

# Washington State Register

SEPTEMBER 20, 1989

OLYMPIA, WASHINGTON

ISSUE 89-18



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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 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 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).

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## 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

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of September 1989 pursuant to RCW 19.52.020 is twelve point one two percent (12.12%).

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 1989 pursuant to RCW 63.14.130(1)(a) is thirteen and one-half percent (13.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen point seven five percent (14.75%) for the third calendar quarter of 1989.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point two five percent (14.25%) for the third calendar quarter of 1989.

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# WASHINGTON STATE REGISTER

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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.

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 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 are 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 MATERIAL

RCW 34.05.395 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 material is new material;
  - (ii) ~~deleted material 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 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 normally take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an 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's office unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (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's office 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.

## 1989 – 1990

### DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
89-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
89-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
89-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
89-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
89-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
89-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
89-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
89-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
89-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
89-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
89-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990
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90-01	Nov 22	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 23
90-02	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 17	Feb 6
90-03	Dec 27, 1989	Jan 10, 1990	Jan 24	Feb 7	Feb 27
90-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 13
90-05	Jan 24	Feb 7	Feb 21	Mar 7	Mar 27
90-06	Feb 7	Feb 21	Mar 7	Mar 21	Apr 10
90-07	Feb 21	Mar 7	Mar 21	Apr 4	Apr 24
90-08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
90-09	Mar 21	Apr 4	Apr 18	May 2	May 22
90-10	Apr 4	Apr 18	May 2	May 16	Jun 5
90-11	Apr 25	May 9	May 23	Jun 6	Jun 26
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90-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
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90-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 2, 1991

<sup>1</sup>All 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 1-21-040.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. 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.

<sup>3</sup>At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

**WSR 89-18-001**  
**NOTICE OF PUBLIC MEETINGS**  
**FOREST PRACTICES BOARD**  
 [Memorandum—August 23, 1989]

Effective Date of Rule: Thirty days after filing.  
 August 23, 1989  
 Mary Faulk  
 Director

There will be a special Forest Practices Board meeting held on September 6, 1989, at 9 a.m. The meeting will be held in the office of the Commissioner of Public Lands, John Cherberg Building, Olympia, Washington.

Additional information may be obtained from the Division of Forest Regulation and Assistance, 1007 South Washington, Mailstop EL-03, Olympia, WA 98504, (206) 753-5315.

**WSR 89-18-002**  
**NOTICE OF PUBLIC MEETINGS**  
**BUILDING CODE COUNCIL**  
 [Memorandum—August 24, 1989]

1989 Meeting Schedule

January 20	9:00 a.m.	Sea-Tac
February 10	9:00 a.m.	Lacey
March 10	9:00 a.m.	Sea-Tac
April 14	9:00 a.m.	Sea-Tac
May 12	9:00 a.m.	Sea-Tac
June 9	9:00 a.m.	Sea-Tac
July 14	9:00 a.m.	Sea-Tac
August 11	9:00 a.m.	Sea-Tac
September 21 and 22	Meeting Cancelled	
October 12	9:00 a.m.	Sea-Tac*
October 13	9:00 a.m.	Spokane*
November 9	9:00 a.m.	Sea-Tac*
December 8	9:00 a.m.	Sea-Tac

Council committee meetings may be held as part of the regular council meeting.

\*Note location changes from previous schedule.

**WSR 89-18-003**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed August 24, 1989, 2:35 p.m.]

Date of Adoption: August 24, 1989.

Purpose: Requires commercial driver licenses for the operation of commercial motor vehicles, establishes third party testing program to conduct skill examinations.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-100-080; and amending WAC 308-100-010, 308-100-020, 308-100-030, 308-100-040, 308-100-050, 308-104-025, 308-104-100 and 308-104-105.

Statutory Authority for Adoption: RCW 46.01.110 and sections 3, 5, 8 and 16, chapter 178, Laws of 1989.

Pursuant to notice filed as WSR 89-15-040 on July 18, 1989.

NEW SECTION

**WAC 308-100-100 COMMERCIAL DRIVER LICENSE CONVERSION.** Any person with a driver's license which has an INTERMEDIATE or COMBINATION endorsement, or who is engaged in the operation of a commercial motor vehicle, and who renews his or her driver's license between October 1, 1989, and December 31, 1991, inclusive, must obtain a commercial driver's license upon renewal in order to continue to operate a commercial motor vehicle. Any person with a driver's license which has an INTERMEDIATE or COMBINATION endorsement, or who is engaged in the operation of a commercial motor vehicle, and whose license expires after December 31, 1991, must obtain a commercial driver's license two years prior to the date their regular driver's license would otherwise expire in order to continue to operate a commercial motor vehicle. The basic fee for a commercial driver license will be prorated to six dollars for persons who must obtain a commercial driver license prior to the expiration of their regular driver license. A license with an INTERMEDIATE or COMBINATION endorsement shall not authorize a person to operate a commercial motor vehicle after April 1, 1992. Nothing in this section shall be construed to prevent the department from accelerating the commercial driver license conversion program when agreed to by an applicant or to prevent an applicant from taking a knowledge examination in a group setting prior to his or her scheduled conversion date.

NEW SECTION

**WAC 308-100-110 EXPIRATION DATE—EXTENSION.** Any person who is outside the state at the time his or her commercial driver's license expires may request an extension. Upon request, the department may grant an extension for no more than thirty days after the date the commercial driver's license would normally expire.

NEW SECTION

**WAC 308-100-120 EXTRA-TERRITORIAL CONVICTIONS—NOTIFICATION.** A driver of a commercial motor vehicle required to notify the department of an extra-territorial conviction under the provisions of section 5, chapter 178, Laws of 1989, shall make such notification on a form provided by the department, or by other correspondence providing the information required on the department's form.

NEW SECTION

**WAC 308-100-130 SERIOUS TRAFFIC VIOLATIONS.** In addition to the violations enumerated in section 3(16), chapter 178, Laws of 1989, "serious traffic violation" shall include:

- (1) Negligent driving, as defined by RCW 46.61.525;

(2) Following too closely, as defined by RCW 46.61-.145; and

(3) Improper or erratic lane changes, including violations of:

(a) RCW 46.61.115, overtaking on the right;

(b) RCW 46.61.120, overtaking on the left; and

(c) RCW 46.61.125, further limitations on driving to left of center of roadway.

#### NEW SECTION

**WAC 308-100-140 THIRD PARTY TESTER.** The department may enter into an agreement with third party testers to conduct the commercial driver's license classified skill examination. An agreement will only be made where the department has determined that a need for a third party tester exists in the location covered by the third party tester, and that the third party tester is otherwise qualified.

#### NEW SECTION

**WAC 308-100-150 THIRD PARTY TESTER—QUALIFICATIONS.** A third party tester is a person meeting the minimum qualifications who is trained, tested and certified by the department to conduct a standardized behind-the-wheel test of a commercial driver, such test to be used in determining the driver's qualification to obtain a commercial driver's license. A person applying to be a third party tester must meet the following requirements:

(a) Is qualified and licensed to operate and has no less than two years of experience operating vehicles representative of the class of vehicle for which he or she would conduct testing and has no less than five years of total driving experience.

(b) A check of applicant's driver's record shows:

(1) The applicant has not been convicted or found to have committed any of the following offenses within the three year period preceding the date of application:

(i) Driving a motor vehicle while under the influence of alcohol or any drug;

(ii) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;

(iii) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(iv) Using a commercial motor vehicle in the commission of a felony; and

(v) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle.

(2) No more than one conviction of serious traffic violations, as defined in WAC 308-100-130 (SERIOUS TRAFFIC VIOLATIONS), within three years preceding the date of application.

(3) No driver's license suspension, cancellation, revocation, or denial within three years preceding the date of application.

(4) No more than one moving traffic violations convictions within one year or more than three moving traffic violations convictions within three years preceding the

date of application. Defective equipment violations shall not be considered moving traffic violations for the purpose of determining the applicant's qualification.

(c) Complete an acceptable application on a form prescribed by the department.

(d) Have no conviction of a felony or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude.

(e) Maintain or be employed by a business or agency in which driver testing records would be maintained and available to the state or Federal representatives for announced or unannounced inspections and audits.

(f) Is or is employed by a licensed business or government agency within the State of Washington or within fifty miles of state boundaries.

(g) If the applicant is part of a commercial (truck/bus) driver training facility the training course must be approved by the department.

Failure to maintain the above qualifications will result in the termination of a third party tester agreement.

#### NEW SECTION

**WAC 308-100-160 TEST REQUIREMENTS.** Any test conducted by a third party tester shall conform to the testing requirements established by the department. If the test includes additional requirements, the performance of an applicant for a commercial driver's license on the additional portions shall not be considered for commercial driver license skill testing purposes. Any applicant aggrieved by the outcome of a test conducted by a third party tester may petition the department for review of the scoring procedure used by the third party tester.

#### NEW SECTION

**WAC 308-100-170 TEST ROUTE APPROVAL.** The test route used by a third party tester must be approved by the department prior to its use for commercial driver license skill testing purposes.

#### NEW SECTION

**WAC 308-100-180 THIRD PARTY TESTING FEE.** Except as provided in WAC 308-100-190 (REQUIREMENTS FOR EXCEEDING BASE FEE), the base fee for each classified skill examination or combination of skill examinations conducted by a third party tester shall not be more than fifty dollars. The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third party tester. Any additional fees to be charged shall be reported to the department.

#### NEW SECTION

**WAC 308-100-190 REQUIREMENTS FOR EXCEEDING BASE FEE.** A third party tester may petition the department for a waiver of the skill examination fee ceiling imposed by WAC 308-100-180 (THIRD PARTY TESTING FEE). The third party tester shall indicate

the amount of the proposed fee and provide detailed justification for the increase. Where proper justification exists, the department may grant the higher fee. The department will review any complaints regarding higher fees, and may impose a reduction where warranted.

#### NEW SECTION

WAC 308-100-200 THIRD PARTY TESTER—TERMINATION. The department may terminate an agreement with a third party tester providing commercial driver's license skill examinations where the volume of applicants for commercial driver's licenses makes such third party testing unnecessary, or upon a showing of good cause.

#### NEW SECTION

WAC 308-104-035 INTEREST OF SAFETY. For purposes of RCW 46.20.291(c), whenever the records of the department show that a person has committed at least four traffic offenses within a twelve month period, or at least five traffic offenses within a twenty-four month period, this shall be considered prima facie evidence of violations of such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways. A traffic offense committed under the provisions of chapter 46.37 RCW by a commercial driver with respect to equipment required on commercial motor vehicles shall not be considered for the purposes of this section.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-100-080 DEFINITION OF TERMS.

AMENDATORY SECTION (Amending Order DS 3, filed 9/22/87)

WAC 308-100-010 VEHICLES REQUIRING ENDORSEMENT OR COMMERCIAL DRIVER LICENSE 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; school busses; auto stages designed to carry nine or more passengers; and private carrier busses;~~) the following vehicles require special operating skills by the drivers of those vehicles: Single vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more, and any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds; or any single vehicles with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds consisting of:

(1) Vehicles designed to transport sixteen or more passengers, including the driver;

(2) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F; and

(3) All school buses regardless of capacity.

All persons driving such vehicles must ((secure from the department of licensing)) have an endorsement on their driver's license designated as INTERMEDIATE or must possess a commercial driver's license with the proper classification(s). Drivers of trucks having two axles and with a GVWR of 26,001 pounds or more must obtain a commercial driver's license in the manner prescribed by WAC 308-100-... (Commercial driver license conversion), no later than April 1, 1992.

AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

WAC 308-100-020 COMBINATION MOTOR VEHICLES REQUIRING AN ENDORSEMENT OR COMMERCIAL DRIVER LICENSE FOR THEIR OPERATION. The director of the department of licensing hereby finds that all (~~motor trucks and truck tractors operated in combination with any semi-trailers or trailers, when such trailers are in excess of 5,000 pounds gross weight~~) combinations of vehicles with a gross combined weight rating (GCWR) of 26,001 pounds or more, if the GVWR of the vehicle being towed is in excess of 10,000 pounds, require special operating skills by the drivers of those combination vehicles. All persons driving such combination vehicles must ((secure from the department of licensing)) have an endorsement on their driver's licenses designated as COMBINATION or must possess a commercial driver's license with the proper classification(s).

AMENDATORY SECTION (Amending Order 1, filed 1/5/68)

WAC 308-100-030 MOTOR VEHICLES WHICH MAY BE OPERATED PURSUANT TO THE ENDORSEMENT. A driver having an endorsement designated as COMBINATION on his or her driver's license is authorized thereby to drive any motor vehicle, other than a motorcycle, in the state of Washington. A driver having an endorsement designated as INTERMEDIATE on his or her driver's license is thereby authorized to drive any motor vehicle, other than a motorcycle and those combination vehicles requiring the endorsement. This section shall expire on April 1, 1992.

AMENDATORY SECTION (Amending Order 1, filed 1/5/68)

WAC 308-100-040 EXAMINATION REQUIREMENT FOR ENDORSEMENTS. Persons receiving an endorsement or commercial driver's license by virtue of a waiver will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the type of vehicle for which they are seeking the endorsement or commercial driver's license.

Persons who receive an endorsement or commercial driver's license, without a waiver, will be required to pass a (~~comprehensive~~) written examination testing their knowledge of motor vehicle laws, rules of the road, and of the type of vehicle for which they are seeking the endorsement or commercial driver's license. They will

also be required to demonstrate successfully their operating abilities for the type of vehicle for which they seek the endorsement or commercial driver's license.

The department may conduct written examinations in a group setting. Group examinations may be conducted at job sites, union halls, or other locations deemed appropriate by the department.

AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

WAC 308-100-050 FEES. The basic fee for ~~((the))~~ obtaining ~~((of an endorsement))~~ or renewing any class of commercial driver's license shall be ~~((five dollars or such lesser sum as the director may from time to time require))~~ twelve dollars. The examination fee for ~~((any person seeking an endorsement, without a waiver, shall be three dollars, which is in addition to the basic five dollar fee))~~ each classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations, shall be ten dollars. The applicant may take the same knowledge examination(s) up to three times without paying an additional fee. The examination fee for each classified skill examination or combination of skill examinations conducted by the department shall be fifty dollars. These fees are in addition to the regular drivers' licensing fees. If the department is conducting the written examination in a group setting, the payment of the basic fee and knowledge examination fee may be deferred until the applicant completes his or her application for a commercial driver's license.

AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

WAC 308-104-025 EFFECT OF ACCUMULATION OF TRAFFIC OFFENSES. Whenever the official records of the department show that a person has committed at least ~~((three))~~ four traffic offenses within a ~~((one-year))~~ twelve-month period, or at least ~~((four))~~ five traffic offenses within a ~~((two-year))~~ twenty-four month period, the department may require the person to appear for a driver improvement interview, as provided in chapter 46.20 RCW: PROVIDED, That when a person has committed fewer traffic offenses than set forth in this section, the department may require the person to appear for a driver improvement interview or suspend the person's driving privilege when such action appears to be in the interest of the safety of other persons on the highways. For purposes of this section, the driver improvement interview may be conducted in a group setting.

Failure to appear at the interview may result in a suspension of the driving privilege. For purposes of this section "traffic offense" means a conviction as defined in RCW 46.20.270, or a finding that a traffic infraction has been committed as defined in RCW 46.63.020, of a moving violation as defined in WAC 308-104-160. A traffic offense committed under the provisions of chapter 46.37 RCW by a commercial driver with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes.

AMENDATORY SECTION (Amending Order DS 2, filed 3/12/86)

WAC 308-104-100 OCCUPATIONAL DRIVER'S LICENSE—PERSON ELIGIBLE. The department shall issue an occupational driver's license to any person who has had his~~((/))~~ or her driver's license suspended or revoked because of a conviction or bail forfeiture for any offense relating to motor vehicles, other than vehicular assault or vehicular homicide, provided, (1) the person is eligible pursuant to the provisions of RCW 46.20.380 and 46.20.391, (2) the person had an unexpired ~~((Washington))~~ driver's license on the date of conviction for said offense, (3) the person did not have his~~((/))~~ or her resident driver's license or nonresident driving privilege suspended or revoked for any reason on the date of conviction for said offense, and (4) the person had not been required on the date of conviction to surrender his~~((/))~~ or her Washington driver's license to the department for failure to maintain the filing of proof of financial responsibility for the future for said offense. Notwithstanding the provisions of this section, an occupational driver's license shall not be issued for the operation of a commercial motor vehicle when the commercial driver has had his or her license suspended, revoked, or denied, or has been disqualified from operating a commercial motor vehicle.

AMENDATORY SECTION (Amending Order DS 2, filed 3/12/86)

WAC 308-104-105 OCCUPATIONAL LICENSE DENIAL HEARINGS. (1) Upon notification by the department that an occupational driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. ~~((Such))~~ No hearing need be granted where the department is prevented from issuing an occupational driver's license by rule or law. A request for a hearing must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requestor in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence.

(3) The hearing shall be conducted by a referee appointed by the director. The director may delegate to such referee the authority to render final decisions.

(4) The scope of the hearing shall be limited to the following issues:

(a) Whether the person had a valid ~~((Washington))~~ license on date of conviction.

(b) Whether the suspension or revocation giving rise to the application for an occupational driver's license was based upon one of the following offenses: Driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor, reckless driving, racing, eluding a police vehicle, hit and run, ~~((or))~~ driving while suspended or revoked, or a felony in the commission of which a motor vehicle is used, other than vehicular assault or vehicular homicide.

(c) Whether the person has been convicted of any of the offenses listed in (b) of this subsection within the one

year immediately preceding the conviction for which the occupational license is requested.

(d) Whether the person has been convicted of driving or being in physical control of a vehicle while under the influence of intoxicating liquor, or vehicular assault or vehicular homicide, within the five years immediately preceding the conviction for which the occupational license is requested.

(e) Whether the person is currently suspended or revoked for any reason other than the offense for which the occupational driver's license is requested.

(f) Whether the person is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation.

(5) The applicant's official driving record provided to the hearing officer by the department shall be prima facie evidence of the facts in issues contained in subsection (4)(a) through (e) of this section unless the applicant presents clear and convincing evidence to the contrary.

(6) The applicant shall have the burden of proving that he or she is engaged in an occupation or trade that makes it essential to operate a motor vehicle.

(7) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational license shall be affirmed.

#### WSR 89-18-004

##### PERMANENT RULES

#### DEPARTMENT OF GENERAL ADMINISTRATION

[Order 89-3—Filed August 24, 1989, 2:57 p.m.]

I, K. Wendy Holden, director of General Administration, do promulgate and adopt at the Department of General Administration, Olympia, Washington, the annexed rules relating to Surplus property—Exceptions to disposal priorities, adopting new WAC 236-48-1901.

This action is taken pursuant to Notice No. WSR 89-13-030 filed with the code reviser on June 14, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.19-.1919 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 August 14, 1989.

By John Nicholson  
for K. Wendy Holden  
Director

#### NEW SECTION

WAC 236-48-1901 SURPLUS PROPERTY – EXCEPTIONS TO DISPOSAL PRIORITIES Excess and/or surplus property may be disposed of without offering to other state agencies if the director of general administration determines that it is in the best interest of the state. In this event, the following guidelines will apply:

(1) Items will be transferred or sold for reasonable cost if practical.

(2) Items for which a reasonable cost cannot be obtained will be donated to a nonprofit organization (which is registered under state law and exempt from federal income tax liability) with an ongoing equipment rehabilitation program.

(3) Recipients of donated items, if not designated by the director of general administration, will be determined by state surplus property.

(4) Successful donees will be notified by state surplus property and removal will be the responsibility of the donee.

(5) Items that can be documented to have a higher overhead cost than can be realized from their sale, can, at the discretion of the director of general administration, be scrapped or dumped if there is not an acceptable donee organization available.

(6) All surplus actions, including those described in the regulation, will require submittal of the appropriate surplus document form to general administration.

#### WSR 89-18-005

##### PERMANENT RULES

#### LIQUOR CONTROL BOARD

[Order 281, Resolution No. 290—Filed August 24, 1989, 4:15 p.m.]

Be it resolved by the Washington State Liquor Control Board, acting at the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98503[98504]-2531, that it does adopt the annexed rules relating to educational activities, new WAC 314-12-175.

This action is taken pursuant to Notice No. WSR 89-17-036 filed with the code reviser on August 9, 1989. 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 August 23, 1989.

By Paula O'Connor  
Chairman

NEW SECTION

WAC 314-12-175 EDUCATIONAL ACTIVITIES. (1) Manufacturers, importers, and wholesalers who wish to present courses of instruction to retail licensees and their employees in accordance with RCW 66.28.150 must present the proposed course of instruction to the board for approval.

(2) Other activities which are allowed at such courses of instruction include but are not limited to:

(a) Information displays of other manufacturers, importers, and wholesalers of liquor and nonalcoholic products;

(b) Background music; and

(c) The provision of hors d'oeuvres, but not the provision of full meals.

(3) The manufacturer, importer, or wholesaler may not pay any of the retailer's personal expenses such as transportation, room and board, or admission. This applies to courses of instruction conducted on the premises of the manufacturer, importer, or wholesaler, or elsewhere.

**WSR 89-18-006**  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Health)

[Order 2489—Filed August 25, 1989, 8:55 a.m.]

Date of Adoption: August 25, 1989.

Purpose: To clarify nursing homes must meet State Fire Marshal standards found in chapter 212-32 WAC as well as chapter 212-12 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 248-14-010.

Statutory Authority for Adoption: RCW 18.51.070.

Pursuant to notice filed as WSR 89-15-051 on July 19, 1989.

Effective Date of Rule: Thirty days after filing.

August 24, 1989  
Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-010 FIRE STANDARDS. All nursing homes shall conform to ~~((the))~~ applicable rules and regulations adopted by the Washington state fire marshal establishing minimum standards for the prevention of fire, and for the protection of life and property against fire ~~((The Washington state fire marshal standards are found at))~~ as outlined in chapters 212-12 and 212-32 WAC.

**WSR 89-18-007**  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2850—Filed August 25, 1989, 8:59 a.m.]

Date of Adoption: August 14, 1989.

Purpose: To clarify the treatment of child support pass-through payment for food assistance under the family independence program (FIP) and to clarify that earned income reporting, instead of mandatory monthly reporting, applies for FIP food assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-77-820, Food assistance.

Statutory Authority for Adoption: Chapter 74.21 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to correct the treatment of support pass-through payments and to punctuate that income reporting, instead of mandatory monthly reporting applies to FIP.

Effective Date of Rule: August 28, 1989, 12:01 a.m.

August 23, 1989  
Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2757, filed 1/13/89)

WAC 388-77-820 FOOD ASSISTANCE. (1) The department shall:

(a) Determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC, except:

(b) For enrollees, disregard the following additional types of income in determining the food stamp benefit amount:

(i) The FIP incentive and the value of child care provided under FIP;

(ii) Higher education benefits;

(iii) Earned income tax credit;

(iv) Retroactive FIP benefits;

(v) ~~((The first))~~ Any fifty dollar ~~((s-of-any))~~ child support pass-through payment ~~((s))~~ received in the month;

(vi) Earnings of a child ~~((under eighteen))~~ seventeen years of age and under; and

(vii) Self-employment income used for capital expenditures ~~((which are))~~ included as part of a self-sufficiency plan.

(2) For enrollees, the department shall pay the food stamp cash equivalent as a grant;

(3) For enrollees, the department shall verify eligibility factors as in WAC 388-77-045;

(4) The department shall consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) The department shall follow earned income reporting rules in WAC 388-77-555 instead of mandatory monthly reporting;

(6) The department shall determine eligibility and benefit amount for nonassistance households with a FIP member or members according to chapter 388-49 WAC, except:

(a) FIP members shall receive a prorated amount of benefits as food cash assistance; and

(b) Non-FIP members shall receive a prorated amount of benefits in food stamps; and

(c) The provisions of WAC 388-77-820 (1), (2), and (3) shall apply to the FIP members of the mixed household.

### WSR 89-18-008

#### EMERGENCY RULES

#### DEPARTMENT OF AGRICULTURE

[Order 2016—Filed August 25, 1989, 10:04 a.m.]

Date of Adoption: August 25, 1989.

Purpose: A restriction of the use of daminozide to allow for use on food crops only under permit.

Citation of Existing Rules Affected by this Order: New sections WAC 16-228-610 through 16-228-625.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restriction of the use of daminozide by permit and filing of records of use is needed to determine the amount of daminozide applied in the state of Washington.

Effective Date of Rule: Immediately.

August 25, 1989

John Daly

Acting Director

#### NEW SECTION

WAC 16-228-610 **DAMINOZIDE—RESTRICTED USE PESTICIDE.** Daminozide (Alar, B-Nine), labeled for use on food crops, is hereby declared to be a restricted use pesticide, and shall be applied only under the direct supervision of a certified applicator who has obtained a permit from the department.

#### NEW SECTION

WAC 16-228-615 **DAMINOZIDE—DISTRIBUTION.** (1) Distribution of daminozide shall be only by pesticide dealers who are currently licensed with the Washington State department of agriculture.

(2) Dealers shall distribute daminozide as restricted by WAC 16-228-610 only to certified (licensed) applicators who have obtained a permit from the department for use on the crop specified.

(3) Dealers shall keep records of every distribution of daminozide restricted to use under the direct supervision of certified applicators, which shall at the minimum contain the following information:

(a) Purchaser's name, address, certification (license) number, and Washington State department of agriculture permit number. If the purchaser is a commercial applicator or another person other than the grower, the name and address of the grower shall also be recorded;

(b) Number of acres and crop to be treated;

(c) Product name(s) and EPA registration number(s);

(d) Quantity of daminozide distributed;

(4) Dealers shall send a copy of the daminozide distribution records specified in subsection (3) of this section within fourteen days following distribution to the: Washington State department of agriculture, Chemical and Plant Division, Ag Chemical Branch, 406 General Administration Building AX-41, Olympia, Washington 98504.

(5) Dealers shall retain a copy of daminozide distribution records specified in subsection (3) of this section for a period of seven years.

#### NEW SECTION

WAC 16-228-620 **DAMINOZIDE—PERMITS.**

(1) Certified (licensed) applicators shall obtain a permit from the department prior to use or purchase of daminozide labeled for food crops. Application for permits shall, at the minimum, contain the following information:

(a) Name, address and telephone number of grower;

(b) Name, address, telephone number and certification (license) number of certified applicator who will supervise the application of daminozide;

(c) Proposed rate(s) of application;

(d) Crop and number of acres to be treated;

(e) Pounds of daminozide to be purchased;

(f) Quantity of daminozide already in the grower's possession;

(g) Other information required on the permit form.

(2) Permits to apply daminozide will be limited to pounds necessary to treat this season's crop.

(3) Permits may be obtained by contacting the Washington State department of agriculture, Ag Chemical Branch, 2015 S. 1st Street, Yakima, Washington 98903, phone (509) 575-2746.

#### NEW SECTION

WAC 16-228-625 **DAMINOZIDE—APPLICATOR RECORDS.** (1) Certified applicators applying daminozide shall keep records in accordance with RCW 17.21.100. A copy of the application record shall be furnished to the department at the following address within fourteen days following an application to any food crop: Washington State department of agriculture, Pesticide

Management Division, Ag Chemical Branch, 406 General Administration Building AX-41, Olympia, Washington 98504.

**WSR 89-18-009**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-308, Docket No. U-89-2748-R—Filed August 25, 1989,  
1:26 p.m.]

In the matter of adopting WAC 480-09-480 relating to methods for obtaining data in adjudicative proceedings.

This action is taken pursuant to Notice No. WSR 89-15-041 filed with the code reviser on July 18, 1989. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW). We note that while the initial notice in this docket was issued under chapter 34.04 RCW, the July 18, 1989, notice which renoticed the rule in its entirety, was filed under chapter 34.05 RCW. In any event, the procedures used in this docket are in compliance with both chapters 34.04 and 34.05 RCW.

Pursuant to Notice No. WSR 89-15-041 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, August 23, 1989, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to August 18, 1989, and orally at 9:00 a.m., Wednesday, August 23, 1989, in the Commission's Hearing Room above noted. At the August 23, 1989, meeting the commission considered the rule change proposal. Written comments were received from: Jack R. Davis, Attorney at Law, Cascade Natural Gas Corporation, Contel of the Northwest, GTE Northwest Incorporated, Telecommunications Ratepayers Association for Cost-based and Equitable Rates (TRACER), Puget Sound Power and Light Company, Washington Natural Gas Company and US MetroLink Company. Oral comments were received from TRACER, US West Communications, Contel of the Northwest, US MetroLink Company and Puget Sound Power and Light Company.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-09-480 should be adopted to read as set forth in Appendix A shown below and by this

reference made a part hereof. WAC 480-09-480 as adopted will provide a mechanism for data production in major commission cases, many of which have short statutory time limits.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-09-480 as set forth in Appendix A, be adopted as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 25th day of August, 1989.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner  
A. J. Pardini, Commissioner

**APPENDIX "A"**

NEW SECTION

WAC 480-09-480 METHODS FOR OBTAINING DATA IN ADJUDICATIVE PROCEEDINGS.

(1) General. The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: PROVIDED, That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company or a segment of the motor carrier industry;

(b) Any proceeding of a precedential nature;

(c) Any proceeding in which a commission policy of general applicability is to be reconsidered;

(d) Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

(2) Definitions.

(a) Party. Any party as defined by WAC 480-08-030: PROVIDED, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference

or hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy, position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in (5)(a)(iii) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Depositions. Depositions are described in (5)(b) of this section.

(3) When available. The data requests and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

(4) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved by an administrative law judge, and by subsequent commission order if necessary. Unless a different schedule is adopted, motions involving disputes arising from use of the procedures in this section will be heard by an administrative law judge on Wednesday mornings at the hour of 9:00 a.m. If commission review is required, such review will take place on the same day, if possible, as soon as the commission is available to hear argument.

(5) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests.

(i) To whom sent. Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection. Data requests may also be made on the record, at hearing or conference. Each party shall number its data requests sequentially as submitted.

(ii) Receipt of responses. Responses to data requests shall be sent to the requesting party and to any other party who shall have requested a copy, so long as such responses are consistent with the terms of any protective order which may be entered in the proceeding.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of the reasons why the ten-day limit cannot be met. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and

holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

No response to a data request shall be considered or treated as evidence until it is entered into the record.

(iii) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions will be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days notice to the commission and all parties prior to the scheduled conference. The conference will be convened by an administrative law judge who will, thereafter, withdraw from further participation in the deposition unless requested by the parties to remain. Should all parties request the administrative law judge to participate in the deposition portion of the conference, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: PROVIDED, That an individual compelled to appear as an adverse witness will not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—how conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in (5)(a)(iii) of this section. The deposition will be recorded by a court reporter provided by the commission. Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that

witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right of offer other portions of the deposition. Time limits may be modified by prehearing order to the extent necessary to conform to the the commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(6) Procedure for resolving disputes. If a responding party refuses to produce the data requested or refuses to comply with a request for deposition, or if a witness fails to respond to a question at deposition, and the parties have failed in good faith efforts to resolve the dispute, the matter may be brought upon motion filed with the secretary of the commission and presented to an administrative law judge for resolution.

Motions shall be timely filed. Responses to the motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may be imposed or modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

Argument on motions under this section will typically be heard at the commission's offices in Olympia, on Wednesdays, beginning at 9:00 a.m. The administrative law judge will notify the parties to the motion of the specific time and place of the argument. The notification may be by telephone or by letter. Oral arguments will be transcribed or tape recorded. The administrative law judge will rule on the motion.

If the ruling of the administrative law judge is unsatisfactory to a party, the administrative law judge, upon oral request at the time the motion is ruled upon, shall refer the matter to the commission for resolution. Oral arguments will be transcribed or tape recorded. If possible, the commission will hear the matter on the same day as soon as the commission is available to hear argument. If this is not possible, the commission will advise the parties, by telephone or by letter, of the time and place of the argument.

If a party fails or refuses to comply with a commission order resolving a dispute under this section, the commission may impose sanctions including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or penalties as provided by law.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 89-18-010**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION COMMISSION**  
[Memorandum—August 24, 1989]

The Washington State Transportation Commission will hold its September meetings in the Tieton Room at the Red Lion Inn, 1507 North First Street in Yakima, Washington on September 20 at 1:30 p.m. and 9:00 a.m. on September 21, 1989.

At the August meeting of the Transportation Commission a resolution was passed and the regular meetings of the Transportation Commission are now scheduled on the third Wednesday of the month at 1:30 p.m. and the third Thursday of the month at 9:00 a.m.

**WSR 89-18-011**  
**NOTICE OF PUBLIC MEETINGS**  
**LEGAL FOUNDATION OF WASHINGTON**  
[Memorandum—August 24, 1989]

The annual meeting of the Legal Foundation of Washington has been changed from October 17, 1989, to January 19, 1990, to be held in Seattle, Washington. Interested parties may call (206) 624-2536 for further information.

**WSR 89-18-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 89-89—Filed August 25, 1989, 4:53 p.m.]

Date of Adoption: August 25, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-507.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States [and] Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Opening in Area 8 is necessary to ensure the Skagit pink run size update and to comply with state/tribal agreements in order to harvest the non-treaty share. Mesh restrictions in Area 8 are necessary to protect chinook. Area restriction in Area 8 provides protection for weak Skagit-origin coho. Openings in Areas 12B and 12C provide opportunity to harvest non-

Indian allocation of chinook destined for the Hood Canal region of origin and to prevent wastage. The restriction in Area 12B is necessary to protect pink salmon returning to the Dosewallips River. The restriction in Area 12C is necessary to protect milling chinook salmon stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 27, 1989, 12:01 a.m.

August 25, 1989

Joseph R. Blum

Director

### NEW SECTION

**WAC 220-47-508 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** *Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday, August 27, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:*

- \* *Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.*
- \* *Areas 7B and 7C – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Sunday, Monday, Tuesday, and Wednesday, August 27, 28, 29 and 30.*
- \* *Area 8 – Gillnets using 5" minimum, 6" maximum mesh may fish from 6 PM to 9 AM nightly, Sunday, Monday, and Tuesday, August 27, 28, and 29. This opening excludes those waters south and west of a line projected from Polnell Point on Whidbey Island to Rocky Point on Camano Island.*
- \* *Areas 12B and 12C – Purse Seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, Thursday, August 29, 30 and 31, and from 5 AM to 4 PM Friday, September 1, and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, August 28, 29, 30 and 31. This opening excludes those waters of area 12B north of a line projected from Hood Point to Quatsap Point and those waters of area 12C south of a line projected from the Cushman powerhouse to the public boat ramp at Union.*
- \* *Areas 6B, 6D, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.*

### REPEALER

*The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday August 27:*

### **WAC 220-47-507 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-85)**

**WSR 89-18-013**

**PROPOSED RULES**

**DEPARTMENT OF**

**SERVICES FOR THE BLIND**

[Filed August 25, 1989, 4:59 p.m.]

Original Notice.

Title of Rule: Amending WAC 67-35-020 Application—How to apply; 67-35-090 Assignment to a vending facility—Agreement; 67-35-120 State committee of blind vendors—Election representation—Meetings; 67-35-310 Public liability insurance; 67-35-430 Reasons for suspension or termination of license; and 67-35-910 Vendor agreement.

Purpose: Amendment to chapters.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Summary: Same as above.

Reasons Supporting Proposal: Housekeeping changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shirley Smith, 521 East Legion Way, Olympia, WA, 586-6981.

Name of Proponent: Department of Services for the Blind, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 67-35-020 Application—How to apply, address change due to office relocation; 67-35-090 Assignment to a vending facility—Agreement, clarify vendor's responsibility to agree to operate vending facility outlined in the vendor agreement by signing the agreement; 67-35-120 State committee of blind vendors—Election—Representation—Meetings, Clarify language. Identify how many vendors committee members will be elected from when and when; 67-35-310 Public liability insurance, increase public liability insurance to \$1,000,000. Vendors are now required to show proof of insurance to agency; 67-35-430 Reasons for suspension or termination of license prior to evidentiary hearing, list reasons why a vendor's license may be suspended or terminated; and 67-35-910 Vendor agreement, clarify language in vendor agreement. There are no adverse affects expected from these amendments.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Services for the Blind, 521 East Legion Way, Olympia, WA 98504 on October 13, 1989, at 10:00.

Submit Written Comments to: Jim Fischer, by October 11, 1989.

Date of Intended Adoption: October 13, 1989.

August 24, 1989

Shirley A. Smith

Director

AMENDATORY SECTION (Amending Order 84-06, filed 4/16/84)

WAC 67-35-020 APPLICATION—HOW TO APPLY. The public may obtain additional information about the program, including how to apply for services by contacting the (~~vending facility program staff (the vending facility program administrator and vending facility program assistant))~~ business enterprise program staff at the Department of Services for the Blind, (~~921 Lakeridge Drive~~) 521 East Legion Way, (~~#202~~) Mailstop FD-11, Olympia, WA (~~98504-0088~~) 98504-1422, phone (206) (~~754-1224~~) 586-0277, toll-free 1-800-552-7103 (~~or by contacting department of services for the blind offices located in several large cities of the state~~). An application for service under the (~~vending facility~~) business enterprise program (~~may~~) must be made to a vocational rehabilitation counselor located in any office of the department of services for the blind.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-090 ASSIGNMENT TO A VENDING FACILITY—AGREEMENT. To execute the assignment of a licensee or vendor to a vending facility, the licensee or vendor shall enter into an agreement with the department which states the terms and conditions of the assignment to the specific vending facility. The department will provide each vendor with a copy of these rules which include the description of the arrangements for providing services. The department will take adequate steps to assure that each vendor understands the provisions of any permit, contract or agreement under which he/she operates as evidenced by the vendor's signed statement. No vendor will operate a vending facility unless he/she signs a vendor agreement. An existing agreement between the department and a vendor is automatically terminated when the vendor signs a new agreement with the department.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-120 STATE COMMITTEE OF BLIND VENDORS—ELECTION—REPRESENTATION—MEETINGS. The committee of blind vendors consists of seven vendors elected by vendors (~~divided into~~) representing three geographical areas of the state, Eastern Washington, Northwest Washington, and Southwest Washington. (~~One committee vendor is elected by vendors in eastern Washington (east of the Cascade Mountains). Three committee vendors are elected by vendors in northwest Washington including Pierce County through Whatcom County. Two committee vendors are elected by vendors in southwest Washington including Thurston County through Clark County.~~) One committee vendor is elected at large by all vendors on a state-wide basis.

(1) Members of the committee are elected for a two-year term and are elected during the month of January (~~of each even-numbered year~~). Four of the committee members are elected during odd-numbered years and three committee members are elected during even-numbered years. Any vendor serving as a representative who chooses to transfer (~~or~~), ceases to be a vendor, or who promotes to a vending facility outside the area that (~~individual~~) he/she represents, thereby relinquishes membership in the vendors committee. The vendors in an area having lost such vendor committee representation shall elect a replacement vendor committee person for the remainder of that term. All vendors are entitled to vote in the election. The committee elects its own (~~chairperson~~) chair and vice-chair.

(~~Note: The vendors are urged to constitute the blind vendors committee so that it is representative of the various types of vending facilities including those established on federal and nonfederal property and those that are cafeterias, snack bars, dry stands, lunch counters and vending machine facilities.~~)

(2) There (~~are two scheduled~~) will be a minimum of four blind vendor committee meetings per year. Additional meetings can be called by the (~~supervisor~~) manager of the (~~vending facility~~) business enterprise program or by the (~~chairperson~~) chair of the (~~blind~~) vendors committee.

(3) The department will conduct all elections and pay for all expenses in connection therewith and publish the results.

AMENDATORY SECTION (Amending Order 85-12, filed 8/30/85)

WAC 67-35-310 PUBLIC LIABILITY INSURANCE. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:

- (~~\$500,000.00~~) \$1,000,000.00 each person personal injury,
  - (~~\$500,000.00~~) \$1,000,000.00 each occurrence personal injury, and
  - (~~\$500,000.00~~) \$1,000,000.00 each occurrence property damage; or
- insurance coverage specified in the permit or contract, whichever is greater. A vendor operating a vending facility is required by the department to have this insurance and is required to provide proof of insurance to the department on an annual basis. Failure to have this insurance will result in suspension.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-430 REASONS FOR SUSPENSION OR TERMINATION OF LICENSE (~~SUSPENSION~~) PRIOR TO EVIDENTIARY HEARING. If the department determines that its right, title to and interest in a vending facility is in eminent jeopardy due to the action, or lack of action of the vendor or licensee, the department may suspend or terminate the license of the vendor or licensee and remove the vendor or licensee from the vending facility, pending an informal resolution of the problem, a full evidentiary hearing, or the decision of an ad hoc arbitration panel. (~~For purposes of this section, the department's interest in a vending facility includes the safety and well-being of the patrons of such facility.~~) The department may suspend or terminate a vendor or licensee for the following reasons:

- (1) Failure to provide the department with vendor financial reports, and to provide them within the established time frame.
- (2) Failure to purchase vendor liability insurance for his/her vending facility as required in WAC 67-35-310 and/or failure to provide the department with proof of said insurance.
- (3) The vendor ceases to meet any of the requirements to qualify as a licensee or vendor.
- (4) The vendor or licensee abandons the vending facility. The vending facility shall be considered abandoned when no services are provided for three or more consecutive working days and/or when there is no designated employee in charge of the operation.
- (5) When the department decides that the vending facility is not being operated in accordance with the law, applicable regulations, terms and conditions of the permit, and/or contract or the vendor agreement governing such vending facilities.
- (6) Any willful or malicious destruction of, theft of, or any failure to exercise necessary care for the equipment furnished by the department or agency named in the permit and/or contract.
- (7) When the conduct of the vendor seriously interferes with any aspect of the operation of the vending facility. Such conduct includes, but is not limited to, the following:
  - (a) Fraud.
  - (b) Consumption of controlled substances and/or alcohol on the job.
  - (c) Inexcusable neglect of duties as a vendor.
  - (d) Embezzlement.
  - (e) Falsifying reports.
  - (f) Failure to submit to a medical eye examination when requested by the department.
  - (g) Any other actions or behavior which would seriously jeopardize the vending facility.
  - (h) Failure to pay taxes, fees, and/or debts arising from the operation of the vending facility.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-910 VENDOR AGREEMENT.

This VENDOR AGREEMENT entered in this . . . . day of . . . . ., 19. . by and between the Department of Services for the Blind, hereinafter referred to as the department, and . . . . ., hereinafter referred to as the vendor.

Name and Address of Facility . . . . .  
City: . . . . ., Washington

IT IS HEREBY AGREED:

1. The provisions of the permit and/or contract between the department and the property management as now exists (~~(or as may be renegotiated in the future;)~~) and chapter 67-35 WAC (the (~~vending facility~~) business enterprise program rules), which described the rights and responsibilities of the department and the rights and responsibilities of the vendor, as presently exist (~~(or as may be amended in the future;)~~) are both by reference incorporated into and made part of this agreement.
2. The vendor is entitled to all profits of the vending facility, and vending machine revenue from site, except as provided for in WAC 67-35-140.
3. The vendor is responsible to submit reports to the department as required.
4. The vendor must maintain the business hours agreed upon or as stated in the permit and/or contract.
5. The vendor shall receive a copy of the permit and/or contract and all applicable department rules.
6. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:  
~~(\$500,000.00)~~ \$1,000,000.00 each person personal injury,  
~~(\$500,000.00)~~ \$1,000,000.00 each occurrence personal injury, and  
~~(\$500,000.00)~~ \$1,000,000.00 each occurrence property damage or insurance coverage specified in the permit and/or contract, whichever is greater.
7. Vendors are accountable to the department for equipment assigned to their location. The vendor is responsible for maintaining the equipment in a clean and sanitary condition.
8. The vendor shall not discriminate in the employment of persons on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
9. The vendor or the vendor's employees shall not subject customers to discrimination or deny them participation in, or the benefits of the vending facility on the grounds of race, color, sex, national origin, creed or religion, physical or mental impairment, age, marital status or political affiliation.
10. The department staff shall provide management services as defined in WAC 67-35-030 on a systematic basis. Consultation shall occur (~~(a)~~) at least ((bi-monthly)) on a semiannual basis.
11. The department may upon thirty days notice terminate the license and/or terminate the agreement with the vendor for failure to operate the facility in accordance with the permit and/or contract or the vending facility rules and shall provide an opportunity for a full evidentiary hearing as provided for in WAC 67-35-420, except in those instances where aggravated emergency conditions require immediate termination of license and/or termination of agreement and removal of the vendor due to gross neglect or misconduct, as provided for in WAC 67-35-430.
12. The vendor may terminate this agreement upon giving thirty days written notice to the department.
13. This agreement is automatically terminated when the permit or contract with the contracting agency is terminated.
14. The vendor will sign a facility equipment and stock agreement.

Signed: ..... Date: ....., 19..  
 (Vendor)  
 Name of vendor: .....  
 (please type)  
 Signed: ..... Date: ....., 19..  
 (Department of Services for the Blind)  
 Name of staff: .....  
 Title: .....

**WSR 89-18-014**  
**PREPROPOSAL COMMENTS**  
**DEPARTMENT OF WILDLIFE**  
 [Filed August 28, 1989, 3:54 p.m.]

Subject of Possible Rule Making: Classification of protected wildlife (WAC 232-12-011 and related sections), threatened species, sensitive species; classification of deleterious exotic wildlife (WAC 232-12-017 and related sections), piranha, domestic dog/timber wolf hybrids; planting sterile grass carp for aquatic weed control; regulation of the practice of taxidermy and fur dealing; regulation of game farms and captive bred wildlife; salvage of dead wildlife; and permanent collections of preserved wildlife specimens for public display.

Persons may comment on this subject in writing to Washington Department of Wildlife, Administrative Regulations Officer, 600 Capitol Way North, Olympia, WA 98501-1091, by October 20, 1989.

August 28, 1989  
 Lee S. Smith  
 Administrative Regulations Officer

**WSR 89-18-015**  
**PERMANENT RULES**  
**DEPARTMENT OF WILDLIFE**  
 [Order 404—Filed August 28, 1989, 3:56 p.m.]

Date of Adoption: August 12, 1989.

Purpose: To improve the identification system for bobcat, Canada lynx, cougar and river otters which are taken lawfully and to provide for the collection of biological data.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-024 Tagging requirements for bobcat, Canada lynx, cougar and river otter.

Statutory Authority for Adoption: RCW 77.12.030, 77.12.040 and 77.32.220.

Pursuant to notice filed as WSR 89-14-111 on July 3, 1989.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-12-024 differs from the proposed version filed with the code reviser in the following respects: The proposed version would have deleted the words, "hunting or," from section (1). This was an error. The language presently contained in the permanent section should remain unchanged because it is lawful to both hunt bobcat, as a game animal and trap bobcat, as a furbearing animal; the proposed version would have omitted the last paragraph in section (1). The language presently contained

I HEREBY CERTIFY THAT I FULLY UNDERSTAND THE ARTICLES AND TERMS SET FORTH IN THE ABOVE AGREEMENT AND HAVE RECEIVED (~~ALL NECESSARY EXPLANATIONS~~) COPIES OF THE FACILITIES OPERATING PERMIT AND/OR CONTRACT AND THE (~~VENDING FACILITY~~) BUSINESS ENTERPRISE PROGRAM RULES (~~AND HAVE RECEIVED WRITTEN COPIES THEREOF~~).

in the permanent section should remain unchanged to preclude a taxidermist or some person other than the hunter or trapper from presenting the pelts for sealing; the proposed version referenced the poaching hotline number in the first sentence of section (2), for kill reports. The department is currently in the process of transferring the hotline calls to the Washington State Patrol. They will not accept calls that are not law enforcement related. The reference in the proposed version was taken from WAC 232-28-811 1989 Mountain goat, sheep, moose, cougar and lynx pamphlet which references the poaching hotline number on page 14. The hotline reference will be removed from the 1990 pamphlet; the proposed version did not accommodate concerns of the taxidermist and fur dealer community in the event they should need to remove a tag from a hide received for processing. Subsection (6) was expanded for this purpose; and minor technical revisions have been made in the adopted version of WAC 232-12-024 to conform this permanent section to the statements adopted by the commission in the adoption of WAC 232-28-811 (1989 Mountain goat, sheep, moose, cougar and lynx) and WAC 232-28-218 (1989 Hunting seasons and rules) and for the purpose of clarity.

Effective Date of Rule: Thirty days after filing.

August 25, 1989

John McGlenn, Chairman  
Curt Smitch, Director  
Department of Wildlife

#### ADMINISTRATIVE ORDER 404

AMENDATORY SECTION (Amending Order 312, filed 6/20/88)

WAC 232-12-024 ((TAGGING)) SEALING OF HIDE AND TOOTH REQUIREMENTS FOR BOBCAT, CANADA LYNX, COUGAR AND RIVER OTTER. It is unlawful to possess ((or export from the state of Washington,)) bobcat, Canada lynx, cougar or river otter pelts or parts thereof taken in Washington unless they have a department identification ((tag)) seal attached to ((them)) the pelt.

(1) Pelts of bobcat((,lynx)) and river otter must be ((tagged)) sealed by an authorized department employee within ten days after the close of the appropriate hunting or trapping season((s)) in which they were harvested. ((Cougar pelts must be tagged within ten days of the date of kill.))

All bobcat, Canada lynx, cougar and river otter pelts must be presented by the person harvesting the animal to a wildlife agent or department office for tagging.

(2) A permit holder who takes a cougar must notify the Department of Wildlife within 48 hours of kill. A permit holder who takes a cougar must present the unfrozen pelt and skull to a Washington Department of Wildlife agent for inspection, sealing and premolar teeth extraction by a department employee within five days of the kill.

(3) A permit holder who takes a Canada lynx must notify the Department of Wildlife within 48 hours of kill. A permit holder who takes a Canada lynx must present the unfrozen pelt and carcass to a Washington

Department of Wildlife agent for inspection, sealing and canine tooth extraction by a department employee within five days of the kill.

(4) It is unlawful to transport or cause the transport of an unprocessed native cat pelt taken in Washington out of Washington without a department seal attached to the pelt.

(5) Bobcat, Canada lynx, ((or)) river otter or cougar taken outside Washington and imported into the state, must be identified by a tag and/or seal from the state or country of origin and accompanied by an invoice or declaration specifying the number of pelts in the shipment.

(6) It is unlawful to possess an unlocked, broken or otherwise open department seal for bobcat, Canada lynx, river otter or cougar unless the seal wire or band has been cut through and removed from a hide that has been received and invoiced by a licensed taxidermist or fur dealer for processing or removed from a hide that has been processed. Invoices must be sequentially numbered and record name, address, license number, date and tag number. The tag must accompany the hide while being processed. The hide must be punched with invoice number at the time of skinning.

**WSR 89-18-016**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 89-90—Filed August 28, 1989, 4:24 p.m.]

Date of Adoption: August 28, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-508.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States [and] Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Opening in Area 8 is necessary to ensure the Skagit pink run size update and to comply with state/tribal agreements in order to harvest the non-treaty share. Mesh restrictions in Area 8 are necessary to protect chinook. Area restriction in Area 8 provides protection for weak Skagit-origin coho. Opening in Area 8A provides opportunity to harvest non-Indian allocation of pink salmon destined for the Stillaguamish/Snohomish region of origin, and to prevent wastage. Openings in Areas 12B and 12C provide opportunity to harvest non-Indian allocation of chinook destined for the Hood Canal region of origin and to prevent wastage. The restriction in Area 12B is necessary to protect pink

salmon returning to the Dosewallips River. The restriction in Area 12C is necessary to protect milling chinook salmon stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 28, 1989  
Joseph R. Blum  
Director

#### NEW SECTION

**WAC 220-47-509 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- \* Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- \* Areas 7B and 7C – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, and Wednesday, August 28, 29 and 30.
- \* Area 8 – Gill nets using 5-inch minimum, 6-inch maximum mesh may fish from 6 PM to 9 AM nightly, Monday and Tuesday, August 28, and 29. This opening excludes those waters south and west of a line projected from Polnell Point on Whidbey Island to Rocky Point on Camano Island.
- \* Area 8A – Gill nets using 5-inch minimum, 6-inch maximum mesh may fish from 6 PM to 9 AM nightly, Tuesday and Wednesday, August 29 and 30, and purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Wednesday and Thursday, August 30 and 31.
- \* Areas 12B and 12C – Purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, Thursday, August 29, 30 and 31, and from 5 AM to 4 PM Friday, September 1, and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, August 28, 29, 30 and 31. This opening excludes those waters of area 12B north of a line projected from Hood Point to Quatsap Point and those waters of area 12C south of a line projected from the Cushman powerhouse to the public boat ramp at Union.
- \* Areas 6B, 6D, 7D, 7E, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H,

13I, 13J, and 13K and all freshwater areas – Closed.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

**WAC 220-47-508 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-89)**

#### **WSR 89-18-017**

#### **EMERGENCY RULES**

#### **WASHINGTON STATE UNIVERSITY**

[Filed August 28, 1989, 4:45 p.m.]

Date of Adoption: August 4, 1989.

Purpose: These emergency rules of practice and procedure are implemented to comply with the Administrative Procedure Act as amended.

Citation of Existing Rules Affected by this Order:  
Repealed: All sections of chapter 504-08 WAC; 504-08-001, 504-08-010, 504-08-080, 504-08-090, 504-08-100, 504-08-110, 504-08-120, 504-08-130, 504-08-140, 504-08-230, 504-08-240, 504-08-250, 504-08-260, 504-08-270, 504-08-280, 504-08-290, 504-08-300, 504-08-310, 504-08-320, 504-08-330, 504-08-340, 504-08-350, 504-08-360, 504-08-400, 504-08-410, 504-08-420, 504-08-510, 504-08-520, 504-08-530, 504-08-540, 504-08-550, 504-08-560 and 504-08-570.

Statutory Authority for Adoption: RCW 34.05.220, 34.05.250, 34.05.350 and 34.05.482.

Other Authority: RCW 28B.10.648, 28B.30.095 and 28B.30.125.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These rules are necessary for compliance with the new Administrative Procedure Act, chapter 34.05 RCW, as amended.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 34.05.250 requires a statement of reasons for variance from the model rules of procedure. Because of the confidential nature of university hearings, assurance was necessary that presiding officers in such hearings could protect confidentiality. WAC 10-08-190 did not provide such assurance. Therefore, WSU has not adopted that rule.

Effective Date of Rule: Immediately.

August 4, 1989  
Samuel H. Smith  
Secretary  
Board of Regents

EMERGENCY RULES

PRACTICE AND PROCEDURE: WAC 504-04 AND 504-08

Chapter 504-04 WAC PRACTICE AND PROCEDURE

PART I GENERAL PROCEDURAL RULES

WAC

- 504-04-010 Matters Subject to Brief Adjudication.
- 504-04-020 Appointment of Presiding Officers for all Adjudicative Proceedings.

PART II PROCEDURAL RULES FOR FORMAL PROCEEDINGS

WAC

- 504-04-110 Adoption of Model Rules of Procedure for Formal Proceedings—Exception.
- 504-04-120 Confidentiality of Student, Faculty and Staff Formal Adjudicative Proceedings.
- 504-04-130 Advising and Representation of Parties.
- 504-04-140 Discovery.

PART I GENERAL PROCEDURAL RULES

NEW SECTION

WAC 504-04-010 MATTERS SUBJECT TO BRIEF ADJUDICATION. The following proceedings are matters to be treated as brief adjudications pursuant to RCW 34.05.482 through 491:

- (1) Student conduct proceedings. The procedural rules of Chapter 504-25 apply to these proceedings.
- (2) Appeals of residency determinations. Appeals of residency determinations under RCW 28B.15.013 are brief adjudicative proceedings conducted by the admissions office.
- (3) Appeals of parking violations. Appeals of parking violations are brief adjudicatory proceedings conducted pursuant to applicable rules. See WAC 504-17-240 and 504-18-170.
- (4) Hearings on student records. Hearings pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g are to be brief adjudicative proceedings conducted pursuant to the rules of Chapter 504-21 WAC.
- (5) Hearings on denial of financial aid. Any hearings required by state or federal law regarding granting, modification or denial of financial aid are brief adjudicative proceedings conducted by the Financial Aid Office.
- (6) Emergency withdrawal of students. Proceedings to disenroll students for medical or psychological reasons are brief adjudicative proceedings conducted by the Office of Student Affairs.

NEW SECTION

WAC 504-04-020 APPOINTMENT OF PRESIDING OFFICERS FOR ALL ADJUDICATIVE PROCEEDINGS. The president of Washington State University or his or her designee shall have the power to appoint committees or members of the faculty, staff and student body to be presiding officers for formal and brief adjudicative proceedings. The term "presiding officer" as used in this Chapter shall be read in the plural when the context demands.

PART II PROCEDURAL RULES FOR FORMAL PROCEEDINGS

NEW SECTION

WAC 504-04-110 ADOPTION OF MODEL RULES OF PROCEDURE FOR FORMAL PROCEEDINGS—EXCEPTION. In formal proceedings pursuant to RCW 34.05.413-476 Washington State University adopts the Model Rules of Procedure adopted by the Office of Administrative Hearings, Chapter 10-08 WAC, with the following exception:

WAC 10-08-190 Adjudicative Proceedings, Cameras-Recording Devices. See WAC 504-04-120 which determines the use of cameras and recording devices at adjudicative proceedings.

Other procedural rules adopted in this title and this chapter are supplementary to the Model Rules. In the case of a conflict between the Model Rules and procedural rules adopted by Washington State University, the procedural rules adopted by the university shall govern.

NEW SECTION

WAC 504-04-120 CONFIDENTIALITY OF STUDENT, FACULTY AND STAFF FORMAL ADJUDICATIVE PROCEEDINGS. In formal adjudicative proceedings, the presiding officer shall have the power to close all or part of the hearing to public observation. The Presiding shall have the power to impose reasonable conditions upon observation of the proceeding. The presiding officer also shall have the power to regulate the use of photographic and recording equipment. In the case of hearings involving discipline, termination or medical withdrawal, hearings will normally be closed to public observation.

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

NEW SECTION

WAC 504-04-130 ADVISING AND REPRESENTATION OF PARTIES. Any person whose rights are in issue in a formal adjudicative proceeding shall have the right to have an adviser present during any stage of the proceedings. However, only persons admitted to the practice of law in the State of Washington

shall be permitted to act as a representative at the proceedings. The presiding officer shall have the power to impose reasonable conditions upon participation of advisors and representatives.

#### NEW SECTION

**WAC 504-04-140 DISCOVERY.** Discovery in formal hearings may be permitted at the discretion of the presiding officer. In permitting discovery, reference shall be made to the Civil Rules applicable in court proceedings for guidance.

The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 504-08-001 Definitions.
- (2) WAC 504-08-010 Appearance and practice before agency.
- (3) WAC 504-08-080 Notice and opportunity for hearing in contested cases.
- (4) WAC 504-08-090 Service of process—By whom served.
- (5) WAC 504-08-100 Service of process—Upon whom served.
- (6) WAC 504-08-110 Service of process—Service upon parties.
- (7) WAC 504-08-120 Service of process—Method of service.
- (8) WAC 504-08-130 Service of process—When service complete.
- (9) WAC 504-08-140 Service of process—Filing with agency.
- (10) WAC 504-08-230 Depositions and interrogatories in contested cases—Right to take.
- (11) WAC 504-08-240 Depositions and interrogatories in contested cases—Scope.
- (12) WAC 504-08-250 Depositions and interrogatories in contested cases—Officer before whom taken.
- (13) WAC 504-08-260 Depositions and interrogatories in contested cases—Authorization.
- (14) WAC 504-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents.
- (15) WAC 504-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination.
- (16) WAC 504-08-290 Depositions and interrogatories in contested cases—Recordation.
- (17) WAC 504-08-300 Depositions and interrogatories in contested cases—Signing attestation and return.
- (18) WAC 504-08-310 Depositions and interrogatories in contested cases—Use and effect.
- (19) WAC 504-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents.
- (20) WAC 504-08-330 Depositions upon interrogatories—Submission of interrogatories.

(21) WAC 504-08-340 Depositions upon interrogatories—Interrogation.

(22) WAC 504-08-350 Depositions upon interrogatories—Attestation and return.

(23) WAC 504-08-360 Depositions upon interrogatories—Provisions of deposition rule.

(24) WAC 504-08-400 Stipulations and admissions of record.

(25) WAC 504-08-410 Form and content of decisions in contested cases.

(26) WAC 504-08-420 Definition of issues before hearing.

(27) WAC 504-08-510 Continuances.

(28) WAC 504-08-520 Rules of evidence—Admissibility criteria.

(29) WAC 504-08-530 Tentative admission—Exclusion—Discontinuance—Objections.

(30) WAC 504-08-540 Petitions for rule making, amendment or repeal—Who may petition.

(31) WAC 504-08-550 Petitions for rule making, amendment or repeal—Requisites.

(32) WAC 504-08-560 Petitions for rule making, amendment or repeal—Agency must consider.

(33) WAC 504-08-570 Petitions for rule making, amendment or repeal—Notice of disposition.

#### **WSR 89-18-018**

#### **NOTICE OF PUBLIC MEETINGS**

#### **PUGET SOUND**

#### **WATER QUALITY AUTHORITY**

[Memorandum—August 25, 1989]

The specific locations of meetings of the Puget Sound Water Quality Authority for the remainder of 1989 are listed below. All meetings will begin at 9:30 a.m. The authority will decide on the cities for meetings through our termination date of June 1991, at the September meeting. I will notify you of those locations after that meeting.

September 20, 1989  
Auditorium  
Fairhaven Branch Library  
1117 12th Street  
Bellingham

October 18, 1989  
Hearing Room C  
House Office Building  
Capitol Campus  
Olympia

November 15, 1989  
Commissioner's Meeting Room  
Clallam County Court House  
223 East Fourth  
Port Angeles

December 20, 1989  
Third Floor Auditorium  
Seattle Public Library  
1000 Fourth Avenue  
Seattle

**WSR 89-18-019**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 89-34—Filed August 29, 1989, 8:24 a.m.]

I, Fred Olson, deputy director of the Executive Office, Department of Ecology, do promulgate and adopt at Department of Ecology Headquarters, Lacey, Washington the annexed rules relating to uses and limitations of the water pollution control revolving fund, adopting chapter 173-98 WAC;

This action is taken pursuant to Notice No. WSR 89-11-082 filed with the code reviser on May 24, 1989. 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 90.50A 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 August 29, 1989.

By Fred Olson  
 Deputy Director

Chapter 173-98 WAC  
**USES AND LIMITATIONS OF THE WATER POLLUTION CONTROL REVOLVING FUND**

**WAC**

173-98-010	Purpose.
173-98-020	Definitions.
173-98-030	Uses of the money and policies for establishing terms of assistance.
173-98-040	Provisions of guidelines.
173-98-050	Limitations on the use of funds and establishment of categories.
173-98-060	Allowance provisions for planning and design for facilities.
173-98-070	Compliance with applicable laws, regulations, and other requirements.
173-98-080	Indemnification.
173-98-090	Project priority list and intended use plan process.
173-98-100	State environmental review process.
173-98-110	Repayments of loans.
173-98-120	General provisions.

**NEW SECTION**

**WAC 173-98-010 PURPOSE.** The purpose of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology from a special fund within the state treasury known as the state water pollution control revolving fund (SRF), as authorized by chapter 90.50A RCW. This fund shall provide financial assistance to applicants throughout the state of Washington which need such assistance to meet high priority water quality management needs.

**NEW SECTION**

**WAC 173-98-020 DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Federal Water Pollution Control Act (33 U.S.C. 4661 et seq.).

(2) "Allowance" means a specific portion of the financial assistance agreement for the purpose of defraying the costs of planning, design, or both.

(3) "Applicant" means public bodies requesting financial assistance for wastewater projects authorized in Section 212 of the act. "Applicant" can also mean entities other than public bodies which request financial assistance authorized by Sections 319 and 320 of the act. These entities must be financially stable and clearly have the capacity to repay their loans.

(4) "Construction" means the erection, installation, expansion, or improvement of a water pollution control facility or activity.

(5) "Cost-effective alternative" means that alternative with the lowest present worth or equivalent annual value that achieves the requirements of the project while recognizing the environmental and other nonmonetary considerations.

(6) "Department" means the department of ecology.

(7) "Design" means the plans and specifications for a water pollution control facility or activity.

(8) "Director" means the director of the Washington state department of ecology or his/her authorized designee.

(9) "EPA" means the environmental protection agency.

(10) "Facilities plans" means those necessary plans and studies for treatment works needed to comply with enforceable requirements of the act and state statutes. Facilities plans must include a systematic evaluation of alternatives that are feasible in light of the unique demographic, environmental or ecological, topographic, hydrologic and institutional characteristics of the area, and also demonstrate that the selected alternative is cost-effective.

(11) "Federal capitalization grant" means a federal grant awarded by the Environmental Protection Agency (EPA) to the state as seed money to help establish the state water pollution control revolving fund.

(12) "Financial assistance" means each of the four types of assistance specified in WAC 173-98-030 (1)(b) through (e) and other assistance authorized by Title VI of the act and chapter 90.50A RCW.

(13) "Financial assistance agreement" means a legal contract between a recipient and the state enforceable under state law, specifying the terms and schedules under which assistance is provided. "Financial assistance agreements" are referred to as "binding commitments" by EPA.

(14) "Fund" means the state water pollution control revolving fund.

(15) "Initiation of operation" means the actual date the facility initiates operation and is being used for its intended purpose. This date may occur prior to final inspection and will be determined by the department after

consultation with the recipient. This date may be the same or earlier than the date of project completion.

(16) "Intended use plan (IUP)" means a plan identifying the intended uses by the department of the amount of funds available for financial assistance from the state water pollution control revolving fund (SRF) for that fiscal year as described in Section 606(c) of the act. The projects on the IUP will be ranked by environmental and financial need.

(17) "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, forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(18) "Plans and specifications" means the construction contract documents and supporting engineering documents prepared in sufficient detail to allow contractors to bid on and construct water pollution control facilities. Plans and specifications and "design" may be used interchangeably.

(19) "Project" means the scope of work for which financial assistance is issued.

(20) "Project completion" means the date the project is certified as being complete after the final inspection.

(21) "Project priority list" means a list of projects required by Section 216 of the act. The project priority list will be the intended use plan for funds issued in fiscal year 1990 and thereafter.

(22) "Public body" means the state of Washington or any agency, county, city or town, other political subdivision, municipal corporation or quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(23) "Public health emergency" means a situation declared by the Washington state department of social and health services in which illness or exposure known to cause illness is occurring or is imminent.

(24) "Recipient" means an applicant for financial assistance which has signed a financial assistance agreement.

(25) "Severe public health hazard" means a situation declared by the department of social and health services and the department in which the potential for illness exists, but illness is not occurring or imminent. For the purposes of this chapter there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public contact. The problem must generally involve a serviceable area including, but not limited to, a subdivision, town, city, or county. Also, the problem cannot be corrected through more efficient operation and maintenance of the wastewater disposal system(s).

(26) "State water pollution control revolving fund (SRF)" means the water pollution control revolving fund established by RCW 90.50A.020.

(27) "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, fish, or other aquatic life.

(28) "Water pollution control activities" means actions for the following purposes:

(a) To control nonpoint sources of water pollution;

(b) To develop and implement a comprehensive conservation and management plan for estuaries; and

(c) To maintain, improve, or protect water quality through the use of water pollution control facilities, management programs, or other means.

(29) "Water pollution control facility" or "water pollution control facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including, but not limited to, sanitary sewage, storm water, combined sewer overflows, 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 integral to the treatment process, 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.

#### NEW SECTION

WAC 173-98-030 USES OF THE MONEY AND POLICIES FOR ESTABLISHING TERMS OF ASSISTANCE. (1) Uses of the money. The state water pollution control revolving fund (SRF) may be used for the following purposes:

(a) To accept and retain funds from capitalization grants provided by the federal government, state matching funds appropriated in accordance with chapter 90.50A RCW, payments of principal and interest, and any other funds earned or deposited;

(b) To make loans at or below market interest rates to applicants in order to finance the planning, design, and/or the construction of water pollution control facilities, make loans to applicants for the implementation of nonpoint source pollution control management programs (which includes planning and implementing elements of the nonpoint source pollution assessment and management program), and make loans to applicants for the development and implementation of a comprehensive estuary conservation and management plan, subject to the requirements of the act;

(c) To buy or refinance, at or below market interest rates, the debt obligations incurred by applicants after March 7, 1985, for the construction of water pollution control facilities. (March 7, 1985, was the date that the amendments adding Title VI to the act were first considered by Congress. Any refinancing agreements must

be for construction initiated after that date according to federal and state law);

(d) To guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;

(e) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state, if the proceeds of such bonds will be deposited in the fund; and

(f) To finance the reasonable costs incurred by the department in the administration of the account as authorized by the act and chapter 90.50A RCW.

(2) Policies for establishing terms of financial assistance. Loans may be made at or below market interest rates and may include zero percent interest loans. The specific terms established in the program guidelines will receive complete public review. These terms shall not be changed without full public review and opportunity for public comment, and any such changes shall not affect existing financial assistance agreements. Terms shall be established in the guidelines based on the needs to provide substantive financial assistance to projects, to consider unique individual economic circumstances such as financial hardship conditions, to award loans in a timely manner and to maintain a financially sound revolving loan fund in perpetuity. Loan repayments shall be in accordance with WAC 173-98-110.

#### NEW SECTION

WAC 173-98-040 PROVISIONS OF GUIDELINES. The department will publish guidelines which will describe in greater detail the financial assistance application, review and issuance processes, the terms of assistance, and other elements of this program.

#### NEW SECTION

WAC 173-98-050 LIMITATIONS ON THE USE OF FUNDS AND ESTABLISHMENT OF CATEGORIES. (1) The fund may be used to provide financial assistance to applicants for the construction of water pollution control facilities which are identified in the intended use plan/project priority list and activities eligible for assistance under Sections 319 and 320 of the act.

(2) Unless the demand for funding is limited, financial assistance agreements (binding commitments) which are signed within one hundred twenty days of the award of the federal capitalization grant or issuance of the final intended use plan when federal capitalization grants are not awarded, are subject to the following funding category limitations:

(a) Not more than eighty percent of the fund will be available for the construction of facilities as established under Section 212 of the act, subject to the requirements of the act. These projects will be under the water pollution control facilities category.

(b) Not more than ten percent of the fund will be available for the implementation of a program established under Section 319 of the act for the management of nonpoint sources of pollution, subject to the requirements of that act. These projects will be under the nonpoint source category.

(c) Not more than ten percent of the fund will be available for the development and implementation of a comprehensive conservation and management plan under Section 320 of the act relating to the National Estuary Program, subject to the requirements of that act. These projects will be under the comprehensive estuary conservation and management category (estuary category).

(d) Not more than fifty percent of the fund in each category will be available to any one applicant.

(3) After the one hundred twenty day limitation period established in subsection (2) of this section, the department may make financial assistance agreements with any applicant as necessary to utilize available funds. The director may exercise prerogative to ensure that the fund is equitably distributed state-wide, consider the intent of category limitations above, and is self-sustaining in perpetuity. Such projects must comply with all applicable requirements of the act.

(4) The fund cannot be used for activities primarily directed toward water resources or water pollution control activities or facilities or portions thereof that are primarily intended to control, transport, treat, dispose, or otherwise manage industrial wastewater or other water pollution control needs from industrial sites. Costs associated with industrial pretreatment are not eligible for funding. However, industrial or commercial wastewater flows attributable to a public body's water pollution control facility which are determined by the department to be "small" may be allowed. Small flows are commercial, institutional, or industrial flows that comprise less than five percent individually or thirty percent collectively of the total flow.

(5) The fund cannot be used to make direct loans to applicants to support the nonfederal share of eligible portions of projects receiving assistance under Title II of the act. The fund can be used to finance portions of such projects which were determined to be ineligible for federal assistance but which are eligible under this program.

(6) If state grants authorized by chapter 70.146 RCW are combined with SRF financial assistance, these combinations will generally be structured to approximately equal a fifty-five percent grant for the eligible project costs except for hardship cases and base grants that exceed fifty percent, as determined by the department according to the criteria of the grant program administered by the department. For recipients of a grant/loan combination, requirements will be consistent, insofar as possible, and will not result in duplication of effort, but will be no less stringent than is allowed by federal and state laws, regulations, and guidance.

To ensure that federal funds are obligated in a timely manner, equitably in the department's programs, and the fund is maintained in perpetuity, the director may exercise prerogative in establishing department grant percentages, loan interest rates, and terms of loans.

(7) Applicants must submit an approvable facilities plan for projects funded according to the water pollution control facilities category. Other planning level documents including, but not limited to, engineering reports (chapter 173-240 WAC), may be approvable for financial assistance issued under the nonpoint and estuary

categories. Facilities plans must be approved before the financial assistance agreements can be signed for those agreements signed on or after January 1, 1991.

#### NEW SECTION

##### WAC 173-98-060 ALLOWANCE PROVISIONS FOR PLANNING AND DESIGN FOR FACILITIES.

(1) An established allowance of financial assistance shall be provided for planning and design for water pollution control facilities. The allowance shall be based on total construction costs when the bids are received. If the project is in the design phase, the allowance shall be based on approvable facilities planning estimates, and the allowance will be adjusted when the bids are received. The allowance is determined in accordance with the tables provided in the program guidelines.

(2) The allowance is not intended to necessarily cover one hundred percent of all planning and design engineering costs incurred. Accordingly, the allowance tables are not recommended to be used to determine the cost for planning or design services provided by the consulting engineer. This actual cost must be negotiated between the applicant and its consulting engineer based upon the nature, scope, and complexity of the project.

(3) The allowance will be paid to the recipient according to the following schedule and conditions:

(a) A recipient may request payment of thirty percent of the estimated planning and design allowance immediately after the financial assistance agreement is signed.

(b) Half the remaining estimated planning and design allowance may be requested when the design of the project is at least fifty percent complete.

(c) Adjustment and final payment of the allowance will occur when the lowest, responsible, responsive bid(s) are accepted and approved by the department.

(d) If a project receives grant assistance administered by the department, the allowance will be adjusted so that only the nongrant share is provided. These combinations will generally be structured to approximately equal a fifty-five percent grant for eligible project costs.

#### NEW SECTION

WAC 173-98-070 COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS, AND OTHER REQUIREMENTS. (1) All recipients shall comply with all applicable federal, state, and local laws, orders, regulations, and permits. Applications must not be inconsistent with pertinent adopted water quality plans including, but not limited to, plans under Sections 208, 303(e), 319, and 320 of the act. The Puget Sound water quality management plan constitutes the comprehensive conservation and management plan required in Section 320 (b)(4) of the act. Plans must not be inconsistent with shoreline master programs, ground water management programs and storm water plans, combined sewer overflow (CSO) reduction plans and county or city comprehensive sewer plans. In accordance with the financial assistance agreement, the applicant shall provide assurances that the necessary permits required by authorities having jurisdiction over the project have been secured,

and make copies available to the department, if requested.

(2) Recipients shall fully comply with all federal, state, and local laws and regulations related to procurement, discrimination, labor, job safety, and drug-free environments. The recipient shall also comply with the state and federal minority-and-women-owned businesses regulations.

(3) If financial assistance is for water pollution control facilities, recipients shall submit a declaration of construction of water pollution control facilities to the department within thirty days of project, phase, or segment completion.

(4) Recipients must maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained in the United States General Accounting Office (GAO) publication "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions." For example, charges must be properly supported, related to eligible costs, and documented by appropriate records. These accounts must be maintained as separate accounts.

(5) Recipients must demonstrate their legal ability to provide a dedicated source of revenue and guarantee the repayment of their obligations to the fund from that dedicated source. Dedicated sources of revenue could be special assessments, general taxes, or general obligation bonds, revenue bonds, user charges, rates, fees, or other sources.

(6) Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director may require immediate repayment of misused loan funds.

(7) According to RCW 90.50A.060, in the event of loan default, the state of Washington may withhold any amounts otherwise due to the recipient and direct that such moneys be applied to the indebtedness and deposited into the SRF.

(8) Appeals of financial assistance agreements decisions will be processed in accordance with the water quality financial assistance appeals procedure. Only written decisions by the department made during the effective financial assistance agreement period will be appealable. Appeals must be filed with the financial assistance program disputes decision coordinator within forty-five days from the date of the disputed decision.

(9) The department, or at the department's discretion another authorized auditor, will audit the financial assistance agreement and records.

(10) Recipients shall maintain comprehensive insurance coverage on the project for an amount equal to the funds disbursed.

#### NEW SECTION

WAC 173-98-080 INDEMNIFICATION. (1) The department shall in no way be held responsible for payment of salaries, consultant's fees, and other overhead costs related to a financial assistance agreement issued to an applicant.

(2) To the extent that the Constitution and laws of the state of Washington permit, the applicant shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising out of a financial assistance agreement except for such damage, claim, or liability resulting from the negligent act or omission of the department.

#### NEW SECTION

**WAC 173-98-090 PROJECT PRIORITY LIST AND INTENDED USE PLAN PROCESS.** (1) The project priority list required by Section 216 of the act will be the intended use plan (IUP) beginning in fiscal year 1990 and thereafter. Applicants must apply for SRF financial assistance in order for their projects to be included on the IUP. Projects must be on the IUP in order to receive SRF financial assistance.

(2) Projects in all three categories will be ranked according to environmental and financial need. Projects in each category which have the highest environmental and financial need will be given priority for assistance under the SRF program. Because funds must be used in a timely manner to ensure that all available federal funding is received by the state, readiness to proceed may also be used in establishing the priority of projects.

(3) Applications for financial assistance according to the water pollution control facilities category (WAC 173-98-050 (2)(a)) must address problems such as public health emergencies, severe public health hazards, the need to provide secondary treatment, the need to improve and protect water quality, reduction of combined sewer overflows, and other environmental needs.

(4) Applications for financial assistance in the nonpoint source category (WAC 173-98-050 (2)(b)) must address the remedies and prevention of water quality degradation associated with nonpoint source water pollution and must not be inconsistent with needs identified in the department's nonpoint source pollution assessment and management program.

(5) Applications for financial assistance in the comprehensive estuary conservation and management category (estuary category) (WAC 173-98-050 (2)(c)) must meet applicable environmental needs outlined above and must meet needs identified in the Puget Sound water quality management plan or the respective plans for other federally designated estuaries in the state of Washington.

(6) Financial need would normally focus on the need to maintain user charges and fees at affordable levels. Both the priority process and the terms of the financial assistance will be directed toward this objective. Unless the provisions of water pollution control facilities or activities has caused a financial hardship, refinancing of completed projects or segments would generally be low priority.

(7) Applicants must fully describe the environmental and the financial need for the project, and they must submit a completed financial capability assessment form and a schedule for signing the financial assistance agreement and completing their project. These documents will be used to prepare a draft intended use plan

(IUP) for public review and comment. Public participation will be used in the preparation of the draft and final intended use plan.

(8) The department will prepare the draft IUP prior to the award of each federal capitalization grant from EPA. The plan will generally list projects in the order that projects may be offered financial assistance.

#### NEW SECTION

**WAC 173-98-100 STATE ENVIRONMENTAL REVIEW PROCESS.** (1) All projects which receive financial assistance from the SRF program must meet the provisions of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC. Additional provisions are currently needed to satisfy the state's responsibility to help ensure that recipients comply with the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and executive orders. The lead agency (WAC 197-11-050(2)) responsible for SEPA compliance for each project under the SRF program shall also comply with the following additional provisions. When a categorical exclusion, finding of no significant impact, or a record of decision has been issued by EPA for the same project scope of work, no additional environmental documentation is required. The applicants will need to adopt the federal environmental documentation to meet their responsibilities as required by SEPA rules WAC 197-11-600, 197-11-610, and 197-11-630. If federal environmental documentation has not been submitted for approval to EPA, applicants and designated lead agencies must:

(a) Consult with the department prior to determining that the project is categorically exempt from SEPA and obtain concurrence that the project meets the criteria for a categorical exemption (WAC 197-11-305) and give public notice of the categorical exemption by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the facilities plan and other environmental information.

(b) Consult with the department prior to issuing a threshold determination (WAC 197-11-330), and submit a copy of the environmental checklist (WAC 197-11-315) and a recommended threshold determination.

(c) Obtain written concurrence from the director with the recommended threshold determination as to whether a determination of nonsignificance (DNS) (WAC 197-11-340) or an environmental impact statement (EIS) is to be issued prior to issuing the actual document.

(d) Issue the threshold determination, determination of nonsignificance (DNS) or determination of significance (DS) (WAC 197-11-360) and submit copies to the department; two copies shall be sent to both the environmental review section of central programs and to the water quality financial assistance program (WQFAP) of the department. The director must concur in writing with the findings of the checklist and DNS if a DNS is issued.

(e) Give public notice of the threshold determination by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where

the public may review the threshold determination, facilities plan, and other environmental information.

(f) Distribute copies of the threshold determination and supporting documents to other affected local, state, and federal agencies, Indian tribes, and the public.

(g) When a DS is issued, the lead agency will develop the final scope of elements to be addressed in the environmental impact statement (EIS) and obtain written concurrence from the director. The department shall be consulted throughout the EIS process.

(h) Distribute copies of the draft and final EIS's to the department; two copies shall be sent to both the environmental review section of central programs and the WQFAP.

(i) Give public notice of the draft and final EIS's by publishing notices in a newspaper of area-wide circulation. Notices shall include the locations where the public may review the draft and final EIS's or obtain copies.

(j) Distribute copies of the draft and final EIS's to other affected local, state, and federal agencies, Indian tribes, and the public.

(k) The director must concur in writing with the finding of the final EIS.

(2) The lead agency shall issue a notice of action for the final EIS regarding the preferred alternative in accordance with RCW 43.21C.080, WAC 197-11-680, and 197-11-990.

(3) A cost-effectiveness analysis will be required for all SRF projects. Planning must include a comparison of the total cost of the project with other alternatives, including the no action alternative, i.e., capital, operation and maintenance, and replacement costs. The comparison of the total costs, e.g., total present worth or annual equivalent costs of projects for the planning period, must be included. Cost-effectiveness analyses must also include nonmonetary cost of the project, i.e., the environmental impact, resource utilization, implementability, etc. This analysis must be included in the planning document and must be summarized in the EIS or DNS. Financial assistance under the SRF program will be offered to the cost-effective solution to the water pollution control problem.

(4) All mitigation measures recommended or committed to in the environmental checklist or state EIS, or in the finding of no significance impact/environmental assessment or record of decision/federal EIS (for federally approved projects) will become financial assistance agreement conditions. Applicants must complete all mitigation measures required. Failure to abide by these conditions will result in withholding of payments and may result in immediate repayment of the loan.

(5) The applicant is responsible for compliance with the requirements of applicable environmental laws, regulations, and executive orders. Concurrence from the director will be based on best available information provided by the applicant. The department is not responsible for concurrence based on erroneous information.

#### NEW SECTION

#### WAC 173-98-110 REPAYMENTS OF LOANS.

(1) General provisions.

When the scope of work identified in the financial assistance agreement for a loan has been fully performed and the initiation of operation date has been determined:

(a) The department and recipient will execute a final financial assistance agreement amendment which details the final loan amount. This amount will include the principal from disbursements made to recipients and accrued interest. Interest will accrue on each disbursement as it is paid to the recipient.

(b) The department will prepare a repayment schedule according to the financial assistance agreement which will fully amortize the final loan amount within twenty years of project completion. The first repayment of principal and interest will be due no later than one year after the initiation of operation date. Equal payments will be due every six months after this first payment. Loan balances or additional principal payments may be repaid at any time without penalty.

(2) Where a project has been phased or segmented, the general provisions for repayment apply to the completion of individual phases or segments.

(3) When the project takes longer than five years to complete, repayment of the loan must begin within five years of the first disbursement on the project, unless the director determines that the fund is fiscally sound without this repayment schedule. Repayments for these loans must follow the general provisions as outlined in subsection (1)(b) of this section.

#### NEW SECTION

WAC 173-98-120 GENERAL PROVISIONS. (1) Sale of facilities to private enterprises. Recipients may sell facilities to private enterprises; however, the financial assistance agreement must be terminated in accordance with the terms of the agreement and the assistance repaid to the SRF immediately upon sale.

(2) Refinancing. The refinancing of existing debt obligations shall be limited to water pollution control facilities where project construction began after March 7, 1985. Applicants requesting refinancing must meet all the requirements contained in the act. They must be on the IUP before assistance will be offered and must be eligible to receive such assistance.

(3) Self certification. The department may authorize a recipient to certify compliance with selected program requirements. The recipient must request such certification authority and document that it has the capability and resources, that it is in the best interest of the state, and that the request is consistent with state and federal laws and regulations. Concurrences required in the environmental review process cannot be delegated to recipients.

(4) Legislative reporting. The department shall report to the legislature no later than November 30 of each year on the use of the fund by the department. This report shall include a list of applicants, recipients, project descriptions, total loan amounts, financial arrangements and interest rates, repayment schedules, and source(s) of repayments.

(5) Construction engineering contracts. Consulting services shall not use a "cost-plus-percentage-of-cost" or "percentage-of-construction-cost" type contract.



This rule is promulgated pursuant to chapter 18, Laws of 1989 1st ex. sess. 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 August 28, 1989.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-010 ALCOHOLISM AND DRUG DETOXIFICATION PROGRAM—ELIGIBLE PERSONS. (1) Persons eligible for three-day detoxification services for acute alcoholic condition or five-day detoxification services for acute drug addiction shall be:

(a) All grant, medical, and supplemental security income (SSI) beneficiaries; and

(b) ~~((Individuals))~~ Persons whose combined nonexempt income and/or resources do not exceed the aid to families with dependent children (AFDC) payment standards, and who have not transferred resources within two years prior to the date of application without having received adequate consideration according to the provisions of WAC 388-28-461.

(2) The department shall exempt the following resources ~~((shall be exempt))~~ for the alcoholism and drug detoxification program:

(a) A home.

(b) Household furnishings and personal clothing essential for daily living.

(c) Other personal property used to reduce need for assistance or for rehabilitation.

(d) A used and useful automobile.

(3) The department shall not exempt the following resources ~~((are not exempt))~~:

(a) Cash(;;);

(b) Marketable securities; and

(c) Any other resource not specifically exempted that can be converted to cash.

(4) The department shall deduct or exempt the following ~~((shall be deducted or exempted))~~ from income:

(a) Mandatory deductions of employment.

(b) Total income and resources of a noninstitutionalized SSI beneficiary.

(c) Support payments paid under a court order.

(d) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs ~~((if))~~ when failure to make such payments ~~((would))~~ will result in garnishment of wages or loss of employment.

(5) The department shall not require recipients receiving detoxification services ~~((shall not be required))~~ to incur a deductible as a factor of eligibility for the covered period of detoxification.

(6)(a) The department shall determine eligibility for the ~~((alcoholism))~~ detoxification program ~~((shall be determined))~~ on the basis of information shown on the department's application forms.

(b) The department shall require supplemental forms, verification procedures, and/or face-to-face interviews ~~((shall be required))~~ only in cases where there is a specific reason for requiring further verification of eligibility.

(7) When the department is notified within ten working days of the date detoxification began, certification shall cover this period if all eligibility factors ~~((have been))~~ are met.

(8) The department shall continue the effective period of eligibility ~~((shall be continued))~~ from the date detoxification treatment began through the end of the month in which the three-day or five-day treatment was completed.

(9) Services must meet the following criteria to be paid through the ~~((alcoholism))~~ detoxification program:

(a) Such services must be directly related to detoxification, and

(b) Such services must be performed in a certified detoxification center or a general hospital with certified detoxification facilities.

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-020 ALCOHOLISM AND DRUG ADDICTION TREATMENT AND SUPPORT ACT (ADATSA)—PROGRAM DESCRIPTION. (1) The Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) is a legislative enactment ~~((which provides))~~ providing state-financed treatment and support to indigent alcoholics and drug addicts.

(2) The purpose of ADATSA is to assist in the rehabilitation of those alcoholics and drug addicts who can benefit from ~~((available community))~~ treatment ~~((programs))~~, and to provide a program of shelter services ~~((to meet the basic needs of those who cannot benefit from such programs))~~ for those whose diseases have resulted in incapacitating physiological or cognitive impairments.

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-030 ADATSA SERVICES. (1) The department shall provide ADATSA services provided for by legislative appropriation and only to the extent each service conforms to all conditions and limitations set by the department.

(2) Persons ~~((who qualify))~~ qualifying for the ADATSA program ~~((shall))~~ may be eligible for:

(a) ~~((A continuum of))~~ Alcohol/drug treatment services and support ~~((as))~~ described ~~((in))~~ under WAC 388-40-090(;) and 388-40-095; or

(b) Shelter services ~~((as))~~ described ~~((in))~~ under WAC 388-40-100.

~~((2))~~ (3) ~~((Recipients of))~~ Persons eligible for ADATSA are also eligible for medical care services ~~((as))~~ described ~~((in))~~ under WAC 388-86-120.

AMENDATORY SECTION (Amending Order 2635, filed 6/21/88)

WAC 388-40-040 FINANCIAL ELIGIBILITY REQUIREMENTS. (1) An applicant/recipient (A/R) of ADATSA shall:

(a) Be ~~((at least))~~ eighteen years of age or older,  
 (b) Be a resident of the state of Washington as defined in WAC 388-26-055 and either a United States citizen or alien who:

(i) Is lawfully admitted for permanent residence; or  
 (ii) Is otherwise permanently residing in the United States under color of law; or

(iii) Has been granted temporary residency status under the Immigration Reform and Control Act.

(c) Furnish the department with ~~((his or her))~~ the applicant's Social Security number. If the applicant cannot furnish a Social Security number because it has not been issued or is not known, ~~((he or she))~~ the applicant shall apply for a number prior to authorization of assistance. The applicant shall provide the Social Security number to the department upon receipt.

(d) Meet the same income and resource ~~((eligibility requirements))~~ criteria as for the general assistance-unemployable (GA-U) program, except persons excluded from GA-U under WAC 388-37-010 because they are recipients of federal aid may be eligible for ADATSA ~~((residential))~~ treatment services.

(2) ~~((Applicants/recipients))~~ A/Rs placed in an alcohol or drug congregate care facility shall meet the payment and procedural requirements set forth in WAC 388-15-568. However, the department shall not require recipients receiving services in an intensive inpatient alcoholism/drug treatment program of thirty days or less ~~((as defined in WAC 275-19-020;))~~ to participate in the cost of care.

(3) The department shall require recipients with income in excess of the clothing and personal incidental standard to contribute that excess toward the cost of their care in a recovery house, extended care recovery house, or long-term care or drug residential treatment facility beginning the month following the month of admission. The department shall compute this participation amount according to the rules applicable to the program under which the benefits are received.

AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-050 ~~((MEDICAL ELIGIBILITY))~~ INCAPACITY REQUIREMENTS FOR ADATSA TREATMENT. (1) If otherwise eligible, ADATSA ~~((assistance shall))~~ treatment services, within the current appropriation, may be granted to ~~((alcoholics and))~~ an alcoholic or drug addict~~((s))~~ whose chemical dependency is severe enough to render ~~((them))~~ the applicant incapable of gainful employment.

(2) In order to qualify for ADATSA treatment services, an applicant shall:

(a) Meet the criteria for Psychoactive Substance Dependence In the Diagnostic and Statistical Manual of Mental Disorders (third edition revised), published by the American Psychiatric Association, also referred to

below as the DSM III-R, for a psychoactive substance class other than nicotine, either mild, moderate, or severe;

(b) Be incapacitated and unable to work. Incapacity shall exist if the applicant meets one or more of the following:

(i) Is currently pregnant; or  
(ii) Has been determined incapacitated for the purpose of eligibility for ADATSA shelter within the last six months; or

(iii) Currently meets the DSM III-R criteria for severe psychoactive substance dependence and at least one of the following occurred at least thirty-six months before application or twelve months for cocaine dependence:

(A) Diagnosis of severe psychoactive substance dependence by a department-approved chemical dependency treatment program, department designated chemical dependency assessment center, or department-approved DWI assessment center;

(B) Admission to a department-approved alcohol/drug treatment program;

(C) Admission to a department-approved detoxification program; or

(D) Two or more arrests for driving while intoxicated or actual physical control.

(iv) Lost two or more jobs during the last six months due to chemical dependency; or

(v) Has been admitted to a department-approved outpatient treatment program during the last six months and the outpatient treatment provider certifies the treatment recipient is not benefiting from outpatient treatment and needs more intensive chemical dependency treatment service.

(3) Notwithstanding subsection (2) of this section, an applicant meeting the following criteria shall not be eligible for ADATSA treatment when the applicant:

(a) Is not clearly diagnosed as currently dependent on psychoactive substances other than nicotine; or

(b) Has abstained from alcohol and drug use for at least the last ninety days, excluding days spent while incarcerated; or

(c) Has been gainfully employed in a job in the competitive labor market at any time during the last thirty days. "Gainfully employed" means performing in a regular and predictable manner an activity for pay or profit. Gainful employment shall not include work in a department-approved sheltered workshop or sporadic or part-time work, if the individual, due to functional limitation, is unable to compete with unimpaired workers in the same job.

(4) A current recipient of ADATSA treatment services successfully participating in outpatient treatment shall continue to be considered to be incapacitated through completion of planned treatment, even if the recipient becomes employed, abstains from alcohol or drug use, or has full or partial remission of psychoactive substance abuse dependence.

(5) Incapacity based on alcoholism or drug addiction shall be determined by a department designated chemical dependency assessment center. The assessment center

is the department's sole source of medical evidence required for the diagnosis and evaluation of alcoholism/drug addiction and its effects on employability.

(a) The department shall require such an assessment in writing for all ADATSA applicants.

(b) The costs of assessments needed to determine eligibility shall be paid ~~((for))~~ by the department.

#### NEW SECTION

WAC 388-40-055 INCAPACITY REQUIREMENTS FOR ADATSA SHELTER. (1) If otherwise eligible, ADATSA shelter services shall, within the current appropriation, be granted to an alcoholic or drug addict whose chemical dependency has resulted in an incapacitating physiological or cognitive impairment.

(2) In order to meet shelter incapacity standards, an applicant shall meet the following conditions:

(a) Be actively addicted, as determined by the assessment center, "active addiction" for shelter purposes means use of alcohol or drugs by a diagnosed alcoholic or drug addict within the sixty-day period immediately preceding the latest assessment center evaluation; and

(b) Have resulting physiological or organic damage, or have resulting cognitive impairment not expected to dissipate with sixty days of sobriety or detoxification.

(i) In order to qualify on the basis of physical impairment, the physiological or organic damage shall have at least a severity rating of "03" defined under WAC 388-37-110.

(ii) In order to qualify on the basis of cognitive impairment, the applicant shall have at least a moderate impairment of ability to understand, remember, and follow complex instructions, plus an overall moderate impairment in ability to learn new tasks, to exercise judgment and make decisions, and to perform routine tasks without undue supervision.

(3) The diagnosis and severity of the physiological or cognitive impairment must be supported by documented medical evidence from a physician or psychologist.

#### AMENDATORY SECTION (Amending Order 2526, filed 8/21/87)

WAC 388-40-060 ELIGIBILITY DETERMINATION AND REVIEW—~~((TIMEFRAMES))~~ TIME FRAME. The department shall:

(1) Make a decision confirming or denying eligibility for ADATSA shelter within forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on the part of the applicant.

(2) Redetermine incapacity and financial and medical eligibility for ADATSA shelter at least every six months ~~((except that those recipients who are receiving only shelter services may have their incapacity reviewed yearly))~~.

(3) Provide adequate and advance notice of adverse action in accordance with WAC 388-33-376.

#### AMENDATORY SECTION (Amending Order 2740, filed 12/21/88)

WAC 388-40-080 ADATSA ASSESSMENT CENTERS—ROLE. (1) ADATSA assessment centers shall:

(a) Be responsible for diagnostic evaluation and treatment placement; and

(b) Not be responsible for providing direct treatment.

(2) The assessment center shall, in accordance with standards set forth under chapter 275-19 WAC, conduct a face-to-face diagnostic assessment of the applicant to:

(a) Determine if the applicant is chemically dependent;

(b) Determine if the applicant meets incapacity ((based on alcoholism or drug addiction)) standards for treatment under WAC 388-40-050; and

(b) Determine whether the incapacitated applicant is willing ~~((and))~~, able, and eligible to undergo a course of ADATSA treatment ~~((or desires shelter or medical assistance only))~~.

(3) Once the treatment applicant's financial and medical eligibility is established, the assessment center shall:

(a) Develop an ADATSA treatment plan;

(b) Arrange all placements into ADATSA treatment ((and/or shelter facilities)) taking into account the treatment priorities set forth under WAC 388-40-091;

~~((b))~~ (c) Provide the applicant with written notification of the applicant's right to return to the community service office (CSO) at any time while receiving ADATSA treatment ~~((or shelter assistance))~~. This includes, but is not limited to, those situations where the ADATSA recipient is discharged from any inpatient, recovery house, or outpatient ~~((, or shelter))~~ facility or agency providing services under contract to the department;

~~((c))~~ (d) Provide the applicant with written notification of the applicant's right to request a fair hearing to challenge any action ~~((which affects))~~ affecting eligibility for ADATSA treatment ~~((or shelter assistance))~~;

~~((d))~~ (e) Provide ongoing case monitoring of treatment ~~((and/or shelter))~~ services; and

~~((e))~~ (f) Notify the community services office promptly of all placement or eligibility status changes.

#### AMENDATORY SECTION (Amending Order 2635, filed 6/21/88)

WAC 388-40-090 ADATSA TREATMENT MODALITIES—DESCRIPTION OF SERVICES, REQUIREMENTS, AND LIMITATIONS. (1) The department shall offer ADATSA treatment services to eligible ~~((applicants/recipients))~~ A/Rs incapacitated by alcoholism or drug addiction, subject to:

(a) Availability defined under WAC 388-40-030(1); and

(b) Priority classifications set forth under WAC 388-40-091.

(2) The department shall limit treatment services to a ~~((total))~~ maximum of six months in a twenty-four month period. The twenty-four month period begins on the date of initial entry into treatment.

(3) The assessment center shall determine a course of treatment based on an individual assessment of alcohol/drug involvement, and treatment needs in accordance with RCW 70.96A.100(2) and the procedures ~~((in))~~ under WAC 275-19-185.

(4) Treatment may consist of residential and/or outpatient services.

(5) The department shall limit residential treatment to the following services:

(a) Intensive inpatient treatment, not to exceed thirty days per admission;

(b) Recovery house treatment, not to exceed sixty days per admission;

(c) Extended care recovery house treatment, not to exceed ninety days;

(d) Long-term care residential treatment, not to exceed one hundred eighty days;

(e) Drug residential treatment, not to exceed one hundred eighty days.

(6) An ~~((applicant/recipient shall qualify))~~ A/R qualifies for up to ((six months)) ninety days of direct outpatient treatment services if the assessment center determines ((that)) residential treatment is not necessary or appropriate. The assessment center shall base this determination on clinical or medical factors ((which would indicate)) indicating the likelihood ((that)) of an ((applicant/recipient would succeed)) A/R's success in a less structured primary treatment modality. Such factors may include an assessment of former treatment history, the number of detoxification admissions, and the chronicity, and degree of incapacity of the ((applicant/recipient)) A/R. The assessment center shall also consider social factors such as the availability of social support systems, family support, and stable living arrangement when evaluating the individual's ability to benefit from primary outpatient treatment.

(7) No recipient shall receive more than ninety days of ADATSA outpatient treatment in a twenty-four-month period, if referred:

(a) Directly to outpatient treatment; or

(b) Following a residential placement.

(8) ADATSA recipients who withdraw or are discharged from treatment for any reason shall be subject to termination and shall reapply and/or be rereferred to the assessment center if ((they wish)) the recipient wishes further ADATSA treatment services.

(a) ((Recipients who drop)) A recipient dropping out of treatment in the intensive inpatient phase may be required to repeat this phase.

(b) ((Recipients who drop)) A recipient dropping out of treatment during the recovery house or outpatient phase may be required to return to the modality from which ((they)) the recipient dropped out or may be required to enter intensive inpatient treatment if, in the clinical judgment of the assessment center, a more structured form of treatment seems warranted. The assessment center shall refer to inpatient or residential treatment those recipients ((who demonstrate)) demonstrating an inability to remain abstinent in outpatient treatment.

(c) ((Recipients who have been)) A recipient absent from inpatient treatment or other residential services for

less than seventy-two hours may, at full discretion of the providing program director, reenter that program without being considered as having dropped out and without being required to ~~((reapply))~~ apply for readmittance through the assessment center.

#### NEW SECTION

WAC 388-40-091 AVAILABILITY OF TREATMENT—PRIORITY GROUPS. (1) The assessment center shall, in assigning residential admissions, give first priority to pregnant women and parents having children in the home. In addition, the assessment center shall provide priority access to ensure residential treatment admissions for:

(a) Persons referred through the children's protective services (CPS) program; and

(b) Intravenous (IV) drug users.

(2) In assigning outpatient admissions, the assessment center shall give first priority to pregnant women and families with children for whom access to Title XIX outpatient treatment is unavailable. In addition, the assessment center shall provide priority access to ensure outpatient admission for:

(a) Persons completing residential treatment; and

(b) Persons referred through CPS; and

(c) Intravenous drug users.

#### AMENDATORY SECTION (Amending Order 2740, filed 12/21/88)

WAC 388-40-100 ADATSA SHELTER SERVICES. (1) Subject to provisions under WAC 388-40-0301, the department shall provide shelter services to eligible ADATSA ((applicants/recipients:

(a) Who refuse treatment; or

(b) Who have exhausted their six months of treatment in a twenty-four month period; or

(c) Who are in temporary need of shelter pending placement into a treatment facility)) A/Rs meeting the incapacity criteria under WAC 388-40-055.

(2) ((Eligible applicants/recipients wishing shelter services shall have their choice of:

(a) Placement by the assessment center into a department-contracted shelter facility which provides room and board; or

(b) A shelter assistance payment, through a protective payee, for independent housing and basic needs)) "Shelter services" or "shelter assistance" means shelter for an ADATSA recipient in a facility under contract with the department to provide room and board in a supervised living arrangement, normally in a group or dormitory setting. The department shall limit ADATSA shelter services to shelter assistance in the contracted facilities unless the recipient resides in a county described under subsection (3) of this section.

(3) A recipient residing in a county where no contracted shelter bed is available may receive shelter assistance in independent housing, subject to the following provisions:

(a) The recipient shall, as a condition of continued eligibility, move to a contracted shelter bed when available. "Availability" means the existence of a vacant

shelter bed, rather than whether or not a particular A/R is accepted or rejected from a shelter facility based on disciplinary problems;

(b) The recipient shall receive the monthly shelter assistance payment through an intensive protective payee defined under WAC 388-40-110; and

(c) The department shall provide assistance for independent housing only to a recipient ~~((s who will be))~~ residing in a permanent residential structure. ~~((These recipients))~~ The recipient must also have a deed of purchase, rental agreement, or other verifiable written agreement between ~~((themselves))~~ the recipient and the person or entity to whom ~~((they are))~~ the recipient is obligated for shelter costs or from whom ~~((they are))~~ the recipient is receiving supplied shelter.

(4) The department shall base the amount of assistance for independent housing and basic needs on the appropriate payment standard in WAC 388-29-100 (3)(a) or (b). For recipients in a contracted shelter facility, the department shall provide an allowance for clothing and personal incidentals based on the standard in WAC 388-29-130.

(5) ~~((Recipients))~~ A recipient receiving contracted shelter services who subsequently leaves shelter without notice for more than seventy-two hours, or ~~((are))~~ is discharged from the facility for disciplinary reasons, shall be subject to termination. ~~((Upon reapplication and/or re-referral, the assessment center shall again offer treatment and/or shelter as appropriate:))~~

(6) A recipient requesting a fair hearing within the advance notice period before termination shall be eligible for continued benefits pending the fair hearing in accordance with WAC 388-33-377. The department shall base the amount of any continued benefits on the amount the recipient was eligible at the time of the fair hearing request. For example, a recipient in independent housing at the time of proposed termination may continue to receive shelter assistance through an intensive protective payee, while a recipient discharged from a shelter facility may continue to receive the clothing and personal incidentals allowance.

#### AMENDATORY SECTION (Amending Order 2723, filed 11/7/88)

WAC 388-40-110 ADATSA PROTECTIVE PAYEE REQUIREMENTS. (1) The department shall pay the assistance needs of recipients receiving outpatient treatment or shelter assistance ~~((in independent housing))~~ by protective payee or vendor payment. ~~((See WAC 388-33-455 for protective payee selection criteria:))~~

(a) The protective payee for an outpatient recipient shall be the same agency providing outpatient treatment.

(b) The protective payee for a shelter recipient in independent housing shall be an agency under contract with the department to provide intensive protective payee services described under subsection (3) of this section; and

(c) The protective payee for a shelter recipient residing in a contracted shelter facility shall be the facility operator. The facility operator shall have the authority to use personal discretion on the method of disbursing

the recipient's clothing and personal incidental money each month.

(2) ~~((An ADATSA))~~ The protective payee for an outpatient recipient shall have the authority and responsibility to make decisions about the expenditure of outpatient treatment stipends ~~((or shelter assistance))~~. Disbursement of funds shall be made first to assure the basic needs of shelter, utilities, food, clothing, and personal incidentals are met.

(a) The protective payee for a recipient in outpatient treatment shall encourage the recipient to participate in the decision-making process as a means of developing good money management, budgeting, and decision-making skills. The amount of control or latitude exercised shall depend upon the recipient's status in treatment and the judgment of the protective payee as to how responsible the recipient has become.

(b) ~~((The protective payee for a shelter assistance recipient shall first disburse a payment for shelter and utilities, such as a check directly to the landlord, mortgage company, utility company, etc.~~

~~((3))~~ The outpatient protective payee may use ~~((his or her))~~ discretion on the method of disbursing to the recipient any cash balance remaining from the recipient's monthly assistance warrant. The protective payee has the authority to apportion any remaining funds to the recipient at regular intervals throughout the month.

(3) The intensive protective payee for a shelter recipient shall provide case management services as well as sufficient control of monthly shelter expenditures as necessary assuring the recipient's basic needs are met and preventing the diversion of assistance toward purchase of alcohol or drugs. The intensive protective payee shall:

(a) First disburse a payment for shelter and utilities, such as a check directly to the landlord, mortgage company, utility company, etc.;

(b) Pay all vendors directly for goods or services provided to or for the recipient, including personal and incidental expenses; and

(c) Make exceptions only where unusual circumstances prevent direct payment and the recipient is unlikely to divert the money to purchasing alcohol or drugs.

(4) ~~((In the event the recipient and/or protective payee relationship is terminated for any reason, the protective payee shall return any remaining funds to the department.~~

(5) The department has legislative authority, through June 30, 1990, to establish and maintain an intensive protective payee pilot project. The project shall evaluate whether tighter control of the recipient's ADATSA funds by the protective payee can prevent the diversion of assistance for purchasing alcohol and drugs.

(a) The department shall limit project participation to ADATSA recipients in King, Snohomish, or Skagit counties who choose shelter assistance in independent housing.

(b) The department shall choose all project participants by unbiased scientific sampling. Once an applicant/recipient is chosen to participate, the department shall assign a protective payee designated specifically for the pilot project. The recipient shall participate in the project for as long as he or she continues to reside in the

~~project area, remains eligible for ADATSA, and wants shelter assistance in independent housing.~~

~~(i)) ((The)) A shelter recipient in independent housing has the right to request a change of intensive protective payees within the ((project)) county if dissatisfied with the department's selection of a particular intensive protective payee. If the department determines good cause exists for the change, it shall reassign the recipient to another intensive protective payee ((within the pilot project).~~

~~(ii) The recipient does not have the right to removal or exemption from the project in order to acquire a less restrictive protective payee.~~

~~(c) In addition to the responsibilities and authority set forth in subsections (2)(b) and (3) of this section, the project protective payees shall:~~

~~(i) Pay all vendors directly for goods or services provided to or for the recipient, including personal and incidental expenses; and~~

~~(ii) Make exceptions only where unusual circumstances prevent direct payment and the client is unlikely to divert the money to purchasing alcohol or drugs)) if available.~~

~~(5) In the event the recipient and/or protective payee relationship is terminated for any reason, the protective payee shall return any remaining funds to the department.~~

**WSR 89-18-026**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2852—Filed August 29, 1989, 2:03 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to social services for families, amending chapter 388-15 WAC.

This action is taken pursuant to Notice No. WSR 89-14-078 filed with the code reviser on June 30, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 28, 1989.

By Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2674, filed 8/17/88)

**WAC 388-15-207 CHORE SERVICES FOR ADULTS—LEGAL BASIS—PURPOSE—GOALS.**

(1) The legal basis for the chore services program is RCW 74.08.530 through 74.08.570.

(2) The purpose of the program is to assist an eligible applicant((s)) at risk of being placed in a ((residential)) long-term care facility by providing allowable chore service((s)) tasks that may allow the eligible applicant((s)) to remain in or return to ((his or her own)) the applicant's home whenever possible.

(3) The department shall limit goals for chore services for adults to those specified in WAC 388-15-010 (1)(b) and (d). Also see WAC 388-15-010(2).

**AMENDATORY SECTION** (Amending Order 2674, filed 8/17/88)

**WAC 388-15-209 CHORE SERVICES—ELIGIBLE INDIVIDUALS.** (1) Service eligibility. Adults eligible for chore services shall be:

(a) Eighteen years of age and over;

(b) At ((higher)) risk of ((residential)) long-term care facility placement as evidenced by the need ((of)) for assistance with one or more personal care or related tasks defined in WAC ((388-15-208(9))) 388-15-820 as determined by completion and scoring of the ((CRQ)) assessment form;

(c) ((At risk of residential care placement and unable to perform one or more activities essential to daily living and are in social and economic need as evidenced by one or more of the following:

(i) Seventy-five years of age or over;

(ii) Homebound;

(iii) Chronic physical health problems;

(iv) Chronic mental health problems;

(v) Confused;

(vi) Socially isolated; and

(vii) Living alone.

(d)) Authorized the amount of chore services as determined by the ((CRQ)) assessment;

((te)) (d) Authorized payment for a maximum of one hundred sixteen hours per month of task-related services listed in the ((CRQ)) assessment;

((ff)) (e) Authorized services and department payment only when relatives, friends, nonprofit organizations, or other persons are not available or willing to provide the service without ((change)) charge;

((fg)) (f) Referred to the volunteer chore service program, prior to approval of services by department paid providers when ((aged sixty or over and)) eligible for five hours per month or less of service;

((th)) (g) Referred to the volunteer chore service program, when ((aged sixty or over, are)) not eligible for chore services because of income or need level(;) or ((are)) eligible for a reduced level of service because of income, where such program exists, for needed hours of service not ((provided)) authorized by the department.

(2) Financial eligibility.

(a) To be eligible to receive chore services, an applicant shall meet the financial eligibility requirements established by the department.

(b) An adult determined to be at high risk or at risk of being placed in a ~~((residential))~~ long-term care facility is eligible to receive ~~((the level of))~~ hourly chore services ~~((as determined by WAC 388-15-212 if a recipient of))~~ provided the applicant or client:

(i) ~~((Supplemental Security Income and/or state supplementation; or))~~ Has resources at or below ten thousand dollars for one person or fifteen thousand dollars for a two-person family. Allow another one thousand dollars for each additional family member.

(ii) ~~((Limited casualty program medical care as defined by RCW 74.09.010 at time of eligibility determination; or~~

~~(iii) Has gross income, adjusted for family size, at or below thirty percent of the state median income))~~ Is not eligible for Medicaid personal care, community options program entry system services, or other duplicative payment services.

(c) Adult protective service clients determined to be at high risk or at risk of being placed in a ~~((residential))~~ long-term care facility are eligible to receive chore services without regard to income or resources, if these services are an integral but subordinate part of the adult protective services plan. These services shall be provided only until the situation necessitating the services has stabilized and are limited to a maximum of ninety days during any twelve-month period.

(d) An adult applicant or client with a gross income, adjusted for family size, at or below thirty percent of the state median income shall receive chore services with no reduction in hours.

(e) An adult applicant or client with a gross income over thirty percent of the state median income ~~((SMI))~~ adjusted for family size, and determined to be at high risk or at risk of being placed in a residential care facility ~~((receives))~~ shall receive a reduced level of hours. The department shall determine the reduced level by:

(i) Deducting one hour of chore services for each percentage point by which the client's income exceeds thirty percent of the SMI; and

(ii) Deducting an additional hour of service for each percentage point by which the client's income exceeds fifty percent of the SMI.

~~((e) Clients or applicants shall not be eligible for chore services if they have resources in excess of ten thousand dollars for one person or fifteen thousand dollars for a two-person family. Allow another one thousand dollars for each additional family member.))~~

(f) The department shall consider the following resources in determining the value of a client's or applicant's resources:

(i) Checking accounts;

(ii) Savings accounts;

(iii) Certificates of deposit;

(iv) Money markets;

(v) Negotiable stocks and bonds;

(vi) Latest assessed value of lots or property not attached to residence;

(vii) Market value of a boat or boats, recreational vehicle or vehicles, or excess automobiles;

(viii) Liquid assets: Such as cash, gold, silver, and other items of an investment and negotiable nature;

(ix) Resources received in transfer or assignment from a spouse under WAC 388-92-043(5) ~~((are))~~ available to the applicant/client as a single-person household and subject to WAC 388-15-209 (2)~~((e))~~ (b), (f), and ((f)) (g).

~~((f))~~ (g) The department shall not consider the following resources, regardless of value, in determining the value of a client's or applicant's resources:

(i) A home and lot normal for the community where the client or applicant resides;

(ii) Used and useful household furnishings, personal clothing, and one automobile per client;

(iii) Personal property of great sentimental value;

(iv) Real or personal property used by the applicant or client to earn income or ~~((to rehabilitate himself or herself))~~ for rehabilitation;

(v) One cemetery plot for each member of the family unit;

(vi) Cash surrender value of life insurance;

(vii) Payments received as restitution payments under the Civil Liberties Act of 1988 and the Aleutian and Pribiloff Island Restitution Act, P.L. 100-383.

~~((3) Continuing eligibility for attendant care for adults and supervision of children.~~

~~(a) The department shall no longer authorize attendant care for adults and supervision of children after March 31, 1988. The department shall provide services for persons applying on or after April 1, 1988, based on eligibility as determined in WAC 388-15-209 (1) and (2).~~

~~(b) Clients receiving attendant care and/or supervision of children prior to April 1, 1988, shall continue to be eligible to receive services.~~

~~(c) The department shall make periodic reviews to determine continuing need for and/or eligibility according to the following rules which were in effect prior to April 1, 1988:~~

~~(i) Authorize attendant care service for clients receiving attendant care prior to April 1, 1988, and requiring assistance with such unscheduled tasks as toileting, ambulation, and wheelchair transfer or protective supervision;~~

~~(ii) Authorize protective supervision when persons may hurt themselves, others, or damage property if left alone, or confused and may wander, or becomes easily disoriented;~~

~~(iii) Base the amount of service authorized on the total number of hours per day the chore service provider must be with a client. The chore service provider performs necessary household or personal care tasks or assists with activities of daily living during the authorized attendant care hours;~~

~~(iv) Authorize supervision of children only when the client is temporarily absent from the home because of hospitalization and all possible resources have been explored to provide the necessary supervision. This absence shall not exceed two weeks during any six-month period. The number of days and the number of hours per day that the children need supervision is recorded. The chore~~

service provider performs household and personal care tasks for the children during the hours of supervision;

(v) The client shall provide verification of the need for attendant care by producing a statement from the client's physician.

(d) The department shall pay a daily rate for attendant care for adults and supervision of children. The rate shall not exceed the lesser of the following, a maximum of twenty-four dollars and fifty cents per day or the amount determined by the table as follows:

DAILY RATE DETERMINATION

HOURS OF SERVICE PER DAY	PAYMENT PER DAY
21 - 24	up to \$ 24.50
16 - 20	up to \$ 22.50
12 - 15	up to \$ 20.50
8 - 11	up to \$ 17.50
4 - 7	up to \$ 12.50
1 - 3	up to \$ 8.50

The department shall add up to five dollars per day for each additional client authorized for service in the household.

(i) The department shall pay a reduced amount equivalent to the individual provider program hourly rate when the client's income exceeds thirty percent SMH.

(ii) The department shall not pay for services when the client is not in the home, for example, because of hospitalization. If necessary, however, up to seven days during the service month may be provided to enable the client to return home.

(c) An attendant care client may request approval from the department to exceed the maximum daily rate set by the department. The department shall authorize a higher payment rate necessary to maintain the client in their own home when:

(i) The need for the higher payment is specific and clearly measurable; and

(ii) The client provides documentation that services are not available at the established maximum payment rate; and

(iii) The client has made a reasonable effort to find a qualified provider at the established maximum payment rate; and

(iv) The total cost for attendant care services shall not exceed the lesser of the following, a maximum of thirty-one dollars and fifty cents per day, or the amount determined by the table as follows:

HOURS OF SERVICE PER DAY	ADDITIONAL PAYMENT PER DAY
21 - 24	up to \$7
16 - 20	up to \$6
12 - 15	up to \$5
8 - 11	up to \$4
4 - 7	up to \$3
1 - 3	up to \$2

(f) The department shall inform all clients in writing of the process as defined in subsection (3)(c) of this section. Clients shall have the right to request approval from the department to exceed the maximum daily rate.

(g) When the department denies a request to exceed the maximum payment rate or makes approval at a lesser rate than requested by the client, the client shall receive notice of the right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(h) When providing board and room or meals for the chore service provider is an extra cost to the client, the department may make a payment to partially reimburse the cost of this expense. The department shall not reimburse such costs for a spouse provider. The payment shall not exceed an allowance established by the department and shall be prorated by days of service.

(i) The department shall pay only after the department verifies service delivery.

(4) Continuing eligibility for family care services.

(a) The department shall no longer authorize family care after March 31, 1988. Applicants applying on or after April 1, 1988, shall be provided services based on eligibility as determined in WAC 388-15-209 (1) and (2).

(b) Clients receiving family care services prior to April 1, 1988, shall continue to be eligible to receive services.

(c) The department shall make periodic reviews to determine continuing need and/or eligibility for family care services according to the following rules which were in effect prior to April 1, 1988. Families may receive services when the client is the normal caretaker of the children, and:

(i) Is in the home but unable to physically care for the children;

(ii) Is in the home and physically unable to perform the necessary household tasks; or

(iii) Is out of the home temporarily, as defined by the department; and

(iv) Children and family services confirms all possible resources have been explored and no one can or will provide the necessary care.

(d) For families to receive services, the total family income shall be at or below the financial eligibility requirements established by the department. Minor children shall not be financially eligible in their own right. The minor children are part of the family unit.

(e) The family care questions take into consideration the ages, number, level of responsibility of the children, and the presence of a spouse when determining the need for chore services.

(i) Family housework determines the need for additional help cleaning the household because of the presence of children.

(ii) Family tasks determines the need for escort and transportation, laundry services, meal preparation and shopping, and bathing and dressing for the client's children.

(iii) Supervision of children determines the need for physical supervision of the children when the client is in the home, but unable to supervise them.

(iv) The total scoring for subsection (4)(c)(i), (ii), and (iii) are N = 0, M = 14, S = 27, and T = 40.

(f) ~~The chore services provider may not act as a parent substitute or make major decisions affecting the children.))~~

AMENDATORY SECTION (Amending Order 2625, filed 5/17/88)

WAC 388-15-215 LIMITATIONS ON PROGRAM. (1) The department shall not pay for chore services for teaching or companionship purposes.

(2) Chore services shall not be used for the purpose of delivering skilled nursing care or developing social, behavioral, recreational, communication, or other types of skills.

(3) The department shall not provide chore services to a resident or provider in:

- (a) A group home,
- (b) Licensed boarding home,
- (c) Congregate care facility,
- (d) Intermediate care facility,
- (e) Skilled nursing facility,
- (f) Hospital,
- (g) Institution,
- (h) Adult family home, or
- (i) Child foster home.

Shared living arrangements are not considered group homes.

(4) The department shall provide chore services for the person needing and authorized to receive the service, but not for other household members unless they also meet the eligibility criteria for the service.

(5) The department shall not provide chore services when community resources or family, neighbors, friends, or volunteers are available and willing to provide the service without charge.

~~(6) ((The department shall not authorize or re-authorize chore services for an applicant or client who is eligible to receive community options program entry system funding or other duplicative services payment.~~

~~(7))~~ (7) The department shall not pay for chore services for hourly care clients when the clients are not residing at home, for example, because of hospitalization. In an emergency, however, the department may pay for limited services to enable the client to return home.

~~((8))~~ (7) The department shall periodically re-evaluate all approvals for additional hours. The department shall continue, deny, or alter services to correspond with the client's present chore services need. The department shall send the client a notice of the right to contest denials of service or approval of fewer service hours than previously approved.

~~((9))~~ (8) The department shall not pay for chore services for child care for working ~~((parent(s)))~~ parent.

(9) The department shall terminate chore services for an hourly personal care client if, after periodic review, the client needs assistance with household tasks only.

## NEW SECTION

WAC 388-15-216 GRANDPARENTED CLIENTS. (1) Continuing eligibility for hourly care chore service clients:

(a) The department may continue providing hourly chore services for those clients who were receiving assistance only with household tasks before December 14, 1987, provided those clients were receiving this same services as of June 30, 1989; and

(b) The department shall perform periodic reviews to determine continuing need for and/or eligibility according to the rules in effect before December 14, 1987:

(i) If household tasks only clients need assistance with personal care, authorize Medicaid personal care if eligible for Medicaid funding. If not eligible for Medicaid personal care, authorize chore services according to the eligibility requirements for new clients;

(ii) If more or less household task services are required, authorize services accordingly.

(2) Continuing eligibility for attendant care for adults and supervision of children.

(a) The department may continue providing chore services to clients who were receiving attendant care and/or supervision of children prior to April 1, 1988, provided those clients were receiving the same services as of June 30, 1989.

(b) The department shall make periodic reviews to determine continuing need for and/or eligibility according to the following rules which were in effect prior to April 1, 1988:

(i) Authorize attendant care service for clients receiving attendant care prior to April 1, 1988, who continue to need assistance with such unscheduled tasks as toileting, ambulation, and transfer or who need protective supervision;

(ii) Authorize protective supervision when persons may hurt themselves, others, or damage property if left alone, or are confused and may wander, or become easily disoriented;

(iii) Base the amount of service authorized on the total number of hours per day the chore service provider must be with a client. The chore service provider performs necessary household or personal care tasks or assists with activities of daily living during the authorized attendant care hours;

(iv) Authorize supervision of children only when the client is temporarily absent from the home because of hospitalization and all possible resources have been explored to provide the necessary supervision. This absence shall not exceed two weeks during any six-month period. The number of days and the number of hours per day that the children need supervision is recorded. The chore service provider performs household and personal care tasks for the children during the hours of supervision;

(v) The client shall provide verification of the need for attendant care by producing a statement from the client's physician.

(c) The department shall pay a daily rate for attendant care for adults and supervision of children. The rate shall not exceed the lesser of the following, a maximum

of twenty-four dollars and fifty cents per day or the amount determined by the table as follows:

DAILY RATE DETERMINATION

HOURS OF SERVICE PER DAY	PAYMENT PER DAY
21 - 24	up to \$ 24.50
16 - 20	up to \$ 22.50
12 - 15	up to \$ 20.50
8 - 11	up to \$ 17.50
4 - 7	up to \$ 12.50
1 - 3	up to \$ 8.50

The department shall add up to five dollars per day for each additional client authorized for service in the household.

(i) The department shall reduce the amount of payment by the individual provider program hourly rate when the client's income exceeds thirty percent of the SMI.

(ii) The department shall not pay for services when the client is not in the home, for example, because of hospitalization. If necessary, however, up to seven days during the service month may be provided to enable the client to return home.

(d) The department shall not approve a waiver or exception to policy for a rate higher than the maximum base attendant care daily rate after June 30, 1989. The department shall not increase payment for a client who has an approved waiver and/or exception to policy as of June 30, 1989, to exceed the maximum daily rate set by the department.

(e) When providing board and room or meals for the chore service provider is an extra cost to the client, the department may make a payment to partially reimburse the cost of this expense. The department shall not reimburse such costs for a spouse provider. The payment shall not exceed an allowance established by the department and shall be prorated by days of service.

(f) The department shall pay only after the department verifies service delivery.

(3) Continuing eligibility for hourly family care services.

(a) Clients receiving hourly family care services before April 1, 1988, may continue to be eligible to receive services provided they were receiving the same services as of June 30, 1989.

(b) The department shall make periodic reviews to determine continuing need and/or eligibility for family care services according to the following rules which were in effect prior to April 1, 1988. Families may receive services when the client is the normal caretaker of the children, and:

(i) Is in the home but unable to physically care for the children;

(ii) Is in the home and physically unable to perform the necessary household tasks; or

(iii) Is out of the home temporarily, as defined by the department; and

(iv) The division of children and family services confirms all possible resources have been explored and no one can or will provide the necessary care.

(c) For families to receive services, the total family income shall be at or below the financial eligibility requirements established by the department. Minor children shall not be financially eligible in their own right. The minor children are part of the family unit.

(d) The family care questions take into consideration the ages, number, level of responsibility of the children, and the presence of a spouse when determining the need for chore services.

(i) Family housework determines the need for additional help cleaning the household because of the presence of children.

(ii) Family tasks determines the need for escort and transportation, laundry services, meal preparation and shopping, and bathing and dressing for the client's children.

(iii) Supervision of children determines the need for physical supervision of the children when the client is in the home, but unable to supervise them.

(iv) Score for subsection (3)(e)(i), (ii), and (iii) is O = 0, M = 14, S = 27, and T = 40. Enter the score on the bottom of the assessment form and add to the total score from the scoring chart.

(e) The chore services provider may not act as a parent substitute or make major decisions affecting the children.

AMENDATORY SECTION (Amending Order 2625, filed 5/17/88)

WAC 388-15-217 CHORE SERVICES FOR EMPLOYED DISABLED ADULTS. (1) The following definitions shall apply for purposes of this section:

(a) "Employed" means engaged on a regular basis in any work activity for which monetary compensation is obtained.

(b) "Total income" is the sum of an applicant's or client's unearned income plus gross earned income.

(2) Employed disabled adults shall be eligible for chore services ((as provided in this section)) if they are otherwise eligible under the provisions of WAC 388-15-207 through (388-15-215)) 388-15-216. The employed disabled adults shall participate in the cost of care as authorized by RCW 74.08.570.

(3) To be eligible for chore services under this section, a client or applicant shall meet all of the following conditions:

(a) Be eighteen years of age or older.

(b) Be a resident of the state of Washington.

(c) Be determined by the department to be disabled as specified in subsection (4) of this section.

(d) Be willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

(e) Be employed.

(f) Have earned income which is less than forty percent of the state median income after subtracting work

expenses, the cost of chore services, and any medical expenses which are not covered through insurance or another source and such medical expenses are incurred to allow the disabled person to work.

(g) Be in need of chore services as determined by the department using ~~((a client review questionnaire))~~ an assessment form.

(h) Have unearned income at or below forty percent of the state median income or be an adult supplemental security income and/or state supplementation recipient.

(i) Meet the resource limits specified for the chore services program in WAC 388-15-209 ~~(2)((~~e~~ and))~~(b)(i), (f), and (g).

(j) Promptly report to the department in writing any changes in income or resources which may effect eligibility.

(k) Agree to pay all chore service costs beyond the state's contribution as determined using a sliding fee schedule.

Percentage of State Median Income (After Deductions)	Percentage of Rate Paid By The Department
Above 0 through 5	95
Above 5 through 10	90
Above 10 through 15	85
Above 15 through 20	80
Above 20 through 25	75
Above 25 through 30	70
Above 30 through 35	65
Above 35 through 40	60

(l) Meet all other requirements for the chore services program as defined in WAC 388-15-207 through ~~((388-15-215))~~ 388-15-216.

(4) For purposes of this section, an applicant is disabled if either of the following conditions is satisfied:

(a) The department has previously determined the applicant ~~((<sup>#</sup>))~~ is disabled~~((<sup>#</sup>))~~ for the purpose of receiving social security disability insurance (SSDI) ~~((or))~~, supplemental security income (SSI) or, ~~((federal aid medical care only (FAMCO)))~~ nongrant Medicaid, and there has been no appreciable improvement in the applicant's disabling condition(s) since that disability determination was made.

(b) The applicant is determined by the department to have a medically determinable physical or mental impairment which is comparable in severity to a disability which would qualify an applicant for medical assistance related to Title XVI under WAC 388-92-015 (3)(c).

(5) The department shall pay its share of chore service costs to the client following receipt of documentation that the services were provided. If the department verifies that less service is provided in any month than the maximum authorized, the department shall pay a prorated portion of its share of cost. The client shall employ the chore service provider and shall pay the provider the full amount due for services rendered. If the client receives services exceeding those authorized by the department, or agrees to a rate of pay exceeding that

authorized by the department, the client shall be responsible for paying the amount exceeding the department's authorized service cost.

(6) The department shall compute an applicant's work-related expenses as follows:

(a) The department shall deduct work-related expenses in accordance with the "percentage method" or the "actual method," whichever is chosen by the client;

(b) If the client chooses the "percentage method," the department shall deduct twenty percent of the gross earned income;

(c) If the client chooses the "actual method," the department shall deduct the actual cost of each work-related expense. The department shall use this method only when the client provides written verification of all work related expenses claimed.

(d) When determined by the "actual method," allowable work expenses shall consist of:

(i) Child care;

(ii) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(iii) The necessary cost of transportation to and from the place of employment by the most economical means, not to include rental cars; and,

(iv) Expenses of employment necessary for continued employment, such as:

(A) Tools~~((;))~~;

(B) Materials~~((;))~~;

(C) Union dues~~((;))~~;

(D) Transportation to service customers if not furnished or reimbursed by the employer~~((;))~~; and

(E) Uniforms and clothing needed on the job but not suitable for wear away from the job.

(e) Even if verified, the department shall not count work-related expenses in excess of the applicant's gross earned income.

(f) The client shall have the option to change methods ~~((whenever he or she reports))~~ when reporting income to the appropriate department staff.

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

**WSR 89-18-027**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2855—Filed August 29, 1989, 2:05 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to public assistance households, amending WAC 388-49-070.

This action is taken pursuant to Notice No. WSR 89-14-054 filed with the code reviser on June 30, 1989. 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 74.05.510 [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 August 28, 1989.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-070 PUBLIC ASSISTANCE HOUSEHOLDS. ~~((+))~~ When a household files an application requesting public assistance and food stamps, the department shall:

- (1) Conduct a single interview at initial application ((for public assistance and food stamps:));
- (2) ~~((The department shall))~~ Not delay ~~((the household's))~~ food stamp benefits pending ~~((verification))~~ determination of ((the)) public assistance eligibility; and
- (3) Not require a new food stamp application filing if the department:
  - (a) Denies the public assistance request; or
  - (b) Terminates public assistance eligibility during a certification period.

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

**WSR 89-18-028**  
PERMANENT RULES  
DEPARTMENT OF LICENSING  
[Filed August 29, 1989, 2:05 p.m.]

Date of Adoption: August 25, 1989.

Purpose: To establish vessel dealer license and vessel decal fees to cover cost of vessel dealer registration program as required by statute.

Citation of Existing Rules Affected by this Order: Amending WAC 308-90-080.

Statutory Authority for Adoption: RCW 88.02.060(4).

Pursuant to notice filed as WSR 89-15-049 on July 19, 1989.

Effective Date of Rule: Thirty days after filing.

August 25, 1989  
Mary Faulk  
Director

AMENDATORY SECTION (Amending Order DLR-162, filed 1/19/88)

WAC 308-90-080 REGISTRATION FEE—RENEWAL. (1) Any firm desiring to be a dealer must include with the application the required registration fee of one hundred twenty dollars.

(2) Vessel dealers will reapply for a registration on or before the expiration of their registration.

(3) The annual registration renewal fee of sixty dollars must be paid on or before each renewal date. If an application for renewal is not received by the department on or before the last day of the expiration month the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days if renewal application and payment of the annual renewal fee then in default is received by the department. Registrations not renewed within thirty days of the renewal date then in default shall be cancelled. A new registration may be obtained by satisfying the procedures and qualifications for initial registration.

(4) If no department denial action is pending, the department shall issue a vessel dealer registration and renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee and renewal application. The dealer shall affix the decal as a prefix to the dealer registration number on any vessels operated on the waters pursuant to RCW 88.02.023. The fee for the initial decal shall be forty dollars. Additional decals may be issued for a fee of twenty dollars each.

**WSR 89-18-029**  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2856—Filed August 29, 1989, 2:07 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to social services for families, amending chapter 388-15 WAC.

This action is taken pursuant to Notice No. WSR 89-14-080 filed with the code reviser on June 30, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 28, 1989.

By Leslie F. James, Director  
Administrative Services

NEW SECTION

WAC 388-15-810 MEDICAID PERSONAL CARE SERVICES—LEGAL BASIS—PURPOSE. (1) Legal authority for Medicaid personal care services program is found under RCW 74.09.520 and in the Medicaid state plan.

(2) The purpose of the Medicaid personal care services program is to enable eligible individuals to remain

in community residences through the provision of semi-skilled maintenance or supportive services.

### NEW SECTION

**WAC 388-15-820 MEDICAID PERSONAL CARE SERVICES—DEFINITIONS.** (1) "Applicant" means a person who applied for Medicaid personal care services.

(2) "Client" means a person determined eligible for Medicaid personal care services.

(3) "Community Residence" means:

(a) The client's own home, whether in a building owned or rented by the client;

(b) A licensed adult family home under department contract;

(c) A licensed boarding home under department contract;

(d) A licensed children's foster family home; or

(e) A licensed group care facility.

(4) "Direct personal care services" means assistance with tasks involving direct client care which are directly related to the client's medical condition. Such assistance is limited to allowable help with the tasks listed under subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of this subsection. The type of help allowable for each task shall not include assistance that must be provided only by a licensed health professional.

(a) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, other basic personal hygiene, and grooming needs. Personal hygiene includes supervising client when performing the tasks, assisting client when caring for own appearance, and performing grooming tasks for client when unable to care for own appearance.

(b) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(c) "Bathing" means assisting client to wash self. Bathing includes supervising client who can bathe self when guided, assisting client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(d) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(e) "Toileting" means assistance with bladder or bowel problems. Toileting includes supervising the client when able to care for own toileting needs if guided, helping client to and from the bathroom, assisting with bedpan routines, diapering and lifting client on and off the toilet. Toileting may include performing routine peri/colostomy/catheter tasks, for the client when client is able to supervise the activities.

(f) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts

of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing the wheelchair, and providing constant physical assistance to the client if totally unable to walk alone or with a mechanical device.

(g) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steady-ing, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(h) "Positioning" means assisting the client to assume a desired position. Positioning includes assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits.

(i) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(j) "Body care" means assisting the client with exercises, skin care including the application of ointments or lotions, changing dry bandages or dressings not requiring professional judgment. Body care excludes foot care beyond washing of feet and filing toenails. Body care excludes foot care for clients who are diabetic or have poor circulation. Body care excludes changing bandages or dressings when sterile procedures are required. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

(k) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(l) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health and maintenance of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(5) "Handicapping condition" means a medical condition which causes a functional impairment in activities of daily living.

(6) "Household assistance" means assistance with incidental household services provided as an integral, but subordinate part of the personal care furnished directly to the client. Household assistance shall be considered an integral part of personal care when such assistance is directly related to a medical condition or to a service reflected in the client's service plan and is furnished along with a direct personal care service. The department shall not authorize household assistance as a Medicaid personal care task in an adult family home, licensed boarding home, children's foster family home, or children's group care facility.

(a) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate

in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(b) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(c) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(d) "Wood supply" means splitting, stacking, or carrying wood for the client and used as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. Using a chain saw or felling trees is not allowable.

(7) "Immediate family member" means the client's husband or wife, parent, or child.

(8) "Medicaid personal care services" means medical-ly-oriented tasks, directed at the client or the client's immediate environment, that are necessitated by a client's handicapping condition. Such services shall be:

- (a) Based on an assessment of applicant/client needs;
- (b) Provided in conformance with a service plan ordered by the client's attending physician;
- (c) Reviewed by a registered nurse at least every ninety days;
- (d) Performed by qualified and trained personal care aides, excluding members of the client's immediate family.

(9) "Medically-oriented tasks" means direct personal care services, household assistance provided as an integral but subordinate part of the personal care furnished directly to the client, and supervision.

(10) "Personal care aide" means a person meeting the qualification and training requirements established by the department and providing direct personal care services to clients. This person may be an employee of a qualified agency provider or may be under contract as a qualified individual provider.

(11) "Personal care provider" means a qualified agency provider or a qualified individual provider under department contract to provide Medicaid personal care services.

(12) "Personal care service plan" means a plan which is:

- (a) Developed by the department in cooperation with appropriate community agency staff;
- (b) Written and describes the personal care services which will be provided, frequency of provision, and expected outcomes;
- (c) Ordered by the client's attending physician.

(13) "Physician" means a doctor of medicine, osteopathy or podiatry, as defined under WAC 388-80-005(54), or the client's Christian Science practitioner.

(14) "Physician's order" means written approval by the client's attending physician of the specific personal services to be provided to the client.

(15) "Qualified agency provider" means a community agency which applied for licensing as a home care agency or home health agency.

(16) "Qualified individual provider" means a person meeting the individual provider qualifications established by the department.

(17) "Supervision" means being available to:

- (a) Help the client with personal care tasks that cannot be scheduled (toileting, ambulation, transfer, positioning, some medication assistance); and/or
- (b) Provide protective supervision to a client who cannot be left alone because of confusion, forgetfulness, or lack of judgment.

#### NEW SECTION

WAC 388-15-830 MEDICAID PERSONAL CARE SERVICES—ELIGIBILITY. (1) The department shall provide Medicaid personal care services to an individual:

- (a) Certified as a Title XIX categorically needy medical assistance client; and
  - (b) Programmatically eligible; that is, due to a handicapped condition, is determined to need Medicaid personal care services to remain in a community residence; and
  - (c) Residing in own residence, in a licensed and contracted adult family home, a licensed boarding home under department contract, a children's foster family home, or a children's group care facility; and
  - (d) With a physician's order approving provision of specific personal care services.
- (2) Eligibility shall begin upon date of the department's service authorization.
- (3) The department shall not authorize chore services or adult family home add-on services to an individual qualifying for Medicaid personal care service when the individual's service needs are met within the scope of the Medicaid personal care program.

#### NEW SECTION

WAC 388-15-840 MEDICAID PERSONAL CARE SERVICES—ASSESSMENT—AUTHORIZATION. (1) The department shall provide an assessment of individuals applying for, or being referred for, Medicaid personal care services.

- (2) The department shall use the approved assessment form in an interview with the applicant documenting:
  - (a) The applicant's functional capability to perform personal care tasks essential to health or safety;
  - (b) Current and potential care contributions by formal and informal supports available to the applicant;
  - (c) The applicant's preference for how care is provided.
- (3) When children are assessed, the assessor shall consider the personal care applicant's age in determining

if the degree of personal care needed is appropriate to the child's age, or the result of the applicant's functional impairment. The need for personal care services shall only be assessed for needs exceeding the level of age appropriate personal care.

(4) Assessment and reassessment shall be performed within the department-established time frames.

(5) The department shall be responsible for authorizing Medicaid personal care services.

(6) The number of hours authorized shall be based on the applicant/client's need for assistance with Medicaid personal care tasks as determined through the assessment process. Points shall be awarded for each task according to the degree of assistance needed, and the point total shall be converted into maximum allowable hours. The procedure for conversion of points to hours of service shall comply with WAC 388-15-212(7).

(7) The client's attending physician shall review and reauthorize the client's service plan at least once every six months.

#### NEW SECTION

WAC 388-15-850 MEDICAID PERSONAL CARE SERVICES—NURSE OVERSIGHT. (1) A registered nurse shall visit the client at least once every ninety days to:

(a) Review the client's medical and/or mental condition;

(b) Review the service plan determining if revisions are required and, if so, recommend revisions;

(c) Review the client's need for continued care;

(d) Assess the quality of personal care services received;

(e) Assess the personal care provider's need for additional training.

(2) The registered nurse shall document the result of an oversight visit on the department-prescribed form.

#### NEW SECTION

WAC 388-15-860 MEDICAID PERSONAL CARE SERVICES—PERSONAL CARE AIDE QUALIFICATIONS. (1) The department shall:

(a) Define minimum qualifications for personal care aides and require aides meet the qualifications;

(b) Define minimum orientation and training requirements for personal care aides and require documentation stating minimum requirements are met;

(c) Definitions for minimum qualifications and training requirements for personal care aides shall be contained in the department's field manual for Medicaid personal care.

#### NEW SECTION

WAC 388-15-870 MEDICAID PERSONAL CARE SERVICES—SERVICE PROVISION SYSTEM. (1) Area agencies on aging shall contract with

qualified agency providers to perform Medicaid personal care services at the department-established rate.

(2) Area agencies on aging shall provide or contract for registered nurse oversight for personal care services.

(3) The department shall contract with area agencies on aging to assume the above responsibilities.

(4) The department shall contract with qualified individual providers to perform Medicaid personal care services at the department-established rate.

(5) Agency providers shall deliver services to clients in the clients' own residences unless the personal care service plan exceeds eightyfive hours per month. Clients shall have freedom of choice in selecting a qualified agency provider.

(6) Individual providers under contract with the department shall deliver services to clients in the clients' own residence when the personal care service plan exceeds eighty-five hours per month. Clients shall have freedom of choice in selecting a qualified individual provider.

(7) Adult family home (AFH) sponsors or licensed boarding home staff shall provide services to clients in an AFH or licensed boarding home. Foster parents or group care facility staff shall provide services to children in a foster family home or group care facility. Clients shall have freedom of choice in selecting a licensed AFH or boarding home, provided the AFH or boarding home can meet their personal care needs.

#### NEW SECTION

WAC 388-15-880 PAYMENT AND AUTHORIZATION. Payment and authorization.

(1) In the individual provider program, the department pays an hourly rate directly to the service provider. No in-home personal care service plans shall authorize services by an individual provider unless the service need exceeds eighty-five hours per month.

(2) In the contracted program, the department pays the contractor who pays the service provider.

(3) The department pays an hourly rate of five dollars and thirty-six cents for actual hours worked in providing Medicaid personal care services.

(4) No contractor shall pay service providers performing Medicaid personal care services less than five dollars and fifteen cents per hour.

(5) Authorizations for in-home Medicaid personal care services shall not exceed seven hundred seventy-two dollars and ten cents per month.

(6) Authorizations for Medicaid personal care in an adult family home shall not exceed sixty hours of service per month.

(7) Authorizations for Medicaid personal care in a licensed boarding home under department contract shall not exceed thirty hours per month.

(8) Payment shall not be made for services provided exceeding the department's authorization.

**WSR 89-18-030**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2857—Filed August 29, 1989, 2:08 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-49-410 Resources—Exempt.  
 Amd WAC 388-49-430 Resources—Vehicles.

This action is taken pursuant to Notice No. WSR 89-14-055 filed with the code reviser on June 30, 1989. 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 August 29, 1989.

By Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2662, filed 8/2/88)

WAC 388-49-410 RESOURCES—EXEMPT. (1) The department shall exempt the following resources:

- (a) An occupied home and surrounding property not separated by intervening property owned by others;
- (b) An unoccupied home and surrounding property if:
  - (i) The household intends to return to the home; and
  - (ii) The house is unoccupied due to:
    - (A) Employment;
    - (B) Training for future employment;
    - (C) Illness; or
    - (D) Uninhabitability due to casualty or natural disaster.
- (c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;
- (d) Personal effects;
- (e) Household goods;
- (f) One burial plot per household member;
- (g) Cash value of:
  - (i) Life insurance policies; and
  - (ii) Pension funds.
- (h) Vehicles as provided under WAC 388-49-430;
- (i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (f);
- (j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;

(k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

(l) Property essential to the employment or self-employment of a household member. Property excluded under this provision because the property is used by a self-employed farmer shall retain its exclusion for one year from the date the household member terminates self-employment from farming;

(m) Resources held separately by nonhousehold members, a person disqualified for noncompliance with work registration requirements, or an ineligible student;

(n) Indian lands:

(i) Held jointly with the tribe; or

(ii) Sold only with the approval of the Bureau of Indian Affairs.

(o) Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;

(p) Cash value of resources not accessible to the household;

(q) Funds in a trust and the income produced by that trust, to the extent they are not available;

(r) Resources excluded by express provision of federal law from consideration in the food stamp program;

(s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;

(t) Value of the property sold under an installment contract;

(u) The value of property held for security if the purchase price is consistent with fair market value;

(v) Real or personal property when:

(i) Secured by a lien as a result of obtaining a business loan; and

(ii) The security or lien agreement prohibits the household from selling the asset or assets.

(w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;

(x) Energy assistance payments or allowances made under federal, state, or local laws; and

(y) Resources of persons residing in shelters for battered women and children if:

(i) The resources are jointly owned with members of the former household; and

(ii) Access to the resources depends on the agreement of the joint owner.

(2) Exempt funds commingled in an account with nonexempt funds shall continue to be exempt for up to six months from the date they are commingled.

**AMENDATORY SECTION** (Amending Order 2575, filed 12/31/87)

WAC 388-49-430 RESOURCES—VEHICLES.

(1) The department shall exclude the entire value of a licensed vehicle if it is:

(a) Used for income-producing purposes over fifty percent of the time it is in use. A vehicle excluded under

this provision because the vehicle is used by a self-employed farmer shall retain its exclusion for one year from the date the household member terminates self-employment from farming;

(b) Annually producing income consistent with its fair market value;

(c) Essential to the employment of a household member, ineligible aliens, or disqualified persons whose resources are considered available to the household. This exclusion applies only if the vehicle is necessary for long distance travel other than daily commuting;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home; or

(f) Necessary to transport a physically disabled household member, ineligible aliens, or disqualified persons whose resources are available to the household. The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall exclude the entire value of unlicensed vehicles:

(a) Driven by Indian tribal members on those reservations not requiring vehicle licensing, and

(b) Meeting one of the provisions in subsection (1) of this section.

(3) The department shall continue the exclusions described in subsection (1) and (2) of this section when the vehicle is not in use because of temporary unemployment.

(4) The department shall:

(a) Determine the fair market value of all licensed vehicles not excluded in subsections (1) and (2) of this section. Fair market value will be determined by the value of those vehicles as listed in publications written for the purpose of providing guidance to automobile dealers and loan companies; and

(b) Count the fair market value of each vehicle in excess of four thousand five hundred dollars toward the household's resource maximum.

(5) The department shall determine the equity value of all licensed vehicles except:

(a) Those excluded in subsections (1) and (2) of this section,

(b) One licensed vehicle per household regardless of the use of the vehicle, and

(c) Any other licensed vehicle used for:

(i) Transportation to and from employment,

(ii) Seeking employment, or

(iii) Transportation for training or education which is preparatory to employment.

(6) The department shall count the equity value of licensed and unlicensed vehicles not excluded in subsections (1), (2), and ~~((4))~~ (5) of this section toward the household's maximum allowable resource limit.

(7) The department shall consider only the greater amount as a resource if the vehicle has:

(a) A countable fair market value in excess of four thousand five hundred dollars, and

(b) A countable equity value.

**WSR 89-18-031**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2858—Filed August 29, 1989, 2:09 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal care services, new WAC 388-86-087.

This action is taken pursuant to Notice No. WSR 89-14-058 filed with the code reviser on June 30, 1989. 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 19, Laws of 1989 1st ex. sess. 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 August 29, 1989.

By Leslie F. James, Director  
 Administrative Services

**NEW SECTION**

WAC 388-86-087 PERSONAL CARE SERVICES. The department shall authorize personal care services to eligible categorically needy persons under Title XIX as provided under WAC 388-15-810, 388-15-820, 388-15-830, 388-15-840, 388-15-850, 388-15-860, and 388-15-870.

**WSR 89-18-032**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2859—Filed August 29, 1989, 2:10 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-81-052 Receipt of resources without giving adequate consideration.

Amd WAC 388-92-043 Transfer of resources without adequate consideration.

Rep WAC 388-93-070 Transfer of resources within two years prior to application.

This action is taken pursuant to Notice No. WSR 89-14-057 filed with the code reviser on June 30, 1989. 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 87, Laws of 1989 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 August 29, 1989.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2073, filed 2/1/84)

WAC 388-81-052 RECEIPT OF RESOURCES WITHOUT GIVING ADEQUATE CONSIDERATION. (1) The department shall find any person ((who knowingly and wilfully receives nonexempt resources transferred or assigned for less than fair market value after December 1, 1981, and within two years preceding the application for medical care, to enable an applicant or recipient to qualify or continue to qualify for Title XVI related medical assistance or the limited casualty program for the medically needy, is)) liable for a civil penalty and ((is)) subject to referral for criminal prosecution for commission of a gross misdemeanor if the:

(a) Person knowingly and willingly receives nonexempt resources for less than fair market value;

(b) Nonexempt resources were transferred or assigned after December 1, 1981 and before July 1, 1989; and

(c) Transfer enables an applicant or recipient to qualify or continue to qualify for Title XVI related medical assistance or the limited casualty program for the medically needy.

(2) The department shall find no liability for resources transferred for less than fair market value made after June 30, 1989.

(3) Definitions:

(a) Transfer shall mean any act or omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

- (i) An intentional act or transfer; or
- (ii) Failure to act to preserve title to the resource.

(b) Fair market value means the reasonable value of a resource at the time of transfer or assignment.

(c) Uncompensated value means the fair market value of a resource minus the amount of compensation received in exchange for the resource.

(d) Value of compensation received means the consideration paid or agreed to be paid by the purchaser.

(e) Compensation includes:

(i) All money, real or personal property, food, shelter, or services received by the individual:

(A) At or after the time of transfer in exchange for the resource if the compensation was provided pursuant to a binding (legally enforceable) agreement in effect at the time of transfer; or

(B) ((Prior to)) Before the actual transfer if ((they were)) the compensation was provided pursuant to a

binding (legally enforceable) agreement whereby the eligible individual ~~((would))~~ transfers the resource or otherwise pays for such item.

(ii) The payment or assumption of a legal debt owed by the individual in exchange for the resource.

~~((3))~~ (4) WAC 388-28-461, 388-28-462, and 388-28-465 are incorporated by reference and apply to this section, with the exception to the reference therein to WAC 388-28-460.

~~((4))~~ (5) The voluntary transfer or assignment of resources between spouses is permitted without affecting eligibility or continued eligibility of the spouse ~~((who transfers(ed)))~~ transferring or ~~((assigns(ed)))~~ assigning the resources.

~~((5))~~ (6) The amount of the civil penalty shall be equal to the uncompensated value of the cash or resources transferred or assigned at less than fair market value.

~~((6))~~ (7) The civil penalty shall not exceed the cost of assistance rendered by the department to the recipient.

~~((7))~~ (8) Written notice of imposition of the civil penalty shall be provided by personal service or certified mail to the individual or entity subject to the civil penalty.

~~((8))~~ (9) The person or entity alleged to be subject to the civil penalty under this section has the right to request a hearing to appeal the determination, and said hearing shall be in accordance with the administrative procedures in chapter 388-08 WAC except as modified by this section.

(a) There is a rebuttable presumption that a person who received cash or other nonexempt resources from an applicant or recipient for less than fair market value within two years preceding the date of application for medical care, did so knowingly and ~~((wilfully))~~ willfully for the purpose of enabling the applicant or recipient to qualify or continue to qualify for assistance.

(b) The person has the right to offer evidence to rebut the presumption that the transfer or assignment was made for purposes of enabling the applicant or recipient to qualify or continue to qualify for assistance and that the person knowingly and ~~((wilfully))~~ willfully received the resource for such purpose.

(c) The prevailing party in such an action shall be awarded reasonable attorney fees.

AMENDATORY SECTION (Amending Order 2073, filed 2/1/84)

WAC 388-92-043 TRANSFER OF RESOURCES WITHOUT ADEQUATE CONSIDERATION. (1) This section ~~((is to))~~ shall implement Second Substitute House Bill No. 557 effective December 1, 1981.

(2) The department shall find an individual ((is)) ineligible for Title XVI categorical medical assistance or the medically needy component of the limited casualty program for a period determined under this section if:

(a) The person knowingly and ((wilfully)) willfully assigns or transfers nonexempt resources at less than fair market value after December 1, 1981((-for));

(b) The individual's purpose of qualifying or continuing to qualify for ((such)) medical care within two years

~~((preceding))~~ precedes the date of application for ~~((such))~~ care; and

~~(c)~~ Transfer occurred before July 1, 1989.

~~(3)~~ For transfers made after June 30, 1989, the department shall not impose a penalty under this section. The department shall evaluate transfers for institutionalized individuals under WAC 388-95-395.

~~(4)~~ Definitions:

~~(a)~~ Transfer ~~((shall))~~ means any act or omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person~~((; including))~~.

~~(i)~~ Transferring property includes delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property.

~~(ii)~~ Transfer of title to a resource occurs by:

~~((i))~~ ~~(A)~~ An intentional act or transfer; or

~~((ii))~~ ~~(B)~~ Failure to act to preserve title to the resource.

~~(b)~~ Fair market value means the reasonable value of a resource at the time of transfer or assignment.

~~(c)~~ Uncompensated value means the fair market value of a resource at the time of transfer minus the amount of compensation received in exchange for the resource.

~~(d)~~ Value of compensation received means the consideration paid or agreed to be paid by the purchaser.

~~(e)~~ Compensation includes:

~~(i)~~ All money, real or personal property, food, shelter, or services received by the individual:

~~(A)~~ At or after the time of transfer in exchange for the resource if the compensation was provided pursuant to a binding (legally enforceable) agreement in effect at the time of transfer; or

~~(B)~~ ~~((Prior to))~~ Before the actual transfer if ~~((they were))~~ compensation was provided pursuant to a binding (legally enforceable) agreement whereby the eligible individual would transfer the resource or otherwise pay for such item.

~~(ii)~~ The payment or assumption of a legal debt owed by the individual in exchange for the resource.

~~((4))~~ ~~(5)~~ WAC 388-28-461, 388-28-462, and 388-28-465 ~~((are))~~ shall be incorporated by reference and apply to this section, with the exception to the reference ~~((therein to))~~ described under WAC 388-28-460.

~~((5))~~ ~~(6)~~ The voluntary transfer or assignment of resources between spouses is permitted without affecting eligibility or continued eligibility of the spouse ~~((who transfers(ed)))~~ transferring or ~~((assigns(ed)))~~ assigning the resources.

~~((6))~~ ~~(7)~~ The uncompensated fair market value of the ~~((resource))~~ assigned or transferred resource and the corresponding ineligibility periods ~~((of ineligibility))~~ from the date of transfer ~~((are))~~ shall be as follows:

(a) Dollar Amount of Uncompensated Value	Months of Ineligibility
\$ 0 - \$ 1,000	1
1,001 - 2,000	2
2,001 - 3,000	3
3,001 - 4,000	4

Dollar Amount of Uncompensated Value	Months of Ineligibility
4,001 - 5,000	5
5,001 - 6,000	6
6,001 - 7,000	7
7,001 - 8,000	8
8,001 - 9,000	9
9,001 - 10,000	10
10,001 - 11,000	11
11,001 - 12,000	12
12,001 - 13,500	13
13,501 - 15,000	14
15,001 - 16,500	15
16,501 - 18,000	16
18,001 - 19,500	17
19,501 - 21,000	18
21,001 - 22,500	19
22,501 - 24,000	20
24,001 - 25,500	21
25,501 - 27,000	22
27,001 - 28,500	23
28,501 - 30,000	24
30,001 - 31,667	25
31,668 - 33,333	26
33,334 - 35,000	27
35,001 - 36,667	28
36,668 - 38,333	29
38,334 - 40,000	30
40,001 - 41,667	31
41,668 - 41,333	32
41,334 - 45,000	33
45,001 - 46,667	34
46,668 - 48,333	35
48,334 - 50,000	36
Over \$ 50,000	48

~~(b)~~ The period of ineligibility shall not include partial months.

~~((7))~~ ~~(8)~~ If a transferred resource is returned to the individual, the uncompensated value ~~((is))~~ shall no longer be counted as of the date of return. The returned asset ~~((with))~~ shall be treated as a resource as of the first day of the following month.

~~((8))~~ ~~(9)~~ If the individual receives additional compensation in the form of cash for the transferred resource, the uncompensated value ~~((with))~~ shall be reduced by the amount of the additional compensation as of the date the additional compensation is received. The additional compensation ~~((with))~~ shall be treated as a resource as of the first day of the following month.

~~((9))~~ ~~(10)~~ The period of ineligibility may be waived if ~~((it is determined that))~~ the department determines the application of the period of ineligibility shall cause undue hardship.

~~((10))~~ ~~(11)~~ The department determines a person ~~((determined to be))~~ is ineligible for medical care under this section ~~((has))~~ and shall have the right to request a hearing to appeal the determination, except as modified by this section~~((;))~~. The procedure for the hearing is described under chapter 388-08 WAC.

(a) At a hearing, the department shall have the burden of proving ~~((that))~~ the:

(i) Person knowingly and ~~((willfully assigned))~~ willfully assigns or ~~((transferred))~~ transfers cash or other ~~((resource(s)))~~ resource at less than fair market value for the purpose of qualifying or continuing to qualify for assistance ~~((is on the department));~~ and ~~((the))~~

(ii) Burden of proof is a preponderance of the evidence.

(b) When the appellant is the prevailing party in the hearing, the appellant shall be awarded reasonable attorney fees.

~~((11))~~ (12) See WAC 388-81-052 for civil penalties ~~((to be applied));~~

(a) Applying to persons ~~((who have received))~~ receiving nonexempt resources; and ~~((did))~~

(b) Not ~~((give))~~ giving the recipient adequate consideration.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-93-070 TRANSFER OF RESOURCES WITHIN TWO YEARS PRIOR TO APPLICATION.

WSR 89-18-033  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Order 2860—Filed August 29, 1989, 2:10 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to services available to recipients of categorical needy medical assistance, amending WAC 388-86-005; Payment—Eligible providers defined, amending WAC 388-87-005; and repealing WAC 388-86-02301 and 388-87-04701.

This action is taken pursuant to Notice No. WSR 89-13-082 filed with the code reviser on June 21, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 29, 1989.

By Leslie F. James, Director  
Administrative Services

#### AMENDATORY SECTION (Amending Order 2600 [2811], filed 3/2/88 [6/8/89])

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF CATEGORICAL NEEDY MEDICAL ASSISTANCE. (1) The department shall provide the following Title XIX mandatory services:

(a) Early and periodic screening diagnosis and treatment services to eligible individuals ~~((under twenty=one))~~ twenty years of age or under;

(b) Family planning services;

(c) Home health agency services;

(d) Inpatient and outpatient hospital care;

(e) Other laboratory and x-ray services;

(f) Skilled nursing home care;

(g) Certified registered nurse practitioner services; and

(h) Physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) The department shall provide the following Title XIX optional services:

(a) Anesthetization services;

(b) Blood;

(c) ~~((Chiropractic services;))~~

~~((d))~~ Drugs and pharmaceutical supplies;

~~((e))~~ (d) Eyeglasses and examination;

~~((f))~~ (e) Hearing aids and examinations;

(f) Hospices services;

(g) Nurse and licensed midwife services;

(h) Oxygen;

(i) Personal care services;

(j) Physical therapy services;

~~((j))~~ (k) Private duty nursing services;

~~((k))~~ (l) Rural health clinic services;

~~((l))~~ (m) Surgical appliances;

~~((m))~~ (n) Prosthetic devices and certain other aids to mobility; and

~~((n))~~ (o) Dental services.

(3) The department shall limit organ transplants ~~((shall be limited))~~ to the cornea, heart, kidney, liver, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys ~~((shall be provided))~~ in the home, hospital, and kidney center. See WAC 388-86-050(5).

(5) The department shall provide detoxification and medical stabilization to chemically dependent pregnant women in a hospital or on an outpatient basis.

(6) The department shall not provide treatment to detoxify narcotic addiction cases, other than pregnant women, in a hospital or on an outpatient basis ~~((shall not be provided))~~ as a part of the medical assistance program. The department shall provide treatment for concurrent diseases and complications.

~~((6))~~ (7) The department shall provide detoxification of an acute alcoholic condition ~~((shall be provided))~~ only in a certified detoxification center or in a general hospital with certified detoxification facilities.

~~((7))~~ (8) The department shall approve requested services:

(a) That are listed in this section; and

(b) Where evidence is obtainable to establish medical necessity, ~~((as))~~ defined ~~((m))~~ under WAC 388-80-005, if the recipient or provider submits sufficient objective clinical information ~~((f))~~ including, but not limited to ~~((:))~~:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports; and

(iv) Patient profiles ~~((:))~~.

~~((8))~~ (9) The department shall deny a request for medical services ~~((shall be denied by the department))~~ if the requested service is:

(a) ~~((s))~~ Not medically necessary as defined ~~((m))~~ under WAC 388-80-005; or

(b) ~~((s))~~ Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

~~((9))~~ (10) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) If additional justifying information is necessary before a decision can be made, ~~((the request shall be))~~ neither ~~((approved))~~ approve nor ~~((denied))~~ deny the request, but shall ~~((be returned))~~ return the request to the provider within five working days of the original receipt. If additional justifying information is:

(i) ~~((s))~~ Not returned within thirty days of the date ~~((it))~~ the request was returned to the provider, then the department shall approve or deny the original request ~~((shall be approved or denied))~~.

(ii) ~~((s))~~ Returned to the department, the department shall act on the request ~~((shall be acted upon))~~ within five working days of the receipt of the additional justifying information.

~~((10))~~ (11) ~~((Whenever))~~ When the department denies a request for medical services, the department shall, within five working days of the decision, give the recipient and the provider written notice of the denial ~~((to the recipient and the provider))~~. The notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service ~~((:))~~;

(b) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing ~~((:))~~;

(c) The recipient may be represented at the hearing by legal counsel or other representative ~~((:))~~;

(d) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office ~~((:))~~; and

(e) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department.

~~((11))~~ (12) For services available under:

(a) The limited casualty program—medically needy ~~((f))~~, see chapter 388-99 WAC ~~((:))~~; and

(b) The limited casualty program—medically indigent ~~((f))~~, see chapter 388-100 WAC ~~((:))~~.

~~((12))~~ (13) The department may require a second opinion and/or consultation prior to the approval of any elective surgical procedure.

~~((13))~~ (14) The department shall designate those surgical procedures which:

(a) Can be performed in other than a hospital in-patient setting; and

(b) Require prior approval by the ~~((area medical))~~ central authorization unit for a hospital admission.

~~((14))~~ (15) The department shall assure the ~~((availability))~~ availability ~~((:))~~ of necessary transportation to and from covered Title XIX medical services.

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

**Reviser's note:** RCW 34.05.395 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 2665, filed 8/2/88)

WAC 388-87-005 PAYMENT—ELIGIBLE PROVIDERS DEFINED. (1) The following providers shall be eligible for enrollment to provide medical care services:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, midwifery, nursing, ~~((chiropractic))~~ dental hygiene, or physical therapy;

(b) A hospital currently licensed by the department;

(c) A nursing home currently licensed and classified by the department as a skilled nursing or intermediate care facility;

(d) A licensed pharmacy;

(e) A home health services agency certified according to chapter 70.126 RCW;

(f) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the Medicare requirements for such participation;

(g) A company or individual, not excluded in subsection (3) of this section, supplying items vital to the provision of medical care services such as ambulance service, oxygen, eyeglasses, other appliances, or approved services, not otherwise covered by this section;

(h) A provider of screening services that has signed an agreement with the department to provide such services to eligible individuals in the early and periodic screening and diagnosis and treatment (EPSDT) program;

(i) A qualified and approved center for the detoxification of acute alcoholic conditions;

(j) A qualified and approved outpatient clinical community mental health center, an approved inpatient psychiatric facility, drug treatment center, or Indian health service clinic;

(k) A Medicare certified rural health clinic;

(l) Approved prepaid health maintenance, prepaid health plans and/or health insuring organizations; and

(m) An out-of-state provider of services listed in subsection (1)(a) through (k) of this section subject to conditions specified in WAC 388-87-105.

(2) Under the mandatory and discretionary provision of RCW 74.09.530, the services of the following practitioners shall not be furnished to applicants or recipients:

- (a) Sanipractors;
- (b) Naturopaths;
- (c) Homopathsists;
- (d) Herbalists;
- (e) Masseurs or manipulators;
- (f) Christian Science practitioners or theological healers; and
- (g) Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

(3) Conditions of eligibility.

(a) Nothing in this section shall bind the department to enroll all eligible providers capable of delivering covered services. The department shall demonstrate its plan for service delivery creates adequate access to covered services.

(b) When a provider has a restricted professional license or has been terminated, excluded, or suspended from the Medicare/Medicaid programs, the department shall not authorize provider eligibility unless the department has determined the violations leading to the sanction or license restriction are not likely to be repeated. In its determination, the department shall consider whether the provider has been convicted of offenses related to the delivery of professional or other services not considered during the development of the previous sanction.

(c) The department shall not reinstate in the medical assistance program, a provider suspended from Medicare or suspended by the department of health and human services (DHHS) until notified by DHHS that the provider may be reinstated.

(d) Nothing in this subsection shall preclude the department from denying provider enrollment if, in the opinion of the medical director, division of medical assistance, the provider constitutes a danger to the health and safety of recipients.

#### REPEALER

The following section of the Washington Administration Code is repealed:

WAC 388-86-02301 CHIROPRACTIC SERVICES.

#### REPEALER

The following section of the Washington Administration Code is repealed:

WAC 388-87-04701 PAYMENT—CHIROPRACTIC SERVICES.

**WSR 89-18-034**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2853—Filed August 29, 1989, 2:12 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New WAC 388-86-047 Hospice services.  
 New WAC 388-87-067 Payment—Hospice services.

This action is taken pursuant to Notice No. WSR 89-14-082 filed with the code reviser on June 30, 1989. 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 427, Laws of 1989 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 August 28, 1989.

By Leslie F. James, Director  
 Administrative Services

#### NEW SECTION

WAC 388-86-047 HOSPICE SERVICES. (1) For the purposes of this section, hospice services means a medically-directed, interdisciplinary program of palliative services for terminally ill recipients and the recipient's families.

(2) Hospice services shall be furnished by a hospice Medicare Title XVIII certified ((hospice)) agency.

(3) The department shall authorize hospice services, including:

(a) Nursing care by or under the supervision of a registered nurse;

(b) Medical social services under the direction of a physician;

(c) Physician services performed by a doctor of medicine or osteopathy;

(d) Counseling services;

(e) Short-term inpatient care:

(i) In a participating hospice inpatient unit, participating hospital, skilled nursing facility (SNF); or

(ii) In an intermediate care facility (ICF) is limited to respite care;

(iii) When the services conform to a written plan of care; and

(iv) When the unit, hospital, SNF, or ICF meets the hospice staff and patient area standards.

(f) Medical appliances and supplies, including drugs and biologicals used while the individual is under hospice care;

(g) Home health aide services, under the direction of a registered nurse; or

(h) Physical therapy, occupational therapy, and speech-language pathology services.

(4) ~~((The department)) Hospice coverage shall ((designate the length of hospice services an individual is provided up to a maximum of)) be available to a person for at least two hundred ten days. The department may subdivide the hospice coverage time into two or more periods.~~

(5) The department shall pay the Medicaid hospice rate for daily care as:

- (a) Routine home;
- (b) Continuous home;
- (c) Inpatient respite; or
- (d) General inpatient.

(6) The department shall provide hospice services to a recipient:

(a) Categorically needy under the Medicaid program;

(b) Certified as terminally ill. For this program, an individual is defined as terminally ill if the individual has a medical prognosis that the individual's life expectancy is six months or less;

(c) With a caretaker in the residence;

(d) Requesting, in writing, hospice care voluntarily in lieu of other medical services, and

(e) Accepted by the designated hospice agency.

(7) While receiving hospice care, an individual shall waive all rights to Medicaid payments for:

(a) Hospice care provided by a hospice other than the hospice designated by the terminally ill patient or arranged by the designated hospice; and

(b) Medicaid services for treatment of the terminal or related condition for which hospice care is received or for services equivalent to the hospice care, except the services of or arranged by the designated hospice.

(8) A recipient may request voluntarily, in writing, to revoke the election of the hospice services.

**Reviser's note:** The unnecessary underscoring and deletion marks in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

**WAC 388-87-067 PAYMENT—HOSPICE SERVICES.** (1) The department shall establish and pay the Medicaid reimbursement rate based on the methodology used in setting Medicare rates for daily care as:

- (a) Routine home;
- (b) Continuous home;
- (c) Inpatient respite; or
- (d) General inpatient.

(2) The department shall pay prospective rates that vary according to the level of care the individual is furnished.

(3) Payments to a hospice for inpatient care shall be limited, annually, according to the number of days of inpatient care the Medicaid patients are furnished.

(4) The department shall include in the reimbursement rates, to a hospice:

- (a) Cost of administrative or supervising physician services;
- (b) An additional usual Medicaid reimbursement amount for direct physician care to a hospice patient by an attending physician employed by hospice; and

(c) Nondirect patient care services.

(5) The department shall pay an attending physician not employed by the hospice the usual Medicaid reimbursement amount for direct physician care to a hospice patient.

(6) The department shall establish and pay to the hospice a room and board amount for SNF and ICF residents receiving hospice services within the SNF or ICF. The department shall discontinue Medicaid payments to the SNF or ICF for the hospice patient.

## **WSR 89-18-035**

### **PERMANENT RULES**

### **DEPARTMENT OF**

### **SOCIAL AND HEALTH SERVICES**

### **(Public Assistance)**

[Order 2854—Filed August 29, 1989, 2:13 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to definitions, amending WAC 388-49-020.

This action is taken pursuant to Notice No. WSR 89-14-053 filed with the code reviser on June 30, 1989. 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 August 28, 1989.

By Leslie F. James, Director  
Administrative Services

## AMENDATORY SECTION (Amending Order 2770, filed 3/2/89)

**WAC 388-49-020 DEFINITIONS.** (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not an individual committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by department action or failure to act when the household properly and accurately reported all the household's circumstances to the department.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to ~~((conduct contested case hearings))~~ preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult non-household member sufficiently aware of household circumstances designated in writing by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), (c), or (d), who is:

(a) A person paying reasonable compensation to the household for lodging and meals; or

(b) A foster child.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone under eighteen years of age and under parental control.

(14) "Collateral contact" means contact with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(17) "Destitute household" means a household with migrant or seasonal workers with little or no income at the time of application in need of immediate food assistance.

(18) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran with service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC), or considered in need of regular aid and attendance, or permanently housebound under such title;

(d) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act;

(f) Receives disability retirement benefits from a federal, state, or local government agency, because of a disability considered permanent under section 221(i) of the Social Security Act; ~~((or))~~

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act; or

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(19) "Documentary evidence" means written confirmation of a household's circumstances.

(20) "Documentation" means the process of recording the source, date, and content of verifying information.

(21) "Elderly person" means a person sixty years of age or older.

(22) "Eligible food" means, for a homeless food stamp household, meals prepared for and served by an authorized homeless meal provider.

(23) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(24) "Equity value" means fair market value less encumbrances.

(25) "Expedited services" means quick provision of food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross income and liquid resources which are less than the household's current monthly rent or mortgage and actual utility costs; or

(d) Includes all members who are homeless individuals; or

(e) Includes destitute migrant or seasonal farm workers.

(26) "Fair hearing" means ~~((a hearing conducted by the office of administrative hearings at the client's request to decide whether action taken or intended action by the department is correct))~~ an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(27) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(28) "Food coupon" means food stamps and the two terms are interchangeable.

(29) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(30) "Food stamp monthly reporting cycle" means the budget month, the process month, and the payment month.

(31) "Gross income eligibility standards" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(32) "Group living arrangement" means a public or private nonprofit residential setting serving no more than sixteen residents certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(33) "Head of household" means:

(a) The person designated by the household to be named on the case file, identification card, and FCA card;

(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:

(i) The employment involves at least twenty hours per week; and

(ii) The person is not living with a parent or a person fulfilling that role who is:

(A) Registered for work,

(B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or

(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.

(34) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

(35) "Homeless food stamp household" means an eligible food stamp household having no fixed mailing address or not residing in a permanent dwelling.

(36) "Homeless meal provider" means a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by division of income assistance (DIA) and authorized by FNS.

(37) "Household" means the basic client unit in the food stamp program.

(38) "Household disaster" means when food purchased with food stamps are destroyed by a natural disaster, such as flood, fire, etc.

(39) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(40) "Inadvertent household error overissuance" means any overissuance caused by misunderstanding or unintended error on the part of the household.

(41) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work registration requirements;

(d) Status as an ineligible alien;

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

(42) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(43) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admission to the course.

(44) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended prior to August 8, 1983, consists of any action by an individual or individuals to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous non-food items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

(45) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(46) "Live-in attendant" means an individual residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(47) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

(48) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(49) "Migrant farmworker" means an individual working in seasonal agricultural employment and who is required to be absent overnight from his or her permanent place of residence.

(50) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(51) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as:

- (a) A roomer;
- (b) A live-in attendant; or
- (c) An individual who does not purchase and prepare meals with the food stamp household.

(52) "Nonstriker" means any person:

- (a) Exempt from work registration the day prior to the strike for reasons other than their employment;
- (b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;
- (c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or
- (d) Unable to work because workplace is closed by employer in order to resist demands of employees, e.g., a lockout.

(53) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(54) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(55) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(56) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

(57) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(58) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(59) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

(60) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(61) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

(62) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(63) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(64) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(65) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(66) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(67) "Resident of an institution" means a person who resides in an institution that provides the individual with the majority of meals as part of the institution's normal service.

(68) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

(69) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(70) "Roomer" means an individual to whom a household furnishes lodging, but not meals, for compensation.

(71) "Seasonal farmworker" means an individual working in seasonal agricultural employment who is not required to be absent from his or her permanent place of residence overnight.

(72) "Shelter costs" means:

- (a) Rent or mortgage payments plus taxes on a dwelling and property;
- (b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;
- (c) Assessments;
- (d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;
- (e) Standard basic telephone allowance;
- (f) Initial installation fees for utility services; and
- (g) Continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home including interest on such payments.

(73) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(74) "Sibling" means a natural, adopted, half brother or stepbrother or natural, adopted, half sister or stepsister.

(75) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(76) "Sponsored alien" means an alien lawfully admitted for permanent residence.

(77) "Spouse" means:

- (a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(78) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(79) "Student" means any person:

(a) Between eighteen and sixty years of age,

(b) Physically and mentally fit for employment, and

(c) Enrolled at least half time in an institution of higher education.

(80) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

(81) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(82) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an aid to families with dependent children (AFDC) grant as his or her own payee;

(b) Receiving gross income equal to, or exceeding, the AFDC grant payment standard; or

(c) Married.

(83) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(84) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(85) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

**WSR 89-18-036**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2861—Filed August 29, 1989, 2:14 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to prospective eligibility, prospective budgeting and retrospective budgeting, amending WAC 388-28-483.

This action is taken pursuant to Notice No. WSR 89-13-080 filed with the code reviser on June 21, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 29, 1989.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2613, filed 3/23/88)

WAC 388-28-483 PROSPECTIVE ELIGIBILITY, PROSPECTIVE BUDGETING, AND RETROSPECTIVE BUDGETING. (1) Definitions. The department shall call the:

(a) ~~((The))~~ Calendar month for which payment is made ~~((shall be called))~~, the payment month.

(b) ~~((The))~~ Second calendar month preceding the payment month ~~((shall be called))~~, the budget month.

(c) ~~((The))~~ Calendar month between the budget month and the payment month ~~((shall be called))~~, the process month.

(2) Eligibility determination. The department shall determine eligibility based on the best estimate of income and circumstances ~~((which will exist))~~ existing in the payment month.

(3) Prospective budgeting.

(a) Except as specified ~~((in))~~ under subsections (3)(d) and (4)(a) of this section, the department shall budget all income prospectively for the first two months of initial eligibility, including income of an individual added to an existing assistance unit.

(b) The department shall compute the amount of the assistance payment based on the expected income and circumstances ~~((which will exist))~~ existing in the payment month.

(c) The department shall:

(i) Establish an overpayment if the income is underestimated~~((;))~~; and

(ii) Issue a corrective payment if the income is overestimated.

(d) The department shall budget income prospectively for one month if the case has been closed less than one month and the case was closed in the first prospective month.

(4) Retrospective budgeting.

(a) The department shall retrospectively budget all income for the first two months of initial eligibility if one of the following exist:

- (i) A case is reopened as terminated in error; ((or))
- (ii) An individual having had income deemed to an assistance unit is added to that assistance unit; ((or))
- (iii) Assistance had been suspended as specified ((in)) under subsection (5)((:)) of this section and:

(A) The initial month follows the month of suspension((:)); and

(B) The family's circumstances for the initial authorization month have not changed significantly from ((those)) the circumstances reported in the budget month.

(iv) A case is reopened that has been closed less than one month and was closed in the second prospective month; and

(v) A case is reopened that has been closed less than one month and was closed in a retrospective month.

(b) After the first two months of initial eligibility, the department shall budget all income retrospectively, except as specified under subsection (4)(e) of this section.

(c) The department shall compute the amount of assistance based on the income ((which existed)) or circumstances existing in the budget month.

(d) The department shall consider all income received during the calendar month of application approval for retrospective budgeting purposes, except as specified under subsection (4)(e) of this section.

(e) Noncontinuous income budgeted prospectively during the first two months of eligibility shall not be budgeted for the first and second payment month for which retrospective budgeting is used.

(5) ((f)) See WAC 388-33-135 for effective dates of ineligibility.((f)) Suspension. The department shall suspend rather than terminate if:

(a) The department has knowledge of or reason to believe ineligibility would be only for one payment month((:)); and

(b) Ineligibility for that one payment month was caused by income or other circumstances in the corresponding budget month.

**WSR 89-18-037**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Order PM 854—Filed August 29, 1989, 2:53 p.m.]

I, Lucille Christenson, acting secretary of the Department of Health, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fees charged physicians and surgeons, amending WAC 308-52-590, physician and surgeon fees.

This action is taken pursuant to Notice No. WSR 89-14-030 filed with the code reviser on June 27, 1989.

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 18.72.306 as amended by chapter 119, Laws of 1989 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 August 25, 1989.

By Lucille Christenson  
Acting Secretary

AMENDATORY SECTION (Amending Order PM 680, filed 9/22/87)

WAC 308-52-590 PHYSICIAN AND SURGEON FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
<b>Physician and surgeons:</b>	
Application with examination or reexamination (both components)	\$375.00
Examination or reexamination (component I)	170.00
Examination or reexamination (component II)	195.00
Applicants (without full examination)	150.00
Renewal	35.00
Late renewal penalty	15.00
Disciplinary assessment	35.00
Surcharge-impaired physician	((+15.00)) 25.00
Certification	25.00
Duplicate license	15.00
<b>Limited license:</b>	
Limited license application	75.00
Original license	45.00
Renewal	35.00
Duplicate license	15.00
Disciplinary assessment	35.00
Surcharge-impaired physician	((+15.00)) 25.00
<b>Physician's assistants:</b>	
Application	25.00
Renewal	10.00
Duplicate license	15.00

**WSR 89-18-038**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed August 29, 1989, 2:55 p.m.]

Date of Adoption: August 25, 1989.

Purpose: This amendment will give the director of the Department of Licensing greater flexibility in deciding

whether or not to grant a request for waiver of the Land Development Act.

Citation of Existing Rules Affected by this Order: Amending WAC 308-126A-030(3), Waiver provisions.

Statutory Authority for Adoption: RCW 58.19.250 and 59.19.040 [58.19.040].

Pursuant to notice filed as WSR 89-15-058 on July 19, 1989.

Effective Date of Rule: Thirty days after filing.

August 25, 1989

Mary Faulk  
Director

**AMENDATORY SECTION** (Amending Order RE 123, filed 12/13/77)

WAC 308-126A-030 WAIVER. The director may waive the provisions of the act for a development of twenty-five or fewer lots, parcels, units, or interests if it is determined that the plan of promotion and disposition is primarily directed to persons in the local community in which the development is situated.

(1) The lots in a development shall include those lots which were unsold in March 1, 1974 and those lots acquired thereafter.

(2) The local community shall be presumed to include the persons reached by the daily and weekly newspapers published nearest to the location of the development.

(3) The director ~~((shall not))~~ may waive the provisions of the act for a development ~~((unless))~~ after considering the following information about the plan:

(a) ~~((Improvements advertised or promised as a part of the development are either completed or financially assured of completion by escrow, bond, or other means approved by the director;~~

~~((b)))~~ There are

(i) No blanket encumbrances on the development as confirmed by a qualified title opinion prepared within twenty days of date of application, or

(ii) If a blanket encumbrance does exist on the development, such encumbrance contains an unconditional provision for partial deed releases without payment of additional money by a lot purchaser or an alternative plan complies with the requirements of RCW 58.19.180. Any such plan must be reviewed and approved by the director;

~~((c)))~~ (b) The lots are legally platted(;

~~((d))~~ There is or will be an adequate county-approved potable water supply available to each homesite or building lot advertised;

~~((e))~~ Each lot has been approved for installation of an on-site waste disposal system or each lot can have access to an approved waste disposal system; or, if not, the developer will agree to make the sale of any lot conditional upon the purchaser's ability to obtain county approval for an on-site waste disposal system;

~~((f))~~ No contract or agreement with a purchaser provides for any unusual contract feature which could result in cost to the purchaser, unless the unusual features are plainly evident;

~~((g))~~ The lots are not known by the developer or a county official to be subject to flood, landslide, or avalanche;

~~((h))~~ There is no county or state zoning, health, or environmental regulation which prohibits the use for which any lot in the development is offered;

~~((i))~~ Each lot in the development has an easement or access to a public right of way;

~~((j))~~ The developer has not within the past ten years been convicted of a crime involving land disposition or been found to have violated any provision of chapter 19-86 RCW involving land disposition; and

~~((k))~~ The developer complies with chapter 252, Laws of 1977 ex. sess., which requires safeguards if lot purchasers are required to pay money in addition to the purchase price for construction, completing, or maintaining improvements).

**WSR 89-18-039**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 89-91—Filed August 29, 1989, 4:25 p.m.]

Date of Adoption: August 29, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000H.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The quota has been reached and this rule is consistent with the actions of the August 28, 1989, meeting of the Columbia River Compact.

Effective Date of Rule: August 29, 1989, 6:00 p.m.

August 29, 1989

Joseph R. Blum

Director

**REPEALER**

*The following section of the Washington Administrative code is repealed:*

**WAC 220-33-01000H COLUMBIA RIVER  
GILLNET SEASONS BELOW BONNEVILLE. (89-80)**

**WSR 89-18-040**

**PERMANENT RULES**

**DEPARTMENT OF WILDLIFE**

**(Wildlife Commission)**

[Order 405—Filed August 29, 1989, 4:39 p.m.]

Be it resolved by the Washington Wildlife Commission, acting at Yakima, Washington, that it does adopt the annexed rules relating to:

New WAC 232-28-413 1989-90 Upland game bird and migratory waterfowl seasons.

Rep WAC 232-28-412 1988-89 Upland game bird and migratory waterfowl seasons.

This action is taken pursuant to Notice No. WSR 89-14-093 filed with the code reviser on June 30, 1989. 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 August 12, 1989.

By Curt Smitch  
for John McGlenn, Chairman  
Wildlife Commission

NEW SECTION

WAC 232-28-413 1989-90 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS.

**Reviser's note:** The text and accompanying pamphlet comprising the 1989-90 Upland game bird and migratory waterfowl seasons adopted by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.05.210(4) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

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

WAC 232-28-412 1988-89 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS

**WSR 89-18-041**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Filed August 29, 1989, 7:10 p.m.]

Date of Adoption: August 29, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-509.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A are necessary to provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. Openings in Area 8 provide opportunity to harvest the non-Indian allocation of Skagit origin pink salmon and are necessary to comply with state/tribal agreements. Mesh restrictions in Area 8 are necessary to protect local chinook stocks. Area restrictions in Area 8 are to provide protection for weak Skagit origin coho stocks. Openings in Area 8A provide opportunity to harvest the non-Indian allocation of Stillaguamish-Snohomish origin pink salmon and prevent wastage. Openings in Areas 12B and 12C provide opportunity to harvest non-Indian allocation of Hood Canal origin chinook and to prevent wastage. The restriction in Area 12B is necessary to protect pink salmon returning to the Dosewallips River. The restriction in Area 12C is necessary to protect milling chinook salmon stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 29, 1989  
Joseph R. Blum  
Director

NEW SECTION

WAC 220-47-510 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. *Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:*

- \* Areas 4B, 5, 6, 6A, 6C, 7, and 7A - Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- \* Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 6PM to 9AM nightly, Tuesday and Wednesday, August 29 and 30.
- \* Area 8 - Gill nets using 5-inch minimum, 6-inch maximum mesh may fish from 6PM to 9AM nightly, Tuesday, Wednesday, Thursday and Friday, August 29, 30, 31, and September 1, and purse seines using the 5-inch strip may fish from 5AM to 9PM daily, Wednesday and Thursday, August 30 and 31, and from 5AM to 4PM Friday, September 1. This opening excludes those waters south and west of a line projected from Poinell Point on Whidbey Island to Rocky Point on Camano Island.

- \* Area 8A – Gill nets using 5-inch minimum, 6-inch maximum mesh may fish from 6PM to 9AM nightly, Tuesday and Wednesday, August 29 and 30, and purse seines using the 5-inch strip may fish from 5AM to 9PM daily, Wednesday and Thursday, August 30 and 31.
- \* Areas 12B and 12C – Purse seines using the 5-inch strip may fish from 5AM to 9PM daily, Tuesday, Wednesday, and Thursday, August 29, 30 and 31, and from 5 AM to 4 PM Friday, September 1, and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Tuesday, Wednesday, and Thursday, August 29, 30 and 31. This opening excludes those waters of area 12B north of a line projected from Hood Point to Quatsap Point and those waters of area 12C south of a line projected from the Cushman powerhouse to the public boat ramp at Union.
- \* Areas 6B, 6D, 7D, 7E, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

### REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-509 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-90)

### WSR 89-18-042

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 89-93—Filed August 30, 1989, 11:25 a.m.]

Date of Adoption: August 30, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-510.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of Nooksack-Samish origin chinook. The director has determined that the Skagit pink run, the Stillaguamish-Snohomish pink run, and the Hood Canal chinook run cannot be harvested in the usual

manner and may be in danger of being wasted. Opening in Area 8 provides opportunity to harvest non-Indian allocation of Skagit origin pink salmon and is necessary to reduce wastage and comply with state/tribal agreements. Mesh restrictions in Area 8 are necessary to protect chinook. The area restriction in Area 8 provides protection for weak Skagit-origin coho. Opening in Area 8A provides opportunity to harvest non-Indian allocation of Stillaguamish-Snohomish origin pink salmon and to reduce wastage. Openings in Areas 12B and 12C provide opportunity to harvest non-Indian allocation of Hood Canal origin chinook and to reduce wastage. The restriction in Area 12B is necessary to protect pink salmon returning to the Dosewallips River. The restriction in Area 12C is necessary to protect milling chinook salmon stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 30, 1989

Joseph R. Blum

Director

### NEW SECTION

WAC 220-47-511 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- \* Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- \* Areas 7B and 7C – Gillnets using 7-inch minimum mesh may fish from 6 PM Wednesday August 30th to 9 AM Thursday August 31st.
- \* Area 8 – Gill nets using 5-inch minimum, 6-inch maximum mesh may fish from 6 PM to 9 AM nightly, Wednesday, Thursday and Friday, August 30, 31 and September 1, and purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Wednesday and Thursday, August 30 and 31, and from 5 AM to 4 PM Friday, September 1. This opening excludes those waters south and west of a line projected from Polnell Point on Whidbey Island to Rocky Point on Camano Island.
- \* Area 8A – Gill nets using 5-inch minimum, 6-inch maximum mesh may fish from 6 PM Wednesday August 30th to 9 AM Thursday, August 31st, and purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Wednesday and Thursday, August 30 and 31.

- \* Areas 12B and 12C – Purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Wednesday, and Thursday, August 30 and 31, and from 5 AM to 4 PM Friday, September 1, and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Wednesday, and Thursday, August 30 and 31. This opening excludes those waters of area 12B north of a line projected from Hood Point to Quatsap Point and those waters of area 12C south of a line projected from the Cushman powerhouse to the public boat ramp at Union.
- \* Areas 6B, 6D, 7D, 7E, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-510 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-92)

**WSR 89-18-043**

**NOTICE OF PUBLIC MEETINGS  
TRANSPORTATION IMPROVEMENT BOARD**

[Memorandum—August 25, 1989]

September and October 1989  
Transportation Improvement Board  
Transportation Building  
Olympia, Washington 98504

Work Session, 6:00 p.m. – 9:00 p.m., Thursday, September 14, 1989, at the Holiday Inn, 9 North Ninth Street, Yakima.

TIB Meeting, 9:30 a.m., Friday, September 15, 1989, at the City Council Chambers, 129 North Second Street, Yakima.

Work Session, 6:00 p.m. – 9:00 p.m., Thursday, October 12, 1989, at Cavanaugh's Inn at the Park, West 303 North River Drive, Spokane.

TIB Meeting, 9:30 a.m., Friday, October 13, 1989, at the Center Opera House in the Music Room, Spokane.

**WSR 89-18-044**

**EMERGENCY RULES  
SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed August 31, 1989, 11:32 a.m.]

Date of Adoption: August 30, 1989.

Purpose: To establish the minimum criteria and minimum procedural standards to be adopted in accordance with chapter 41.59 RCW by districts for the evaluation

of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

Citation of Existing Rules Affected by this Order: Amending WAC 392-191-001, 392-191-005, 392-191-010 and 392-191-020.

Statutory Authority for Adoption: RCW 28A.67.065.

Other Authority: RCW 28A.67.225.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These revisions in the evaluation procedures have been developed on the basis of field-tests in 11 school districts and by a task force consisting of representatives from the major educational policy organizations in the state. These revisions have been very carefully developed and reviewed because of the major impact that any changes in the state's evaluation policies will have.

The legislature originally established this effort as a four-year project with the identification of school districts and planning grants given to the districts during the first two years. Eleven school districts were selected and were ready to field-test the various evaluation models in the next biennium. The legislature, however, did not fund the third and fourth years of this project making it difficult to complete the field-tests and make appropriate recommendations for revisions in the rules.

This task has been completed with the voluntary cooperation of the districts but significant delays have occurred in meeting the agency's projected timelines. As a result, the Superintendent of Public Instruction is requesting the emergency adoption of these rules prior to September 1, 1990, the date established by the legislature.

Effective Date of Rule: Immediately.

August 30, 1989  
Judith A. Billings  
Superintendent of  
Public Instruction

**CHAPTER 392-191 WAC  
SCHOOL PERSONNEL—EVALUATION  
PROFESSIONAL PERFORMANCE  
CAPABILITIES**

[AMENDATORY SECTION (Amending Order 84-45, filed 10/2/84)]

WAC 392-191-001 AUTHORITY. The general authority for this chapter is RCW 28A.67.065 which authorizes the superintendent of public instruction to adopt minimum criteria for the evaluation by districts of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. This general authority is supplemented by RCW 28A.67.225 which authorizes the superintendent of public instruction to develop minimum procedural standards for evaluation of certificated classroom

teachers and certificated support personnel conducted pursuant to RCW 28A.67.065.

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

[AMENDATORY SECTION (Amending Order 84-45, filed 10/2/84)]

WAC 392-191-005 **PURPOSE.** The purpose of this chapter is to establish the minimum criteria and minimum procedural standards to be adopted in accordance with RCW 41.59 by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

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

[AMENDATORY SECTION (Amending Order 20-76, filed 1/11/77)]

WAC 392-191-010 **MINIMUM EVALUATION CRITERIA—CERTIFICATED CLASSROOM TEACHERS.** The following are the minimum criteria for certificated classroom teachers:

(1) **Instructional skill.** The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting an instructional experience.

(2) **Classroom management.** The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in organizing the physical and human elements in the educational setting.

(3) **Professional preparation and scholarship.** The certificated classroom teacher exhibits, in his or her performance, evidence of having a theoretical background and knowledge of the principles and methods of teaching, and a commitment to education as a profession.

(4) **Effort toward improvement when needed.** The certificated classroom teacher demonstrates an awareness of his or her limitations and strengths, and demonstrates continued professional growth.

(5) **The handling of student discipline and attendant problems.** The certificated classroom teacher demonstrates the ability to manage the noninstructional, human dynamics in the educational setting.

(6) **Interest in teaching pupils.** The certificate classroom teacher demonstrates an understanding of and commitment to each pupil, taking into account each individual's unique background and characteristics. The certificated classroom teacher demonstrates enthusiasm for or enjoyment in working with pupils.

(7) **Knowledge of subject matter.** The teacher demonstrates a depth and breadth of knowledge of theory and content in general education and subject matter specialization(s) appropriate to the elementary and/or secondary level(s).

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

**Reviser's note:** RCW 34.05.395 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 20-76, filed 1/11/77)]

WAC 392-191-020 **MINIMUM EVALUATION CRITERIA—CERTIFICATED SUPPORT PERSONNEL.** The following are the minimum criteria for certificated support personnel:

(1) **Knowledge and scholarship in special field.** Each certificated support persons demonstrates a depth and breadth of knowledge of theory and content in the special field. He/she demonstrates an understanding of and knowledge about common school education and the educational milieu grades K-12, and demonstrates the ability to integrate the area of specialty into the total school milieu.

(2) **Specialized skills.** Each certificated support person demonstrates in his/her performance a competent level of skill and knowledge in designing and conducting specialized programs of prevention, instruction, remediation and evaluation.

(3) **Management of special and technical environment.** Each certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.

(4) **The support person as a professional.** Each certificated support person demonstrates awareness of his/her limitations and strengths and demonstrates continued professional growth.

(5) **Involvement in assisting pupils, parents, and educational personnel.** Each certificated support person demonstrates an acceptable level of performance in offering specialized assistance in identifying those needing specialized programs.

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

**Reviser's note:** RCW 34.05.395 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 392-191-025 **MINIMUM PROCEDURAL STANDARDS—PURPOSES OF EVALUATION.** The purposes of evaluations of certificated classroom teachers and certificated support personnel shall be, at a minimum:

(1) **To identify in consultation with classroom teachers and certificated support personnel observed, particular areas in which their professional performance is satisfactory or outstanding, and particular areas in which the classroom teacher or support person needs to improve his or her performance.**

(2) **To assist classroom teachers and certificated support personnel, who have identified areas needing improvement, in making those improvements.**

(3) **To identify classroom teachers or certificated support personnel whose professional performance is unsatisfactory and for whom remediation is needed.**

NEW SECTION

WAC 392-191-030 MINIMUM PROCEDURAL STANDARDS—FREQUENCY OF EVALUATION. Each school year the frequency of evaluation shall be:

(1) All classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties.

(2) Minimum length of time for any observation shall be thirty minutes.

(3) New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(4) Total observation time for each employee for each school year shall be not less than sixty minutes.

NEW SECTION

WAC 392-191-035 MINIMUM PROCEDURAL STANDARD—CONDUCT OF THE EVALUATION. The conduct of the evaluation of classroom teachers and certificated support personnel shall include, at a minimum, the following:

(1) Observation and oral and written comment pursuant to RCW 28A.67.065 by the principal or his/her designee at the school to which the certificated employee is assigned. The local policies may provide for additional or extended observations and by persons other than the principal or his/her designee.

(2) Written and oral comment by the certificated employee being evaluated, pursuant to local policies. This aspect of the evaluation shall constitute the formal portion of the evaluation which shall be made a part of the employee's personnel file.

(3) For certificated classroom teachers, the minimum criteria set forth in WAC 392-191-010; and for certificated support personnel the minimum criteria set forth in WAC 392-191-020. Nothing in this chapter shall be construed to prohibit a local school district from developing an evaluation instrument which contains criteria in excess of those established by the superintendent of public instruction.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 392-191-040 MINIMUM PROCEDURAL STANDARD—PROCEDURE TO BE USED IN MAKING EVALUATIONS. The following procedures shall be used in making evaluations:

(1) The procedures stipulated in RCW 28A.67.065 shall be used by principals and other personnel conducting evaluations of certificated classroom teachers and certificated support personnel.

(2) Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared.

(3) Each employee shall have the opportunity for a minimum of two confidential conferences with his/her

principal or other evaluator either following receipt of the written evaluation results, or at a time mutually satisfactory to the participants. The sole purpose of such conference shall be to provide additional information to aid the principal or his or her designee in completing the evaluation (e.g. providing direction, assistance, guidance, encouragement to the employee).

(4) If other evaluators are used, additional procedures may be adopted pursuant to local policy.

NEW SECTION

WAC 392-191-045 MINIMUM PROCEDURAL STANDARD—USE OF EVALUATION RESULTS. Evaluation results shall be used:

(1) To acknowledge, recognize, and encourage excellence in professional performance;

(2) To document the satisfactory performance by an employee of his/her assigned duties;

(3) To identify discrete areas according to the criteria included on the evaluation instrument in which the employee may need improvement;

(4) To document performance by an employee judged unsatisfactory based on the district evaluation criteria.

NEW SECTION

WAC 392-191-060 PROFESSIONAL GROWTH COMPONENT. In addition to the observation required by WAC 392-191-005 through 045, local school districts shall adopt pursuant to RCW 41.59 an evaluation system which includes a professional growth component. Such professional growth component shall be administered in accordance with WAC 392-191-060 through 392-191-090 unless a collective bargaining agreement provides otherwise.

NEW SECTION

WAC 392-191-065 PROFESSIONAL GROWTH COMPONENT—PURPOSE. The purpose of the professional growth component is to assist certificated classroom teachers in the development of professional growth plans by encouraging enhancements and improvements in teaching skills, techniques and abilities.

NEW SECTION

WAC 392-191-070 PROFESSIONAL GROWTH COMPONENT—IMPLEMENTATION. Each district shall establish a professional growth committee which shall develop the district's professional growth program in accordance with the procedures in this chapter.

NEW SECTION

WAC 392-191-075 PROFESSIONAL GROWTH COMPONENT—COMMITTEE MEMBERSHIP. Each local school district shall establish in accordance with local district policy a professional growth planning/review committee which shall include, at a minimum, representatives of the following groups:

(1) Certificated Classroom Teachers. A minimum of one teacher from the K-8 level and one teacher from the

high school level if the local school district provides education services to any grades beyond the sixth grade.

(2) *Certificated Support Personnel.* A minimum of one itinerant staff person, if the school district employs itinerant personnel, and a minimum of one other representative of counseling, assessment, library and/or other certificated support staff, if the school district employs non-itinerant certificated support staff.

(3) *Central Office Administrators.* A minimum of one representative

(4) *Building Level Administrators.* A minimum of one administrator from the K-8 level and one administrator from the high school level if the local school district provides education services to any grades beyond the sixth grade

(5) *Additional persons.* Local school district may add additional members to the committee.

(6) **PROVIDED,** That the local school district committee established under the Inservice Training Act, RCW 28A.71.210, may be used by the school district as the professional growth committee.

#### NEW SECTION

##### **WAC 392-191-080 PROFESSIONAL GROWTH COMPONENT—SOURCES OF INFORMATION.**

One or more of the following sources of information shall be used by certificated classroom teachers in developing professional growth plans: (1) peer review and evaluation, (2) input by parents, (3) input by students, (4) personal and/or professional goals, (5) school district goals, (6) building goals, (7) self-assessment, (8) personal academic records, and (9) school district evaluations.

#### NEW SECTION

**WAC 392-191-085 PROFESSIONAL GROWTH COMPONENT—SHORT FORM OF EVALUATION.** Nothing in the professional growth component shall preclude a district from combining the short form of evaluation, RCW 28A.67.065, with its professional growth models.

#### NEW SECTION

##### **WAC 392-191-090 PROFESSIONAL GROWTH COMPONENT—RECORDS.**

Materials/records/portfolios developed as a result of the individual's participation in the professional growth program shall be the property of the certified staff member participating in the program and shall not be retained in the employee's personnel file or used by the district in its formal evaluation criteria.

#### NEW SECTION

##### **WAC 392-191-095 PROFESSIONAL GROWTH COMPONENT—TIMELINE.** Districts shall:

(1) Establish a professional growth committee, pursuant to WAC 392-191-075, during, if not before, the 1990-91 school year.

(2) Adopt a professional growth component in school districts by the 1992-93 school year.

#### **WSR 89-18-045**

##### **PERMANENT RULES**

#### **BOARD OF PILOTAGE COMMISSIONERS**

[Order 89-7, Resolution No. 89-7—Filed August 31, 1989, 2:58 p.m.]

Be it resolved by the Board of Pilotage Commissioners, acting at the Colman Dock, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to licensing of pilots, WAC 296-116-080.

This action is taken pursuant to Notice No. WSR 89-14-001 filed with the code reviser on June 22, 1989. 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 88.16.090 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 August 11, 1989.

By Marjorie Smitch  
Assistant Attorney General

#### AMENDATORY SECTION (Amending Order 88-9, Resolution No. 88-9, filed 5/3/88)

##### **WAC 296-116-080 LICENSING OF PILOTS.**

(1) No person shall be licensed by the board unless he has applied for a pilotage license and successfully completed: (a) The pilotage examination; (b) familiarization trips required by the board; and (c) the pilotage training program, if applicable.

The majority of the entire board shall pass on the licensing of a pilot and licenses shall be signed by the chairperson. All applicants shall have and display a United States Government Masters License and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.

(2) Prior to commencing familiarization trips, and the pilot training program, if applicable, an applicant must pass a written and oral examination given and graded by the board. The board will conduct such examinations for both pilotage districts during the month of April in each odd-numbered year. Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an immediate examination on less than four months notice.

(a) The examination may be taken by all qualified applicants who:

(i) Have had a license application on file with the board for at least one month prior to the examination. (This requirement may be waived upon the showing of good cause;)

(ii) Have tendered a nonrefundable examination fee of three hundred dollars. The board may, at its discretion, refund the examination fee for an applicant who is unable to sit for the examination.

(iii) Have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.

(b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering, but not limited to, the following subjects as they pertain to the pilotage district for which the examination is being given:

(i) Rules of the road as set forth in United States government publications;

(ii) Aids to navigation;

(iii) Courses, distances, and distance past abeam at change-of-course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;

(iv) Cable crossing areas;

(v) Channel and passage widths, depths and shoal areas;

(vi) Bridge signals - width, regulations, and closed periods;

(vii) Ship handling, docking and undocking problems, use of towboats and anchors, and seamanship;

(viii) Vessel traffic system regulations where applicable;

(ix) Ranges for determining compass error and measured miles;

(x) Channel ranges;

(xi) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(xii) Operation and use of marine radar, including rapid plotting techniques;

(xiii) Knowledge of tidal currents and ability to calculate currents and tides;

(xiv) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(xv) Prohibited areas, restricted areas, and explosive anchorages;

(xvi) Use of navigational and bridge instruments;

(xvii) Anchorage locations;

(xviii) Duties of pilot;

(xix) Relationship between pilot and master;

(xx) Location and meaning of storm warning signals;

(xxi) Meaning of one and two flag signals;

(xxii) United States government public health quarantine regulations;

(xxiii) Harbor regulations;

(xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;

(xxv) Chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.

~~(3) ((After successful completion of the examination, the board shall determine the number of familiarization trips which the applicant will have to make pursuant to RCW 88.16.090. Familiarization trips are ship movements over specified routes on which the applicant observes the route and the actions of the licensed pilot on board.~~

~~(4)) After passing the examination, applicants for the Puget Sound pilotage district must enter and successfully complete a ((familiarization and)) training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than five years experience. Upon written request by an applicant to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and seventy-five assignments and a maximum period of six months and one hundred assignments. ~~((Some or all of the familiarization trips required by RCW 88.16.090(7) may, at the board's discretion, be combined with trips during which the applicant is piloting the vessel under the supervision of a licensed pilot.))~~~~

(4) After passing the examination, applicants for the Grays Harbor pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Grays Harbor pilots with more than five years' experience. Upon written request by an applicant, to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and twenty-five assignments and a maximum period of six months and fifty assignments.

**WSR 89-18-046****EMERGENCY RULES****HIGHER EDUCATION PERSONNEL BOARD**

[Filed August 31, 1989, 4:02 p.m.]

Date of Adoption: August 3, 1989.

Purpose: To provide for establishment of an annual leave sharing program for state employees as specified in ESSB 5933.

Citation of Existing Rules Affected by this Order: New WAC 251-22-250 Shared leave; 251-22-260 Shared leave receipt; 251-22-270 Shared leave use; 251-22-280 Annual leave donation; 251-22-290 Shared leave administration; and 251-22-300 Shared leave records.

Statutory Authority for Adoption: RCW 28B.16.100 and chapter 41.04 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: ESSB 5933 contained emergency clause establishing an immediate effective date. HEPB adopted rules on emergency basis effective June 6, 1989, which expires September 13, 1989. Notice was filed with the Code Reviser on June 21, 1989, for consideration of permanent adoption at the August 3, 1989, HEPB meeting. However, a substantive change was made, requiring new filing for permanent adoption at the October 5, 1989, HEPB meeting. This emergency adoption of changed proposal was adopted by board to be effective upon expiration of first adoption September 3, 1989.

Effective Date of Rule: September 3, 1989.

August 31, 1989

John A. Spitz

Director

**NEW SECTION**

**WAC 251-22-250 SHARED LEAVE.** *The purpose of the Washington state leave sharing program is to permit state employees, at no significantly increased cost to the state of providing annual leave, to come to the aid of another state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. For purposes of the Washington state leave sharing program, the following definitions apply:*

(1) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(2) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards. The term does not include persons sharing the same general

house when the living style is primarily that of a dormitory or commune.

(3) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

**NEW SECTION**

**WAC 251-22-260 SHARED LEAVE RECEIPT.** *An employee may be eligible to receive shared leave if the employee's agency/institution head has determined the employee meets the following criteria:*

(1) *The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to go on leave without pay status or terminate state employment; and*

(2) *The employee has depleted or will shortly deplete his or her annual and sick leave reserves; and*

(3) *The employee's absence and the use of shared leave are justified; and*

(4) *The employee is not eligible for time loss compensation under chapter 51.32 RCW. If a time loss claim is approved at a later time, all leave received shall be returned to the donors, and the employee will return any and all overpayments to the agency/institution. The employee is required to file a workers' compensation claim only in the event he or she is requesting shared leave due to a condition caused by an industrial injury or occupational disease; and*

(5) *The employee has abided by agency/institution policy regarding the use of sick leave.*

**NEW SECTION**

**WAC 251-22-270 SHARED LEAVE USE.** (1) *The agency/institution head shall determine the amount of leave, if any, which an employee may receive under these rules. However, an employee shall not receive more than two hundred sixty-one days of shared leave.*

(2) *The agency/institution head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the employee's required absence, the description of the medical problem, and expected date of return-to-work status.*

(3) *The agency/institution head should consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time or special assignments in lieu of shared leave usage per WAC 251-10-070, 251-10-080, 251-10-090, 251-17-090, 251-18-180, 251-19-100, 251-19-105, and 251-24-030.*

(4) *Leave transferred under these rules may be transferred from employees of one agency/institution to an employee of the same agency/institution or, with the approval of the heads of both agencies/institutions, to an employee of another state agency/institution.*

(5) *Annual leave transferred under these rules shall be used solely for the purpose stated in WAC 251-22-250.*

(6) *The receiving employee shall be paid his/her regular rate of pay; therefore, the value of one hour of*

shared leave may cover more or less than one hour of the recipient's salary.

#### NEW SECTION

**WAC 251-22-280 ANNUAL LEAVE DONATION.** An employee may donate annual leave to another employee for purposes of the Washington state leave sharing program under the following conditions:

(1) The employee's agency/institution head approves the employee's request to donate a specified amount of annual leave to an employee authorized to receive shared leave; and

(2) The employee's request to donate leave will not cause his/her annual leave balance to fall below ten days; and

(3) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date; and

(4) No employee may be intimidated, threatened, or coerced into donating leave for purposes of this program.

#### NEW SECTION

**WAC 251-22-290 SHARED LEAVE ADMINISTRATION.** (1) The calculation of the recipient's leave value shall be in accordance with applicable office of financial management policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. All compensatory time, sick leave, and annual leave accrued must be used prior to using shared leave.

(2) An employee on leave transferred under these rules shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(3) All salary and wage payments made to employees while on leave transferred under these rules shall be made by the agency/institution employing the person receiving the leave.

(4) Where agency/institution heads have approved the transfer of leave by an employee of one agency/institution to an employee of another agency/institution, the agencies/institutions involved shall arrange for the transfer of funds and credit for the appropriate value of leave in accordance with office of financial management policies, regulations, and procedures.

(5) Leave transferred under this section shall not be used in any calculation to determine an agency's/institution's allocation of full-time equivalent staff positions.

(6) Any shared leave not used by the recipient shall be returned to the donor(s).

(7) Unused shared leave may not be cashed out under WAC 251-22-090 but shall be returned to the donors per subsection (6) of this section.

#### NEW SECTION

**WAC 251-22-300 SHARED LEAVE RECORDS.** Agency/institution heads shall maintain the following records pertaining to the Washington state shared leave program:

- (1) Number of requests received.
- (2) Number of requests granted.
- (3) Nature of request.
- (4) Additional cost to the agency/institution of allowing participation in the shared leave program.
- (5) Amount of leave transferred.
- (6) Value of leave transferred.
- (7) Date leave was transferred.

The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' annual leave balances based upon each employee's current salary rate at the time of the reversion.

**WSR 89-18-047  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed August 31, 1989, 4:02 p.m.]

Original Notice.

Title of Rule: Limited casualty program—Medically indigent, amending WAC 388-100-005.

Purpose: To delete the section of the rule that states jail inmates are not eligible for the medically indigent program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The rule now does not contain a qualifier that says jail inmates are not eligible for the medically indigent program.

Reasons Supporting Proposal: This rule is necessary to delete the section of the rule that states jail inmates are not eligible for the medically indigent program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2, 12th and Franklin, Auditorium, Olympia, Washington, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

August 31, 1989

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2499, filed 6/1/87)

WAC 388-100-005 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT. (1) The department of social and health services shall provide a limited casualty program of medical care, administered through the division of medical assistance, designed to meet the health care needs of persons not receiving cash assistance or eligible for ~~((any))~~ other medical program.

(2) An individual eligible for the medically indigent program is a person who:

(a) Has an emergency medical condition.

(i) The term emergency medical condition means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

(A) Placing the patient's health in serious jeopardy;

(B) Serious impairment to bodily functions; or

(C) Serious dysfunction of any bodily organ or part.

(ii) For the purposes of this section pregnancy and treatment under the Involuntary Treatment Act (ITA) are considered ~~((as))~~ emergent medical conditions~~(;))~~.

(b) Meets the financial eligibility requirements ~~((as defined in))~~ under chapter 388-100 WAC; and

(c) Is not an inmate of a ~~((city or county jail;))~~ federal or state prison ~~((or of a juvenile detention facility))~~.

(2) An individual eligible for the medically indigent program is a person who:

(a) Has an emergency medical condition.

(i) The term emergency medical condition means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

(A) Placing the patient's health in serious jeopardy;

(B) Serious impairment to bodily functions; or

(C) Serious dysfunction of any bodily organ or part.

(ii) For the purposes of this section pregnancy and treatment under the Involuntary Treatment Act (ITA) are considered ~~((as))~~ emergent medical conditions~~(;))~~.

(b) Meets the financial eligibility requirements ~~((as defined in))~~ under chapter 388-100 WAC; and

(c) Is not an inmate of a ~~((city or county jail;))~~ federal or state prison ~~((or of a juvenile detention facility))~~.

**WSR 89-18-049****PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed August 31, 1989, 4:07 p.m.]

**WSR 89-18-048**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2862—Filed August 31, 1989, 4:03 p.m.]

Date of Adoption: August 31, 1989.

Purpose: To delete the section of the rule that states jail inmates are not eligible for the medically indigent program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-100-005.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to delete the section of the rule that states jail inmates are not eligible for the medically indigent program.

Effective Date of Rule: September 1, 1989, 12:01 a.m.

August 31, 1989

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2499, filed 6/1/87)

WAC 388-100-005 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT. (1) The department of social and health services shall provide a limited casualty program of medical care, administered through the division of medical assistance, designed to meet the health care needs of persons not receiving cash assistance or eligible for ~~((any))~~ other medical program.

Original Notice.

Title of Rule: Chapter 392-142 WAC, State depreciation and replacement payments for school buses.

Purpose: To implement the requirements of RCW 28A.41.540 to allocate moneys to school districts for the replacement of school buses.

Other Identifying Information: To develop student transportation vehicle categories; state-determined purchase prices for student transportation vehicle categories; standards for operation and maintenance of school buses; a replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses; a depreciation schedule and allocation process for school buses contracted from private carriers; and provisions for the continuation of depreciation allocation to school districts for school buses purchased prior to September 1, 1982.

Statutory Authority for Adoption: RCW 28A.41.170 and 28A.41.540.

Statute Being Implemented: Same.

Reasons Supporting Proposal: RCW 28A.41.540 requiring an annual review process related to the school bus replacement payments. The proposed changes are necessary to meet the requirements of the statute.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, FG-11, (206) 753-2298; Implementation: Doyle Winter, Old Capitol Building, FG-11, (206) 753-1880; and Enforcement: David Moberly, Old Capitol Building, FG-11, (206) 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See other identifying information.

Proposal Changes the Following Existing Rules: Changes the number of school bus categories; changes anticipated lifetimes of some school bus categories; and changes the salvage value calculation for worn-out school buses.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Wanamaker Conference Room, Old Capitol Building, Olympia, Washington 98504, on October 10, 1989, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, by October 8, 1989.

Date of Intended Adoption: October 10, 1989.

August 31, 1989  
Judith A. Billings  
Superintendent of  
Public Instruction

AMENDATORY SECTION [(Amending Order 83-16, filed 10/26/83)]

WAC 392-142-005 AUTHORITY. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of chapter 28A.41 RCW, which includes ~~((student transportation programs))~~ state depreciation and replacement payments for school buses as specified in RCW 28A.41.540.

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

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION [(Amending Order 83-16, filed 10/26/83)]

WAC 392-142-010 PURPOSE. The purpose of this chapter is to implement RCW 28A.41.540 by ~~((establishing))~~ developing:

- (1) ~~((Procedures to develop s))~~ Student transportation vehicle categories;
- (2) ~~((Procedures to develop s))~~ State-determined purchase prices for student transportation vehicle categories;
- (3) Standards for operation and maintenance of school buses;
- (4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;
- (5) A depreciation schedule and allocation process for school buses contracted from private carriers; and
- (6) Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982.

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

**Reviser's note:** RCW 34.05.395 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 in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 392-142-075 DEFINITION—SCHOOL YEAR. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

NEW SECTION

WAC 392-142-080 DEFINITION—CURRENT SCHOOL YEAR. As used in this chapter, "current school year" means the

school year for which the payments to school district calculated pursuant to this chapter are made.

NEW SECTION

WAC 392-142-085 DEFINITION—PRIOR SCHOOL YEAR. As used in this chapter, "prior school year" means the school year immediately preceding the current school year.

NEW SECTION

WAC 392-142-090 DEFINITION—WASHINGTON STATE PATROL INSPECTION OFFICER. As used in this chapter, "Washington state patrol inspection officer" means an employee of the Washington State Patrol trained and designated by the Chief of the Washington State Patrol to inspect school buses.

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NEW SECTION

WAC 392-142-100 DEFINITION—SCHOOL BUS. As used in this chapter, "school bus" means a vehicle:

- (1) With a seating capacity of more than ten persons including the driver;
- (2) Used for transportation of students to and from school or in connection with school activities; and,
- (3) That meets the requirement set forth in Chapter 392-143 WAC (Specifications for School Buses).

NEW SECTION

WAC 392-142-105 DEFINITION—DISTRICT-OWNED SCHOOL BUS. As used in this chapter, "district-owned school bus" means a school bus which has been purchased by the district or a school bus which is being operated by a district under a contractual obligation by the same district to purchase the bus.

NEW SECTION

WAC 392-142-110 DEFINITION—CONTRACTOR-OWNED SCHOOL BUS. As used in this chapter, "contractor-owned school bus" means a school bus owned by a private party and used pursuant to a contract for transportation of students at the direction of a school district.

NEW SECTION

WAC 392-142-115 DEFINITION—SPECIAL HANDICAPPED EQUIPMENT. As used in this chapter, "special handicapped equipment" means at least wheelchair lifts and may include passenger tiedowns, or passenger restraints designed for the purpose of transporting students with handicapping conditions.

NEW SECTION

WAC 392-142-120 DEFINITION—SEATING REFERENCE POINT. As used in this chapter, "seating reference point" means the point of intersection of horizontal and vertical axis measured as follows:

- (i) The horizontal distance is 5.0 to 5.4 inches from the front surface of the seat back; and
- (ii) The vertical distance is 2.5 inches above the top of the seat cushion..

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

WAC 392-142-125 DEFINITION—STUDENT CAPACITY. As used in this chapter, "student capacity" means the maximum allowable number of students that can be seated on a school bus using 21 inch seat spacing from the seating reference point.

**NEW SECTION**

WAC 392-142-130 DEFINITION—GASOLINE ENGINE. As used in this chapter, "gasoline engine" means a spark ignited engine using gasoline, propane, compressed natural gas, gasahol, alcohol, or a combination there.

**NEW SECTION**

WAC 392-142-135 DEFINITION—DIESEL ENGINE. As used in this chapter, "diesel engine" means a compression ignited engine using diesel fuel.

**NEW SECTION**

WAC 392-142-140 DEFINITION—TRANSMISSION. As used in this chapter, "transmission" means either a clutch actuated, hand shifted manual or a torque converter actuated automatic gear box.

**NEW SECTION**

WAC 392-142-145 DEFINITION—USEFUL LIFE. As used in this chapter, "useful life" means the number of years that a school bus is expected to be in use.

**NEW SECTION**

WAC 392-142-150 DEFINITION—SCHOOL BUS CATEGORIES FOR THOSE BUSES PURCHASED BEFORE SEPTEMBER 1, 1982 AND AFTER SEPTEMBER 1, 1975. As used in this chapter, "school bus categories for those buses purchased before September 1, 1982 and after September 1, 1975" means the following:

	Student Capacity	Minimum Annual Mileage	Depreciation Percentage	Maximum Useful Mileage
(1)	10 to 22	18,750	25.00%	75,000
(2)	23 to 51	15,625	12.50%	125,000
(3)	52 to 69	15,000	10.00%	150,000
(4)	70 and up	12,500	6.25%	200,000

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

WAC 392-142-155 DEFINITION—SCHOOL BUS CATEGORIES FOR THOSE BUSES PURCHASED AFTER SEPTEMBER 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982" means the following:

	Student Capacity	Fuel Type	Transmission Type	Useful Life
(1)	10 to 22	Gas	Manual	8
(2)	10 to 22	Gas	Automatic	8
(3)	10 to 22	Diesel	Manual	8
(4)	10 to 22	Diesel	Automatic	8
(5)	23 to 34	Gas	Manual	8
(6)	23 to 34	Gas	Automatic	8
(7)	23 to 34	Diesel	Manual	8
(8)	23 to 34	Diesel	Automatic	8
(9)	35 to 48	Gas	Manual	10
(10)	35 to 48	Gas	Automatic	10
(11)	35 to 48	Diesel	Manual	15
(12)	35 to 48	Diesel	Automatic	15
(13)	48 to 60	Gas	Manual	10
(14)	48 to 60	Gas	Automatic	10
(15)	48 to 60	Diesel	Manual	15
(16)	48 to 60	Diesel	Automatic	15
(17)	61 to 72	Gas	Manual	10
(18)	61 to 72	Gas	Automatic	10

	Student Capacity	Fuel Type	Transmission Type	Useful Life
(19)	61 to 72	Diesel	Manual	15
(20)	61 to 72	Diesel	Automatic	15
(21)	78 to 84	Diesel	Manual	20
(22)	78 to 84	Diesel	Automatic	20
(23)	85 to 90	Diesel	Manual	20
(24)	85 to 90	Diesel	Automatic	20

**NEW SECTION**

WAC 392-142-160 DEFINITION—VENDOR BID PROPOSAL. As used in this chapter, "vendor bid proposal" means a set of forms published annually by the superintendent of public instruction which school districts use to obtain bids for school buses. These forms shall include various bid elements such as type, capacity, engine and transmission.

**NEW SECTION**

WAC 392-142-165 DEFINITION—STATE-DETERMINED PURCHASE PRICE. As used in this chapter, "state-determined purchase price" means the arithmetic average of the actual bid prices for the preceding twelve months improved by the inflation rate, documented in vendor bid proposals for that portion of the actual bid price associated with meeting state-supported specifications for a school bus category for those buses purchased after September 1, 1982. Included in the actual bid prices for the purposes of this calculation are:

- (1) sales taxes;
- (2) freight to the school district;
- (3) cost associated with full payment within thirty days of delivery.

Not included in the actual bid prices are any costs associated with district specified requirements in excess of those state specifications provided in WAC 392-143-015.

**NEW SECTION**

WAC 392-142-170 DEFINITION—STATE-DETERMINED HANDICAPPED EQUIPMENT PRICE. As used in this chapter, the term "state-determined handicapped equipment price" is that amount determined annually by the superintendent of public instruction representing the cost of special handicapped equipment permanently affixed to a school bus.

**NEW SECTION**

WAC 392-142-175 DEFINITION—INFLATION RATE. As used in this chapter, "inflation rate" means the actual change stated in percentage terms in the implicit price deflator for motor vehicles and parts as provided by the office of financial management from the previous state fiscal year to the current state fiscal year.

**NEW SECTION**

WAC 392-142-180 DEFINITION—TOTAL SCHOOL BUS DEPRECIATION PAYMENTS. As used in this chapter, "total school bus depreciation payments" means the sum of all state school bus depreciation payments for prior school years made for an individual school bus.

**NEW SECTION**

WAC 392-142-185 DEFINITION—IMPUTED INTEREST EARNINGS. As used in this chapter, "imputed interest earnings" means the sum of interest which is assumed to be earned on monies assumed to be available in the vehicle transportation fund from state payments and imputed interest earnings. The rate used shall be the average of the treasury bill rate for ninety-day notes during the previous state fiscal year calculated on the basis of simple interest.

**NEW SECTION**

WAC 392-142-190 DEFINITION—SALVAGE VALUE. As used in chapter, "salvage value" means the state-determined school bus price for the year the school bus was placed on the state depreciation schedule divided by the useful life and multiplied by twenty-five percent.

NEW SECTION

WAC 392-142-195 DEFINITION—SPI FORM 1020. As used in this chapter, "SPI Form 1020" means that form prepared and distributed by the superintendent of public instruction and used by school districts to notify the superintendent of public instruction of the acquisition of a school bus or that the school bus has been taken out of service.

NEW SECTION

WAC 392-142-200 DEFINITION—SPI FORM 1029. As used in this chapter, "SPI Form 1029" means that form prepared and distributed by the superintendent of public instruction upon which the inspecting officer indicates that the school bus has been inspected and approved upon initial purchase.

NEW SECTION

WAC 392-142-205 DETERMINATION OF SCHOOL BUS CATEGORIES BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The superintendent of public instruction shall annually develop school bus categories including, but not limited to, such variables as student capacity, fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The superintendent of public instruction shall follow this schedule:

- (1) By May 1st of the prior school year, develop school bus categories applicable to the current school year;
- (2) By June 15th of the prior school year, notify school districts of any changes from the current school bus categories; and,
- (3) By October 15th of the current school year, finalize school bus categories applicable to the current school year.

NEW SECTION

WAC 392-142-210 STATE DETERMINED PRICES BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The superintendent of public instruction shall annually develop state-determined prices for each school bus category applicable to the current school year. The superintendent of public instruction shall follow this schedule:

- (1) By June 15th of the prior school year, develop and notify school districts of the estimated state-determined price; and,
- (2) By October 15th of the current school year, finalize the state-determined prices for each school bus category and notify school districts of any changes from those prices estimated on June 15th.

NEW SECTION

WAC 392-142-215 SCHOOL BUS INSPECTION. All school buses must be inspected and approved by a Washington state patrol inspection officer at the time of purchase. This inspection must be recorded by the inspecting officer on SPI Form 1029 and forwarded to the superintendent of the operating or contracting school district.

NEW SECTION

WAC 392-142-220 SCHOOL BUS OPERATION PERMIT. The superintendent of public instruction shall issue a school bus operation permit upon:

- (1) The recommendation of approval by the responsible regional transportation coordinator; and,
- (2) The proper completion and processing of the following documentation:
  - (a) The original of SPI Form 1020 signed by an authorized school district representative;
  - (b) One copy of the seller's invoice signed by an authorized dealer representative;
  - (c) One copy of the successful bid document signed by an authorized dealer representative;
  - (d) One copy of either or both of the following:
    - (i) The warrant(s) issued to purchase the bus;
    - (ii) The conditional sales contract signed by both an authorized school district and dealer representative;
  - (e) The original weight slip for the vehicle; and,
  - (f) The original school bus inspection report.

NEW SECTION

WAC 392-142-225 PLACEMENT OF USED SCHOOL BUSES ON STATE DEPRECIATION SCHEDULES. Used school buses shall be placed on the state depreciation schedule in effect at the time of the school bus' manufacture as follows:

(1) For those used school buses manufactured after September 1, 1982, state depreciation payments shall be calculated as if it had been purchased in the year of manufacture, including an estimate by the superintendent of public instruction of:

- (a) Prior school years total state depreciation payments;
- (b) Imputed interest earnings; and
- (c) salvage value.

(2) For those used school buses purchased by a school district that were manufactured prior to September 1, 1982, they will be placed on the depreciation schedule with the following eligible purchase price:

(a) A school bus owned by one school district is purchased by another school district. Such a bus shall be placed on the purchasing district's depreciation schedule at its original appreciated price schedule or at the purchase price paid for the used bus, whichever is less.

(b) A school bus purchased from a private party by a school district. Such a bus shall be placed on the purchasing school district's depreciation schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

The superintendent of public instruction shall establish that the purchase price of the school bus appropriately reflects its depreciable value.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 392-142-230 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR BUSES PURCHASED AFTER SEPTEMBER 1, 1975 AND BEFORE SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for school buses purchased after September 1, 1975 and before September 1, 1982 as follows:

(1) Place each district-owned school bus in the appropriate school bus category set forth in WAC 392-142-150.

(2) Multiple the purchase price for that school bus by:

- (a) By ninety percent for school buses purchased after September 1, 1975 and before September 1, 1980; or
- (b) By one hundred percent for school buses purchased after September 1, 1980 and before September 1, 1982;

(3) Multiply the result obtained in subsection (2) by the lessor of:

- (a) The depreciation percentage for that school bus category determined in subsection (1) if the actual annual mileage for the bus is less than the minimum annual mileage; or,
- (b) The actual annual mileage divided by the maximum useful mileage for that student capacity category determined in subsection (1).

NEW SECTION

WAC 392-142-235 ALLOCATION OF STATE DEPRECIATION PAYMENT FOR SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1975, AND BEFORE SEPTEMBER 1, 1982. The superintendent of public instruction shall apportion each school district's annual school bus depreciation payment as calculated in WAC 392-142-230 according to the schedule set forth in WAC 28A.48.010.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 392-142-240 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR DISTRICT-OWNED SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for district-owned school buses purchased after September 1, 1982 as follows:

- (1)(a) For district-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Add the state-determined price for the appropriate school bus category determined in sub section (1)(a) to the state-determined handicapped equipment price if any;

(c) Divide the result obtained in subsection (1)(b) by the useful lifetime determined in sub section (1)(a);

(d) Divide the result obtained in subsection (1)(c) by the number of months remaining in the school year; and,

(e) Divide the result obtained in subsection (1)(d) by twelve.

(2)(a) For school buses issued a school bus operation permit prior to the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Add the state-determined price for the appropriate school bus category determined in sub section (2)(a) to the state-determined handicapped equipment price if any;

(c) Divide the result obtained in subsection (2)(b) by the useful lifetime set forth in determined in sub section (2)(a);

(d) Multiply the result obtained in subsection (2)(c) by the total number of months the school bus has been on the depreciation schedule including the months for the current school year;

(e) Subtract from the result obtained in subsection (2)(d) the total school bus depreciation payments made in prior school years; and

(f) Subtract from the result obtained in subsection (2)(d) the imputed interest earnings.

(g) Subtract from the result obtained in subsection (2)(f) the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

#### NEW SECTION

WAC 392-142-245 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR CONTRACTOR-OWNED SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's state depreciation payment for contractor-owned school buses purchased after September 1, 1982 by:

(1) For contractor-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year, multiply the state-determined purchase price for the appropriate school bus category by the remaining months of the current school year and divide by twelve; or

(2) For contractor-owned school buses issued a school bus operation permit in a prior school year,

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155; and,

(b) Divide the state-determined purchase price at the time the school bus was purchased by the useful lifetime for the appropriate school bus category set forth in WAC 392-142-155.

#### NEW SECTION

WAC 392-142-250 ALLOCATION OF STATE DEPRECIATION PAYMENT SUPPORT—SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall apportion school bus depreciation payments each school year calculated:

(1) Pursuant to WAC 392-142-235 in:

(a) The September apportionment payment for those school buses issued school bus operating permits in prior school years; or,

(b) The first apportionment payment after the issuance of the school bus operating permit for school buses purchased in the current school year;

(2) Pursuant to WAC 392-142-240 according to the schedule set forth in RCW 28A.48.010.

#### NEW SECTION

WAC 392-142-255 DEPOSIT OF STATE SUPPORT IN TRANSPORTATION VEHICLE FUND. School districts shall deposit proceeds for the rent, sale, or lease of school buses and depreciation payments allocated pursuant WAC 392-142-235 and 392-142-245(1) in the Transportation Vehicle Fund. School districts shall not deposit school bus depreciation payments allocated pursuant to WAC 392-142-245(2) in the Transportation Vehicle Fund.

#### NEW SECTION

WAC 392-142-260 ALLOWABLE USES OF TRANSPORTATION VEHICLE FUND. School districts shall use monies in the Transportation Vehicle Fund for the following purposes:

(1) The purchase of approved transportation vehicles;

(2) Performing major repairs receiving prior approval by the superintendent of public instruction.

#### NEW SECTION

WAC 392-142-265 MAINTENANCE AND OPERATION. (1) To the extent possible, school districts shall operate vehicles not less than the number of years of useful life-time now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

(2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with general accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standard unless proven otherwise by the school district prima facie evidence of such proof shall include required changes in the category of bus, or unforeseen natural events which shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption. Generally accepted maintenance and operation standards are outlined in the School Bus Maintenance Guide published by the superintendent of public instruction.

(3) If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the school district by deducting from any future allocations or state payments authorized under this chapter an amount equal to the original cost of the vehicle multiplied by the fraction of the useful life-time the vehicle failed to operate.

#### NEW SECTION

WAC 392-142-270 DISPOSITION OF SCHOOL BUSES. Each school district shall notify the superintendent of public instruction whenever a school bus is taken out of service as a school bus on SPI Form 1020 within thirty days of this action.

#### REPEALER

WAC 392-142-015	Definitions.
WAC 392-142-020	Vehicle categories.
WAC 392-142-025	Vehicle category, useful life.
WAC 392-142-030	State-determined purchase price.
WAC 392-142-035	Maintenance and operation.
WAC 392-142-040	State payment for school buses.
WAC 392-142-045	School buses prior to September 1, 1982.
WAC 392-142-050	District-owned school bus.
WAC 392-142-055	Contractor-owned school bus.
WAC 392-142-060	School bus inspection.
WAC 392-142-065	School bus operation permit.
WAC 392-142-070	Vehicle transportation fund.

### **WSR 89-18-050**

#### **EMERGENCY RULES**

#### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 89-11—Filed August 31, 1989, 4:10 p.m.]

Date of Adoption: August 31, 1989.

Purpose: To amend chapter 392-142 WAC for the allocation of state payments to school districts for the replacement of school buses.

Citation of Existing Rules Affected by this Order: Amending chapter 392-142 WAC.

Statutory Authority for Adoption: RCW 28A.41.170.

Other Authority: RCW 28A.41.540.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The purpose of this emergency rule adoption is to incorporate changes to the process determining state support for replacement of school buses applying to the current school year. The changes are a result of an annual review of the replacement of school bus process required by statute.

Effective Date of Rule: Immediately.

August 31, 1989  
Judith A. Billings  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** [(Amending Order 83-16, filed 10/26/83)]

WAC 392-142-005 **AUTHORITY.** The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of chapter 28A.41 RCW, which includes ~~((student transportation programs.))~~ state depreciation and replacement payments for school buses as specified in RCW 28A.41.540.

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

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** [(Amending Order 83-16, filed 10/26/83)]

WAC 392-142-010 **PURPOSE.** The purpose of this chapter is to implement RCW 28A.41.540 by ~~((establishing))~~ developing:

- (1) ~~((Procedures to develop))~~ Student transportation vehicle categories;
- (2) ~~((Procedures to develop))~~ State-determined purchase prices for student transportation vehicle categories;
- (3) Standards for operation and maintenance of school buses;
- (4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;
- (5) A depreciation schedule and allocation process for school buses contracted from private carriers; and
- (6) Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982.

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

**Reviser's note:** RCW 34.05.395 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 in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

WAC 392-142-075 **DEFINITION—SCHOOL YEAR.** As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

**NEW SECTION**

WAC 392-142-080 **DEFINITION—CURRENT SCHOOL YEAR.** As used in this chapter, "current school year" means the school year for which the payments to school district calculated pursuant to this chapter are made.

**NEW SECTION**

WAC 392-142-085 **DEFINITION—PRIOR SCHOOL YEAR.** As used in this chapter, "prior school year" means the school year immediately preceding the current school year.

**NEW SECTION**

WAC 392-142-090 **DEFINITION—WASHINGTON STATE PATROL INSPECTION OFFICER.** As used in this chapter, "Washington state patrol inspection officer" means an employee of the Washington State Patrol trained and designated by the Chief of the Washington State Patrol to inspect school buses.

**NEW SECTION**

WAC 392-142-095 **DEFINITION—STATE SUPPORTED SPECIFICATIONS.** As used in this chapter, "state supported specifications", means the specifications developed pursuant to chapter 392-143 WAC (Specifications for School Buses) plus added equipment, components, or requirements judged by the advisory committee formed pursuant to RCW 28A.41.540 to produce minimum long-range operating costs and to accommodate transportation of students with handicapping conditions.

**NEW SECTION**

WAC 392-142-100 **DEFINITION—SCHOOL BUS.** As used in this chapter, "school bus" means a vehicle:

- (1) With a seating capacity of more than ten persons including the driver;
- (2) Used for transportation of students to and from school or in connection with school activities; and,
- (3) That meets the requirement set forth in Chapter 392-143 WAC (Specifications for School Buses).

**NEW SECTION**

WAC 392-142-105 **DEFINITION—DISTRICT-OWNED SCHOOL BUS.** As used in this chapter, "district-owned school bus" means a school bus which has been purchased by the district or a school bus which is being operated by a district under a contractual obligation by the same district to purchase the bus.

**NEW SECTION**

WAC 392-142-110 **DEFINITION—CONTRACTOR-OWNED SCHOOL BUS.** As used in this chapter, "contractor-owned school bus" means a school bus owned by a private party and used pursuant to a contract for transportation of students at the direction of a school district.

**NEW SECTION**

WAC 392-142-115 **DEFINITION—SPECIAL HANDICAPPED EQUIPMENT.** As used in this chapter, "special handicapped equipment" means at least wheelchair lifts and may include passenger tiedowns, or passenger restraints designed for the purpose of transporting students with handicapping conditions.

**NEW SECTION**

WAC 392-142-120 **DEFINITION—SEATING REFERENCE POINT.** As used in this chapter, "seating reference point" means the point of intersection of horizontal and vertical axis measured as follows:

- (i) The horizontal distance is 5.0 to 5.4 inches from the front surface of the seat back; and
- (ii) The vertical distance is 2.5 inches above the top of the seat cushion..

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

WAC 392-142-125 **DEFINITION—STUDENT CAPACITY.** As used in this chapter, "student capacity" means the maximum allowable number of students that can be seated on a school bus using 21 inch seat spacing from the seating reference point.

**NEW SECTION**

WAC 392-142-130 **DEFINITION—GASOLINE ENGINE.** As used in this chapter, "gasoline engine" means a spark ignited engine using gasoline, propane, compressed natural gas, gasahol, alcohol, or a combination there.

**NEW SECTION**

WAC 392-142-135 **DEFINITION—DIESEL ENGINE.** As used in this chapter, "diesel engine" means a compression ignited engine using diesel fuel.

**NEW SECTION**

WAC 392-142-140 **DEFINITION—TRANSMISSION.** As used in this chapter, "transmission" means either a clutch actuated, hand shifted manual or a torque converter actuated automatic gear box.

**NEW SECTION**

WAC 392-142-145 **DEFINITION—USEFUL LIFE.** As used in this chapter, "useful life" means the number of years that a school bus is expected to be in use.

**NEW SECTION**

WAC 392-142-150 **DEFINITION—SCHOOL BUS CATEGORIES FOR THOSE BUSES PURCHASED BEFORE SEPTEMBER 1, 1982 AND AFTER SEPTEMBER 1, 1975.** As used in this chapter, "school bus categories for those buses purchased before September 1, 1982 and after September 1, 1975" means the following:

	Student Capacity	Minimum Annual Mileage	Depreciation Percentage	Maximum Useful Mileage
(1)	10 to 22	18,750	25.00%	75,000
(2)	23 to 51	15,625	12.50%	125,000
(3)	52 to 69	15,000	10.00%	150,000
(4)	70 and up	12,500	6.25%	200,000

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

WAC 392-142-155 **DEFINITION—SCHOOL BUS CATEGORIES FOR THOSE BUSES PURCHASED AFTER SEPTEMBER 1, 1982.** As used in this chapter, "school bus categories for those buses purchased after September 1, 1982" means the following:

	Student Capacity	Fuel Type	Transmission Type	Useful Life
(1)	10 to 22	Gas	Manual	8
(2)	10 to 22	Gas	Automatic	8
(3)	10 to 22	Diesel	Manual	8
(4)	10 to 22	Diesel	Automatic	8
(5)	23 to 34	Gas	Manual	8
(6)	23 to 34	Gas	Automatic	8
(7)	23 to 34	Diesel	Manual	8
(8)	23 to 34	Diesel	Automatic	8
(9)	35 to 48	Gas	Manual	10
(10)	35 to 48	Gas	Automatic	10
(11)	35 to 48	Diesel	Manual	15
(12)	35 to 48	Diesel	Automatic	15
(13)	48 to 60	Gas	Manual	10
(14)	48 to 60	Gas	Automatic	10
(15)	48 to 60	Diesel	Manual	15
(16)	48 to 60	Diesel	Automatic	15
(17)	61 to 72	Gas	Manual	10
(18)	61 to 72	Gas	Automatic	10
(19)	61 to 72	Diesel	Manual	15
(20)	61 to 72	Diesel	Automatic	15
(21)	78 to 84	Diesel	Manual	20
(22)	78 to 84	Diesel	Automatic	20
(23)	85 to 90	Diesel	Manual	20
(24)	85 to 90	Diesel	Automatic	20

**NEW SECTION**

WAC 392-142-160 **DEFINITION—VENDOR BID PROPOSAL.** As used in this chapter, "vendor bid proposal" means a set of forms published annually by the superintendent of public instruction which school districts use to obtain bids for school buses. These forms shall include various bid elements such as type, capacity, engine and transmission.

**NEW SECTION**

WAC 392-142-165 **DEFINITION—STATE-DETERMINED PURCHASE PRICE.** As used in this chapter, "state-determined purchase price" means the

arithmetic average of the actual bid prices for the preceding twelve months improved by the inflation rate, documented in vendor bid proposals for that portion of the actual bid price associated with meeting state-supported specifications for a school bus category for those buses purchased after September 1, 1982. Included in the actual bid prices for the purposes of this calculation are:

- (1) sales taxes;
- (2) freight to the school district;
- (3) cost associated with full payment within thirty days of delivery.

Not included in the actual bid prices are any costs associated with district specified requirements in excess of those state specifications provided in WAC 392-143-015.

#### NEW SECTION

WAC 392-142-170 **DEFINITION—STATE-DETERMINED HANDICAPPED EQUIPMENT PRICE.** As used in this chapter, the term "state-determined handicapped equipment price" is that amount determined annually by the superintendent of public instruction representing the cost of special handicapped equipment permanently affixed to a school bus.

#### NEW SECTION

WAC 392-142-175 **DEFINITION—INFLATION RATE.** As used in this chapter, "inflation rate" means the actual change stated in percentage terms in the implicit price deflator for motor vehicles and parts as provided by the office of financial management from the previous state fiscal year to the current state fiscal year.

#### NEW SECTION

WAC 392-142-180 **DEFINITION—TOTAL SCHOOL BUS DEPRECIATION PAYMENTS.** As used in this chapter, "total school bus depreciation payments" means the sum of all state school bus depreciation payments for prior school years made for an individual school bus.

#### NEW SECTION

WAC 392-142-185 **DEFINITION—IMPUTED INTEREST EARNINGS.** As used in this chapter, "imputed interest earnings" means the sum of interest which is assumed to be earned on monies assumed to be available in the vehicle transportation fund from state payments and imputed interest earnings. The rate used shall be the average of the treasury bill rate for ninety-day notes during the previous state fiscal year calculated on the basis of simple interest.

#### NEW SECTION

WAC 392-142-190 **DEFINITION—SALVAGE VALUE.** As used in chapter, "salvage value" means the state-determined school bus price for the year the school bus was placed on the state depreciation schedule divided by the useful life and multiplied by twenty-five percent.

#### NEW SECTION

WAC 392-142-195 **DEFINITION—SPI FORM 1020.** As used in this chapter, "SPI Form 1020" means that form prepared and distributed by the superintendent of public instruction and used by school districts to notify the superintendent of public instruction of the acquisition of a school bus or that the school bus has been taken out of service.

#### NEW SECTION

WAC 392-142-200 **DEFINITION—SPI FORM 1029.** As used in this chapter, "SPI Form 1029" means that form prepared and distributed by the superintendent of public instruction upon which the inspecting officer indicates that the school bus has been inspected and approved upon initial purchase.

#### NEW SECTION

WAC 392-142-205 **DETERMINATION OF SCHOOL BUS CATEGORIES BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The superintendent of public instruction shall annually develop school bus categories including, but not limited to, such variables as student capacity, fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The superintendent of public instruction shall follow this schedule:

- (1) By May 1st of the prior school year, develop school bus categories applicable to the current school year;
- (2) By June 15th of the prior school year, notify school districts of any changes from the current school bus categories; and,
- (3) By October 15th of the current school year, finalize school bus categories applicable to the current school year.

#### NEW SECTION

WAC 392-142-210 **STATE DETERMINED PRICES BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** The superintendent of public instruction shall annually develop state-determined prices for each school bus category applicable to the current school year. The superintendent of public instruction shall follow this schedule:

- (1) By June 15th of the prior school year, develop and notify school districts of the estimated state-determined price; and,
- (2) By October 15th of the current school year, finalize the state-determined prices for each school bus category and notify school districts of any changes from those prices estimated on June 15th.

#### NEW SECTION

WAC 392-142-215 **SCHOOL BUS INSPECTION.** All school buses must be inspected and approved by a Washington state patrol inspection officer at the time of purchase. This inspection must be recorded by the inspecting officer on SPI Form 1029 and forwarded

to the superintendent of the operating or contracting school district.

#### NEW SECTION

**WAC 392-142-220 SCHOOL BUS OPERATION PERMIT.** The superintendent of public instruction shall issue a school bus operation permit upon:

- (1) The recommendation of approval by the responsible regional transportation coordinator, and,
- (2) The proper completion and processing of the following documentation:
  - (a) The original of SPI Form 1020 signed by an authorized school district representative;
  - (b) One copy of the sellers invoice signed by an authorized dealer representative;
  - (c) One copy of the successful bid document signed by an authorized dealer representative;
  - (d) One copy of either or both of the following:
    - (i) The warrant(s) issued to purchase the bus;
    - (ii) The conditional sales contract signed by both an authorized school district and dealer representative;
  - (e) The original weight slip for the vehicle; and,
  - (f) The original school bus inspection report.

#### NEW SECTION

**WAC 392-142-225 PLACEMENT OF USED SCHOOL BUSES ON STATE DEPRECIATION SCHEDULES.** Used school buses shall be placed on the state depreciation schedule in effect at the time of the school bus' manufacture as follows:

(1) For those used school buses manufactured after September 1, 1982, state depreciation payments shall be calculated as if it had been purchased in the year of manufacture, including an estimate by the superintendent of public instruction of:

- (a) Prior school years total state depreciation payments;
- (b) Imputed interest earnings; and
- (c) salvage value.

(2) For those used school buses purchased by a school district that were manufactured prior to September 1, 1982, they will be placed on the depreciation schedule with the following eligible purchase price:

(a) A school bus owned by one school district is purchased by another school district. Such a bus shall be placed on the purchasing district's depreciation schedule at its original appreciated price schedule or at the purchase price paid for the used bus, whichever is less.

(b) A school bus purchased from a private party by a school district. Such a bus shall be placed on the purchasing school district's depreciation schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

The superintendent of public instruction shall establish that the purchase price of the school bus appropriately reflects its depreciable value.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 392-142-230 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR BUSES PURCHASED AFTER SEPTEMBER 1, 1975 AND BEFORE SEPTEMBER 1, 1982.** The superintendent of public instruction shall calculate each school district's annual state depreciation payment for school buses purchased after September 1, 1975 and before September 1, 1982 as follows:

(1) Place each district-owned school bus in the appropriate school bus category set forth in WAC 392-142-150.

(2) Multiple the purchase price for that school bus by;

(a) By ninety percent for school buses purchased after September 1, 1975 and before September 1, 1980; or

(b) By one hundred percent for school buses purchased after September 1, 1980 and before September 1, 1982;

(3) Multiply the result obtained in subsection (2) by the lessor of:

(a) The depreciation percentage for that school bus category determined in subsection (1) if the actual annual mileage for the bus is less than the minimum annual mileage; or,

(b) The actual annual mileage divided by the maximum useful mileage for that student capacity category determined in subsection (1).

#### NEW SECTION

**WAC 392-142-235 ALLOCATION OF STATE DEPRECIATION PAYMENT FOR SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1975, AND BEFORE SEPTEMBER 1, 1982.** The superintendent of public instruction shall apportion each school district's annual school bus depreciation payment as calculated in WAC 392-142-230 according to the schedule set forth in WAC 28A.48.010.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 392-142-240 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR DISTRICT-OWNED SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982.** The superintendent of public instruction shall calculate each school district's annual state depreciation payment for district-owned school buses purchased after September 1, 1982 as follows:

(1)(a) For district-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155:

(b) Add the state-determined price for the appropriate school bus category determined in sub section (1)(a) to the state-determined handicapped equipment price if any;

(c) Divide the result obtained in subsection (1)(b) by the useful lifetime determined in sub section (1)(a);

(d) Divide the result obtained in subsection (1)(c) by the number of months remaining in the school year, and,

(e) Divide the result obtained in subsection (1)(d) by twelve.

(2)(a) For school buses issued a school bus operation permit prior to the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155:

(b) Add the state-determined price for the appropriate school bus category determined in sub section (2)(a) to the state-determined handicapped equipment price if any,

(c) Divide the result obtained in subsection (2)(b) by the useful lifetime set forth in determined in sub section (2)(a);

(d) Multiply the result obtained in subsection (2)(c) by the total number of months the school bus has been on the depreciation schedule including the months for the current school year,

(e) Subtract from the result obtained in subsection (2)(d) the total school bus depreciation payments made in prior school years; and

(f) Subtract from the result obtained in subsection (2)(d) the imputed interest earnings.

(g) Subtract from the result obtained in subsection (2)(f) the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

#### NEW SECTION

WAC 392-142-245 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR CONTRACTOR-OWNED SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's state depreciation payment for contractor-owned school buses purchased after September 1, 1982 by:

(1) For contractor-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year, multiply the state-determined purchase price for the appropriate school bus category by the remaining months of the current school year and divide by twelve; or

(2) For contractor-owned school buses issued a school bus operation permit in a prior school year,

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155; and,

(b) Divide the state-determined purchase price at the time the school bus was purchased by the useful lifetime for the appropriate school bus category set forth in WAC 392-142-155.

#### NEW SECTION

WAC 392-142-250 ALLOCATION OF STATE DEPRECIATION PAYMENT SUPPORT—SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall apportion school bus depreciation payments each school year calculated:

(1) Pursuant to WAC 392-142-235 in:

(a) The September apportionment payment for those school buses issued school bus operating permits in prior school years; or,

(b) The first apportionment payment after the issuance of the school bus operating permit for school buses purchased in the current school year,

(2) Pursuant to WAC 392-142-240 according to the schedule set forth in RCW 28A.48.010.

#### NEW SECTION

WAC 392-142-255 DEPOSIT OF STATE SUPPORT IN TRANSPORTATION VEHICLE FUND. School districts shall deposit proceeds for the rent, sale, or lease of school buses and depreciation payments allocated pursuant WAC 392-142-235 and 392-142-245(1) in the Transportation Vehicle Fund. School districts shall not deposit school bus depreciation payments allocated pursuant to WAC 392-142-245(2) in the Transportation Vehicle Fund.

#### NEW SECTION

WAC 392-142-260 ALLOWABLE USES OF TRANSPORTATION VEHICLE FUND. School districts shall use monies in the Transportation Vehicle Fund for the following purposes:

(1) The purchase of approved transportation vehicles;

(2) Performing major repairs receiving prior approval by the superintendent of public instruction.

#### NEW SECTION

WAC 392-142-265 MAINTENANCE AND OPERATION. (1) To the extent possible, school districts shall operate vehicles not less than the number of years of useful life-time now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

(2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with general accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standard unless proven otherwise by the school district prima facie evidence of such proof shall include required changes in the category of bus, or unforeseen natural events which shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption. Generally accepted maintenance and operation standards are outlined in the School Bus Maintenance Guide published by the superintendent of public instruction.

(3) If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the school district by deducting from any future allocations or state payments authorized under this chapter an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime the vehicle failed to operate.

**NEW SECTION**

**WAC 392-142-270 DISPOSITION OF SCHOOL BUSES.** Each school district shall notify the superintendent of public instruction whenever a school bus is taken out of service as a school bus on SPI Form 1020 within thirty days of this action.

**REPEALER**

- WAC 392-142-015** Definitions.  
**WAC 392-142-020** Vehicle categories.  
**WAC 392-142-025** Vehicle category, useful life.  
**WAC 392-142-030** State-determined purchase price.  
**WAC 392-142-035** Maintenance and operation.  
**WAC 392-142-040** State payment for school buses.  
**WAC 392-142-045** School buses prior to September 1, 1982.  
**WAC 392-142-050** District-owned school bus.  
**WAC 392-142-055** Contractor-owned school bus.  
**WAC 392-142-060** School bus inspection.  
**WAC 392-142-065** School bus operation permit.  
**WAC 392-142-070** Vehicle transportation fund.

**WSR 89-18-051****PERMANENT RULES****DEPARTMENT OF LABOR AND INDUSTRIES**

[Order 89-11—Filed August 31, 1989, 4:22 p.m.—Eff. October 1, 1989]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at the director's office in Olympia, Washington, the annexed rules relating to WAC 296-17-45002 and 296-17-910(4).

This action is taken pursuant to Notice No. WSR 89-13-077 filed with the code reviser on June 21, 1989. These rules shall take effect at a later date, such date being October 1, 1989.

This rule is promulgated pursuant to RCW 51.04.020, 51.16.035 and 51.12.095 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 August 31, 1989.

By Joseph A. Dear  
Director

**NEW SECTION**

**WAC 296-17-45002 SPECIAL TRUCKING INDUSTRY INTERPRETATIONS.** The following subsection shall apply to all trucking industry employers as applicable.

(1) Insurance liability. Every trucking industry employer operating as an intrastate carrier or a combined

intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(2) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated hours exceed five hundred twenty hours per calendar quarter for each worker.

(3) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(a) Must be engaged exclusively in interstate or foreign commerce.

(b) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(c) After having elected coverage withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (a), (b), and (c) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

AMENDATORY SECTION (Amending Order 87-30, filed 5/31/88)

WAC 296-17-910 QUALIFICATIONS FOR EMPLOYER GROUPS FOR WORKERS' COMPENSATION INSURANCE. The department may insure the workers' compensation obligations of employers as a group, provided the following conditions are met:

(1) All the employers in the group are members of an organization that has been in existence for at least two years.

(2) The organization was formed for a purpose other than that of obtaining workers' compensation coverage.

(3) The business of the employers in the organization is substantially similar, taking into consideration the nature of the work being performed by workers of such employers such that the group comprises substantially homogeneous risks.

~~(4) ((The employers in the group constitute at least fifty percent of the total eligible employers in such organization:~~

~~(5)))~~ The formation and operation of the group program in the organization will substantially improve accident prevention and claims handling for the employers in the group.

Each employer seeking to enroll in a group for workers' compensation insurance must have an industrial insurance account in good standing with the department such that at the time the agreement is processed no outstanding premiums, penalties or assessments are due and quarterly reporting of payroll has been made in accordance with WAC 296-17-310.

The above conditions do not pertain to groupings or combination of persons or risks by way of common ownership or common use and control for experience rating purposes. Combinations for experience rating are governed by WAC 296-17-873.

Final determination of group eligibility under this section rests with the department subject to review under chapter 51.52 RCW.

In providing employer group plans under this rule, the department may consider an employer group as a single employing entity for purposes of dividends or retrospective rating. No employer will be a member of more than one group for the purposes of insuring their workers' compensation obligations.

**WSR 89-18-052**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
[Filed September 1, 1989, 9:14 a.m.]

Original Notice.

Title of Rule: Chapter 365-140 WAC, State funding of local emergency food programs.

Purpose: Amending chapter 365-040 WAC [WAC 365-140-040], contractor funding allocation and award of contracts.

Statutory Authority for Adoption: RCW 43.63A.060.

Statute Being Implemented: Section 221 of SSB 5352, Laws of 1989.

Summary: Amend the conditions under which state funds are made available to assist local food banks and food distribution centers.

Reasons Supporting Proposal: To be more responsive to areas of unmet and/or greater need.

Name of Agency Personnel Responsible for Drafting: Paul Perz, Ninth and Columbia Building, Mailstop GH-51, (206) 753-4901; Implementation and Enforcement: Peggy Jo Mihata, Ninth and Columbia Building, Mailstop GH-51, (206) 753-4979.

Name of Proponent: Department of Community Development, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The distribution formula shall be established by the department in consultation with a committee appointed by the director. The anticipated effect will be the ability to respond to areas of newly identified need.

Proposal Changes the Following Existing Rules: A specific distribution formula is deleted and replaced by authorizing the department to establish the formula.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Fifth Floor Conference Room, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504, on October 10, 1989, at 10 a.m. - 12 noon.

Submit Written Comments to: Peggy Jo Mihata, Assistant Director, Community Assistance Division, Fifth Floor Conference Room, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504, by October 10, 1989.

Date of Intended Adoption: October 10, 1989.

August 31, 1989

Chuck Clarke

Director

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-040 CONTRACTOR FUNDING ALLOCATION AND AWARD OF CONTRACTS. 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) 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) 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) A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee. The formula shall address the following:

(a) Poverty population in each county;

(b) Unemployed population in each county; and

(c) Unmet needs in each county.

(4) The department may award the combined allocation for two or more counties to a single applicant.

((4)) (5) The department shall award a food bank contract to one lead agency contractor in each county, with the exception of Pierce County, where there may be two lead agency contractors, and King County, where there may be five lead agency contractors to administer subcontracts with one or more local providers of emergency food bank services.

((5)) (6) 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 contractors.

((6)) (7) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

((7)) (8) 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 three thousand dollars for the contract year will receive unspent funds not to exceed three thousand dollars. Unspent funds exceeding three thousand dollars will be reallocated to a county with the next highest rate of unemployment which was allocated no more than three thousand dollars for the contract year)) lead agency contractor may request permission from the department to reallocate funds to an area of unmet need.

**WSR 89-18-053**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed September 1, 1989, 10:10 a.m.]

Original Notice.

Title of Rule: Determination of maternity care distressed areas, amending WAC 388-81-070.

Purpose: Authorizes the department to review counties in state to determine which counties are care distressed areas; provides criteria for determining if a county is a maternity care distressed area; required counties identified as maternity care distressed areas to submit a brief report to the department recommending remedial action; and authorizes department to prepare report required above.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Same as above.

Reasons Supporting Proposal: This rule is necessary to comply with requirements of HB 2244 that department identify maternity care distressed areas and implement alternative maternity care service delivery systems for eligible persons in such areas.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Everett, Division of Medical Assistance, 753-7316.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington, 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

September 1, 1989

Leslie F. James, Director  
 Administrative Services

NEW SECTION

WAC 388-81-070 DETERMINATION OF MATERNITY CARE DISTRESSED AREAS. (1) A maternity care distressed area shall be defined as a county where women eligible for medical assistance are unable to obtain adequate maternity care.

(2) The department shall conduct an annual review of each county in the state to determine if the county is a maternity care distressed area. The department shall include the following factors in the department's determination:

(a) Higher than average percentage of eligible women receive late or no prenatal care;

(b) Higher than average percentage of eligible women go out of the area to receive maternity care;

(c) Higher than average ratio of medical assistance births to obstetrical care providers;

(d) Higher than average percentage of infants are born to eligible persons per obstetrical care provider; and

(e) Higher than average percentage of infants are of low birth weight born to eligible women. Low birth weight shall be defined as less than five and one-half pounds, or less than two thousand five hundred grams.

(3) The department shall notify the relevant county authority, for example, board of county commissioners, county council, or county executive, when the department determines a maternity care distressed area exists.

(4) The county authority shall, within one hundred twenty days from the date notified, submit a brief report to the department recommending remedial action.

(a) The county authority shall prepare the report in consultation with:

(i) The department and the department's local community service offices;

(ii) The local public health officer;

(iii) Community health clinics;

(iv) Health care providers;

(v) Hospitals;

(vi) The business community;

(vii) Labor representatives; and

(viii) Low income advocates in the distressed area.

(b) The county authority may contract with a local nonprofit agency to develop the report.

(c) The county authority shall notify the department within thirty days if the county authority is unable or unwilling to develop the report.

(5) The department shall develop the report for the distressed area if the department is notified that the county authority is unable or unwilling to develop the report.

(6) The department shall review the report and use the report in developing strategies to improve maternity care access in the distressed area.

**WSR 89-18-054**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**

[Filed September 1, 1989, 10:32 a.m.]

Continuance of WSR 89-15-052.

Title of Rule: Repealing WAC 248-14-297 Respite care; and amending WAC 248-14-298 Respite services.

Purpose: The legislature increased funding for respite services, provided through the area agencies on aging, by more than 300%. Following the legislature's intent to expand respite services, the department is proposing her to revise and simplify requirements for provision of respite services in nursing homes in order to make respite services more accessible.

Statutory Authority for Adoption: RCW 18.51.070.

Statute Being Implemented: RCW 18.51.070.

Summary: Proposed regulation would set uniform requirements for respite services provided in nursing homes.

Reasons Supporting Proposal: This rule is necessary to simplify requirements for provision of respite services in nursing homes in order to make respite services more accessible.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peggy Brown, AASS Nursing Home, 753-3286.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by September 12, 1989.

Date of Intended Adoption: September 12, 1989.

September 1, 1989  
Leslie F. James, Director  
Administrative Services

**WSR 89-18-055**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed September 1, 1989, 10:35 a.m.]

Continuance of WSR 89-15-055.

Title of Rule: Amending chapter 388-49 WAC, Food assistance programs.

Purpose: Clarifies a provision regarding the maximum number of hours an individual may devote to an employment and training program; incorporates federal requirements to reimburse participants for incurred dependent care expenses; provides procedures to be followed when a head of household changes after a sanction has been imposed for either failure to participate or for voluntary quit; clarifies the definition of what constitutes unsuitable employment; and makes numerous editorial changes meant to clarify and simplify the regulations for the reader.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Limits the number of hours a client can participate in an employment and training program; removes the exemption from participation for persons in their first or second trimester of pregnancy; incorporates the federal requirement to reimburse participants for dependent care costs incurred; clarifies procedures necessary when the head of household changes after an employment and training sanction has been imposed; defines unsuitable employment; and clarifies procedures necessary when a head of household changes after a voluntary quit sanction has been imposed.

Reasons Supporting Proposal: This rule amendment is necessary to bring WAC into conformity with federal regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jack Crawford, DIA/Policy and Program Development, 753-4457.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by September 12, 1989.

Date of Intended Adoption: September 12, 1989.

September 1, 1989  
Leslie F. James, Director  
Administrative Services

**WSR 89-18-056**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2864—Filed September 1, 1989, 10:39 a.m.]

Date of Adoption: September 1, 1989.

Purpose: To incorporate in the regulations the changes in the division of income and resources between the institutionalized and community spouse.

Citation of Existing Rules Affected by this Order:  
Amending chapter 388-95 WAC.

Statutory Authority for Adoption: Chapter 5352 [19],  
Laws of 1989 [1st ex. sess.].

Pursuant to notice filed as WSR 89-14-125 on July 5,  
1989.

Changes Other than Editing from Proposed to Adopted Version: All references to community property law are deleted; we added language in WAC 388-95-335 (3)(b) to include "income paid on the behalf of the institutionalized spouse but received in the name of the institutionalized spouse's representative" is income considered available to the institutionalized spouse; we substituted language in WAC 388-95-335(7) to clarify how the income is unavailable to the institutionalized spouse. This section now reads: "If an institutionalized spouse establishes by a preponderance of evidence through a fair hearing the unavailability of income, subsection (3)(a) and (b) of this section shall not apply"; the proposed new section WAC 388-95-356 is deleted and incorporated into WAC 388-95-335; and two minor changes were made to WAC 388-95-337: In subsection (2), an "s" is added to "transfer" and in subsection (4)(b), the words "exceptional circumstances exist that" are unnecessary and therefore deleted.

Effective Date of Rule: Thirty days after filing.

September 1, 1989

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2411,  
filed 8/21/86)

WAC 388-95-335 ((OWNERSHIP)) AVAILABILITY OF INCOME. (1) ((Community property law is used in determining ownership of income for purposes of Medicaid eligibility)) Income is defined under WAC 388-92-005 for a SSI-related applicant or recipient and under WAC 388-22-030 for an AFDC-related applicant or recipient.

(2) ((All income received after marriage by either husband or wife or both is presumed to be community income)) The methodology and standards for determining and evaluating income is defined under WAC 388-95-320 and 388-95-340.

(3) ((The total of the community income, received by the husband and the wife, is divided by two with one-half of the total assigned to each individual, as their income)) After September 30, 1989, the department shall consider the following income available to an institutionalized individual:

(a) Income the institutionalized spouse receives in the institutionalized spouse's name;

(b) Income paid on behalf of the institutionalized spouse, but received in the name of the institutionalized spouse's representative;

(c) One-half of the income the community and institutional spouses receive in both names; and

(d) Income in a trust as provided by the trust.

(4) The department shall consider income the community spouse receives in the community spouse's name as not available to the institutionalized spouse.

(5) An agreement between spouses transferring or assigning rights to future income from one spouse to the other is invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.

((b-(5))) (6) The department recognizes income produced by transferred or assigned resources ((is recognized)) as the separate income of the transferee.

(7) If an institutionalized spouse establishes by a preponderance of evidence through a fair hearing the unavailability of income, subsection (3)(a) and (b) of this section shall not apply.

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

AMENDATORY SECTION (Amending Order 2567,  
filed 12/11/87)

WAC 388-95-337 ((OWNERSHIP)) AVAILABILITY OF RESOURCES. ((The department shall follow Washington state community property principles in determining the ownership of resources.))

(1) Resources are defined under WAC 388-92-005 for the SSI-related applicant or recipient and under WAC 388-22-030 for an AFDC-related applicant or recipient.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-95-340, 388-95-380, and 388-95-390. Transfers of resources are evaluated under WAC 388-95-395.

(3) The department shall determine resources of the institutional spouse, as defined under WAC 388-95-395, available to the community spouse, as defined under WAC 388-95-395, at the time of:

(a) Application for Medicaid institutional care; or

(b) Institutionalization of a Medicaid recipient.

(4) For purposes of determining Medicaid eligibility, the department shall ((presume all resources:

(a) Are community resources if jointly held in the names of both the husband and wife, or in the name of the applicant/recipient only.

(b) Are the separate property of the nonapplicant spouse if:

(i) Held in the separate name of the nonapplicant spouse, or

(ii) Transferred between spouses pursuant to WAC 388-92-043(4).

(2) The department shall divide by two, the total value of the community resources owned by the husband and wife and assign one-half of the total value to each spouse)) consider available to the community spouse resources in the names of either the community spouse and/or the institutionalized spouse, except resources exceeding the greater of:

(a) Sixty thousand dollars;

(b) An amount established by a fair hearing under chapter 388-08 WAC if the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

(c) An amount ordered transferred to the community spouse by the court.

(5) The resources in subsection (4) of this section available to the community spouse shall be in the name of the community spouse or transferred to the community spouse or to another for sole benefit of the community spouse within ninety days after the initial eligibility determination is completed.

(6) The department shall consider resources greater than such resources in subsection (4) of this section available to the institutional spouse.

**AMENDATORY SECTION** (Amending Order 2721, filed 11/7/88)

**WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT.** (1) ((All institutionalized clients shall retain a)) In reducing payment to the institution, the department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance((-);

((2)) (b) ((The)) An amount an AFDC or FIP-related client in a medical facility ((shall be eligible to)) receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance((-);

((3)) (c) The ((department shall allow SSI-related clients to retain the)) current personal needs allowance plus wages ((received)) the supplemental security income-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for a less restrictive placement when((-

(a)) the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level((- and);

((b)) (i) No deductions are allowed for expenses of employment; and

((c)) (ii) The excess wages shall apply to the cost of care, when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

((4)) (d) ((In addition to the allocations in subsections (1) and (3) of this section, the department shall allow SSI-related clients residing in a medical facility throughout a calendar month the following allocations of income as applicable for:

(a) Maintenance needs of spouse not to exceed the one-person medically needy income level;)) An amount for the community spouse equal to the standard maintenance need of one thousand dollars less the separate income of the community spouse. The standard need maintenance amount shall be increased by:

(i) Shelter expenses exceeding two hundred forty-five dollars. The department shall calculate actual expenses for the community spouse's principal residence for rent, mortgage, taxes, and insurance, any maintenance charge for a condominium or cooperative, and a food stamp standard allowance for utilities provided the utilities are not included in another expense;

(ii) The total of the standard maintenance need amount and the shelter expenses shall not exceed one thousand five hundred dollars, unless:

(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or

(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

((b)) (e) A family member's maintenance needs of one-third of the amount eight hundred fifteen dollars exceeds the family ((adjusted for number of family members)) member's income for each dependent or minor child, dependent parent, or dependent sibling of the institutional or community spouse living ((at home, but not to exceed the highest AFDC or FIP payment standard for a family of the same size)) with the community spouse;

((c)) (f) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid((-);

((d)) (g) Maintenance of the home of a single person:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to not more than a six-month period; and

(iii) A physician has certified the individual is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days. Also see chapter 388-28 WAC.

((5)) (2) The ((department)) recipient shall use the remaining income, after allocations specified in subsection((s)) (1)((, (2), (3), or (4))) of this section, ((to compute)) toward payment of the ((participation amount)) recipient's cost of care at the department rate.

((6)) (3)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if:

(i) The stay in the institution or facility is not expected to exceed three months; and

(ii) The SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider this SSI payment when computing the participation amount.

**WSR 89-18-057  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 2865—Filed September 1, 1989, 10:41 a.m.]

Date of Adoption: September 1, 1989.

Purpose: Adjust earned income disregards for AFDC and refugee programs; adjusts time frames for establishing a repayment plan on loans; clarifies exempt status of loans as resources; and clarifies procedure for disregard of nonrecurring cash gifts.

Citation of Existing Rules Affected by this Order: Amending chapter 388-28 WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 89-15-053 on July 19, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-28-482 (4)(d) add "An intercepted income tax refund is not available to meet need until it is actually received."

Effective Date of Rule: Thirty days after filing.

September 1, 1989

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2613, filed 3/23/88)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) Treatment of income.

(a) The department shall determine the grant amount for the month of application by subtracting all net income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The department shall prorate the remainder for the number of days after grant authorization. This prorated figure is the grant amount for the first month of eligibility.

(b) The department shall determine the grant amount for the month following the month of initial eligibility by subtracting all net income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The remainder is the grant amount for the second month of eligibility.

(c) The department shall base the grant amount for the third month of assistance and subsequent months upon income received in the budget and/or report month. WAC 388-28-483(3) is an exception to this rule.

(d) An applicant or recipient whose nonexempt net monthly income exceeds the monthly payment level plus authorized additional requirements is not eligible to receive assistance. Ineligibility exists whether the income is received weekly, biweekly, or monthly, except as specified in WAC 388-24-250 through 388-24-265.

(2) Irregular or nonrecurring income.

(a) The department shall disregard irregular income up to five dollars per month received by a general assistance applicant or recipient.

(b) The department shall disregard nonrecurring cash gifts up to thirty cumulative dollars received by ((an AFDC or RA applicant or recipient when such gifts do not exceed thirty dollars per individual for any three-month period)) each member of the AFDC assistance unit per calendar quarter. The department, unless otherwise specified by the donor, shall determine an individual's share in a gift to more than one person by dividing

the amount of the gift by the number of persons receiving the gift.

(c) The department shall ~~((consider))~~ disregard as income an earned income credit (EIC) ((to be earned income during the month received)).

(3) Loans.

(a) The department shall not consider as income or resources any contractually agreed loan acquired by an applicant or recipient committing all funds for a specific purpose other than current maintenance, and so expended.

(i) The department shall not include the property used as collateral for the loan in determining property reserves.

(ii) The department shall consider toward the resource ceiling the equity accumulated in the specified property.

(b) The department shall not consider as income or resources any other loan, regardless of the loan's ability to meet current needs when the department verifies:

(i) The terms of the loan are stated in a written agreement between the lender and the borrower; and

(ii) The agreement clearly specifies the obligation of the borrower to repay the loan; and

(iii) The agreement includes a repayment plan providing for installments of specified amounts to begin within ninety days of either the receipt of the loan or the date of application for assistance and continue thereafter on a regular basis until the loan is fully repaid; and

(iv) The agreement sets forth the terms of the loan regarding the loan's amount; and

(v) The agreement is signed by the lender and the borrower.

(c) The department shall not consider as income repayments to a recipient of money previously loaned by the recipient to another party since the loan represents income or resources already considered in computing need.

(i) The department shall verify the facts of the loan.

(ii) The department shall consider any interest paid on the loan to be newly acquired income.

(4) Gift in-kind.

(a) The department considers the following items to be gifts-in-kind:

(i) Real or personal property, excluding cash and marketable securities, exempted for an applicant and within the ceiling values; e.g., a home or a new furnace.

(ii) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift; e.g., telephone service.

(b) The department shall not consider a gift in-kind as income or resource if the donor specified in writing the intended use or purpose of the gift.

(c) Needed goods or services not currently included as additional requirements in the department's standards; e.g., repair of house or of household equipment.

(5) Lump sums.

(a) The department shall consider lump sum payments as income in the month received;

(b) The department defines a lump sum payment as nonrecurring ~~((earned or))~~ unearned income. Lump sums may include, but are not limited to:

(i) Lottery winnings,

- (ii) An inheritance,
- (iii) Personal injury award,
- (iv) Workers compensation awards, or
- (v) Social Security back payments.
- (6) WAC 388-28-482 and 388-28-484 cover newly acquired income received by a recipient.

**AMENDATORY SECTION** (Amending Order 2697, filed 9/16/88)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. (1) "Newly acquired income" means any previously unreported or undiscovered income a public assistance recipient possesses or controls in whole or in part.

(2) Unless otherwise specified in this section, the department shall deduct newly acquired income from the payment level plus authorized additional requirements to determine grant amount. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent; and

(b) At least the recipient's equity in the quick sale value of property other than cash.

(3) The department shall apply WAC 388-28-400(7) when the property is only potentially available to meet the recipient's requirements.

(4) ~~((A))~~ The department shall allow recipients who own property listed below to retain the property without having it affect their eligibility or need:

(a) A home used as a residence - see WAC 388-28-420;

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards;

(c) An automobile within the ceiling values in WAC 388-28-430(2);

(d) An income tax refund within the resource ceiling values in WAC 388-28-430. An intercepted income tax refund is not available to meet need until it is actually received. The earned income tax credit portion of the refund shall be ~~((newly acquired))~~ disregarded as income; and

(e) Income from the department to correct a previous underpayment of assistance under WAC 388-33-195.

(5) The department shall modify the rule in subsection (2) of this section for a recipient of AFDC or continuing general assistance as follows:

(a) Earned income retained by a child, under WAC 388-28-535(3), is the personal property of the family and subject to the ceilings in WAC 388-28-430(2);

(b) The possession of any amount of funds from sources listed in subsection (5)(a) of this section in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply;

(c) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent the amount causes the total value of the

resource possessed to exceed the ceiling values of the resource. The excess is considered available; and

(d) Exempt funds representing another person's share of household costs are exempt provided such payments are not legally obligated child support except as provided in WAC 388-28-484 (7)(b).

**AMENDATORY SECTION** (Amending Order 2449, filed 12/22/86)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full- or part-time student, see WAC 388-28-535. For rules exempting income from training, see WAC 388-28-515. For rules on other income, see WAC 388-28-580.

(2) As used in this section, "earned income" shall mean income in cash or in-kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. Earned income also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock, or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages from WIN on-the-job training, and wages paid under the Job Training Partnership Act (JTPA). See WAC 388-28-535(2) for treatment of a child excluded from the grant.

(4) The definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not ~~((himself or herself))~~ actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income."

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, ~~((RSDH))~~ Social Security, etc.

(c) Income from WIN incentive payments and training-related expenses derived from WIN institutional or work experience training.

(d) Income received under the Job Training Partnership Act for training allowances, payments for support services, etc.

(5) In AFDC, refugee assistance, and general assistance when payment of income earned over a period of more than one month is delayed, the exemption applies to the period during which the income was earned.

(6) Aid to families with dependent children and refugee assistance.

(a) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) ~~((Seventy-five))~~ Ninety dollars for work expenses, regardless of the number of hours worked per month.

(ii) For each nonstudent dependent child and adult found otherwise eligible to receive assistance or having received assistance in one of the four prior months, thirty dollars and one-third of the remainder not already disregarded. The thirty dollars and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until the recipient has been a nonrecipient for twelve consecutive months.

(iii) After expiration of the disregard in subsection (6)(a)(ii) of this section, thirty dollars for a maximum of eight consecutive months, whether or not the recipient has earnings or is receiving assistance; it cannot be applied again until the recipient has been a nonrecipient for twelve consecutive months.

(iv) The actual cost not to exceed the following amounts depending upon the number of hours worked per month for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent. The amount incurred must be verified by the provider. The expense must have been incurred for the month of employment being reported to be allowed as a deduction.

Hours Worked Per Month	Child Care Max-	Child Care Max-
	imum Deductions Child 2 Years of Age or Older	imum Deductions Child Under 2 Years of Age
0 - 40	\$ <del>((40.00))</del> 43.75	\$ 50.00
41 - 80	<del>((80.00))</del> 87.50	\$100.00
81 - 120	<del>((120.00))</del> 131.25	\$150.00
121 or more	<del>((160.00))</del> 175.00	\$200.00

(b) ~~((The following shall be disregarded sequentially from the monthly gross earned income of each nonstudent dependent child and adult included in the AFDC assistance unit.~~

~~(i) For individuals found otherwise eligible to receive assistance or having received assistance in one of the four prior months, thirty dollars and one-third of the remainder not already disregarded. The thirty dollars and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she has been a nonrecipient for twelve consecutive months.~~

~~(ii) After expiration of the disregard in subsection (6)(b)(i) of this section, thirty dollars shall be disregarded for a maximum of eight consecutive months, whether or not the recipient has earnings or is receiving assistance; it cannot be applied again until he or she has been a nonrecipient for twelve consecutive months.~~

~~(c)) The exemptions and deductions in subsection (6)(a) ~~((and (b)))~~ of this section will not be applied for any month if the individual within a period of thirty days preceding the month in which the income was received:~~

~~(i) Terminated ~~((his or her))~~ the individual's employment or reduced ~~((his or her))~~ the individual's earned income without good cause; or~~

~~(ii) Refused without good cause to accept employment in which ~~((he or she))~~ the individual is able to engage which is offered through ~~((SES))~~ employment security department, or is otherwise offered by an employer if the~~

offer of such employment is determined by the local office to be a bona fide offer of employment~~((or))~~.

~~((d))~~ (c) The exemptions and deductions in subsection (6)(a) ~~((and (b)))~~ of this section will not be applied for any month the recipient failed without good cause to make a timely report of income. When a timely report is made under these circumstances, the thirty-dollar and one-third exemption shall be counted in the applicable time limits. Good cause shall be determined by the department. Any circumstance beyond the control of the recipient shall constitute good cause.

To be considered timely, a report must be received by the department:

(i) On or before the eighteenth day of the month following the month in which the income was received, or

(ii) By the first following work day if the eighteenth day of the month falls on a weekend or holiday.

~~((e))~~ (d) If a recipient requests termination in order to break the consecutiveness of the applicable time limits for the thirty-dollar plus one-third exemption, and would have been eligible, the months of voluntary non-receipt of assistance shall be counted toward the applicable time limits.

~~((f))~~ (e) If a recipient quits work without good cause, the thirty-dollar and one-third exemption shall be deemed to have been received and shall be counted toward the applicable time limits.

~~((g))~~ (f) Months in which the applicant/recipient received the thirty-dollar and one-third exemption in another state shall not apply toward the applicable time limits.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to ~~((him or her))~~ the individual;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute; or

(f) Adequate child care is not available to the AFDC household.

**WSR 89-18-058**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2866—Filed September 1, 1989, 10:44 a.m.]

Date of Adoption: September 1, 1989.

Purpose: Implement the presettlement agreement between the Office for Civil Rights of the Department of Health and Human Services and Washington State Department of Social and Health Services.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-49-015.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 89-15-054 on July 19, 1989.

Changes Other than Editing from Proposed to Adopted Version: The rule reads: The department shall retain food stamp case records for three years from the month of closure of each record; and fiscal and accountable documents for three years from the date of fiscal or administrative closure. This change would delete the word "origin" and replace it with "closure" within (5)(a). This change has no significant impact on the department, the general public or the people affected by the change since this policy has been in effect for many years.

Effective Date of Rule: Thirty days after filing.

September 1, 1989

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2770,  
filed 3/2/89)

WAC 388-49-015 GENERAL PROVISIONS. (1) The rules in this chapter are for the purpose of administering the food stamp program. Rules and definitions in other chapters of Title 388 of the Washington Administrative Code do not apply to provisions of this chapter unless specifically identified.

(2) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.

(3) The department shall comply with all FNS directives to reduce, suspend, or terminate all or any portion of the food stamp program.

(4) During a presidential or FNS-declared disaster, the department shall certify affected households in accordance with FNS instructions.

(5) The department shall retain:

(a) Food stamp case records for three years from the month of ~~((origin))~~ closure of each record; and

(b) Fiscal and accountable documents for three years from the date of fiscal or administrative closure.

(6) The department shall not discriminate against any applicant or participant in any aspect of program administration for reason of:

- (a) Age,
- (b) Race,
- (c) Color,
- (d) Sex,
- (e) Handicap,
- (f) Religious creed,
- (g) Political beliefs, or
- (h) National origin.

(7) The department shall display nondiscrimination posters provided by FNS in all offices administering the food stamp program.

(8) The department shall fully translate into the primary language of the limited English proficient applicants and recipients:

(a) Written notices of denial, termination, or reduction of benefits; and

(b) Written requests for additional information.

(9) An individual believing he or she has been subject to discrimination may file a written complaint with the:

- (a) Food and nutrition service; or
- (b) State office for equal opportunity.

~~((9))~~ (10) The department shall restrict use or disclosure of information obtained from applying or participating households to:

(a) Individuals directly connected with the administration or enforcement of the provisions of:

- (i) The Food Stamp Act or regulations;
- (ii) Other federal assistance programs; or
- (iii) Federally assisted state programs providing assistance on a means-tested basis to low-income individuals.

(b) Individuals directly connected with the verification of immigration status of aliens applying for food stamp benefits, through the systematic alien verification for entitlements (SAVE) program, to the extent the information is necessary to identify the individual for verification purposes;

(c) Employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

(d) Local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the:

- (i) Identity of the individual requesting the information;
- (ii) Authority of the individual to make the request;
- (iii) Violation being investigated; and
- (iv) Identity of the person about whom the information is requested.

~~((10))~~ (11) The department shall use information obtained through the systematic alien verification for entitlements (SAVE) program only for the purposes of:

- (a) Verifying the validity of documentation of alien status presented by an applicant;
- (b) Verifying an individual's eligibility for benefits;
- (c) Investigating whether participating households received benefits to which they were not entitled, if an individual was previously certified to receive benefits on the basis of eligible alien status; and
- (d) Assisting in or conducting administrative disqualification hearings, or criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.

~~((11))~~ (12) The department shall make the household's case file available to the household or household's representative for inspection during regular office hours as provided in chapter 388-320 WAC.

~~((12))~~ (13) The department shall make the following program information available to the public upon request during regular office hours:

(a) Federal regulations, federal procedures in FNS notices and policy memos, and the state plan of operation at the state office; and

(b) Washington Administrative Code and the Food Stamp Procedures Manual at the local office.

~~((+3))~~ (14) The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws.

~~((+4))~~ (15) The department shall not permit volunteers or other persons not employees of the department to conduct certification interviews or certify food stamp applicants except:

(a) During a presidential or FNS-declared disaster; or

(b) Social Security Administration (SSA) employees for Supplemental Security Income (SSI) households as provided in WAC 388-49-040.

~~((+5))~~ (16) The provisions of Title 18 of the United States Code, "Crimes and Criminal Procedures," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to food coupons.

**WSR 89-18-059**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2867—Filed September 1, 1989, 10:46 a.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to replacement allotments, amending WAC 388-49-570.

This action is taken pursuant to Notice No. WSR 89-14-056 filed with the code reviser on June 30, 1989. 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 August 31, 1989.

By Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2575, filed 12/31/87)

WAC 388-49-570 REPLACEMENT ALLOTMENTS. (1) A household may request a replacement not to exceed a one-month allotment for:

(a) A food coupon authorization (FCA) or coupons received, but subsequently destroyed ~~((by))~~ in a household disaster;

(b) An FCA or coupons ~~((stolen or))~~ lost in or stolen from the mail; ((or))

(c) An FCA stolen after receipt; or

(d) Food purchased with coupons and destroyed in a disaster.

(2) To request a replacement, the household shall:

(a) Report the destruction((;)) or theft((, or nonreceipt)) within ten days of the incident ((or within the period of intended use, whichever is earlier)); ((and)) or

(b) Report the nonreceipt within the period of intended use; and

(c) Sign an affidavit attesting to the destruction, theft, or nonreceipt within ten days of the report.

(3) The department shall not issue both a household disaster allotment to a household and a replacement allotment in a food and nutrition service (FNS) declared disaster.

(4) When a request for replacement is received, the department shall:

(a) Verify the disaster or theft;

(b) Determine if the coupons or FCA were validly issued, actually mailed, and if sufficient time has elapsed for delivery;

(c) Issue a replacement within ten days of the request((;))

(d) Deny a request for replacement if the household has been:

(i) Issued one replacement for an FCA or coupons destroyed after receipt or an FCA stolen after receipt within the previous five-month period; or

(ii) Issued two replacements for an FCA or coupons lost or stolen in the mail before receipt within the previous five-month period;

(c) Deny a request for replacement of coupons mailed by certified mail if a signed receipt of delivery is obtained by the post office from any person residing or visiting at the address provided by the household; and

(f) Not issue a replacement if coupons or an FCA are lost or misplaced after receipt)) if the household is eligible for replacement.

(5) The department shall deny a request for replacement when:

(a) Coupons were mailed by certified mail and a signed receipt of delivery is obtained by the post office from any person residing or visiting at the household-provided address;

(b) Coupons or an FCA are lost or misplaced after receipt;

(c) Coupons are stolen after receipt;

(d) The household was issued two countable replacements within the previous five months for FCAs or coupons lost in or stolen from the mail or for FCAs stolen after receipt; or

(e) The household was issued two countable replacements within the previous five months for FCAs or coupons destroyed in a household disaster. This limit is in addition to the limit under subsection (5)(d) of this section.

(6) The department shall not consider a replacement countable under subsection (5)(d) and (e) of this section if:

(a) The original or replacement issuance is returned to the department;

(b) The original or replacement FCA is not transacted; or

(c) The replacement is issued due to department error.

(7) The department shall deny or delay replacing an FCA when documentation substantiates the replacement request is fraudulent. The department shall:

(a) Inform the household of its right to a fair hearing(;;); and

(b) Continue the denial or delay pending the hearing decision.

~~((6))~~ (8) The department shall use other delivery methods after ~~((more than one request is))~~ two requests are received within a six-month period for replacement of:

(a) An original or replacement FCA; or

(b) Coupons lost in the mail ~~((within a six-month period))~~.

~~((7))~~ (9) If delivery of a partial allotment is reported, the department shall:

(a) Verify the coupon loss was due to damage in the mail before delivery or a discrepancy in the issuance unit's inventory(;;); and

(b) Issue the remainder of the allotment if the partial allotment is ~~((due to))~~ an issuance unit error ~~((in the issuance unit))~~ regardless of the number of times the household ~~((has received))~~ receives replacements within a six-month period.

~~((8))~~ (10) The department shall provide replacement for coupons received and found to be mutilated or improperly manufactured.

(a) The replacement shall equal the value of the improperly manufactured or mutilated coupons.

(b) Coupons shall not be replaced if less than three-fifths of the mutilated coupons remain.

(c) The household shall surrender the mutilated or improperly manufactured coupons to the department.

**WSR 89-18-060**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2868—Filed September 1, 1989, 10:49 a.m.]

Date of Adoption: September 1, 1989.

Purpose: This rule is necessary to comply with requirements of HB 2244 that the department identify maternity care distressed areas and implement alternative maternity care services delivery systems for eligible persons in such areas.

Citation of Existing Rules Affected by this Order: Amending [new] WAC 388-81-070.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Authorizes the department to review counties in state to determine which counties

are care distressed areas; provides criteria for determining if a county is a maternity care distressed area; requires counties identified as maternity care distressed areas to submit a brief report to the department recommending remedial action; and authorizes department to prepare report required above.

Effective Date of Rule: September 5, 1989, 12:01 a.m.

September 1, 1989

Leslie F. James, Director  
Administrative Services

NEW SECTION

WAC 388-81-070 DETERMINATION OF MATERNITY CARE DISTRESSED AREAS. (1) A maternity care distressed area shall be defined as a county where women eligible for medical assistance are unable to obtain adequate maternity care.

(2) The department shall conduct an annual review of each county in the state to determine if the county is a maternity care distressed area. The department shall include the following factors in the department's determination:

(a) Higher than average percentage of eligible women receive late or no prenatal care;

(b) Higher than average percentage of eligible women go out of the area to receive maternity care;

(c) Higher than average ratio of medical assistance births to obstetrical care providers;

(d) Higher than average percentage of infants are born to eligible persons per obstetrical care provider; and

(e) Higher than average percentage of infants are of low birth weight born to eligible women. Low birth weight shall be defined as less than five and one-half pounds, or less than two thousand five hundred grams.

(3) The department shall notify the relevant county authority, for example, board of county commissioners, county council, or county executive, when the department determines a maternity care distressed area exists.

(4) The county authority shall, within one hundred twenty days from the date notified, submit a brief report to the department recommending remedial action.

(a) The county authority shall prepare the report in consultation with:

(i) The department and the department's local community service offices;

(ii) The local public health officer;

(iii) Community health clinics;

(iv) Health care providers;

(v) Hospitals;

(vi) The business community;

(vii) Labor representatives; and

(viii) Low income advocates in the distressed area.

(b) The county authority may contract with a local nonprofit agency to develop the report.

(c) The county authority shall notify the department within thirty days if the county authority is unable or unwilling to develop the report.

(5) The department shall develop the report for the distressed area if the department is notified that the county authority is unable or unwilling to develop the report.

(6) *The department shall review the report and use the report in developing strategies to improve maternity care access in the distressed area.*

**WSR 89-18-061**  
**EMERGENCY RULES**  
**MARINE EMPLOYEES' COMMISSION**

[Filed September 1, 1989, 2:55 p.m.]

Date of Adoption: August 25, 1989.

Purpose: Chapter 316-45 WAC is adopted to set forth complete procedures for the processing of unfair labor practice cases before the commission.

Citation of Existing Rules Affected by this Order:

Amd	WAC 316-45-001	Scope—Contents—Other rules.
New	WAC 316-45-003	Unfair labor practices—Defined.
Re-Ad	WAC 316-45-010	Complaint charging unfair labor practices—Who may file.
Amd	WAC 316-45-030	Complaint—Number of copies—Filing—Service.
Amd	WAC 316-45-050	Contents of complaint charging unfair labor practices.
Re-Ad	WAC 316-45-070	Amendment.
Re-Ad	WAC 316-45-090	Withdrawal.
Amd	WAC 316-45-110	Initial processing of complaint.
Amd	WAC 316-45-130	Examiner—Who may act.
Re-Ad	WAC 316-45-150	Authority of examiner.
Amd	WAC 316-45-170	Notice of hearing.
Amd	WAC 316-45-190	Answer—Filing and service.
Re-Ad	WAC 316-45-210	Answer—Contents and effect of failure to answer.
Re-Ad	WAC 316-45-230	Amendment of answer.
Re-Ad	WAC 316-45-250	Motion to make complaint more definite and certain.
Re-Ad	WAC 316-45-270	Hearings—Nature and scope.
Amd	WAC 316-45-290	Briefs and proposed findings.
Amd	WAC 316-45-310	Unfair labor practice—Decision.
Re-Ad	WAC 316-45-330	Withdrawal or modification of examiner decision.
Re-Ad	WAC 316-45-350	Petition for review of examiner decision.
Re-Ad	WAC 316-45-370	Filing and service of cross-petition for review.
Re-Ad	WAC 316-45-390	Commission action.
Amd	WAC 316-45-410	Unfair labor practice remedies.
Amd	WAC 316-45-430	Motion for temporary relief.
Amd	WAC 316-45-550	Collective bargaining—Mandatory subjects.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.220.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules adopted pursuant to chapter 34.05 RCW to harmonize with (where possible) or supplant (where necessary) chapter 10-08 WAC as amended, effective June 15, 1989. Emergency adoption is necessary to enable immediate processing and adjudication of unfair labor practice complaints.

Effective Date of Rule: Immediately.

September 1, 1989  
Louis O. Stewart  
Rules Coordinator

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the marine employees' commission on complaints charging unfair labor practices. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-45, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-45-050;

(b) WAC 10-08-211, which is supplanted by WAC 316-45-350 and 316-45-370; and

(c) WAC 10-08-230, which is supplanted by WAC 316-45-070, 316-45-090, and 316-45-260.

(2) Chapter 316-02, which contains rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

~~((2))~~ (3) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

~~((3))~~ (4) Chapter 316-35 WAC, which contains rules relating to petitions for clarification of existing bargaining units.

~~((4))~~ (5) Chapter 316-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

~~((5))~~ (6) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

~~((6))~~ (7) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

(8) Chapter 316-85 WAC, which contains rules relating to surveys of compensation, benefits and conditions of employment required by chapter 47.64 RCW.

Reviser's note: RCW 34.05.395 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 316-45-003 UNFAIR LABOR PRACTICES—DEFINED. (1) *It is an unfair labor practice for ferry system management or its representatives:*

(a) *To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by chapter 47.64, RCW;*

(b) *To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: Provided, That subject to rules made by the commission pursuant to RCW 47.64.130, and .280 an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;*

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160: Provided, That nothing prohibits ferry system management from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony concerning subjects covered by chapter 47.64 RCW;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter: Provided, That this paragraph does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, when it is the representative of its employees subject to RCW 47.64.170.

(3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

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

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-010 COMPLAINT CHARGING UNFAIR LABOR PRACTICES—WHO MAY FILE.** A complaint charging that any person has engaged in or is engaging in an unfair labor practice, hereinafter referred to as a "complaint" may be filed by any employee, group of employees, employee organization, the department of transportation, or their agents. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-010, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-030 ((FORMS)) COMPLAINT—NUMBER OF COPIES—FILING—SERVICE.** Charges shall be in writing, in the form of a complaint of unfair labor practices. The original (~~and three copies~~) copy of the complaint shall be filed with the commission at its Olympia office. The party filing the complaint shall serve a copy on each party named as a respondent.

**Reviser's note:** RCW 34.05.395 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 Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-050 CONTENTS OF COMPLAINT CHARGING UNFAIR LABOR PRACTICES.** Each complaint shall contain, in separate numbered paragraphs:

(1) The name and address of the party filing the complaint, hereinafter referred to as the complainant, and the name, address and telephone number of its principal representative.

(2) The name(s) and address(es) of the person(s) charged with engaging in, or having engaged in, unfair labor practices, hereinafter referred to as the respondent(s), and, if known, the names, addresses and telephone numbers of the principal representatives of the respondent(s).

(3) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

(4) A listing of the sections of the Revised Code of Washington (RCW) and/or WAC 316-45-003 alleged to have been violated.

(5) A statement of the relief sought by the complainant.

(6) The signature and, if any, the title of the person filing the complaint.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-070 AMENDMENT.** Any complaint may be amended upon motion made by the complainant. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-070, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-090 WITHDRAWAL.** Any complaint may be withdrawn by the complainant under such conditions as the commission may impose. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-090, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order 88-1, filed 4/29/88)

WAC 316-45-110 INITIAL PROCESSING OF COMPLAINT. The commission or its designee shall determine whether the facts as alleged may constitute an unfair labor practice within the meaning of RCW 47.64.130 and WAC 316-45-003. If it is determined that the facts as alleged do not, as a matter of law, constitute a violation, the commission or designee shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor; otherwise, the commission or designee shall cause the contents of the charge to be issued and served as a complaint of unfair labor practices(~~(, shall assign the matter to an examiner and shall notify the parties of such assignment)~~). An order of dismissal issued pursuant to this section by an examiner other than the commission shall be subject to a petition for review as provided in WAC 316-45-350.

**AMENDATORY SECTION** (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-130 EXAMINER—WHO MAY ACT. The examiner may be the commission or a member of the commission (~~(or any other individual)~~) designated by the commission. Upon notice to all parties, an examiner may be substituted for the examiner previously presiding.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-150 AUTHORITY OF EXAMINER. The examiner shall have the authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule upon objections to evidence and offers of proof, receive relevant evidence and to exclude irrelevant, immaterial or unduly repetitious evidence;

**Reviser's note:** RCW 34.05.395 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 Resolution No. 84-01, filed 3/20/84)

WAC 316-45-170 NOTICE OF HEARING. Notwithstanding WAC 316-02-170, at least twenty days prior to a hearing, the commission or examiner shall issue and cause to be served on the parties a notice of hearing at a time and place specified therein. Attached to the notice of hearing shall be a copy of the complaint as approved under WAC 316-45-110. The notice of hearing shall specify the date for the filing of an answer, which shall be not less than ten days prior to the date set for hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing.

**AMENDATORY SECTION** (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-190 ANSWER—FILING AND SERVICE. (~~The~~) Each respondent(~~s~~) shall, on or before the date specified therefor in the notice of hearing, file with the examiner the original (~~and three copies~~) copy of its answer to the complaint, and shall serve a copy on the complainant.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-210 ANSWER—CONTENTS AND EFFECT OF FAILURE TO ANSWER. An answer filed by a respondent shall specifically admit, deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. The failure of a respondent to file an answer or the failure to specifically deny or explain in the answer a fact alleged in the complaint shall, except for good cause shown, be deemed to be an admission that the fact is true as alleged in the complaint, and as a waiver of the respondent of a hearing as to the facts so admitted. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-210, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-230 AMENDMENT OF ANSWER. The respondent may amend its answer at any time prior to the hearing. During the hearing or subsequent thereto, it may amend its answer in any case where the complaint has been amended, within such period as may be fixed by the examiner or the commission. Whether or not the complaint has been amended, the answer may, in the discretion of the examiner or the commission, be amended upon motion under such terms and within such period as may be fixed by the examiner or the commission. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-230, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-250 MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN. If a complaint is alleged by a respondent to be so indefinite as to hamper the respondent in the preparation of its answer, such respondent may, on or before the date specified for the filing of an answer, file a motion requesting an order directing that the complaint be made more definite and certain. Such motion shall be filed with the examiner and served by the moving party on the complainant and on any other parties. The filing of

such motion will extend the time during which the respondent must file and serve an answer until such date as the commission or examiner may set. The examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-250, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-270 **HEARINGS—NATURE AND SCOPE.** Hearings shall be public and shall be adversary in nature, limited to matters concerning the unfair labor practices alleged in the complaint. The complainant shall prosecute its own complaint and shall have the burden of proof. It shall be the duty of the examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice so as to obtain a clear and complete factual record on which the examiner and commission may discharge their duties under these rules: **PROVIDED, HOWEVER,** That such duty of the examiner shall not be construed as authorizing or requiring the examiner to undertake the responsibilities of the complainant with respect to the prosecution of its complaint or of the respondent with respect to the presentation of its defense. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-270, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-290 **BRIEFS AND PROPOSED FINDINGS.** Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner. The commission or examiner may direct the filing of briefs when he or she deems such filing warranted by the nature of the proceeding or of particular issues therein. The original copy of a brief or proposed finding shall be filed with the commission or examiner and a copy shall be served upon all other parties.

**AMENDATORY SECTION** (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-310 ((EXAMINER)) **UNFAIR LABOR PRACTICE—DECISION.** After the close of the hearing and the filing of all briefs, the examiner shall make a decision containing findings of fact, conclusions of law, and order. If the examiner is a single member of the commission, he/she shall file the original decision with the commission and shall cause a copy thereof to be

served on each of the parties. Any party may file a petition for review thereof with the commission. If the commission is the examiner, the decision and order shall be entered and shall be served on all parties and the commission decision shall be final and binding upon the parties in accordance with RCW 47.64.280.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-330 **WITHDRAWAL OR MODIFICATION OF EXAMINER DECISION.** On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order at any time within twenty days following the issuance thereof, if any mistake is discovered therein or upon grounds of newly discovered evidence which could not with reasonable diligence have been discovered and produced at the hearing: **PROVIDED, HOWEVER,** That this section shall be inoperative after the filing of a petition for review with the commission. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-330, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-350 **PETITION FOR REVIEW OF EXAMINER DECISION.** The examiner's findings of fact, conclusions of law and order shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the examiner. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on each of the other parties to the proceeding. Such petition for review shall contain, in separate numbered paragraphs, statements of the specific findings, conclusions, orders or rulings on which the party filing the petition seeks review by the commission. A petition for review shall have attached to it any appeal brief or written argument which the party filing the petition for review desires to have considered by the commission. Other parties to the proceeding shall have fourteen days following the date on which they are served with a copy of such petition for review and accompanying brief or written argument to file a responsive brief or written argument. The commission or its designee may, for good cause, grant any party an extension of the time for filing of its brief or written argument. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner shall automatically become the findings of fact, conclusions of law and order of the commission and shall have the same force and effect

**Reviser's note:** RCW 34.05.395 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.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-370 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW.** Where a petition for review has been timely filed under WAC 316-45-350, any party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall be extended by seven days. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-370, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**READOPTED SECTION** (Readopting Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-390 COMMISSION ACTION.** On its own motion, or on the filing of a petition for review, the entire record in the proceeding shall be transferred to the commission, and thereafter all motions and arguments shall be directed to the commission. The commission may request the parties to appear before it to make oral arguments as to certain of the issues or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it on review, determine the matter. [Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-390, filed 3/20/84.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-410 UNFAIR LABOR PRACTICE REMEDIES.** If upon the preponderance of evidence the commission or examiner shall conclude that any person named in the complaint has engaged in or is engaging in any unfair labor practice, then the commission or examiner shall state its findings of fact and cause to be served on such person an order requiring him or her to cease and desist from such unfair labor practice and to take such affirmative and corrective action as necessary to effectuate the policies of RCW 47.64.005 and 47.64.006, including but not limited to reinstatement of employees with or without back pay. In calculating back pay orders, the following shall apply:

(1) Employee(s) reinstated to employment with back pay shall have deducted from any amount due an amount equal to any earnings such employee may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.

(2) Employee(s) reinstated to employment with back pay shall have deducted from any amount due an amount equal to any unemployment compensation benefits such employee may have received during the period of violation, and the employer shall provide evidence to the commission that such amount has been repaid to the Washington state department of employment security a credit to the benefit record of the employee.

(3) Money amounts due shall be subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

**Reviser's note:** RCW 34.05.395 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 in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Resolution No. 84-01, filed 3/20/84)

**WAC 316-45-430 MOTION FOR TEMPORARY RELIEF.** In addition to the remedies available under WAC 316-45-410, any complainant in an unfair labor practice proceeding may file a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions shall be processed as provided in this section.

(1) The complainant shall, at the time its complaint is filed or as soon thereafter as facts giving rise to the request for temporary relief become known, provide written notice to the commission (~~(or its designee)~~) of its intent to make a motion for temporary relief and shall, at the same time, serve a copy of such notice on each of the other parties to the proceedings.

(2) Upon the filing of a notice of intent to make a motion for temporary relief, the commission (~~(or its designee)~~) shall expedite the processing of the matter under WAC 316-45-110.

(3) After the determination of the commission (~~(or designee)~~) that the complaint states a cause of action, any complainant desiring temporary relief may file with the commission (~~(or designee)~~) a motion for temporary relief together with affidavits as to the risk of irreparable harm and the adequacy of legal remedies, and shall serve a copy of such motion and affidavits on all other parties to the proceedings. The other parties shall have seven calendar days thereafter to file and serve counter-affidavits.

(4) The (~~designee shall forward all such motions and affidavits to the~~) commission(~~(, which)~~) shall determine whether an injunction pendente lite should be sought. In making such determination, the commission shall adhere to the following policy:

"The name and authority of the marine employees' commission shall not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under WAC 316-45-010, et seq., unless it appears that one or more of

*the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."*

*(a) If the commission concludes that temporary relief should be sought, the commission ((or its designee)) with the assistance of the attorney general, shall petition the superior court of Thurston county or the county wwherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.*

*(b) Whenever temporary relief has been procured, the complaint which has been the basis for such temporary relief shall be heard expeditiously and the case shall be given priority over all other cases except cases of like character.*

*(c) If the commission concludes that temporary relief should not be sought prior to the conclusion of administrative proceedings in the matter, such determination shall not bar renewal of the request for temporary relief following the completion of administrative proceedings in which unfair labor practice violation have been found to exist.*

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order 88-1, filed 4/29/88)

**WAC 316-45-550 COLLECTIVE BARGAINING—MANDATORY SUBJECTS.** ~~(It is the policy of the commission to promote bilateral collective bargaining negotiations between the department and the exclusive representatives of its employees in accordance with RCW 47.64.006 and 47.64.130. Such parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into the dispute between them.)~~ *The commission deems the determination as to whether a particular subject is mandatory or nonmandatory to be a question of law and fact to be determined by the commission, and which is not subject to waiver by the parties by their action or inaction. It is the policy of the commission that a party which engages in collective bargaining with respect to any particular issue does not and cannot thereby confer the status of a mandatory subject on a nonmandatory subject.*

**Reviser's note:** RCW 34.05.395 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 89-18-062  
EMERGENCY RULES  
MARINE EMPLOYEES' COMMISSION**

[Filed September 1, 1989, 3:00 p.m.]

Date of Adoption: August 25, 1989.

Purpose: Chapter 316-02 WAC is adopted to set forth certain general rules of practice and procedure applicable to all types of cases processed by the commission.

**Citation of Existing Rules Affected by this Order:**

Amd	WAC 316-02-001	Application and scope of chapter 316-02 WAC.
Amd	WAC 316-02-003	Policy—Construction—Waiver.
New	WAC 316-02-005	Commission policy—Labor relations.
Amd	WAC 316-02-007	Definitions.
Amd	WAC 316-02-010	Appearance and practice before commission—Who may appear.
Re-Ad	WAC 316-02-020	Appearance and practice before commission—Standards of conduct.
Re-Ad	WAC 316-02-030	Appearance and practice before commission—Appearance by former employee of commission or former member of attorney general's staff.
Re-Ad	WAC 316-02-040	Appearance and practice before commission—Former employee as witness.
Re-Ad	WAC 316-02-100	Service of process—Computation of time.
Re-Ad	WAC 316-02-103	Service of process—Additional time after service by mail.
Re-Ad	WAC 316-02-105	Service of process—Extension of time.
Re-Ad	WAC 316-02-110	Service of process—By whom served.
Re-Ad	WAC 316-02-120	Service of process—Upon whom served.
Amd	WAC 316-02-135	Service of process—Method and completion of service on parties.
Amd	WAC 316-02-150	Service of process—Filing with commission.
Re-Ad	WAC 316-02-160	Service of process—Opportunity for hearing.
Amd	WAC 316-02-170	Service of process—Notice of hearing.
Re-Ad	WAC 316-02-180	Service of process—Continuances.
Amd	WAC 316-02-200	Definition of issues—Before hearing.
Re-Ad	WAC 316-02-210	Definition of issues—Prehearing conference authorized.
Re-Ad	WAC 316-02-220	Definition of issues—Record of action taken during prehearing conference.
Re-Ad	WAC 316-02-230	Summary judgment.
Amd	WAC 316-02-300	Subpoenas—Form—Discovery.
Amd	WAC 316-02-310	Subpoenas—Issuance to parties.
Rep	WAC 316-02-320	Subpoenas—Service.
Rep	WAC 316-02-330	Subpoenas—Fees.
Re-Ad	WAC 316-02-340	Subpoenas—Proof of service.
Re-Ad	WAC 316-02-350	Subpoenas—Quashing.
Re-Ad	WAC 316-02-360	Subpoenas—Enforcement.
Re-Ad	WAC 316-02-370	Subpoenas—Geographical scope.
Re-Ad	WAC 316-02-400	Evidence—Examination of witnesses.
Re-Ad	WAC 316-02-410	Evidence—Application of rules of evidence.
Re-Ad	WAC 316-02-420	Evidence—Objections and rulings.
Amd	WAC 316-02-450	Evidence—Stipulations and admissions of record.
Re-Ad	WAC 316-02-460	Evidence—Submission of documentary evidence.
Re-Ad	WAC 316-02-470	Evidence—Excerpts from documentary evidence.
Re-Ad	WAC 316-02-490	Evidence—Refusal of witness to answer.
Amd	WAC 316-02-500	Declaratory orders authorized.
Amd	WAC 316-02-510	Declaratory orders—Petition.
New	WAC 316-02-520	Declaratory orders—Rights and disposition.
New	WAC 316-02-560	Intervention and consolidation of proceedings.
Re-Ad	WAC 316-02-600	Commission decisions in contested cases—Form and content.
Re-Ad	WAC 316-02-610	Commission decisions in contested cases—Service.
New	WAC 316-02-700	Commission structure.
Re-Ad	WAC 316-02-800	Commission records—Public access.
Amd	WAC 316-02-810	Commission records—Confidentiality.
Re-Ad	WAC 316-02-820	Commission offices.
Re-Ad	WAC 316-02-900	Petitions for rule making—Who may petition.
Re-Ad	WAC 316-02-910	Petitions for rule making—Form.

Re-Ad WAC 316-02-920 Petitions for rule making—Commission must consider.  
 Amd WAC 316-02-930 Petitions for rule making—Notice of disposition.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.220.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules adopted pursuant to chapter 34.05 RCW to harmonize with (where possible) or supplant (where necessary) chapter 10-08 WAC as amended, effective June 15, 1989. Emergency adoption is necessary to enable immediate processing and adjudication of labor-management relations complaints.

Effective Date of Rule: Immediately.

September 1, 1989  
 Louis O. Stewart  
 Rules Coordinator

**Reviser's note:** The material contained in this filing will appear in the 89-19 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

#### WSR 89-18-063

##### PERMANENT RULES

#### BOARD OF PILOTAGE COMMISSIONERS

[Order 89-6, Resolution No. 89-6—Filed September 1, 1989, 3:40 p.m.]

Be it resolved by the Board of Pilotage Commissioners, acting at the Colman Dock, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to limitation of new pilots, WAC 296-116-082.

This action is taken pursuant to Notice No. WSR 89-14-002 filed with the code reviser on June 22, 1989. 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 88.16.105 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 August 11, 1989.

By Marjorie Smith  
 Assistant Attorney General

**AMENDATORY SECTION** (Amending Order 89-5, Resolution No. 89-5, filed 5/18/89)

WAC 296-116-082 LIMITATIONS ON NEW PILOTS. The initial license issued by the board to a new pilot shall not authorize such pilot to perform pilotage

services on any vessel of a size of 25,000 gross tons (International) or more, or of over 660 feet in length for the first year that such licensee becomes an active pilot. During this first year the licensee will not be authorized to pilot loaded petroleum tankers. During the second year of piloting under an initial license the pilot may perform pilotage on vessels in excess of 25,000 gross tons (International) and up to 35,000 gross tons (International) if such pilotage does not include the docking or undocking of the vessel. During the third year of piloting under an initial license the pilot may perform pilotage on vessels not over 35,000 gross tons (International), however, the pilot may perform pilotage on vessels in excess of 35,000 gross tons (International) if such pilotage does not include the docking or undocking of the vessel. The initial license shall contain the above limitations and the date of the commencement and expiration of such periods of limitation. The board ((may)) shall also prescribe required familiarization trips before a newly licensed pilot may pilot a larger or different type of vessel. Prior to the pilot's third anniversary, the licensee shall provide the board with a certificate or other written proof that the pilot has completed a course of continuing education at an accepted simulator school or other recognized ship handling institution. This shall be done before all restrictions are lifted from the pilot's license.

#### WSR 89-18-064

##### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 89-94—Filed September 1, 1989, 4:36 p.m.]

Date of Adoption: September 1, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100R; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of chinook salmon are available in the Columbia River. This rule is consistent with the actions of the August 31, 1989, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

September 1, 1989

Joseph R. Blum  
 Director

#### NEW SECTION

WAC 220-32-05100S COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-

057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish or possess salmon and shad under the following provisions:

Open: for salmon and shad

Time: 6 AM September 4 to 6 PM September 16, 1989.

Area: 1F, 1G, and 1H

Mesh: 8 inch minimum mesh.

All sturgeon must be released and returned to the water immediately.

(3) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 150 feet of the Spring Creek

Hatchery fishway, except that during the period August 28 through September 20, the closed area is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a boundary marker located 1 1/2 miles downstream of the Spring Creek Hatchery fishway and the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upstream of the fishway.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

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

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100R COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (89-76)

**WSR 89-18-065**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 89-95—Filed September 1, 1989, 4:39 p.m.]

Date of Adoption: September 1, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-511.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Area 7B provide opportunity to harvest non-Indian allocation of Nooksack-Samish origin chinook. Openings in Area 7E provide opportunity to harvest non-Indian allocation of Glenwood Springs origin fall chinook. Area restrictions in Area 7E are necessary to protect milling summer and fall chinook. The director has determined that the Skagit pink run, the Hood Canal Hatchery coho run, and the Hood Canal chinook run cannot be harvested in the usual manner and may be in danger of being wasted. Opening in Area 8 provides opportunity to harvest non-Indian allocation of Skagit origin pink salmon, and is necessary to reduce wastage and comply with state/tribal agreements. Mesh restrictions in Area 8 are necessary to protect chinook. The area restriction in Area 8 provides protection for weak Skagit-origin coho. Openings in Area 12A provide opportunity to harvest Quilcene Hatchery origin coho salmon and to reduce wastage. The area restriction in Area 12A is necessary to protect local milling salmon stocks. Openings in Areas 12B and 12C provide opportunity to harvest non-Indian allocation of Hood Canal origin chinook and pink salmon, and to reduce wastage. The restriction in Area 12B is necessary to protect pink salmon returning to the Dosewallips River and to reduce interactions between commercial and sport fishers. The restrictions in Area 12C are necessary to protect milling chinook salmon stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: September 3, 1989, 12:01 a.m.

September 1, 1989

Joseph R. Blum

Director

### NEW SECTION

**WAC 220-47-512 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday September 3, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- \* Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift grill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- \* Area 7B – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Tuesday, Wednesday, and Thursday, September 5, 6, and 7.

- \* Area 7E – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Tuesday, Wednesday, and Thursday, September 5, 6, and 7, and purse seines may fish from 5 AM to 9 PM daily, Wednesday and Thursday, September 6 and 7, and from 5 AM to 4 PM Friday, September 8. This area 7E opening excludes those waters east of a line projected from Tongue Point to Juniper Point to the Point immediately south of Juniper Point, and closed within a 3000-foot radius of Juniper Point.
- \* Area 8 – Gillnets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish from 6 PM Monday September 4th to 6 PM Wednesday September 6th. This opening excludes those waters south and west of a line projected from Polnell Point on Whidbey Island to Rocky Point on Camano Island.
- \* Areas 12A, 12B and 12C – Purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, Thursday, September 5, 6, and 7 and from 5 AM to 4 PM Friday, September 8, and gill nets using 5-inch minimum mesh may fish from 6 PM to 9 AM nightly, Tuesday, Wednesday, Thursday, and Friday September 5, 6, 7, and 8. This opening excludes those waters of area 12A north of a line projected true east from Broad spit, and those waters of area 12B north of a line projected from Hood Point to Quatsap Point, and those waters of area 12C within a 1000-foot radius of the Hoodsport Hatchery intake (mouth of Finch Creek) and those waters south of a line projected from the Cushman powerhouse to the public boat ramp at Union.
- \* Areas 6B, 6D, 7C, 7D, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday September 3:

**WAC 220-47-511 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-93)**

**WSR 89-18-066**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed September 5, 1989, 3:07 p.m.]

Continuance of WSR 89-16-060.

Title of Rule: Amending WAC 388-83-032 Pregnant women and infants; and WAC 388-83-033 Children—Seven years of age and under.

Purpose: To incorporate the changes in the level of income for pregnant women and children from 90 percent of the federal poverty level to 185% for pregnant women and infants under one year of age and to 100% for children born after September 30, 1983, and are under eight years of age. The rules clarify that citizenship and residence under chapter 388-82 WAC are eligibility requirements for this program. Resources are not considered.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Chapter 74.09 RCW.

Summary: Pregnant women and infants are eligible for categorically needy Medicaid when their family income does not exceed one hundred eighty-five percent of the federal poverty level and otherwise qualify under Title XIX requirements. The income of unmarried father is excluded.

Reasons Supporting Proposal: This rule is necessary to implement provisions of the Maternity Care Access Act of 1989, HB 2244.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2, 12th and Franklin, Olympia, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

September 5, 1989

Leslie F. James, Director  
Administrative Services

**WSR 89-18-067**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed September 5, 1989, 3:09 p.m.]

Continuance of WSR 89-16-061.

Title of Rule: Standards of assistance—Basic requirements, amending WAC 388-29-100.

Purpose: Increase the need standards for basic requirements.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Chapter 74.08 RCW.

Summary: Updates the need and 185% need standards.

Reasons Supporting Proposal: This rule amendment is necessary to conform to RCW 74.04.770. The need standards are updated annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Monform, Division of Income Assistance, 586-4594.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 13, 1989.

Date of Intended Adoption: October 17, 1989.

September 5, 1989

Leslie F. James, Director  
Administrative Services

**WSR 89-18-068**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed September 5, 1989, 3:12 p.m.]

Continuance of WSR 89-16-062.

Title of Rule: WAC 388-87-010 Conditions of payment—General.

Purpose: To clarify the limitations of when a provider may bill a recipient.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Chapter 74.09 RCW.

Summary: The provider may bill the department only for covered services provided to eligible recipients. The provider may bill a recipient for noncovered services only if there is written agreement prior to receiving the services.

Reasons Supporting Proposal: This rule is necessary to provide rules for provider billing when the recipient is not obligated to pay.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

September 5, 1989

Leslie F. James, Director  
Administrative Services

**WSR 89-18-069**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed September 5, 1989, 3:14 p.m.]

Continuance of WSR 89-16-069.

Title of Rule: New WAC 388-86-024 Enhanced benefits for pregnant women.

Purpose: To add enhanced maternity benefit rules.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Chapter 74.09 RCW.

Summary: Adding enhanced maternity benefit rules.

Reasons Supporting Proposal: This rule is necessary to implement provisions of the Maternity Care Access Act of 1989 HB 2244.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

September 5, 1989

Leslie F. James, Director  
Administrative Services

**WSR 89-18-070**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 89-29—Filed September 5, 1989, 3:18 p.m.]

I, Fred Olson, deputy director of [the Department of Ecology], do promulgate and adopt at Lacey, Washington, the annexed rules relating to Phase One—Waste reduction and recycling grants, adopting chapter 173-318 WAC.

This action is taken pursuant to Notice No. WSR 89-16-102 filed with the code reviser on August 2, 1989. 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 43.83A and 43.99F 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 September 5, 1989.

By Fred Olson  
Deputy Director

**Chapter 173-318 WAC**  
**PHASE ONE**

**WASTE REDUCTION AND RECYCLING**  
**GRANTS**

**WAC**

173-318-010	Purpose and authority.
173-318-020	Relation to other legislation and administrative rules.
173-318-030	Definitions.
173-318-040	Funding.
173-318-050	Procedures.
173-318-060	Eligibility and grantee match requirements.
173-318-070	Waste reduction/recycling best management practices study demonstration project grants.
173-318-080	Preimplementation program design grants for waste reduction/recycling projects.

**NEW SECTION**

**WAC 173-318-010 PURPOSE AND AUTHORITY.** The purpose of this chapter is to set forth eligibility criteria and requirements for the first phase of a financial assistance program that provides grants to further the state's waste management priorities. The department shall provide grants for:

(1) Waste reduction/recycling demonstration projects in urban and rural areas.

(2) Preimplementation program designs for waste reduction and recycling projects.

The authority to provide financial assistance is granted under chapters 43.83A and 43.99F RCW.

NEW SECTION

## WAC 173-318-020 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES.

(1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

(2) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

NEW SECTION

WAC 173-318-030 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the meanings described herein.

(1) "Best management practices study" means the analysis and evaluation of solid waste management in the state of Washington conducted by the Washington state department of ecology, as required by RCW 70.95.280.

(2) "Buy-back center" means a facility where source separated recyclable materials are delivered for compensation.

(3) "Collection box" means a container or device used to temporarily hold recyclable material before collection.

(4) "Collection system" means the complete system employed to collect recyclable materials, which may include curbside collection, drop-box recycling facilities, buy-back centers, or other methods or combinations thereof, and includes operations and maintenance, and methods to encourage participation.

(5) "Commercial waste substream" means garbage and recyclable materials generated at places of business except manufacturing.

(6) "Composting" means biological stabilization of organic matter through aerobic digestion.

(7) "Curbside collection" means the collection of source-separated recyclable materials from residences and places of business.

(8) "Department" means the Washington state department of ecology.

(9) "Drop-box recycling facility" means a facility accessible to the public to leave recyclable material, without remuneration, consisting of separate receptacles for each recyclable material collected.

(10) "Energy recovery or incineration" means reducing the volume of wastes by use of an enclosed device using controlled flame combustion.

(11) "Equipment" means those items with a life expectancy of one year or more and a cost of over one thousand dollars that are necessary to implement the waste reduction and recycling system, excluding office equipment such as desks, chairs, and bookcases.

(12) "Indirect costs" means costs that are incurred for (a) common or joint purpose benefiting more than one cost objective and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved.

(13) "In-kind costs" means contributions and services used as a portion of the grantee's matching share of the project costs.

(14) "Intermediate processing center" means a facility where source-separated recyclable materials are prepared for marketing to end users.

(15) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(16) "Manufacturing waste substream" means garbage and recyclable materials generated by persons engaged in creating products.

(17) "Market" means an end user for recyclable materials.

(18) "Material recovery facility" means a facility where recyclable materials are extracted from mixed wastes and prepared for marketing to end users.

(19) "Operations costs" means costs associated with implementing a project or program, including but not limited to, staff and associated costs, goods and services, and contracted services.

(20) "Operations plan" means a design for system functions, including but not limited to, staffing and maintenance needs and a funding mechanism.

(21) "Organic matter" means material originating from plants or animals, limited to food wastes, food processing wastes, wastes from farming or gardening, sewage sludges, logging and milling residues, pulp and paper products, and yard debris that are found in the solid waste stream.

(22) "Organics processing" means the processing of yard debris or other organic matter to produce usable soil conditioners or amendments through composting, fermentation, anaerobic digestion, or other processes.

(23) "Preimplementation program design" means a document detailing a waste reduction and/or recycling system unique to the needs of a geographical area that includes, but is not limited to, all information about the system plans and specifications, staffing plans, implementation schedules, operations and maintenance plans and costs, SEPA compliance, and permitting costs.

(24) "Recyclable materials" means those solid wastes that can be diverted for recycling or reuse, which otherwise would be disposed of through landfill, energy recovery, or incineration.

(25) "Recycling" means the collection of recyclable material, followed by the transformation of the material into potentially usable materials for use other than landfill disposal, energy recovery or incineration, followed by consumption by an end-user that transforms the material into a product for consumer use.

(26) "Residential waste substream" means garbage and recyclable materials generated by households.

(27) "Solid waste substream" means garbage, refuse and recyclable materials, and is made up of four substreams including residential, commercial, manufacturing, and self-haul.

(28) "Source separation" means separation of recyclable materials and garbage at the point of generation.

(29) "Waste reduction" means all practices that reduce, avoid, or eliminate the amount of toxicity of waste generated, including reuse of materials.

(30) "Yard debris" means vegetation from homes and businesses that can be converted through biological processes into usable soil amendments or other usable products.

#### NEW SECTION

WAC 173-318-040 FUNDING. For purposes of implementing the financial assistance program under this chapter, four million one hundred fifty thousand dollars shall be available and shall be apportioned as follows:

- (1) Grants for waste reduction/recycling demonstration projects. (chapter 43.99F RCW) \$3,112,500
- (2) Grants for preimplementation program design for waste reduction and recycling projects. (chapter 43.83A RCW) \$1,037,500

Based on an internal review of grant applications received, grant obligations and grant fund balances, the department may reallocate funds by grant category or readjust the amount of funds that may be allocated under any and all grant fund categories.

The obligation of the department to make grant payments is contingent upon the availability of funds through allotment or appropriation, and such other conditions not reasonably foreseeable by the department rendering performance impossible.

#### NEW SECTION

WAC 173-318-050 PROCEDURES. (1) Grant application packages, which include administrative guidelines, application forms, and detailed information, will be provided to all interested parties.

(2) Applicants may seek technical assistance from the department.

(3) Applications submitted to the department will be reviewed and scored by the department. Applications must include all required elements as outlined in the guidelines to be considered for funding. Applications will be ranked competitively.

(4) Award letters will be sent to applicants selected for funding after which final details regarding the scope of work, budget, and other items of concern will be negotiated.

(5) A grant offer is made by the department to the applicant in the form of a grant agreement when all applicant and project eligibility requirements have been met, funds are available, and the formal application has been completed to the mutual satisfaction of the applicant and the department.

(6) A grant award is made when a grant offer has been signed by both the applicant and the department. No costs incurred prior to the effective date of the grant are eligible unless specific provision is made in the grant agreement for such costs.

#### NEW SECTION

WAC 173-318-060 ELIGIBILITY AND GRANTEE MATCH REQUIREMENTS. (1) Eligible

grantees include the state of Washington or any agency, political subdivision, taxing district or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

(2) The department will provide up to seventy-five percent of the total eligible project costs for demonstration projects, pursuant to chapter 43.99F RCW.

(3) The department will provide up to eighty-five percent of the total eligible project costs for preimplementation program designs, pursuant to chapter 43.83A RCW, but will not provide more than one hundred thousand dollars.

(4) A maximum of fifty percent of the grantee cost share may be from in-kind contributions.

(5) A maximum indirect cost rate of ten percent of direct labor will be allowed unless the grantee has an indirect rate approved by a federal or state audit agency. The department reserves the right to determine the amount of indirect allowance in each grant agreement.

#### NEW SECTION

WAC 173-318-070 WASTE REDUCTION/RECYCLING BEST MANAGEMENT PRACTICES STUDY DEMONSTRATION PROJECT GRANTS.

(1) Eligible projects include comprehensive waste reduction and recycling systems that test the findings of the best management practices study related to methods and systems for achieving maximum levels of waste reduction and recycling.

(2) This may include the complete system employed to collect, process and market recyclable materials, including yard debris and organic matter. Eligible project costs include equipment and facilities for curbside collection programs, drop-box recycling programs, buy-back centers, composting, organics processing, material recovery, intermediate processing and marketing, or other methods or combinations thereof. Eligible costs also include operation and maintenance costs as well as methods to encourage participation.

(3) The system will include the participation of private enterprise where it has a demonstrated ability and current capacity to provide needed services. Eligible project costs shall not include the support of solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise.

(4) Priority for allocation of grants: Grant applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The demonstration project ranking criteria are as follows:

(a) Extent to which the waste stream will be reduced. Priority will be given to those projects emphasizing reduction and recycling through curbside collection or its equivalent.

(b) The extent to which the project will test the findings of the best management practices study.

(c) Applicant's degree of compliance with solid waste management planning requirements.

(d) Integration of the project with the existing solid waste system and recycling operations in the geographical area to be served.

(e) Comprehensiveness of the operations, maintenance, and implementation plans.

(f) Inclusion of evaluation criteria that, if met, would result in continuation of the project with local funding beyond the demonstration period.

(g) Proposed evaluation methodology.

(h) Transferability of methods and systems to other jurisdictions.

(i) Appropriateness of project size to meet the needs of the area to be served.

(j) Extent to which the project serves more than one geographical area.

#### NEW SECTION

WAC 173-318-080 PREIMPLEMENTATION PROGRAM DESIGN GRANTS FOR WASTE REDUCTION/RECYCLING PROJECTS. (1) Eligible projects include the design of a waste reduction and/or recycling program or project unique to the needs of a geographical area. It should include the participation of private enterprise where there is a demonstrated ability and current capacity to provide needed services.

(2) Program designs include detailed information about, but are not limited to, the program or project plans and specifications, staffing plans, implementation schedules, operations and maintenance plans and costs, compliance with SEPA, and permitting costs. The program design may also include development of RFPs and RFQs, analysis of specific program elements to determine those that can best meet the needs of the community as identified in the local comprehensive solid waste management plan, and preparation of funding proposals.

(3) Eligible costs shall not include the design of programs that support a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available from private enterprise to persons within that locale.

(4) Priority for allocation of grants: Grant applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The program design project evaluation criteria are as follows:

(a) Priority will be given to those projects that have a demonstrated financial commitment and ability to support the designed system.

(b) Integration of program or project with local comprehensive solid waste management plan.

(c) Ability to carry out the proposed work.

(d) Approach to project management including management of consultants, if applicable.

(e) Approach to community involvement.

(f) Extent to which the program or project will serve the needs of more than one jurisdictional area.

**WSR 89-18-071**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 89-08]

#### ESTABLISHING THE WASHINGTON STATE GROWTH STRATEGIES COMMISSION

WHEREAS, rapid growth in the metropolitan centers of Washington State has provided new jobs, it has also resulted in significant impacts on: land use patterns, traffic, air and water resources, open space and wetlands, affordable housing; and the ability of governments to finance public facilities and service improvements; and

WHEREAS, with the loss of economic vitality in other parts of the state, which has resulted in unemployment and migration of people to more populous areas, there is an additional strain on the ability of those local jurisdictions to deal with financial and operational demands; and

WHEREAS, there is no consistent mechanism on who will bear the costs of growth and how and when such costs will be met;

WHEREAS, a contradiction exists between our traditional values and our ability to maintain our present quality of life;

WHEREAS, the state is dependent upon the wise use of its resources and a coordinated and orderly growth process to enhance the quality of life for all Washingtonians now and in the future and for these reasons there is a need to create a temporary commission of citizens to investigate, debate, and develop comprehensive growth strategies statewide, recognizing regional diversity.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me, do hereby establish the Washington State Growth Strategies Commission.

The Growth Strategies Commission shall be composed of 13 citizens and four legislators representing a variety of perspectives from across the state. These citizen members will be reimbursed for travel and per diem costs through the Department of Community Development.

The Commission must seek broadly based input from state and local government officials and citizens in developing its recommendations.

An interim report on the Commission's progress will be due to the Governor and the Legislature during the 1990 legislative session and recommendations will be submitted to the Governor by June 30, 1990. The recommendations should address but not be limited to the following issues:

1) The effectiveness of current state planning laws and regulations to coordinate growth and development and protect the environment.

2) By whom, when and how the costs of growth are met.

3) What state and or regional roles in growth management are appropriate for issues of regional significance

such as transportation, land use, environmental quality, affordable housing, and economic development issues;

4) Incentives for local governments to coordinate and implement their land use, transportation, and capital facilities plans;

5) Incentives to share growth throughout the state.

The Growth Strategies Commission should review the variety of growth related state and local studies and reports that have recently been completed or are underway as an aid to completing the work.

The Washington State Department of Community Development will provide staff and other support to the Commission.

The Commission shall terminate on August 31, 1990.

IN WITNESS WHERE-  
OF, I have hereunto set my  
hand and caused the Seal of  
the State of Washington to  
be affixed at Olympia this  
31st day of August, A.D.,  
nineteen hundred and  
eighty-nine.

Booth Gardner

\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Teri A. Yount

\_\_\_\_\_  
Acting Deputy  
Secretary of State

**WSR 89-18-072**

**NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE CENTER**

[Memorandum—August 31, 1989]

The International Development Committee of the Washington State Convention and Trade Center will meet on Thursday, September 7, 1989, at 3:00 p.m. The meeting location will be the 5th Floor Administrative Offices of the Convention and Trade Center, 800 Convention Place, Seattle.

The committee will discuss the final report prepared by Tradec.

**WSR 89-18-073**

**NOTICE OF PUBLIC MEETINGS  
EDMONDS COMMUNITY COLLEGE**

[Memorandum—September 6, 1989]

Tuesday, September 12, 1989  
Lynnwood Hall, Room 424  
4:30 p.m. - 6:40 p.m.

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 89-18-074**

**NOTICE OF PUBLIC MEETINGS  
COMMISSION FOR EFFICIENCY  
AND ACCOUNTABILITY IN GOVERNMENT**

[Memorandum—September 6, 1989]

September 13, 1989  
7:30 a.m. to 10:30 a.m.  
US West Building  
31st Floor, Board Room  
Seattle, Washington

For additional information contact JoAnn Huber, (206) 586-0823.

**WSR 89-18-075**

**RULES COORDINATOR  
PENINSULA COLLEGE**

[Filed—September 6, 1989, 9:12 a.m.]

As required by the new Administrative Procedure Act (APA), Bonnie Cauffman has been appointed rules coordinator for Peninsula College. Her office is located in the President's Office, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362.

Paul G. Cornaby

**WSR 89-18-076**

**NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION**

[Memorandum—September 5, 1989]

The Washington State Human Rights Commission will hold its next regular commission meeting in Tacoma. The regular business meeting will be held at the Executive Inn, Marine Room, 5700 Pacific Highway East, Tacoma, beginning at 9:30 a.m. on September 28, 1989. A planning session will also be held on September 27, 1989, at the same location beginning at 7:00 p.m.

**WSR 89-18-077**

**PERMANENT RULES  
SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 89-08—Filed September 6, 1989, 10:46 a.m.]

I, Judith A. Billings, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 392-140-042, 392-140-043, 392-140-044, 392-140-046, 392-140-047, 392-140-048, 392-140-049, 392-140-050, 392-140-051, 392-140-052, 392-140-053, 392-

140-054, 392-140-055, 392-140-056, 392-140-057, 392-140-058, 392-140-059, 392-140-061, 392-140-062, 392-140-063, 392-140-064, 392-140-065, 392-140-066, 392-140-085, 392-140-086, 392-140-087, 392-140-088, 392-140-089, 392-140-090, 392-140-091, 392-140-092, 392-140-093, 392-140-094, 392-140-095, 392-140-096, 392-140-097, 392-140-098, 392-140-099, 392-140-100, 392-140-101, 392-140-102, 392-140-103, 392-140-104, 392-140-105, 392-140-106, 392-140-107, 392-140-108, 392-140-109, 392-140-110, 392-140-111, 392-140-112, 392-140-113, 392-140-114, 392-140-115, 392-140-116, 392-140-117, 392-140-118, 392-140-119, 392-140-120, 392-140-121, 392-140-122, 392-140-123, 392-140-124, 392-140-125, 392-140-126, 392-140-127, 392-140-128, 392-140-129, 392-140-130, 392-140-131, 392-140-132, 392-140-133, 392-140-134, 392-140-135, 392-140-136, 392-140-137, 392-140-138, 392-140-139, 392-140-140, 392-140-141, 392-140-145, 392-140-146, 392-140-147, 392-140-148, 392-140-149, 392-140-150, 392-140-151, 392-140-152, 392-140-153, 392-140-154, 392-140-155, 392-140-156, 392-140-157, 392-140-158 and 392-140-159.

This action is taken pursuant to Notice No. WSR 89-14-036 filed with the code reviser on June 28, 1989. 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.58.095 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 September 5, 1989.

By Judith A. Billings  
Superintendent of  
Public Instruction

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-140-042 RAP, GRADES SEVEN THROUGH NINE—APPLICABLE PROVISIONS.

WAC 392-140-043 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—EDUCATIONALLY DEPRIVED.

WAC 392-140-044 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—PLACEMENT TEST.

WAC 392-140-046 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—SUPPLEMENTAL INSTRUCTIONAL ASSISTANCE.

WAC 392-140-047 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—LIKE SERVICES.

WAC 392-140-048 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—REMEDIA-TION PROGRAM.

WAC 392-140-049 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—ELIGIBLE STUDENTS.

WAC 392-140-050 RAP, GRADES SEVEN THROUGH NINE—DISTRICT APPLICATION.

WAC 392-140-051 RAP, GRADES SEVEN THROUGH NINE—BOARD APPROVAL.

WAC 392-140-052 RAP, GRADES SEVEN THROUGH NINE—CONTENT OF DISTRICT APPLICATION.

WAC 392-140-053 RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—NOTIFICATION OF PARENTS.

WAC 392-140-054 RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—ALLOWABLE EXPENDITURES.

WAC 392-140-055 RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—END OF YEAR REPORT.

WAC 392-140-056 RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—ANNUAL PROGRAM EVALUATION.

WAC 392-140-057 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT 7-9 FTE ENROLLMENT.

WAC 392-140-058 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT EIGHTH GRADE RAP PERCENTAGE.

WAC 392-140-059 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT SPECIFIC LEARNING DISABLED ENROLLMENT FOR AGES TWELVE THROUGH FOURTEEN.

WAC 392-140-061 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT GRADES SEVEN THROUGH NINE SERVICE POPULATION.

WAC 392-140-062 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—GRADES SEVEN THROUGH NINE PER STUDENT SUPPORT LEVEL.

WAC 392-140-063 RAP, GRADES SEVEN THROUGH NINE—DISTRICT ALLOCATION.

WAC 392-140-064 RAP, GRADES SEVEN THROUGH NINE—DISTRIBUTION OF STATE MONEYS FOR THE STATE REMEDIATION ASSISTANCE PROGRAM GRADES SEVEN THROUGH NINE.

WAC 392-140-065 GENERAL PROVISION—CARRYOVER PROHIBITION.

WAC 392-140-066 GENERAL PROVISION—MAXIMUM CONTROL FACTOR—PRORATION.

WAC 392-140-085 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—APPLICABLE PROVISIONS.

WAC 392-140-086 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—PURPOSE.

WAC 392-140-087 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—ELIGIBLE DISTRICT AND CATEGORY.

WAC 392-140-088 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—REVISED LEAP DOCUMENT 7.

WAC 392-140-089 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—CERTIFICATED SALARY ENHANCEMENT ALLOCATION.

WAC 392-140-090 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION.

WAC 392-140-091 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—STATE-SUPPORTED PROGRAMS FOR PURPOSE OF ALLOCATIONS.

WAC 392-140-092 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—CERTIFICATED STAFF ACTUAL FULL-TIME EQUIVALENT SALARY.

WAC 392-140-093 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE—DEFINITION—DISTRICT CERTIFICATED DERIVED BASE SALARY.

WAC 392-140-094 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED STAFF ADJUSTED SALARY.

WAC 392-140-095 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE—DEFINITION—FORM SS-279.

WAC 392-140-096 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—REPORTING REQUIREMENTS.

WAC 392-140-097 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7.

WAC 392-140-098 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION.

WAC 392-140-099 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY A DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY.

WAC 392-140-100 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—REPORTING REQUIREMENTS.

WAC 392-140-101 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7.

WAC 392-140-102 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION.

WAC 392-140-103 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY B DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY.

WAC 392-140-104 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—REPORTING REQUIREMENTS.

WAC 392-140-105 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7.

WAC 392-140-106 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—CERTIFICATED SALARY ENHANCEMENT ALLOCATION BY MODIFYING REVISED LEAP DOCUMENT 7 TO \$16,500.

WAC 392-140-107 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION.

WAC 392-140-108 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY C DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY.

WAC 392-140-109 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—REPORTING REQUIREMENTS.

WAC 392-140-110 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATION AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—MODIFICATION OF REVISED LEAP DOCUMENT 7.

WAC 392-140-111 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—ADDITIONAL CERTIFICATED SALARY ENHANCEMENT ALLOCATION.

WAC 392-140-112 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR CATEGORY D DISTRICT—MAXIMUM ALLOWED CERTIFICATED DERIVED BASE SALARY.

WAC 392-140-113 1986-87 CERTIFICATED STAFF SALARY ENHANCEMENT ALLOCATIONS AND SALARY COMPLIANCE FOR ALL ELIGIBLE DISTRICTS—FRINGE BENEFIT ALLOCATION FOR SALARY ENHANCEMENT ALLOCATIONS.

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WAC 392-140-118 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT SALARY SCHEDULE PLACEMENT.

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WAC 392-140-127 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—REVISED LEAP DOCUMENT 7.

WAC 392-140-128 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—FORM S-277.

WAC 392-140-129 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE.

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WAC 392-140-132 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR.

WAC 392-140-133 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—CURRENT SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY.

WAC 392-140-134 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—ALTERNATE PRIOR SCHOOL YEAR DISTRICT CLASSIFIED INCREMENT MIX FACTOR.

WAC 392-140-135 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED HIGHEST ANNUAL SALARIES.

WAC 392-140-136 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—BASIC EDUCATION DISTRICT CLASSIFIED IMPUTED DERIVED BASE SALARY.

WAC 392-140-137 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DEFINITION—DISTRICT CLASSIFIED STAFF PERSONNEL POLICY.

WAC 392-140-138 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—BOARD RESOLUTION WITH ESTIMATE OF DISTRICT OBLIGATION.

WAC 392-140-139 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—DISTRICT REQUEST.

WAC 392-140-140 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—CALCULATION FOR SALARY COMPLIANCE.

WAC 392-140-141 1986-87 ALTERNATE MEASURE FOR CLASSIFIED STAFF SALARY COMPLIANCE—REPORTING CYCLE AND PROCESS.

WAC 392-140-145 1987-89 MINIMUM SALARY ALLOCATIONS—APPLICABLE PROVISIONS.

WAC 392-140-146 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—SCHOOL YEAR.

WAC 392-140-147 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—CURRENT SCHOOL YEAR.

WAC 392-140-148 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—PRIOR SCHOOL YEAR.

WAC 392-140-149 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—CERTIFICATED INSTRUCTIONAL EMPLOYEE.

WAC 392-140-150 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—FORM F-275.

WAC 392-140-151 MINIMUM SALARY ALLOCATIONS—DEFINITION—CERTIFICATED INSTRUCTIONAL EMPLOYEE FULL-TIME EQUIVALENCY (FTE).

WAC 392-140-152 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—MINIMUM REQUIRED SALARY.

WAC 392-140-153 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—PRIOR SCHOOL YEAR ADJUSTED SALARY.

WAC 392-140-154 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—LEAP DOCUMENT 1.

WAC 392-140-155 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—LEAP DOCUMENT 11.

WAC 392-140-156 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—DISTRICT DERIVED BASE SALARY FOR PURPOSE OF APPORTIONMENT.

WAC 392-140-157 1987-89 MINIMUM SALARY ALLOCATIONS—DETERMINATION OF PERCENTAGE INCREASE IN THE DISTRICT DERIVED BASE SALARY.

WAC 392-140-158 1987-89 MINIMUM SALARY ALLOCATIONS—DEFINITION—ELIGIBLE EMPLOYEE.

WAC 392-140-159 1987-89 MINIMUM SALARY ALLOCATIONS—DETERMINATION OF MINIMUM SALARY ALLOCATIONS.

Purpose: Clarify garnished wages are part of gross earned income.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Specifies that garnished wages are included in gross earned income.

Reasons Supporting Proposal: This rule is necessary to clarify for the field that garnished wages are included in gross earned income.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana Beck, Division of Income Assistance, 753-4908.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

September 6, 1989

Leslie F. James, Director  
Administrative Services

#### AMENDATORY SECTION (Amending Order 2608, filed 3/14/88)

WAC 388-28-475 USE OF INCOME AND INCOME POTENTIALS. (1) Meaning of income (see definition in WAC 388-22-030). Income shall include, but is not limited to, all types of:

- (a) Real or personal property;
- (b) Support from parent, stepparent, or other nonrelated adult;
- (c) Stocks and bonds;
- (d) Wages, including garnisheed wages;
- (e) Interest in an estate;
- (f) Income from farming;
- (g) Benefits and entitlements from private and public agencies, such as OASDI, veterans' agencies, and U.C.;
- (h) Gifts and prizes in the form of cash or marketable securities;

and  
(i) For AFDC lump sum payments. For general assistance, only that amount of the lump sum in excess of the resource limits is income.

(2) Ownership and use of income and income potentials. The policies in WAC 388-28-300 through 388-28-420 regarding ownership and use of resources also govern the ownership and use of income and income potentials.

(3) Resources and income. WAC 388-28-400 through 388-28-457 contain policies and procedures for considering and using nonexempt resource values to determine financial need. WAC 388-28-475 through 388-28-600 covers policies and procedures used in computing income to determine financial need. The total nonexempt resource values and nonexempt net income values are compared with the appropriate payment level plus authorized additional requirements to determine financial need and, if it exists, the amount of the grant for which the applicant is eligible.

#### **WSR 89-18-078**

#### **PROPOSED RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

#### **(Public Assistance)**

[Filed September 6, 1989, 1:21 p.m.]

Original Notice.

Title of Rule: Use of income and income potentials, amending WAC 388-28-475.

**WSR 89-18-079**  
**PUBLIC NOTICE**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed September 6, 1989, 1:24 p.m.]

Public Notice for Interlake School

Interlake School, Post Office Box B, Medical Lake, Washington 99022, has been determined to be out of compliance with federal requirements for Medicaid certification as an Intermediate Care Facility for the Mentally Retarded. In accord with federal regulation 42 CFR 442.118, the Washington State Department of Social and Health Services is imposing a denial of payments for any new admissions effective October 5, 1989, as an alternative to terminating the facility's provider agreement. The denial of payments for new admissions is imposed because Interlake School failed to meet the requirements for the following conditions of participation:

- 42 CFR 483.410 Governing Body
- 42 CFR 483.420 Client Protections
- 41 CFR 483.430 Facility Staffing
- 42 CFR 483.440 Active Treatment Services
- 42 CFR 483.450 Client Behavior and Facility Practices
- 42 CFR 483.470 Physical Environment

The effect of this sanction is to prohibit Medicaid payments for any individual admitted to Interlake School on or after October 5, 1989. The denial of payments for new admissions will remain in effect until September 30, 1990, or until Interlake School is able to achieve compliance with all certification requirements. You may call Denny McKee at (206) 586-2454 if you have questions regarding this notice.

**WSR 89-18-080**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
**(Commission on Equipment)**

[Filed September 6, 1989, 3:01 p.m.]

Original Notice.

Title of Rule: Towing businesses.

Purpose: Establishes equipment requirements for all tow trucks, as well as business and operating rules for tow businesses that respond to state patrol calls.

Statutory Authority for Adoption: RCW 46.61.567, 46.37.005 and 46.55.050.

Statute Being Implemented: RCW 46.61.567.

Summary: Provides guidelines for establishment and annual review of maximum tow rates that may be charged for responding to state patrol calls.

Reasons Supporting Proposal: Exorbitant tow rates charged by some tow operators.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lt. L. E. Klewin, 6604 Martin Way, Olympia, 438-7219.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Requires that a tow operator agrees to limit the rates charged for towing services when the operator is called by the state patrol. The rule prohibits exorbitant fees and price gouging.

Proposal Changes the Following Existing Rules: Requires a valid contractual agreement between the state patrol and tow operators to limit maximum towing fees. The new agreement is made part of the tow operator's letter of appointment to state patrol call lists.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: State Patrol, Supply Conference Room, 4242 Martin Way, Olympia, WA 98504, on October 10, 1989, at 9 a.m.

Submit Written Comments to: Lt. L. E. Klewin, ESR Section, 6604 Martin Way, PQ-11, Olympia, 98504, by October 10, 1989.

Date of Intended Adoption: October 13, 1989.

September 6, 1989  
 George B. Televik  
 Chief

AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

WAC 204-91A-030 DEFINITIONS. The following definitions shall apply throughout this chapter:

- (1) "Patrol" means the Washington state patrol as defined in RCW 43.43.010.
- (2) "Chief" means the chief of the Washington state patrol.
- (3) "Department" means the Washington state department of licensing.
- (4) "Director" means the director of the department of licensing.
- (5) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.
- (6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles.
- (7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing or otherwise transporting other vehicles with specific equipment approved by the state patrol.
- (8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.
- (9) "Tow truck service" means the towing, moving, transporting, or impounding of vehicles, together with personal effects and cargo, by a registered tow truck operator utilizing equipment approved by the equipment and standards review section (ESR) of the patrol.
- (10) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (11) "Place of business" means a building which the registered tow truck operator occupies, either continuously or at regular times, where tow business books and records are kept and tow business is transacted in each assigned tow zone.
- (12) "Vehicle storage area" means the approved yard/buildings (primary and secondary) where stored vehicles are kept. The storage areas and fencing will comply with the requirements as established by the department and all local zoning rules and regulations. Both primary and secondary storage areas must be physically located within tow zone assigned to the operator.
- (13) "Special event" means any event which causes an unusually large number of impounded vehicles and/or tow calls in a short period of time and is so declared by the district commander or designee.

(14) "Special event storage area" means an area used for temporarily storing vehicles impounded/towed from special events. Approval for such areas shall be obtained from the department, the patrol, and appropriate city and county jurisdictions.

(15) "District commander" means the commanding officer of an area established by the Washington state patrol.

(16) "Inspector" means a commissioned officer of the Washington state patrol who has been designated as a tow truck inspector by the patrol.

(17) "Tow zone" means that specific geographical area designated by the district commander for the removal of vehicles as defined in Title 46 RCW and this chapter.

(18) "ESR" means the equipment and standards review section of the Washington state patrol.

(19) "Letter of appointment" means a letter issued by the ESR that authorizes a registered tow truck operator to tow and store vehicles on a rotational or contractual basis, in a specific area, for the Washington state patrol. Effective October 15, 1989, the letter of appointment must have an attached valid contractual agreement listing the maximum rates that will be charged by the operator for services provided as a result of state patrol originated calls.

(20) "Initial tow" means services provided as a result of an original call, on a particular vehicle, that the tow operator receives from the patrol as a result of contract or rotational call list.

(21) "Secondary tow" means towing services from an operator's storage facility or place of business, to another location designated by the owner/agent of a vehicle that was initially towed as a result of call from the patrol.

(22) "Letter of contractual agreement" means the document, attached to the letter of appointment, that specifies the maximum tow rates that may be charged for services provided as a result of state patrol originated calls.

AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

WAC 204-91A-060 APPLICATION FOR LETTER OF APPOINTMENT. (1) An application for a letter of appointment will not be considered or approved until the applicant is qualified as a licensed and registered tow truck operator with at least one approved "A" or "B" class tow truck. Additional trucks are optional.

Note: An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.

Upon request, the ESR shall advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

(2) An application for a letter of appointment to provide towing service for the patrol shall be filed by the applicant with the local state patrol district office on a form prescribed by the patrol. In the case of a partnership, each partner shall apply on the form prescribed. In the case of a corporation, the patrol may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form. A signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls will be attached to the application.

(3) The district commander or designee shall complete tow zone portion of the form. He/she will enter "approved" or "disapproved" and will sign the form next to the zone designation. The application and "letter of contractual agreement" will be forwarded to the ESR section.

(4) The application form will be assigned a docket number, by the ESR, which shall be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the ESR thereafter.

(5) The filing of an application for a letter of appointment does not in itself authorize the operator to provide towing services pursuant to this chapter until a letter of appointment has been issued by the ESR. However, nothing herein shall prohibit the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his agent.

AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

WAC 204-91A-070 ISSUANCE OF A LETTER OF APPOINTMENT. (1) No towing operator shall be called to perform a towing service at the request of the patrol unless such operator has a letter of appointment as described in this chapter. No such letter of appointment will be issued unless all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted by the ESR.

(2) The ESR commander shall have the authority to issue letters of appointment upon request after receiving certification from the inspector and notice from the department that the requestor has been licensed as a registered tow truck operator.

If the ((patrol)) ESR shall find the requestor does not or will not meet all requirements and is not qualified for a waiver of the requirements, then such request shall be denied. The ((patrol)) ESR shall notify the requestor of its decision in writing, stating the reasons. If the request is approved, the ESR commander will issue the letter of appointment and forward it to the tow operator. The tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

If the district commander recommends denial of a request for a letter of appointment, the ESR commander shall notify the applicant and provide an opportunity for applicant to have a hearing as provided in chapter 34.05 RCW.

(3) A letter of appointment will be valid for one business, in a single tow zone, assigned by the district commander. Requests for additional letters of appointment in the same or another zone must be based on a complete and separate place of business capable of independent operation within the appropriate zone.

(4) A tow operator (or a district commander) may petition the ESR in writing for a waiver of one or more requirements. The ESR may grant a waiver if it finds that:

(a) The towing service available to the patrol without the waiver is inadequate to meet the needs of the public;

(b) The request is otherwise reasonable; and

(c) The request has the district commander's approval.

In the event a qualified tow operator meeting all requirements and qualifications receives a letter of appointment in the same zone as a tow operator that had earlier been granted a waiver, the tow operator with a waiver will have the letter of appointment rescinded by the ESR and after notification will not be called for patrol-initiated tows.

(5) Every letter of appointment shall be issued in the name of the applicant and the holder thereof shall not allow any other person or business to use the letter of appointment.

(6) The letter of appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

(7) A letter of appointment shall be valid until suspended, superseded, or revoked by the ESR.

(8) The holder of each letter of appointment must maintain at least one tow truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

(9) All storage areas, primary and secondary, for each place of business must be in the tow zone assigned to that place of business.

AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

WAC 204-91A-120 BUSINESS OFFICE HOURS AND RECORDS. Business hours for purposes of inspection of records, place of business, and towing equipment shall be 8 a.m. to 5 p.m., excluding weekends and holidays.

(1) When an operator is not open for business and does not have personnel present at the place of business, the operator shall post a clearly visible telephone number at the business location for the purpose of advising the public how to make contact for the release of vehicles or personal property.

(2) The operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a thirty-minute period of time.

(3) All billing invoices shall be consecutively numbered and shall contain the following information:

(a) Date of service and tow truck operator's name.

(b) Time of departure in response to the call.

(c) Time service completed.

(d) Class of tow truck.

(e) If the towing call is for a Washington state patrol request, another police agency, a private impound, or the result of a private citizen request.

(f) All fees for service shall be itemized.

(g) The date and time the vehicle was released.

Note: Yard cards containing the above information may be used for internal control of vehicles by the operator until the vehicle is released, sold, or otherwise disposed of. Yard cards shall be supplemental to, and shall not replace the invoice required above.

A copy of the invoice shall be filed by invoice number at the business location and a copy of any voided invoice shall be retained in this same file. Another copy of the invoice shall be included with the transaction file items identified in RCW 46.55.150.

AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

WAC 204-91A-140 FEES. (1) All towing fees shall be based on a flat, hourly rate only and shall apply without regard for the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or holiday. The hourly rate for each class of truck shall be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or holidays, if different from the hourly rate, shall be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

(2) The chief of the state patrol shall, prior to October 15 of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates shall be determined after consulting with members of the towing industry, review of current private towing rates, and such other economic factors as the chief may deem appropriate.

When signed by the chief (or his/her designee) and the tow operator, a contractual agreement to charge no more than the maximum rates shall become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate shall:

(a) Be ~~((consistent with rates charged to the general public for similar noncontractual or nonrotational))~~ the only basis used to compute total charges for towing services.

(b) Apply ~~((whether the call is occasioned by an))~~ when the call is made by the state patrol, for whatever reason, including but not limited to accidents, incidents, disableds, ~~((or))~~ and impound requests.

(c) ~~((Shall))~~ Include all ancillary activities such as, but not limited to, removal of glass and debris from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installing chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement (on vehicle to be towed) and standby time.

(d) ~~((Shall))~~ Be considered to include one person (the driver) per truck. Any charges for additional labor and/or ancillary vehicles (trailers, pickups, etc.), for removing debris, cargo, etc., must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be ~~((charged, when all services are performed within the operator's assigned tow zone;))~~ computed from the actual time the truck departs in response to a call until ~~((the towed-transported vehicle is dropped or the service work is completed;))~~ it returns to the starting location or it begins responding to another call minus any down time.\* The hourly rate shall be applied to the resulting net time and, after the first hour, shall be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

\* Down time includes coffee or meal breaks, personal errands by the operator, and/or any mechanical failure on the truck or equipment.

~~((In situations where the vehicle is towed at the direction of the owner, agent, or other responsible person, to a location outside of the operator's assigned zone, the operator may also charge at the base rate for the time necessary to return to his/her assigned zone via the most direct route.~~

~~((2))~~ (3) The basic storage fee ~~((shall))~~:

(a) Shall be calculated on a twenty-four-hour basis and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area; and

(b) Shall be the same for all three and four-wheel vehicles less than twenty-five feet in length; and

(c) ~~((Charges))~~ For ~~((storage of))~~ vehicles or combinations exceeding twenty-five feet shall be computed by multiplying each twenty-five feet of vehicle length, or any portion thereof, by the basic storage fee;

(d) ~~((Storage fees))~~ For two-wheel motorcycles shall be one-half the basic storage fee for three and four-wheel vehicles.

~~((3))~~ (4) After hours release fee. If an operator or employee is already present, for other reasons, at the storage facility after business hours when a customer arrives, the vehicle and/or property shall be released as if it were during business hours. No "after hours fee" may be assessed. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," equivalent to ~~((one and))~~ one-half ~~((days basic storage))~~ of the maximum Class "A" hourly rate, may be assessed.

(5) If an operator has a policy of discounting rates for private tow/storage services, that policy shall also be applied to services performed as the result of patrol calls. For example, if an operator has a policy of charging private customers one-half the hourly rate for the first one-half hour, (instead of charging full hour) the operator shall apply that policy to patrol-originated customers as well.

AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

WAC 204-91A-180 VEHICLE TOWING/OPERATOR QUALIFICATIONS, RESTRICTIONS, AND REQUIREMENTS. In addition to the requirements contained in WAC 204-91A-170, tow truck operators appointed pursuant to this chapter shall conform to all laws and administrative rules pertaining to the tow industry and shall observe the following practices and procedures:

(1) When called by the patrol, the tow truck operator will dispatch a tow truck, from within the assigned zone, within five minutes during normal business hours.

(2) Tow trucks dispatched at the request of the patrol after normal business hours will be on the move within the assigned zone within fifteen minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance, traffic, and weather conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time or if the dispatched truck will be delayed for any reason, the operator shall so advise the patrol stating the reason and estimated time of arrival. In the event the tow truck fails to arrive at the scene within a reasonable time, the patrol will contact another tow operator to respond to the scene and will cancel the original tow.

(5) A tow operator on rotation who is unable to dispatch or arrive within the times stated in subsections (1), (2), (3), and (4) of this section will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services and/or to provide the requested services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator shall advise the appropriate patrol office when the tow company is temporarily unavailable to respond to rotational calls with a class "A," "B," or "C" tow truck. Unavailability may occur due to conditions such as, but not limited to, other tow truck commitments, tow truck disabled and/or under repair, unforeseen driver shortage due to illness, etc. The period of unavailability may last less than an hour or much longer. The tow operator will give the reason for unavailability and approximately when the company will be available to respond to calls.

The tow company will be removed from the rotational list and will not be called until the operator advises the patrol that the company is once again able to respond to calls with an "A," "B," or "C" class truck. In all such cases, the tow company will resume its normal position on the rotational list without regard to any missed calls or its position prior to being unavailable.

(8) The tow operator will advise the patrol whenever a private call is received for a tow with circumstances that indicate that the tow is for a vehicle which has been involved in an accident, incident, or equipment breakdown on the public roadway. The tow operator also will

advise the patrol of all private calls to motor vehicle accidents on private property resulting in bodily injury or death.

(9) The tow operator will notify the patrol before moving any vehicle involved in an accident on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

(10) When the patrol is in charge of an accident scene or other such incident, a tow operator shall not respond to such scene unless his services have been specifically requested by the patrol, the driver/owner, or his agent.

(11) The tow operator shall be available, or will ensure that specific employees are available, twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and nonbusiness hours. A copy will also be sent to the ESR and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, the ESR, and the patrol district commander ten days before their effective date.

(12) The tow operator will notify the appropriate patrol office of the release of stored vehicles within five working days after the release of such vehicle. Notification to the patrol will be made in such a manner as prescribed by the ESR commander.

(13) The operator shall post a current copy of tow and storage rates, on a form approved by the department and the patrol, in the following locations:

(a) At the entrance to the place of business, in a conspicuous location, plainly visible and readable by members of the public, whether the business is open or closed. If, in order to meet this requirement, the rate sheets must be placed in a location, exposed to the elements, they shall be protected so as to remain legible.

(b) Inside the business location, where business is commonly transacted. The rate sheets shall be posted in such manner as to be clear and plainly visible and readable at all times by customers of the business.

(c) A copy of the current rates will be sent to the department, the ESR, and the patrol district commander of the district in which the tow operator has applied for a letter of appointment. Notice of any change(s) in service rates will be forwarded to the department, the ESR, and the district commander of the area ten days before the effective date of the changes. Charges made for towing services arising from calls initiated by the patrol shall be consistent with current posted towing rates and shall be based only upon services listed on the prescribed form.

(d) In the event that an operator has only a class "B" truck and utilizes it for class "A" and "B" type tows, the operator shall file a rate sheet that specifies the rates charged for the different types of tows.

Whenever any operator utilizes a larger truck than the towed vehicle warrants, the operator shall charge fees based on the size of the towed vehicle not the size of the truck used.

**EXAMPLE:** A class "C" truck is used, at the operator's discretion, to tow a class "B" size vehicle. The fees charged shall be those for a class "B" truck NOT a class "C."

(14) Charges made for towing services arising from calls initiated by the patrol shall ~~((be consistent with charges made for similar services performed at the request of the general public))~~ not exceed the maximum rates established by the chief.

(15) Unless other arrangements are made with commissioned patrol personnel at the scene, all impounded vehicles shall be taken to the tow operators nearest approved storage location.

(16) The tow operator will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. This record will include, but not be limited to:

(a) An itemized receipt of all charges for the services provided.

(b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the operator.

(c) All other records required by the department.

Such records will be available for inspection by the patrol during normal business hours at the operator's place of business.

(17) The tow operator will sign an inventory sheet made out by the patrol officer at the scene.

(18) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to RCW 46.55.020.

(19) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry.

(20) No tow operator, employee, or agent shall misappropriate, wrongfully convert to his/her own use, or abuse property belonging to another and entrusted to his/her care or storage.

(21) Tow truck operators will use emergency lights to warn other motorists only when at the scene of accidents, disabled vehicles, and/or recoveries. Such lighting shall not be used when traveling to or from the scene.

(22) Tow truck operators shall be responsible for cleaning accident/incident scenes of all vehicle glass and debris.

(23) Specific operating restrictions and/or requirements, by truck class, are as follows:

(a) The standard air brake release tools (caging stud assemblies) required to be carried in the class "B" and "C" trucks shall be used, whenever necessary, to preserve potential evidence involving brake equipment or adjustment settings. When an operator is attempting to move a vehicle equipped with locked spring parking brakes that cannot be released by external air supply, the caging assemblies shall be used to release the brake tension. Under no circumstances shall the towed vehicle's brake assemblies or adjustments be moved or disturbed in any way that will prevent later determination of the preaccident or incident settings.

(b) Class "B" trucks in excess of twenty-three thousand pounds gross vehicle weight rating need not carry dollies when towing or recovering heavy vehicles.

(c) Class "D," "E," and "S" trucks shall not be used to respond to initial calls unless specifically authorized by patrol personnel at the scene or by local written policy approved by the district commander.

(d) Class "E" trucks shall:

(i) Have, when used for multiple vehicle towing/recovery (one on bed, one in tow) from the same location, all invoice charges ((shall be)) evenly divided between the vehicles so transported;

(ii) Not be operated in excess of either gross vehicle weight rating or purchased tonnage weight limits;

(iii) Be required to carry its portable lights only when used in a towing mode.

(24) Whenever a "special event or overflow" storage lot is approved by the department, the patrol and appropriate city/county jurisdictions, the operator shall maintain personnel at the lot twenty-four hours per day for security and vehicle and/or personal property release. If necessary, reimbursement for such labor shall be part of the contract for the "special event" if appropriate or by amended storage rates with a waiver of the ten-day rate change notice requirement approved by the department and the patrol.

At the conclusion of a "special event or overflow" situation, all vehicles not reclaimed by the owner shall be towed to the operator's regular storage facility and processed in the normal fashion. No additional fee shall be charged for towing the vehicle from the overflow lot to the regular facility.

(25) All work performed by the operator and/or employee shall be in the most professional and expeditious manner. All invoices and other required forms shall be completed accurately and promptly.

(26) Tow operators shall, when required by the patrol or the department, cause to be displayed on each approved truck, decals indicating truck class, patrol district, and/or assigned tow zone.

## WSR 89-18-081

### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed September 6, 1989, 3:28 p.m.]

#### Original Notice.

Title of Rule: Chapter 16-228 WAC, the establishment of a registration fee on home and garden products.

Purpose: The home and garden fee on registered pesticide products is to support the pesticide incident reporting and tracking review panel established by the 1989 legislature.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: RCW 15.58.070 as amended by the 1989 session, new section 32, chapter 15.58 RCW, Laws of 1989.

Summary: This rule will establish a ten dollar surcharge on pesticide home and garden use products registered for use in Washington state.

Reasons Supporting Proposal: These fees are necessary to support the implementation of the pesticide incident reporting and tracking review panel.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Glenn Smerdon, Program Manager, 2627A Parkmont, Olympia, 753-5064.

Name of Proponent: Washington State Department of Agriculture, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The 1989 legislature established the pesticide incident reporting and tracking panel for the purpose of ensuring coordination of pesticide regulation and ensuring adequate monitoring of pesticide use and protection of workers and the public from the effects of pesticide misuse. The legislature also provided for the establishment of fees to support this panel.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Agriculture Conference Room, 406 General Administration Building, AX-41, Olympia, WA 98504, on October 10, 1989, at 9:00 a.m.

Submit Written Comments to: Department of Agriculture, Pesticide Management Division, 406 General Administration Building, AX-41, Olympia, WA 98504, by October 10, 1989.

Date of Intended Adoption: October 31, 1989.

September 6, 1989

Art G. Losey  
Assistant Director

NEW SECTION

WAC 16-228-117 HOME AND GARDEN PRODUCTS—DEFINITION—REGISTRATION FEE. (1) For purposes of this section, "home and garden use only" means any pesticide determined by the department to be packaged and labeled solely for use by the general public in and around a residence. In making this determination, the department shall consider, but not be limited to, the following criteria:

- (a) Packaging;
- (b) Package size;
- (c) Label instructions;
- (d) Application method;
- (e) Equipment to be used;
- (f) Rates of application.

(2) Registrants applying for new or renewal registration of any pesticide labeled and intended for home and garden use only shall pay an additional registration fee of ten dollars per product over and above the registration fees established in RCW 15.58.070 as amended, and the surcharge set forth in new Section 32, RCW 15.58, Laws of 1989.

(3) The additional ten dollar fee received by the department for the registration of home and garden products shall be deposited in the agriculture local fund to assist in funding activities of the pesticide incident reporting and tracking review panel.

**CHIROPRACTIC EXAMINING BOARD**

[Filed September 6, 1989, 3:51 p.m.]

Original Notice.

Title of Rule: Chiropractic examination procedures.

Purpose: To provide time frames for completion of the chiropractic examination process and to provide for remedial education for applicants who repeatedly fail the examination.

Statutory Authority for Adoption: RCW 18.25.017.

Statute Being Implemented: RCW 18.25.030.

Summary: WAC 114-12-132 Chiropractic examination scores, would be amended to require completion of the exam in six sittings.

Reasons Supporting Proposal: Failure to pass the examination within six sittings is an indication of inadequate training to be a licensed chiropractor.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 Quince Street S.E., Olympia, WA 98504, (206) 753-0776.

Name of Proponent: Chiropractic Examining Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will improve the quality of applicants by screening out those who cannot pass the chiropractic licensure examination within a reasonable time period.

Proposal Changes the Following Existing Rules: This rule adds the requirement that the chiropractic examination be passed within six sittings and provides an opportunity for further examination after remedial education.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Airport Executel, Rainier Room, 20717 Pacific Highway South, Seattle, WA 98188, on October 12, 1989, at 9:30 a.m.

Submit Written Comments to: Connie Glasgow, 1300 Quince Street S.E., Olympia, WA 98504, by October 12, 1989.

Date of Intended Adoption: October 12, 1989.

September 6, 1989

John H. Keith  
Assistant Attorney General  
Board Counsel

AMENDATORY SECTION (Amending Order PM 692, filed 12/1/87)

WAC 114-12-132 CHIROPRACTIC EXAMINATION SCORES. (1) Applicants who pass at least three of the following examination sections may carry their scores in those sections forward only to the next examination administered by the board. The sections are:

- (a) Written technique;
- (b) Written x-ray;
- (c) Principles and practice;
- (d) Practical x-ray;
- (e) Practical technique.

(2) Applicants who fail one or two sections and who do not take the next examination offered by the board may not carry any scores forward and must retake the entire examination.

(3) Applicants who do not pass the entire examination in two consecutive sittings must retake the entire examination and may be required to demonstrate evidence of completion of a board-approved remedial program or refresher chiropractic course in the subject(s) failed. An applicant must pass all five sections within six sittings. After six failures the applicant must petition the board for permission to take any further examination. The board shall have complete discretion regarding such petition and the conditions under which further examination permission may be granted.

**WSR 89-18-083****PROPOSED RULES****DEPARTMENT OF LICENSING****(Optometry Board)**

[Filed September 6, 1989, 3:52 p.m.]

## Original Notice.

Title of Rule: Optometrists with prescriptive authorization.

Purpose: To provide for the identification of optometrists authorized to prescribe legend drugs.

Statutory Authority for Adoption: RCW 18.54.070.

Statute Being Implemented: Section 1(4), chapter 36, Laws of 1989.

Summary: WAC 308-53-350 Optometrist with prescriptive authorization, requires optometrists who issue legend drug prescriptions to place their license number and the letters "TX" on the prescription.

Reasons Supporting Proposal: To assist pharmacists in identifying optometrists with prescriptive authority.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dorothy Gosney, 1300 Quince Street S.E., Olympia, WA 98504, (206) 753-4614.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will provide for the identification of optometrists authorized to prescribe legend drugs and for the discipline of optometrists who use an identification number improperly and without authorization.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: West Coast Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on October 20, 1989, at 9:30 a.m.

Submit Written Comments to: Dorothy Gosney, Health Unit One, 1300 Quince Street S.E., Olympia, WA 98504, by October 19, 1989.

Date of Intended Adoption: October 20, 1989.

September 6, 1989

John H. Keith

Assistant Attorney General  
Board Counsel

the letters "TX." These letters shall represent the authority which has been granted to the practitioner by the board and will serve to assure pharmacists that the prescription has been issued by an authorized practitioner. When the prescription is orally transmitted to a pharmacist, this information shall be included.

(2) Any optometrist who issues a prescription without having: (a) Received appropriate certification from the board, or (b) fails to include the identifying information on the prescription, or (c) prescribes outside their scope of practice or for other than therapeutic or diagnostic purposes, or (d) violates any state or federal law or regulations applicable to prescriptions, may be found to have committed an act of unprofessional conduct and may be disciplined in accordance with the provisions of chapter 18.130 RCW.

**WSR 89-18-084****PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed September 6, 1989, 3:55 p.m.]

## Original Notice.

Title of Rule: Chapter 308-48 WAC, Funeral directors and embalmers; and chapter 308-49 WAC, Prearrangement funeral services.

Purpose: To amend existing rules and to establish new rules.

Statutory Authority for Adoption: RCW 18.39.175(4).

Statute Being Implemented: RCW 18.39.250 and 18.39.035.

Summary: Deletion of definitions that are repeated from the RCW, rules on certain disclosures to be made in prearrangement contracts, and rules on filing certain trust documents with the Board of Funeral Directors and Embalmers.

Reasons Supporting Proposal: Chapter 390, Laws of 1989, amended the provisions of RCW 18.39.250 through 18.39.330 making obsolete some existing rules and creating the need for additional rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Elvig, Program Administrator, Quince Street, 586-4905.

Name of Proponent: Board of Funeral Directors and Embalmers, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Deletion of rules are for the purpose of eliminating repeat wording used in the RCW and to eliminate text that exceeds RCW authority. Amendments and new rules will require certain documentation to be submitted by funeral establishments requesting prearrangement registration, rules as to certain disclosures that must be made in prearrangement funeral service contracts, trustee requirements, prearrangement trust fund agreements and master trust fund agreement requirements. The rules will clarify for the applicant what is expected by the board in registering and what the board requires in prearrangement contracts.

Proposal Changes the Following Existing Rules: Drops references to depositories, inserting references to trustees, includes changes required in chapter 390, Laws of 1989, such as disclosures to be made to the consumer

**NEW SECTION**

WAC 308-53-350 OPTOMETRIST WITH PRESCRIPTIVE AUTHORIZATION. (1) Each prescription issued by an optometrist, who is certified by the board to prescribe legend drugs for therapeutic purposes, shall include on the prescription his/her license number and

at the time prearrangement funeral service contracts are utilized.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Towne Plaza, Lower Terrace Room, North 7th Street and East Yakima Avenue, Yakima, Washington, on October 10, at 9:00 a.m.

Submit Written Comments to: Paul Elvig, Program Administrator, P.O. Box 9012, Olympia, Washington 98504-8001, by October 6, 1989.

Date of Intended Adoption: October 10, 1989.

September 6, 1989

John Swannack

Assistant Director

#### NEW SECTION

WAC 308-48-021 PATIENT DEFINED. In each and every instance where the word "patient" appears in chapter 18.130 RCW it shall mean by reference "client(s)".

"Clients" shall mean the individual(s) legally in charge of giving directions for the final disposition of the decedent and for all accompanying funeral services, merchandise and transportation instructions. This includes, but is not limited to, the members of the immediate family of the deceased.

AMENDATORY SECTION (Amending Order PL 420, filed 1/26/83)

WAC 308-49-100 PURPOSE. The purpose of this chapter is to implement the provisions of chapter 66, Laws of 1982 1st ex. sess., and chapter 390, Laws of 1989, by establishing rules for the registration of funeral establishments which enter into prearrangement funeral service contracts and to establish uniform minimum requirements for such contracts and prearrangement trust funds.

AMENDATORY SECTION (Amending Order PL 420, filed 1/26/83)

WAC 308-49-130 DEFINITIONS. (~~Unless the context clearly requires otherwise, the following definitions shall apply throughout this chapter:~~

(1) ~~"Prearrangement funeral service contract" means any contract, other than a contract entered into by an insurance company, under which, for a specified consideration paid in advance in a lump sum or by installments, a funeral establishment promises upon the death of a beneficiary named or implied in the contract, to furnish funeral merchandise or services.~~

(2) ~~"Funeral merchandise or services" shall mean those services normally performed and merchandise normally provided by funeral establishments including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches or vaults.~~

(3) ~~"Qualified public depository" means a depository defined by RCW 39.58.010 (state banks or trust companies, national banking associations, and certain branches of foreign banks), a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated and governed by any act of Congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.~~

(4) ~~"Funeral establishment" means a place of business licensed under RCW 18.39.145.2)~~

Unless the text in this chapter clearly states or requires otherwise, definitions shall be as set forth in RCW 18.39.010.

**Reviser's note:** RCW 34.05.395 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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order PL 420 [PM 737], filed 1/26/83 [6/6/88])

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 board. To apply for registration, a funeral establishment must file an application on forms 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 and/or other such fiscal documents as the board may require;

(d) The prearrangement funeral contract forms the establishment proposes to use need not be in final printed form when submitted; however, a copy of the final printed form shall be filed with the 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.~~) Identification of the trustee(s) of the prearrangement funeral trust fund, including address and telephone number.

(f) A copy of the prearrangement trust fund agreement and the prearrangement trust fund depository agreement.

(2) Upon review of the application, the 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 issuance of the certificate of registration.

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

#### NEW SECTION

WAC 308-49-145 REGISTRATION OF ESTABLISHMENTS. Each funeral establishment entering into prearrangement service contracts in which one or more of the following conditions exist must be registered with the Board before entering into such contracts:

(1) The sales price of the contract is guaranteed as a final price for merchandise and services. The guarantee assures the purchaser that there will be no additional charges for the merchandise and services disclosed within the agreement.

(2) The sales price of the contract plus accruals will be applied toward the cost of merchandise and services at the time of need. Should the cost of merchandise and services selected at the time of need exceed the sales price of the contract plus accruals, the purchaser will pay the difference. Should the cost of merchandise and services selected at the time of need be less than the sales price of the contract plus accruals, the purchaser will receive a refund for the difference.

(3) Insurance is used as a method of funding and/or guaranteeing a final price for merchandise and services. Such guarantee assures the purchaser that there will be no additional charges for merchandise and services disclosed in the agreement.

AMENDATORY SECTION (Amending Order PL 420, filed 1/26/83)

WAC 308-49-150 PREARRANGEMENT FUNERAL SERVICE CONTRACT FORM REQUIREMENTS. (1) The terms of prearrangement funeral service contracts are of substantial importance

to both consumers and the establishment. Contracts therefore should be written in language that can be easily understood by all parties and printed or typed in easily readable type size and style.

(2) Every contract shall include the following information:

(a) The name of the purchaser and the beneficiary of the contract;

(b) A description of the services and merchandise to be provided, if specific merchandise and services are to be furnished, and a statement clearly setting forth whether the purchase price paid fully pays for such services and merchandise when they are provided;

(c) The total purchase price to be paid under the contract and the manner and terms which will govern payment;

~~(d) ((Information about the prearrangement funeral service trust fund and the amount to be deposited in the trust fund, and either designate the particular qualified public depository which will be used or provide a means whereby a purchaser or beneficiary may ascertain the depository;))~~ If a contract is to be funded through a prearrangement funeral service trust fund it shall also include the following information:

~~(i) That a prearrangement funeral service trust fund exists and of the amount to be deposited into the trust;~~

~~(ii) Identification of the trust to be used and information as to how the trustees may be contacted;~~

~~(iii) If the contract is revocable or not or if there are provisions to convert to an irrevocable status;~~

~~(iv) That the contract is fully refundable if canceled by the purchaser within 30 days of signing;~~

~~(v) In the case of cancellation by purchaser or beneficiary after 30 days of signing that up to ten percent of the contract may be retained by the seller. That all funds placed in trust plus net accruals are subject to refund.~~

~~(vi) That reasonable fees as set forth by statute for the administration of the trust plus taxes paid or withheld shall be deducted from the interest, dividends and increases that the trust may earn.~~

~~(vii) That the Board may terminate a contract if the establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract.~~

~~(viii) That in such event, or upon demand of the purchaser or beneficiary of the prearrangement funeral service contract the funeral establishment shall refund to the purchaser or beneficiary all monies deposited in trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. That the purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another funeral establishment licensed by the Board to enter into prearrangement contracts which will agree to endorse the contract and to be bound to the contract and to provide for the funeral merchandise or services.~~

~~(e) If a contract is to be funded through insurance, the contract shall also contain language which:~~

~~(i) States the amount of insurance;~~

~~(ii) Informs the purchaser of the name and address of the insurance company through which the insurance will be provided and the policy number;~~

~~(iii) Informs the purchaser that amounts paid for insurance may not be refundable.~~

~~((f)) (f) A statement to the purchaser of the contract that the funds deposited under the contract, plus accruals thereon, shall be withdrawable from the ((depository)) trust under the following circumstances and conditions;~~

~~(i) If the funeral establishment files a verified statement with the ((depository)) trust that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or~~

~~(ii) If the funeral establishment files a verified statement with the ((depository)) trustee that the prearrangement funeral merchandise and services covered by the contract have been cancelled in accordance with its terms;~~

~~((f)) A statement that any purchaser or beneficiary who has entered into a prearrangement funeral service contract shall have the right to receive, on making such demand of the funeral establishment, a refund of the entire amount paid on the contract (including any amounts not deposited, interest charges paid under chapter 63.14 RCW), together with all interest, dividends, increases, or accretions to the fund;~~

~~(g) A statement that the contract will automatically terminate if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, or for any other~~

~~reason is unable to fulfill the obligations under the contract; and that, in such event, and upon demand by the purchaser or beneficiary of the contract, the depository of the contract funds will refund to the purchaser or beneficiary all funds deposited under the contract, unless otherwise ordered by a court of competent jurisdiction;))~~

(3) Such contract shall be dated and be executed by the purchaser and by the funeral establishment through its owner, officer or managing agent.

(4) If a retail installment transaction is involved, the contract shall comply with the requirements of chapter 63.14 RCW.

**Reviser's note:** RCW 34.05.395 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 308-49-162 TRUSTEE REQUIREMENTS. When a funeral establishment enters into a prearrangement trust fund agreement, that establishment shall appoint a minimum of two trustees to administer the trust.

The establishment shall file with the board the name, address and phone number of each trustee and shall advise the board of any change in trustee status.

The duties of the trustee shall be set forth in the prearrangement funeral trust agreement.

#### NEW SECTION

WAC 308-49-164 PREARRANGEMENT FUNERAL SERVICE TRUST FUND AGREEMENT REQUIREMENTS. (1) Each establishment entering into prearrangement funeral service contracts which does not use insurance as a method of funding shall establish one or more prearrangement funeral service trust fund agreements.

(2) Such prearrangement funeral service trust agreements shall be between the funeral establishment and trustees designated by the funeral establishment. The agreement shall include language that provides for:

(a) number and appointment of trustees;

(b) duties and responsibilities of the trustees;

(c) method of removal of trustees;

(d) selection of depository(ies);

(e) procedures to be followed when the establishment deposits prearrangement funeral service contract trust funds;

(f) conditions under which funds may be withdrawn from the trust and procedures to be followed in making withdrawals;

(g) details as to investment and administration of trust funds;

(h) compensation of trustees and expenses to be incurred;

(i) accounting methods to be used;

(j) provisions for amendment and termination of trust agreement.

(3) Such prearrangement funeral service trust fund agreements are an integral part of the prearrangement funeral service contract agreements and shall be approved by the Board prior to use. Amendments, changes to the trust agreement, or termination of the trust agreement shall receive prior approval from the board before incorporation of amendment or change, or implementation of termination.

#### NEW SECTION

WAC 308-49-166 MASTER TRUST REQUIREMENTS. (1) Master trusts created under chapter 18.39 RCW shall have a minimum of two officers. The officers of the master trust shall act as trustees or shall appoint trustees.

(2) When two or more establishments which are registered to enter into prearrangement funeral service contracts affiliate for the purpose of establishing a master trust they shall enter into a Master Trust Agreement. Such agreements shall contain language that:

(a) sets forth the conditions under which the establishment will participate;

(b) details the duties and responsibilities of the master trust;

(c) details the duties and responsibilities of the participating establishment;

(d) sets forth the duties and responsibilities of the master trust trustees;

(e) sets forth the conditions under which deposits to and withdrawals from the master trust will occur;

(f) provides for amendments to and termination of the master trust and notice to be given each establishment and the board.

(3) Master trusts are an integral part of the prearrangement funeral service contract agreement and shall be approved by the board prior to use. The board shall receive a notice of any change to the master trust or termination thereof thirty days prior to incorporation or termination.

#### NEW SECTION

WAC 308-49-168 TRUST FUND DEPOSITORY AGREEMENT REQUIREMENTS. (1) Each prearrangement funeral trust fund shall enter into an agreement with one or more depositories in which the responsibilities of the depository are set forth. The agreement shall contain language which:

(a) sets forth the terms and conditions under which deposits and withdrawals are made,

(b) states that instruments of deposit shall be insured by an agency of the federal government, and

(c) states the conditions of termination and transfer of prearrangement funeral service trust funds.

(2) Prearrangement trust fund depository agreements are an integral part of the prearrangement funeral service contract agreement and shall be approved by the board prior to use. Amendments to or changes in the agreement shall be filed with the board prior to incorporation. The board shall be advised prior to termination of any depository agreement.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 308-48-165 EXAMINATION SUBJECTS
- (2) WAC 308-49-160 REQUIREMENTS AS TO TRUST FUNDS

### WSR 89-18-085

#### PERMANENT RULES

### CHIROPRACTIC EXAMINING BOARD

[Order PM 861—Filed September 6, 1989, 3:58 p.m.]

Be it resolved by the Washington State Chiropractic Examining Board, acting at Seattle, Washington, that it does adopt the annexed rules relating to new sections WAC 114-12-126 National board examination required, 114-12-164 Prior approval not required, and 114-12-190 Lapsed license reinstatement; amending WAC 114-12-170 License renewal—Affidavit of compliance with continuing education requirements; and repealing WAC 114-12-125 Examinations—National board partial waiver, 114-12-145 License renewal registration date and fee and 114-12-160 Continuing chiropractic education—Guidelines for symposium approval.

This action is taken pursuant to Notice No. WSR 89-14-029 filed with the code reviser on June 27, 1989. 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 18.25.017 which directs that the Chiropractic Examining Board has authority to implement the provisions of chapter 18.25 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 August 17, 1989.

By Steven R. Bartusch, D.C.  
Chairman

#### NEW SECTION

WAC 114-12-126 NATIONAL BOARD EXAMINATION REQUIRED. Effective January 1, 1990, in order to be eligible to take the practical examination all applicants shall satisfactorily pass the National Board of Chiropractic Examiners test parts I and II which covers the subjects set forth in RCW 18.25.030 and which shall be in lieu of the conduct of said examinations by the board.

#### NEW SECTION

WAC 114-12-164 PRIOR APPROVAL NOT REQUIRED. (1) It will be unnecessary for a chiropractor to inquire into the prior approval of any continuing chiropractic education. The board will accept any continuing chiropractic education that falls within these regulations and relies upon each individual chiropractor's integrity in complying with this requirement.

(2) Continuing chiropractic education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing chiropractic education program. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing chiropractic education that constitutes a meritorious learning experience and complies with RCW 18.25.070.

(3) The board will conduct a random compliance audit of renewal applicants. If the board determines that the applicant has not obtained continuing chiropractic education that falls within the subject matter defined in WAC 114-12-155 and the guidelines for symposium approval in WAC 114-12-155, then the application for renewal will be denied.

#### AMENDATORY SECTION (Amending Order PM 764, filed 8/22/88)

WAC 114-12-170 LICENSE RENEWAL—AFFIDAVIT OF COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS. (1) In conjunction with his or her annual application for renewal of license, a licensee shall submit, on a form provided by the board, an affidavit of compliance with the continuing education requirement of RCW 18.25.070.

(2) In addition to the affidavit of compliance, the licensee shall submit such further and other evidence and documentation to substantiate the affidavit of compliance as the board may request in any individual case and which shall include a certificate of attendance and a brochure or syllabus for each course attended. It shall be the responsibility of the licensee to maintain and provide such evidence and/or documentation on request of the board.

(3) The board will conduct a random compliance audit of renewal applicants. If the board determines that the applicant has not obtained continuing chiropractic

education that ((reasonably)) falls within the subject matter defined in WAC 114-12-155 ((and the guidelines for symposium approval in WAC 114-12-160)) then the application for renewal will be subject to denial.

#### NEW SECTION

WAC 114-12-190 LAPSED LICENSE REINSTATEMENT. A licentiate who allows his or her license to elapse for more than three years must: Pay all back renewal fees plus penalty fee and submit proof of continuing education courses during the time the license was lapsed. If the licensee cannot submit proof of continuing education courses during the time the license was lapsed he/she will be required to be reexamined as provided for in RCW 18.25.040.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 114-12-125 EXAMINATIONS—NATIONAL BOARD PARTIAL WAIVER.

WAC 114-12-145 LICENSE RENEWAL REGISTRATION DATE AND FEE.

WAC 114-12-160 CONTINUING CHIROPRACTIC EDUCATION—GUIDELINES FOR SYMPOSIUM APPROVAL.

### **WSR 89-18-086**

#### PERMANENT RULES

### **CHIROPRACTIC EXAMINING BOARD**

[Filed September 6, 1989, 3:59 p.m.]

Date of Adoption: August 17, 1989.

Purpose: To revise the subject matter approved for continuing chiropractic education credit.

Citation of Existing Rules Affected by this Order: Amending WAC 114-12-155.

Statutory Authority for Adoption: RCW 18.25.017.

Pursuant to notice filed as WSR 89-14-102 on July 3, 1989.

Changes Other than Editing from Proposed to Adopted Version: The reference to a three year period was changed to a year to conform to section 5, chapter 258, Laws of 1989.

Effective Date of Rule: Thirty days after filing.

August 17, 1989

Steven R. Bartusch, D.C.  
Chairman

AMENDATORY SECTION (Amending Order PL 582, filed 3/4/86)

WAC 114-12-155 BOARD APPROVED CONTINUING EDUCATION SUBJECT MATTER. (1) Licensed chiropractors will be responsible for obtaining 25 hours of board approved continuing education over the preceding ((three)) year ((period)) to be submitted with annual renewal of their license.

(2) The board approves the following subject material for continuing chiropractic education credit:

- (a) Diagnosis and treatment of the spine or immediate articulations within the scope of practice;
  - (b) X-ray/roentgenology;
  - (c) Adjustive technique;
  - (d) Detection of a subluxation;
  - (e) Physical examination;
  - (f) Hygiene;
  - (g) Symptomatology;
  - (h) Neurology;
  - (i) Spinal pathology;
  - (j) Spinal orthopedics;
  - (k) Patient/case management;
  - (l) Impairment within the scope of practice;
  - (m) CPR – once every three years; ((and;))
  - (n) Dietary advice; and,
  - (o) Chiropractic philosophy.
- (3) Subject matter not approved for continuing education credit:
- (a) Business management;
  - (b) Subject matter not directly relating to the chiropractic clinical scope of practice;
  - (c) Practice building; and,
  - (d) Conduct prohibited by Washington state statutes or rules governing chiropractic practice.

### **WSR 89-18-087**

#### PROPOSED RULES

### **DEPARTMENT OF TRANSPORTATION**

[Filed September 6, 1989, 4:03 p.m.]

Original Notice.

Title of Rule: Chapter 468-320 WAC, Washington state ferry vessel construction, maintenance and repair contracts—Alternate forms of security and determination of bonding amount required.

Purpose: To decrease bonding difficulties for shipyards and increase competitive bidding.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: New section to chapter 39.08 RCW.

Summary: On contracts for construction, maintenance, or repair of a marine vessel, the Department of Transportation may permit, subject to specified format and conditions, the substitution of one or more alternate forms of security in lieu of all or part of the bond.

Reasons Supporting Proposal: Section 3, chapter 58, Laws of 1989.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kern Jacobson, Seattle Ferry Terminal, (206) 464-6556.

Name of Proponent: Washington State Department of Transportation, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt regulations required by chapter 58, Laws of 1989, by accepting forms of security other than a normal contract bond from contractors doing work on ferry vessels. The regulations establish procedures for

determining the amount of such alternate security, and define the forms of such security which are acceptable to the Department of Transportation.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Board Room 1D2, Transportation Building, Olympia, Washington, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Ben Klein, Transportation Building, Marine Division, Olympia, Washington 98504, by October 12, 1989.

Date of Intended Adoption: October 13, 1989.

September 5, 1989

Ed W. Ferguson

Deputy Secretary

Chapter 468-320 WAC  
WASHINGTON STATE FERRY VESSEL CONSTRUCTION,  
MAINTENANCE AND  
REPAIR CONTRACTS—ALTERNATE FORMS OF SECURITY  
AND  
DETERMINATION OF BONDING AMOUNT REQUIRED

WAC

468-320-010	General requirements.
468-320-020	State's exposure to loss.
468-320-030	Calculation of state's exposure to loss.
468-320-040	Delegation of authority.
468-320-050	Acceptable alternate forms of security.
468-320-060	Warranty coverage.
468-320-070	Prohibition of double security.
468-320-080	Replacement bond option.
468-320-090	Delivery of alternate security to the state.
468-320-100	Specific requirements for alternate forms of security.

NEW SECTION

WAC 468-320-010 GENERAL REQUIREMENTS. (1) As required by chapter 58, Laws of 1989, the bond and/or alternate form of security for a contract for construction, maintenance or repair of a marine vessel by the Washington state department of transportation (hereafter "contract"), shall be in an amount adequate to protect one hundred percent of the state's exposure to loss on such contract. The contractor shall provide either:

(a) An executed contract bond, as described in RCW 39.08.010, in the amount of one hundred percent of the state's exposure to loss and in the form required in the bid specifications; or

(b) A combination totaling one hundred percent of the state's exposure to loss of:

(i) A payment bond in the amount of the state's payment exposure (see WAC 468-320-030) stated in the bid specifications, which is adequate to fully protect the state against potential claims for work done by laborers, mechanics, subcontractors, and/or materialmen and all persons who supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, which has been paid for by the state, but for which such persons have not been paid by the contractor; and

(ii) Alternate form(s) of security in the amount of the state's performance exposure (see WAC 468-320-030) as provided herein; or

(c) Alternate forms of security totaling one hundred percent of the state's exposure to loss, if the state, in performing the analysis described in WAC 468-320-030, determines that contract payment procedures completely eliminate its exposure to loss in WAC 468-320-030 (2)(g), (h), and (i).

(2) Such bond and/or alternate form(s) of security shall remain in effect from the date of contract execution until the state has accepted the contract work, the lien claim period has passed, and all releases from other state of Washington agencies has been received.

NEW SECTION

WAC 468-320-020 STATE'S EXPOSURE TO LOSS. The state's exposure to loss in such a contract is equal to: The maximum

funds reasonably required, in case of default by the contractor, to take over and complete the work, correct any errors or deficiencies in the work, and resolve claims of laborers, mechanics, subcontractors, materialmen and all persons who supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work.

NEW SECTION

WAC 468-320-030 CALCULATION OF STATE'S EXPOSURE TO LOSS. (1) For each contract, an engineering evaluation will be conducted by the project design team during the estimating phase of plan preparation. This written evaluation will determine the amount of the state's exposure to loss broken down into performance exposure (subsection (2)(a) through (f) of this section and payment exposure, if any (subsection (2)(g), (h), and (i) of this section. These amounts will be included in the bid specifications. The evaluation will be broken down by the risk categories specified below. The amount of the state's exposure to loss will be expressed in terms of a lump sum amount or a percentage of the contract amount. After bid opening, the documentation of the evaluation will be made available upon request.

(2) The evaluation will include consideration of all potential costs to the state (including engineering and administration (overhead)) in the following risk categories, mitigated generally by permitted delays in payments to the contractor and by contract retainage, and mitigated specifically as described below:

(a) Damage to the vessel, mitigated as appropriate by the required builder's risk insurance.

(b) Noncomplying or faulty material, mitigated as appropriate by the manufacturers' warranties and/or state inspection and testing.

(c) Work done poorly, incompletely, or incorrectly, mitigated as appropriate by the degree of state inspection anticipated, given the nature, complexity, and accessibility of the work.

(d) Out of service costs due to delays in the work.

(e) Failure to receive USCG or ABS approval, when required, for work for which payment has already been made.

(f) Default or bankruptcy of the contractor, including:

(i) Removing the vessel from the contractor's facility;

(ii) Identifying and removing from the contractor's facility material paid for by the state;

(iii) Delivering the vessel to alternate shipyard facilities (contractor or state);

(iv) Completing the work, whether by new contract or by state forces; and

(v) Administering all such actions.

(g) Unpaid tax or other governmental obligations related to the contract.

(h) Failure of the contractor to pay wage rates required by law.

(i) Failure of the contractor to pay claims of laborers, mechanics, subcontractors, materialmen and all persons who supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work.

(3) If a contract change order significantly increases the amount of the state's exposure to loss, such change order shall specify the amount of such increase and shall provide for the amount and form of additional contract security required.

NEW SECTION

WAC 468-320-040 DELEGATION OF AUTHORITY. The assistant secretary for marine transportation is hereby delegated authority to exercise all powers vested in the secretary of transportation by chapter 58, Laws of 1989. The assistant secretary for marine transportation may further delegate authority to exercise all such powers.

NEW SECTION

WAC 468-320-050 ACCEPTABLE ALTERNATE FORMS OF SECURITY. (1) In addition to a contract bond, the following alternate forms of contract security are acceptable if they provide protection for the state equal to the state's exposure to loss and at least equal to that provided by a contract bond in an equivalent amount, meet all legal requirements for effectiveness and authenticity, are specified in the bid specifications for a particular contract as being acceptable for that contract, and meet all of the special requirements set forth below or in the bid specifications for the particular contract:

(a) Certified check;

(b) Cashier's check;

(c) Treasury bill or bills;

- (d) Irrevocable bank letter of credit;
  - (e) Assignment of a savings account;
  - (f) Assignment of other liquid assets specifically approved by the assistant secretary for marine transportation or his designee.
- (2) Alternate forms of contract security offered by a contractor shall provide risk coverage to the state for the time period beginning on the date of contract execution and ending thirty days after final contract acceptance, or on the date thereafter on which all releases from other state of Washington agencies have been received.

**NEW SECTION**

**WAC 468-320-060 WARRANTY COVERAGE.** Alternate forms of contract security used by a contractor shall ensure that the state receives warranty coverage for all losses resulting from any defects in material and workmanship for the time period beginning on the date of redelivery of the vessel to the state and ending one year after that date. Such warranty coverage shall be at least as effective in protecting the state as that contained in the state's standard contract bond, and shall be in an amount specified in the bid specifications, increased or decreased by ten percent of the net amount of any change orders.

**NEW SECTION**

**WAC 468-320-070 PROHIBITION OF DOUBLE SECURITY.** Assets used as an alternate form of security shall not also be used to secure a contract bond for any of the remainder of the state's exposure to loss on the contract.

**NEW SECTION**

**WAC 468-320-080 REPLACEMENT BOND OPTION.** As an alternative to the warranty coverage described in WAC 468-320-060, a contractor may, for the period beginning on the date of redelivery of the vessel to the state and ending one year after that date provide a replacement bond in the amount specified for warranty coverage in the bid specifications, increased or decreased by ten percent of the net amount of any change orders. Such replacement bond shall be in the form required in the bid specifications.

**NEW SECTION**

**WAC 468-320-090 DELIVERY OF ALTERNATE SECURITY TO THE STATE.** All alternate forms of security permitted by these regulations and the bid specifications for a particular contract shall be delivered to the state in the manner provided in the contract specifications for delivery of the contract bond, unless provided otherwise in the bid specifications.

**NEW SECTION**

**WAC 468-320-100 SPECIFIC REQUIREMENTS FOR ALTERNATE FORMS OF SECURITY.** In addition to meeting any special requirements contained in the bid specifications for a particular contract, alternate forms of security will be subject to the following requirements:

- (1) Certified check.
  - (a) Must be issued by a bank which:
    - (i) Is a qualified public depository under RCW 39.58.010 and meets any other requirements contained in the bid specifications; or
    - (ii) Meets alternate standards set forth in the bid specifications.
  - (b) Will be deposited as directed by the contractor at the time of contract execution, with the options specified in WAC 82-32-010.
- (2) Cashier's check.
  - (a) Must be issued by a bank which:
    - (i) Is a qualified public depository under RCW 39.58.010 and meets any other requirements contained in the bid specifications; or
    - (ii) Meets alternate standards set forth in the bid specifications.
  - (b) Will be deposited as directed by the contractor at the time of contract execution, with the options specified in WAC 82-32-010.
- (3) Treasury bill(s).
  - (a) Must be payable to bearer, be issued by the Treasury of the United States, and meet any other requirements contained in the bid specifications.
  - (b) Must bear a maturity date which:
    - (i) Is at least six months past the date specified for contract completion if the contractor does not propose to use the bill(s) for warranty coverage; or

- (ii) Is at least one year and six months past the date specified for contract completion if the contractor proposes to use the bill(s) for warranty coverage. If for any reason, the actual contract completion date or end of the contract warranty period extends to within sixty days of the maturity date of the treasury bill(s) furnished by the contractor, the contractor shall, at least thirty days prior to the maturity date, substitute treasury bills with a maturity date at least six months longer than the state's new estimate of the time required for contract completion or warranty coverage.

- (4) Irrevocable bank letter of credit.
  - (a) Must be issued by a bank which:
    - (i) Is a qualified public depository under RCW 39.58.010 and meets any other requirements contained in the bid specifications; or
    - (ii) Meets alternate standards set forth in the bid specifications.
  - (b) If at any time during the contract or warranty period, as applicable, the issuing bank fails to meet the standards specified in (a) of this subsection, the contractor shall inform the state of such event, and shall, within ten days, substitute an irrevocable letter of credit from a bank which meets the standards specified in (a) of this subsection.
  - (c) Must be in the form required in the bid specifications, unless an alternate form is approved as provided in (d) of this subsection.
  - (d) If a contractor cannot obtain an irrevocable letter of credit in the form required in the bid specifications, and wishes to propose an alternative form of irrevocable letter of credit, it shall submit such alternate irrevocable letter of credit to the contracts department of Washington state department of transportation, marine division, for approval on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed letter of credit, or may suggest changes in it which will make it acceptable if concurred in writing by the bidder and its bank prior to the date set for bid opening.

- (5) Assignment of savings account.
  - (a) The assigned account must be in a bank which:
    - (i) Is a qualified public depository under RCW 39.58.010 and meets any other requirements contained in the bid specifications; or
    - (ii) Meets alternate standards set forth in the bid specifications.
  - (b) The proposed document of assignment shall be submitted to the contracts department of Washington state department of transportation, marine division, on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed document of assignment, or may suggest changes in it which will make it acceptable if concurred in writing by the bidder prior to the date set for bid opening.

- (c) Must be accompanied by a notarized statement, on bank letterhead, stating that the bank concurs in the assignment.

- (d) Must be effective:
  - (i) For at least six months past the date specified for contract completion, if the contractor does not propose to use the assignment for warranty coverage; or

- (ii) For at least one year and six months past the date specified for contract completion if the contractor proposes to use the assignment for warranty coverage. If, for any reason, the actual contract completion date or end of the contract warranty period extends to within sixty days of the end of the savings account assignment, the contractor shall, at least thirty days prior to the end of the initial assignment, make a new or extended savings account assignment in compliance with these regulations for a period at least six months longer than the state's new estimate of the time required for contract completion or warranty coverage.

- (6) Assignment of other liquid assets.
  - (a) Must be an assignment of assets approved for investment in WAC 82-32-060.

- (b) Both a full description of the liquid assets proposed to be assigned and the proposed document of assignment shall be submitted to the contracts department of Washington state department of transportation, marine division, on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed assets and/or instrument of assignment, or may suggest changes in them, or in the document of assignment, which will make the assets or the document of assignment acceptable, if concurred in writing by the bidder prior to the date set for bid opening.

- (c) Must be effective:
  - (i) For at least six months past the date specified for contract completion, if the contractor does not propose to use the assets for warranty coverage; or
  - (ii) For at least one year and six months past the date specified for contract completion, if the contractor proposes to use the assignment

for warranty coverage. If for any reason the actual contract completion date or end of the contract warranty period extends to within sixty days of the end of the liquid asset assignment, the contractor shall, at least thirty days prior to the end of the initial assignment, make a new or extended assignment as provided in subsection (5)(d) of this section.

**WSR 89-18-088**  
**EMERGENCY RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed September 6, 1989, 4:06 p.m.]

Date of Adoption: September 5, 1989.

Purpose: Chapter 468-320 WAC, Determination of bonding amounts required for ferry system vessel contracts.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Other Authority: Chapter 58, Laws of 1989.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Section 3, chapter 58, Laws of 1989.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Sections (2) and (3), chapter 58, Laws of 1989, chapter 39.08 RCW.

Effective Date of Rule: Immediately.

September 5, 1989  
Ed W. Ferguson  
Deputy Secretary

*Chapter 468-320 WAC*  
**WASHINGTON STATE FERRY VESSEL CONSTRUCTION, MAINTENANCE AND REPAIR CONTRACTS—ALTERNATE FORMS OF SECURITY AND DETERMINATION OF BONDING AMOUNT REQUIRED**

**WAC**

- 468-320-010 *General requirements.*
- 468-320-020 *State's exposure to loss.*
- 468-320-030 *Calculation of state's exposure to loss.*
- 468-320-040 *Delegation of authority.*
- 468-320-050 *Acceptable alternate forms of security.*
- 468-320-060 *Warranty coverage.*
- 468-320-070 *Prohibition of double security.*
- 468-320-080 *Replacement bond option.*
- 468-320-090 *Delivery of alternate security to the state.*
- 468-320-100 *Specific requirements for alternate forms of security.*

**NEW SECTION**

**WAC 468-320-010 GENERAL REQUIREMENTS.** (1) As required by chapter 58, Laws of 1989, the bond and/or alternate form of security for a contract for construction, maintenance or repair of a marine vessel by the Washington state department of transportation (hereafter "contract"), shall be in an amount adequate to protect one hundred percent of the state's exposure to loss on such contract. The contractor shall provide either:

(a) An executed contract bond, as described in RCW 39.08.010, in the amount of one hundred percent of the state's exposure to loss and in the form required in the bid specifications; or

(b) A combination totaling one hundred percent of the state's exposure to loss of:

(i) A payment bond in the amount of the state's payment exposure (see WAC 468-320-030) stated in the bid specifications, which is adequate to fully protect the state against potential claims for work done by laborers, mechanics, subcontractors, and/or materialmen and all persons who supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, which has been paid for by the state, but for which such persons have not been paid by the contractor, and

(ii) Alternate form(s) of security in the amount of the state's performance exposure (see WAC 468-320-030) as provided herein; or

(c) Alternate forms of security totaling one hundred percent of the state's exposure to loss, if the state, in performing the analysis described in WAC 468-320-030, determines that contract payment procedures completely eliminate its exposure to loss in WAC 468-320-030 (2)(g), (h), and (i).

(2) Such bond and/or alternate form(s) of security shall remain in effect from the date of contract execution until the state has accepted the contract work, the lien claim period has passed, and all releases from other state of Washington agencies has been received.

**NEW SECTION**

**WAC 468-320-020 STATE'S EXPOSURE TO LOSS.** The state's exposure to loss in such a contract is equal to: The maximum funds reasonably required, in case of default by the contractor, to take over and complete the work, correct any errors or deficiencies in the work, and resolve claims of laborers, mechanics, subcontractors, materialmen and all persons who supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work.

**NEW SECTION**

**WAC 468-320-030 CALCULATION OF STATE'S EXPOSURE TO LOSS.** (1) For each contract, an engineering evaluation will be conducted by the project design team during the estimating phase of plan preparation. This written evaluation will determine the amount of the state's exposure to loss broken down into performance exposure (subsection (2)(a) through (f) of this section and payment exposure, if any (subsection

(2)(g), (h), and (i) of this section. These amounts will be included in the bid specifications. The evaluation will be broken down by the risk categories specified below. The amount of the state's exposure to loss will be expressed in terms of a lump sum amount or a percentage of the contract amount. After bid opening, the documentation of the evaluation will be made available upon request.

(2) The evaluation will include consideration of all potential costs to the state (including engineering and administration (overhead)) in the following risk categories, mitigated generally by permitted delays in payments to the contractor and by contract retainage, and mitigated specifically as described below:

(a) Damage to the vessel, mitigated as appropriate by the required builder's risk insurance.

(b) Noncomplying or faulty material, mitigated as appropriate by the manufacturers' warranties and/or state inspection and testing.

(c) Work done poorly, incompletely, or incorrectly, mitigated as appropriate by the degree of state inspection anticipated, given the nature, complexity, and accessibility of the work.

(d) Out of service costs due to delays in the work.

(e) Failure to receive USCG or ABS approval, when required, for work for which payment has already been made.

(f) Default or bankruptcy of the contractor, including:

(i) Removing the vessel from the contractor's facility;

(ii) Identifying and removing from the contractor's facility material paid for by the state;

(iii) Delivering the vessel to alternate shipyard facilities (contractor or state);

(iv) Completing the work, whether by new contract or by state forces; and

(v) Administering all such actions.

(g) Unpaid tax or other governmental obligations related to the contract.

(h) Failure of the contractor to pay wage rates required by law.

(i) Failure of the contractor to pay claims of laborers, mechanics, subcontractors, materialmen and all persons who supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work.

(3) If a contract change order significantly increases the amount of the state's exposure to loss, such change order shall specify the amount of such increase and shall provide for the amount and form of additional contract security required.

#### NEW SECTION

WAC 468-320-040 DELEGATION OF AUTHORITY. The assistant secretary for marine transportation is hereby delegated authority to exercise all powers vested in the secretary of transportation by chapter 58, Laws of 1989. The assistant secretary for marine transportation may further delegate authority to exercise all such powers.

#### NEW SECTION

WAC 468-320-050 ACCEPTABLE ALTERNATE FORMS OF SECURITY. (1) In addition to a contract bond, the following alternate forms of contract security are acceptable if they provide protection for the state equal to the state's exposure to loss and at least equal to that provided by a contract bond in an equivalent amount, meet all legal requirements for effectiveness and authenticity, are specified in the bid specifications for a particular contract as being acceptable for that contract, and meet all of the special requirements set forth below or in the bid specifications for the particular contract:

(a) Certified check;

(b) Cashier's check;

(c) Treasury bill or bills;

(d) Irrevocable bank letter of credit;

(e) Assignment of a savings account;

(f) Assignment of other liquid assets specifically approved by the assistant secretary for marine transportation or his designee.

(2) Alternate forms of contract security offered by a contractor shall provide risk coverage to the state for the time period beginning on the date of contract execution and ending thirty days after final contract acceptance, or on the date thereafter on which all releases from other state of Washington agencies have been received.

#### NEW SECTION

WAC 468-320-060 WARRANTY COVERAGE. Alternate forms of contract security used by a contractor shall ensure that the state receives warranty coverage for all losses resulting from any defects in material and workmanship for the time period beginning on the date of redelivery of the vessel to the state and ending one year after that date. Such warranty coverage shall be at least as effective in protecting the state as that contained in the state's standard contract bond, and shall be in an amount specified in the bid specifications, increased or decreased by ten percent of the net amount of any change orders.

#### NEW SECTION

WAC 468-320-070 PROHIBITION OF DOUBLE SECURITY. Assets used as an alternate form of security shall not also be used to secure a contract bond for any of the remainder of the state's exposure to loss on the contract.

#### NEW SECTION

WAC 468-320-080 REPLACEMENT BOND OPTION. As an alternative to the warranty coverage described in WAC 468-320-060, a contractor may, for the period beginning on the date of redelivery of the vessel to the state and ending one year after that date provide a replacement bond in the amount specified for warranty coverage in the bid specifications, increased or decreased by ten percent of the net amount of any change orders. Such replacement bond shall be in the form required in the bid specifications.

**NEW SECTION**

**WAC 468-320-090 DELIVERY OF ALTERNATE SECURITY TO THE STATE.** All alternate forms of security permitted by these regulations and the bid specifications for a particular contract shall be delivered to the state in the manner provided in the contract specifications for delivery of the contract bond, unless provided otherwise in the bid specifications.

**NEW SECTION**

**WAC 468-320-100 SPECIFIC REQUIREMENTS FOR ALTERNATE FORMS OF SECURITY.** In addition to meeting any special requirements contained in the bid specifications for a particular contract, alternate forms of security will be subject to the following requirements:

- (1) Certified check.
  - (a) Must be issued by a bank which:
    - (i) Is a qualified public depository under RCW 39.58-.010 and meets any other requirements contained in the bid specifications; or
    - (ii) Meets alternate standards set forth in the bid specifications.
      - (b) Will be deposited as directed by the contractor at the time of contract execution, with the options specified in WAC 82-32-010.
  - (2) Cashier's check.
    - (a) Must be issued by a bank which:
      - (i) Is a qualified public depository under RCW 39.58-.010 and meets any other requirements contained in the bid specifications; or
      - (ii) Meets alternate standards set forth in the bid specifications.
        - (b) Will be deposited as directed by the contractor at the time of contract execution, with the options specified in WAC 82-32-010.
    - (3) Treasury bill(s).
      - (a) Must be payable to bearer, be issued by the Treasury of the United States, and meet any other requirements contained in the bid specifications.
      - (b) Must bear a maturity date which:
        - (i) Is at least six months past the date specified for contract completion if the contractor does not propose to use the bill(s) for warranty coverage; or
        - (ii) Is at least one year and six months past the date specified for contract completion if the contractor proposes to use the bill(s) for warranty coverage. If for any reason, the actual contract completion date or end of the contract warranty period extends to within sixty days of the maturity date of the treasury bill(s) furnished by the contractor, the contractor shall, at least thirty days prior to the maturity date, substitute treasury bills with a maturity date at least six months longer than the state's new estimate of the time required for contract completion or warranty coverage.
      - (4) Irrevocable bank letter of credit.
        - (a) Must be issued by a bank which:
          - (i) Is a qualified public depository under RCW 39.58-.010 and meets any other requirements contained in the bid specifications; or

(ii) Meets alternate standards set forth in the bid specifications.

(b) If at any time during the contract or warranty period, as applicable, the issuing bank fails to meet the standards specified in (a) of this subsection, the contractor shall inform the state of such event, and shall, within ten days, substitute an irrevocable letter of credit from a bank which meets the standards specified in (a) of this subsection.

(c) Must be in the form required in the bid specifications, unless an alternate form is approved as provided in (d) of this subsection.

(d) If a contractor cannot obtain an irrevocable letter of credit in the form required in the bid specifications, and wishes to propose an alternative form of irrevocable letter of credit, it shall submit such alternate irrevocable letter of credit to the contracts department of Washington state department of transportation, marine division, for approval on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed letter of credit, or may suggest changes in it which will make it acceptable if concurred in writing by the bidder and its bank prior to the date set for bid opening.

(5) Assignment of savings account.

(a) The assigned account must be in a bank which:

(i) Is a qualified public depository under RCW 39.58-.010 and meets any other requirements contained in the bid specifications; or

(ii) Meets alternate standards set forth in the bid specifications.

(b) The proposed document of assignment shall be submitted to the contracts department of Washington state department of transportation, marine division, on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed document of assignment, or may suggest changes in it which will make it acceptable if concurred in writing by the bidder prior to the date set for bid opening.

(c) Must be accompanied by a notarized statement, on bank letterhead, stating that the bank concurs in the assignment.

(d) Must be effective:

(i) For at least six months past the date specified for contract completion, if the contractor does not propose to use the assignment for warranty coverage; or

(ii) For at least one year and six months past the date specified for contract completion if the contractor proposes to use the assignment for warranty coverage. If, for any reason, the actual contract completion date or end of the contract warranty period extends to within sixty days of the end of the savings account assignment, the contractor shall, at least thirty days prior to the end of the initial assignment, make a new or extended savings account assignment in compliance with these regulations for a period at least six months longer than the state's new estimate of the time required for contract completion or warranty coverage.

(6) Assignment of other liquid assets.

(a) Must be an assignment of assets approved for investment in WAC 82-32-060.

(b) Both a full description of the liquid assets proposed to be assigned and the proposed document of assignment shall be submitted to the contracts department of Washington state department of transportation, marine division, on or before the date set forth in the bid specifications. The state, in its sole discretion, may approve or reject the proposed assets and/or instrument of assignment, or may suggest changes in them, or in the document of assignment, which will make the assets or the document of assignment acceptable, if concurred in writing by the bidder prior to the date set for bid opening.

(c) Must be effective:

(i) For at least six months past the date specified for contract completion, if the contractor does not propose to use the assets for warranty coverage, or

(ii) For at least one year and six months past the date specified for contract completion, if the contractor proposes to use the assignment for warranty coverage. If for any reason the actual contract completion date or end of the contract warranty period extends to within sixty days of the end of the liquid asset assignment, the contractor shall, at least thirty days prior to the end of the initial assignment, make a new or extended assignment as provided in subsection (5)(d) of this section.

**WSR 89-18-089**

**PROPOSED RULES**

**THE EVERGREEN STATE COLLEGE**

[Filed September 6, 1989, 4:20 p.m.]

Original Notice.

Title of Rule: WAC 174-121-010 Social contract; repealing WAC 174-120-020; and WAC 174-120-010, 174-120-030 through 174-120-080 Student conduct code—Grievance and appeals process.

Purpose: Implements chapter 34.05 RCW, the Administrative Procedure Act.

Statutory Authority for Adoption: RCW 28B.40.120.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: Standards for filing and publication of notices and rules, including form and style, to be used by rule-making agencies.

Reasons Supporting Proposal: Renumbering and adoption of existing rules into new chapters.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gail E. Martin, L3236, 866-6000 ext. 6296.

Name of Proponent: The Evergreen State College, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: The Evergreen State College Board Room, on October 11, 1989, at 1:30 p.m.

Submit Written Comments to: Gail E. Martin, by October 10, 1989.

Date of Intended Adoption: October 11, 1989.

September 6, 1989

Verna D. Baker for Rita Brackenbush  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 88-1, Motion No. 88-25, filed 8/18/88)

WAC 174-120-010 DEFINITIONS. (1) ~~COLLEGE COMMUNITY: Current students and employees while present on college property or at a college sponsored event.~~

~~(2) COLLEGE FACILITIES/PREMISES: Property owned, leased, operated, controlled, or supervised by the college.~~

~~(3) HEARING BOARD: ((Three)) Five community members appointed by and from the different sectors of the college community (i.e. 1 faculty; 1 classified or exempt staff; ((+)) 3 students). The vice-president shall be responsible for ensuring hearing board members and their alternates are appointed. The ((hearing board members will select a chairperson who, with the assistance of the vice-president's office, is responsible for providing notice to the parties. The college legal counsel or, in cases of conflict,)) vice-president will appoint the chair of the hearing board who with the technical and clerical assistance of the vice-president's office will write and issue the board's finding. The attorney general, an administrative law judge or any other qualified community member ((shall)) may serve as a nonvoting advisor to the hearing board on the hearing process.~~

~~((4)) (2) GRIEVANCE OFFICER: A faculty or staff person((+)) who shall be appointed by and accountable to the vice-president. The grievance officer is responsible for determining if violations of this policy have occurred, for investigating and initiating formal disciplinary action on behalf of the college and for keeping all records specified in these hearings procedures. In cases involving violations of the ((social)) housing contract ((in housing,)) the director of housing or designee shall act as the grievance officer.~~

~~((5)) (3) CAMPUS MEDIATOR: Designated intervenor in potential conflicts between two members or groups of the community which do not involve alleged violations of the student conduct code, issues about employee performance, or matters covered by other grievance procedures. The mediator will assist the two parties to reach informal resolution. If successful, the parties will sign an agreement that resolution has been reached. If unsuccessful, both parties may agree to arbitration wherein the finding of the mediator will be binding.~~

~~This individual is appointed by the vice-president and typically has been the dean of student development or his/her designee.~~

~~(4) PREPONDERANCE OF THE EVIDENCE: The greater weight of evidence or evidence more convincing to the mind than not.~~

~~((6)) (5) SPONSORED EVENT OR ACTIVITY: Activities scheduled by the college and supervised and controlled by college employees.~~

~~(6) COLLEGE FACILITIES/PREMISES: Property owned, leased, operated, controlled, or supervised by the college.~~

~~(7) TRIER OF FACT: The hearing board, administrative law judge, or any other individual(s) (e.g. campus mediator; affirmative action officer) designated by the vice-president and responsible for determining the facts relevant to decide a controversy.~~

~~(8) REVIEWING OFFICER: An individual designated by the president to provide a review of the trier of fact's finding.~~

~~(9) EXCEPTION TO TRIER OF FACT'S FINDINGS: An exception is a written request by either the grievance officer or the student requesting a review of the findings by the reviewing officer.~~

~~(10) VICE-PRESIDENT: The vice-president for student affairs or his/her designee. The vice-president or his/her designee shall advise students on matters of jurisdiction related to this policy and to other college grievance and conflict resolution mechanisms.~~

**AMENDATORY SECTION** (Amending Order 88-1, Motion No. 88-25, filed 8/18/88)

WAC 174-120-030 STUDENT CONDUCT CODE—SPECIFIC EXAMPLES OF SOCIAL CONTRACT VIOLATIONS. In addition to the social contract, students must abide by the rules below in order to maintain community membership. Specific violations are set forth in writing in order to provide notice to students. They are not designed to define violations in exhaustive terms. Students may be accountable to both civil/criminal authorities and the college for acts which constitute violations of law occurring on or off campus.

(1) **DESTROYING OR DAMAGING PROPERTY:** Intentionally and/or recklessly destroying or damaging college property or the property of others on college premises or at college-sponsored events.

(2) **DISRUPTING COLLEGE FUNCTIONS:** Intentionally and/or recklessly interfering with normal college or college sponsored activities, including, but not limited to, studying, teaching, research, college administration, fire, police, campus security or emergency services.

(3) **DRUGS:** Use, possession or distribution of any controlled substance or illegal drug on college premises or at college sponsored activities (as defined in the Uniform Controlled Substances Act chapter 69.50 RCW, as amended).

(4) **FALSE ALARMS:** Intentionally causing a false police or fire alarm that involves college property or a college sponsored event.

(5) **FALSE INFORMATION:** Intentionally providing false information to the college for the purpose of gaining admission or employment or to avoid determination of facts in accordance with any college investigation or hearing.

(6) **HARASSMENT/PHYSICAL HARM:** Threatening, intimidating or harassing another with intent to substantially harm the person (~~threatened or any other person~~) with respect to his or her physical safety or mental health (~~or safety~~). This includes causing physical harm to any person or property on college premises or at any college sponsored activity, or causing reasonable apprehension of such harm to another person.

(7) **HOUSING CONTRACT VIOLATIONS:** Violation of residence hall contracts.

(8) **LIQUOR:** Use, possession or distribution of liquor on college property. This is not intended to apply to use by students of legal age in a residence or at a college sponsored event provided the event has an approved alcoholic beverage banquet permit (chapter 174-157 WAC, as amended). However, public appearance on campus or at any college-sponsored event while intoxicated, as defined by state law, will be considered a violation.

(9) **SMOKING:** Smoking in a prohibited area on college property as defined by college rules (WAC 174-136-160 to 174-136-170, as amended).

(10) **THEFT OR CONVERSION:** Deprivation of another's property, including college property or services, without that individual's or the college's authorization.

(11) (~~TRESPASS: Unauthorized presence in or use of college premises, facilities, services or property.~~) **REFUSAL TO DESIST FROM PROHIBITED CONDUCT:** Refusal of students on college property to desist from conduct prohibited by these rules.

(12) **WEAPONS, FIREARMS, EXPLOSIVES AND DANGEROUS CHEMICALS:** Unauthorized use, possession or storage (other than storage with the campus security office) of any weapon, explosives, dangerous chemicals, substances or instruments or other weapons, as defined by state law, which may be used to inflict bodily harm on another individual or damage upon college premises or college-sponsored event.

#### AMENDATORY SECTION (Amending Order 88-1, Motion No. 88-25, filed 8/18/88)

**WAC 174-120-040 STUDENT CONDUCT CODE—CORRECTIVE ACTION.** The primary purpose for imposing corrective measures is to protect the college community. Notification of corrective action shall be in writing, indicating the terms of any suspension or termination and any special conditions which must be met before readmission. Violations of WAC 174-120-030 (1) through (5), (6), (8), (10) through (12), inclusive, may result in expulsion (~~or~~), suspension, or summary suspension unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the student, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it. Repeated or aggravated violations of any rule may also result in expulsion or suspension or in the imposition of such lesser corrective measures as may be appropriate. A student's off-campus criminal conduct may also be considered in determining what discipline is warranted for similar on-campus conduct.

(1) **EXPULSION:** Permanent separation from the college and termination of community membership. The student may also be barred from college premises and/or college sponsored events.

(2) **REPRIMAND:** Warning(s) that further misconduct may result in more severe sanctions.

(3) **RESTITUTION:** An alternative to other sanctions which the student may elect wherein payment may be made to the college or to other persons, groups, or organizations for damages incurred as a result of prohibited conduct.

(4) **EJECTION FROM THE PREMISES:** Students on college property who willfully refuse to obey an order of the president, the president's designees, or law enforcement officers to desist from conduct prohibited by the college's rules and regulations may be ejected from the premises. Refusal to obey such an order will subject the student to arrest under the provisions of the Criminal Trespass Act, in addition to such other sanctions as may be applicable. Students who repeatedly engage in any conduct prohibited above may be subject to other disciplinary action.

(5) **SUMMARY SUSPENSION:** Students presenting imminent danger to themselves, others, college property and/or the educational process may be immediately suspended from the college by the president, vice president, or their designee(s) for a period of time not to exceed ten days. At the time of the suspension, the student shall be notified in writing, if possible, otherwise orally of the circumstances constituting prohibited conduct and of their right to petition for a formal hearing. If oral notification is given at the time of the summary suspension, written notification shall be personally delivered or sent to the student's last known address within 24 hours.

(~~(5)~~) (6) **SUSPENSION:** Temporary dismissal from the college and temporary termination of community membership for a stated period of time, but no longer than one year. The student shall not participate in any college-sponsored activity and may be barred from college premises. Suspension implies that the student may eventually return if evidence or other assurances are presented that prohibited conduct will not be repeated.

(~~(6)~~) (7) **OTHER SANCTIONS:** Other sanctions may be imposed if related to the violation. For example, extracurricular activities may be limited; registration of motor vehicles may be restricted; and/or community service may be assigned. Students may also be removed from college housing for (~~social~~) housing contract violations.

#### AMENDATORY SECTION (Amending Order 88-1, Motion No. 88-25, filed 8/18/88)

**WAC 174-120-050 STUDENT CONDUCT CODE—INFORMAL CONFLICT RESOLUTION.** (1) **VOLUNTARY MEDIATION/ARBITRATION:** Community members who come into conflict with one another should make a determined effort to resolve problems peacefully and constructively between themselves. To facilitate this objective, the college encourages voluntary mediation and/or arbitration through the campus mediator or any mutually agreed upon third party. A student may bypass mediation/arbitration and file a complaint directly with the grievance officer if the student believes the student conduct code has been violated. The grievance officer will determine if a violation of the social contract—student conduct code has occurred.

(2) **SETTLEMENT:** If the grievance officer decides to pursue a case in the name of the college, the student may accept or deny responsibility for the violation. If the student accepts responsibility, in writing, she or he may propose a sanction to resolve the case. The grievance officer may also propose a sanction. If agreement on responsibility and sanction are reached, the agreement shall be made in writing and signed by the student and grievance officer. The agreement may be withdrawn in writing, within one working day. If the agreement is not withdrawn within one working day, the student waives her or his right to a formal hearing.

(3) **SETTLEMENT AGREEMENT:** An agreement on responsibility and sanctions, if appropriate, shall be written and contain:

(a) A description of the violation for which responsibility is accepted;

(b) The agreed sanction if any;

(c) Signatures of the student and the grievance officer.

(4) **FAILURE TO REACH AN AGREEMENT:** If no agreement is reached on responsibility or sanction, the grievance officer shall bring the case before the trier of fact or shall dismiss the case.

(5) **FAILURE TO RESPOND TO THE GRIEVANCE OFFICER'S REQUEST FOR A MEETING:** Failure to respond to a request for a meeting shall trigger a formal hearing as defined in WAC 174-120-060 through 174-120-080, as follows.

#### AMENDATORY SECTION (Amending Order 88-1, Motion No. 88-25, filed 8/18/88)

**WAC 174-120-060 STUDENT CONDUCT CODE—GRIEVANCE OFFICER.** (1) **PURPOSE:** The basic role of the grievance office is to seek justice and not convictions. The grievance officer receives and investigates complaints and proposes corrective action, if warranted. The grievance officer has the responsibility of making a decision of who and when to charge with a violation.

(2) **PROCEDURE:** If the grievance officer is satisfied that sufficient evidence exists to substantiate a violation and if a settlement has not been reached, he/she shall send a notice of the formal charges, recommended corrective action and the right to a hearing to the student. If the student is charged with a violation potentially punishable by suspension or termination, the vice-president shall institute formal hearing board procedures unless otherwise waived by the student. If a student is not charged with a violation potentially punishable by suspension or termination, he/she must petition the vice-president for a formal hearing within 10 days after receipt of the grievance officer's charges. If the student fails to petition the vice-president for a formal hearing, the recommended disciplinary action shall go into effect unless summary suspension has already occurred.

**AMENDATORY SECTION** (Amending Order 88-1, Motion No. 88-25, filed 8/18/88)

**WAC 174-120-070 STUDENT CONDUCT CODE—FORMAL HEARING NOTICE AND RIGHTS.** Notice of the hearing, including a statement of the particular rules involved and matters asserted, shall be provided at least ten days before any hearing, as called for by RCW 28B.19.120(1), as amended or superseded. Both parties may submit to the designated trier of fact brief written position statements. Both parties have:

(1) The right to question witnesses; have someone appear on their behalf to defend them; and that they may have a maximum of three character witnesses appear on their behalf. The parties shall inform each other of their witnesses and representatives at least three days before the hearing. Representatives may not appear in lieu of the student charged.

(2) The right to have subpoena(s) issued by the vice-president and/or trier of fact, subject to a convincing showing of the general relevance and reasonable scope of the evidence sought;

(3) ~~((That))~~ The failure of the party charged to appear will result in a default judgment against all parties - this default judgment must be served on all parties stating the grounds for the order. The student or the grievance officer has a minimum of seven days in which to file a written motion requesting that the order be set aside and stating the grounds for this request. The trier of fact must respond to this request in writing within seven days. The student or grievance officer may appeal the trier of fact's response to the reviewing officer as set forth in WAC 174-120-080 (6) and (7). Failure to provide a list of witnesses or/and the name(s) of their representatives at least three days before the hearing will result in disqualification of those witnesses and/or representatives.

**AMENDATORY SECTION** (Amending Order 88-1, Motion No. 88-25, filed 8/18/88)

**WAC 174-120-080 STUDENT CONDUCT CODE—FORMAL PROCEDURES.** (1) **GENERAL:** Students have a right to a fair and impartial hearing on any charge of prohibited conduct ~~((potentially punishable by suspension or termination))~~ and the right to confer with a representative present during the hearing. Pursuant to state law, the college president authorizes the vice-president to determine the trier of fact. Unless the vice-president determines otherwise, the formal hearing shall be conducted by the hearing board. Any such hearing shall be conducted pursuant to state law, RCW 28B.19.110 - 28B.19.150, as amended or superseded. Hearings will be closed to the public ~~((except for the immediate members of the student's family))~~ and shall be deemed confidential. The student may request the presence of his/her representative. An open hearing may be held, in the discretion of the trier of fact, if requested by the student.

(2) **CHALLENGES:** Each party has the right to one peremptory challenge of a member of the hearing board. Any party may challenge any ~~((trier of fact))~~ hearing board member based on cause, such as personal bias. The unchallenged hearing board members shall hear the challenge for cause and make a finding. If cause is found, the vice-president shall fill the vacancy forthwith. The hearing board advisor may also challenge a hearing board committee member. Except for peremptory challenges, hearing board members may be disqualified upon majority vote of the remaining board members. The trier(s) of fact should not discuss the case outside of the hearing, and shall base their decision upon the evidence presented at the hearing.

(3) **BURDEN OF PROOF:** The burden of proof shall be on the college which must establish, by a preponderance of the evidence, that the student is responsible for a violation of these rules.

(4) **FORMAL RULES OF EVIDENCE DO NOT APPLY:** Formal procedural rules of evidence shall not be applicable nor shall harmless procedural errors necessarily invalidate a decision or proceeding, unless significant prejudice to the rights of the student or the college would result. The trier of fact shall recognize rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Undue repetitious or irrelevant evidence may be excluded. Illegally obtained evidence cannot be used.

(5) ~~((Final))~~ TRIER OF FACT DECISION: The trier of fact shall reach a final decision within 30 days of receipt of the petition or within 15 days of the close of the hearing, whichever is greater. ~~((Final))~~ Decisions of the hearing board shall be by majority vote of the members present and voting. The trier of fact's written findings and conclusions shall be delivered to the student by hand or certified mail to his/her last known address.

(6) REVIEWING OFFICER DECISION: Either the grievance officer or the student may file an exception to the findings of the trier of fact with the college's designated reviewing officer. This exception must be filed within five days and the reviewing officer must review the record and afford the parties opportunity to present written argument. The reviewing officer may allow each party to make oral argument. Within fifteen days of the filing of the exception, the reviewing officer must render a final written order. No further agency appeal is required or provided for.

(7) STATUS PENDING FINAL ACTION: Except in cases of summary suspension, the student's status shall not be altered pending ~~((final decision by the trier of fact))~~ final decision by the reviewing officer.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 174-120-020 THE SOCIAL CONTRACT—COLLEGE PHILOSOPHY.**

**NEW SECTION**

**WAC 174-121-010 THE SOCIAL CONTRACT—COLLEGE PHILOSOPHY.** (1) **GENERAL:** Evergreen is an institution and a community that continues to organize itself so that it can clear away obstacles to learning. In order that both creative and routine work can be focused on education, and so that the mutual and reciprocal roles of campus community members can best reflect the goals and purposes of the college, a system of governance and decision-making consonant with those goals and purposes is required.

(2) **PURPOSE:**

(a) Evergreen can thrive only if members respect the rights of others while enjoying their own rights. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degree and kinds of experiences they bring to Evergreen, and in the functions which they have agreed to perform. All must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration.

(b) The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process.

(3) **FREEDOM AND CIVILITY:** The individual members of the Evergreen community are responsible for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Civility is not just a word; it must be present in all our interactions. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. Members of the community must exercise the rights accorded them to voice their opinions with respect to basic matters of policy and other issues. The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make statements in their own names and not as expressions on behalf of the college. The board of trustees or the president speaks on behalf of the college and may at times share or delegate the responsibility to others within the college. Among the basic rights of individuals are

freedom of speech, freedom of peaceful assembly and association, freedom of belief, and freedom from intimidation, violence, and abuse.

(4) **INDIVIDUAL AND INSTITUTIONAL RIGHTS:** Each member of the community must protect:

(a) The fundamental rights of others in the community as citizens;

(b) The right of each member in the community to pursue different learning objectives within the limits defined by Evergreen's curriculum or resources of people, materials, equipment and money;

(c) The rights and obligations of Evergreen as an institution established by the state of Washington; and

(d) Individual rights to fair and equitable procedures when the institution acts to protect the safety of its members.

(5) **SOCIETY AND THE COLLEGE:**

(a) Members of the Evergreen community recognize that the college is part of the larger society as represented by the state of Washington, which funds it, and by the community of greater Olympia, in which it is located. Because the Evergreen community is part of the larger society, the campus is not a sanctuary from the general law or invulnerable to general public opinion.

(b) All members of the Evergreen community should strive to prevent the financial, political, or other exploitation of the campus by any individual or group.

(c) Evergreen has the right to prohibit individuals and groups from using its name, its financial or other resources, and its facilities for commercial, or political activities.

(6) **PROHIBITION AGAINST DISCRIMINATION:** There may be no discrimination at Evergreen with respect to race, sex, age, handicap, sexual orientation, religious or political belief, or national origin in considering individuals' admission, employment, or promotion. To this end the college has adopted an affirmative action policy approved by the state human rights commission and the higher education personnel board. Affirmative action complaints shall be handled in accordance with state law, as amended (e.g., chapter 49.74 RCW; RCW 28B.16-.100; chapter 251-23 WAC).

(7) **RIGHT TO PRIVACY:**

(a) All members of the college community have the right to organize their personal lives and conduct according to their own values and preferences, with an appropriate respect for the rights of others to organize their lives differently.

(b) All members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.

(c) Evergreen does not stand in loco parentis for its members.

(8) **INTELLECTUAL FREEDOM AND HONESTY:**

(a) Evergreen's members live under a special set of rights and responsibilities, foremost among which is that of enjoying the freedom to explore ideas and to discuss their explorations in both speech and print. Both institutional and individual censorship are at variance with this basic freedom. Research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, violate the principle of free inquiry.

(b) An essential condition for learning is the freedom and right on the part of an individual or group to express minority, unpopular, or controversial points of view. Only if minority and unpopular points of view are listened to, and are given opportunity for expression will Evergreen provide bona fide opportunities for significant learning.

(c) Honesty is an essential condition of learning, teaching or working. It includes the presentation of one's own work in one's own name, the necessity to claim only those honors earned, and the recognition of one's own biases and prejudices.

(9) **OPEN FORUM AND ACCESS TO INFORMATION:**

(a) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. Reasonable and impartially applied rules may be set with respect to time, place and use of Evergreen facilities in these activities.

(b) As an institution, Evergreen has the obligation to provide open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the larger community.

(c) The governance system must rest on open and ready access to information by all members of the community as well as on the effective keeping of necessary records.

(d) In the Evergreen community, individuals should not feel intimidated or be subject to reprisal for voicing their concerns or for participating in governance or policy making.

(e) Decision making processes must provide equal opportunity to initiate and participate in policy making, and Evergreen policies apply equally regardless of job description, status or role in the community. However, college policies and rules shall not conflict with state law or statutory, regulatory and/or contractual commitments to college employees.

(10) **POLITICAL ACTIVITIES:** The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to recognize and support its community's members' rights to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law.

## WSR 89-18-090

### PROPOSED RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Filed September 6, 1989, 4:38 p.m.]

Original Notice.

Title of Rule: Family leave rules, chapter 296-134 WAC.

Purpose: To implement chapter 11, Laws of 1989 1st ex. sess.

Statutory Authority for Adoption: Chapter 11, Laws of 1989 1st ex. sess.

Statute Being Implemented: Chapter 11, Laws of 1989 1st ex. sess.

Summary: WAC 296-134-001 Declaration of purpose, 296-134-010 Definitions, 296-134-030 Entitlement to leave, 296-134-040 Notice, 296-134-050 Medical confirmation, 296-134-060 Leave from same employer, 296-134-070 Returning to employment and WAC 296-134-090.

Reasons Supporting Proposal: The rules are necessary to convey the department's interpretive policies to employers and employees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 925 Plum Street, Olympia, WA, 753-3487.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects:

#### WAC 296-134-001

Purpose: To state the purpose for this new WAC chapter establishing a minimum standard for employee family leave.

Rationale: Rules are best understood in the context of the legislative purpose. This rule summarizes the findings and purpose expressed in section 1 of the Family Leave Act.

#### WAC 296-134-010

Purpose: To clarify the definitions of employee and employer set forth in the legislation and to define other terms used in the rules. "Employee" is defined to include

persons who average at least 35 hours of employment on a continuous basis for the past year, excluding authorized leave or periods of time in which persons (such as schoolteachers) do not report to work but have a continuing employment relationship and do not collect unemployment benefits. The definition of "employer" is clarified by elaborating on two key concepts in the section of the act defining employers who maintain multiple worksites. The requirement that such an employer maintain a "central hiring location" is met if an office of the employer or its agent performs at least two of three specified hiring functions for two or more workplaces. An employer "customarily transfers employees" by demonstrating the ability to transfer employees to cover a temporary labor shortage or to temporarily or permanently reassign an employee from one workplace to another.

Rationale: Include teachers and certain other school personnel within scope of the family leave law. Extend coverage to employees who average 35 hours a week over a year's time and who do not experience drastic changes in hours. Ensure maximum coverage of employers with employees located at multiple worksites.

#### WAC 296-134-030

Purpose: To establish the bases for employer designation and notification of personnel exempted from family leave coverage.

Rationale: Employers are allowed to designate up to ten percent of their employees as key personnel for whom family leave may be limited or denied. The rule requires the designation be based on criteria determined by the employer. This is intended to eliminate arbitrary designation. The law allows an employer that does not designate key personnel to limit or deny family leave to the highest paid ten percent of employees. The rule establishes a guideline for calculating the highest paid ten percent and requires that those employees be notified that their entitlement to family leave may be limited or denied.

#### WAC 296-134-040

Purpose: To clarify that notice requirements of this act may not satisfy an employer's notice requirements for maternity disability leave.

Rationale: There is potential for confusion among employers, employees and the department over maternity disability leave and family leave. This provision is intended to remind employees of the potential for different notice requirements.

#### WAC 296-134-050

Purpose: To establish dates by which confirmation of a medical provider's determination of an employee's family leave eligibility occurs.

Rationale: Up to three health care provider opinions may be required to establish or deny eligibility for family leave. The rule establishes timelines for these opinions so that an eligibility determination will be made in a timely fashion, i.e., within 15 days in most cases.

#### WAC 296-134-060

Purpose: To define "employer" for purposes of implementing section 6 of the act, which allows an employer who employs both parents of a child to limit family leave benefits.

Rationale: A business cannot define itself as separate from a parent corporation to escape from inclusion under the definition of "employer" but be included as part of a parent corporation for purposes of limiting family leave. Each state agency or institution is also considered a separate employer.

#### WAC 296-134-070

Purpose: To clarify the rights and responsibilities of employees and employers regarding an employee's return to employment following family leave. An employee is entitled to either return to the same job of [or] return to a position with equivalent benefits and pay, at the employer's discretion. The same position is defined to include the same pay, benefits, hours and shifts. An employer is required to provide an employee a written explanation upon request if the employee is not allowed to return to the same position. If the employer's circumstances have changed to prevent the fulfillment of the entitlement to the same or equivalent position, an employee shall be reinstated to any vacant position for which the employee meets the minimum specifications. Reinstatement need not occur under certain circumstances, including when an employee on family leave takes a position with another employer outside the home.

Rationale: The statutory language does not establish a requirement that return to the same job is favored over return to an equivalent position. In light of the legislative findings promoting family stability and economic security, requiring a written explanation from an employer may deter arbitrary decisions to not return employees to the same position. The statutory entitlement to return to work does not apply if the employee on family leave "takes another job." The proposed rule clarifies that this prohibition does not apply to work within the home or consulting.

#### WAC 296-134-090

Purpose: Establishing guidelines for fines that constitute continuing violations.

Rationale: The statute establishes a fine of up to \$200 for a first infraction and up to \$1,000 for a continuing violation. The proposed rule considers an employer with violations within a two-year period as one that continues to violate the statute. An infraction that affects more than one employee and is not corrected after notification is also a continuing violation.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The statute affects only businesses with 100 or more employees.

Hearing Location: General Administration Building, 11th and Columbia, Olympia, Washington 98504, on October 11, 1989, at 9:00 a.m.

Submit Written Comments to: Mark M. McDermott,  
Assistant Director, 925 Plum Street, HC-710, Olympia,  
WA 98504, by October 10, 1989.

Date of Intended Adoption: November 10, 1989.

September 6, 1989

Dorette M. Markham  
for Joseph A. Dear  
Director

Chapter 296-134 WAC  
FAMILY LEAVE

WAC

296-134-001	Declaration of purpose.
296-134-010	Definitions.
296-134-030	Entitlement to leave.
296-134-040	Notice.
296-134-050	Medical confirmation.
296-134-060	Leave from same employer.
296-134-070	Returning to employment.
296-134-090	Penalties.

NEW SECTION

WAC 296-134-001 **DECLARATION OF PURPOSE.** It is in the public interest that employers provide reasonable leave upon the birth or adoption of a child or to allow for the care of a child under eighteen years old with a terminal health condition. This chapter serves to implement chapter 11, Laws of 1989 1st ex. sess., establishing a minimum standard for employee leave in furtherance of family stability and economic security.

NEW SECTION

WAC 296-134-010 **DEFINITIONS.** For the purposes of this chapter:

(1) "Chapter" means this chapter of the Washington Administrative Code or chapter 11, Laws of 1989 1st ex. sess.

(2) "Department" means the department of labor and industries.

(3) "Employee" means a person, other than an independent contractor, employed by an employer on a continuous basis for the previous fifty-two weeks for at least an average of thirty-five hours a week. In computing the average number of hours worked, hours over fifty hours a week shall not be included.

A person is employed on a continuous basis despite a temporary interruption in the performance of the person's job duties if the interruption is caused by the employee taking authorized leave, or if the interruption is caused by the employer's temporary cessation of all or most operations and whose employees do not qualify for unemployment compensation benefits due to a continuing employment relationship, e.g., school employees.

(4) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state, and any unit of local government, which (a) employed a daily average on one hundred or more employees during the last calendar quarter at the place where the employee requesting leave reports for work, or (b) employed a daily average of one hundred or more employees within a twenty mile radius of the place where the employee requesting leave reports for work, the employer maintains a central hiring location and customarily transfers employees among workplaces.

Any employer that has demonstrated the ability to transfer employees between workplaces within the twenty mile radius for the purpose of covering a temporary labor shortage or a permanent or temporary reassignment is considered to be an employer that customarily transfers employees.

A "central hiring location" is an office of the employer or its agent where two or more of the following functions are performed for two or more workplaces:

- (i) Employment applications are accepted or screened;
- (ii) Preemployment or employment interviews are conducted;
- (iii) Hiring decisions are made.

"Employer" also includes the state, state institutions, and state agencies.

(5) "Infraction" means a violation of chapter 11, Laws of 1989 1st ex. sess. or this chapter, as found by the department.

(6) "Workweek" means a fixed and regularly recurring period of one hundred sixty-eight hours or seven consecutive twenty-four hour periods. It may begin on any day of the week and any hour of the day, and need not coincide with a calendar week.

NEW SECTION

WAC 296-134-030 **ENTITLEMENT TO LEAVE.** (1) Subject to restrictions within the statute and these rules, an employee is entitled to twelve workweeks of family leave during any twenty-four month period. Use of family leave shall not preclude an employee from using other leave to which the employee is entitled during that period according to the terms of the appropriate collective bargaining agreement or employer leave policy.

(2) Employers may limit or deny family leave to designated key personnel or the highest paid ten percent of the employer's employees in the state.

(a) Designated key personnel may not exceed ten percent of the employer's employees in the state. Key personnel shall be designated based upon criteria determined by the employer which may not include the employee's age or gender or other criteria for the purpose of evading the requirements of this chapter.

(b) If the employer chooses to limit or deny family leave to the highest paid ten percent of the employer's employees within the state, the employer shall within forty-five days notify the employees it has determined fall within the highest paid ten percent. In calculating the highest paid ten percent of the employer's employees within the state, the employer shall include total wages, salary, or bonuses paid and the cost of the benefits provided.

NEW SECTION

WAC 296-134-040 **NOTICE.** (1) An employee planning to take family leave to care for a newborn or newly adopted child shall provide the employer with written notice at least thirty days in advance of the anticipated date of delivery or adoption, stating the dates during which the employee intends to take family leave. This notice is not intended to substitute for notice to take maternity disability leave which an employer may require.

(2) Failure of an employee to provide written notice of the intention to take family leave for any authorized reason shall allow an employer to increase or reduce the leave requested by up to three weeks.

NEW SECTION

WAC 296-134-050 **MEDICAL CONFIRMATION.** An employer seeking confirmation by an employee's health care provider regarding the date of a child's birth, the date on which incapacity or disability commenced or will probably commence and its probable duration, or the fact that a child has a terminal health condition, shall notify the employee within five days of receipt of the employee's notice of leave except where the employer requires medical confirmation as part of the initial leave request. If disputes arise regarding premature birth, incapacitation of the mother, maternity disability, or the terminal condition of a child, the opinions of additional health care providers shall be obtained within ten working days of the employer's receipt of the opinion of the employee's health care provider except where the employee is unable to schedule an appointment or otherwise fails to cooperate or where the employee's doctor is responsible for the delay.

NEW SECTION

WAC 296-134-060 **LEAVE FROM SAME EMPLOYER.** When both parents of a child are employed by the same employer, the employer may limit the family leave to a total of twelve workweeks during a twenty-four month period. For purposes of this section, an "employer" is the same entity as that defined in WAC 296-134-010(4) for determining the scope of this chapter. Each state agency or institution shall be considered a separate employer.

NEW SECTION

WAC 296-134-070 **RETURNING TO EMPLOYMENT.** (1) Subject to the exceptions in subsections (2) and (3) of this section, an employee who exercises any right to family leave under this chapter shall be entitled, upon return from leave or during any reduced leave schedule, to the same position, with the same pay, benefits, hours and shift, as held when the leave commenced, or to a position with equivalent benefits and pay at a workplace within twenty miles of the

employee's workplace when leave commenced. Upon a written request of the employee, the employer shall provide a written explanation to the employee if the employee is not allowed to return to the same position.

(2) If the employer's circumstances have changed so that the employee cannot be reinstated to the same position or to a position with equivalent pay and benefits, an employee returning from family leave shall be reinstated in any position which is vacant and for which the employee meets the minimum qualifications. The filling of a position held by an employee on family leave does not by itself constitute changed circumstances.

(3) Reinstatement of an employee returning from family leave need not occur as provided under subsection (1) or (2) of this section if:

(a) The specific job is eliminated by a bona fide restructuring, or a reduction-in-force resulting from lack of funds or lack of work;

(b) The employee's workplace is completely shut down at the time for at least thirty days;

(c) The employer moves the entire workplace of the employee to a location at least sixty miles from the location of the workplace with leave commenced;

(d) An employee on family leave takes a position with another employer outside the home; or

(e) The employee fails to provide the required notice of intent to take family leave or fails to return on the established ending date of leave.

#### NEW SECTION

WAC 296-134-090 PENALTIES. (1) The department may fine an employer up to two hundred dollars for the first infraction of this chapter or its enabling legislation.

(2) An employer that commits three or more infractions within a two-year period shall be considered an employer that continues to violate the statute, subject to a fine of up to one thousand dollars for each infraction. An infraction that affects more than one employee and that an employer refuses to correct within a reasonable time after notification by the department, such as the employer's refusal to display in a conspicuous place a poster informing employees of their rights under this chapter, shall also constitute a continuing violation, subject to a fine of up to one thousand dollars for each day the infraction continues.

### WSR 89-18-091

#### EMERGENCY RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Filed September 6, 1989, 4:43 p.m.]

Date of Adoption: September 6, 1989.

Purpose: To implement the family leave legislation, chapter 11, Laws of 1989 1st ex. sess.

Statutory Authority for Adoption: Chapter 11, Laws of 1989 1st ex. sess.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The family leave law takes effect September 6, 1989. The emergency rules are necessary to convey the department's interpretive policies.

Effective Date of Rule: Immediately.

September 6, 1989  
Dorette M. Markham  
for Joseph A. Dear  
Director

#### Chapter 296-134 WAC FAMILY LEAVE

#### WAC

296-134-001	Declaration of purpose.
296-134-010	Definitions.
296-134-030	Entitlement to leave.
296-134-040	Notice.
296-134-050	Medical confirmation.
296-134-060	Leave from same employer.
296-134-070	Returning to employment.
296-134-090	Penalties.

#### NEW SECTION

WAC 296-134-001 DECLARATION OF PURPOSE. *It is in the public interest that employers provide reasonable leave upon the birth or adoption of a child or to allow for the care of a child under eighteen years old with a terminal health condition. This chapter serves to implement chapter 11, Laws of 1989 1st ex. sess., establishing a minimum standard for employee leave in furtherance of family stability and economic security.*

#### NEW SECTION

WAC 296-134-010 DEFINITIONS. *For the purposes of this chapter:*

(1) "Chapter" means this chapter of the Washington Administrative Code or chapter 11, Laws of 1989 1st ex. sess.

(2) "Department" means the department of labor and industries.

(3) "Employee" means a person, other than an independent contractor, employed by an employer on a continuous basis for the previous fifty-two weeks for at least an average of thirty-five hours a week. In computing the average number of hours worked, hours over fifty hours a week shall not be included.

A person is employed on a continuous basis despite a temporary interruption in the performance of the person's job duties if the interruption is caused by the employee taking authorized leave, or if the interruption is caused by the employer's temporary cessation of all or most operations and whose employees do not qualify for unemployment compensation benefits due to a continuing employment relationship, e.g., school employees.

(4) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state, and any unit of local government, which (a) employed a daily average on one hundred or more employees during the last calendar quarter at the place where the employee requesting leave reports for work, or (b) employed a daily average of one hundred or more employees within a twenty mile radius of the place where the employee requesting leave reports for work, the employer maintains a central hiring location and customarily transfers employees among workplaces.

Any employer that has demonstrated the ability to transfer employees between workplaces within the twenty mile radius for the purpose of covering a temporary

labor shortage or a permanent or temporary reassignment is considered to be an employer that customarily transfers employees.

A "central hiring location" is an office of the employer or its agent where two or more of the following functions are performed for two or more workplaces:

(i) Employment applications are accepted or screened;

(ii) Preemployment or employment interviews are conducted;

(iii) Hiring decisions are made.

"Employer" also includes the state, state institutions, and state agencies.

(5) "Infraction" means a violation of chapter 11, Laws of 1989 1st ex. sess. or this chapter, as found by the department.

(6) "Workweek" means a fixed and regularly recurring period of one hundred sixty-eight hours or seven consecutive twenty-four hour periods. It may begin on any day of the week and any hour of the day, and need not coincide with a calendar week.

#### NEW SECTION

WAC 296-134-030 ENTITLEMENT TO LEAVE. (1) Subject to restrictions within the statute and these rules, an employee is entitled to twelve workweeks of family leave during any twenty-four month period. Use of family leave shall not preclude an employee from using other leave to which the employee is entitled during that period according to the terms of the appropriate collective bargaining agreement or employer leave policy.

(2) Employers may limit or deny family leave to designated key personnel or the highest paid ten percent of the employer's employees in the state.

(a) Designated key personnel may not exceed ten percent of the employer's employees in the state. Key personnel shall be designated based upon criteria determined by the employer which may not include the employee's age or gender or other criteria for the purpose of evading the requirements of this chapter.

(b) If the employer chooses to limit or deny family leave to the highest paid ten percent of the employer's employees within the state, the employer shall within forty-five days notify the employees it has determined fall within the highest paid ten percent. In calculating the highest paid ten percent of the employer's employees within the state, the employer shall include total wages, salary, or bonuses paid and the cost of the benefits provided.

#### NEW SECTION

WAC 296-134-040 NOTICE. (1) An employee planning to take family leave to care for a newborn or newly adopted child shall provide the employer with written notice at least thirty days in advance of the anticipated date of delivery or adoption, stating the dates during which the employee intends to take family leave. This notice is not intended to substitute for notice to take maternity disability leave which an employer may require.

(2) Failure of an employee to provide written notice of the intention to take family leave for any authorized reason shall allow an employer to increase or reduce the leave requested by up to three weeks.

#### NEW SECTION

WAC 296-134-050 MEDICAL CONFIRMATION. An employer seeking confirmation by an employee's health care provider regarding the date of a child's birth, the date on which incapacity or disability commenced or will probably commence and its probable duration, or the fact that a child has a terminal health condition, shall notify the employee within five days of receipt of the employee's notice of leave except where the employer requires medical confirmation as part of the initial leave request. If disputes arise regarding premature birth, incapacitation of the mother, maternity disability, or the terminal condition of a child, the opinions of additional health care providers shall be obtained within ten working days of the employer's receipt of the opinion of the employee's health care provider except where the employee is unable to schedule an appointment or otherwise fails to cooperate or where the employee's doctor is responsible for the delay.

#### NEW SECTION

WAC 296-134-060 LEAVE FROM SAME EMPLOYER. When both parents of a child are employed by the same employer, the employer may limit the family leave to a total of twelve workweeks during a twenty-four month period. For purposes of this section, an "employer" is the same entity as that defined in WAC 296-134-010(4) for determining the scope of this chapter. Each state agency or institution shall be considered a separate employer.

#### NEW SECTION

WAC 296-134-070 RETURNING TO EMPLOYMENT. (1) Subject to the exceptions in subsections (2) and (3) of this section, an employee who exercises any right to family leave under this chapter shall be entitled, upon return from leave or during any reduced leave schedule, to the same position, with the same pay, benefits, hours and shift, as held when the leave commenced, or to a position with equivalent benefits and pay at a workplace within twenty miles of the employee's workplace when leave commenced. Upon a written request of the employee, the employer shall provide a written explanation to the employee if the employee is not allowed to return to the same position.

(2) If the employer's circumstances have changed so that the employee cannot be reinstated to the same position or to a position with equivalent pay and benefits, an employee returning from family leave shall be reinstated in any position which is vacant and for which the employee meets the minimum qualifications. The filling of a position held by an employee on family leave does not by itself constitute changed circumstances.

(3) Reinstatement of an employee returning from family leave need not occur as provided under subsection (1) or (2) of this section if:

(a) *The specific job is eliminated by a bona fide restructuring, or a reduction-in-force resulting from lack of funds or lack of work;*

(b) *The employee's workplace is completely shut down at the time for at least thirty days;*

(c) *The employer moves the entire workplace of the employee to a location at least sixty miles from the location of the workplace with leave commenced;*

(d) *An employee on family leave takes a position with another employer outside the home; or*

(e) *The employee fails to provide the required notice of intent to take family leave or fails to return on the established ending date of leave.*

#### NEW SECTION

**WAC 296-134-090 PENALTIES.** (1) *The department may fine an employer up to two hundred dollars for the first infraction of this chapter or its enabling legislation.*

(2) *An employer that commits three or more infractions within a two-year period shall be considered an employer that continues to violate the statute, subject to a fine of up to one thousand dollars for each infraction. An infraction that affects more than one employee and that an employer refuses to correct within a reasonable time after notification by the department, such as the employer's refusal to display in a conspicuous place a poster informing employees of their rights under this chapter, shall also constitute a continuing violation, subject to a fine of up to one thousand dollars for each day the infraction continues.*

**WSR 89-18-092**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed September 6, 1989, 4:45 p.m.]

Original Notice.

Title of Rule: Levy rules.

Purpose: Assist assessors in the setting of statewide levies.

Statutory Authority for Adoption: RCW 84.52.0502.

Statute Being Implemented: Chapters 84.52 and 84.55 RCW.

Summary: These rules clarify the department's interpretation of the statutory provisions relating to levies.

Name of Agency Personnel Responsible for Drafting: Larry D. Stout, 6004 Capitol Boulevard, Tumwater, WA, 586-4739; Implementation and Enforcement: Will Rice, 6004 Capitol Boulevard, Tumwater, WA, 753-5503.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rules include procedures for calculating levy rates for taxing districts subject to proration.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed the administrative provisions contained in chapter 458-19 WAC in order to determine the economic impact on small business. The new provisions incorporated in the rule do not change the reporting frequency of tax returns, require new forms, nor alter long standing and generally accepted record-keeping requirements. These rules will have no economic impact on small business.

Hearing Location: 1st Floor Conference Room, General Administration Building, Olympia, Washington 98504, on October 10, 1989, at 9:00 a.m.

Submit Written Comments to: Larry D. Stout, by October 10th.

Date of Intended Adoption: November 10, 1989.

September 6, 1989

Will Rice

Assistant Director

#### NEW SECTION

**WAC 458-19-005 DEFINITIONS.** (1) "Annexation" refers to the process of adding contiguous land area to an existing taxing district.

(2) "Assessed value," (A.V.) means the property value placed on the assessment rolls for property tax purposes.

(3) "Assessor" means the county assessor or any person authorized to act on behalf of the assessor.

(4) "Authorized levy rate" means the statutory levy rate of a district unless the district requests a lesser levy rate or the district's rate is reduced below the statutory limit by operation of the one hundred six percent limitation, in which case the lesser amount becomes the authorized levy rate.

(5) "Cumulative regular levy rate" means the sum of all regular levy rates subject to the limitations of RCW 84.52.043.

(6) "Consolidation" means combining two or more taxing districts into one taxing district.

(7) "Department" means the department of revenue.

(8) "First preliminary rate" is the rate resulting after the five dollars and fifty-five cents proration step is completed.

(9) "Improvements to property" means an alteration of or addition to land or an existing structure which increases the property's value.

(10) "Junior taxing district," for the purposes of chapter 84.52 RCW means a taxing district other than the state, county, county road, city or town.

(11) "Levy rate" means a property tax rate expressed in terms of dollars and cents per one thousand dollars of assessed value.

(12) "New construction," for the purpose of the one hundred six percent limitation calculation, means improvements to property begun in the current year.

(13) "One hundred six percent limit" refers to the limitation placed on the regular levy of a taxing district pursuant to RCW 84.55.010.

(14) "One percent limit" means the property tax limit established in Article VII, section 2 of the state Constitution.

(15) "Payback" refers to payments made by a taxing district to another taxing district pursuant to RCW 84.52.0501.

(16) "Proportionate share," as used in RCW 84.52.0501, refers to the percentage of any reduced amount which a taxing district receives.

(17) "Reduced amount," as the phrase is used in RCW 84.52.0501, refers to the amount of levying capacity a taxing district temporarily gives up to allow another taxing district to come up to its statutory maximum.

(18) "Regular levy" means a property tax levy for a taxing district subject to the provisions of RCW 84.52.043 and 84.52.050, or a levy imposed by a port district, a public utility district, county conservation futures as authorized by RCW 84.34.230, or for emergency medical services as authorized by RCW 84.52.069.

(19) "Second preliminary rate" is the rate resulting after the application of RCW 84.52.100 lid lifts.

(20) "Senior taxing districts" means the state, county, county road, and a city or town.

(21) "Preferred junior taxing districts" means the fire protection, library, metropolitan park, and public hospital districts.

(22) "Statutory levy rate" means the maximum levy rate authorized for an individual taxing district by the legislature.

(23) "Tax code area" refers to the unique area created when two or more taxing districts overlap.

(24) "Taxing district" means any governmental entity with statutory authority to levy, or to have levied for it, a property tax.

#### NEW SECTION

WAC 458-19-045 **BALLOT TITLES (RCW 84.55.050)**. (1) The governing body of a taxing district may place before the electorate a ballot proposition to increase its levy rate, or remove the limit.

(2) Voter approval to exceed the one hundred six percent limitation does not increase the statutory levy rates for individual districts.

(3) The increased levy rate shall establish a new levy limit base for subsequent years.

#### NEW SECTION

WAC 458-19-050 **LIMITED DURATION PROPOSITION**. (1) A special purpose or limited duration proposition placed before the electorate under this section may:

(a) Limit the period that the increased levy will be imposed;

(b) Limit the purpose of the increased levy that is sought;

(c) Set the levy at a rate less than the maximum rate allowed for the district; or

(d) Include any combination of the conditions in this subsection.

(2) Upon expiration of the limited period, or satisfaction of the limited purpose, whichever occurs first, subsequent levies shall be computed as if:

(a) The special purpose or limited duration proposition had not been approved; and

(b) The taxing district would have made levies at the maximum rates that otherwise would have been allowed under the one hundred six percent limitation during the years the levies were made under this proposition.

(3) A district administering an emergency medical services levy authorized under RCW 84.52.069 shall place separate propositions on the ballot at the same election if it is:

(a) Attempting to increase the levy rate, or remove the limit; and

(b) Attempting to increase its regular levy rate.

#### NEW SECTION

WAC 458-19-055 **ONE HUNDRED SIX PERCENT LEVY LIMIT—PORT DISTRICTS**. The general purpose levy shall be combined with the dredging, canal construction, etc. in RCW 53.36.070, levy in calculating the one hundred six percent levy limit. The harbor improvements and industrial development levy in under this limitation is separately calculated. The district may not incur debt, without voter approval, in an amount in excess of one-fourth of one percent of the assessed value of the taxable property in the district.

#### NEW SECTION

WAC 458-19-060 **ONE HUNDRED SIX PERCENT LEVY LIMIT—PRORATION OF EARMARKED FUNDS**. (1) Cities and counties may, at their discretion, reduce certain earmarked levies within their regular levy in the same proportion as their general levy is reduced by the one hundred six percent levy limit.

(2) Proration of these rates will be made only when the city or county levies are impacted by the one hundred six percent limit. If the city or county voluntarily reduces its regular levy below that permitted under the one hundred six percent limit, the statutory rate reduction provisions will not apply.

#### NEW SECTION

WAC 458-19-095 **LIMITED DURATION INCREASE IN CONSOLIDATED REGULAR LEVY RATE (RCW 84.52.100)**. (1) If two or more districts in the same tax code area obtain voter approval for a lid lift, the available \$0.35 is to be distributed prorata according to the ratio established by the statutory levy rates for those districts.

(2) Only those districts which have received voter approval for a lid lift may share in the available \$0.35.

#### NEW SECTION

WAC 458-19-100 **PROCEDURE TO BRING THE CUMULATIVE LEVY RATE OF EACH TAX CODE AREA WITHIN STATUTORY LIMITATIONS**. (1) The calculation of final levy rates under RCW 84.52.0501 is accomplished as follows:

(a) Step one: List the rates for the various taxing districts in each county as determined by the interplay of the district's statutory rate and one hundred six percent limitation. Rates are to be listed by tax code area;

(b) Step two: Develop a first preliminary rate by adding the individual district rates for each tax code area in the county. If the cumulative total in any tax code area exceeds five dollars and fifty-five cents, reduce the cumulative levying capacity of each tax code area according to the priorities established in RCW 84.52.010 until the cumulative total is five dollars and fifty-five cents;

(c) Step three: Develop a second preliminary rate by distributing the \$0.35 of available lid lift money among those districts which received voter approval for a lid lift to the extent necessary to bring those districts up to their statutory maximum.

(2) Paybacks under RCW 84.52.0501 are calculated as follows:

(a) Identify districts which are under their authorized levy rate;

(b) Increase levying capacity of preferred junior districts up to their authorized levy rate by temporarily reducing the district with the smallest assessed value: PROVIDED, That if the district which is below its authorized levy rate is also the smallest assessed value district, no paybacks occur;

(c) If only one district receives from the smallest assessed value district, that district will pay a one hundred percent proportional share of the reduced amount;

(d) If more than one district receives from the smallest assessed value district, the proportional share which the receiving districts pay back to the reducing district will be equal to the proportion of the money borrowed.

#### NEW SECTION

WAC 458-19-105 **ONE PERCENT LEVY LIMIT CALCULATION**. To determine whether the one percent limit is being exceeded, a two-part calculation should be done as follows:

Add all of the regular levy rates in the tax code area, including the state school levy at the local rate, any conservation futures levy imposed pursuant to RCW 84.34.230, and any emergency medical services levy imposed pursuant to RCW 84.52.069. Do not include any levy rate for a port or public utility district. Multiply the sum by the highest of the real and personal property ratio. If the sum of the regular levy rates exceeds the one percent limit, the rates will be adjusted until their sum is equal to or less than that limit.

#### NEW SECTION

WAC 458-19-110 **CITY ANNEXED BY FIRE PROTECTION AND/OR LIBRARY DISTRICTS**. When a city or town is annexed to a fire protection and/or a library district, said city or town is entitled to levy up to three dollars and sixty cents per thousand dollars assessed value less the levy made by the fire protection and/or library district. The assessor shall calculate the first levy as follows:

(1) Calculate the one hundred six percent limit and rate for the fire protection district (include the assessed value of the annexed city or town); then

(2) Subtract the fire protection district levy rate from the city or town statutory rate (\$3.60/\$1,000 A.V.). The resulting rate will become the maximum levy rate for the city or town even if the fire protection district rate is later reduced as a result of proration pursuant to RCW 84.52.010, and if necessary RCW 84.52.0501, to prevent the consolidated local regular levy rate from exceeding the five dollars and fifty-five cents per one thousand dollars assessed value limit; and

(3) Calculate the one hundred six percent levy limit independent of the calculations performed in subsections (1) and (2) of this section.

The fire protection district levy rate will be subtracted from the city or town statutory rate before any pro rata reduction is made.

Library district levies and levy rates will be calculated in the same manner as those for fire protection districts. If the city or town is annexed by both districts, then the sum of their rates will be subtracted from the statutory city or town rate.

**WSR 89-18-093****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 89-96—Filed September 6, 1989, 4:59 p.m.]

Date of Adoption: September 6, 1989.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-55-086.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: By allowing the two-day license to be affixed to the punchcard, the recreational license form is eliminated for the two-day consecutive fisher. This will simplify the license procedure for the occasional salmon and sturgeon fisherman.

Effective Date of Rule: Immediately.

September 6, 1989

Edward P. Manary  
for Joseph R. Blum  
Director**NEW SECTION**

**WAC 220-55-08600C TWO-CONSECUTIVE DAY COMBINED LICENSE AND CATCH RECORD CARD.** *Notwithstanding the provisions of WAC 220-55-086, effective immediately until further notice, a two-consecutive-day combined license and catch record card (also referred to as a punchcard in chapter 75.25 RCW) shall consist of a two-consecutive-day license stamp affixed to a recreational license form and the appropriate catch record card or a two-consecutive-day license stamp affixed to the appropriate catch record card.*

**WSR 89-18-094****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 89-97—Filed September 6, 1989, 5:00 p.m.]

Date of Adoption: September 6, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-512.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United

States and Canadian origin chinook stocks. Openings in Area 7B provide opportunity to harvest non-Indian allocation of Nooksack-Samish origin chinook. Openings in Area 7E provide opportunity to harvest non-Indian allocation of Glenwood Springs origin fall chinook. Area restrictions in Area 7E are necessary to protect milling summer and fall chinook. The director has determined that the Skagit pink run, the Hood Canal Hatchery coho run, and the Hood Canal chinook run cannot be harvested in the usual manner and may be in danger of being wasted. Opening in Area 8 provides opportunity to harvest non-Indian allocation of Skagit origin pink salmon, and is necessary to reduce wastage and comply with state/tribal agreements. Mesh restrictions in Area 8 are necessary to protect chinook. The area restriction in Area 8 provides protection for weak Skagit-origin coho. Openings in Area 12A provide opportunity to harvest Quilcene Hatchery origin coho salmon and to reduce wastage. The area restriction in Area 12A is necessary to protect local milling salmon stocks. Openings in Areas 12B and 12C provide opportunity to harvest non-Indian allocation of Hood Canal origin chinook and pink salmon, and to reduce wastage. The restriction in Area 12B is necessary to protect pink salmon returning to the Dosewallips River and to reduce interactions between commercial and sport fishers. The restrictions in Area 12C are necessary to protect milling chinook salmon stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

September 6, 1989

Edward P. Manary  
for Joseph R. Blum  
Director**NEW SECTION**

**WAC 220-47-513 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** *Notwithstanding the provisions of Chapter 220-47 WAC, effective 6 PM Wednesday, September 6, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:*

- \* Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift grill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- \* Area 7B – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Wednesday and Thursday, September 6, and 7.
- \* Area 7E – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Wednesday and Thursday, September 6 and 7, and purse seines may fish from 5 AM to 9 PM daily, Wednesday and Thursday, September 6 and 7, and from 5 AM to 4 PM Friday, September 8. This area 7E opening excludes those waters east of a line projected from Tongue

Point to Juniper Point to the Point immediately south of Juniper Point, and closed within a 3000-foot radius of Juniper Point.

- \* Area 8 – Gillnets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish from 6 PM Wednesday September 6 to 6 PM Friday September 8. This opening excludes those waters south and west of a line projected from Polnell Point on Whidbey Island to Rocky Point on Camano Island.
- \* Areas 12A, 12B and 12C – Purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Wednesday and Thursday, September 6 and 7 and from 5 AM to 4 PM Friday, September 8, and gill nets using 5-inch minimum mesh may fish from 6 PM to 9 AM nightly, Wednesday, Thursday, and Friday September 6, 7, and 8. This opening excludes those waters of area 12A north of a line projected true east from Broad spit, and those waters of area 12B north of a line projected from Hood Point to Quatsap Point, and those waters of area 12C within a 1000-foot radius of the Hoodspout Hatchery intake (mouth of Finch Creek) and those waters south of a line projected from the Cushman powerhouse to the public boat ramp at Union.
- \* Areas 6B, 6D, 7C, 7D, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 6 PM Wednesday September 6:

WAC 220-47-512 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-95)

**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
- PREP = Preproposal comments
- 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
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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98-40-020	AMD	89-08-043	132D-10-021	REP	89-11-022	132D-10-195	REP-P	89-07-069
98-40-030	AMD-P	89-05-054	132D-10-024	REP-P	89-07-069	132D-10-195	REP	89-11-022
98-40-030	AMD	89-08-043	132D-10-024	REP	89-11-022	132D-10-198	REP-P	89-07-069
98-40-040	AMD-P	89-05-054	132D-10-027	REP-P	89-07-069	132D-10-198	REP	89-11-022
98-40-040	AMD	89-08-043	132D-10-027	REP	89-11-022	132D-10-201	REP-P	89-07-069
98-40-050	AMD-P	89-05-054	132D-10-027	REP	89-07-069	132D-10-201	REP	89-11-022
98-40-050	AMD	89-08-043	132D-10-030	REP-P	89-07-069	132D-10-204	REP-P	89-07-069
98-40-070	AMD-P	89-05-054	132D-10-030	REP	89-11-022	132D-10-204	REP	89-11-022
98-40-070	AMD	89-08-043	132D-10-033	REP-P	89-07-069	132D-10-207	REP-P	89-07-069
98-40-080	AMD-P	89-05-054	132D-10-033	REP	89-11-022	132D-10-207	REP	89-11-022
98-40-080	AMD	89-08-043	132D-10-036	REP-P	89-07-069	132D-10-210	REP-P	89-07-069
98-70-010	AMD-P	89-03-032	132D-10-036	REP	89-11-022	132D-10-210	REP	89-11-022
98-70-010	AMD-E	89-03-033	132D-10-037	REP-P	89-07-069	132D-10-210	REP	89-11-022
98-70-010	AMD	89-06-074	132D-10-037	REP	89-11-022	132D-10-212	REP-P	89-07-069
113-12-104	NEW-P	89-12-083	132D-10-039	REP-P	89-07-069	132D-10-212	REP	89-11-022
113-12-195	AMD-P	89-12-083	132D-10-039	REP	89-11-022	132D-10-215	REP-P	89-07-069
113-12-195	AMD	89-16-095	132D-10-042	REP-P	89-07-069	132D-10-215	REP	89-11-022
114-12-125	REP-P	89-14-029	132D-10-042	REP	89-11-022	132D-10-228	REP-P	89-07-069
114-12-125	REP	89-18-085	132D-10-045	REP-P	89-07-069	132D-10-228	REP	89-11-022
114-12-126	NEW-P	89-14-029	132D-10-045	REP	89-11-022	132D-10-231	REP-P	89-07-069
114-12-126	NEW	89-18-085	132D-10-048	REP-P	89-07-069	132D-10-231	REP	89-11-022
114-12-132	AMD-P	89-18-082	132D-10-048	REP	89-11-022	132D-10-261	REP-P	89-07-069
114-12-145	REP-P	89-14-029	132D-10-051	REP-P	89-07-069	132D-10-261	REP	89-11-022
114-12-145	REP	89-18-085	132D-10-051	REP	89-11-022	132D-10-264	REP-P	89-07-069
114-12-155	AMD-P	89-14-102	132D-10-054	REP-P	89-07-069	132D-10-264	REP	89-11-022
114-12-155	AMD	89-18-086	132D-10-054	REP	89-11-022	132D-10-267	REP-P	89-07-069
114-12-160	NEW-P	89-14-029	132D-10-057	REP-P	89-07-069	132D-10-267	REP	89-11-022
114-12-160	REP	89-18-085	132D-10-057	REP	89-11-022	132D-10-270	REP-P	89-07-069
114-12-164	NEW-P	89-14-029	132D-10-060	REP-P	89-07-069	132D-10-270	REP	89-11-022
114-12-164	NEW	89-18-085	132D-10-060	REP	89-11-022	132D-10-273	REP-P	89-07-069
114-12-170	AMD-P	89-14-029	132D-10-060	REP-P	89-07-069	132D-10-273	REP	89-11-022
114-12-170	AMD	89-18-085	132D-10-063	REP-P	89-07-069	132D-10-276	REP-P	89-07-069
114-12-190	NEW-P	89-14-029	132D-10-063	REP	89-11-022	132D-10-276	REP	89-11-022
114-12-190	NEW	89-18-085	132D-10-066	REP-P	89-07-069	132D-10-276	REP	89-11-022
131-28	AMD-C	89-09-056	132D-10-066	REP	89-11-022	132D-10-279	REP-P	89-07-069
131-28	AMD-C	89-11-079	132D-10-069	REP-P	89-07-069	132D-10-279	REP	89-11-022
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132D-20-230	REP-W	89-05-046	132D-276-140	NEW-P	89-07-062	132I-136-170	NEW-P	89-08-015
132D-20-230	REP-P	89-07-070	132D-276-140	NEW	89-11-024	132I-136-170	NEW	89-11-091
132D-20-230	REP	89-11-025	132D-280-010	NEW-P	89-07-063	132N-276-070	AMD-P	89-04-035
132D-20-240	REP-P	89-05-012	132D-280-010	NEW	89-11-044	132N-276-070	AMD	89-12-024
132D-20-240	REP-W	89-05-046	132D-280-020	NEW-P	89-07-063	132N-276-080	AMD-P	89-04-035
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132D-20-240	REP	89-11-025	132D-280-025	NEW-P	89-07-063	132N-276-110	AMD-P	89-04-035
132D-20-250	REP-P	89-05-012	132D-280-025	NEW	89-11-044	132N-276-110	AMD	89-12-024
132D-20-250	REP-W	89-05-046	132D-280-030	NEW-P	89-07-063	132N-276-130	AMD-P	89-04-035
132D-20-250	REP-P	89-07-070	132D-280-030	NEW	89-11-044	132N-276-130	AMD	89-12-024
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132D-20-260	REP-P	89-07-070	132D-300-010	NEW	89-11-038	132V-15-010	NEW-P	89-13-072
132D-20-270	REP-P	89-05-012	132D-300-020	NEW-P	89-07-058	132V-15-020	NEW-P	89-13-072
132D-20-270	REP-W	89-05-046	132D-300-020	NEW	89-11-038	132V-15-030	NEW-P	89-13-072
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132D-20-270	REP	89-11-025	132D-300-030	NEW-P	89-07-058	132V-15-050	NEW-P	89-13-072
132D-20-280	REP-P	89-05-012	132D-300-030	NEW	89-11-038	132V-15-060	NEW-P	89-13-072
132D-20-280	REP-W	89-05-046	132D-300-030	NEW	89-11-038	132V-15-070	NEW-P	89-13-072
132D-20-280	REP-P	89-07-070	132D-325-010	NEW-P	89-05-048	132V-15-080	NEW-P	89-13-072
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132D-20-290	REP-P	89-05-012	132D-350-010	NEW-P	89-07-064	132V-15-100	NEW-P	89-13-072
132D-20-290	REP-W	89-05-046	132D-350-010	NEW	89-11-026	132V-15-110	NEW-P	89-13-072
132D-20-290	REP-P	89-07-070	132D-350-020	NEW-P	89-07-064	132V-15-120	NEW-P	89-13-072
132D-20-290	REP	89-11-025	132D-350-020	NEW	89-11-026	132Y-300-001	NEW	89-04-008
132D-20-290	REP-P	89-05-048	132D-350-030	NEW-P	89-07-064	132Y-300-002	NEW	89-04-008
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132D-104-040	NEW-P	89-07-061	132I-120-315	AMD-P	89-04-039	132Y-310-030	NEW	89-12-056
132D-104-040	NEW	89-11-023	132I-120-315	AMD	89-08-016	132Y-310-040	NEW-P	89-08-023
132D-122-010	NEW-P	89-05-006	132I-120-400	AMD-P	89-04-039	132Y-310-040	NEW	89-12-056
132D-122-010	NEW	89-09-039	132I-120-400	AMD	89-08-016	132Y-310-040	NEW-P	89-08-023
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132D-140-030	NEW	89-06-012	132I-120-430	AMD-P	89-04-039	132Y-320-030	NEW	89-12-057
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132D-140-050	NEW	89-06-012	132I-136-010	REP-P	89-08-015	132Y-320-040	NEW	89-12-057
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132D-276-010	NEW	89-11-024	132I-136-030	REP	89-11-091	132Y-320-070	NEW-P	89-08-022
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132D-276-020	NEW	89-11-024	132I-136-040	REP	89-11-091	132Y-320-080	NEW-P	89-08-022
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132D-276-110	NEW	89-11-024	132I-136-140	NEW	89-11-091	137-25-030	NEW-P	89-04-031
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137-28-080	AMD	89-04-032	137-56-220	AMD-C	89-07-083	154-12-087	NEW-E	89-11-008
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137-36-030	AMD-E	89-04-029	137-56-250	AMD-C	89-07-083	154-12-100	REP-E	89-11-008
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137-56-030	AMD-P	89-02-058	154-04-090	REP-P	89-07-090	154-120-015	AMD-P	89-07-089
137-56-030	AMD-C	89-07-083	154-04-090	REP-E	89-11-008	154-120-015	AMD-E	89-11-009
137-56-040	AMD-P	89-02-058	154-04-090	REP	89-11-010	154-120-015	AMD	89-11-011
137-56-040	AMD-C	89-07-083	154-12-010	AMD-P	89-07-090	154-130-020	AMD-P	89-15-061
137-56-050	AMD-P	89-02-058	154-12-010	AMD-E	89-11-008	154-130-030	AMD-P	89-15-061
137-56-050	AMD-C	89-07-083	154-12-010	AMD	89-11-010	154-140-030	AMD-P	89-15-061
137-56-060	AMD-P	89-02-058	154-12-010	AMD-P	89-16-100	162-04-010	AMD-P	89-17-115
137-56-060	AMD-C	89-07-083	154-12-015	AMD-P	89-16-100	162-04-020	AMD-P	89-17-115
137-56-070	AMD-P	89-02-058	154-12-020	AMD-P	89-07-090	162-04-026	AMD-P	89-17-115
137-56-070	AMD-C	89-07-083	154-12-020	AMD-E	89-11-008	162-04-030	AMD-P	89-17-115
137-56-080	AMD-P	89-02-058	154-12-020	AMD	89-11-010	162-04-035	NEW-P	89-17-115
137-56-080	AMD-C	89-07-083	154-12-030	AMD-P	89-07-090	162-04-040	AMD-P	89-17-115
137-56-090	AMD-P	89-02-058	154-12-030	AMD-E	89-11-008	162-04-050	AMD-P	89-17-115
137-56-090	AMD-C	89-07-083	154-12-030	AMD	89-11-010	162-04-060	AMD-P	89-17-115
137-56-095	AMD-P	89-02-058	154-12-040	AMD-P	89-07-090	162-04-070	AMD-P	89-17-115
137-56-095	AMD-C	89-07-083	154-12-040	AMD-E	89-11-008	162-08-011	RE-AD-P	89-17-098
137-56-100	AMD-P	89-02-058	154-12-040	AMD	89-11-010	162-08-013	RE-AD-P	89-17-098
137-56-100	AMD-C	89-07-083	154-12-050	AMD-P	89-07-090	162-08-015	RE-AD-P	89-17-098
137-56-110	AMD-P	89-02-058	154-12-050	AMD-E	89-11-008	162-08-017	RE-AD-P	89-17-098
137-56-110	AMD-C	89-07-083	154-12-050	AMD	89-11-010	162-08-019	RE-AD-P	89-17-098
137-56-120	AMD-P	89-02-058	154-12-060	REP-P	89-07-090	162-08-021	RE-AD-P	89-17-098
137-56-120	AMD-C	89-07-083	154-12-060	REP-E	89-11-008	162-08-041	RE-AD-P	89-17-098
137-56-140	AMD-P	89-02-058	154-12-060	REP	89-11-010	162-08-051	RE-AD-P	89-17-098
137-56-140	AMD-C	89-07-083	154-12-070	AMD-P	89-07-090	162-08-061	RE-AD-P	89-17-098
137-56-150	AMD-P	89-02-058	154-12-070	AMD-E	89-11-008	162-08-062	RE-AD-P	89-17-098
137-56-150	AMD-C	89-07-083	154-12-070	AMD	89-11-010	162-08-071	RE-AD-P	89-17-098
137-56-160	AMD-P	89-02-058	154-12-075	NEW-P	89-07-090	162-08-072	RE-AD-P	89-17-098
137-56-160	AMD-C	89-07-083	154-12-075	NEW-E	89-11-008	162-08-081	RE-AD-P	89-17-098
137-56-170	AMD-P	89-02-058	154-12-075	NEW	89-11-010	162-08-091	RE-AD-P	89-17-098
137-56-170	AMD-C	89-07-083	154-12-080	AMD-P	89-07-090	162-08-093	RE-AD-P	89-17-098
137-56-180	AMD-P	89-02-058	154-12-080	AMD-E	89-11-008	162-08-094	RE-AD-P	89-17-098
137-56-180	AMD-C	89-07-083	154-12-080	AMD	89-11-010	162-08-09501	NEW-P	89-17-098
137-56-190	AMD-P	89-02-058	154-12-085	NEW-P	89-07-090	162-08-096	RE-AD-P	89-17-098

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162-08-099	RE-AD-P 89-17-098	173-19-4501	AMD-P 89-08-113	173-158-060	AMD-C 89-05-003
162-08-101	RE-AD-P 89-17-098	173-19-4501	AMD-C 89-14-129	173-158-060	AMD 89-07-022
162-08-106	RE-AD-P 89-17-098	173-19-4501	AMD-W 89-17-032	173-160-215	AMD-E 89-03-046
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162-08-114	REP-P 89-17-098	173-19-4507	AMD 89-03-010	173-216-125	NEW-W 89-09-015
162-08-116	REP-P 89-17-098	173-20-700	AMD-W 89-07-025	173-220-210	AMD-P 89-04-051
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162-08-135	REP-P 89-17-098	173-50-010	NEW 89-10-001	173-223-015	AMD 89-05-026
162-08-141	REP-P 89-17-098	173-50-020	NEW-P 89-04-052	173-223-015	AMD-E 89-06-053
162-08-151	REP-P 89-17-098	173-50-020	NEW 89-10-001	173-223-015	REP-P 89-07-088
162-08-155	REP-P 89-17-098	173-50-030	NEW-P 89-04-052	173-223-015	REP 89-12-027
162-08-161	REP-P 89-17-098	173-50-030	NEW 89-10-001	173-223-020	REP-P 89-07-088
162-08-171	REP-P 89-17-098	173-50-040	NEW-P 89-04-052	173-223-020	REP 89-12-027
162-08-190	RE-AD-P 89-17-098	173-50-040	NEW 89-10-001	173-223-030	AMD 89-05-026
162-08-201	RE-AD-P 89-17-098	173-50-050	NEW-P 89-04-052	173-223-030	AMD-E 89-06-053
162-08-211	RE-AD-P 89-17-098	173-50-050	NEW 89-10-001	173-223-030	REP-P 89-07-088
162-08-212	REP-P 89-17-098	173-50-060	NEW-P 89-04-052	173-223-030	REP 89-12-027
162-08-215	REP-P 89-17-098	173-50-060	NEW 89-10-001	173-223-040	AMD 89-05-026
162-08-217	REP-P 89-17-098	173-50-070	NEW-P 89-04-052	173-223-040	AMD-E 89-06-053
162-08-221	RE-AD-P 89-17-098	173-50-070	NEW 89-10-001	173-223-040	REP-P 89-07-088
162-08-231	RE-AD-P 89-17-098	173-50-080	NEW-P 89-04-052	173-223-040	REP 89-12-027
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162-08-261	RE-AD-P 89-17-098	173-50-100	NEW 89-10-001	173-223-060	REP-P 89-07-088
162-08-263	NEW-P 89-17-098	173-50-110	NEW-P 89-04-052	173-223-060	REP 89-12-027
162-08-265	RE-AD-P 89-17-098	173-50-110	NEW 89-10-001	173-223-070	AMD 89-05-026
162-08-268	RE-AD-P 89-17-098	173-50-120	NEW-P 89-04-052	173-223-070	AMD-E 89-06-053
162-08-271	RE-AD-P 89-17-098	173-50-120	NEW 89-10-001	173-223-070	REP-P 89-07-088
162-08-275	REP-P 89-17-098	173-50-130	NEW-P 89-04-052	173-223-070	REP 89-12-027
162-08-278	REP-P 89-17-098	173-50-130	NEW 89-10-001	173-223-080	REP-P 89-07-088
162-08-282	RE-AD-P 89-17-098	173-50-140	NEW-P 89-04-052	173-223-080	REP 89-12-027
162-08-284	REP-P 89-17-098	173-50-140	NEW 89-10-001	173-223-090	AMD 89-05-026
162-08-286	RE-AD-P 89-17-098	173-50-150	NEW-P 89-04-052	173-223-090	AMD-E 89-06-053
162-08-288	RE-AD-P 89-17-098	173-50-150	NEW 89-10-001	173-223-090	REP-P 89-07-088
162-08-291	RE-AD-P 89-17-098	173-50-160	NEW-P 89-04-052	173-223-090	REP 89-12-027
162-08-292	RE-AD-P 89-17-098	173-50-160	NEW 89-10-001	173-223-100	REP-P 89-07-088
162-08-294	RE-AD-P 89-17-098	173-50-170	NEW-P 89-04-052	173-223-100	REP 89-12-027
162-08-295	REP-P 89-17-098	173-50-170	NEW 89-10-001	173-223-110	REP-P 89-07-088
162-08-296	REP-P 89-17-098	173-50-180	NEW-P 89-04-052	173-223-110	REP 89-12-027
162-08-298	RE-AD-P 89-17-098	173-50-180	NEW 89-10-001	173-224	NEW-C 89-12-016
162-08-301	RE-AD-P 89-17-098	173-50-190	NEW-P 89-04-052	173-224-015	NEW-P 89-07-088
162-08-305	RE-AD-P 89-17-098	173-50-190	NEW 89-10-001	173-224-015	NEW 89-12-027
162-08-311	RE-AD-P 89-17-098	173-50-200	NEW-P 89-04-052	173-224-020	NEW-P 89-07-088
162-08-600	RE-AD-P 89-17-098	173-50-200	NEW 89-10-001	173-224-020	NEW 89-12-027
162-08-610	RE-AD-P 89-17-098	173-50-210	NEW-P 89-04-052	173-224-030	NEW-P 89-07-088
162-08-621	REP-P 89-17-098	173-50-210	NEW 89-10-001	173-224-030	NEW 89-12-027
162-08-700	RE-AD-P 89-17-098	173-98-010	NEW-P 89-11-082	173-224-040	NEW-P 89-07-088
173-06-030	AMD-E 89-04-013	173-98-010	NEW 89-18-019	173-224-040	NEW 89-12-027
173-06-030	AMD-P 89-08-078	173-98-020	NEW-P 89-11-082	173-224-050	NEW-P 89-07-088
173-06-030	AMD-E 89-08-079	173-98-020	NEW 89-18-019	173-224-050	NEW 89-12-027
173-06-030	AMD 89-11-021	173-98-030	NEW-P 89-11-082	173-224-060	NEW-P 89-07-088
173-19-110	AMD-W 89-03-012	173-98-030	NEW 89-18-019	173-224-060	NEW 89-12-027
173-19-130	AMD-P 89-17-152	173-98-040	NEW-P 89-11-082	173-224-070	NEW-P 89-07-088
173-19-240	AMD 89-08-012	173-98-040	NEW 89-18-019	173-224-070	NEW 89-12-027
173-19-2401	AMD 89-08-035	173-98-050	NEW-P 89-11-082	173-224-080	NEW-P 89-07-088
173-19-2503	AMD-P 89-08-112	173-98-050	NEW 89-18-019	173-224-080	NEW 89-12-027
173-19-2503	AMD-C 89-12-087	173-98-060	NEW-P 89-11-082	173-224-090	NEW-P 89-07-088
173-19-2503	AMD-C 89-16-028	173-98-060	NEW 89-18-019	173-224-090	NEW 89-12-027
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173-19-2505	AMD-W 89-14-128	173-98-070	NEW 89-18-019	173-224-100	NEW 89-12-027
173-19-2512	AMD 89-03-009	173-98-080	NEW-P 89-11-082	173-224-110	NEW-P 89-07-088
173-19-2512	AMD-P 89-17-153	173-98-080	NEW 89-18-019	173-224-110	NEW 89-12-027
173-19-2515	AMD 89-03-011	173-98-090	NEW-P 89-11-082	173-224-120	NEW-P 89-07-088
173-19-2519	AMD-P 89-09-075	173-98-090	NEW 89-18-019	173-224-120	NEW 89-12-027
173-19-2519	AMD-W 89-12-071	173-98-100	NEW-P 89-11-082	173-303-040	AMD 89-02-059
173-19-3503	AMD-P 89-15-044	173-98-100	NEW 89-18-019	173-303-045	AMD 89-02-059
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173-19-390	AMD-P 89-08-114	173-98-120	NEW-P 89-11-082	173-303-080	AMD 89-02-059
173-19-390	AMD 89-14-130	173-98-120	NEW 89-18-019	173-303-110	AMD 89-02-059

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173-303-202	NEW	89-02-059	173-318-010	NEW-E	89-09-005	180-08-003	RE-AD-E	89-16-076
173-303-400	AMD	89-02-059	173-318-010	NEW-P	89-12-065	180-08-003	RE-AD-P	89-17-107
173-303-505	AMD	89-02-059	173-318-010	NEW	89-18-070	180-08-005	RE-AD-E	89-16-076
173-303-515	AMD	89-02-059	173-318-020	NEW-E	89-09-005	180-08-005	RE-AD-P	89-17-107
173-303-550	AMD	89-02-059	173-318-020	NEW-P	89-12-065	180-24-205	NEW-E	89-16-039
173-303-610	AMD	89-02-059	173-318-020	NEW	89-18-070	180-24-205	NEW-P	89-17-100
173-303-620	AMD	89-02-059	173-318-030	NEW-E	89-09-005	180-25-300	NEW-P	89-05-066
173-303-640	AMD	89-02-059	173-318-030	NEW-P	89-12-065	180-25-300	NEW-E	89-06-018
173-303-645	AMD	89-02-059	173-318-030	NEW	89-18-070	180-25-300	NEW	89-08-086
173-303-805	AMD	89-02-059	173-318-040	NEW-E	89-09-005	180-25-300	AMD-E	89-13-011
173-303-806	AMD	89-02-059	173-318-040	NEW-P	89-12-065	180-25-300	AMD-E	89-16-040
173-303-830	AMD	89-02-059	173-318-040	NEW	89-18-070	180-25-300	AMD-P	89-17-102
173-303-902	NEW-P	89-15-047	173-318-050	NEW-E	89-09-005	180-26-055	AMD-P	89-05-065
173-303-9903	AMD	89-02-059	173-318-050	NEW-P	89-12-065	180-26-055	AMD-E	89-06-017
173-303-9904	AMD	89-02-059	173-318-050	NEW	89-18-070	180-26-055	AMD	89-08-085
173-303-9905	AMD	89-02-059	173-318-060	NEW-E	89-09-005	180-27-057	AMD-E	89-13-015
173-313-010	NEW-E	89-06-060	173-318-060	NEW-P	89-12-065	180-27-057	AMD-E	89-16-041
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173-313-010	NEW-E	89-12-021	173-318-070	NEW-E	89-09-005	180-29-108	AMD-E	89-16-042
173-313-010	NEW	89-17-073	173-318-070	NEW-P	89-12-065	180-29-108	AMD-P	89-17-104
173-313-020	NEW-E	89-06-060	173-318-070	NEW	89-18-070	180-29-300	NEW-P	89-05-067
173-313-020	NEW-P	89-11-086	173-318-080	NEW-E	89-09-005	180-29-300	NEW-E	89-06-019
173-313-020	NEW-E	89-12-021	173-318-080	NEW-P	89-12-065	180-29-300	NEW	89-08-087
173-313-020	NEW	89-17-073	173-318-080	NEW	89-18-070	180-29-300	AMD-E	89-13-014
173-313-030	NEW-E	89-06-060	173-321-010	NEW-P	89-15-046	180-29-300	AMD-E	89-16-043
173-313-030	NEW-P	89-11-086	173-321-020	NEW-P	89-15-046	180-29-300	AMD-P	89-17-103
173-313-030	NEW-E	89-12-021	173-321-030	NEW-P	89-15-046	180-51-025	AMD-P	89-05-060
173-313-030	NEW	89-17-073	173-321-040	NEW-P	89-15-046	180-51-025	AMD-C	89-08-080
173-313-040	NEW-E	89-06-060	173-321-050	NEW-P	89-15-046	180-51-025	AMD	89-12-061
173-313-040	NEW-P	89-11-086	173-321-060	NEW-P	89-15-046	180-59	NEW-C	89-05-061
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173-313-040	NEW	89-17-073	173-321-080	NEW-P	89-15-046	180-59-010	NEW	89-09-044
173-313-050	NEW-E	89-06-060	173-400-120	AMD	89-02-055	180-59-015	NEW	89-09-044
173-313-050	NEW-P	89-11-086	173-403-030	AMD	89-02-055	180-59-020	NEW	89-09-044
173-313-050	NEW-E	89-12-021	173-403-050	AMD	89-02-055	180-59-025	NEW	89-09-044
173-313-050	NEW	89-17-073	173-403-080	AMD	89-02-055	180-59-030	NEW	89-09-044
173-314-010	NEW	89-03-047	173-405-078	AMD	89-02-055	180-59-032	NEW	89-09-044
173-314-100	NEW	89-03-047	173-410-071	AMD	89-02-055	180-59-035	NEW	89-09-044
173-314-200	NEW	89-03-047	173-415-080	AMD	89-02-055	180-59-037	NEW	89-09-044
173-314-210	NEW	89-03-047	173-425-030	AMD	89-02-055	180-59-040	NEW	89-09-044
173-314-220	NEW	89-03-047	173-425-035	REP	89-02-055	180-59-045	NEW	89-09-044
173-314-300	NEW	89-03-047	173-425-036	NEW	89-02-055	180-59-047	NEW	89-09-044
173-314-310	NEW	89-03-047	173-425-045	AMD	89-02-055	180-59-047	NEW	89-09-044
173-314-320	NEW	89-03-047	173-425-065	AMD	89-02-055	180-59-050	NEW	89-09-044
173-314-330	NEW	89-03-047	173-425-075	AMD	89-02-055	180-59-055	NEW	89-09-044
173-314-340	NEW	89-03-047	173-425-085	AMD	89-02-055	180-59-060	NEW	89-09-044
173-315-010	NEW-E	89-06-061	173-425-095	AMD	89-02-055	180-59-065	NEW	89-09-044
173-315-010	NEW-P	89-11-087	173-425-130	AMD	89-02-055	180-59-070	NEW	89-09-044
173-315-010	NEW-E	89-12-020	173-433-030	AMD	89-02-054	180-59-075	NEW	89-09-044
173-315-010	NEW	89-17-072	173-433-100	AMD	89-02-054	180-59-080	NEW	89-09-044
173-315-020	NEW-E	89-06-061	173-433-120	AMD	89-02-054	180-59-090	NEW	89-09-044
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173-315-020	NEW-E	89-12-020	173-433-170	NEW	89-02-054	180-59-100	NEW	89-09-044
173-315-020	NEW	89-17-072	173-434-050	AMD	89-02-055	180-59-105	NEW	89-09-044
173-315-030	NEW-E	89-06-061	173-434-200	AMD	89-02-055	180-59-110	NEW	89-09-044
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173-315-030	NEW-E	89-12-020	173-435-015	NEW	89-02-055	180-59-120	NEW	89-09-044
173-315-030	NEW	89-17-072	173-435-020	AMD	89-02-055	180-59-125	NEW	89-09-044
173-315-040	NEW-E	89-06-061	173-435-030	AMD	89-02-055	180-59-130	NEW	89-09-044
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173-315-040	NEW	89-17-072	173-435-060	AMD	89-02-055	180-59-145	NEW	89-09-044
173-315-050	NEW-E	89-06-061	173-435-070	AMD	89-02-055	180-59-150	NEW	89-09-044
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232-28-61716	NEW-E	89-03-028	236-48-081	AMD	89-17-094	236-49-020	AMD-P	89-14-013
232-28-61716	REP-E	89-05-002	236-48-082	AMD-P	89-14-013	236-49-020	AMD	89-17-094
232-28-61717	NEW-E	89-04-011	236-48-082	AMD	89-17-094	236-49-030	AMD-P	89-14-013
232-28-61717	NEW-P	89-06-080	236-48-083	AMD-P	89-14-013	236-49-030	AMD	89-17-094
232-28-61717	NEW-E	89-10-025	236-48-083	AMD	89-17-094	236-49-040	AMD-P	89-14-013
232-28-61717	NEW	89-10-026	236-48-084	AMD-P	89-14-013	236-49-040	AMD	89-17-094
232-28-61718	NEW-E	89-04-010	236-48-084	AMD	89-17-094	236-49-060	AMD-P	89-14-013
232-28-61719	NEW-E	89-05-002	236-48-085	AMD-P	89-14-013	236-49-060	AMD	89-17-094
232-28-61720	NEW-P	89-06-080	236-48-085	AMD	89-17-094	236-49-061	AMD-P	89-14-013
232-28-61720	NEW	89-10-026	236-48-093	AMD-P	89-14-013	236-49-061	AMD	89-17-094
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232-28-61722	NEW	89-10-027	236-48-098	AMD-P	89-14-013	248-08-010	REP-E	89-14-096
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232-28-61723	NEW-E	89-17-054	236-48-099	AMD	89-17-094	248-08-040	REP-E	89-14-096
232-28-61724	NEW-E	89-06-042	236-48-101	AMD-P	89-14-013	248-08-050	REP-E	89-14-096
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248-27-175	NEW-P	89-07-023	248-31-155	NEW	89-12-077	248-54-285	AMD-P	89-14-079
248-27-175	NEW	89-12-077	248-31-160	REP-P	89-07-023	248-55-220	AMD-E	89-14-095
248-27-185	NEW-P	89-07-023	248-31-160	REP	89-12-077	248-55-230	REP-E	89-14-095
248-27-185	NEW	89-12-077	248-31-165	NEW-P	89-07-023	248-55-235	NEW-E	89-14-095
248-29-020	AMD-E	89-14-095	248-31-165	NEW	89-12-077	248-55-240	AMD-E	89-14-095
248-29-045	NEW-P	89-17-007	248-31-175	NEW-P	89-07-023	248-55-250	AMD-E	89-14-095
248-31	AMD-P	89-07-023	248-31-175	NEW	89-12-077	248-55-260	REP-E	89-14-095
248-31	AMD	89-12-077	248-31-185	NEW-P	89-07-023	248-56-500	AMD-P	89-11-055
248-31-001	REP-P	89-07-023	248-31-185	NEW	89-12-077	248-56-500	AMD	89-16-065
248-31-001	REP	89-12-077	248-33-040	AMD-P	89-14-097	248-56-510	AMD-P	89-11-055
248-31-002	REP-P	89-07-023	248-33-060	REP-P	89-14-097	248-57-500	AMD-P	89-11-055
248-31-002	REP	89-12-077	248-33-080	REP-P	89-14-097	248-57-500	AMD	89-16-065
248-31-005	NEW-P	89-07-023	248-33-090	NEW-P	89-17-007	248-58-085	NEW-E	89-14-097
248-31-005	NEW	89-12-077	248-36-005	NEW-P	89-07-023	248-59-030	AMD-E	89-14-095
248-31-010	REP-P	89-07-023	248-36-005	NEW	89-12-077	248-59-040	REP-E	89-14-095
248-31-010	REP	89-12-077	248-36-015	NEW-P	89-07-023	248-59-050	REP-E	89-14-095
248-31-015	NEW-P	89-07-023	248-36-015	NEW	89-12-077	248-59-060	REP-E	89-14-095
248-31-015	NEW	89-12-077	248-36-025	NEW-P	89-07-023	248-59-070	REP-E	89-14-095
248-31-020	REP-P	89-07-023	248-36-025	NEW	89-12-077	248-59-080	REP-E	89-14-095
248-31-020	REP	89-12-077	248-36-025	AMD-E	89-15-057	248-64-240	AMD-P	89-16-104
248-31-025	NEW-P	89-07-023	248-36-035	NEW-P	89-07-023	248-64-240	AMD-C	89-17-132
248-31-025	NEW	89-12-077	248-36-035	NEW	89-12-077	248-64-320	AMD-P	89-16-104
248-31-025	AMD-E	89-15-057	248-36-035	AMD-E	89-15-057	248-64-320	AMD-C	89-17-132
248-31-030	REP-P	89-07-023	248-36-045	NEW-P	89-07-023	248-91-060	AMD-E	89-14-095
248-31-030	REP	89-12-077	248-36-045	NEW	89-12-077	248-96	AMD-C	89-17-055
248-31-035	NEW-P	89-07-023	248-36-045	AMD-E	89-15-057	248-96-020	AMD-P	89-14-126
248-31-035	NEW	89-12-077	248-36-055	NEW-P	89-07-023	248-96-040	AMD-P	89-14-126
248-31-035	AMD-E	89-15-057	248-36-055	NEW	89-12-077	248-96-046	AMD-P	89-14-126
248-31-040	REP-P	89-07-023	248-36-055	AMD-E	89-15-057	248-96-060	AMD-P	89-14-126
248-31-040	REP	89-12-077	248-36-065	NEW-P	89-07-023	248-96-110	AMD-P	89-14-126
248-31-045	NEW-P	89-07-023	248-36-065	NEW	89-12-077	248-96-120	NEW-P	89-14-126
248-31-045	NEW	89-12-077	248-36-077	NEW-P	89-07-023	248-96-125	NEW-P	89-14-126
248-31-045	AMD-E	89-15-057	248-36-077	NEW	89-12-077	248-97-130	AMD-E	89-14-097
248-31-050	REP-P	89-07-023	248-36-085	NEW-P	89-07-023	248-97-135	NEW-E	89-14-097
248-31-050	REP	89-12-077	248-36-085	NEW	89-12-077	248-100-011	AMD-P	89-04-055
248-31-055	NEW-P	89-07-023	248-36-095	NEW-P	89-07-023	248-100-011	AMD	89-07-095
248-31-055	NEW	89-12-077	248-36-095	NEW	89-12-077	248-100-206	AMD-P	89-04-055
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248-31-065	NEW	89-12-077	248-36-125	NEW-P	89-07-023	248-100-207	AMD-E	89-16-026
248-31-070	REP-P	89-07-023	248-36-125	NEW	89-12-077	248-100-207	AMD-P	89-16-059
248-31-070	REP	89-12-077	248-36-135	NEW-P	89-07-023	248-100-207	AMD-C	89-17-133
248-31-075	REP-P	89-07-023	248-36-135	NEW	89-12-077	248-105-010	AMD-P	89-13-079
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248-31-077	NEW-P	89-07-023	248-36-165	NEW	89-12-077	248-105-030	AMD-P	89-13-079
248-31-077	NEW	89-12-077	248-52	NEW-C	89-17-131	248-105-040	REP-P	89-13-079
248-31-080	REP-P	89-07-023	248-52-001	NEW-P	89-16-103	248-105-050	REP-P	89-13-079
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248-31-085	NEW	89-12-077	248-52-020	NEW-P	89-16-103	248-105-080	AMD-P	89-13-079
248-31-090	REP-P	89-07-023	248-52-030	NEW-P	89-16-103	248-105-090	AMD-P	89-13-079
248-31-090	REP	89-12-077	248-52-040	NEW-P	89-16-103	248-105-100	AMD-P	89-13-079
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248-31-100	REP-P	89-07-023	248-52-070	NEW-P	89-16-103	248-124-99001	REP-P	89-06-047
248-31-100	REP	89-12-077	248-52-080	NEW-P	89-16-103	248-124-99001	REP	89-10-023

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248-124-99002	REP	89-10-023	248-144-181	NEW	89-11-058	251-08-110	AMD	89-08-003
248-124-99003	REP-P	89-06-047	248-144-190	REP-P	89-08-098	251-10	AMD	89-08-003
248-124-99003	REP	89-10-023	248-144-190	REP	89-11-058	251-10-070	NEW-C	89-05-043
248-124-99004	REP-P	89-06-047	248-144-191	NEW-P	89-08-098	251-10-070	NEW	89-08-003
248-124-99004	REP	89-10-023	248-144-191	NEW	89-11-058	251-10-080	NEW-C	89-05-043
248-140-200	AMD-E	89-14-097	248-144-200	REP-P	89-08-098	251-10-080	NEW	89-08-003
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248-144-010	AMD	89-11-058	248-144-201	NEW	89-11-058	251-11-100	AMD-C	89-05-043
248-144-020	AMD-P	89-08-098	248-144-210	REP-P	89-08-098	251-11-100	AMD	89-08-003
248-144-020	AMD	89-11-058	248-144-210	REP	89-11-058	251-12-073	RE-AD-E	89-17-009
248-144-030	REP-P	89-08-098	248-144-211	NEW-P	89-08-098	251-12-073	RE-AD-P	89-17-120
248-144-030	REP	89-11-058	248-144-211	NEW	89-11-058	251-12-075	AMD-C	89-05-043
248-144-031	NEW-P	89-08-098	248-144-220	REP-P	89-08-098	251-12-075	AMD	89-08-003
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248-144-035	REP	89-11-058	248-144-240	REP-P	89-08-098	251-12-076	RE-AD-P	89-17-120
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248-144-040	REP	89-11-058	248-320-340	NEW-E	89-14-096	251-12-080	RE-AD-P	89-17-120
248-144-041	NEW-P	89-08-098	248-320-350	NEW-E	89-14-096	251-12-085	AMD-E	89-17-009
248-144-041	NEW	89-11-058	248-320-360	NEW-E	89-14-096	251-12-085	AMD-P	89-17-120
248-144-050	REP-P	89-08-098	248-320-370	NEW-E	89-14-096	251-12-087	NEW-C	89-05-043
248-144-050	REP	89-11-058	248-320-400	NEW-E	89-14-096	251-12-090	RE-AD-E	89-17-009
248-144-051	NEW-P	89-08-098	248-320-410	NEW-E	89-14-096	251-12-090	RE-AD-P	89-17-120
248-144-051	NEW	89-11-058	248-320-500	NEW-E	89-14-096	251-12-096	AMD-P	89-09-063
248-144-060	REP-P	89-08-098	248-554-030	AMD-E	89-14-096	251-12-096	AMD	89-12-059
248-144-060	REP	89-11-058	250-44-050	AMD-P	89-04-048	251-12-096	RE-AD-E	89-17-009
248-144-061	NEW-P	89-08-098	250-44-050	AMD	89-08-056	251-12-096	RE-AD-P	89-17-120
248-144-061	NEW	89-11-058	250-44-050	AMD-E	89-08-057	251-12-097	AMD-P	89-09-063
248-144-070	REP-P	89-08-098	250-44-110	AMD-P	89-04-048	251-12-097	AMD	89-12-059
248-144-070	REP	89-11-058	250-44-110	AMD	89-08-056	251-12-097	RE-AD-E	89-17-009
248-144-071	NEW-P	89-08-098	250-44-110	AMD-E	89-08-057	251-12-097	RE-AD-P	89-17-120
248-144-071	NEW	89-11-058	250-44-130	AMD-P	89-04-048	251-12-100	AMD-E	89-17-009
248-144-080	REP-P	89-08-098	250-44-130	AMD	89-08-056	251-12-100	AMD-P	89-17-120
248-144-080	REP	89-11-058	250-44-130	AMD-E	89-08-057	251-12-101	RE-AD-E	89-17-009
248-144-081	NEW-P	89-08-098	250-68-010	NEW-P	89-16-072	251-12-101	RE-AD-P	89-17-120
248-144-081	NEW	89-11-058	250-68-020	NEW-P	89-16-072	251-12-102	RE-AD-E	89-17-009
248-144-090	REP-P	89-08-098	250-68-030	NEW-P	89-16-072	251-12-102	RE-AD-P	89-17-120
248-144-090	REP	89-11-058	250-68-035	NEW-P	89-16-072	251-12-102	RE-AD-E	89-17-009
248-144-091	NEW-P	89-08-098	250-68-040	NEW-P	89-16-072	251-12-170	RE-AD-P	89-17-120
248-144-091	NEW	89-11-058	250-68-050	NEW-P	89-16-072	251-12-180	RE-AD-E	89-17-009
248-144-100	REP-P	89-08-098	250-68-060	NEW-P	89-16-072	251-12-180	RE-AD-P	89-17-120
248-144-100	REP	89-11-058	250-68-070	NEW-P	89-16-072	251-12-190	RE-AD-E	89-17-009
248-144-101	NEW-P	89-08-098	251-01-077	NEW-P	89-06-044	251-12-190	RE-AD-P	89-17-120
248-144-101	NEW	89-11-058	251-01-077	NEW-P	89-06-045	251-12-200	RE-AD-E	89-17-009
248-144-110	REP-P	89-08-098	251-01-077	NEW-W	89-09-060	251-12-200	RE-AD-P	89-17-120
248-144-110	REP	89-11-058	251-01-077	NEW-C	89-09-061	251-12-210	RE-AD-E	89-17-009
248-144-111	NEW-P	89-08-098	251-01-077	NEW	89-13-074	251-12-210	RE-AD-P	89-17-120
248-144-111	NEW	89-11-058	251-01-078	NEW-P	89-06-044	251-12-231	NEW-E	89-17-009
248-144-120	REP-P	89-08-098	251-01-078	NEW-P	89-06-045	251-12-231	NEW-P	89-17-120
248-144-120	REP	89-11-058	251-01-078	NEW-W	89-09-060	251-12-232	NEW-E	89-17-009
248-144-121	NEW-P	89-08-098	251-01-078	NEW-C	89-09-061	251-12-232	NEW-P	89-17-120
248-144-121	NEW	89-11-058	251-01-415	AMD-P	89-06-044	251-12-250	RE-AD-E	89-17-009
248-144-130	REP-P	89-08-098	251-01-415	AMD-P	89-06-045	251-12-250	RE-AD-P	89-17-120
248-144-130	REP	89-11-058	251-01-415	AMD-W	89-09-060	251-12-600	AMD-P	89-06-044
248-144-131	NEW-P	89-08-098	251-01-415	AMD-C	89-09-061	251-12-600	AMD-P	89-06-045
248-144-140	REP-P	89-08-098	251-01-415	AMD-P	89-09-063	251-12-600	AMD-W	89-09-060
248-144-140	REP	89-11-058	251-01-416	AMD	89-13-074	251-12-600	AMD-C	89-09-061
248-144-141	NEW-P	89-08-098	251-01-417	NEW-P	89-09-063	251-12-600	AMD-P	89-09-063
248-144-141	NEW	89-11-058	251-04-040	AMD-P	89-06-044	251-12-600	AMD	89-13-074
248-144-150	REP-P	89-08-098	251-04-040	AMD-P	89-06-045	251-14-110	AMD-C	89-05-043
248-144-150	REP	89-11-058	251-04-040	AMD-W	89-09-060	251-14-110	AMD	89-08-003
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248-144-151	NEW	89-11-058	251-04-040	AMD-P	89-09-063	251-17-090	AMD	89-08-003
248-144-160	REP-P	89-08-098	251-04-040	AMD	89-13-074	251-18-180	AMD-C	89-05-043
248-144-160	REP	89-11-058	251-04-105	RE-AD-E	89-17-009	251-18-180	AMD	89-08-003
248-144-161	NEW-P	89-08-098	251-04-105	RE-AD-P	89-17-120	251-19-030	REP-P	89-06-045
248-144-161	NEW	89-11-058	251-04-110	RE-AD-E	89-17-009	251-19-030	REP-W	89-09-060
248-144-170	REP-P	89-08-098	251-04-110	RE-AD-P	89-17-120	251-19-030	REP-C	89-09-061
248-144-170	REP	89-11-058	251-07-100	NEW-P	89-06-044	251-19-030	REP	89-13-074
248-144-171	NEW-P	89-08-098	251-07-100	NEW-P	89-06-045	251-19-040	REP-P	89-06-044
248-144-171	NEW	89-11-058	251-07-100	NEW-W	89-09-060	251-19-040	REP-P	89-06-045
248-144-180	REP-P	89-08-098	251-07-100	NEW-C	89-09-061	251-19-040	REP-W	89-09-060
248-144-180	REP	89-11-058	251-07-100	NEW	89-13-074	251-19-040	REP-C	89-09-061

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251-19-100	AMD-P	89-09-063	260-34-060	AMD-P	89-08-090	275-19-660	AMD	89-06-011
251-19-100	AMD	89-13-075	260-34-060	AMD	89-13-006	275-19-675	AMD	89-06-011
251-19-105	NEW-P	89-09-063	260-34-070	AMD-P	89-04-060	275-19-760	AMD	89-06-011
251-19-105	NEW	89-13-075	260-34-070	AMD-W	89-07-027	275-19-770	AMD	89-06-011
251-19-120	AMD-P	89-06-044	260-34-070	AMD-P	89-08-090	275-19-810	AMD	89-06-011
251-19-120	AMD-P	89-06-045	260-34-070	AMD	89-13-006	275-19-820	AMD	89-06-011
251-19-120	AMD-C	89-09-061	260-34-080	AMD-P	89-04-060	275-19-940	AMD	89-06-011
251-19-120	AMD-P	89-09-063	260-34-080	AMD-W	89-07-027	275-19-950	AMD	89-06-011
251-19-120	AMD	89-13-074	260-34-080	AMD-P	89-08-090	275-19-970	AMD	89-06-011
251-19-122	NEW-P	89-06-044	260-34-080	AMD	89-13-006	275-19-980	AMD	89-06-011
251-19-122	NEW-P	89-06-045	260-34-090	AMD-P	89-04-060	275-19-985	AMD	89-06-011
251-19-122	NEW-C	89-09-061	260-34-090	AMD-W	89-07-027	275-19-990	AMD	89-06-011
251-19-122	NEW	89-13-074	260-34-090	AMD-P	89-08-090	275-20-080	AMD-E	89-14-098
251-22-170	AMD-P	89-17-118	260-34-090	AMD	89-13-006	275-26-015	REP-E	89-14-098
251-22-250	NEW-E	89-12-060	260-34-100	AMD-P	89-04-060	275-26-020	AMD-E	89-14-098
251-22-250	NEW-P	89-13-073	260-34-100	AMD-W	89-07-027	275-26-022	AMD-E	89-14-098
251-22-250	NEW-P	89-17-119	260-34-100	AMD-P	89-08-090	275-27-020	AMD	89-06-049
251-22-250	NEW-E	89-18-046	260-34-100	AMD	89-13-006	275-27-026	NEW	89-06-049
251-22-260	NEW-E	89-12-060	260-34-180	AMD-P	89-04-060	275-27-030	AMD	89-06-049
251-22-260	NEW-P	89-13-073	260-34-180	AMD-W	89-07-027	275-27-500	AMD-E	89-14-098
251-22-260	NEW-P	89-17-119	260-34-180	AMD-P	89-08-090	275-36-310	AMD-E	89-14-098
251-22-260	NEW-E	89-18-046	260-34-180	AMD	89-13-006	275-38-960	AMD-E	89-14-098
251-22-270	NEW-E	89-12-060	260-34-190	NEW-P	89-04-060	275-56-005	AMD-P	89-16-105
251-22-270	NEW-P	89-13-073	260-34-190	NEW-W	89-07-027	275-56-010	AMD-P	89-16-105
251-22-270	NEW-P	89-17-119	260-34-190	NEW-P	89-08-090	275-56-015	AMD-P	89-16-105
251-22-270	NEW-E	89-18-046	260-34-190	NEW	89-13-006	275-56-016	NEW-P	89-16-105
251-22-280	NEW-E	89-12-060	260-36-020	AMD-E	89-04-029	275-56-017	NEW-P	89-16-105
251-22-280	NEW-P	89-13-073	260-36-020	AMD-P	89-08-070	275-56-020	AMD-P	89-16-105
251-22-280	NEW-P	89-17-119	260-36-020	AMD	89-13-007	275-56-025	AMD-P	89-16-105
251-22-280	NEW-E	89-18-046	260-36-030	AMD-E	89-04-029	275-56-030	REP-P	89-16-105
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296-65-003	AMD-P 89-14-124	296-125-135	NEW-P 89-16-087	296-134-090	NEW-P 89-18-090
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296-65-007	NEW-E 89-14-100	296-125-145	NEW-E 89-16-023	296-155-140	AMD-P 89-06-058
296-65-007	NEW-P 89-14-124	296-125-145	NEW-P 89-16-087	296-155-140	AMD 89-11-035
296-65-010	AMD-E 89-14-100	296-125-155	NEW-E 89-16-023	296-155-180	NEW-P 89-06-058
296-65-010	AMD-P 89-14-124	296-125-155	NEW-P 89-16-087	296-155-180	NEW 89-11-035
296-65-012	NEW-E 89-14-100	296-125-160	NEW-E 89-16-023	296-155-205	AMD-P 89-06-058
296-65-012	NEW-P 89-14-124	296-125-160	NEW-P 89-16-087	296-155-205	AMD 89-11-035
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296-65-020	AMD-E 89-14-100	296-125-175	NEW-E 89-16-023	296-155-36313	AMD-P 89-06-058
296-65-020	AMD-P 89-14-124	296-125-175	NEW-P 89-16-087	296-155-36313	AMD 89-11-035
296-65-025	AMD-E 89-14-100	296-126-020	AMD-C 89-06-035	296-155-370	AMD-P 89-06-058
296-65-025	AMD-P 89-14-124	296-126-020	AMD-C 89-08-058	296-155-370	AMD 89-11-035
296-65-030	AMD-E 89-14-100	296-126-020	AMD-C 89-09-007	296-155-48529	AMD-P 89-06-058
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308-53-151	AMD	89-10-030	308-89-040	AMD-E	89-08-094	308-115-350	NEW-P	89-10-077
308-53-165	AMD-P	89-06-070	308-90-080	AMD-E	89-14-091	308-115-350	NEW	89-14-092
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308-53-170	AMD	89-10-030	308-91	AMD-P	89-02-063	308-117-080	AMD-P	89-06-071
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308-53-180	AMD	89-10-030	308-91-040	AMD-P	89-02-063	308-117-460	NEW	89-07-005
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308-53-340	NEW	89-17-040	308-91-140	AMD-P	89-02-063	308-117-480	NEW	89-07-005
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308-55-085	NEW	89-14-092	308-100-050	AMD	89-18-003	308-122-400	AMD-P	89-14-090
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308-55-115	NEW-P	89-10-077	308-100-110	NEW-P	89-15-040	308-122-450	AMD-P	89-14-090
308-55-115	NEW	89-14-092	308-100-110	NEW	89-18-003	308-122-500	AMD-P	89-14-090
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308-56A-610	NEW-P	89-11-019	308-100-120	NEW	89-18-003	308-122-550	NEW-P	89-14-090
308-56A-610	NEW	89-16-074	308-100-130	NEW-P	89-15-040	308-122-555	NEW-P	89-14-090
308-56A-610	NEW-E	89-16-075	308-100-130	NEW	89-18-003	308-122-560	NEW-P	89-14-090
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308-56A-620	NEW-P	89-11-019	308-100-140	NEW	89-18-003	308-122-570	NEW-P	89-14-090
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308-56A-620	NEW-E	89-16-075	308-100-150	NEW	89-18-003	308-122-580	NEW-P	89-14-090
308-56A-630	NEW-E	89-10-045	308-100-160	NEW-P	89-15-040	308-124A-025	AMD-P	89-05-057
308-56A-630	NEW-P	89-11-019	308-100-160	NEW	89-18-003	308-124A-025	AMD-E	89-07-004
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308-56A-640	NEW	89-16-074	308-100-190	NEW-P	89-15-040	308-124D-060	REP-P	89-07-091
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308-56A-650	NEW	89-16-074	308-104-025	AMD-P	89-15-040	308-124H-030	AMD-P	89-07-091
308-56A-650	NEW-E	89-16-075	308-104-025	AMD	89-18-003	308-124H-030	AMD	89-11-032
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308-56A-670	NEW-E	89-10-045	308-104-105	AMD-P	89-15-040	308-128E-011	NEW-P	89-04-001
308-56A-670	NEW-P	89-11-019	308-104-105	AMD	89-18-003	308-128E-011	NEW	89-07-077
308-56A-670	NEW	89-16-074	308-115-065	NEW	89-16-037	308-130-320	NEW-P	89-10-077
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308-56A-690	NEW-E	89-16-075	308-115-310	NEW-P	89-10-077	308-130-360	NEW	89-14-092
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308-400-048	AMD	89-06-078	315-11-471	NEW-P	89-17-092	316-02-700	NEW-E	89-18-062
308-400-050	AMD	89-06-078	315-11-472	NEW-P	89-17-092	316-02-800	RE-AD-E	89-18-062
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308-400-058	AMD	89-06-078	315-11-481	NEW-P	89-17-092	316-02-820	RE-AD-E	89-18-062
308-400-059	AMD	89-06-078	315-11-482	NEW-P	89-17-092	316-02-900	RE-AD-E	89-18-062
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392-171-596	RE-AD-P 89-16-012	392-190-025	RE-AD-E 89-16-016	392-196-100	NEW-E 89-16-017
392-171-596	RE-AD-E 89-16-016	392-190-030	RE-AD-P 89-16-012	392-196-105	NEW-P 89-16-013
392-171-601	RE-AD-P 89-16-012	392-190-030	RE-AD-E 89-16-016	392-196-105	NEW-E 89-16-017
392-171-601	RE-AD-E 89-16-016	392-190-035	RE-AD-P 89-16-012	392-196-110	NEW-P 89-16-013
392-171-606	RE-AD-P 89-16-012	392-190-035	RE-AD-E 89-16-016	392-196-110	NEW-E 89-16-017
392-171-606	RE-AD-E 89-16-016	392-190-040	RE-AD-P 89-16-012	392-202-003	AMD-P 89-16-014
392-171-611	RE-AD-P 89-16-012	392-190-040	RE-AD-E 89-16-016	392-202-005	AMD-P 89-16-014
392-171-611	RE-AD-E 89-16-016	392-190-045	RE-AD-P 89-16-012	392-202-010	AMD-P 89-16-014
392-171-616	RE-AD-P 89-16-012	392-190-045	RE-AD-E 89-16-016	392-202-015	AMD-P 89-16-014
392-171-616	RE-AD-E 89-16-016	392-190-050	RE-AD-P 89-16-012	392-202-015	AMD-P 89-16-014
392-171-621	RE-AD-P 89-16-012	392-190-050	RE-AD-E 89-16-016	392-202-070	AMD-P 89-16-014
392-171-621	RE-AD-E 89-16-016	392-190-050	RE-AD-P 89-16-012	392-202-075	AMD-P 89-16-014
392-171-626	RE-AD-P 89-16-012	392-190-055	RE-AD-E 89-16-016	392-202-080	AMD-P 89-16-014
392-171-626	RE-AD-E 89-16-016	392-190-055	RE-AD-P 89-16-012	392-202-085	AMD-P 89-16-014
392-171-626	RE-AD-P 89-16-012	392-190-060	RE-AD-E 89-16-016	392-202-085	AMD-P 89-16-014
392-171-631	RE-AD-P 89-16-012	392-190-060	RE-AD-P 89-16-012	392-202-095	AMD-P 89-16-014
392-171-631	RE-AD-E 89-16-016	392-190-060	RE-AD-E 89-16-016	392-202-110	AMD-P 89-16-014
392-171-636	RE-AD-P 89-16-012	392-190-065	RE-AD-P 89-16-012	392-202-115	AMD-P 89-16-014
392-171-636	RE-AD-E 89-16-016	392-190-065	RE-AD-E 89-16-016	399-30-020	AMD-P 89-02-057
392-171-641	RE-AD-P 89-16-012	392-190-070	RE-AD-P 89-16-012	399-30-020	AMD-C 89-06-057
392-171-641	RE-AD-E 89-16-016	392-190-070	RE-AD-E 89-16-016	399-30-020	AMD 89-10-041
392-171-646	RE-AD-P 89-16-012	392-190-075	RE-AD-P 89-16-012	399-30-045	NEW-P 89-02-057
392-171-646	RE-AD-E 89-16-016	392-190-075	RE-AD-E 89-16-016	399-30-045	NEW-C 89-06-057
392-171-646	RE-AD-P 89-16-012	392-190-080	RE-AD-P 89-16-012	399-30-045	NEW 89-10-041
392-171-651	RE-AD-P 89-16-012	392-190-080	RE-AD-E 89-16-016	399-30-050	AMD-P 89-02-057
392-171-651	RE-AD-E 89-16-016	392-191-001	AMD-E 89-18-044	399-30-050	AMD-C 89-06-057
392-171-656	RE-AD-P 89-16-012	392-191-005	AMD-E 89-18-044	399-30-050	AMD 89-10-041
392-171-656	RE-AD-E 89-16-016	392-191-010	AMD-E 89-18-044	399-30-060	AMD-P 89-02-057
392-171-661	RE-AD-P 89-16-012	392-191-020	AMD-E 89-18-044	399-30-065	NEW-P 89-06-057
392-171-661	RE-AD-E 89-16-016	392-191-025	NEW-E 89-18-044	399-30-065	NEW 89-10-041
392-171-666	RE-AD-P 89-16-012	392-191-030	NEW-E 89-18-044	419-64-010	NEW 89-04-050
392-171-666	RE-AD-E 89-16-016	392-191-035	NEW-E 89-18-044	419-64-020	NEW 89-04-050
392-171-671	RE-AD-P 89-16-012	392-191-040	NEW-E 89-18-044	419-64-030	NEW 89-04-050
392-171-671	RE-AD-E 89-16-016	392-191-045	NEW-E 89-18-044	419-64-040	NEW 89-04-050
392-171-676	RE-AD-P 89-16-012	392-191-060	NEW-E 89-18-044	419-64-050	NEW 89-04-050
392-171-676	RE-AD-E 89-16-016	392-191-065	NEW-E 89-18-044	419-64-060	NEW 89-04-050
392-171-681	RE-AD-P 89-16-012	392-191-070	NEW-E 89-18-044	419-64-070	NEW 89-04-050
392-171-681	RE-AD-E 89-16-016	392-191-075	NEW-E 89-18-044	419-64-080	NEW 89-04-050
392-171-686	RE-AD-P 89-16-012	392-191-080	NEW-E 89-18-044	419-64-090	NEW 89-04-050
392-171-686	RE-AD-E 89-16-016	392-191-085	NEW-E 89-18-044	419-70-010	NEW-P 89-11-094
392-171-691	RE-AD-P 89-16-012	392-191-090	NEW-E 89-18-044	419-70-010	NEW 89-16-083
392-171-691	RE-AD-E 89-16-016	392-191-095	NEW-E 89-18-044	419-70-020	NEW-P 89-11-094
392-171-696	RE-AD-P 89-16-012	392-196-011	AMD-P 89-16-013	419-70-020	NEW 89-16-083
392-171-696	RE-AD-E 89-16-016	392-196-011	AMD-E 89-16-017	419-70-030	NEW-P 89-11-094
392-171-701	RE-AD-P 89-16-012	392-196-015	AMD-P 89-16-013	419-70-030	NEW 89-16-083
392-171-701	RE-AD-E 89-16-016	392-196-015	AMD-E 89-16-017	419-70-040	NEW-P 89-11-094
392-171-706	RE-AD-P 89-16-012	392-196-020	AMD-P 89-16-013	419-70-040	NEW 89-16-083
392-171-706	RE-AD-E 89-16-016	392-196-020	AMD-E 89-16-017	419-70-050	NEW-P 89-11-094
392-171-711	RE-AD-P 89-16-012	392-196-025	AMD-P 89-16-013	419-70-050	NEW 89-16-083
392-171-711	RE-AD-E 89-16-016	392-196-025	AMD-E 89-16-017	419-72	NEW-C 89-16-084
392-171-716	RE-AD-P 89-16-012	392-196-030	AMD-P 89-16-013	419-72-010	NEW-P 89-11-095
392-171-716	RE-AD-E 89-16-016	392-196-030	AMD-E 89-16-017	419-72-015	NEW-P 89-11-095
392-171-721	RE-AD-P 89-16-012	392-196-035	AMD-P 89-16-013	419-72-020	NEW-P 89-11-095
392-171-721	RE-AD-E 89-16-016	392-196-035	AMD-E 89-16-017	419-72-025	NEW-P 89-11-095
392-171-726	RE-AD-P 89-16-012	392-196-040	AMD-P 89-16-013	419-72-030	NEW-P 89-11-095
392-171-726	RE-AD-E 89-16-016	392-196-040	AMD-E 89-16-017	419-72-035	NEW-P 89-11-095
392-171-731	RE-AD-P 89-16-012	392-196-045	AMD-P 89-16-013	419-72-040	NEW-P 89-11-095
392-171-731	RE-AD-E 89-16-016	392-196-045	AMD-E 89-16-017	419-72-045	NEW-P 89-11-095
392-171-736	RE-AD-P 89-16-012	392-196-050	AMD-P 89-16-013	419-72-050	NEW-P 89-11-095
392-171-736	RE-AD-E 89-16-016	392-196-050	AMD-E 89-16-017	419-72-055	NEW-P 89-11-095
392-171-741	RE-AD-P 89-16-012	392-196-055	AMD-P 89-16-013	419-72-060	NEW-P 89-11-095
392-171-741	RE-AD-E 89-16-016	392-196-055	AMD-E 89-16-017	419-72-065	NEW-P 89-11-095
392-171-746	RE-AD-P 89-16-012	392-196-060	AMD-P 89-16-013	419-72-070	NEW-P 89-11-095
392-171-746	RE-AD-E 89-16-016	392-196-060	AMD-E 89-16-017	419-72-075	NEW-P 89-11-095
392-171-751	RE-AD-P 89-16-012	392-196-066	NEW-P 89-16-013	419-72-080	NEW-P 89-11-095

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
419-72-090	NEW-P	89-11-095	456-08-180	REP	89-10-055	456-08-660	REP-P	89-06-062
419-72-095	NEW-P	89-11-095	456-08-190	REP-P	89-06-062	456-08-660	REP	89-10-055
434-04-010	NEW-P	89-15-036	456-08-190	REP	89-10-055	456-08-670	REP-P	89-06-062
434-04-015	NEW-P	89-15-036	456-08-200	REP-P	89-06-062	456-08-670	REP	89-10-055
434-04-017	NEW-P	89-15-036	456-08-200	REP	89-10-055	456-08-700	REP-P	89-06-062
434-04-020	NEW-P	89-15-036	456-08-220	REP-P	89-06-062	456-08-700	REP	89-10-055
434-04-030	NEW-P	89-15-036	456-08-220	REP	89-10-055	456-08-705	REP-P	89-06-062
434-04-040	NEW-P	89-15-036	456-08-230	REP-P	89-06-062	456-08-705	REP	89-10-055
434-04-050	NEW-P	89-15-036	456-08-230	REP	89-10-055	456-08-710	REP-P	89-06-062
434-04-060	NEW-P	89-15-036	456-08-240	REP-P	89-06-062	456-08-710	REP	89-10-055
434-04-070	NEW-P	89-15-036	456-08-240	REP	89-10-055	456-08-715	REP-P	89-06-062
434-04-075	NEW-P	89-15-036	456-08-250	REP-P	89-06-062	456-08-715	REP	89-10-055
434-04-080	NEW-P	89-15-036	456-08-250	REP	89-10-055	456-08-720	REP-P	89-06-062
434-04-090	NEW-P	89-15-036	456-08-260	REP-P	89-06-062	456-08-720	REP	89-10-055
440-44-023	AMD-P	89-12-076	456-08-260	REP	89-10-055	456-08-725	REP-P	89-06-062
440-44-023	AMD-E	89-14-061	456-08-270	REP-P	89-06-062	456-08-725	REP	89-10-055
440-44-023	AMD	89-16-064	456-08-270	REP	89-10-055	456-08-730	REP-P	89-06-062
440-44-030	AMD-P	89-17-051	456-08-280	REP-P	89-06-062	456-08-730	REP	89-10-055
440-44-030	AMD-E	89-17-052	456-08-280	REP	89-10-055	456-08-735	REP-P	89-06-062
440-44-040	AMD-P	89-12-076	456-08-290	REP-P	89-06-062	456-08-735	REP	89-10-055
440-44-040	AMD-E	89-14-061	456-08-290	REP	89-10-055	456-08-740	REP-P	89-06-062
440-44-040	AMD	89-16-064	456-08-300	REP-P	89-06-062	456-08-740	REP	89-10-055
440-44-041	NEW-P	89-12-076	456-08-300	REP	89-10-055	456-09-010	NEW-P	89-06-063
440-44-041	NEW-E	89-14-061	456-08-310	REP-P	89-06-062	456-09-010	NEW	89-10-056
440-44-041	NEW	89-16-064	456-08-310	REP	89-10-055	456-09-110	NEW-P	89-06-063
440-44-042	NEW-P	89-12-076	456-08-320	REP-P	89-06-062	456-09-110	NEW	89-10-056
440-44-042	NEW-E	89-14-061	456-08-320	REP	89-10-055	456-09-120	NEW-P	89-06-063
440-44-042	NEW-P	89-17-026	456-08-330	REP-P	89-06-062	456-09-120	NEW	89-10-056
440-44-042	NEW-E	89-17-027	456-08-330	REP	89-10-055	456-09-130	NEW-P	89-06-063
440-44-043	NEW-P	89-12-076	456-08-340	REP-P	89-06-062	456-09-130	NEW	89-10-056
440-44-043	NEW-E	89-14-061	456-08-340	REP	89-10-055	456-09-140	NEW-P	89-06-063
440-44-043	NEW	89-16-064	456-08-350	REP-P	89-06-062	456-09-140	NEW	89-10-056
440-44-050	AMD-P	89-12-076	456-08-350	REP	89-10-055	456-09-150	NEW-P	89-06-063
440-44-050	AMD-E	89-14-061	456-08-360	REP-P	89-06-062	456-09-150	NEW	89-10-056
440-44-050	AMD	89-16-064	456-08-360	REP	89-10-055	456-09-160	NEW-P	89-06-063
446-20-285	AMD-E	89-14-038	456-08-365	REP-P	89-06-062	456-09-160	NEW	89-10-056
446-40-020	AMD-E	89-10-011	456-08-365	REP	89-10-055	456-09-170	NEW-P	89-06-063
446-40-020	AMD	89-10-015	456-08-370	REP-P	89-06-062	456-09-170	NEW	89-10-056
446-40-025	NEW-E	89-10-011	456-08-370	REP	89-10-055	456-09-210	NEW-P	89-06-063
446-40-025	NEW	89-10-015	456-08-380	REP-P	89-06-062	456-09-210	NEW	89-10-056
456-08-001	REP-P	89-06-062	456-08-380	REP	89-10-055	456-09-220	NEW-P	89-06-063
456-08-001	REP	89-10-055	456-08-380	REP	89-06-062	456-09-220	NEW	89-10-056
456-08-002	REP-P	89-06-062	456-08-400	REP-P	89-06-062	456-09-230	NEW-P	89-06-063
456-08-002	REP	89-10-055	456-08-400	REP	89-10-055	456-09-230	NEW	89-10-056
456-08-003	REP-P	89-06-062	456-08-401	REP-P	89-06-062	456-09-310	NEW-P	89-06-063
456-08-003	REP-E	89-07-031	456-08-401	REP	89-10-055	456-09-310	NEW	89-10-056
456-08-003	REP	89-10-055	456-08-405	REP-P	89-06-062	456-09-310	NEW	89-10-056
456-08-004	REP-P	89-06-062	456-08-405	REP	89-10-055	456-09-315	NEW-P	89-06-063
456-08-004	REP-E	89-07-031	456-08-408	REP-P	89-06-062	456-09-315	NEW	89-10-056
456-08-004	REP	89-10-055	456-08-408	REP	89-10-055	456-09-320	NEW-P	89-06-063
456-08-005	REP-P	89-06-062	456-08-420	REP-P	89-06-062	456-09-320	NEW	89-10-056
456-08-005	REP	89-10-055	456-08-420	REP	89-10-055	456-09-325	NEW-P	89-06-063
456-08-006	REP-P	89-06-062	456-08-430	REP-P	89-06-062	456-09-325	NEW	89-10-056
456-08-006	REP	89-10-055	456-08-430	REP	89-10-055	456-09-330	NEW-P	89-06-063
456-08-007	REP-P	89-06-062	456-08-510	REP-P	89-06-062	456-09-330	NEW	89-10-056
456-08-007	REP	89-10-055	456-08-510	REP	89-10-055	456-09-335	NEW-P	89-06-063
456-08-010	REP-P	89-06-062	456-08-520	REP-P	89-06-062	456-09-335	NEW	89-10-056
456-08-010	REP	89-10-055	456-08-520	REP	89-10-055	456-09-340	NEW-P	89-06-063
456-08-040	REP-P	89-06-062	456-08-532	REP-P	89-06-062	456-09-340	NEW	89-10-056
456-08-040	REP	89-10-055	456-08-532	REP	89-10-055	456-09-345	NEW-P	89-06-063
456-08-045	REP-P	89-06-062	456-08-535	REP-P	89-06-062	456-09-345	NEW	89-10-056
456-08-045	REP	89-10-055	456-08-535	REP	89-10-055	456-09-350	NEW-P	89-06-063
456-08-070	REP-P	89-06-062	456-08-540	REP-P	89-06-062	456-09-350	NEW	89-10-056
456-08-070	REP	89-10-055	456-08-540	REP	89-10-055	456-09-355	NEW-P	89-06-063
456-08-080	REP-P	89-06-062	456-08-600	REP-P	89-06-062	456-09-355	NEW	89-10-056
456-08-080	REP	89-10-055	456-08-600	REP	89-10-055	456-09-360	NEW-P	89-06-063
456-08-090	REP-P	89-06-062	456-08-610	REP-P	89-06-062	456-09-360	NEW	89-10-056
456-08-090	REP	89-10-055	456-08-610	REP	89-10-055	456-09-365	NEW-P	89-06-063
456-08-092	REP-P	89-06-062	456-08-620	REP-P	89-06-062	456-09-365	NEW	89-10-056
456-08-092	REP	89-10-055	456-08-620	REP	89-10-055	456-09-410	NEW-P	89-06-063
456-08-150	REP-P	89-06-062	456-08-630	REP-P	89-06-062	456-09-410	NEW	89-10-056
456-08-150	REP	89-10-055	456-08-630	REP	89-10-055	456-09-420	NEW-P	89-06-063
456-08-160	REP-P	89-06-062	456-08-635	REP-P	89-06-062	456-09-420	NEW	89-10-056
456-08-160	REP	89-10-055	456-08-635	REP	89-10-055	456-09-430	NEW-P	89-06-063
456-08-170	REP-P	89-06-062	456-08-640	REP-P	89-06-062	456-09-430	NEW	89-10-056
456-08-170	REP	89-10-055	456-08-640	REP	89-10-055	456-09-440	NEW-P	89-06-063
456-08-180	REP-P	89-06-062	456-08-650	REP-P	89-06-062	456-09-440	NEW	89-10-056
			456-08-650	REP	89-10-055	456-09-510	NEW-P	89-06-063

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
456-09-510	NEW	89-10-056	456-09-945	NEW-P	89-06-063	456-10-545	NEW-P	89-06-064
456-09-520	NEW-P	89-06-063	456-09-945	NEW	89-10-056	456-10-545	NEW	89-10-057
456-09-520	NEW	89-10-056	456-09-950	NEW-P	89-06-063	456-10-550	NEW-P	89-06-064
456-09-530	NEW-P	89-06-063	456-09-950	NEW	89-10-056	456-10-550	NEW	89-10-057
456-09-530	NEW	89-10-056	456-09-955	NEW-P	89-06-063	456-10-555	NEW-P	89-06-064
456-09-540	NEW-P	89-06-063	456-09-955	NEW	89-10-056	456-10-555	NEW	89-10-057
456-09-540	NEW	89-10-056	456-09-970	NEW-P	89-06-063	456-10-560	NEW-P	89-06-064
456-09-550	NEW-P	89-06-063	456-09-970	NEW	89-10-056	456-10-560	NEW	89-10-057
456-09-550	NEW	89-10-056	456-10-010	NEW-P	89-06-064	456-10-565	NEW-P	89-06-064
456-09-560	NEW-P	89-06-063	456-10-010	NEW	89-10-057	456-10-565	NEW	89-10-057
456-09-560	NEW	89-10-056	456-10-110	NEW-P	89-06-064	456-10-570	NEW-P	89-06-064
456-09-570	NEW-P	89-06-063	456-10-110	NEW	89-10-057	456-10-570	NEW	89-10-057
456-09-570	NEW	89-10-056	456-10-120	NEW-P	89-06-064	456-10-710	NEW-P	89-06-064
456-09-610	NEW-P	89-06-063	456-10-120	NEW	89-10-057	456-10-710	NEW	89-10-057
456-09-610	NEW	89-10-056	456-10-130	NEW-P	89-06-064	456-10-715	NEW-P	89-06-064
456-09-615	NEW-P	89-06-063	456-10-130	NEW	89-10-057	456-10-715	NEW	89-10-057
456-09-615	NEW	89-10-056	456-10-140	NEW-P	89-06-064	456-10-720	NEW-P	89-06-064
456-09-620	NEW-P	89-06-063	456-10-140	NEW	89-10-057	456-10-720	NEW	89-10-057
456-09-620	NEW	89-10-056	456-10-150	NEW-P	89-06-064	456-10-725	NEW-P	89-06-064
456-09-625	NEW-P	89-06-063	456-10-150	NEW	89-10-057	456-10-725	NEW	89-10-057
456-09-625	NEW	89-10-056	456-10-160	NEW-P	89-06-064	456-10-730	NEW-P	89-06-064
456-09-630	NEW-P	89-06-063	456-10-160	NEW	89-10-057	456-10-730	NEW	89-10-057
456-09-630	NEW	89-10-056	456-10-170	NEW-P	89-06-064	456-10-735	NEW-P	89-06-064
456-09-635	NEW-P	89-06-063	456-10-170	NEW	89-10-057	456-10-735	NEW	89-10-057
456-09-635	NEW	89-10-056	456-10-180	NEW-P	89-06-064	456-10-740	NEW-P	89-06-064
456-09-640	NEW-P	89-06-063	456-10-180	NEW	89-10-057	456-10-740	NEW	89-10-057
456-09-640	NEW	89-10-056	456-10-210	NEW-P	89-06-064	456-10-745	NEW-P	89-06-064
456-09-645	NEW-P	89-06-063	456-10-210	NEW	89-10-057	456-10-745	NEW	89-10-057
456-09-645	NEW	89-10-056	456-10-220	NEW-P	89-06-064	456-10-750	NEW-P	89-06-064
456-09-650	NEW-P	89-06-063	456-10-220	NEW	89-10-057	456-10-750	NEW	89-10-057
456-09-650	NEW	89-10-056	456-10-230	NEW-P	89-06-064	456-10-755	NEW-P	89-06-064
456-09-655	NEW-P	89-06-063	456-10-230	NEW	89-10-057	456-10-755	NEW	89-10-057
456-09-655	NEW	89-10-056	456-10-310	NEW-P	89-06-064	456-10-970	NEW-P	89-06-064
456-09-705	NEW-P	89-06-063	456-10-310	NEW	89-10-057	456-10-970	NEW	89-10-057
456-09-705	NEW	89-10-056	456-10-315	NEW-P	89-06-064	456-12-010	NEW-P	89-06-065
456-09-710	NEW-P	89-06-063	456-10-315	NEW	89-10-057	456-12-010	NEW	89-10-058
456-09-710	NEW	89-10-056	456-10-320	NEW-P	89-06-064	456-12-020	NEW-P	89-06-065
456-09-715	NEW-P	89-06-063	456-10-320	NEW	89-10-057	456-12-020	NEW	89-10-057
456-09-715	NEW	89-10-056	456-10-325	NEW-P	89-06-064	456-12-030	NEW-P	89-06-065
456-09-720	NEW-P	89-06-063	456-10-325	NEW	89-10-057	456-12-030	NEW	89-10-058
456-09-720	NEW	89-10-056	456-10-330	NEW-P	89-06-064	456-12-040	NEW-P	89-06-065
456-09-725	NEW-P	89-06-063	456-10-330	NEW	89-10-057	456-12-040	NEW	89-10-058
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456-09-740	NEW-P	89-06-063	456-10-345	NEW	89-10-057	456-12-070	NEW	89-10-058
456-09-740	NEW	89-10-056	456-10-350	NEW-P	89-06-064	456-12-080	NEW-P	89-06-065
456-09-745	NEW-P	89-06-063	456-10-355	NEW-P	89-06-064	456-12-080	NEW	89-10-058
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456-09-760	NEW-P	89-06-063	456-10-420	NEW-P	89-06-064	456-12-110	NEW	89-10-058
456-09-760	NEW	89-10-056	456-10-420	NEW	89-10-057	456-12-120	NEW-P	89-06-065
456-09-765	NEW-P	89-06-063	456-10-430	NEW-P	89-06-064	456-12-120	NEW	89-10-058
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456-09-775	NEW-P	89-06-063	456-10-505	NEW-P	89-06-064	456-12-140	NEW	89-10-058
456-09-775	NEW	89-10-056	456-10-505	NEW	89-10-057	458-14-005	NEW-P	89-07-087
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458-14-042	NEW-P	89-07-087	458-20-252	AMD	89-10-051	460-44A-502	AMD-P	89-13-070
458-14-045	REP-P	89-07-087	458-20-252	AMD-E	89-10-052	460-44A-502	AMD	89-17-076
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458-14-052	REP-P	89-07-087	458-20-252	AMD-E	89-13-088	460-44A-503	AMD	89-17-076
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458-14-060	REP-P	89-07-087	458-20-253	AMD-P	89-17-064	460-44A-505	AMD	89-17-076
458-14-062	REP-P	89-07-087	458-20-254	NEW-P	89-08-089	460-44A-506	AMD-P	89-13-070
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458-14-086	REP-P	89-07-087	458-30-261	NEW	89-05-008	460-46A-050	AMD-P	89-03-044
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458-14-094	REP-P	89-07-087	458-40-660	AMD	89-14-051	460-46A-070	REP-P	89-03-044
458-14-098	REP-P	89-07-087	458-40-670	AMD-P	89-10-061	460-46A-070	REP	89-07-042
458-14-100	REP-P	89-07-087	458-40-670	AMD-E	89-14-050	460-46A-080	REP-P	89-03-044
458-14-110	REP-P	89-07-087	458-40-670	AMD	89-14-051	460-46A-080	REP	89-07-042
458-14-115	REP-P	89-07-087	458-53-020	AMD-P	89-05-053	460-46A-085	REP-P	89-03-044
458-14-120	REP-P	89-07-087	458-53-020	AMD	89-09-021	460-46A-085	REP	89-07-042
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458-14-122	REP-P	89-07-087	458-53-030	AMD	89-09-021	460-46A-090	AMD	89-07-042
458-14-125	REP-P	89-07-087	458-53-070	AMD-P	89-05-053	460-46A-092	NEW-P	89-03-044
458-14-126	REP-P	89-07-087	458-53-070	AMD	89-09-021	460-46A-092	NEW	89-07-042
458-14-130	REP-P	89-07-087	458-53-100	AMD-P	89-05-053	460-46A-095	AMD-P	89-03-044
458-14-135	REP-P	89-07-087	458-53-100	AMD	89-09-021	460-46A-095	AMD	89-07-042
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458-14-145	REP-P	89-07-087	458-53-110	AMD	89-09-021	460-46A-105	AMD	89-07-042
458-14-150	REP-P	89-07-087	458-53-150	AMD-P	89-05-053	460-46A-110	AMD-P	89-03-044
458-14-152	REP-P	89-07-087	458-53-150	AMD	89-09-021	460-46A-110	AMD	89-07-042
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458-19-010	NEW-W	89-18-024	460-20A-230	AMD	89-17-077	468-06-030	AMD	89-17-047
458-19-015	NEW-W	89-18-024	460-20A-420	AMD-P	89-13-066	468-06-040	AMD-P	89-14-019
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458-19-055	NEW-W	89-18-024	460-33A-015	AMD	89-17-078	468-16-010	NEW-P	89-16-086
458-19-060	NEW-P	89-18-092	460-33A-017	AMD-P	89-13-068	468-16-020	NEW-P	89-07-034
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458-19-100	NEW-W	89-18-024	460-33A-065	AMD-P	89-13-068	468-16-030	NEW-P	89-07-034
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458-20-105	AMD	89-16-080	460-33A-085	AMD	89-17-078	468-16-050	NEW-W	89-08-064
458-20-127	AMD-P	89-17-063	460-33A-105	AMD-P	89-13-068	468-16-050	NEW-P	89-16-086
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458-20-250	AMD	89-16-090	460-42A-081	AMD-C	89-17-074	468-16-080	NEW-P	89-07-034
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468-16-130	NEW-W 89-08-064	468-100-103	NEW 89-17-048	468-320-020	NEW-E 89-18-088
468-16-130	NEW-P 89-16-086	468-100-104	NEW-P 89-14-039	468-320-030	NEW-P 89-18-087
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468-16-140	NEW-W 89-08-064	468-100-105	NEW-P 89-14-039	468-320-040	NEW-P 89-18-087
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468-16-180	NEW-W 89-08-064	468-100-205	NEW-P 89-14-039	468-320-100	NEW-P 89-18-087
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468-30	REVIEW 89-08-061	468-100-303	NEW-P 89-14-039	478-116-100	AMD-P 89-09-043
468-34	REVIEW 89-08-061	468-100-303	NEW 89-17-048	478-116-100	AMD 89-15-023
468-34-020	AMD 89-05-022	468-100-304	NEW-P 89-14-039	478-116-110	AMD-P 89-09-043
468-34-060	AMD 89-05-022	468-100-304	NEW 89-17-048	478-116-110	AMD 89-15-023
468-34-100	AMD 89-05-022	468-100-305	NEW-P 89-14-039	478-116-210	AMD-P 89-09-043
468-34-110	AMD 89-05-022	468-100-305	NEW 89-17-048	478-116-210	AMD 89-15-023
468-34-120	AMD 89-05-022	468-100-306	NEW-P 89-14-039	478-116-240	AMD-P 89-09-043
468-34-130	AMD 89-05-022	468-100-306	NEW 89-17-048	478-116-240	AMD 89-15-023
468-34-140	AMD 89-05-022	468-100-401	NEW-P 89-14-039	478-116-250	AMD-P 89-09-043
468-34-150	AMD 89-05-022	468-100-401	NEW 89-17-048	478-116-250	AMD 89-15-023
468-34-170	AMD 89-05-022	468-100-402	NEW-P 89-14-039	478-116-270	AMD-P 89-09-043
468-34-190	AMD 89-05-022	468-100-402	NEW 89-17-048	478-116-270	AMD 89-15-023
468-34-210	AMD 89-05-022	468-100-403	NEW-P 89-14-039	478-116-280	AMD-P 89-09-043
468-34-220	AMD 89-05-022	468-100-403	NEW 89-17-048	478-116-280	AMD 89-15-023
468-34-250	AMD 89-05-022	468-100-501	NEW-P 89-14-039	478-116-340	AMD-P 89-09-043
468-34-290	AMD 89-05-022	468-100-501	NEW 89-17-048	478-116-340	AMD 89-15-023
468-34-300	AMD 89-05-022	468-100-502	NEW-P 89-14-039	478-116-345	NEW-P 89-09-043
468-34-320	AMD 89-05-022	468-100-502	NEW 89-17-048	478-116-345	NEW 89-15-023
468-34-340	AMD 89-05-022	468-100-503	NEW-P 89-14-039	478-116-360	AMD-P 89-09-043
468-34-350	NEW 89-05-022	468-100-503	NEW 89-17-048	478-116-360	AMD 89-15-023
468-38	REVIEW 89-13-027	468-100-504	NEW-P 89-14-039	478-116-380	AMD-P 89-09-043
468-46	REVIEW 89-13-027	468-100-504	NEW 89-17-048	478-116-380	AMD 89-15-023
468-54	REVIEW 89-08-061	468-100-505	NEW-P 89-14-039	478-116-430	AMD-P 89-09-043
468-58	REVIEW 89-08-061	468-100-505	NEW 89-17-048	478-116-430	AMD 89-15-023
468-78	REVIEW 89-13-027	468-100-601	NEW-P 89-14-039	478-116-440	AMD-P 89-09-043
468-100-001	NEW-P 89-14-039	468-100-601	NEW 89-17-048	478-116-440	AMD 89-15-023
468-100-001	NEW 89-17-048	468-100-602	NEW-P 89-14-039	478-116-455	NEW-P 89-09-043
468-100-002	NEW-P 89-14-039	468-100-602	NEW 89-17-048	478-116-456	NEW-P 89-09-043
468-100-002	NEW 89-17-048	468-300	REVIEW 89-06-038	478-116-462	NEW-P 89-09-043
468-100-003	NEW-P 89-14-039	468-300-010	AMD 89-04-014	478-116-463	NEW-P 89-09-043
468-100-003	NEW 89-17-048	468-300-010	AMD-P 89-08-068	478-116-465	NEW-P 89-09-043
468-100-004	NEW-P 89-14-039	468-300-010	AMD-C 89-12-005	478-116-466	NEW-P 89-09-043
468-100-004	NEW 89-17-048	468-300-010	AMD 89-14-052	478-116-467	NEW-P 89-09-043
468-100-005	NEW-P 89-14-039	468-300-020	AMD 89-04-014	478-116-470	AMD-P 89-09-043
468-100-005	NEW 89-17-048	468-300-020	AMD-P 89-08-068	478-116-470	AMD 89-15-023
468-100-006	NEW-P 89-14-039	468-300-020	AMD-C 89-12-005	478-116-490	AMD-P 89-09-043
468-100-006	NEW 89-17-048	468-300-020	AMD 89-14-052	478-116-490	AMD 89-15-023
468-100-007	NEW-P 89-14-039	468-300-040	AMD 89-04-014	478-116-500	AMD-P 89-09-043

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478-116-500	AMD	89-15-023	479-116-050	NEW-P	89-10-053	480-08-280	REP-E	89-17-050
478-116-510	AMD-P	89-09-043	479-116-050	NEW-E	89-10-054	480-08-290	REP-C	89-17-049
478-116-510	AMD	89-15-023	479-116-050	NEW	89-14-005	480-08-290	REP-E	89-17-050
478-116-512	NEW-P	89-09-043	479-116-060	NEW-P	89-10-053	480-08-300	REP-C	89-17-049
478-116-515	NEW-P	89-09-043	479-116-060	NEW-E	89-10-054	480-08-300	REP-E	89-17-050
478-116-520	AMD-P	89-09-043	479-116-060	NEW	89-14-005	480-08-310	REP-C	89-17-049
478-116-520	AMD	89-15-023	479-120-020	NEW-P	89-10-053	480-08-310	REP-E	89-17-050
478-116-525	NEW-P	89-09-043	479-120-020	NEW-E	89-10-054	480-08-320	REP-C	89-17-049
478-116-550	AMD-P	89-09-043	479-120-020	NEW	89-14-005	480-08-320	REP-E	89-17-050
478-116-550	AMD	89-15-023	479-120-033	NEW-P	89-10-053	480-08-330	REP-C	89-17-049
478-116-586	AMD-P	89-09-043	479-120-033	NEW-E	89-10-054	480-08-330	REP-E	89-17-050
478-116-586	AMD	89-15-023	479-120-033	NEW	89-14-005	480-09	NEW-C	89-16-048
478-116-600	AMD-P	89-09-043	480-08-010	REP-C	89-17-049	480-09	NEW-C	89-17-049
478-116-600	AMD	89-15-023	480-08-010	REP-E	89-17-050	480-09	NEW-E	89-17-050
479-112-005	NEW-P	89-10-053	480-08-015	REP-C	89-17-049	480-09-010	NEW-P	89-13-090
479-112-005	NEW-E	89-10-054	480-08-015	REP-E	89-17-050	480-09-010	NEW-C	89-17-049
479-112-005	NEW	89-14-005	480-08-020	REP-C	89-17-049	480-09-010	NEW-E	89-17-050
479-112-007	NEW-P	89-10-053	480-08-020	REP-E	89-17-050	480-09-015	NEW-P	89-17-049
479-112-007	NEW-E	89-10-054	480-08-030	REP-C	89-17-049	480-09-015	NEW-E	89-17-050
479-112-007	NEW	89-14-005	480-08-030	REP-E	89-17-050	480-09-100	NEW-P	89-13-090
479-112-008	NEW-P	89-10-053	480-08-040	REP-C	89-17-049	480-09-100	NEW-C	89-17-049
479-112-008	NEW-E	89-10-054	480-08-040	REP-E	89-17-050	480-09-100	NEW-E	89-17-050
479-112-008	NEW	89-14-005	480-08-050	REP-C	89-17-049	480-09-110	NEW-P	89-13-090
479-112-009	NEW-P	89-10-053	480-08-050	REP-E	89-17-050	480-09-110	NEW-E	89-17-049
479-112-009	NEW-E	89-10-054	480-08-055	REP-C	89-17-049	480-09-110	NEW-E	89-17-050
479-112-009	NEW	89-14-005	480-08-055	REP-E	89-17-050	480-09-120	NEW-P	89-13-090
479-112-010	NEW-P	89-10-053	480-08-060	REP-C	89-17-049	480-09-120	NEW-C	89-17-049
479-112-010	NEW-E	89-10-054	480-08-060	REP-E	89-17-050	480-09-120	NEW-E	89-17-050
479-112-010	NEW	89-14-005	480-08-070	REP-C	89-17-049	480-09-130	NEW-P	89-13-090
479-112-017	NEW-P	89-10-053	480-08-070	REP-E	89-17-050	480-09-130	NEW-C	89-17-049
479-112-017	NEW-E	89-10-054	480-08-080	REP-C	89-17-049	480-09-130	NEW-E	89-17-050
479-112-017	NEW	89-14-005	480-08-080	REP-E	89-17-050	480-09-135	NEW-P	89-17-049
479-112-018	NEW-P	89-10-053	480-08-090	REP-C	89-17-049	480-09-135	NEW-E	89-17-050
479-112-018	NEW-E	89-10-054	480-08-090	REP-E	89-17-050	480-09-140	NEW-P	89-13-090
479-112-018	NEW	89-14-005	480-08-100	REP-C	89-17-049	480-09-140	NEW-C	89-17-049
479-112-020	NEW-P	89-10-053	480-08-100	REP-E	89-17-050	480-09-140	NEW-E	89-17-050
479-112-020	NEW-E	89-10-054	480-08-110	REP-C	89-17-049	480-09-150	NEW-P	89-13-090
479-112-020	NEW	89-14-005	480-08-110	REP-E	89-17-050	480-09-150	NEW-C	89-17-049
479-113-010	NEW-P	89-10-053	480-08-120	REP-C	89-17-049	480-09-150	NEW-E	89-17-050
479-113-010	NEW-E	89-10-054	480-08-120	REP-E	89-17-050	480-09-200	NEW-P	89-13-090
479-113-010	NEW	89-14-005	480-08-130	REP-C	89-17-049	480-09-200	NEW-C	89-17-049
479-113-011	NEW-P	89-10-053	480-08-130	REP-E	89-17-050	480-09-200	NEW-E	89-17-050
479-113-011	NEW-E	89-10-054	480-08-140	REP-C	89-17-049	480-09-210	NEW-P	89-13-090
479-113-011	NEW	89-14-005	480-08-140	REP-E	89-17-050	480-09-210	NEW-C	89-17-049
479-113-029	NEW-P	89-10-053	480-08-150	REP-C	89-17-049	480-09-210	NEW-E	89-17-050
479-113-029	NEW-E	89-10-054	480-08-150	REP-E	89-17-050	480-09-220	NEW-P	89-13-090
479-113-029	NEW	89-14-005	480-08-160	REP-C	89-17-049	480-09-220	NEW-C	89-17-049
479-113-031	NEW-P	89-10-053	480-08-160	REP-E	89-17-050	480-09-220	NEW-E	89-17-050
479-113-031	NEW-E	89-10-054	480-08-170	REP-C	89-17-049	480-09-300	NEW-P	89-13-090
479-113-031	NEW	89-14-005	480-08-170	REP-E	89-17-050	480-09-300	NEW-C	89-17-049
479-113-032	NEW-P	89-10-053	480-08-180	REP-C	89-17-049	480-09-300	NEW-E	89-17-050
479-113-032	NEW-E	89-10-054	480-08-180	REP-E	89-17-050	480-09-310	NEW-P	89-13-090
479-113-032	NEW	89-14-005	480-08-190	REP-C	89-17-049	480-09-310	NEW-C	89-17-049
479-113-035	NEW-P	89-10-053	480-08-190	REP-E	89-17-050	480-09-310	NEW-E	89-17-050
479-113-035	NEW-E	89-10-054	480-08-200	REP-C	89-17-049	480-09-320	NEW-P	89-13-090
479-113-035	NEW	89-14-005	480-08-200	REP-E	89-17-050	480-09-320	NEW-C	89-17-049
479-116-015	NEW-P	89-10-053	480-08-208	NEW-E	89-08-004	480-09-320	NEW-E	89-17-050
479-116-015	NEW-E	89-10-054	480-08-208	NEW-P	89-08-109	480-09-330	NEW-P	89-13-090
479-116-015	NEW	89-14-005	480-08-208	REP-E	89-11-006	480-09-330	NEW-C	89-17-049
479-116-016	NEW-P	89-10-053	480-08-208	NEW-C	89-11-085	480-09-330	NEW-E	89-17-050
479-116-016	NEW-E	89-10-054	480-08-208	NEW-C	89-13-028	480-09-340	NEW-P	89-13-090
479-116-016	NEW	89-14-005	480-08-208	NEW-P	89-15-041	480-09-340	NEW-C	89-17-049
479-116-020	NEW-P	89-10-053	480-08-210	REP-C	89-17-049	480-09-340	NEW-E	89-17-050
479-116-020	NEW-E	89-10-054	480-08-210	REP-E	89-17-050	480-09-400	NEW-P	89-13-090
479-116-020	NEW	89-14-005	480-08-220	REP-C	89-17-049	480-09-400	NEW-C	89-17-049
479-116-030	NEW-P	89-10-053	480-08-220	REP-E	89-17-050	480-09-400	NEW-E	89-17-050
479-116-030	NEW-E	89-10-054	480-08-230	REP-C	89-17-049	480-09-410	NEW-P	89-13-090
479-116-030	NEW	89-14-005	480-08-230	REP-E	89-17-050	480-09-410	NEW-C	89-17-049
479-116-035	NEW-P	89-10-053	480-08-240	REP-C	89-17-049	480-09-410	NEW-E	89-17-050
479-116-035	NEW-E	89-10-054	480-08-240	REP-E	89-17-050	480-09-420	NEW-P	89-13-090
479-116-035	NEW	89-14-005	480-08-250	REP-C	89-17-049	480-09-420	NEW-C	89-17-049
479-116-040	NEW-P	89-10-053	480-08-250	REP-E	89-17-050	480-09-420	NEW-E	89-17-050
479-116-040	NEW-E	89-10-054	480-08-260	REP-C	89-17-049	480-09-425	NEW-P	89-13-090
479-116-040	NEW	89-14-005	480-08-260	REP-E	89-17-050	480-09-425	NEW-C	89-17-049
479-116-045	NEW-P	89-10-053	480-08-270	REP-C	89-17-049	480-09-425	NEW-E	89-17-050
479-116-045	NEW-E	89-10-054	480-08-270	REP-E	89-17-050	480-09-430	NEW-P	89-13-090
479-116-045	NEW	89-14-005	480-08-280	REP-C	89-17-049	480-09-430	NEW-C	89-17-049

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
480-09-430	NEW-E 89-17-050	480-09-800	NEW-P 89-13-090	480-105-005	REP-P 89-08-111
480-09-440	NEW-P 89-13-090	480-09-800	NEW-C 89-17-049	480-105-005	REP-W 89-12-067
480-09-440	NEW-C 89-17-049	480-09-800	NEW-E 89-17-050	480-105-005	REP-P 89-12-068
480-09-440	NEW-E 89-17-050	480-09-810	NEW-P 89-13-090	480-105-005	REP 89-15-043
480-09-450	NEW-P 89-13-090	480-09-810	NEW-C 89-17-049	480-105-010	REP-P 89-08-111
480-09-450	NEW-C 89-17-049	480-09-810	NEW-E 89-17-050	480-105-010	REP-W 89-12-067
480-09-450	NEW-E 89-17-050	480-09-815	NEW-P 89-13-090	480-105-010	REP-P 89-12-068
480-09-460	NEW-P 89-13-090	480-09-815	NEW-C 89-17-049	480-105-010	REP 89-15-043
480-09-460	NEW-C 89-17-049	480-09-815	NEW-E 89-17-050	480-105-020	REP-P 89-08-111
480-09-460	NEW-E 89-17-050	480-09-820	NEW-P 89-13-090	480-105-020	REP-W 89-12-067
480-09-465	NEW-P 89-13-090	480-09-820	NEW-C 89-17-049	480-105-020	REP-P 89-12-068
480-09-465	NEW-C 89-17-049	480-09-820	NEW-E 89-17-050	480-105-020	REP 89-15-043
480-09-465	NEW-E 89-17-050	480-09-830	NEW-P 89-13-090	480-105-030	REP-P 89-08-111
480-09-470	NEW-P 89-13-090	480-09-830	NEW-C 89-17-049	480-105-030	REP-W 89-12-067
480-09-470	NEW-C 89-17-049	480-09-830	NEW-E 89-17-050	480-105-030	REP-P 89-12-068
480-09-470	NEW-E 89-17-050	480-12-180	AMD 89-06-021	480-105-030	REP 89-15-043
480-09-475	NEW-P 89-13-090	480-12-190	AMD 89-06-021	480-105-040	REP-P 89-08-111
480-09-475	NEW-C 89-17-049	480-12-195	AMD 89-06-021	480-105-040	REP-W 89-12-067
480-09-475	NEW-E 89-17-050	480-12-285	AMD 89-04-045	480-105-040	REP-P 89-12-068
480-09-480	NEW-P 89-13-090	480-12-445	AMD-P 89-06-020	480-105-040	REP 89-15-043
480-09-480	NEW-C 89-17-049	480-12-445	AMD 89-09-071	480-105-050	REP-P 89-08-111
480-09-480	NEW-E 89-17-050	480-30-095	AMD 89-06-021	480-105-050	REP-W 89-12-067
480-09-480	NEW 89-18-009	480-30-100	AMD 89-06-021	480-105-050	REP-P 89-12-068
480-09-500	NEW-P 89-13-090	480-70-330	AMD 89-06-021	480-105-050	REP 89-15-043
480-09-500	NEW-C 89-17-049	480-70-400	AMD 89-06-021	480-105-060	REP-P 89-08-111
480-09-500	NEW-E 89-17-050	480-70-405	AMD 89-06-021	480-105-060	REP-W 89-12-067
480-09-510	NEW-P 89-13-090	480-80-070	AMD-P 89-12-072	480-105-060	REP-P 89-12-068
480-09-510	NEW-C 89-17-049	480-80-070	AMD 89-15-042	480-105-060	REP 89-15-043
480-09-510	NEW-E 89-17-050	480-80-330	AMD-P 89-08-110	480-105-070	REP-P 89-08-111
480-09-600	NEW-P 89-13-090	480-80-330	AMD 89-12-038	480-105-070	REP-W 89-12-067
480-09-600	NEW-C 89-17-049	480-80-390	NEW-P 89-12-069	480-105-070	REP-P 89-12-068
480-09-600	NEW-E 89-17-050	480-80-390	NEW-C 89-17-041	480-105-070	REP 89-15-043
480-09-610	NEW-P 89-13-090	480-90-031	AMD-P 89-09-070	480-105-080	REP-P 89-08-111
480-09-610	NEW-C 89-17-049	480-90-031	AMD-C 89-11-084	480-105-080	REP-W 89-12-067
480-09-610	NEW-E 89-17-050	480-90-031	AMD 89-12-070	480-105-080	REP-P 89-12-068
480-09-620	NEW-P 89-13-090	480-90-071	AMD-P 89-13-071	480-105-080	REP 89-15-043
480-09-620	NEW-C 89-17-049	480-90-071	AMD-C 89-16-047	480-107-001	NEW-P 89-08-111
480-09-620	NEW-E 89-17-050	480-90-071	AMD 89-17-034	480-107-001	NEW-W 89-12-067
480-09-700	NEW-P 89-13-090	480-90-201	REP-P 89-05-042	480-107-001	NEW-P 89-12-068
480-09-700	NEW-C 89-17-049	480-90-201	REP 89-08-030	480-107-001	NEW 89-15-043
480-09-700	NEW-E 89-17-050	480-90-206	REP-P 89-05-042	480-107-005	NEW-P 89-08-111
480-09-705	NEW-P 89-13-090	480-90-206	REP 89-08-030	480-107-005	NEW-W 89-12-067
480-09-705	NEW-C 89-17-049	480-90-216	REP-P 89-05-042	480-107-005	NEW-P 89-12-068
480-09-705	NEW-E 89-17-050	480-90-216	REP 89-08-030	480-107-005	NEW 89-15-043
480-09-710	NEW-P 89-13-090	480-90-221	REP-P 89-05-042	480-107-010	NEW-P 89-08-111
480-09-710	NEW-C 89-17-049	480-90-221	REP 89-08-030	480-107-010	NEW-W 89-12-067
480-09-710	NEW-E 89-17-050	480-90-226	REP-P 89-05-042	480-107-010	NEW-P 89-12-068
480-09-720	NEW-P 89-13-090	480-90-226	REP 89-08-030	480-107-010	NEW 89-15-043
480-09-720	NEW-C 89-17-049	480-90-231	REP-P 89-05-042	480-107-020	NEW-P 89-08-111
480-09-720	NEW-E 89-17-050	480-90-231	REP 89-08-030	480-107-020	NEW-W 89-12-067
480-09-730	NEW-P 89-13-090	480-90-241	REP-P 89-05-042	480-107-020	NEW-P 89-12-068
480-09-730	NEW-C 89-17-049	480-90-241	REP 89-08-030	480-107-020	NEW 89-15-043
480-09-730	NEW-E 89-17-050	480-90-246	REP-P 89-05-042	480-107-030	NEW-P 89-08-111
480-09-735	NEW-P 89-13-090	480-90-246	REP 89-08-030	480-107-030	NEW-W 89-12-067
480-09-735	NEW-C 89-17-049	480-90-251	REP-P 89-05-042	480-107-030	NEW-P 89-12-068
480-09-735	NEW-E 89-17-050	480-90-251	REP 89-08-030	480-107-030	NEW 89-15-043
480-09-736	NEW-P 89-13-090	480-90-256	REP-P 89-05-042	480-107-040	NEW-P 89-08-111
480-09-736	NEW-C 89-17-049	480-90-256	REP 89-08-030	480-107-040	NEW-W 89-12-067
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DENNIS W. COOPER  
Code Reviser

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The maximum allowable interest rate applicable for the month of October 1989 pursuant to RCW 19.52.020 is twelve point three one percent (12.31%).

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The maximum allowable retail installment contract service charge applicable for calendar year 1989 pursuant to RCW 63.14.130(1)(a) is thirteen and one-half percent (13.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen point two five percent (14.25%) for the fourth calendar quarter of 1989.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point two five percent (14.25%) for the fourth calendar quarter of 1989.

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