E	87-12-044
296-17-568	AMD-P	87-07-047	296-17-920	AMD	87-04-006	296-22-051	AMD-P	87-11-050
296-17-568	AMD	87-12-032	296-18A-450	AMD-P	87-02-057	296-22-051	AMD-E	87-12-044
296-17-56901	NEW-P	87-07-047	296-18A-450	AMD	87-08-004	296-22-053	AMD-P	87-11-050
296-17-56901	NEW	87-12-032	296-18A-460	AMD-P	87-05-060	296-22-053	AMD-E	87-12-044
296-17-57001	NEW-P	87-07-047	296-18A-460	AMD	87-10-070	296-22-061	AMD-P	87-11-050
296-17-57001	NEW	87-12-032	296-18A-465	NEW-P	87-05-056	296-22-061	AMD-E	87-12-044
296-17-57003	NEW-P	87-07-047	296-18A-465	NEW	87-10-071	296-22-063	AMD-P	87-11-050
296-17-57003	NEW	87-12-032	296-18A-470	AMD-P	87-05-060	296-22-063	AMD-E	87-12-044
296-17-57601	AMD-P	87-07-047	296-18A-470	AMD-W	87-12-031	296-22-067	AMD-P	87-11-050
296-17-57601	AMD	87-12-032	296-18A-480	AMD-P	87-02-057	296-22-067	AMD-E	87-12-044
296-17-57602	AMD-P	87-07-047	296-18A-480	AMD	87-08-004	296-22-071	AMD-P	87-11-050
296-17-57602	AMD	87-12-032	296-18A-490	AMD-P	87-05-057	296-22-071	AMD-E	87-12-044
296-17-578	AMD-P	87-07-047	296-18A-490	AMD-E	87-08-044	296-22-073	AMD-P	87-11-050
296-17-578	AMD	87-12-032	296-18A-490	AMD	87-10-072	296-22-073	AMD-E	87-12-044

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-23A-225	NEW	87-03-005	296-23A-345	AMD-P	87-11-050	296-46-680	AMD-P	87-06-047
296-23A-230	NEW-E	87-02-042	296-23A-345	AMD-E	87-12-044	296-46-680	AMD	87-10-030
296-23A-230	NEW	87-03-005	296-23A-350	NEW-E	87-02-042	296-46-910	AMD-P	87-06-047
296-23A-235	NEW-E	87-02-042	296-23A-350	NEW	87-03-005	296-46-910	AMD	87-10-030
296-23A-235	NEW	87-03-005	296-23A-355	NEW-E	87-02-042	296-46-920	AMD-P	87-06-047
296-23A-240	NEW-E	87-02-042	296-23A-355	NEW	87-03-005	296-46-920	AMD	87-10-030
296-23A-240	NEW	87-03-005	296-23A-355	AMD-P	87-11-050	296-46-940	AMD-P	87-06-047
296-23A-242	NEW-E	87-02-042	296-23A-355	AMD-E	87-12-044	296-62-05405	AMD-P	87-05-055
296-23A-242	NEW	87-03-005	296-23A-360	NEW-E	87-02-042	296-62-05405	AMD	87-10-008
296-23A-244	NEW-E	87-02-042	296-23A-360	NEW	87-03-005	296-62-05427	AMD-P	87-05-055
296-23A-244	NEW	87-03-005	296-23A-360	AMD-P	87-11-050	296-62-05427	AMD	87-10-008
296-23A-244	AMD-P	87-11-050	296-23A-360	AMD-E	87-12-044	296-62-07353	AMD-P	87-02-058
296-23A-244	AMD-E	87-12-044	296-23A-400	NEW-E	87-02-042	296-62-07353	AMD	87-07-022
296-23A-246	NEW-E	87-02-042	296-23A-400	NEW	87-03-005	296-62-07517	AMD-P	87-05-055
296-23A-246	NEW	87-03-005	296-23A-410	NEW-E	87-02-042	296-62-07517	AMD	87-10-008
296-23A-246	AMD-P	87-11-050	296-23A-410	NEW	87-03-005	296-62-077	NEW-P	87-05-055
296-23A-246	AMD-E	87-12-044	296-23A-415	NEW-E	87-02-042	296-62-077	NEW	87-10-008
296-23A-248	NEW-E	87-02-042	296-23A-415	NEW	87-03-005	296-62-07701	NEW-P	87-05-055
296-23A-248	NEW	87-03-005	296-23A-420	NEW-E	87-02-042	296-62-07701	NEW	87-10-008
296-23A-250	NEW-E	87-02-042	296-23A-420	NEW	87-03-005	296-62-07703	NEW-P	87-05-055
296-23A-250	NEW	87-03-005	296-23A-425	NEW-E	87-02-042	296-62-07703	NEW	87-10-008
296-23A-252	NEW-E	87-02-042	296-23A-425	NEW	87-03-005	296-62-07705	NEW-P	87-05-055
296-23A-252	NEW	87-03-005	296-23A-425	AMD-P	87-11-050	296-62-07705	NEW	87-10-008
296-23A-252	AMD-P	87-11-050	296-23A-425	AMD-E	87-11-051	296-62-07707	NEW-P	87-05-055
296-23A-252	AMD-E	87-12-044	296-24-14011	AMD-P	87-02-058	296-62-07707	NEW	87-10-008
296-23A-254	NEW-E	87-02-042	296-24-14011	AMD	87-07-022	296-62-07709	NEW-P	87-05-055
296-23A-254	NEW	87-03-005	296-27-160	AMD	87-03-011	296-62-07709	NEW	87-10-008
296-23A-254	AMD-P	87-11-050	296-27-16001	AMD	87-03-011	296-62-07711	NEW-P	87-05-055
296-23A-254	AMD-E	87-12-044	296-27-16002	NEW	87-03-011	296-62-07711	NEW	87-10-008
296-23A-256	NEW-E	87-02-042	296-27-16003	AMD	87-03-011	296-62-07713	NEW-P	87-05-055
296-23A-256	NEW	87-03-005	296-27-16004	NEW	87-03-011	296-62-07713	NEW	87-10-008
296-23A-256	AMD-P	87-11-050	296-27-16005	REP	87-03-011	296-62-07715	NEW-P	87-05-055
296-23A-256	AMD-E	87-12-044	296-27-16007	AMD	87-03-011	296-62-07715	NEW	87-10-008
296-23A-258	NEW-E	87-02-042	296-27-16009	REP	87-03-011	296-62-07715	NEW-P	87-05-055
296-23A-258	NEW	87-03-005	296-27-16011	AMD	87-03-011	296-62-07717	NEW	87-10-008
296-23A-258	AMD-P	87-11-050	296-27-16013	REP	87-03-011	296-62-07719	NEW-P	87-05-055
296-23A-258	AMD-E	87-12-044	296-27-16015	REP	87-03-011	296-62-07719	NEW	87-10-008
296-23A-260	NEW-E	87-02-042	296-27-16017	REP	87-03-011	296-62-07721	NEW-P	87-05-055
296-23A-260	NEW	87-03-005	296-27-16018	NEW	87-03-011	296-62-07721	NEW	87-10-008
296-23A-260	AMD-P	87-11-050	296-27-16019	REP	87-03-011	296-62-07721	NEW-P	87-05-055
296-23A-260	AMD-E	87-12-044	296-27-16020	NEW	87-03-011	296-62-07723	NEW	87-10-008
296-23A-262	NEW-E	87-02-042	296-27-16021	REP	87-03-011	296-62-07725	NEW-P	87-05-055
296-23A-262	NEW	87-03-005	296-27-16022	NEW	87-03-011	296-62-07725	NEW	87-10-008
296-23A-262	AMD-P	87-11-050	296-27-16023	REP	87-03-011	296-62-07727	NEW-P	87-05-055
296-23A-262	AMD-E	87-12-044	296-27-16026	NEW	87-03-011	296-62-07727	NEW	87-10-008
296-23A-264	NEW-E	87-02-042	296-46-110	AMD-P	87-06-047	296-62-07729	NEW-P	87-05-055
296-23A-264	NEW	87-03-005	296-46-110	AMD	87-10-030	296-62-07729	NEW	87-10-008
296-23A-266	NEW-E	87-02-042	296-46-130	AMD-P	87-06-047	296-62-07731	NEW-P	87-05-055
296-23A-266	NEW	87-03-005	296-46-130	AMD	87-10-030	296-62-07731	NEW	87-10-008
296-23A-266	AMD-P	87-11-050	296-46-140	AMD-P	87-06-047	296-62-07733	NEW-P	87-05-055
296-23A-266	AMD-E	87-12-044	296-46-140	AMD	87-10-030	296-62-07733	NEW	87-10-008
296-23A-268	NEW-E	87-02-042	296-46-150	AMD-P	87-06-047	296-62-07735	NEW-P	87-05-055
296-23A-268	NEW	87-03-005	296-46-150	AMD	87-10-030	296-62-07735	NEW	87-10-008
296-23A-300	NEW-E	87-02-042	296-46-160	AMD-P	87-06-047	296-62-07737	NEW-P	87-05-055
296-23A-300	NEW	87-03-005	296-46-160	AMD	87-10-030	296-62-07737	NEW	87-10-008
296-23A-310	NEW-E	87-02-042	296-46-180	AMD-P	87-06-047	296-62-07739	NEW-P	87-05-055
296-23A-310	NEW	87-03-005	296-46-180	AMD	87-10-030	296-62-07739	NEW	87-10-008
296-23A-315	NEW-E	87-02-042	296-46-200	AMD-P	87-06-047	296-62-07741	NEW-P	87-05-055
296-23A-315	NEW	87-03-005	296-46-200	AMD	87-10-030	296-62-07741	NEW	87-10-008
296-23A-320	NEW-E	87-02-042	296-46-220	AMD-P	87-06-047	296-62-07743	NEW-P	87-05-055
296-23A-320	NEW	87-03-005	296-46-220	AMD	87-10-030	296-62-07743	NEW	87-10-008
296-23A-325	NEW-E	87-02-042	296-46-240	AMD-P	87-06-047	296-62-07745	NEW-P	87-05-055
296-23A-325	NEW	87-03-005	296-46-240	AMD	87-10-030	296-62-07745	NEW	87-10-008
296-23A-325	AMD-P	87-11-050	296-46-316	NEW-P	87-06-047	296-62-07747	NEW-P	87-05-055
296-23A-325	AMD-E	87-12-044	296-46-316	NEW	87-10-030	296-62-07747	NEW	87-10-008
296-23A-330	NEW-E	87-02-042	296-46-350	AMD-P	87-06-047	296-62-07749	NEW-P	87-05-055
296-23A-330	NEW	87-03-005	296-46-350	AMD	87-10-030	296-62-07749	NEW	87-10-008
296-23A-335	NEW-E	87-02-042	296-46-370	AMD-P	87-06-047	296-65-005	AMD-P	87-05-055
296-23A-335	NEW	87-03-005	296-46-370	AMD	87-10-030	296-65-005	AMD	87-10-008
296-23A-335	AMD-P	87-11-050	296-46-420	AMD-P	87-06-047	296-65-015	AMD-P	87-05-055
296-23A-335	AMD-E	87-12-044	296-46-420	AMD	87-10-030	296-65-015	AMD	87-10-008
296-23A-340	NEW-E	87-02-042	296-46-422	NEW-P	87-06-047	296-65-020	AMD-P	87-05-055
296-23A-340	NEW	87-03-005	296-46-422	NEW	87-10-030	296-65-020	AMD	87-10-008
296-23A-340	AMD-P	87-11-050	296-46-495	AMD-P	87-06-047	296-65-030	AMD-P	87-05-055
296-23A-340	AMD-E	87-12-044	296-46-495	AMD	87-10-030	296-65-030	AMD	87-10-008
296-23A-345	NEW-E	87-02-042	296-46-514	NEW-P	87-06-047	296-65-040	AMD-P	87-05-055
296-23A-345	NEW	87-03-005	296-46-514	NEW	87-10-030	296-65-040	AMD	87-10-008

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-81-007	AMD-P	87-14-077	296-155-270	AMD-W	87-13-008	296-306-005	REP	87-09-079
296-81-008	AMD-P	87-14-077	296-155-405	AMD-P	87-02-058	296-306-006	NEW-C	87-02-056
296-104-701	NEW-P	87-07-023	296-155-405	AMD-C	87-07-021	296-306-006	NEW-C	87-05-023
296-104-701	NEW-E	87-07-024	296-155-405	AMD-W	87-13-008	296-306-006	NEW	87-09-079
296-104-701	NEW	87-12-003	296-155-425	REP-P	87-02-058	296-306-009	NEW-C	87-02-056
296-116-080	AMD-P	87-02-053	296-155-425	REP-C	87-07-021	296-306-009	NEW-C	87-05-023
296-150B-030	AMD-P	87-15-031	296-155-425	REP-W	87-13-008	296-306-009	NEW	87-09-079
296-150B-035	AMD-P	87-15-031	296-155-426	NEW-P	87-02-058	296-306-012	NEW-C	87-02-056
296-150B-050	AMD-P	87-15-031	296-155-426	NEW-C	87-07-021	296-306-012	NEW-C	87-05-023
296-150B-060	AMD-P	87-15-031	296-155-426	NEW-W	87-13-008	296-306-012	NEW	87-09-079
296-150B-122	NEW-P	87-15-031	296-155-428	NEW-P	87-02-058	296-306-025	AMD-C	87-02-056
296-150B-125	AMD-P	87-15-031	296-155-428	NEW-C	87-07-021	296-306-025	AMD-C	87-05-023
296-150B-185	AMD-P	87-15-031	296-155-428	NEW-W	87-13-008	296-306-025	AMD	87-09-079
296-150B-200	AMD-P	87-15-031	296-155-429	NEW-P	87-02-058	296-306-057	NEW-C	87-02-056
296-150B-320	NEW-E	87-11-060	296-155-429	NEW-C	87-07-021	296-306-057	NEW-C	87-05-023
296-150B-320	NEW-P	87-15-017	296-155-429	NEW-W	87-13-008	296-306-057	NEW	87-09-079
296-150B-513	AMD-P	87-15-031	296-155-430	REP-P	87-02-058	296-306-300	NEW-C	87-02-056
296-150B-515	NEW-P	87-15-031	296-155-430	REP-C	87-07-021	296-306-300	NEW-C	87-05-023
296-155-160	AMD-P	87-05-055	296-155-430	REP-W	87-13-008	296-306-300	NEW	87-09-079
296-155-160	AMD	87-10-008	296-155-432	NEW-P	87-02-058	296-306-310	NEW-C	87-02-056
296-155-175	NEW-P	87-05-055	296-155-432	NEW-C	87-07-021	296-306-310	NEW-C	87-05-023
296-155-175	NEW	87-10-008	296-155-432	NEW-W	87-13-008	296-306-310	NEW	87-09-079
296-155-17505	NEW-P	87-05-055	296-155-434	NEW-P	87-02-058	296-306-320	NEW-C	87-02-056
296-155-17505	NEW	87-10-008	296-155-434	NEW-C	87-07-021	296-306-320	NEW-C	87-05-023
296-155-17510	NEW-P	87-05-055	296-155-434	NEW-W	87-13-008	296-306-320	NEW	87-09-079
296-155-17510	NEW	87-10-008	296-155-435	REP-P	87-02-058	304-12-140	AMD-P	87-04-066
296-155-17515	NEW-P	87-05-055	296-155-435	REP-C	87-07-021	304-12-140	AMD	87-07-029
296-155-17515	NEW	87-10-008	296-155-435	REP-W	87-13-008	308-04-020	NEW-P	87-13-041
296-155-17520	NEW-P	87-05-055	296-155-437	NEW-P	87-02-058	308-04-020	NEW-W	87-14-085
296-155-17520	NEW	87-10-008	296-155-437	NEW-C	87-07-021	308-11-030	AMD-P	87-07-046
296-155-17525	NEW-P	87-05-055	296-155-437	NEW-W	87-13-008	308-11-030	AMD	87-10-028
296-155-17525	NEW	87-10-008	296-155-440	REP-P	87-02-058	308-12-083	NEW-P	87-14-016
296-155-17530	NEW-P	87-05-055	296-155-440	REP-C	87-07-021	308-12-085	AMD-P	87-14-016
296-155-17530	NEW	87-10-008	296-155-440	REP-W	87-13-008	308-12-115	AMD-P	87-14-016
296-155-17532	NEW-P	87-05-055	296-155-441	NEW-P	87-02-058	308-12-150	AMD-P	87-14-016
296-155-17532	NEW	87-10-008	296-155-441	NEW-C	87-07-021	308-12-312	AMD-E	87-04-049
296-155-17535	NEW-P	87-05-055	296-155-441	NEW-W	87-13-008	308-12-312	REP-P	87-07-046
296-155-17535	NEW	87-10-008	296-155-444	NEW-P	87-02-058	308-12-312	REP	87-10-028
296-155-17540	NEW-P	87-05-055	296-155-444	NEW-C	87-07-021	308-12-326	NEW-P	87-07-046
296-155-17540	NEW	87-10-008	296-155-444	NEW-W	87-13-008	308-12-326	NEW	87-10-028
296-155-17545	NEW-P	87-05-055	296-155-447	NEW-P	87-02-058	308-13-150	AMD-E	87-03-031
296-155-17545	NEW	87-10-008	296-155-447	NEW-C	87-07-021	308-13-150	AMD-P	87-07-046
296-155-17550	NEW-P	87-05-055	296-155-447	NEW-W	87-13-008	308-13-150	AMD-P	87-10-024
296-155-17550	NEW	87-10-008	296-155-449	NEW-P	87-02-058	308-13-150	AMD-E	87-10-026
296-155-17555	NEW-P	87-05-055	296-155-449	NEW-C	87-07-021	308-13-160	NEW-P	87-10-025
296-155-17555	NEW	87-10-008	296-155-449	NEW-W	87-13-008	308-13-160	NEW-E	87-10-027
296-155-17560	NEW-P	87-05-055	296-155-450	REP-P	87-02-058	308-20-200	REP-P	87-07-046
296-155-17560	NEW	87-10-008	296-155-450	REP-C	87-07-021	308-20-200	REP	87-10-028
296-155-17565	NEW-P	87-05-055	296-155-450	REP-W	87-13-008	308-20-210	NEW-P	87-07-046
296-155-17565	NEW	87-10-008	296-155-452	NEW-P	87-02-058	308-20-210	NEW	87-10-028
296-155-17570	NEW-P	87-05-055	296-155-452	NEW-C	87-07-021	308-25-065	AMD-P	87-07-046
296-155-17570	NEW	87-10-008	296-155-452	NEW-W	87-13-008	308-25-065	AMD	87-10-028
296-155-17575	NEW-P	87-05-055	296-155-455	REP-P	87-02-058	308-26-025	NEW-P	87-13-042
296-155-17575	NEW	87-10-008	296-155-455	REP-C	87-07-021	308-26-025	NEW-E	87-15-018
296-155-177	NEW-P	87-05-055	296-155-455	REP-W	87-13-008	308-26-040	REP-P	87-07-046
296-155-177	NEW	87-10-008	296-155-456	NEW-P	87-02-058	308-26-040	REP	87-10-028
296-155-179	NEW-P	87-05-055	296-155-456	NEW-C	87-07-021	308-26-045	NEW-P	87-07-046
296-155-179	NEW	87-10-008	296-155-456	NEW-W	87-13-008	308-26-045	NEW	87-10-028
296-155-181	NEW-P	87-05-055	296-155-459	NEW-P	87-02-058	308-29-030	AMD-P	87-07-025
296-155-181	NEW	87-10-008	296-155-459	NEW-C	87-07-021	308-29-030	AMD	87-11-064
296-155-183	NEW-P	87-05-055	296-155-459	NEW-W	87-13-008	308-29-045	AMD-P	87-07-046
296-155-183	NEW	87-10-008	296-155-462	NEW-P	87-02-058	308-29-045	AMD	87-10-028
296-155-185	NEW-P	87-05-055	296-155-462	NEW-C	87-07-021	308-29-060	AMD-P	87-07-025
296-155-185	NEW	87-10-008	296-155-462	NEW-W	87-13-008	308-29-060	AMD	87-11-064
296-155-187	NEW-P	87-05-055	296-155-745	AMD-P	87-02-058	308-29-070	AMD-P	87-07-025
296-155-187	NEW	87-10-008	296-155-745	AMD-C	87-07-021	308-29-070	AMD	87-11-064
296-155-189	NEW-P	87-05-055	296-155-745	AMD-W	87-13-008	308-29-080	AMD-P	87-07-025
296-155-189	NEW	87-10-008	296-155-775	AMD-P	87-05-055	308-29-080	AMD	87-11-064
296-155-191	NEW-P	87-05-055	296-155-775	AMD	87-10-008	308-31-015	AMD	87-04-050
296-155-191	NEW	87-10-008	296-200-340	AMD	87-07-003	308-31-025	NEW	87-04-050
296-155-193	NEW-P	87-05-055	296-200-350	AMD	87-07-003	308-31-025	AMD-P	87-04-054
296-155-193	NEW	87-10-008	296-200-370	AMD	87-07-003	308-31-025	AMD	87-09-045
296-155-265	AMD-P	87-02-058	296-306-003	NEW-C	87-02-056	308-31-055	AMD-P	87-07-046
296-155-265	AMD-C	87-07-021	296-306-003	NEW-C	87-05-023	308-31-055	AMD-P	87-13-057
296-155-265	AMD-W	87-13-008	296-306-003	NEW	87-09-079	308-31-055	AMD-E	87-14-088
296-155-270	AMD-P	87-02-058	296-306-005	REP-C	87-02-056	308-31-100	AMD	87-04-050
296-155-270	AMD-C	87-07-021	296-306-005	REP-C	87-05-023	308-31-120	AMD	87-04-050

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-31-500	AMD	87-04-050	308-52-315	REP	87-10-028	308-96A-100	AMD-P	87-04-067
308-31-500	AMD-P	87-04-054	308-52-590	NEW-P	87-07-046	308-96A-100	AMD	87-12-023
308-31-500	AMD	87-09-045	308-52-590	NEW	87-10-028	308-96A-136	NEW-P	87-04-067
308-32-090	REP-P	87-07-046	308-53-020	AMD-P	87-07-046	308-96A-136	NEW	87-12-023
308-32-100	NEW-P	87-07-046	308-53-020	AMD	87-10-028	308-96A-205	AMD-P	87-04-067
308-33-011	AMD-P	87-11-061	308-53-084	AMD-C	87-02-060	308-96A-205	AMD	87-12-023
308-33-020	AMD-P	87-11-061	308-53-084	AMD	87-09-046	308-96A-220	AMD-P	87-04-067
308-33-030	AMD-P	87-11-061	308-53-085	AMD-C	87-02-060	308-96A-220	AMD	87-12-023
308-33-040	REP-P	87-11-061	308-53-085	AMD	87-09-046	308-96A-300	AMD-P	87-04-067
308-33-050	REP-P	87-11-061	308-53-320	NEW-P	87-09-074	308-96A-300	AMD	87-12-023
308-33-060	AMD-P	87-11-061	308-53-330	NEW-P	87-09-075	308-96A-306	NEW-P	87-04-067
308-33-080	AMD-P	87-11-061	308-54-315	AMD-P	87-07-046	308-96A-306	NEW	87-12-023
308-33-095	AMD-P	87-11-061	308-54-315	AMD-P	87-13-057	308-96A-310	AMD-P	87-04-067
308-33-105	AMD-P	87-07-046	308-54-315	AMD-E	87-14-088	308-96A-325	AMD-P	87-04-067
308-33-105	AMD	87-10-028	308-55-025	AMD-P	87-07-046	308-96A-325	AMD	87-12-023
308-34-090	NEW-P	87-07-046	308-55-025	AMD-P	87-13-057	308-96A-330	AMD-P	87-04-067
308-34-090	NEW-P	87-13-057	308-55-025	AMD-E	87-14-088	308-96A-330	AMD	87-12-023
308-34-090	AMD-E	87-14-088	308-56A-006	NEW-P	87-04-069	308-96A-335	AMD-P	87-04-067
308-37-190	AMD-P	87-07-045	308-56A-115	AMD-P	87-04-069	308-96A-335	AMD	87-12-023
308-37-190	AMD-W	87-09-095	308-56A-125	AMD-P	87-04-069	308-96A-400	AMD-P	87-04-067
308-37-190	AMD-P	87-09-096	308-56A-155	NEW-P	87-04-069	308-96A-400	AMD	87-12-023
308-37-190	AMD-W	87-11-026	308-56A-156	NEW-P	87-04-069	308-96A-410	NEW-P	87-04-067
308-40-102	AMD-P	87-06-051	308-56A-160	NEW-P	87-04-069	308-96A-410	NEW	87-12-023
308-40-102	AMD	87-09-097	308-56A-195	AMD-P	87-04-069	308-96A-415	NEW-P	87-04-067
308-40-105	AMD-P	87-06-051	308-79-050	REP-P	87-13-083	308-96A-415	NEW	87-12-023
308-40-105	AMD	87-09-097	308-90-010	REP-E	87-14-072	308-96A-420	NEW-P	87-04-067
308-40-125	AMD-P	87-07-046	308-90-020	REP-E	87-14-072	308-96A-420	NEW	87-12-023
308-40-125	AMD-P	87-13-057	308-90-030	AMD-E	87-14-072	308-99-010	AMD-P	87-14-087
308-40-125	AMD-E	87-14-088	308-90-040	AMD-E	87-14-072	308-99-020	AMD-P	87-14-087
308-41-025	REP-P	87-07-046	308-90-050	REP-E	87-14-072	308-99-021	AMD-P	87-14-087
308-42-040	AMD-P	87-05-061	308-90-060	AMD-E	87-14-072	308-99-025	AMD-P	87-14-087
308-42-040	AMD	87-08-065	308-90-070	AMD-E	87-14-072	308-99-040	AMD-P	87-14-087
308-42-075	AMD-P	87-07-046	308-90-080	AMD-E	87-14-072	308-100-010	AMD-E	87-12-024
308-42-075	AMD	87-10-028	308-90-090	AMD-E	87-14-072	308-100-010	AMD-P	87-15-139
308-42-210	NEW-P	87-14-086	308-90-110	AMD-E	87-14-072	308-104-004	NEW-P	87-15-139
308-42-220	NEW-P	87-14-086	308-90-120	NEW-E	87-14-072	308-104-006	NEW-P	87-15-139
308-42-230	NEW-P	87-14-086	308-90-130	NEW-E	87-14-072	308-104-008	NEW-P	87-15-139
308-42-240	NEW-P	87-14-086	308-90-140	NEW-E	87-14-072	308-104-050	AMD-P	87-15-139
308-42-250	NEW-P	87-14-086	308-90-150	NEW-E	87-14-072	308-115-405	AMD-P	87-07-046
308-42-260	NEW-P	87-14-086	308-90-160	NEW-E	87-14-072	308-115-405	AMD-P	87-13-057
308-42-270	NEW-P	87-14-086	308-93-010	AMD-P	87-04-068	308-115-405	AMD-E	87-14-088
308-42-280	NEW-P	87-14-086	308-93-010	AMD	87-09-073	308-116-325	REP-P	87-07-046
308-48-075	NEW-P	87-08-051	308-93-074	AMD-P	87-04-068	308-116-325	REP	87-10-028
308-48-075	NEW	87-11-063	308-93-074	AMD	87-09-073	308-117-130	AMD-P	87-10-067
308-48-210	NEW-P	87-08-051	308-94	AMD	87-03-041	308-117-200	AMD-P	87-10-067
308-48-210	NEW	87-11-063	308-94-010	AMD	87-03-041	308-117-300	AMD-P	87-10-067
308-48-250	REP-P	87-07-046	308-94-020	REP	87-03-041	308-117-500	NEW-P	87-07-046
308-48-250	REP	87-10-028	308-94-030	AMD	87-03-041	308-117-500	NEW	87-10-028
308-48-800	NEW-P	87-07-046	308-94-040	AMD	87-03-041	308-120-162	AMD-P	87-15-103
308-48-800	NEW	87-10-028	308-94-050	AMD	87-03-041	308-120-165	AMD-P	87-15-103
308-49-140	AMD-P	87-15-105	308-94-060	REP	87-03-041	308-120-186	AMD-P	87-15-103
308-49-170	AMD-P	87-15-105	308-94-070	AMD	87-03-041	308-120-275	AMD-P	87-07-046
308-49-180	REP-P	87-15-105	308-94-080	AMD	87-03-041	308-120-275	AMD	87-10-028
308-50-010	AMD-P	87-10-066	308-94-100	AMD	87-03-041	308-120-511	AMD-P	87-15-103
308-50-010	AMD	87-14-030	308-94-110	AMD	87-03-041	308-120-700	NEW-P	87-15-103
308-50-020	AMD-P	87-10-066	308-94-160	AMD	87-03-041	308-120-710	NEW-P	87-15-103
308-50-020	AMD	87-14-030	308-94-170	AMD	87-03-041	308-120-720	NEW-P	87-15-103
308-50-035	NEW-P	87-10-066	308-94-180	REP	87-03-041	308-120-730	NEW-P	87-15-103
308-50-035	NEW	87-14-030	308-94-181	NEW	87-03-041	308-120-740	NEW-P	87-15-103
308-50-375	REP-P	87-07-046	308-94-190	REP	87-03-041	308-122-200	AMD-P	87-15-104
308-50-375	REP-P	87-13-057	308-94-191	NEW	87-03-041	308-122-275	AMD-P	87-07-046
308-50-375	REP-E	87-14-088	308-94-200	AMD	87-03-041	308-122-275	AMD	87-10-028
308-50-440	NEW-P	87-07-046	308-94-210	AMD	87-03-041	308-124A-115	NEW-P	87-14-054
308-50-440	NEW-P	87-13-057	308-94-220	AMD	87-03-041	308-124A-200	AMD-P	87-14-054
308-50-440	NEW-E	87-14-088	308-94-230	REP	87-03-041	308-124A-460	NEW-P	87-14-054
308-51-200	REP-P	87-07-046	308-94-240	AMD	87-03-041	308-124D-040	AMD	87-05-065
308-51-200	REP-P	87-13-057	308-94-250	AMD	87-03-041	308-128B-080	NEW-P	87-13-056
308-51-200	REP-E	87-14-088	308-94-260	REP	87-03-041	308-138-080	AMD-P	87-07-046
308-51-210	NEW-P	87-07-046	308-94-261	NEW	87-03-041	308-138-080	AMD	87-10-028
308-51-210	NEW-P	87-13-057	308-94-265	NEW	87-03-041	308-138-321	NEW-P	87-04-048
308-51-210	NEW-E	87-14-088	308-94-270	NEW	87-03-041	308-138-321	NEW	87-11-062
308-52-139	AMD-P	87-13-054	308-96A-005	AMD-P	87-04-067	308-138-322	NEW-P	87-04-048
308-52-140	AMD-P	87-13-054	308-96A-005	AMD	87-12-023	308-138-322	NEW	87-11-062
308-52-141	AMD-P	87-13-054	308-96A-021	NEW-P	87-04-067	308-138-323	NEW-P	87-04-048
308-52-147	NEW-P	87-13-054	308-96A-021	NEW	87-12-023	308-138-323	NEW	87-11-062
308-52-148	NEW-P	87-13-054	308-96A-065	AMD-P	87-04-067	308-138-324	NEW-P	87-04-048
308-52-315	REP-P	87-07-046	308-96A-065	AMD	87-12-023	308-138-324	NEW	87-11-062

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-138-325	NEW-P	87-04-048	314-12-150	AMD-P	87-11-019	320-08-001	NEW-P	87-10-068
308-138-325	NEW-P	87-14-017	314-12-150	AMD	87-14-010	320-08-001	NEW	87-14-053
308-138-326	NEW-P	87-04-048	314-16-160	AMD-C	87-03-025	320-08-010	AMD-P	87-10-068
308-138-326	NEW	87-11-062	314-16-160	AMD	87-04-017	320-08-010	AMD	87-14-053
308-138-327	NEW-P	87-04-048	314-16-205	AMD-P	87-13-012	320-08-030	AMD-P	87-10-068
308-138-327	NEW	87-11-062	314-16-205	AMD	87-15-110	320-08-030	AMD	87-14-053
308-138-328	NEW-P	87-04-048	314-16-240	NEW-P	87-12-027	320-08-040	AMD-P	87-10-068
308-138-328	NEW-P	87-14-017	314-16-240	NEW-E	87-15-112	320-08-040	AMD	87-14-053
308-138-330	AMD-P	87-04-048	314-16-240	NEW	87-15-113	320-08-050	AMD-P	87-10-068
308-138-330	AMD	87-11-062	314-20-020	AMD-P	87-05-045	320-08-050	AMD	87-14-053
308-138A-020	AMD-P	87-04-048	314-20-020	AMD	87-08-015	320-08-055	NEW-P	87-10-068
308-138A-020	AMD	87-13-004	314-24-090	AMD-P	87-05-044	320-08-055	NEW	87-14-053
308-138A-020	AMD-P	87-14-046	314-24-090	AMD	87-08-016	320-08-070	AMD-P	87-10-068
308-138A-025	AMD-P	87-14-046	314-24-095	NEW-E	87-12-020	320-08-070	AMD	87-14-053
308-138B-170	AMD-P	87-14-046	314-24-095	NEW-P	87-12-028	320-08-080	AMD-P	87-10-068
308-152-015	REP-P	87-07-046	314-24-095	NEW	87-15-016	320-08-080	AMD	87-14-053
308-152-015	REP	87-10-028	314-24-110	AMD-P	87-13-013	320-08-090	AMD-P	87-10-068
308-152-030	NEW-P	87-07-046	314-24-110	AMD	87-15-111	320-08-090	AMD	87-14-053
308-152-030	NEW	87-10-028	314-24-190	AMD-P	87-13-013	320-08-100	AMD-P	87-10-068
308-171-001	AMD-P	87-05-062	314-24-190	AMD	87-15-111	320-08-100	AMD	87-14-053
308-171-001	AMD	87-09-044	314-24-200	AMD-P	87-13-013	320-08-140	AMD-P	87-10-068
308-171-002	AMD-P	87-05-062	314-24-200	AMD	87-15-111	320-08-140	AMD	87-14-053
308-171-002	AMD	87-09-044	314-24-210	AMD-P	87-13-059	320-08-160	AMD-P	87-10-068
308-171-003	NEW-P	87-05-062	314-27	REVIEW	87-03-034	320-08-160	AMD	87-14-053
308-171-003	NEW	87-09-044	314-27-010	REVIEW	87-03-034	320-08-180	AMD-P	87-10-068
308-171-010	AMD-P	87-05-062	314-36-020	AMD-P	87-04-063	320-08-180	AMD	87-14-053
308-171-010	AMD	87-09-044	314-36-020	AMD	87-07-008	320-08-190	AMD-P	87-10-068
308-171-020	AMD-P	87-05-062	314-36-100	AMD-P	87-04-063	320-08-190	AMD	87-14-053
308-171-020	AMD	87-09-044	314-36-100	AMD	87-07-008	320-08-200	AMD-P	87-10-068
308-171-030	AMD	87-04-015	314-36-110	AMD-P	87-04-063	320-08-200	AMD	87-14-053
308-171-030	REP-P	87-07-046	314-36-110	AMD	87-07-008	320-08-210	AMD-P	87-10-068
308-171-030	REP	87-10-028	314-36-150	AMD-P	87-04-063	320-08-210	AMD	87-14-053
308-171-040	AMD	87-04-015	314-36-150	AMD	87-07-008	320-08-260	AMD-P	87-10-068
308-171-310	NEW-P	87-07-046	314-52-114	AMD	87-04-026	320-08-260	AMD	87-14-053
308-171-310	NEW	87-10-028	315-02-020	AMD	87-05-005	320-08-270	AMD-P	87-10-068
308-180-100	AMD-E	87-03-013	315-04-070	AMD-P	87-07-051	320-08-270	AMD	87-14-053
308-180-100	AMD	87-06-050	315-04-070	AMD	87-10-043	320-08-300	AMD-P	87-10-068
308-180-100	REP-P	87-07-046	315-04-090	AMD-P	87-07-051	320-08-300	AMD	87-14-053
308-180-100	REP-P	87-13-057	315-04-090	AMD	87-10-043	320-08-310	AMD-P	87-10-068
308-180-100	REP-E	87-14-088	315-04-190	AMD	87-05-005	320-08-310	AMD	87-14-053
308-180-130	NEW-E	87-03-013	315-04-190	AMD-P	87-14-057	320-08-350	AMD-P	87-10-068
308-180-130	NEW	87-06-050	315-06-020	AMD-P	87-14-057	320-08-350	AMD	87-14-053
308-180-140	NEW-E	87-03-013	315-06-120	AMD-P	87-14-057	320-08-370	AMD-P	87-10-068
308-180-140	NEW	87-06-050	315-10-060	AMD-P	87-14-057	320-08-370	AMD	87-14-053
308-180-150	NEW-E	87-03-013	315-11-240	NEW	87-05-005	320-08-380	AMD-P	87-10-068
308-180-150	NEW	87-06-050	315-11-241	NEW	87-05-005	320-08-380	AMD	87-14-053
308-180-160	NEW-E	87-03-013	315-11-242	NEW	87-05-005	320-08-390	AMD-P	87-10-068
308-180-160	NEW	87-06-050	315-11-250	NEW-P	87-07-050	320-08-390	AMD	87-14-053
308-180-170	NEW-E	87-03-013	315-11-250	NEW-E	87-07-052	320-08-400	AMD-P	87-10-068
308-180-170	NEW	87-06-050	315-11-250	NEW	87-10-043	320-08-400	AMD	87-14-053
308-180-190	NEW-E	87-03-013	315-11-251	NEW-P	87-07-050	320-08-410	AMD-P	87-10-068
308-180-190	NEW	87-06-050	315-11-251	NEW-E	87-07-052	320-08-410	AMD	87-14-053
308-180-200	NEW-E	87-03-013	315-11-251	NEW	87-10-043	320-08-420	AMD-P	87-10-068
308-180-200	NEW	87-06-050	315-11-252	AMD-E	87-12-007	320-08-420	AMD	87-14-053
308-180-210	NEW-E	87-03-013	315-11-252	NEW-P	87-07-050	320-08-430	AMD-P	87-10-068
308-180-210	NEW	87-06-050	315-11-252	NEW-E	87-07-052	320-08-430	AMD	87-14-053
308-180-220	NEW-E	87-03-013	315-11-252	NEW	87-10-043	320-08-440	AMD-P	87-10-068
308-180-220	NEW	87-06-050	315-11-260	NEW-P	87-07-050	320-08-440	AMD	87-14-053
308-180-230	NEW-E	87-03-013	315-11-260	NEW	87-10-043	320-08-445	NEW-P	87-10-068
308-180-230	NEW	87-06-050	315-11-261	NEW-P	87-07-050	320-08-445	NEW	87-14-053
308-180-240	NEW-E	87-03-013	315-11-262	NEW	87-10-043	320-08-450	AMD-P	87-10-068
308-180-240	NEW	87-06-050	315-11-262	NEW-P	87-07-050	320-08-450	AMD	87-14-053
308-180-250	NEW-E	87-03-013	315-11-262	NEW	87-10-043	320-08-460	AMD-P	87-10-068
308-180-250	NEW	87-06-050	315-11-270	NEW-P	87-07-050	320-08-460	AMD	87-14-053
308-180-260	NEW-P	87-07-046	315-11-270	NEW	87-10-043	320-08-470	AMD-P	87-10-068
308-180-260	NEW-P	87-13-057	315-11-271	NEW-P	87-07-050	320-08-470	AMD	87-14-053
308-180-260	NEW-E	87-14-088	315-11-271	NEW	87-10-043	320-08-510	AMD-P	87-10-068
308-190-010	NEW-P	87-13-053	315-11-272	NEW-P	87-07-050	320-08-510	AMD	87-14-053
308-400-095	NEW-P	87-13-055	315-11-272	NEW	87-10-043	320-08-520	AMD-P	87-10-068
308-400-100	NEW-P	87-13-055	315-11-280	NEW-P	87-14-058	320-08-520	AMD	87-14-053
308-400-110	NEW-P	87-13-055	315-11-281	NEW-P	87-14-058	320-08-530	AMD-P	87-10-068
314-12-025	NEW-P	87-13-060	315-11-282	NEW-P	87-14-058	320-08-530	AMD	87-14-053
314-12-070	AMD-P	87-13-060	315-11-290	NEW-P	87-14-058	320-08-540	AMD-P	87-10-068
314-12-140	AMD	87-04-018	315-11-291	NEW-P	87-14-058	320-08-540	AMD	87-14-053
314-12-145	NEW-E	87-11-043	315-11-292	NEW-P	87-14-058	320-12-030	AMD-P	87-10-069
314-12-145	NEW-P	87-11-044	315-14-010	NEW-P	87-14-058	320-12-030	AMD	87-14-047
314-12-145	NEW	87-14-009	315-30-090	AMD-P	87-14-057	320-12-050	AMD-P	87-10-069

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
320-12-050	AMD	87-14-047	332-16-185	NEW-P	87-15-102	332-24-192	REP-P	87-06-055
320-12-060	AMD-P	87-10-069	332-16-190	REP-P	87-15-102	332-24-192	REP	87-11-005
320-12-060	AMD	87-14-047	332-16-195	NEW-P	87-15-102	332-24-194	REP-P	87-06-055
320-12-070	AMD-P	87-10-069	332-16-200	REP-P	87-15-102	332-24-194	REP	87-11-005
320-12-070	AMD	87-14-047	332-16-205	NEW-P	87-15-102	332-24-196	REP-P	87-06-055
320-16-001	REP-P	87-10-069	332-16-210	REP-P	87-15-102	332-24-196	REP	87-11-005
320-16-001	REP	87-14-047	332-16-215	NEW-P	87-15-102	332-24-197	REP-P	87-06-055
320-16-010	REP-P	87-10-069	332-16-220	REP-P	87-15-102	332-24-197	REP	87-11-005
320-16-010	REP	87-14-047	332-16-225	NEW-P	87-15-102	332-24-200	REP-P	87-06-055
320-16-015	REP-P	87-10-069	332-16-230	REP-P	87-15-102	332-24-200	REP	87-11-005
320-16-015	REP	87-14-047	332-16-235	NEW-P	87-15-102	332-24-201	NEW-P	87-06-055
320-20-010	AMD-P	87-10-069	332-16-240	REP-P	87-15-102	332-24-201	NEW	87-11-005
320-20-010	AMD	87-14-047	332-16-245	NEW-P	87-15-102	332-24-205	NEW-P	87-06-055
320-20-020	AMD-P	87-10-069	332-16-250	REP-P	87-15-102	332-24-205	NEW	87-11-005
320-20-020	AMD	87-14-047	332-16-255	NEW-P	87-15-102	332-24-210	REP-P	87-06-055
320-20-030	AMD-P	87-10-069	332-16-260	REP-P	87-15-102	332-24-210	REP	87-11-005
320-20-030	AMD	87-14-047	332-16-270	REP-P	87-15-102	332-24-211	NEW-P	87-06-055
320-20-060	REP-P	87-10-069	332-16-290	REP-P	87-15-102	332-24-211	NEW	87-11-005
320-20-060	REP	87-14-047	332-16-300	REP-P	87-15-102	332-24-215	NEW-P	87-06-055
322-12-010	AMD	87-04-035	332-16-310	REP-P	87-15-102	332-24-215	NEW	87-11-005
323-12-010	NEW	87-05-014	332-16-320	REP-P	87-15-102	332-24-220	REP-P	87-06-055
323-12-020	NEW	87-05-014	332-16-330	REP-P	87-15-102	332-24-220	NEW	87-11-005
323-12-030	NEW	87-05-014	332-16-340	REP-P	87-15-102	332-24-221	NEW-P	87-06-055
323-12-040	NEW	87-05-014	332-24-001	REP-P	87-06-055	332-24-221	NEW	87-11-005
323-12-050	NEW	87-05-014	332-24-001	REP	87-11-005	332-24-225	NEW-P	87-06-055
323-12-060	NEW	87-05-014	332-24-005	NEW-P	87-06-055	332-24-225	NEW	87-11-005
323-12-070	NEW	87-05-014	332-24-005	NEW	87-11-005	332-24-230	REP-P	87-06-055
323-12-080	NEW	87-05-014	332-24-015	NEW-P	87-06-055	332-24-230	REP	87-11-005
323-12-090	NEW	87-05-014	332-24-015	NEW	87-11-005	332-24-231	NEW-P	87-06-055
323-12-100	NEW	87-05-014	332-24-020	REP-P	87-06-055	332-24-231	NEW	87-11-005
323-12-110	NEW	87-05-014	332-24-020	REP	87-11-005	332-24-232	NEW-P	87-06-055
323-12-120	NEW	87-05-014	332-24-025	REP-P	87-06-055	332-24-232	NEW	87-11-005
326-02-030	AMD-P	87-15-143	332-24-025	REP	87-11-005	332-24-234	NEW-P	87-06-055
326-20-010	AMD-P	87-15-143	332-24-027	REP-P	87-06-055	332-24-234	NEW	87-11-005
326-20-050	AMD-P	87-15-143	332-24-027	REP	87-11-005	332-24-236	NEW-P	87-06-055
326-20-080	AMD-P	87-15-143	332-24-055	REP-P	87-06-055	332-24-236	NEW	87-11-005
326-30-039	NEW-E	87-13-037	332-24-055	REP	87-11-005	332-24-238	NEW-P	87-06-055
326-30-039	NEW-P	87-15-143	332-24-056	REP-P	87-06-055	332-24-238	NEW	87-11-005
332-10-180	AMD-P	87-15-101	332-24-056	REP	87-11-005	332-24-240	NEW-P	87-06-055
332-16-010	REP-P	87-15-102	332-24-057	REP-P	87-06-055	332-24-240	NEW	87-11-005
332-16-020	REP-P	87-15-102	332-24-057	REP	87-11-005	332-24-242	NEW-P	87-06-055
332-16-030	REP-P	87-15-102	332-24-058	REP-P	87-06-055	332-24-242	NEW	87-11-005
332-16-035	NEW-E	87-15-035	332-24-058	REP	87-11-005	332-24-244	NEW-P	87-06-055
332-16-035	NEW-P	87-15-101	332-24-059	REP-P	87-06-055	332-24-244	NEW	87-11-005
332-16-040	AMD-E	87-15-100	332-24-059	REP	87-11-005	332-24-261	NEW-P	87-06-055
332-16-040	REP-P	87-15-102	332-24-060	REP-P	87-06-055	332-24-261	NEW	87-11-005
332-16-045	NEW-P	87-15-101	332-24-060	REP	87-11-005	332-24-301	NEW-P	87-06-055
332-16-050	REP-P	87-15-102	332-24-063	REP-P	87-06-055	332-24-301	NEW	87-11-005
332-16-055	NEW-P	87-15-102	332-24-063	REP	87-11-005	332-24-310	REP-P	87-06-055
332-16-060	REP-P	87-15-102	332-24-070	REP-P	87-06-055	332-24-310	REP	87-11-005
332-16-065	NEW-P	87-15-102	332-24-070	REP	87-11-005	332-24-320	REP-P	87-06-055
332-16-070	AMD-E	87-15-100	332-24-090	REP-P	87-06-055	332-24-320	REP	87-11-005
332-16-070	REP-P	87-15-102	332-24-090	REP	87-11-005	332-24-330	REP-P	87-06-055
332-16-075	NEW-P	87-15-102	332-24-095	REP-P	87-06-055	332-24-330	REP	87-11-005
332-16-080	REP-P	87-15-102	332-24-095	REP	87-11-005	332-24-340	REP-P	87-06-055
332-16-085	NEW-P	87-15-102	332-24-100	REP-P	87-06-055	332-24-340	REP	87-11-005
332-16-090	REP-P	87-15-102	332-24-100	REP	87-11-005	332-24-350	REP-P	87-06-055
332-16-095	NEW-P	87-15-102	332-24-105	REP-P	87-06-055	332-24-350	REP	87-11-005
332-16-100	AMD-E	87-15-100	332-24-105	REP	87-11-005	332-24-360	REP-P	87-06-055
332-16-100	REP-P	87-15-102	332-24-10501	REP-P	87-06-055	332-24-360	REP	87-11-005
332-16-105	NEW-P	87-15-102	332-24-10501	REP	87-11-005	332-24-370	REP-P	87-06-055
332-16-110	REP-P	87-15-102	332-24-10502	REP-P	87-06-055	332-24-370	REP	87-11-005
332-16-115	NEW-P	87-15-102	332-24-10502	REP	87-11-005	332-24-380	REP-P	87-06-055
332-16-120	REP-P	87-15-102	332-24-150	REP-P	87-06-055	332-24-380	REP	87-11-005
332-16-125	NEW-P	87-15-102	332-24-150	REP	87-11-005	332-24-385	REP-P	87-06-055
332-16-130	REP-P	87-15-102	332-24-160	REP-P	87-06-055	332-24-385	REP	87-11-005
332-16-135	NEW-P	87-15-102	332-24-160	REP	87-11-005	332-24-387	REP-P	87-06-055
332-16-140	REP-P	87-15-102	332-24-170	REP-P	87-06-055	332-24-387	REP	87-11-005
332-16-145	NEW-P	87-15-102	332-24-170	REP	87-11-005	332-24-390	REP-P	87-06-055
332-16-150	AMD-E	87-15-100	332-24-180	REP-P	87-06-055	332-24-390	REP	87-11-005
332-16-150	REP-P	87-15-102	332-24-180	REP	87-11-005	332-24-395	REP-P	87-06-055
332-16-155	NEW-P	87-15-102	332-24-185	REP-P	87-06-055	332-24-395	REP	87-11-005
332-16-160	REP-P	87-15-102	332-24-185	REP	87-11-005	332-24-401	NEW-P	87-06-055
332-16-165	NEW-P	87-15-102	332-24-185001	REP-P	87-06-055	332-24-401	NEW	87-11-005
332-16-170	REP-P	87-15-102	332-24-185001	REP	87-11-005	332-24-405	NEW-P	87-06-055
332-16-175	NEW-P	87-15-102	332-24-190	REP-P	87-06-055	332-24-405	NEW	87-11-005
332-16-180	REP-P	87-15-102	332-24-190	REP	87-11-005	332-24-410	REP-P	87-06-055

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
332-24-410	REP	87-11-005	352-32-030	AMD-P	87-04-074	356-14-060	AMD	87-15-045
332-24-411	NEW-P	87-06-055	352-32-030	AMD	87-08-008	356-14-062	NEW-P	87-12-025
332-24-411	NEW	87-11-005	352-32-035	AMD-P	87-04-074	356-14-062	NEW	87-15-045
332-24-412	REP-P	87-06-055	352-32-035	AMD	87-08-008	356-14-140	AMD-P	87-11-054
332-24-412	REP	87-11-005	352-32-235	NEW-P	87-04-073	356-14-140	AMD-E	87-14-059
332-24-415	REP-P	87-06-055	352-32-235	NEW	87-08-007	356-14-140	AMD	87-15-065
332-24-415	REP	87-11-005	352-32-250	AMD-P	87-04-074	356-14-240	AMD-P	87-08-013
332-24-418	REP-P	87-06-055	352-32-250	AMD	87-08-008	356-14-240	AMD	87-11-036
332-24-418	REP	87-11-005	352-42	REP-C	87-08-042	356-15-020	AMD-P	87-15-074
332-24-420	REP-P	87-06-055	352-42-010	REP-P	87-04-075	356-15-030	AMD-P	87-04-040
332-24-420	REP	87-11-005	352-42-010	REP	87-11-037	356-15-030	AMD-C	87-07-036
332-24-430	REP-P	87-06-055	352-42-020	REP-P	87-04-075	356-15-030	AMD	87-10-037
332-24-430	REP	87-11-005	352-42-020	REP	87-11-037	356-15-030	AMD-P	87-15-129
332-24-440	REP-P	87-06-055	352-42-030	REP-P	87-04-075	356-15-080	AMD-P	87-06-042
332-24-440	REP	87-11-005	352-42-030	REP	87-11-037	356-15-080	AMD-P	87-11-054
332-24-500	REP-P	87-06-055	352-42-040	REP-P	87-04-075	356-15-080	AMD-E	87-14-059
332-24-500	REP	87-11-005	352-42-040	REP	87-11-037	356-15-080	AMD	87-15-065
332-24-600	NEW-P	87-06-055	352-42-050	REP-P	87-04-075	356-15-090	AMD-P	87-04-040
332-24-600	NEW	87-11-005	352-42-050	REP	87-11-037	356-15-090	AMD-C	87-07-036
332-24-650	NEW-P	87-06-055	352-42-060	REP-P	87-04-075	356-15-090	AMD	87-10-037
332-24-650	NEW	87-11-005	352-42-060	REP	87-11-037	356-15-090	AMD-P	87-15-129
332-24-652	NEW-P	87-06-055	352-42-070	REP-P	87-04-075	356-15-125	AMD-P	87-11-054
332-24-652	NEW	87-11-005	352-42-070	REP	87-11-037	356-15-125	AMD-E	87-14-059
332-24-654	NEW-P	87-06-055	352-44A	REP-C	87-08-042	356-15-125	AMD	87-15-065
332-24-654	NEW	87-11-005	352-44A-010	REP-P	87-04-075	356-18-100	AMD-P	87-02-045
332-24-656	NEW-P	87-06-055	352-44A-010	REP	87-11-037	356-18-100	AMD-C	87-06-021
332-24-656	NEW	87-11-005	352-44A-020	REP-P	87-04-075	356-18-100	AMD-C	87-07-036
332-24-658	NEW-P	87-06-055	352-44A-020	REP	87-11-037	356-18-100	AMD-C	87-09-036
332-24-658	NEW	87-11-005	352-44A-030	REP-P	87-04-075	356-18-100	AMD-C	87-11-035
332-24-660	NEW-P	87-06-055	352-44A-030	REP	87-11-037	356-18-100	AMD	87-13-039
332-24-660	NEW	87-11-005	352-44A-040	REP-P	87-04-075	356-18-110	AMD-P	87-11-053
332-24-900	NEW-P	87-06-055	352-44A-040	REP	87-11-037	356-18-140	AMD	87-02-038
332-24-900	NEW	87-11-005	352-44A-050	REP-P	87-04-075	356-18-220	AMD	87-02-038
332-26-010	NEW-E	87-15-008	352-44A-050	REP	87-11-037	356-22-010	AMD	87-02-038
332-26-020	NEW-E	87-15-008	356-05-013	NEW	87-02-038	356-22-040	AMD	87-02-038
332-26-031	NEW-E	87-15-012	356-05-048	NEW-P	87-11-054	356-22-070	AMD	87-02-038
332-26-040	NEW-E	87-15-008	356-05-048	NEW-E	87-14-059	356-22-070	AMD-P	87-15-128
332-26-050	NEW-E	87-15-008	356-05-048	NEW	87-15-065	356-22-100	AMD	87-02-038
332-26-060	NEW-E	87-15-008	356-05-180	REP	87-02-038	356-22-180	AMD	87-02-038
332-26-081a	REP-E	87-03-022	356-05-207	NEW	87-02-038	356-22-190	AMD	87-02-038
332-26-081b	NEW-E	87-03-022	356-05-260	NEW	87-02-038	356-26-010	AMD	87-02-038
332-52-010	AMD-P	87-14-039	356-05-275	NEW-P	87-11-054	356-26-040	AMD	87-02-038
332-52-020	AMD-P	87-14-039	356-05-275	NEW-E	87-14-059	356-26-040	AMD-P	87-10-041
332-52-060	AMD-P	87-14-039	356-05-275	NEW	87-15-065	356-26-040	AMD	87-13-072
332-52-065	AMD-P	87-14-039	356-05-327	NEW	87-02-038	356-26-060	AMD	87-02-038
332-52-066	AMD-P	87-14-039	356-05-333	NEW	87-02-038	356-26-060	AMD-P	87-15-073
332-52-067	AMD-P	87-14-039	356-05-370	AMD-P	87-11-054	356-26-090	AMD	87-03-032
332-52-068	AMD-P	87-14-039	356-05-370	AMD-E	87-14-059	356-26-130	AMD	87-02-038
332-52-069	AMD-P	87-14-039	356-05-370	AMD	87-15-065	356-26-140	NEW-E	87-06-023
332-140-300	AMD-E	87-08-043	356-05-390	AMD	87-02-038	356-26-140	NEW	87-06-024
332-150-010	AMD-P	87-09-103	356-05-430	AMD-P	87-11-054	356-26-140	AMD-P	87-08-014
332-150-010	AMD-P	87-12-067	356-05-430	AMD-E	87-14-059	356-30-010	AMD	87-02-038
332-150-010	AMD-E	87-12-068	356-05-430	AMD	87-15-065	356-30-050	AMD	87-02-038
332-150-010	AMD	87-15-048	356-05-447	NEW	87-02-038	356-30-065	AMD-C	87-03-010
332-150-020	AMD-P	87-09-103	356-05-470	AMD	87-02-038	356-30-065	AMD-C	87-06-022
332-150-020	AMD-P	87-12-067	356-05-480	AMD-C	87-03-009	356-30-070	AMD-C	87-03-010
332-150-020	AMD-E	87-12-068	356-05-480	AMD-C	87-06-019	356-30-070	AMD-C	87-06-022
332-150-020	AMD	87-15-048	356-05-480	AMD-C	87-07-036	356-30-075	AMD	87-02-039
332-150-030	AMD-P	87-09-103	356-05-480	AMD	87-10-037	356-30-090	REP-C	87-03-010
332-150-030	AMD-P	87-12-067	356-05-500	AMD-C	87-03-009	356-30-090	REP-C	87-06-022
332-150-030	AMD-E	87-12-068	356-05-500	AMD-C	87-06-019	356-30-130	AMD-P	87-02-045
332-150-030	AMD	87-15-048	356-05-500	AMD-C	87-07-036	356-30-130	AMD-C	87-06-021
332-150-040	REP-P	87-09-103	356-05-500	AMD	87-10-037	356-30-130	AMD-C	87-07-036
332-150-040	REP-P	87-12-067	356-06-001	AMD-P	87-02-045	356-30-130	AMD-C	87-09-036
332-150-040	REP-E	87-12-068	356-06-001	AMD	87-06-032	356-30-130	AMD-C	87-11-035
332-150-040	REP	87-15-048	356-07-040	AMD	87-02-038	356-30-145	AMD-C	87-03-010
332-150-050	AMD-P	87-09-103	356-07-060	AMD	87-02-038	356-30-145	AMD-C	87-06-022
332-150-050	AMD-P	87-12-067	356-09-010	NEW	87-02-038	356-30-180	AMD-P	87-12-015
332-150-050	AMD-E	87-12-068	356-09-020	NEW	87-02-038	356-30-190	AMD-P	87-12-015
332-150-050	AMD	87-15-048	356-09-030	NEW	87-02-038	356-30-230	AMD-P	87-12-015
344-12-060	AMD-E	87-06-010	356-09-040	NEW	87-02-038	356-30-255	NEW-P	87-10-041
344-12-060	AMD-E	87-11-046	356-09-050	NEW	87-02-038	356-30-255	NEW	87-13-072
344-12-060	AMD-P	87-11-048	356-10-050	AMD-P	87-15-092	356-30-300	AMD	87-02-038
352-12-020	AMD-P	87-04-074	356-10-060	AMD-C	87-06-020	356-30-330	AMD-E	87-06-023
352-12-020	AMD	87-08-008	356-14-045	AMD-P	87-06-042	356-30-330	AMD	87-06-024
352-32-010	AMD-P	87-04-074	356-14-045	AMD	87-09-037	356-34-090	AMD-E	87-06-023
352-32-010	AMD	87-08-008	356-14-060	AMD-P	87-12-025	356-34-090	AMD	87-06-024

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
356-34-090	AMD-P	87-10-035	365-100-020	AMD-E	87-03-035	388-37-035	AMD-P	87-13-079
356-34-090	AMD	87-13-040	365-100-020	AMD-P	87-03-043	388-37-035	AMD-E	87-14-027
356-35-010	AMD	87-02-038	365-100-020	AMD-E	87-10-019	388-37-037	AMD-P	87-13-079
356-42-020	AMD-P	87-04-036	365-100-020	AMD	87-10-020	388-37-037	AMD-E	87-14-027
356-42-020	AMD-C	87-07-035	365-100-030	AMD-E	87-03-035	388-37-038	AMD-P	87-13-079
356-42-020	AMD-P	87-10-036	365-100-030	AMD-P	87-03-043	388-37-038	AMD-E	87-14-027
356-42-020	AMD-C	87-11-034	365-100-030	AMD-E	87-10-019	388-37-040	AMD-P	87-13-079
356-42-020	AMD-C	87-13-038	365-100-030	AMD	87-10-020	388-37-040	AMD-E	87-14-027
356-42-020	AMD-C	87-15-044	365-100-040	AMD-E	87-03-035	388-37-050	AMD-P	87-13-079
356-42-042	NEW-P	87-10-036	365-100-040	AMD-P	87-03-043	388-37-050	AMD-E	87-14-027
356-42-042	NEW-C	87-13-038	365-100-040	AMD-E	87-10-019	388-37-060	REP-P	87-13-079
356-42-042	NEW-C	87-15-044	365-100-040	AMD	87-10-020	388-37-060	REP-E	87-14-027
356-42-043	AMD-P	87-10-036	365-110-020	AMD-E	87-14-049	388-37-120	AMD-P	87-13-079
356-42-043	AMD-C	87-13-038	365-110-035	AMD-E	87-14-049	388-37-120	AMD-E	87-14-027
356-42-043	AMD-C	87-15-044	365-110-050	AMD-E	87-14-049	388-37-135	AMD-P	87-13-079
356-42-045	AMD-P	87-10-036	365-110-070	NEW-E	87-14-049	388-37-135	AMD-E	87-14-027
356-42-045	AMD-C	87-13-038	365-110-080	AMD-E	87-14-049	388-37-140	AMD-P	87-13-079
356-42-045	AMD-C	87-15-044	365-120-010	AMD-P	87-15-034	388-37-140	AMD-E	87-14-027
356-42-049	NEW-P	87-10-036	365-120-030	AMD-P	87-15-034	388-40	AMD-P	87-13-080
356-42-049	NEW-C	87-13-038	365-120-040	AMD-P	87-15-034	388-40	AMD-E	87-14-026
356-42-049	NEW-C	87-15-044	365-120-050	AMD-P	87-15-034	388-40-010	AMD-P	87-13-080
356-42-055	AMD-P	87-10-036	365-120-060	AMD-P	87-15-034	388-40-010	AMD-E	87-14-026
356-42-055	AMD-C	87-13-038	365-135-010	NEW-E	87-15-002	388-40-020	NEW-P	87-13-080
356-42-055	AMD-C	87-15-044	365-135-020	NEW-E	87-15-002	388-40-020	NEW-E	87-14-026
356-42-082	AMD-P	87-04-036	365-135-030	NEW-E	87-15-002	388-40-030	NEW-P	87-13-080
356-42-082	AMD-C	87-07-035	365-135-040	NEW-E	87-15-002	388-40-030	NEW-E	87-14-026
356-42-082	AMD-P	87-10-036	365-135-050	NEW-E	87-15-002	388-40-040	NEW-P	87-13-080
356-42-082	AMD-C	87-11-034	365-140-010	AMD-P	87-15-033	388-40-040	NEW-E	87-14-026
356-42-082	AMD-C	87-13-038	365-140-030	AMD-P	87-15-033	388-40-050	NEW-P	87-13-080
356-42-082	AMD-C	87-15-044	365-140-040	AMD-P	87-15-033	388-40-050	NEW-E	87-14-026
356-42-084	AMD-P	87-04-036	365-140-050	AMD-P	87-15-033	388-40-060	NEW-P	87-13-080
356-42-084	AMD-C	87-07-035	365-140-060	AMD-P	87-15-033	388-40-060	NEW-E	87-14-026
356-42-084	AMD-P	87-10-036	365-170-010	NEW	87-04-007	388-40-060	NEW-P	87-13-080
356-42-084	AMD-C	87-11-034	365-170-020	NEW	87-04-007	388-40-070	NEW-E	87-14-026
356-42-084	AMD-C	87-13-038	365-170-030	NEW	87-04-007	388-40-080	NEW-P	87-13-080
356-42-084	AMD-C	87-15-044	365-170-040	NEW	87-04-007	388-40-080	NEW-E	87-14-026
356-42-105	NEW-P	87-10-036	365-170-050	NEW	87-04-007	388-40-090	NEW-P	87-13-080
356-42-105	NEW-C	87-13-038	365-170-060	NEW	87-04-007	388-40-090	NEW-E	87-14-026
356-42-105	NEW-C	87-15-044	365-170-070	NEW	87-04-007	388-40-100	NEW-P	87-13-080
356-46-020	AMD-P	87-02-045	365-170-080	NEW	87-04-007	388-40-100	NEW-E	87-14-026
356-46-020	AMD	87-06-032	365-170-090	NEW	87-04-007	388-53-010	AMD-E	87-09-020
360-10-010	AMD-P	87-05-063	365-170-100	NEW	87-04-007	388-53-010	AMD-P	87-09-021
360-10-010	AMD-P	87-08-064	381	AMD	87-14-013	388-53-010	AMD	87-12-053
360-10-020	AMD-P	87-05-063	388-17-500	NEW	87-03-015	388-53-020	REP-E	87-09-020
360-10-020	AMD-P	87-08-064	388-17-510	NEW	87-03-015	388-53-020	REP-P	87-09-021
360-10-030	AMD-P	87-05-063	388-24-050	AMD-P	87-10-010	388-53-020	REP	87-12-053
360-10-030	AMD-P	87-08-064	388-24-107	AMD-P	87-09-086	388-53-030	REP-E	87-09-020
360-10-040	AMD-P	87-05-063	388-24-107	AMD	87-12-058	388-53-030	REP-P	87-09-021
360-10-040	AMD-P	87-08-064	388-24-250	AMD-P	87-10-064	388-53-030	REP	87-12-053
360-10-050	AMD-P	87-05-063	388-24-250	AMD	87-13-077	388-53-040	REP-E	87-09-020
360-10-050	AMD-P	87-08-064	388-24-253	AMD-P	87-10-064	388-53-040	REP-P	87-09-021
360-10-060	AMD-P	87-05-063	388-24-253	AMD	87-13-077	388-53-040	REP	87-12-053
360-10-060	AMD-P	87-08-064	388-24-254	AMD-P	87-10-064	388-53-050	AMD-E	87-09-020
360-10-070	REP-P	87-05-063	388-24-254	AMD	87-13-077	388-53-050	AMD-P	87-09-021
360-10-070	REP-P	87-08-064	388-24-255	AMD-P	87-10-064	388-53-050	AMD	87-12-053
360-10-080	AMD-P	87-05-063	388-24-255	AMD	87-13-077	388-53-060	REP-E	87-09-020
360-10-080	AMD-P	87-08-064	388-24-260	AMD-P	87-10-064	388-53-060	REP-P	87-09-021
360-12-015	AMD-P	87-15-138	388-24-260	AMD	87-13-077	388-53-060	REP	87-12-053
360-12-020	REP-P	87-15-138	388-24-265	AMD-P	87-10-064	388-53-070	REP-E	87-09-020
360-12-050	AMD-P	87-15-138	388-24-265	AMD	87-13-077	388-53-070	REP-P	87-09-021
360-12-150	AMD-P	87-15-138	388-24-270	REP-P	87-10-064	388-53-070	REP	87-12-053
360-13-045	AMD-P	87-15-138	388-24-270	REP	87-13-077	388-53-080	REP-E	87-09-020
360-16-235	NEW-P	87-05-063	388-24-276	REP-P	87-10-064	388-53-080	REP-P	87-09-021
360-16-235	NEW	87-08-031	388-24-276	REP	87-13-077	388-53-080	REP	87-12-053
360-16-240	REP-P	87-05-063	388-33-400	AMD-P	87-13-078	388-53-090	REP-E	87-09-020
360-16-240	REP	87-08-031	388-33-420	AMD-P	87-13-078	388-53-090	REP-P	87-09-021
360-16-245	AMD-P	87-05-063	388-33-455	AMD-P	87-13-078	388-53-090	REP	87-12-053
360-16-245	AMD	87-08-031	388-37-010	AMD-P	87-13-079	388-53-100	REP-E	87-09-020
360-18-020	AMD-P	87-15-138	388-37-010	AMD-E	87-14-027	388-53-100	REP-P	87-09-021
360-36-010	AMD-P	87-07-049	388-37-020	AMD-P	87-13-079	388-53-100	REP	87-12-053
360-36-010	AMD	87-10-029	388-37-020	AMD-E	87-14-027	388-53-120	REP-E	87-09-020
360-36-409	NEW-E	87-08-028	388-37-021	NEW-P	87-13-079	388-53-120	REP-P	87-09-021
360-49-040	AMD-P	87-15-138	388-37-021	NEW-E	87-14-027	388-53-120	REP	87-12-053
365-100-010	AMD-E	87-03-035	388-37-030	AMD-P	87-13-079	388-54-601	AMD-P	87-08-045
365-100-010	AMD-P	87-03-043	388-37-030	AMD-E	87-14-027	388-54-601	AMD-E	87-08-046
365-100-010	AMD-E	87-10-019	388-37-032	AMD-P	87-13-079	388-54-601	AMD	87-15-055
365-100-010	AMD	87-10-020	388-37-032	AMD-E	87-14-027	388-54-601	AMD-E	87-15-056

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-54-630	AMD-P	87-06-033	388-96-710	AMD	87-09-058	415-100-150	REP-P	87-03-046
388-54-630	AMD	87-09-028	388-96-722	AMD-P	87-05-018	415-100-150	REP	87-07-014
388-54-635	AMD-P	87-12-017	388-96-722	AMD	87-09-058	415-100-160	REP-P	87-03-046
388-54-635	AMD-E	87-12-048	388-96-745	AMD-P	87-05-018	415-100-160	REP	87-07-014
388-54-635	AMD	87-15-054	388-96-745	AMD	87-09-058	415-100-170	REP-P	87-03-046
388-54-645	AMD-P	87-09-008	388-96-754	AMD-P	87-05-018	415-100-170	REP	87-07-014
388-54-645	AMD-E	87-09-009	388-96-754	AMD	87-09-058	415-100-180	REP-P	87-03-046
388-54-645	RESCIND	87-09-029	388-96-774	AMD-P	87-05-018	415-100-180	REP	87-07-014
388-54-645	AMD	87-12-052	388-96-774	AMD	87-09-058	415-104	AMD-P	87-03-047
388-54-645	AMD-E	87-12-055	388-99-020	AMD-P	87-02-064	415-104	AMD	87-07-016
388-54-660	AMD-P	87-12-017	388-99-020	AMD-E	87-03-001	415-104-005	NEW-P	87-03-047
388-54-660	AMD-E	87-12-048	388-99-020	AMD	87-06-006	415-104-005	NEW	87-07-016
388-54-660	AMD	87-15-054	388-99-020	AMD-P	87-14-061	415-104-010	REP-P	87-03-047
388-54-662	NEW	87-06-003	388-99-020	AMD-E	87-14-068	415-104-010	REP	87-07-016
388-54-665	AMD-P	87-12-017	388-100-005	REVIEW	87-04-062	415-104-015	NEW-P	87-03-047
388-54-665	AMD-E	87-12-048	388-100-005	AMD-P	87-09-087	415-104-015	NEW	87-07-016
388-54-665	AMD	87-15-054	388-100-005	AMD	87-12-054	415-104-020	REP-P	87-03-047
388-54-670	AMD	87-03-019	390-20-0101	AMD	87-05-001	415-104-020	REP	87-07-016
388-54-675	AMD-P	87-08-045	390-20-014	NEW-P	87-05-041	415-104-025	NEW-P	87-03-047
388-54-675	AMD-E	87-08-046	390-20-014	NEW	87-08-025	415-104-025	NEW	87-07-016
388-54-675	AMD	87-15-055	390-20-110	AMD	87-05-001	415-104-030	REP-P	87-03-047
388-54-675	AMD-E	87-15-056	392-100-050	NEW-P	87-07-027	415-104-030	REP	87-07-016
388-54-677	AMD-P	87-08-045	392-100-050	NEW	87-10-012	415-104-035	NEW-P	87-03-047
388-54-677	AMD-E	87-08-046	392-100-060	NEW-P	87-07-027	415-104-035	NEW	87-07-016
388-54-677	AMD	87-15-055	392-100-060	NEW	87-10-012	415-104-045	NEW-P	87-03-047
388-54-677	AMD-E	87-15-056	392-101-010	NEW-P	87-07-026	415-104-045	NEW	87-07-016
388-54-730	AMD-P	87-11-058	392-101-010	NEW	87-10-013	415-104-050	NEW-P	87-03-047
388-54-730	AMD-E	87-14-064	392-122-605	AMD-P	87-04-046	415-104-050	NEW	87-07-016
388-54-730	AMD-E	87-14-070	392-122-605	AMD	87-09-018	415-104-060	NEW-P	87-03-047
388-54-730	AMD	87-14-071	392-123-054	AMD-P	87-12-087	415-104-060	NEW	87-07-016
388-54-735	AMD	87-03-019	392-123-054	AMD	87-15-067	415-104-070	NEW-P	87-03-047
388-54-735	AMD-E	87-03-021	392-123-078	AMD-P	87-12-087	415-104-070	NEW	87-07-016
388-54-740	AMD	87-03-054	392-123-078	AMD	87-15-067	415-104-080	NEW-P	87-03-047
388-54-740	AMD-P	87-09-090	392-123-145	AMD-P	87-05-039	415-104-080	NEW	87-07-016
388-54-740	AMD	87-12-051	392-123-145	AMD	87-09-019	415-104-090	NEW-P	87-03-047
388-54-740	AMD-P	87-14-063	392-129-003	NEW-P	87-15-099	415-104-090	NEW	87-07-016
388-54-740	AMD-E	87-14-067	392-137-060	AMD-P	87-07-028	415-104-100	AMD-P	87-03-047
388-54-745	AMD	87-03-054	392-137-060	AMD	87-10-014	415-104-100	REP-P	87-03-047
388-54-765	AMD	87-06-003	392-140-058	AMD-P	87-04-047	415-104-100	AMD	87-07-016
388-54-775	AMD-P	87-09-088	392-140-058	AMD	87-09-017	415-104-105	REP-P	87-03-047
388-54-775	AMD-E	87-10-065	392-185-060	AMD-P	87-13-065	415-104-105	REP	87-07-016
388-54-775	AMD	87-12-057	399-30-040	AMD-E	87-13-025	415-104-110	REP-P	87-03-047
388-54-805	AMD	87-06-003	399-30-040	AMD-P	87-13-043	415-104-110	REP	87-07-016
388-54-850	AMD-P	87-04-010	415-02-090	AMD-P	87-03-049	415-104-115	NEW-P	87-03-047
388-54-850	AMD	87-07-032	415-02-090	AMD	87-07-013	415-104-115	NEW	87-07-016
388-70-056	REP-P	87-06-043	415-02-099	NEW-E	87-14-036	415-104-120	REP-P	87-03-047
388-70-056	REP	87-09-027	415-02-099	NEW-P	87-14-037	415-104-120	REP	87-07-016
388-83-015	AMD-P	87-02-063	415-100	AMD-P	87-03-046	415-104-125	NEW-P	87-03-047
388-83-015	AMD-E	87-03-002	415-100	AMD	87-07-014	415-104-125	NEW	87-07-016
388-83-015	AMD	87-06-005	415-100-005	NEW-P	87-03-046	415-104-135	NEW-P	87-03-047
388-83-032	NEW-P	87-14-062	415-100-005	NEW	87-07-014	415-104-135	NEW	87-07-016
388-83-032	NEW-E	87-14-069	415-100-010	REP-P	87-03-046	415-104-140	REP-P	87-03-047
388-86-005	AMD-P	87-09-089	415-100-010	REP	87-07-014	415-104-140	REP	87-07-016
388-86-005	AMD	87-12-050	415-100-015	NEW-P	87-03-046	415-104-145	NEW-P	87-03-047
388-86-009	AMD	87-06-001	415-100-015	NEW	87-07-014	415-104-145	NEW	87-07-016
388-86-00901	AMD-P	87-02-062	415-100-020	REP-P	87-03-046	415-104-150	REP-P	87-03-047
388-86-00901	AMD-E	87-03-003	415-100-020	REP	87-07-014	415-104-150	REP	87-07-016
388-86-00901	AMD	87-06-004	415-100-025	NEW-P	87-03-046	415-104-155	NEW-P	87-03-047
388-86-071	AMD	87-06-002	415-100-025	NEW	87-07-014	415-104-155	NEW	87-07-016
388-87-005	AMD-P	87-09-057	415-100-035	NEW-P	87-03-046	415-104-160	REP-P	87-03-047
388-87-005	AMD	87-12-056	415-100-035	NEW	87-07-014	415-104-160	REP	87-07-016
388-87-105	AMD-P	87-09-057	415-100-040	REP-P	87-03-046	415-104-165	NEW-P	87-03-047
388-87-105	AMD	87-12-056	415-100-040	REP	87-07-014	415-104-165	NEW	87-07-016
388-87-115	NEW-P	87-09-089	415-100-050	REP-P	87-03-046	415-104-170	REP-P	87-03-047
388-87-115	NEW	87-12-050	415-100-050	REP	87-07-014	415-104-170	REP	87-07-016
388-92-041	NEW-P	87-07-012	415-100-060	REP-P	87-03-046	415-104-175	NEW-P	87-03-047
388-92-041	NEW-E	87-10-021	415-100-060	REP	87-07-014	415-104-175	NEW	87-07-016
388-92-041	NEW	87-10-022	415-100-100	REP-P	87-03-046	415-104-180	REP-P	87-03-047
388-96-217	NEW-P	87-05-018	415-100-100	REP	87-07-014	415-104-180	REP	87-07-016
388-96-217	NEW	87-09-058	415-100-110	REP-P	87-03-046	415-104-190	REP-P	87-03-047
388-96-366	AMD-P	87-05-018	415-100-110	REP	87-07-014	415-104-190	REP	87-07-016
388-96-366	AMD	87-09-058	415-100-120	REP-P	87-03-046	415-104-200	REP-P	87-03-047
388-96-565	AMD-P	87-05-018	415-100-120	REP	87-07-014	415-104-200	REP	87-07-016
388-96-565	AMD	87-09-058	415-100-130	REP-P	87-03-046	415-104-210	REP-P	87-03-047
388-96-585	AMD-P	87-05-018	415-100-130	REP	87-07-014	415-104-210	REP	87-07-016
388-96-585	AMD	87-09-058	415-100-140	REP-P	87-03-046	415-104-220	REP-P	87-03-047
388-96-710	AMD-P	87-05-018	415-100-140	REP	87-07-014	415-104-220	REP	87-07-016

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
415-104-230	REP-P	87-03-047	434-09-030	NEW	87-06-009	446-55-270	AMD-E	87-02-041
415-104-230	REP	87-07-016	434-09-040	NEW-E	87-02-067	446-60-005	NEW-C	87-04-024
415-104-240	REP-P	87-03-047	434-09-040	NEW-P	87-02-068	446-60-005	NEW	87-05-012
415-104-240	REP	87-07-016	434-09-040	NEW	87-06-009	446-60-015	NEW-C	87-04-024
415-104-250	REP-P	87-03-047	434-09-050	NEW-E	87-02-067	446-60-015	NEW	87-05-012
415-104-250	REP	87-07-016	434-09-050	NEW-P	87-02-068	446-60-020	AMD-C	87-04-024
415-104-260	REP-P	87-03-047	434-09-050	NEW	87-06-009	446-60-020	AMD	87-05-012
415-104-260	REP	87-07-016	434-09-060	NEW-E	87-02-067	446-60-080	AMD-C	87-04-024
415-104-270	REP-P	87-03-047	434-09-060	NEW-P	87-02-068	446-60-080	AMD	87-05-012
415-104-270	REP	87-07-016	434-09-060	NEW	87-06-009	446-70-010	NEW-P	87-06-007
415-104-300	REP-P	87-03-047	434-09-070	NEW-E	87-02-067	446-70-010	NEW	87-09-049
415-104-300	REP	87-07-016	434-09-070	NEW-P	87-02-068	446-70-020	NEW-P	87-06-007
415-104-310	REP-P	87-03-047	434-09-070	NEW	87-06-009	446-70-020	NEW	87-09-049
415-104-310	REP	87-07-016	434-09-080	NEW-E	87-02-067	446-70-030	NEW-P	87-06-007
415-104-320	REP-P	87-03-047	434-09-080	NEW-P	87-02-068	446-70-030	NEW	87-09-049
415-104-320	REP	87-07-016	434-09-080	NEW	87-06-009	446-70-040	NEW-P	87-06-007
415-104-400	REP-P	87-03-047	434-09-090	NEW-E	87-02-067	446-70-040	NEW	87-09-049
415-104-400	REP	87-07-016	434-09-090	NEW-P	87-02-068	446-70-050	NEW-P	87-06-007
415-104-410	REP-P	87-03-047	434-09-090	NEW	87-06-009	446-70-050	NEW	87-09-049
415-104-410	REP	87-07-016	434-55-010	AMD-P	87-14-028	446-70-060	NEW-P	87-06-007
415-104-800	REP-P	87-03-047	434-55-015	AMD-P	87-14-028	446-70-060	NEW	87-09-049
415-104-800	REP	87-07-016	434-55-016	AMD-P	87-14-028	446-70-070	NEW-P	87-06-007
415-104-810	REP-P	87-03-047	434-55-020	REP-P	87-14-028	446-70-070	NEW	87-09-049
415-104-810	REP	87-07-016	434-55-030	AMD-P	87-14-028	446-70-080	NEW-P	87-06-007
415-104-820	REP-P	87-03-047	434-55-035	REP-P	87-14-028	446-70-080	NEW	87-09-049
415-104-820	REP	87-07-016	434-55-040	AMD-P	87-14-028	458-15-005	NEW	87-05-022
415-104-830	REP-P	87-03-047	434-55-055	AMD-P	87-14-028	458-15-010	NEW	87-05-022
415-104-830	REP	87-07-016	434-55-060	AMD-P	87-14-028	458-15-015	NEW	87-05-022
415-105-050	AMD-P	87-03-048	440-44-030	AMD-P	87-09-007	458-15-020	NEW	87-05-022
415-105-050	AMD	87-07-015	440-44-030	AMD	87-12-049	458-15-030	NEW	87-05-022
415-105-060	AMD-P	87-03-048	440-44-030	AMD-P	87-13-081	458-15-040	NEW	87-05-022
415-105-060	AMD	87-07-015	440-44-040	AMD-P	87-10-015	458-15-050	NEW	87-05-022
415-105-070	AMD-P	87-03-048	440-44-040	AMD-E	87-14-065	458-15-060	NEW	87-05-022
415-105-070	AMD	87-07-015	440-44-040	AMD	87-14-066	458-15-070	NEW	87-05-022
415-105-090	AMD-P	87-03-048	440-44-045	AMD-P	87-10-015	458-15-080	NEW	87-05-022
415-105-090	AMD	87-07-015	440-44-045	AMD-E	87-14-065	458-15-090	NEW	87-05-022
415-105-100	NEW-P	87-03-048	440-44-045	AMD	87-14-066	458-15-100	NEW	87-05-022
415-105-100	NEW	87-07-015	440-44-048	AMD-P	87-10-015	458-15-110	NEW	87-05-022
415-105-110	NEW-P	87-03-048	440-44-048	AMD-E	87-14-065	458-15-120	NEW	87-05-022
415-105-110	NEW	87-07-015	440-44-048	AMD	87-14-066	458-20-168	AMD-P	87-02-061
415-105-120	NEW-P	87-03-048	440-44-061	AMD	87-03-017	458-20-168	AMD	87-05-042
415-105-120	NEW	87-07-015	440-44-070	AMD-P	87-10-015	458-20-182	AMD-P	87-02-061
415-105-130	NEW-P	87-03-048	440-44-070	AMD-E	87-14-065	458-20-182	AMD	87-05-042
415-105-130	NEW	87-07-015	440-44-070	AMD	87-14-066	458-20-18801	AMD-P	87-02-061
415-105-140	NEW-P	87-03-048	440-44-075	AMD-P	87-10-015	458-20-18801	AMD	87-05-042
415-105-140	NEW	87-07-015	440-44-076	AMD-P	87-10-015	458-20-211	AMD-P	87-14-055
415-105-150	NEW-P	87-03-048	440-44-076	AMD-E	87-14-065	458-20-211	AMD-E	87-14-056
415-105-150	NEW	87-07-015	440-44-076	AMD	87-14-066	458-30-500	NEW	87-07-009
415-105-160	NEW-P	87-03-048	440-44-100	AMD-P	87-10-015	458-30-510	NEW	87-07-009
415-105-160	NEW	87-07-015	440-44-100	AMD-C	87-13-082	458-30-520	NEW	87-07-009
415-105-170	NEW-P	87-03-048	446-55-005	NEW-C	87-04-024	458-30-530	NEW	87-07-009
415-105-170	NEW	87-07-015	446-55-005	NEW	87-05-012	458-30-540	NEW	87-07-009
415-105-180	NEW-P	87-03-048	446-55-020	AMD-C	87-04-024	458-30-550	NEW	87-07-009
415-105-180	NEW	87-07-015	446-55-020	AMD	87-05-012	458-30-560	NEW	87-07-009
415-108-450	NEW-P	87-14-038	446-55-030	AMD-C	87-04-024	458-30-570	NEW	87-07-009
415-108-460	NEW-P	87-14-038	446-55-030	AMD	87-05-012	458-30-580	NEW	87-07-009
415-108-470	NEW-P	87-14-038	446-55-060	AMD-C	87-04-024	458-30-590	NEW	87-07-009
415-108-480	NEW-P	87-14-038	446-55-060	AMD	87-05-012	458-40-650	AMD-P	87-10-062
415-108-490	NEW-P	87-14-038	446-55-090	AMD-P	87-02-040	458-40-650	AMD	87-14-042
415-108-510	NEW-P	87-14-038	446-55-090	AMD-E	87-02-041	458-40-650	AMD-E	87-14-043
415-112-410	AMD-P	87-14-034	446-55-100	AMD-P	87-02-040	458-40-660	AMD-P	87-10-062
415-112-411	NEW-P	87-14-034	446-55-100	AMD-E	87-02-041	458-40-660	AMD	87-14-042
415-112-412	NEW-P	87-14-034	446-55-170	AMD-C	87-04-024	458-40-660	AMD-E	87-14-043
415-112-413	NEW-P	87-14-034	446-55-170	AMD	87-05-012	458-40-670	AMD-P	87-10-062
415-112-414	NEW-P	87-14-034	446-55-180	AMD-C	87-04-024	458-40-670	AMD	87-14-042
415-112-415	NEW-P	87-14-034	446-55-180	AMD	87-05-012	458-40-670	AMD-E	87-14-043
415-112-800	NEW-E	87-14-035	446-55-200	REP-C	87-04-024	458-53-110	AMD-P	87-09-022
415-112-810	NEW-E	87-14-035	446-55-200	REP	87-05-012	458-53-110	AMD	87-12-029
415-112-820	NEW-E	87-14-035	446-55-210	REP-C	87-04-024	458-53-141	AMD-P	87-09-022
434-09-010	NEW-E	87-02-067	446-55-210	REP	87-05-012	458-53-141	AMD	87-12-029
434-09-010	NEW-P	87-02-068	446-55-220	AMD-C	87-04-024	458-53-160	AMD-P	87-09-022
434-09-010	NEW	87-06-009	446-55-220	AMD	87-05-012	458-53-160	AMD	87-12-029
434-09-020	NEW-E	87-02-067	446-55-240	REP-C	87-04-024	458-53-163	AMD-P	87-09-022
434-09-020	NEW-P	87-02-068	446-55-240	REP	87-05-012	458-53-163	AMD	87-12-029
434-09-020	NEW	87-06-009	446-55-250	AMD-P	87-02-040	458-61-030	AMD	87-03-036
434-09-030	NEW-E	87-02-067	446-55-250	AMD-E	87-02-041	458-61-030	AMD-P	87-09-034
434-09-030	NEW-P	87-02-068	446-55-270	AMD-P	87-02-040	458-61-030	AMD	87-12-016

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
458-61-050	AMD	87-03-036	478-116-590	AMD-P	87-10-057	504-28-020	AMD-P	87-08-002
458-61-080	AMD	87-03-036	478-116-600	AMD-P	87-10-057	504-28-020	AMD	87-12-013
458-61-150	AMD	87-03-036	478-116-601	AMD-P	87-10-057	504-28-030	AMD-P	87-08-002
458-61-210	AMD	87-03-036	478-138-050	AMD-P	87-11-052	504-28-030	AMD	87-12-013
458-61-335	NEW	87-03-036	480-12-210	AMD	87-04-012	504-28-050	AMD-P	87-08-002
458-61-490	AMD	87-03-036	480-80-041	NEW-C	87-04-011	504-28-050	AMD	87-12-013
458-61-555	AMD-P	87-09-034	480-80-041	NEW-P	87-05-013	504-28-060	AMD-P	87-08-002
458-61-555	AMD	87-12-016	480-80-050	AMD-C	87-04-011	504-28-060	AMD	87-12-013
458-61-570	AMD	87-03-036	480-80-050	AMD-P	87-05-013	504-32-010	AMD-P	87-08-002
460-46A-040	AMD	87-15-084	480-90-021	AMD-W	87-03-057	504-32-010	AMD	87-12-013
460-64A-010	AMD	87-03-052	480-90-021	AMD-P	87-03-058	504-32-020	REP-P	87-08-002
460-64A-020	AMD	87-03-052	480-90-021	RESCIND	87-03-059	504-32-020	REP	87-12-013
460-70-005	NEW	87-02-044	480-90-021	AMD-E	87-03-060	504-32-060	AMD-P	87-08-002
460-70-010	NEW	87-02-044	480-90-051	AMD-W	87-03-057	504-32-060	AMD	87-12-013
460-70-015	NEW	87-02-044	480-90-051	AMD-P	87-03-058	504-34-010	AMD-P	87-08-002
460-70-020	NEW	87-02-044	480-90-051	RESCIND	87-03-059	504-34-010	AMD	87-12-013
460-70-025	NEW	87-02-044	480-90-051	AMD-E	87-03-060	504-34-030	AMD-P	87-08-002
460-70-030	NEW	87-02-044	480-90-071	AMD-W	87-03-057	504-34-030	AMD	87-12-013
460-70-035	NEW	87-02-044	480-90-071	AMD-P	87-03-058	504-34-040	AMD-P	87-08-002
460-70-040	NEW	87-02-044	480-90-071	RESCIND	87-03-059	504-34-040	AMD	87-12-013
460-70-045	NEW	87-02-044	480-90-071	AMD-E	87-03-060	504-34-050	AMD-P	87-08-002
460-70-050	NEW	87-02-044	480-90-072	AMD-W	87-03-057	504-34-050	AMD	87-12-013
460-70-060	NEW	87-02-044	480-90-072	AMD-P	87-03-058	504-34-070	AMD-P	87-08-002
463-42-075	AMD	87-05-017	480-90-072	RESCIND	87-03-059	504-34-070	AMD	87-12-013
463-42-455	AMD	87-05-017	480-90-072	AMD-E	87-03-060	504-34-080	AMD-P	87-08-002
463-42-465	AMD	87-05-017	480-90-191	NEW-C	87-06-030	504-34-080	AMD	87-12-013
463-42-515	AMD	87-05-017	480-90-191	NEW-P	87-08-053	504-34-090	AMD-P	87-08-002
463-42-655	NEW	87-05-017	480-100-021	AMD-W	87-03-057	504-34-090	AMD	87-12-013
463-42-665	NEW	87-05-017	480-100-021	AMD-P	87-03-058	504-34-100	AMD-P	87-08-002
463-42-675	NEW	87-05-017	480-100-021	RESCIND	87-03-059	504-34-100	AMD	87-12-013
463-54-080	NEW	87-05-017	480-100-021	AMD-E	87-03-060	504-34-110	AMD-P	87-08-002
468-38-120	AMD-E	87-15-069	480-100-051	AMD-W	87-03-057	504-34-110	AMD	87-12-013
468-38-120	AMD-P	87-15-079	480-100-051	AMD-P	87-03-058	504-34-120	AMD-P	87-08-002
468-58-080	AMD-P	87-09-006	480-100-051	RESCIND	87-03-059	504-34-120	AMD	87-12-013
468-58-080	AMD-C	87-12-061	480-100-051	AMD-E	87-03-060	508-60-008	NEW	87-05-034
468-58-080	AMD	87-15-021	480-100-071	AMD-W	87-03-057	516-12	AMD-C	87-13-009
468-95-010	AMD	87-05-043	480-100-071	AMD-P	87-03-058	516-12-400	AMD-P	87-08-011
468-300-010	AMD-P	87-06-052	480-100-071	RESCIND	87-03-059	516-12-400	AMD-C	87-11-012
468-300-010	AMD-E	87-08-019	480-100-071	AMD-E	87-03-060	516-12-470	AMD-P	87-08-011
468-300-010	AMD-C	87-09-047	480-100-072	AMD-W	87-03-057	516-12-470	AMD-C	87-11-012
468-300-010	AMD-C	87-10-002	480-100-072	AMD-P	87-03-058	516-15-010	NEW-P	87-15-090
468-300-010	AMD	87-12-005	480-100-072	RESCIND	87-03-059	516-15-010	NEW-E	87-15-091
468-300-020	AMD-P	87-06-052	480-100-072	AMD-E	87-03-060	516-15-020	NEW-P	87-15-090
468-300-020	AMD-C	87-09-047	480-100-251	NEW-P	87-06-031	516-15-020	NEW-E	87-15-091
468-300-020	AMD-C	87-10-002	480-100-251	NEW	87-11-045	516-15-030	NEW-P	87-15-090
468-300-020	AMD	87-12-005	480-120-027	NEW-C	87-04-011	516-15-030	NEW-E	87-15-091
468-300-030	REP-P	87-06-052	480-120-027	NEW-P	87-05-013	516-15-040	NEW-P	87-15-090
468-300-030	REP-C	87-09-047	490-800-100	AMD-P	87-10-056	516-15-040	NEW-E	87-15-091
468-300-030	REP-C	87-10-002	490-800-100	AMD-E	87-12-008	516-15-050	NEW-P	87-15-090
468-300-030	REP	87-12-005	490-800-100	AMD	87-14-007	516-15-050	NEW-E	87-15-091
468-300-040	AMD-P	87-06-052	490-800-130	AMD-P	87-10-056			
468-300-040	AMD-C	87-09-047	490-800-130	AMD-E	87-12-008			
468-300-040	AMD-C	87-10-002	490-800-130	AMD	87-14-007			
468-300-040	AMD	87-12-005	490-800-180	AMD-P	87-10-056			
468-300-070	AMD-P	87-06-052	490-800-180	AMD-E	87-12-008			
468-300-070	AMD-C	87-09-047	490-800-180	AMD	87-14-007			
468-300-070	AMD-C	87-10-002	490-800-250	AMD-P	87-10-056			
468-300-070	AMD	87-12-005	490-800-250	AMD-E	87-12-008			
468-300-210	NEW-P	87-14-041	490-800-250	AMD	87-14-007			
468-300-700	AMD-P	87-06-052	491-20-010	AMD-P	87-11-015			
468-300-700	AMD-C	87-09-047	491-20-020	AMD-P	87-11-015			
468-300-700	AMD-C	87-10-002	491-20-030	AMD-P	87-11-015			
468-300-700	AMD	87-12-005	491-20-040	AMD-P	87-11-015			
478-116-080	AMD-P	87-10-057	491-20-060	AMD-P	87-11-015			
478-116-240	AMD-P	87-10-057	491-20-070	AMD-P	87-11-015			
478-116-250	AMD-P	87-10-057	491-20-080	AMD-P	87-11-015			
478-116-260	AMD-P	87-10-057	491-20-090	AMD-P	87-11-015			
478-116-270	AMD-P	87-10-057	504-17-090	AMD-P	87-08-035			
478-116-290	AMD-P	87-10-057	504-17-090	AMD	87-12-014			
478-116-350	AMD-P	87-10-057	504-24-015	NEW-P	87-08-002			
478-116-370	AMD-P	87-10-057	504-24-015	NEW	87-12-013			
478-116-390	AMD-P	87-10-057	504-24-020	AMD-P	87-08-002			
478-116-450	AMD-P	87-10-057	504-24-020	AMD	87-12-013			
478-116-520	AMD-P	87-10-057	504-24-030	AMD-P	87-08-002			
478-116-582	AMD-P	87-10-057	504-24-030	AMD	87-12-013			
478-116-584	AMD-P	87-10-057	504-28-010	AMD-P	87-08-002			
478-116-588	AMD-P	87-10-057	504-28-010	AMD	87-12-013			

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF		AGRICULTURE, DEPARTMENT OF—cont.	
Continuing education	87-15-141	Importation of animals	87-04-053
CPA certificate/license			87-08-021
educational requirements	87-04-051	Milk product labeling	87-06-036
renewal	87-15-141		87-09-032
Examinations	87-09-059		87-09-033
	87-10-033		87-10-048
	87-15-072	Motor fuel meters, credit or cash price	87-12-026
Experience	87-09-060		87-07-019
	87-10-034		87-10-042
Fees	87-15-140	Noxious weed control board	
Quality assurance review program	87-03-040	noxious weed list	87-01-114
Reports	87-15-141		87-05-016
ACUPUNCTURE		Nursery fees and assessments	87-13-062
(See LICENSING, DEPARTMENT OF)		Potato assessment	87-12-018
ADMINISTRATIVE HEARINGS, OFFICE OF			87-12-019
Teleconference hearings	87-09-038	Rapeseed	
	87-13-036	certification	87-13-063
			87-14-011
AGRICULTURE, DEPARTMENT OF		districts	87-13-051
Alfalfa, Kittitas County restriction	87-11-018	production	87-15-011
Animal diagnostic testing laboratory fees	87-08-057		87-13-051
	87-11-004	weed in seeds	87-15-011
	87-13-032		87-13-063
	87-15-107	Seed inspection charge	87-14-011
	87-04-027		87-08-063
Apple ermine moth quarantine			87-12-006
Bees		Seed potato certification	87-15-070
apiary inspection fees	87-05-053	Seed potato limited generation program	87-13-017
board representation	87-05-053	Strawberry certification	87-09-085
colony strength	87-05-053		87-13-016
Brand inspection	87-08-058		87-13-064
	87-08-061		87-14-012
	87-12-037		87-04-052
	87-12-038	Tuberculosis	
Brucellosis	87-04-052		
	87-08-020	AIR POLLUTION	
Caneberry certification	87-09-085	(See ECOLOGY, DEPARTMENT OF)	
	87-13-016	APPRENTICESHIP AND TRAINING COUNCIL	
	87-13-064	(See LABOR AND INDUSTRIES,	
	87-14-012	DEPARTMENT OF)	
Clover, Kittitas County restriction	87-11-018	ARCHAEOLOGY AND HISTORIC PRESERVATION,	
Commission merchants, etc.		OFFICE OF	
fees	87-14-050	(See COMMUNITY DEVELOPMENT,	
Commodity inspection standards	87-05-036	DEPARTMENT OF)	
	87-08-030	ARCHITECTS, BOARD OF REGISTRATION FOR	
Custom meat facilities	87-15-106	(See LICENSING, DEPARTMENT OF)	
Dairy processing plants		ARTS COMMISSION	
substandard products	87-02-025	Artist fellowship	87-11-001
	87-02-026	Art in public places	87-11-001
	87-05-028	Artists-in-residence	87-11-001
Desiccants and defoliants	87-08-038	Community development	87-11-001
	87-11-055	Cultural enrichment	87-11-001
Dinoseb, use of on dry peas, chickpeas,	87-15-001	Governor's arts award	87-11-001
and lentils		Institutional support	87-11-001
	87-09-001	Partnership program	87-11-001
	87-09-054	State-wide services	87-11-001
Eggs	87-12-045		
Fertilizer		ASIAN AMERICAN AFFAIRS, COMMISSION ON	
minerals and limes	87-13-061	Meetings	87-01-075
Forest reproduction material	87-12-006		87-04-001
Grain		ATTORNEY GENERAL OPINIONS	
certification	87-15-029	Art removal in legislature	87-10-011
	87-15-030	Child care by school districts	87-02-048
fees	87-01-032	Community college salary increase	
	87-01-103	authority limited via budget	87-07-001
Herbicides		Counties, noncharter, county commissioner	
restricted use	87-04-060	increase	87-08-027
	87-05-006	Fluoridation	87-03-037
	87-08-072	Forest lands, county deeded	87-08-024
	87-09-015	Higher education coordinating board	87-07-005
	87-14-073	LEOFF, proposed legislation impact	87-04-041
	87-14-074	Long-term care ombudsman	87-02-021
Hops assessment	87-04-045	Pharmacy board authority regarding	
	87-10-059	drug samples	87-03-027
Horses		Platting and subdivisions	87-07-043
brand inspection		Polygraph exams, Grant County	87-10-055
fee	87-13-058		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

ATTORNEY GENERAL OPINIONS—cont.		CLARK COLLEGE	
Port district formation	87-10-007	(District 14)	
Professional engineers and land surveyors, board employees	87-01-090	Meetings	87-01-098
	87-06-016	Parking and traffic	87-15-125
Real Estate Contract Forfeiture Act	87-07-004	Reduction in force	87-10-045
Transportation department, unfair competition, precast concrete	87-11-008	CLEMENCY AND PARDONS BOARD	
		Meetings	87-05-009
			87-12-064
BANKING, DIVISION OF		COLLECTION AGENCIES	
(See GENERAL ADMINISTRATION, DEPARTMENT OF)		(See LICENSING, DEPARTMENT OF)	
BEEF COMMISSION		COMMUNITY COLLEGE EDUCATION, BOARD FOR	
Assessment	87-01-013	Meetings	87-04-025
BELLEVUE COMMUNITY COLLEGE		COMMUNITY DEVELOPMENT, DEPARTMENT OF	
(District 8)		Archaeology and historic preservation, office of	
Meetings	87-01-082	historic preservation grants advisory committee	87-02-052
BUILDING CODE COUNCIL			87-05-027
Meetings	87-01-036	Bond cap allocation	87-15-002
	87-01-061	Building code fee increase	87-14-049
		Development loan fund board meetings	87-09-002
BURNING		Early childhood education and assistance program	87-01-083
(See NATURAL RESOURCES, DEPARTMENT OF)			87-04-007
CENTENNIAL COMMISSION		Emergency response commission meetings	87-13-033
Executive committee membership	87-09-099		87-14-019
	87-09-100	Fire marshal	
Fundraising and solicitation coordination	87-06-046	oil tanks, used and above ground	87-02-024
	87-09-101		87-03-053
	87-09-102		87-06-044
CENTRALIA/SPSCC COLLEGES			87-15-033
(District 12)		Food banks	
Centralia		Low-income home energy assistance program	87-15-127
code procedures	87-07-048	Nursing homes	87-14-075
	87-08-018	Shelters	87-15-034
	87-14-023	Weatherization assistance hearing	87-03-051
emergency procedures	87-14-024	Winter utility moratorium program	87-03-035
	87-14-023		87-03-043
students rights and responsibilities	87-07-048		87-10-019
	87-08-018		87-10-020
	87-14-023		
	87-14-024	COMMUNITY ECONOMIC REVITALI-	
summary suspension rules	87-07-048	ZATION BOARD	
	87-08-018	(See TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)	
	87-14-023	CONSERVATION COMMISSION	
	87-14-024	Meetings	87-09-048
Meetings	87-07-030	CONVENTION AND TRADE CENTER	
	87-11-032	Meetings	87-01-091
	87-14-014		87-03-050
SPSCC			87-07-044
code procedures	87-07-031		87-09-061
	87-08-017		87-11-024
	87-13-026		87-12-059
student rights and responsibilities	87-07-031		
	87-08-017	CORRECTIONS, DEPARTMENT OF	
	87-13-026	Financial responsibility for persons in city/county jails	87-11-010
summary suspension rules	87-07-031		87-14-045
	87-08-017	Reimbursable impacts/criminal justice costs	87-11-049
	87-13-026		87-14-044
CENTRAL WASHINGTON UNIVERSITY		Reimbursement of one-time cost impacts, new locations	87-06-045
Trustee meeting	87-15-010	CORRECTIONS STANDARDS BOARD	
CHIROPRACTIC DISCIPLINARY BOARD		Crowding	87-01-113
Acupuncturists	87-01-086	Definitions	87-03-028
	87-05-064	Impact review committee membership changed	87-03-028
Billing			87-03-029
extended office calls	87-01-086		
improper billing practices	87-01-086		
Cost of service, full disclosure	87-01-086		
Intravaginal adjustment restricted	87-01-086		
CHIROPRACTIC EXAMINERS, BOARD OF			
Fees	87-07-046		
	87-10-028		

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

CORRECTIONS STANDARDS BOARD—cont.

Maximum capacities 87-01-112
87-05-040
87-10-061
87-13-014

COUNTY ROAD ADMINISTRATION BOARD

Annual certification 87-08-022
87-11-014
RATA fund allocation 87-08-022
87-11-014
Response by county 87-08-022
87-11-014

CRIMINAL JUSTICE TRAINING COMMISSION

Basic adult services academy curriculum **87-15-094**
Basic corrections academy **87-15-094**
Basic corrections officers academy curriculum **87-15-094**
Basic corrections training **87-15-094**
Basic juvenile services academy curriculum **87-15-094**
Basic law enforcement training **87-15-093**
Corrections supervisory training **87-15-095**
Executive management corrections training **87-15-095**
Executive management curriculum **87-15-095**
Juvenile security workers academy curriculum **87-15-094**
Meetings 87-04-021
Middle management corrections training **87-15-095**
Supervision curriculum **87-15-095**

DEFERRED COMPENSATION, COMMITTEE FOR

Cessation of deferral, waiting period 87-13-076
Investments, change of 87-13-076
Mode 87-13-076
PERS 2, catch-up 87-13-076
Suspension in deferrals 87-13-076
Transfer between 457 plans 87-13-076

DENTAL DISCIPLINARY BOARD

(See LICENSING, DEPARTMENT OF)

EASTERN WASHINGTON UNIVERSITY

Bookstore 87-12-022
Delegation of authority 87-12-022
Equal opportunity and affirmative action 87-12-022
Legislative liaisons 87-12-022
Off-campus living 87-12-022
Placement services 87-12-022
Student constitution 87-12-022
Student publication 87-12-022

ECOLOGY, DEPARTMENT OF

Air, ambient standards, fluorides **87-15-121**
Air, ambient standards, particulates **87-15-119**
Air, ambient standards, sulfur dioxides **87-15-120**
Air contaminant sources **87-15-115**
Air, particle fallout **87-15-124**
Air pollution sources **87-15-114**
Air, recordkeeping, reporting **87-15-122**
Air, sensitive areas **87-15-117**
Air, thermal power plants, aluminum, chemical wood pulp mills **87-15-123**
Aquifer protection **87-15-057**
Dangerous waste management facilities siting 87-02-004
87-03-014
Dangerous waste generation and management 87-09-078
87-14-029
Financial aid requirements **87-15-118**
Flood control assistance account program 87-02-043
87-03-044
87-04-022
87-05-034
Flood control zones 87-10-060
Forest practices
water quality 87-10-060

ECOLOGY, DEPARTMENT OF—cont.

Ground water advisory committees 87-14-022
Vashon management areas 87-12-071
87-15-137
Redmond-Bear Creek Valley 87-12-070
Motor vehicle emission control system **87-15-116**
Motor vehicle emission inspection 87-02-051
Municipal wastewater treatment contract grants 87-10-044
Noise 87-02-059
87-06-056
87-15-057
Nonpoint source pollution
Radioactive wastes
low-level radioactive waste disposal site 87-05-032
site use permits 87-11-028
87-11-029
87-14-078
Sewers
combined overflows 87-02-050
87-04-014
87-04-020
87-15-057
Shellfish projects
Shoreline management/development/enforcement 87-09-080
Shoreline master programs
Grays Harbor 87-13-075
Long Beach **87-15-087**
Mercer Island 87-12-069
Okanogan County 87-06-025
87-11-042
87-15-088
Olympia 87-02-003
Puyallup 87-08-001
San Juan County 87-09-081
87-15-066
Seattle 87-05-015
87-13-074
87-05-015
Snohomish County 87-01-060
Snoqualmie **87-15-088**
Thurston County **87-15-088**
Tumwater 87-08-059
Whatcom County 87-13-018
Sole-source aquifer protection **87-15-057**
Solid waste incineration 87-03-045
87-04-019
87-04-037
87-04-038
87-05-035
87-07-041
87-08-050
State/EPA agreement
Waste handling
minimum functional standards 87-02-035
87-05-054
87-08-060
87-11-038
87-11-039
87-13-067
87-14-060
87-15-049
Wastewater discharge standards 87-13-068
Water quality standards 87-13-069
Watershed planning **87-15-057**
EDMONDS COMMUNITY COLLEGE
(District 23)
Meetings 87-01-049
87-04-009
87-05-019
87-07-018
87-09-062
87-09-063
87-11-030
87-13-002
87-15-032

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

EDUCATION, STATE BOARD OF

Definitions 87-05-052
87-09-039
K-3 student teacher ratio 87-09-051
87-12-043
Meetings 87-06-017
Professional certification 87-05-048
87-05-049
87-05-050
87-05-051
87-09-010
87-09-011
87-09-012
87-09-013
87-09-052
87-09-053
87-09-093
87-09-094
87-12-039
87-12-041
87-12-042
87-13-044
Pupil discipline 87-05-047
87-09-040
School district organization 87-01-018
87-01-116
87-04-059
87-09-092
87-12-040
87-01-017
Teachers, assignment within districts
Uniform entry qualifications

EMERGENCY RESPONSE COMMISSION
(See **COMMUNITY DEVELOPMENT, DEPARTMENT OF**)

EMPLOYMENT SECURITY DEPARTMENT

Availability for work 87-12-021
Belltown service center 87-03-006
Benefit payment regulations 87-08-049
87-12-021
1987 law effective date 87-15-026
Claims
continued claims 87-08-049
87-12-021
Conditional payment 87-08-049
87-12-021
Holiday or vacation pay, failure to provide details 87-12-021
Ineligibility, certification 87-12-021
Notice and opportunity to be heard 87-08-049
87-12-021
Overpayments 87-01-026
Registration, reports and claims 87-12-021
Reopening claim, failure to report in person 87-12-021
Return to work, certification 87-12-021
Separation from employment, failure to provide details 87-12-021
Tax appeals
effective date, 1987 87-15-026
Tips as wages 87-01-026
Work search requirements 87-12-021

ENERGY FACILITY SITE EVALUATION COUNCIL

Explanation of entire certification process 87-01-065
General
assurances 87-01-042
87-01-115
87-05-017
conditions 87-01-065
Physical environment
description of measures taken to protect vegetation, animal life, and aquatic life 87-01-042
87-01-115
87-05-017

ENERGY FACILITY SITE EVALUATION COUNCIL

—cont.
impact 87-01-042
87-01-115
87-05-017
safety where public access allowed 87-01-042
87-01-115
87-05-017
Site preservation plan 87-01-042
87-01-115
87-05-017
Site restoration plan 87-01-042
87-01-115
87-05-017

EQUIPMENT, COMMISSION ON
(See **STATE PATROL**)

EVERETT COMMUNITY COLLEGE
(District 5)

Facility use agreement 87-10-038
87-14-001
Facility use policy 87-10-039
87-14-002
Meetings 87-01-093

EVERGREEN STATE COLLEGE, THE

Parking regulations 87-10-054
87-13-029
87-14-020
President's advisory board 87-03-038

FINANCIAL MANAGEMENT, OFFICE OF

Moving expenses 87-02-006
87-06-012
87-13-066
Paydates

FIRE DANGER

(See **NATURAL RESOURCES, DEPARTMENT OF**)

FIRE MARSHAL

(See **COMMUNITY DEVELOPMENT, DEPARTMENT OF**)

FISHERIES, DEPARTMENT OF

Agency procedures
hydraulic code 87-08-062
87-15-086
license transfer 87-02-033
Aquaculture disease control 87-04-071
87-08-033

Commercial

bottomfish
beam trawl and bottom trawl - seasons 87-04-003
beam trawl and otter trawl - gear 87-04-003
coastal bottomfish catch limits 87-01-084
87-09-030
87-09-083
87-15-096
coastal sable fish 87-09-016
cod, true cod closure 87-04-028
dogfish 87-04-003
drag seine 87-09-050
Pacific cod set net 87-04-003
Pacific whiting 87-05-002
87-07-007
87-08-010
pelagic trawl - seasons 87-04-003
Puget Sound whiting 87-04-003
set bottomfish limits 87-04-070
87-07-042
license conditions 87-13-010
registration display 87-13-010
sac-roe herring 87-09-055
87-10-004
87-11-002
87-13-028

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

FISHERIES, DEPARTMENT OF—cont.

salmon
 Chehalis River 87-10-031
 87-12-004
 87-12-062
 87-13-035
 Columbia River 87-05-037
 87-06-037
 87-14-005
 87-14-008
 87-14-018
 87-14-025
 87-14-033
 87-15-007
 87-15-059
 87-15-131
 Grays Harbor **87-15-062**
 87-15-130
 87-15-131
 Klickitat River **87-15-071**
 Nisqually River 87-03-008
 Pacific Ocean 87-10-003
 87-11-006
 87-11-023
 87-15-015
 87-15-060
 87-15-097
 Puget Sound 87-01-044
 87-01-045
 87-09-082
 87-12-086
 87-15-059
 purse seine **87-15-059**
 reef net **87-15-059**
 Samish River 87-03-008
 Soleduck River 87-14-033
 Willapa Harbor **87-15-005**
 87-15-131
shad 87-11-059
 87-14-008
 87-14-018
 87-14-025
 87-14-033
 87-15-007
shellfish
 crab 87-01-107
 87-05-038
 87-12-063
 harvest logs **87-15-022**
 octopus 87-12-063
 87-15-022
 razor clams 87-08-047
 scallop 87-12-063
 87-15-022
 sea cucumber
 areas and seasons 87-04-004
 districts 87-02-013
 87-09-025
 divers 87-12-063
 87-15-022
 sea urchins 87-08-034
 87-12-063
 87-15-022
 shrimp
 closed area 87-11-022
 Hood Canal 87-11-031
sturgeon
 Columbia River 87-05-037
 87-14-008
 87-14-018
 87-14-025
 87-14-033
 87-15-007
 87-15-071
 87-04-013
 87-14-048
 87-15-046

FISHERIES, DEPARTMENT OF—cont.

Personal use
 halibut 87-07-006
 87-13-007
 salmon
 1987-88 season 87-03-056
 87-08-005
 87-08-006
 angling with more than 2 lines 87-08-048
 bag limit codes 87-06-035
 87-07-020
 87-15-061
 Bogachiel River **87-15-061**
 Calawah River **87-15-061**
 Carr Inlet **87-15-013**
 Columbia River 87-07-011
 Elliott Bay **87-15-058**
 Entiat River 87-13-011
 Grays Harbor 87-09-066
 Icicle River 87-10-016
 Kalama River 87-08-048
 Klickitat River 87-09-014
 87-09-024
 Pacific Ocean **87-15-006**
 87-15-014
 87-15-023
 87-15-047
 87-15-075
 Quillayute River 87-13-024
 87-15-061
 saltwater seasons and bag limits 87-11-021
 87-14-003
 87-14-003
 Skagit River 87-13-006
 Soleduck River 87-13-024
 87-08-048
 Washougal River 87-08-048
 White Salmon River 87-09-024
 87-09-024
 Wind River 87-13-011
 87-13-011
shellfish
 clams
 closed areas 87-08-048
 Guss Island, Garrison Bay 87-12-030
 crab
 gear 87-08-048
 razor clams 87-06-034
 87-08-047
 87-08-048
 87-08-048
 sanctuaries
 shrimp
 closed area 87-11-022
 Hood Canal 87-11-031
 limit 87-08-048
 sturgeon
 unlawful acts 87-08-048
Subsistence
 Columbia River tributary 87-09-065
 87-09-084
 generally 87-13-010
 87-14-032
 87-15-071
 Klickitat River **87-15-071**
 sturgeon **87-15-071**
 Wanapum Indians 87-11-033

FOREST FIRE ADVISORY BOARD
(See NATURAL RESOURCES,
DEPARTMENT OF)

FOREST PRACTICES BOARD
 Erosion prevention 87-10-018
 87-15-063
 Major revisions 87-10-018
 87-15-063
 Meetings 87-01-056
 87-08-003
 87-15-064
 Riparian management zones 87-10-018
 87-15-063

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

FUNERAL DIRECTORS AND EMBALMERS
(See LICENSING, DEPARTMENT OF)

GAMBLING COMMISSION

Amusement games
 limited locations 87-11-011
Amusement parks 87-03-024
87-07-037
87-07-038
Bingo 87-03-024
87-07-037
87-07-038
87-09-041
87-09-042
87-13-045
87-11-016
87-15-052
Bona fide charitable organizations 87-06-013
Card games
 hours limited 87-13-046
Charitable purposes 87-06-013
Commercial stimulant 87-03-024
87-07-037
87-07-038
Fees 87-03-024
87-07-037
87-07-038
87-15-050
87-15-053
Licenses
 application procedure
 mandatory training required 87-06-008
87-09-043
87-10-017
87-15-050
87-15-053
 bingo game managers 87-06-008
87-09-043
 card room employees 87-06-008
87-09-043
 distributor's representative 87-06-008
87-09-043
 issuance 87-15-050
87-15-053
 updated documents 87-06-008
87-09-043
Monthly records 87-13-047
Prizes
 minimum percentage 87-11-011
87-15-051
87-15-052
87-15-050
Prohibited practices 87-15-050
Punchboards/pull tabs
 construction 87-11-011
87-15-051
87-15-052
 flares 87-11-011
87-11-017
87-15-051
87-15-052
 operation 87-11-011
87-13-047
 prizes 87-03-023
87-11-011
87-13-047
87-15-051
87-15-052
 restrictions 87-03-023
 retention 87-11-011
87-13-047

GAME COMMISSION/DEPARTMENT

Agency procedures
 cooperative road management 87-12-077
87-13-050
87-15-081
 grazing 87-12-075
87-15-080

GAME COMMISSION/DEPARTMENT—cont.

hydraulic code 87-08-062
87-08-070
87-15-085
 sale of wildlife progeny 87-14-083
 scientific permits 87-14-081
 wildlife rehabilitation permits 87-14-084
Game fish seasons and catch limits
 Bogachiel River 87-01-010
87-01-078
 Calawah River 87-01-010
87-01-078
 Carbon River 87-02-046
 Dickey River 87-01-010
87-01-078
 North Silver Lake 87-13-049
 Puyallup River 87-02-046
 Quillayute River 87-01-010
87-01-078
 Snohomish River 87-06-028
 Snoqualmie River 87-06-028
 Solduc River 87-01-010
87-01-078
 Tucannon River 87-08-039
Hunting
 contests 87-05-030
87-09-026
87-03-042
87-08-067
87-12-034
87-08-068
87-12-073
1987 hunting seasons and bag limits 87-08-069
87-14-031
1987 mountain goat, sheep, and moose 87-05-031
87-12-080
1987 spring bear and turkey seasons 87-06-027
87-06-029
1987 upland migratory game bird
 seasons and rules 87-12-076
87-14-082
 dove, pigeon 87-15-083
 1988, 1989, 1990 opening dates
 for deer/elk 87-12-078
87-14-079
87-14-080
Trapping
 bobcat, lynx, river otter, tagging 87-08-066
87-12-072
 special seasons 87-12-034
 wild animal trapping 87-12-074
87-12-079
87-15-082
**GENERAL ADMINISTRATION,
DEPARTMENT OF**
Banking, division of
 interstate acquisition laws 87-08-071
87-10-047
87-10-058
87-13-015
 real estate investment/community
 reinvestment 87-02-010
Land bank 87-10-046
87-13-030
GOVERNOR, OFFICE OF THE
AIDS task force 87-15-089
Charitable contributions program 87-13-052
Disability issues and employment,
 governor's committee 87-06-011
87-15-040
Drugs, alliance against drugs 87-06-040
Emergencies
 rains and flooding 87-01-024
 terminating an emergency 87-05-033
Historic properties, state use of 87-09-072
Job Training and Partnership Act,
 transfer 87-15-038

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

GOVERNOR, OFFICE OF THE—cont.		HIGHER EDUCATION PERSONNEL BOARD—cont.	
Mt. St. Helens emergency ended	87-10-006	Exclusive representation decertification	87-02-036
Private activity bond state ceiling		Exemptions	87-02-036
volume cap	87-02-047	Hearings	
Special 1987 legislative session	87-06-041	burden of proof	87-02-036
Vocational education commission, sunset	87-10-005	Holidays	87-02-036
Vocational education council	87-15-037	Immediate dismissal	87-04-057
	87-15-039	Layoff	87-02-036
		Leave	87-10-052
GRAIN			87-10-053
(See AGRICULTURE, DEPARTMENT OF)		Leave without pay	87-14-051
GREEN RIVER COMMUNITY COLLEGE		Periodic increment pay	87-04-056
(District 10)			87-10-051
Meetings	87-01-106		87-14-051
	87-09-003	Personnel files	87-04-055
	87-09-004		87-08-056
	87-10-032	Preseparation or predisciplinary notice	87-02-054
			87-04-057
HEALTH, BOARD OF			87-06-054
Communicable and other diseases	87-07-039	Records	87-02-036
	87-11-047	Resignation, withdrawals	87-08-054
Newborn metabolic screening	87-07-033		87-08-055
	87-07-040		87-12-082
	87-11-040		87-12-083
Phenylketonuria	87-07-033	Salary, promotion	87-14-052
	87-07-040	Salary range	87-14-052
	87-11-040	Salary, reallocation	87-14-052
Recreational water contact facilities	87-12-088	Sick leave	87-10-053
			87-14-051
HEALTH CARE FACILITIES AUTHORITY		Special pay	87-04-056
Meetings		Standard range	87-14-052
bond issuance notice	87-09-091	Trial service reversion	87-02-036
HEARING AIDS, COUNCIL ON		Vacation leave	87-10-052
Examination appeal procedures	87-10-066		87-14-051
	87-14-030	Withdrawal of WSR 86-24-075	87-02-055
HIGHER EDUCATION COORDINATING BOARD			
Definition		HIGHLINE COMMUNITY COLLEGE	
care of students with extremely		(District 9)	
high unmet needs	87-04-076	Meetings	87-01-047
residency status	87-12-060		87-15-036
Displaced homemaker program	87-12-066	HISTORIC PRESERVATION, ADVISORY	
State need grant program	87-12-046	COUNCIL ON	
Work study	87-04-077	Rehabilitation, special tax valuation	87-03-039
	87-12-047		
HIGHER EDUCATION FACILITIES AUTHORITY		HORSE RACING COMMISSION	
Bond counsel selection	87-01-035	Bleeder rules	87-15-020
Bond issuance resolution	87-01-035	Fees	
Investment banking firms selection	87-01-035	personnel	87-15-019
HIGHER EDUCATION IN SPOKANE,		Medication	87-15-020
JOINT CENTER FOR		Rules of horse racing	87-08-029
Meetings	87-01-080		87-09-031
			87-09-076
HIGHER EDUCATION PERSONNEL BOARD			87-09-077
Affirmative action	87-02-036		87-15-019
	87-06-053		87-15-020
	87-10-049	Specimen rules	87-15-020
	87-14-006	Stewards	
Appointment		punishment authority	87-15-019
temporary	87-02-036	Veterinarian report	87-15-020
Availability	87-06-053	Weighing out	87-15-019
	87-10-050		
	87-12-081	HOSPITAL COMMISSION	
Bargaining unit	87-12-084	Patient discharge information	87-01-053
	87-12-085		87-04-008
Bereavement leave	87-14-051		87-05-007
Child care emergency leave	87-10-052	Public records	87-08-037
	87-10-053		87-13-073
	87-14-051	HUMAN RIGHTS COMMISSION	
Comparable worth adjustment indicator	87-14-052	Meetings	87-01-062
Compensation plans	87-04-056		87-01-105
Confidential duties	87-12-085		87-04-043
Declaratory rulings	87-12-084		87-06-038
Dismissal/separation, grounds for	87-04-057		87-08-041
Election standards and procedures	87-12-085		87-10-063
Emergency leave	87-10-052		87-12-065
	87-10-053		87-14-040
	87-14-051		87-15-126

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

INDETERMINATE SENTENCE REVIEW BOARD

Policies and procedures 87-14-013

INDIANS

Salmon
Chehalis River 87-10-031
87-12-004
87-12-062
87-13-035
Columbia River 87-14-008
87-14-025
87-14-033
87-15-007
87-01-044
Puget Sound
Subsistence
Columbia River tributaries 87-09-065
87-09-084
generally 87-13-010
87-14-032
Wanapum Indians 87-11-033
Wind River 87-13-011

INSURANCE COMMISSIONER

Accidental death or injury 87-06-039
Alcoholism treatment **87-15-142**
Annuity, mortality tables 87-02-066
87-05-046
Brokers' fee 87-06-039
Disability insurance 87-11-057
Discrimination prohibited 87-06-039
Health insurance access regulations
board **87-15-109**
duties of administrator **87-15-109**
forms **87-15-109**
organizational meeting **87-15-109**
pool membership meeting **87-15-108**
Health questions to be clear 87-06-039
Insurer to make independent decision
on reinsurance 87-06-039
Life insurance and annuities 87-09-098
87-14-015
Life reinsurance 87-06-049
87-09-056
Long-term care coverage 87-11-056
87-11-057
87-15-027
87-15-028
87-06-039
Misrepresentation of policy provisions
Motor vehicles
prompt, fair, and equitable
settlement 87-06-039
unfair practices 87-06-039
Premiums, separation and accounting 87-03-055
Property and casualty insurance
special liability insurance reports 87-02-017
87-02-065
87-05-011
Pure endowment contracts, mortality
tables 87-02-066
Smokers/nonsmokers, mortality tables 87-02-066
Unfair claims settlement practices 87-06-039
Unfair practices 87-06-039
87-09-071

INTEREST RATES

(See inside front cover)

INVESTMENT BOARD

Meetings 87-01-104

ISSAQUAH

Ground water advisory committee
operating rules and procedures 87-08-036

JUDICIAL CONDUCT, COMMISSION ON

Rules rewritten in light of SJR 136 87-04-058

KING COUNTY

Ground water advisory committee
operating rules and procedures 87-08-036

LABOR AND INDUSTRIES, DEPARTMENT OF

Agricultural safety standard 87-02-056
87-05-023
87-09-079
Apprenticeship and training council
objective wage 87-01-046
Asbestos
encapsulation 87-05-055
removal 87-05-055
Attorney fees 87-02-037
Civil penalties 87-07-023
87-07-024
87-12-003
Commercial coaches
portable classrooms
tempered air **87-15-031**
Construction work safety
standards 87-05-055
87-07-021
Contractor compliance infractions 87-07-003
Driving safety standards 87-02-002
Electrical installations, safety
standards 87-06-047
87-07-021
87-10-030
Elevators, etc. 87-14-077
General occupational health standards 87-05-055
87-10-008
General safety and health
accident prevention tags 87-02-058
87-07-022
construction work, electrical code 87-07-021
87-13-008
87-02-058
ethylene oxide 87-02-058
Medical aid rules and maximum
fee schedules 87-02-027
87-02-034
87-02-042
87-02-057
87-03-004
87-03-005
87-08-004
87-08-044
87-11-050
87-11-051
87-12-044
Motor vehicles
recreational vehicles
transporting fuel powered vehicles **87-15-017**
Retrospective rating plans and
group insurance plans 87-07-017
87-12-033
Risk classifications 87-07-047
87-12-032
Safety and health inspections
recordkeeping 87-03-011
Self-insurance
posting of security by local
governments 87-05-008
Supplemental pension fund 87-02-028
87-04-006
Transporting fuel powered vehicles 87-11-060
Vocational rehabilitation
billing codes 87-05-057
87-10-072
87-05-058
87-12-031
87-05-059
87-10-073
87-05-060
87-10-070
provider solicitation 87-05-056
request for proposal 87-10-071

LIBRARY

Certification board
meetings 87-08-040

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LIBRARY—cont.		LICENSING, DEPARTMENT OF—cont.	
Library commission		prearrangement contracts	
western library computer		registration	87-15-105
network service	87-01-019	Landscape architect licenses and fees	87-10-024
	87-11-041		87-10-025
Meetings	87-04-031		87-10-026
	87-05-020		87-10-027
	87-11-009	Liens	
	87-11-041	agriculture	87-13-055
	87-13-003	crop	87-13-055
Performance evaluation of state		fees	87-13-055
librarian	87-04-030	fish	87-13-055
Rules and regulations, staff briefing,		forms	87-13-055
hearing	87-04-072	processor and preparer	87-13-055
Service grant programs	87-04-066	Medical examiners, board of	
	87-07-029	meetings	87-01-077
Western library network			87-07-010
meetings	87-01-094		87-12-010
	87-04-044		87-13-054
	87-11-041	physician's assistants	
LICENSING, DEPARTMENT OF		Motor vehicles	
Acupuncturists	87-01-087	certificates	
	87-02-007	duplicates	87-01-030
	87-03-013	issuance	87-04-069
	87-06-050	dishonored checks	87-13-041
Aircraft			87-14-085
registration indicia	87-13-083	driver's education	87-15-139
Architects, board of registration for		endorsements	87-15-139
corporations or joint stock		licenses	87-04-067
associations	87-14-016		87-12-023
definitions	87-14-016		87-12-024
identification of registrant	87-14-016		87-15-139
work experience defined	87-14-016		
Collection agencies		license tabs	
license records	87-07-025	surrender of plates	87-01-028
	87-11-064	resident defined	87-15-139
notice to credit reporting bureau	87-07-025	vehicle reciprocity	
	87-11-064	generally	87-14-087
rate of interest, disclosure	87-07-025	nonresident students	87-01-029
	87-11-064	Nursing, board of	
sale of agency	87-07-025	conduct standards	87-15-103
Commodity broker – dealers	87-02-044	licensing	
Cosmetology/barber/manicurist		exam	
advisory board	87-01-006	application	87-15-103
passing grades on examination	87-01-007	failures	87-15-103
	87-13-053	refresher courses	87-15-103
Counselors, etc.	87-03-052	reporting of nursing errors	87-15-103
Debenture		schools of nursing	
Dental disciplinary board		faculty	87-15-103
specialty representation	87-07-045	Nursing home administrators, board	
	87-09-095	of examiners for	
	87-09-096	definitions	87-02-008
	87-11-026	examinations	
Dental examiners, board of		application	87-02-008
exams		approval	87-02-008
content	87-06-051	disqualification	87-02-008
	87-09-097	preexamination	87-02-008
review	87-06-051	subjects	87-02-008
	87-09-097	executive secretary	87-02-008
Dispensing opticians		preceptors, administrator-in-training	
exam appeal	87-13-042	program	87-02-008
	87-15-018	Occupational therapy practice, board of	
Employment agencies	87-11-061	consulting capacity	87-05-062
Escrow officer and agent fees	87-13-056		87-09-044
Fees	87-03-031	definitions	87-05-062
	87-04-049		87-09-044
	87-07-046	educational programs	87-05-062
	87-13-057		87-09-044
	87-14-088	fees	87-04-015
Funeral directors and embalmers		license renewal date	87-04-015
annual statement	87-15-105	occupational therapy aide, persons	
licenses		exempt from the definition	87-01-088
display	87-08-051		87-05-062
	87-11-063	supervised fieldwork experience	87-09-044
establishment licensure	87-08-051	Off-road and nonhighway vehicles	87-01-088
	87-11-063	Optometry, board of	87-03-041
		contact lens prescription	87-01-099

Subject/Agency Index
(Citations in bold type refer to material in this issue)

LICENSING, DEPARTMENT OF—cont.

examinations	
appeal procedures	87-09-074
grading	87-01-111
	87-02-060
	87-09-046
results	87-01-111
	87-02-060
subjects	87-09-046
improper professional relationship with physicians	87-09-075
Osteopathic medicine and surgery, board of	
health care service contractors and disability insurance carriers	87-14-017
licenses	
reinstatement	87-04-048
	87-13-004
mandatory reporting	87-04-048
	87-11-062
	87-13-004
physician's assistants	87-04-048
	87-14-046
professional review organization	87-14-017
prohibited techniques and tests	87-14-046
Physical therapy board	
disciplinary action	
grounds	87-14-086
examination of applicants	87-05-061
	87-08-065
Podiatry board	
ethical standards	87-04-050
	87-04-054
	87-09-045
examinations	87-04-050
meetings	87-04-002
purpose	87-04-050
scope of practice	87-04-050
	87-04-054
	87-09-045
	87-04-050
unlicensed acts	
Practical nursing, board of	
programs	
curriculum content	87-10-067
survey visits	87-10-067
Psychology, examining board	
education prerequisites	87-15-104
Real estate	
approval of classes	87-01-085
corporate or partnership applicants	87-14-054
disclosure of agency representation	87-01-089
	87-05-065
fees	87-14-054
nonresident licenses	87-14-054
Real estate commission	
meetings	87-02-032
Scrap haulers	
general procedures and requirements	87-01-005
Securities	
exemptions	
maximum number of purchasers	87-15-084
Snowmobiles	87-03-041
Vehicle dealers	
license application	87-01-016
Vessel dealer registration	87-14-072
Watercraft registration	87-04-068
	87-09-073
Wreckers	
general procedures and requirements	87-01-005

LIQUOR CONTROL BOARD

Advertising by retail licensees	
beer, wine, or spirituous liquors	87-01-015
	87-01-052
	87-04-026
Beer	
labels	87-05-045
	87-08-015

LIQUOR CONTROL BOARD—cont.

samples	87-12-027
	87-15-112
	87-15-113
suppliers	
price filings, contracts, and memoranda	87-01-014
Definitions	
gallon	87-11-019
	87-14-010
pasteurized beer	87-11-019
	87-14-010
Fortified wine	87-12-020
	87-12-028
Gallon	87-11-019
	87-14-010
Importation	87-04-063
	87-07-008
Licenses	
Class E	87-12-027
	87-15-112
	87-15-113
	87-02-011
	87-02-012
Class P	87-13-012
	87-15-110
temporary transfer	87-13-060
	87-13-060
Meetings	87-03-033
Nonliquor food items	87-11-043
	87-11-044
	87-14-009
	87-11-019
	87-14-010
Pasteurized beer	
Prohibited practices	
contracts, gifts, rebates	87-01-051
	87-04-018
Records	87-03-025
	87-04-017
Rules review plan	87-03-034
Samples	87-12-027
Wine	
fortified wine	87-12-020
	87-12-028
	87-15-016
	87-05-044
	87-08-016
	87-13-059
return by retailer	
suppliers	
price filings, contracts, and memoranda	87-01-014
	87-13-013
	87-15-111
wholesalers	
bonds	87-13-013
	87-15-111
	87-13-013
monthly reports	87-15-111
	87-13-013
price posting	87-15-111
	87-13-013
tax	87-13-013
	87-15-111
LOTTERY COMMISSION	
Change of business structure	87-01-058
Contested cases	87-01-057
Debts owed the state	87-01-057
Description of central and field organization	87-01-057
Indian tribes	87-01-057
<u>Instant game number 16 – Peoples Choice</u>	
criteria	87-01-059
definitions	87-01-059
ticket validation	87-01-059
<u>Instant game number 17 – Doubling Dollars</u>	
criteria	87-01-059
definitions	87-01-059
ticket validation	87-01-059

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LOTTERY COMMISSION—cont.

<u>Instant game number 18 – Washington Winners</u>	
criteria	87-01-059
definitions	87-01-059
ticket validation	87-01-059
<u>Instant game number 19 – Three Cards Up</u>	
criteria	87-01-059
definitions	87-01-059
ticket validation	87-01-059
<u>Instant game number 20 – Silver Lining/ Silver Bells</u>	
criteria	87-01-057
definitions	87-01-057
ticket validation	87-01-057
<u>Instant game number 23 – Three Cards Up</u>	
criteria	87-01-059
definitions	87-01-059
ticket validation	87-01-059
<u>Instant game number 24 – Tic-Tac-Toe</u>	
criteria	87-01-117
	87-05-005
definitions	87-01-117
	87-05-005
ticket validation	87-01-117
	87-05-005
<u>Instant game number 25 – Triple Header</u>	
criteria	87-07-050
	87-07-052
	87-10-043
	87-12-007
definitions	87-07-050
	87-07-052
	87-10-043
ticket validation	87-07-050
	87-07-052
	87-10-043
<u>Instant game number 26 – Summer Doubler</u>	
criteria	87-07-050
	87-10-043
definitions	87-07-050
	87-10-043
ticket validation	87-07-050
	87-10-043
<u>Instant game number 27 – Cash Harvest</u>	
criteria	87-07-050
	87-10-043
definitions	87-07-050
	87-10-043
ticket validation	87-07-050
	87-10-043
<u>Instant game number 28 – Stocking Stuffer</u>	
criteria	87-14-058
definitions	87-14-058
ticket validation	87-14-058
<u>Instant game number 29 – Windfall</u>	
criteria	87-14-058
definitions	87-14-058
ticket validation	87-14-058
Licenses	
charges	87-07-051
	87-10-043
denial, suspension, or revocation	87-01-058
fees	87-01-058
issuance eligibility	87-07-051
	87-10-043
Meeting schedule	87-01-025
	87-05-010
time and place of meetings	87-01-117
	87-05-005
Official end of game	87-14-057
	87-14-058
On-line games	
credit criteria	87-01-058
	87-14-057
	87-14-058
Prizes	
general provisions	87-01-117

LOTTERY COMMISSION—cont.

payment of	87-01-057
	87-14-057
	87-14-058
Proposed orders	87-01-057
Retailers	
authorization to sell tickets	87-14-057
	87-14-058
compensation	87-01-117
	87-05-005
	87-14-057
	87-14-058
MEDICAL DISCIPLINARY BOARD	
Appearance and practice	87-10-068
	87-14-053
Contested cases	87-10-068
General provisions	87-10-069
	87-14-047
Health care institutions other than hospitals	87-14-047
Hearings	87-10-068
Mandatory reporting	87-14-047
Meetings	87-01-072
	87-12-011
	87-10-068
Service of process	87-10-068
Unprofessional conduct	87-14-047
MEDICAL EXAMINERS, BOARD OF (See LICENSING, DEPARTMENT OF)	
MEETINGS	
Asian American affairs, commission on	87-01-075
	87-04-001
Bellevue Community College	87-01-082
Building code council	87-01-036
	87-01-061
Central Washington University	87-15-010
Clark College	87-01-098
Clemency and pardons board	87-05-009
	87-12-064
Community College District Twelve	87-07-030
	87-11-032
	87-14-014
Community college education, board for	87-04-025
Community development, department of	87-15-127
Community economic revitalization board	87-01-023
	87-01-074
Conservation commission	87-09-048
Convention and trade center	87-01-091
	87-03-050
	87-07-044
	87-09-061
	87-11-024
	87-12-059
Criminal justice training commission	87-04-021
Development loan fund board	87-09-002
Ecology	87-08-050
	87-10-044
	87-12-070
	87-12-071
	87-15-137
Edmonds Community College	87-01-049
	87-04-009
	87-05-019
	87-07-018
	87-09-062
	87-09-063
	87-11-030
	87-13-002
	87-15-032
Education, state board of	87-06-017
Emergency response commission	87-13-033
Everett Community College	87-01-093
Family independence program	87-14-021
Forest fire advisory board	87-03-012
	87-08-003
Forest practices board	87-01-056
	87-15-064

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

MEETINGS—cont.

Green River Community College 87-01-106
87-09-003
87-09-004
87-10-032
87-09-091

Health care facilities authority
Higher education in Spokane,
joint center for
Highline Community College 87-01-080
87-01-047
87-15-036

Human rights commission 87-01-062
87-01-105
87-04-043
87-06-038
87-08-041
87-10-063
87-12-065
87-14-040
87-15-126
87-15-108

Insurance commissioner
Investment board 87-01-104
Librarian certification board 87-08-040
Liquor control board 87-03-033
Lottery commission 87-01-025
87-05-010

Medical disciplinary board 87-01-072
87-12-011
87-01-077
87-07-010
87-12-010
87-04-034
87-04-035
87-02-005
87-04-029
87-11-013
87-13-001
87-13-020
87-08-009
87-05-029

Oil and gas conservation committee
Olympic College
Outdoor recreation, interagency
committee for 87-01-068
87-05-004
87-12-009
87-01-076
87-04-002
87-01-011
87-04-033
87-11-020
87-01-027
87-04-005
87-05-024
87-05-025
87-07-002
87-10-001
87-13-071
87-15-009

Puget Sound water quality authority 87-04-042
87-09-005
87-13-027

Real estate commission 87-02-032
Seattle Community College District 87-01-022
87-08-012
87-11-007
87-15-098

Seattle-King County department
of public health 87-08-036
87-14-022

Shoreline Community College 87-01-092
Skagit Valley College 87-01-069
87-11-025
87-12-035
87-01-034

Spokane Community Colleges 87-01-034

MEETINGS—cont.

State library 87-04-030
87-04-031
87-04-072
87-05-020
87-11-009
87-11-041
87-13-003
87-01-067
87-02-001
87-06-015
87-02-009
87-02-020
87-02-049
87-08-023
87-10-040
87-15-004
87-01-008
87-03-026
87-12-001
87-12-036
87-12-002
87-03-007
87-09-023
87-14-076
87-01-012
87-04-032
87-10-009
87-01-094
87-04-044
87-11-041
87-12-012
87-01-048
87-05-003
87-06-018
87-09-064
87-13-019
87-15-003
87-15-068

Tacoma Community College
Traffic safety commission 87-01-067
87-02-001
Transportation commission 87-06-015
University of Washington 87-02-009
Urban arterial board 87-02-020
87-02-049
87-08-023
87-10-040
87-15-004
87-01-008
87-03-026
87-12-001
87-12-036
87-12-002
87-03-007
87-09-023
87-14-076
87-01-012
87-04-032
87-10-009
87-01-094
87-04-044
87-11-041
87-12-012
87-01-048
87-05-003
87-06-018
87-09-064
87-13-019
87-15-003
87-15-068

Vocational education, commission for 87-01-008
87-03-026
87-12-001
87-12-036
87-12-002
87-03-007
87-09-023
87-14-076
87-01-012
87-04-032
87-10-009
87-01-094
87-04-044
87-11-041
87-12-012
87-01-048
87-05-003
87-06-018
87-09-064
87-13-019
87-15-003
87-15-068

Vocational education, council on
Volunteer firemen, board for 87-09-023
87-14-076
87-01-012
87-04-032
87-10-009
87-01-094
87-04-044
87-11-041
87-12-012
87-01-048
87-05-003
87-06-018
87-09-064
87-13-019
87-15-003
87-15-068

Walla Walla Community College
Washington State University 87-01-012
87-04-032
87-10-009
87-01-094
87-04-044
87-11-041
87-12-012
87-01-048
87-05-003
87-06-018
87-09-064
87-13-019
87-15-003
87-15-068

Western library network 87-01-094
87-04-044
87-11-041
87-12-012
87-01-048
87-05-003
87-06-018
87-09-064
87-13-019
87-15-003
87-15-068

Western Washington University
Whatcom Community College 87-01-048
87-05-003
87-06-018
87-09-064
87-13-019
87-15-003
87-15-068

**MEXICAN AMERICAN AFFAIRS,
COMMISSION ON**
Meetings 87-04-034
87-04-035

MILITARY DEPARTMENT
SEPA 87-05-014

**MINORITY AND WOMEN'S BUSINESS
ENTERPRISES, OFFICE OF**
Definitions **87-15-143**
Factors re control **87-15-143**
Goals 87-13-037
87-15-143
In general **87-15-143**
Proof **87-15-143**

NATURAL RESOURCES, DEPARTMENT OF
Board meetings 87-11-013
87-13-001
87-13-020
87-12-067
87-12-068
87-15-048
87-03-022
87-06-055
87-11-005
87-15-008
87-15-008
87-15-008
87-15-008
87-15-008
87-15-012
87-15-008
87-15-008
87-15-012
87-15-012
87-15-012
87-15-008
County auditor fees 87-12-067
87-12-068
87-15-048
87-03-022
87-06-055
87-11-005
87-15-008
87-15-008
87-15-008
87-15-008
87-15-012
87-15-008
87-15-012
87-15-012
87-15-012
87-15-008
Fire protection rules 87-03-022
87-06-055
87-11-005
87-15-008
87-15-008
87-15-008
87-15-008
87-15-012
87-15-008
87-15-012
87-15-012
87-15-012
87-15-008
Forest fire advisory board
meetings 87-03-012

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

NATURAL RESOURCES, DEPARTMENT OF		PARKS AND RECREATION COMMISSION—cont.	
—cont.		Definitions	87-04-074
Milwaukee road corridor			87-08-008
public use	87-14-039	Financing historic preservation	87-04-075
Mining			87-08-042
contracts	87-15-035		87-11-037
	87-15-100	Metal detectors in parks	87-04-073
	87-15-101		87-08-007
	87-15-102	Moorage fees	87-04-074
leases	87-15-035		87-08-008
	87-15-100	Standard fees	87-04-074
	87-15-101		87-08-008
	87-15-102		
rental rates	87-15-035	PENINSULA COLLEGE	
	87-15-101	(District 1)	
royalty rates	87-15-035	Meetings	87-01-076
	87-15-101		
Natural heritage advisory council		PERSONNEL BOARD/DEPARTMENT	
meetings	87-02-005	Affirmative action	87-02-038
	87-04-029		87-02-045
Recording fees	87-09-103	Allocation	
Timber sales		request for review	87-01-063
deposits	87-08-043		87-06-020
NOXIOUS WEED CONTROL BOARD		upward reallocation	87-15-092
(See AGRICULTURE, DEPARTMENT OF)		Applications	
NURSING HOME ADMINISTRATORS, BOARD OF		disqualifications	87-15-128
EXAMINERS FOR		Appointments	
(See LICENSING, DEPARTMENT OF)		acting	87-01-064
NURSING HOMES			87-03-010
Accounting and reimbursement system	87-05-018	temporary	87-06-022
	87-09-058	classified service	87-01-064
Continuing care retirement community		upward reallocation	87-15-092
applications	87-09-007	veterans	87-02-039
Licensure	87-03-018	Assignment pay provisions	87-11-054
Ownership, change	87-03-018		87-14-059
OCCUPATIONAL THERAPY PRACTICE, BOARD OF			87-15-065
(See LICENSING, DEPARTMENT OF)		Background inquiries	87-02-029
OFF-ROAD VEHICLES			87-06-023
(See LICENSING, DEPARTMENT OF)			87-06-024
OLYMPIC COLLEGE			87-08-014
Meetings	87-05-029	Bargaining unit, generally	87-04-036
OIL AND GAS CONSERVATION COMMITTEE			87-07-035
Bond to be furnished			87-10-036
bank letter of credit	87-06-010		87-11-034
	87-11-046		87-13-038
	87-11-048	Base range	87-15-044
Meetings	87-08-009		87-11-054
OPTOMETRY, BOARD OF			87-14-059
(See LICENSING, DEPARTMENT OF)		Certification	87-15-065
OSTEOPATHIC MEDICINE AND SURGERY, BOARD OF		general	87-15-073
(See LICENSING, DEPARTMENT OF)		underfill	87-03-032
OUTDOOR BURNING		Compensation plan	87-12-025
(See NATURAL RESOURCES, DEPARTMENT OF)			87-15-045
OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR		Declaration of purpose	87-02-045
Applications deadlines	87-05-026		87-06-032
	87-08-032	Demotion	87-12-015
Meetings	87-01-068	Discrimination	87-02-045
	87-05-004		87-06-032
	87-12-009	DSHS employees, background inquiries	87-01-033
PARKS AND RECREATION COMMISSION		Immigration control	87-10-041
Advisory council on historic preservation	87-04-075		87-13-072
	87-08-042	Mediation and arbitration requests	87-10-036
	87-11-037		87-15-044
Camping	87-04-074	Overtime provisions and compensation	87-04-040
	87-08-008		87-07-036
Campsite reservation	87-04-074		87-08-013
	87-08-008		87-10-037
			87-11-036
			87-15-129
		Point range	87-11-054
			87-14-059
			87-15-065
		Project employment	87-01-064
			87-03-010
			87-06-022

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

PERSONNEL BOARD/DEPARTMENT—cont.

Protests 87-01-033
87-02-029
87-06-023
87-06-024
87-10-035
87-13-040
Reduction in force 87-01-033
87-02-029
87-06-023
87-06-024
Registers
name removal 87-10-041
87-13-072
Salaries, comparable worth 87-06-042
87-09-037
Salary, increase on promotion 87-11-054
87-14-059
87-15-065
Salary range 87-11-054
87-14-059
87-15-065
Salary surveys 87-12-025
Schedule change and compensation 87-04-040
87-07-036
87-10-037
87-15-129
Seasonal career employment 87-02-045
87-06-021
87-07-036
87-09-036
87-11-035
Separations
Immigration Reform and Control Act 87-10-041
87-13-072
Sick leave credit
purpose, accrual, conversion 87-01-073
Standby compensation 87-06-042
87-11-054
87-14-059
87-15-065
Temporary appointment 87-03-010
Temporary employment 87-01-064
87-03-010
87-06-022
Transfer 87-11-054
87-12-015
87-14-059
87-15-065
Unfair labor practice charge
answer to complaint 87-04-036
87-07-035
87-10-036
87-11-034
87-13-038
87-15-044
filing charge 87-04-036
87-07-035
87-10-036
87-11-034
87-13-038
87-15-044
Union shop 87-10-036
87-13-038
87-15-044
Vacation leave allowance 87-11-053
Vacation leave disposition 87-02-045
87-06-021
87-07-036
87-09-036
87-11-035
87-13-039
Workday 87-03-009
87-06-019
87-07-036
87-10-037

PERSONNEL BOARD/DEPARTMENT—cont.

Workweek 87-03-009
87-06-019
87-07-036
87-10-037
87-15-074
Work period designations
PHARMACY, BOARD OF
Alfentanil 87-08-028
Applicants **87-15-138**
Definitions **87-15-138**
Drug therapy monitoring **87-15-138**
Examinations **87-15-138**
Fees **87-15-138**
Inspections 87-05-063
87-08-031
Internship requirements 87-05-063
87-08-064
Legend drug sample
fees **87-15-138**
Poison control 87-05-063
87-08-031
Poison manufacturers
fees **87-15-138**
Reciprocity **87-15-138**
Uniform Controlled Substances Act
federal regulations, update 87-07-049
87-10-029
PHYSICAL THERAPY BOARD
(See LICENSING, DEPARTMENT OF)
PILOTAGE COMMISSIONERS, BOARD OF
Grays Harbor district
pilotage rates 87-01-081
Licensing of pilots 87-02-053
Puget Sound district
pilotage rates 87-01-081
PODIATRY BOARD
(See LICENSING, DEPARTMENT OF)
PRACTICAL NURSING, BOARD OF
(See LICENSING, DEPARTMENT OF)
PROFESSIONAL ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR
Branch registration 87-08-052
87-13-005
Examinations
applications 87-08-052
87-13-005
candidate criteria 87-08-052
87-13-005
engineer-in-training 87-08-052
87-13-005
review process 87-08-052
87-13-005
Fees 87-07-046
Meeting day 87-08-052
87-13-005
Nonresidents 87-08-052
87-13-005
Professional standards 87-08-052
87-13-005
PUBLIC DISCLOSURE COMMISSION
Lobbyist employers report
forms 87-01-079
87-05-001
Lobbyist registration
calendar quarters 87-05-041
87-08-025
forms 87-01-079
87-05-001
87-01-011
87-04-033
87-11-020
Meetings

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

PUBLIC INSTRUCTION (See SUPERINTENDENT OF PUBLIC INSTRUCTION)		REVENUE, DEPARTMENT OF—cont.	
PUBLIC WORKS BOARD		Real estate excise tax	87-03-036 87-09-034 87-12-016 87-12-016 87-12-016
Application evaluation	87-13-025	air rights	
	87-13-043	development rights	
Meetings	87-01-027	Special assessments, tax deferral	
	87-04-005	farm and agricultural land	87-01-040 87-07-009
	87-05-024		
	87-05-025	Use tax	87-01-050
	87-07-002	Warehouse businesses	87-02-061 87-05-042
	87-10-001		
	87-13-071	SEATTLE	
	87-15-009	Ground water advisory committee	
PUGET SOUND WATER QUALITY AUTHORITY		operating rules and procedures	87-08-036
Meetings	87-04-042	SEATTLE COMMUNITY COLLEGE DISTRICT	
	87-09-005	(District 6)	
	87-13-027	Affirmative action	87-04-064 87-08-026 87-01-022 87-08-012 87-11-007 87-15-098
REAL ESTATE COMMISSION (See LICENSING, DEPARTMENT OF)		Meetings	
REDMOND			
Ground water advisory committee			
operating rules and procedures	87-08-036	SECRETARY OF STATE	
RETIREMENT SYSTEMS, DEPARTMENT OF		Citizens commission for salaries of	
Actuarial tables	87-03-049	elected officials	87-02-067 87-02-068 87-06-009 87-14-028
	87-07-013		
	87-14-036	Limited partnership filings	
	87-14-037	SECURITIES DIVISION	
Judicial retirement	87-03-046	(See LICENSING, DEPARTMENT OF)	
	87-07-014	SHORELINE COMMUNITY COLLEGE	
LEOFF	87-03-047	(District 7)	
	87-03-048	Meetings	87-01-092
	87-07-015		
	87-07-016	SHORELINE MASTER PROGRAMS	
Public employees		(See ECOLOGY, DEPARTMENT OF)	
back pay award	87-14-038	SKAGIT VALLEY COLLEGE	
determination and reporting	87-14-038	(District 4)	
first-in-first-out basis	87-14-038	Meetings	87-01-069 87-11-025 87-12-035
form and weight of evidence	87-14-038		
nonmoney maintenance compensation	87-14-038	SOCIAL AND HEALTH SERVICES,	
plan I compensation	87-14-038	DEPARTMENT OF	
plan II compensation	87-14-038	AFCDC and general assistance	
presumption in absence of records	87-14-038	alcoholism and drug treatment	87-13-078 87-14-027
special recordkeeping, vehicles	87-14-038		
Service credit	87-14-035	consolidated emergency assistance	
Teachers' trustees	87-14-034	program, CEAP	87-10-064 87-13-077 87-10-010
REVENUE, DEPARTMENT OF		consolidation of assistance units	
Assignments, purchasers	87-01-004	net cash income	
Bailments	87-14-055	exempt earned income	87-01-096
	87-14-056	emergent situations	
Forest land and timber	87-02-022	additional requirements	87-01-071
	87-02-023	SSI program	87-01-102
	87-10-062	protective payees	87-13-078
	87-14-042	standard utility allowance	87-09-090 87-12-051 87-14-063 87-14-067 87-13-078 87-13-079 87-09-086 87-12-058 87-03-015 87-03-016 87-05-021 87-09-035 87-15-134
	87-14-043	unemployable	
Historic property		work incentive program	
special valuation	87-01-041	Aging, agencies on aging, review	
	87-05-022	Alcohol and drug treatment facilities	
Hospitals			
medical care facilities	87-02-061	Alcoholism and drug treatment	
	87-05-042	and support	87-13-078 87-13-080 87-14-026 87-15-134
property tax exemptions	87-01-039		
Joint tenancy	87-01-004		
Levies			
limitation of consolidated levy rate	87-01-021		
proration	87-01-021		
Mobile homes, personal property study	87-12-029		
Partnership, nonfamily	87-01-004		
Personal property audit selection	87-12-029		
Prescription drugs, orthotic devices, etc.	87-02-061		
	87-05-042		
Property tax annual ratio study	87-09-022		
	87-12-029		

Subject/Agency Index
(Citations in bold type refer to material in this issue)

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

Citizenship and alienage 87-02-063
87-03-002
87-06-005

Consolidated emergency assistance program 87-10-064
87-13-077

Disaster assistance, individual and family grant program 87-09-020
87-09-021
87-12-053

Family independence program executive committee meeting 87-14-021

Food stamps
categorical eligibility 87-06-003
eligibility standards 87-11-058
87-14-064
87-14-070
87-14-071

employment and training 87-08-045
87-08-046
87-15-055
87-15-056

expedited applicants, policy 87-09-008
87-09-009
87-09-029
87-12-052
87-12-055

financial aid 87-03-019
87-03-021

homeless meal providers 87-12-017
87-12-048
87-15-054

household determination 87-01-009
87-02-030
87-02-031
87-03-019
87-03-021
87-03-054

migrants 87-03-054
overpayments 87-04-010
87-07-032

SSI recipients 87-10-065
students 87-03-019
verification 87-06-033
87-09-028

Foster care 87-06-043
87-09-027

Health facility certificate of need 87-13-081
87-12-017

Homeless meal providers 87-12-048
87-15-054

Hospitals
certificate of need 87-06-048
87-09-007
87-10-023
87-12-049
87-13-081

documents adopted by reference
Appendix B 87-01-070
87-04-061

electrocardiography 87-03-030
electroencephalography 87-03-030
governing body and administration 87-03-020
physical and occupational therapy services 87-03-030
services 87-03-030

Juvenile parole revocation 87-04-023

Kitsap Physicians Service Sound Care Plan 87-02-062
87-03-003
87-06-004

Labor camps
certificate of occupancy 87-13-082

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

Licensing program fees 87-10-015
87-14-065
87-14-066

Medical assistance
eligibility
medically needy income level 87-02-064
87-03-001
87-06-006
87-14-061
87-14-068
87-01-097

special categories
emergency medical conditions 87-09-087
87-12-054

limited casualty program
medically indigent 87-04-062
Medicaid qualifying trusts 87-07-012
87-10-021
87-10-022

needy infants, children, and pregnant women 87-14-062
87-14-069

organ transplants 87-09-089
87-12-050

out-of-state provider billing limitations 87-09-057
87-12-056

schedule of charges **87-15-132**
87-15-133

Mental health
emergency component **87-15-135**
87-15-136

evaluation and treatment certification **87-15-135**
87-15-136

inpatient component **87-15-135**
87-15-136

minors
evaluation **87-15-135**
87-15-136

outpatient component **87-15-135**
87-15-136

provider fiscal administration
written schedule of fees 87-01-095
87-06-026

Nursing homes (See NURSING HOMES)

Prepaid health plans 87-02-015
87-06-001

Private duty nursing services 87-02-016
87-06-002

Radiation control 87-01-031

Radioactive waste site surveillance fee 87-03-017

SSI
certification periods 87-09-088
87-12-057
standards of assistance 87-01-102

SOUTH PUGET SOUND COMMUNITY COLLEGE
(See CENTRALIA/SPSC COLLEGES)

SPOKANE COMMUNITY COLLEGES
(District 17)

Meetings 87-01-034

Reduction in force for classified personnel 87-01-043
87-06-014

Student conduct and procedures of enforcement 87-13-070

STATE EMPLOYEES INSURANCE BOARD

Extended self-pay medical and dental coverage 87-04-016
87-04-039
87-07-034

Extension of retiree dependents' eligibility 87-11-003
87-14-004
87-15-025

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

STATE EMPLOYEES INSURANCE BOARD—cont.

Health maintenance organizations,
plan approval 87-14-004

STATE PATROL

Affirmative action 87-06-007
87-09-049

Brakes
bolt clamp and wedge type **87-15-078**

Equipment, commission on
authority change 87-13-034
87-01-020
display of electronic messages 87-04-065
87-13-048

tow trucks 87-13-048
Private carriers
driver qualifications and hours of
service 87-01-100
87-01-101
87-02-040
87-02-041
87-04-024
87-05-012

Special motor vehicles
defined **87-15-077**

SUPERINTENDENT OF PUBLIC INSTRUCTION

Abbreviations 87-07-027
87-10-012

Administrative hearings 87-07-026
87-07-028
87-10-013

Basic education money, terms
and conditions **87-15-099**

Budget
review of 1st-class school
district budgets 87-12-087
87-15-067

time schedule 87-12-087
87-15-067

Fees 87-13-065

Finance
nonresidence attendance 87-10-014

Interfund loans 87-05-039

RAP 87-04-047

87-09-017
87-09-019

Remediation assistance program
distribution formula 87-04-046
87-09-017
87-09-018

SUPREME COURT

CAR 4 **87-15-024**

CR 80(b) 87-09-068

CrRLJ 87-13-023

6.13 **87-15-041**

GR

1 87-01-037

8.3 87-09-069

9(i) 87-01-037

11 **87-15-042**

12 87-13-031

JAR 9 87-13-022

JCrR 87-13-023

10.05 87-11-027

JISCR **87-15-043**

JuCR

1.3 87-13-022

1.4 87-13-022

2.1 87-13-022

2.2 87-13-022

2.3 87-13-022

3.3 87-13-022

3.4 87-13-022

3.7 87-13-022

3.9 87-13-022

3.11 87-13-022

4.3 87-13-022

5.2 87-13-022

SUPREME COURT—cont.

5.3 87-13-022

5.4 87-13-022

5.5 87-13-022

5.6 87-13-022

5.7 87-13-022

6.4 87-13-022

6.5 87-13-022

6.6 87-13-022

7.3 87-13-022

7.4 87-13-022

7.5 87-13-022

7.6 87-13-022

7.7 87-13-022

7.8 87-13-022

7.11 87-13-022

7.12 87-13-022

7.14 87-13-022

9.1 87-13-022

9.2 87-13-022

10.1 87-13-022

10.3 87-13-022

10.4 87-13-022

10.5 87-13-022

10.6 87-13-022

10.7 87-13-022

10.8 87-13-022

10.9 87-13-022

11.2 87-13-022

Legal Foundation of Washington 87-13-021

Limited practice 87-09-067

MPR

2.5 87-01-038

6.1A 87-01-038

6.2A **87-15-076**

6.4A **87-15-076**

6.5A **87-15-076**

RALJ

2.2(c) 87-13-022

2.4(c) 87-13-022

2.6(a) 87-13-022

2.7 87-13-022

4.2(a) 87-13-022

5.2(b) 87-13-022

6.2 87-13-022

6.3A 87-13-022

7.2 87-13-022

9 87-13-022

9.2 87-13-022

9.2A 87-13-022

9.3(c) 87-13-022

9.3(f) 87-13-022

10.2(a) 87-13-022

RAP 7.2(j) 87-13-022

RLD 9.1(a) 87-13-022

RPC 3.6 87-09-070

TACOMA COMMUNITY COLLEGE

(District 22)

Meetings 87-01-067

Student rights and responsibilities 87-01-066

TRADE AND ECONOMIC DEVELOPMENT,

DEPARTMENT OF

Community economic revitalization board

meetings 87-01-023

87-01-074

TRAFFIC SAFETY COMMISSION

Meetings 87-02-001

TRANSPORTATION COMMISSION/DEPARTMENT

Commission meetings 87-06-015

Crossroads and interchange ramps,

access guides 87-09-006

87-12-061

87-15-021

Ferries

hazardous material transportation 87-14-041

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

TRANSPORTATION COMMISSION/DEPARTMENT		WASHINGTON STATE UNIVERSITY—cont.	
—cont.		Mall, use of	87-08-002
Ferry tolls revised	87-06-052		87-12-013
	87-08-019	Motorcycles, mopeds, etc.	87-08-035
	87-09-047		87-12-014
	87-10-002	Social policies and procedures	87-08-002
	87-12-005		87-12-013
Mobile home transportation	87-15-069	Student discipline	87-08-002
	87-15-079		87-12-013
Motorist information signs	87-01-054	Student organizations	87-08-002
Outdoor advertising control	87-01-055		87-12-013
Uniform traffic control devices	87-05-043		
TREASURER		WESTERN WASHINGTON UNIVERSITY	
Interest rates (see inside front cover)		Leasing of university property for business purposes	87-01-110
UNIVERSITY OF WASHINGTON		Meetings	
Boat moorage fees	87-11-052	trustees	87-12-012
Meetings	87-02-009	Parking fines	87-08-011
Parking and traffic regulations	87-10-057		87-11-012
URBAN ARTERIAL BOARD			87-13-009
Meetings	87-02-020	Skateboards	87-15-090
	87-02-049		87-15-091
	87-08-023	WHATCOM COMMUNITY COLLEGE	
	87-10-040	(District 21)	
	87-15-004	Meetings	87-01-048
USURY			87-05-003
Interest rates (see inside front cover)			87-06-018
UTILITIES AND TRANSPORTATION COMMISSION			87-09-064
Budgets	87-01-001		87-13-019
Common and contract carrier equipment			87-15-003
leasing	87-04-012		87-15-068
Electric utility least cost planning	87-01-108		
	87-06-031		
	87-11-045		
Gas and electric companies	87-03-057		
	87-03-058		
	87-03-059		
	87-03-060		
Gas utility least cost planning	87-01-109		
	87-06-030		
	87-08-053		
Insurance	87-01-003		
Motor carrier equipment leasing	87-01-002		
Telecommunications companies			
price lists	87-04-011		
	87-05-013		
VOCATIONAL EDUCATION, COMMISSION FOR			
Meetings	87-01-008		
	87-03-026		
	87-12-001		
	87-12-036		
Private vocational schools	87-02-018		
	87-02-019		
	87-12-008		
Tuition recovery fund	87-10-056		
	87-12-008		
	87-14-007		
VOCATIONAL EDUCATION, COUNCIL ON			
Meetings	87-12-002		
VOLUNTEER FIREMEN, BOARD FOR			
Meetings	87-03-007		
	87-09-023		
	87-14-076		
Public records	87-11-015		
WALLA WALLA COMMUNITY COLLEGE			
(District 20)			
Meetings	87-01-012		
WASHINGTON STATE UNIVERSITY			
ASWSU meetings	87-04-032		
Board of regents, meetings	87-10-009		
Facilities use	87-08-002		
	87-12-013		
Housing regulations for undergraduates	87-08-002		
	87-12-013		



WASHINGTON STATE REGISTER Subscriptions

To: Subscription Clerk
WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

I would like to order _____ subscription(s) to the WASHINGTON STATE REGISTER, at an annual rate of \$150.92, sales tax included (\$140 for state agencies). Enclosed is my check or money order for \$_____. Please start my subscription with the January issue of 19 _____.

NAME _____

ADDRESS _____

TELEPHONE _____

THE WASHINGTON STATE REGISTER, published pursuant to RCW 34.08.020, is distributed on the first and third Wednesdays of each month. The Register contains the full text of proposed, emergency, and permanently adopted rules of state agencies, executive orders of the governor, notices of public meetings of state agencies, rules of the state supreme court, summaries of attorney general opinions, and juvenile disposition standards which have been filed in the code reviser's office prior to the pertinent closing date for that issue of the Register. A cumulative table of existing sections of the Washington Administrative Code (WAC) affected by a particular agency action guides the user to the proper volume of the Register.

The code reviser's office has established an annual subscription price of \$140 for the Register, and single copies will cost \$7. Sales tax of 7.8% now applies to all sales other than to state agencies. State law requires payment in advance. To subscribe to the Register, please complete the order form above and forward it to the address indicated, accompanied by your check or money order in the amount of \$150.92 (\$140 for state agencies) payable to the code reviser's office.