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CITATION

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

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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1984

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
84-01	Nov 23	Dec 7	Dec 21, 1983	Jan 4, 1984	Jan 24
84-02	Dec 7	Dec 21, 1983	Jan 4, 1984	Jan 18	Feb 7
84-03	Dec 21, 1983	Jan 4 1984	Jan 18	Feb 1	Feb 21
84-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 6
84-05	Jan 25	Feb 8	Feb 22	Mar 7	Mar 27
84-06	Feb 8	Feb 22	Mar 7	Mar 21	Apr 10
84-07	Feb 22	Mar 7	Mar 21	Apr 4	Apr 24
84-08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
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84-10	Apr 4	Apr 18	May 2	May 16	Jun 5
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84-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
84-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
84-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
84-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
84-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1985

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

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

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

³"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 84-12-001
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 84-11]

**ESTABLISHING AN INTERAGENCY
 ECONOMIC DEVELOPMENT COORDINATING
 COUNCIL**
 Amending EO 83-13

Economic development is of major importance to the state of Washington. The attraction of new business, retention and expansion of businesses of all size, marketing of Washington products to foreign countries, job development and training, attraction of tourists to the state, and having an adequate infrastructure to support these activities are top priorities for the state of Washington. While the Department of Commerce and Economic Development is the primary agency involved with these matters, several other agencies are involved in related activities such as job and community development. In order to provide better coordination between these agencies, it is desirable that an Interagency Economic Development Coordinating Council be established.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, do hereby order and direct the following:

- A. A council known as the Interagency Economic Development Coordinating Council shall be established.
- B. The Council shall be composed of the director (or the equivalent) of such cabinet and non-cabinet agencies, boards, commissions, councils or institutions, and such staff persons, as the Governor shall determine will assist in achieving integrated, consistent, and comprehensive state policies and activities in furtherance of economic development. Initial membership includes the directors of the Department of Agriculture, the Department of Commerce and Economic Development, the Department of Ecology, the Department of Employment Security, the Department of Revenue, the Office of Financial Management, the Office of Minority and Women's Business Enterprises, the Energy Office, the Commission for Vocational Education, the State Board for Community College Education, the Small Business Development Center, and the Governor's Assistant for Education. The Governor shall designate the chair or chairpersons of the Council. The Council shall meet regularly and shall create subcommittees as needed to deal with specific issues or concerns.
- C. The Council shall review the administrative efforts of its member agencies to provide adequate infrastructure support, small business development, environmental coordination, and other actions necessary to foster

economic development within the State of Washington.

- D. The Council shall report periodically its recommendations for action to the Governor, who shall disseminate them to the legislature and the public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 23d day of May, A.D., nineteen hundred and eighty-four.

John Spellman

 Governor of Washington

BY THE GOVERNOR:

Ralph Munro

 Secretary of State

WSR 84-12-002
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed May 24, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning state allocation for operations, chapter 392-141 WAC;

that the agency will at 9:00 a.m., Tuesday, July 10, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 11, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

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

Dated: May 23, 1984

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-141 WAC, Transportation—State allocation for operations.

Rule Section(s): WAC 392-141-105 Authority; 392-141-110 Purpose; 392-141-115 Definition—Eligible student; 392-141-120 Definition—To and from school; 392-141-125 Definition—Hazardous walking condition; 392-141-130 Definition—Standard student mile allocation rate; 392-141-140 Definition—Radius mile; 392-

141-145 Definition—Small fleet maintenance factor; 392-141-150 Definition—Midday kindergarten transportation; 392-141-155 Definition—Weighted student unit; 392-141-160 District reporting requirements; 392-141-165 Adjustment of state allocation during year; 392-141-170 Factors used to determine allocation; 392-141-175 Hazardous conditions; 392-141-180 Limitations on the allocation for transportation between schools and learning centers; 392-141-185 Operation allocation computation; 392-141-190 Authorization and limitation on district payments for individual and in-lieu transportation arrangements; and 392-141-195 Allocation schedule for state payments.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To establish state policies and procedures for the distribution of state funds for school district transportation programs.

Summary of the New Rule(s) and/or Amendments: WAC 392-141-105 sets forth authority for this chapter; 392-141-110 sets forth purpose for this chapter; 392-141-115 defines to and from school as all transportation between route stops and schools and learning centers or agencies; 392-141-125 defines hazardous walking conditions established pursuant to WAC 392-141-175; 392-141-130 defines standard student mile allocation rate per weighted student; 392-141-140 defines radius mile as straight line distance between two points for the funding allocation; 392-141-145 defines small fleet maintenance factor as a rate added to the standard student mile allocation rate for districts operating ten buses or less; 392-141-150 defines midday transportation as route exclusively for kindergarten and younger students operating between beginning and end of the school day; 392-141-155 defines weighted student unit as a value assigned to each student for allocation purposes based upon formula calculation; 392-141-160 specifies the district's report requirements of the annual report and operational data needed to determine the operation allocation for each district; 392-141-165 specifically delineates how adjustments to the state allocation may be made through revised annual reports; 392-141-170 defines factors used to determine the operation allocation: Number of students, distances involved, district weighting factors, minimum load factors, special education load factors, etc.; 392-141-175 hazardous conditions: Specifies that route stops located within one radius mile may be reported for funding because of a hazardous condition if the local board has judged that condition to be hazardous; 392-141-180 specifies the limitations of the operation allocation for transportation between schools and learning centers; 392-141-185 details the computation of the operation allocation according to values defined previously; 392-141-190 delineates the authority of districts to pay for individual and in-lieu transportation; and 392-141-195 specifies RCW 28A.48.010 as a payment schedule for the operation allocation and that estimates of the current years actual allocation may only be used until December 15.

Reasons Which Support the Proposed Action(s): Recent enactments by the legislature have changed the state system for the allocation and distribution of state moneys for transportation.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Don Carnahan, SPI, 3-0235.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): These rules affect the distribution of state moneys for "approval" transportation programs.

Chapter 392-141 WAC
TRANSPORTATION—(~~AUTHORITY AND STATE
REIMBURSEMENT~~)STATE ALLOCATION FOR OPERA-
TIONS

NEW SECTION

WAC 392-141-105 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 administration of chapter 28A.41 RCW, which includes student transportation programs, and RCW 28A.24.100, which authorizes the superintendent of public instruction to adopt rules and regulations for individual and in-lieu transportation arrangements.

NEW SECTION

WAC 392-141-110 PURPOSE. The purpose of this chapter is to implement and establish policies and procedures for the allocation of pupil transportation operation funds.

NEW SECTION

WAC 392-141-115 DEFINITION—ELIGIBLE STUDENT. As used in this chapter "eligible student" shall mean any student who is served by transportation or for whom compensation is provided pursuant to RCW 28A.24.100 who meets at least one of the following:

- (1) In the case of students transported by bus:
 - (a) A student whose route stop is more than one radius mile from the student's school of attendance or learning center or transfer route stop;
 - (b) A student whose school of attendance is more than one radius mile from his learning center or transfer route stop;
 - (c) A student whose route stop is established because of one or more hazardous walking conditions in accordance with WAC 392-141-175 and is one radius mile or less from the school of attendance or learning center;
 - (d) A student who is handicapped as defined by RCW 28A.13.010 and is either not ambulatory or capable of protecting his or her own welfare while traveling to or from school or agency where special education services are provided and is one radius mile or less from the school of attendance or learning center.
- (2) In the case of students for whom transportation arrangements are made pursuant to RCW 28A.24.100:
 - (a) A student whose residence is more than one radius mile from the route stop or school of attendance or transfer route stop;
 - (b) A student who is handicapped as defined in RCW 28A.13.010 and is either not ambulatory or capable of protecting his or her welfare while traveling either to the school or agency where special education services are provided or to the appropriate route stop.

NEW SECTION

WAC 392-141-120 DEFINITION—TO AND FROM SCHOOL. As used in this chapter the term "to and from school" shall mean all transportation between route stops and schools both before and after school and between schools and learning centers or agencies that meet the criteria established by WAC 392-141-180.

Transportation not authorized for state allocations shall include, but not be limited to, such transportation activities as transportation designed exclusively for extended day, field trips, and extracurricular activities.

NEW SECTION

WAC 392-141-125 DEFINITION—HAZARDOUS WALKING CONDITION. As used in this chapter the term "hazardous walking conditions" shall mean the existence of walkways which meet one or more of the conditions established pursuant to WAC 392-141-175.

NEW SECTION

WAC 392-141-130 DEFINITION—STANDARD STUDENT MILE ALLOCATION RATE. As used in this chapter the term "standard student mile allocation rate" shall mean the per weighted student unit allocation amount established by the legislature either directly or through the adopted budget.

NEW SECTION

WAC 392-141-140 DEFINITION—RADIUS MILE. As used in this chapter the term "radius mile" shall mean the straight line distance representing one mile measured between two points on a map, e.g., route stop and school of attendance, submitted to the superintendent of public instruction.

NEW SECTION

WAC 392-141-145 DEFINITION—SMALL FLEET MAINTENANCE FACTOR. As used in this chapter the term "small fleet maintenance factor" shall mean a monetary amount established through the legislative budget process which shall be added to the standard student mile allocation rate for districts that operate ten school buses or less on routes as reported on forms pursuant to WAC 392-141-160.

NEW SECTION

WAC 392-141-150 DEFINITION—MIDDAY TRANSPORTATION. As used in this chapter the term "midday transportation" shall mean a separate route exclusively for kindergarten and younger students that is operated between the beginning and end of the regular school day.

NEW SECTION

WAC 392-141-155 DEFINITION—WEIGHTED STUDENT UNIT. As used in this chapter the term "weighted student unit" shall mean the value assigned to each student for allocation purposes based upon the radius mile interval in which each student's route stop is located as delineated in WAC 392-141-170(3) and (4), if appropriate.

NEW SECTION

WAC 392-141-160 DISTRICT REPORTING REQUIREMENTS. Annual and supplementary reports shall be submitted by districts to the superintendent of public instruction as follows:

- (1) Each district shall submit an annual report to the superintendent of public instruction which shall include:
 - (a) All required data, on forms supplied by the superintendent of public instruction, which includes the following:
 - (i) School bus route logs which bus drivers must complete for five consecutive days as specified by the superintendent of public instruction. These logs include state school bus numbers, each bus stop and the destination schools, learning centers, or agencies;
 - (ii) An annual school bus mileage report which includes each school bus by state school bus number and the beginning year and ending year odometer reading and the total miles for each bus for the school year; and
 - (iii) An annual to and from school mileage report which includes last year's actual mileage for to and from school and an estimate of the to and from school mileage for the current school year. This report shall exclude miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses.

(b) Maps showing student route stop locations and school, learning center, or agency locations shall be in a format in accordance with instructions published in bulletins by the superintendent of public instruction.

(c) Other operational data and descriptions, as required by the superintendent of public instruction to determine operation allocation requirements for each district, shall be included.

(2) Each of the annual reports shall be submitted to the superintendent of public instruction prior to the second Monday in October. The school bus route log data shall be collected on five consecutive school days selected by each district to allow compliance with reporting requirements.

(3) Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations.

NEW SECTION

WAC 392-141-165 ADJUSTMENT OF STATE ALLOCATION DURING YEAR. Districts experiencing a ten percent increase in eligible students transported which is maintained for at least twenty consecutive school days may be eligible for an additional allocation under the following conditions:

(1) Any district may submit revised annual reports subject to the following conditions:

(a) If the number of eligible students transported increases ten percent or more from the October report; and

(b) The ten percent increase is maintained for a period of twenty consecutive school days.

(2) Revised reports shall use methods, forms, procedures, and techniques required in WAC 392-141-160 and shall be based on data collected for twenty consecutive school days.

(3) The district submitting the revised report shall document the first date that the ten percent increase occurred.

(4) The adjusted allocation is subject to available revenue and such adjustment shall not be made until the July allocation for the school year.

NEW SECTION

WAC 392-141-170 FACTORS USED TO DETERMINE ALLOCATION. The method of determining the transportation operation allocation for each district shall be based on the following factors:

(1) The number of eligible students transported as defined in WAC 392-141-115;

(2) The distances from route stops to the destination schools, transfer route stops, learning centers, or agencies measured in radius miles; and

(3) The following distance weighting factors per radius mile interval. Each eligible route stop shall be placed in the appropriate radius mile interval and assigned a distance weighting factor as listed below. The appropriate distance interval shall be measured on a straight line basis between route stops and schools, transfer route stops, learning centers, or agencies.

Distance Intervals in Radius Miles		Distance Weighting Factors
More Than	Up To And Including	
0	1	2.85
1	2	3.20
2	3	3.55
3	4	3.90
4	5	4.25
5	6	4.60
6	7	4.97
7	8	5.30
8	9	5.65
9	10	6.00
10	11	6.36
11	12	6.71
12	13	7.07
13	14	7.43
14	15	7.79
15	16	8.13
16	17 and OVER	8.50

(4) Additional differential factors when appropriate shall include the following:

(a) A minimum load factor for districts that have an average of less than fifty students transported per bus for all morning (i.e., before noon) home to school routes except for routes designed exclusively for transportation of handicapped and kindergarten and younger students. This factor is calculated as follows:

(i) Determine the most frequent number of students picked up at each route stop during the five day reporting period. If the pickup count at a route stop is the same for two days and different but the same for at least two other days during the five day reporting period, the larger count shall be used in the calculation.

(ii) Add the numbers determined for all route stops in (i) of this subsection.

(iii) Divide the total obtained in (ii) of this subsection by the number of buses used on such routes during the five day reporting period.

(iv) If the quotient obtained in (iii) of this subsection is less than fifty, divide fifty by the quotient.

(b) A special education load factor derived from the modal number of students picked up at each school bus stop in the district as reported pursuant to WAC 392-141-160 and which shall be in accordance with the average bus load set forth below:

Special Education Average Load	Special Education Load Factor
1 - 3.49	12
3.5 - 6.49	10
6.5 - 11.99	8
12.0 - 16.99	6
17.0 - 19.99	4
20 - or more	2

To determine each school district's special education average load districts shall report only special education students meeting the requirements set forth in WAC 392-141-115 who are transported to or from schools, learning centers or agencies on special bus routes used exclusively for transporting students to special education programs or related services.

(c) A small fleet maintenance factor as defined in WAC 392-141-145.

NEW SECTION

WAC 392-141-175 HAZARDOUS CONDITIONS. For the 1983-84 and 1984-85 school years, route stops located within one radius mile of schools or learning centers or agencies may be reported to the superintendent of public instruction if the local board of directors has judged that walking conditions are hazardous for students. The board's decision shall be based upon criteria established by the board defining a hazardous condition and may include any of the following:

- (1) There is inadequate area for walking along roadways;
- (2) There is inadequate traffic control for crossing roadways;
- (3) The traffic controls are too complex for the age of the children; and
- (4) The traffic conditions are too dangerous for the age of the children. Examples are as follows:

- (a) There is a high volume of traffic with minimal or nonexistent protection for pedestrians; and
- (b) Vehicle traffic moves at a high rate of speed.

NEW SECTION

WAC 392-141-180 LIMITATIONS ON THE ALLOCATION FOR TRANSPORTATION BETWEEN SCHOOLS AND LEARNING CENTERS. Funding for transportation between schools and learning centers shall be subject to the following conditions:

(1) The instruction at the learning center site shall meet the requirements established in any of the following statutes:

- (a) Chapter 28A.05 RCW;
- (b) Chapter 28A.13 RCW;
- (c) RCW 28A.41.400 through 28A.41.414;
- (d) RCW 28A.58.750; and
- (e) RCW 28A.58.800 through 28A.58.810;

(2) The instruction at the learning site shall be scheduled for at least eighty percent of the days within an annual school term (i.e., 144 school days);

(3) The transportation between schools and learning centers or other schools shall be scheduled at least eighty percent of the days within an annual school term, (i.e., 144 school days);

(4) The limitations imposed by this section shall not apply to midday transportation to or from school or transportation of special education students between schools and between schools and agencies less frequently than four days a week.

NEW SECTION

WAC 392-141-185 OPERATION ALLOCATION COMPUTATION. The computation of the transportation operation allocation shall be as follows:

(1) All eligible students as defined in WAC 392-141-115 who are transported to school except for midday transportation students and special education students accounted for in subsection (7) of this section shall be measured by radius mile intervals between the bus route stop and the destination school in accordance with WAC 392-141-170(3);

(2) All kindergarten and younger students transported to or from school midday shall be measured by radius mile intervals between the bus route stop and the school of attendance in accordance with WAC 392-141-170(3);

(3) The total number of the students transported to school in subsection (1) of this section in each of the distance intervals shall be multiplied by two to yield the round trip totals in each of the distance intervals;

(4) The total from subsection (3) of this section plus the midday transportation students in subsection (2) of this section shall equal the total students transported in each of the distance intervals with the exception of special education students accounted for in subsection (7) of this section;

(5) The total students calculated in subsection (4) of this section in each of the distance intervals, multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the cumulative weighted student units in each of the distance intervals with the exception of midday transportation students whose midday transportation schedule is three days per week or less. In such cases the weighted student units calculated for such transportation are multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%

(6) The sum of the cumulative weighted student units in each of the distance intervals calculated in subsection (5) of this section multiplied by the standard student mile allocation rate, and that product for the 1983-84 school year only multiplied by the formula support level expressed as a percent, shall equal the total transportation operation allocation, unless subsection(s) (7) and (8) or (9) of this section applies;

(7) All special education students as defined in RCW 28A.13.010 transported on special education bus routes to school or agencies for special education services shall be measured by distance intervals between their bus route stops and destinations in accordance with WAC 392-141-170(3) and multiplied by the appropriate distance weighting factors. These products are multiplied by two. These products shall be totaled and that total shall be multiplied by the appropriate special education load factor determined in accordance with WAC 392-141-170(4)(b): PROVIDED, That for special education students transported between schools and between schools and agencies less frequently than four days a week, the weighted student units calculated for such students shall be multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%

This product shall equal the weighted student units for special education transportation;

(8) The weighted student units calculated pursuant to subsection (7) of this section are multiplied by the standard student mile allocation rate, and for the 1983-84 school year only that product is multiplied by the formula support level expressed as a percent;

(9) The district's minimum load factor, if any, is calculated pursuant to WAC 392-141-170(4)(a) and reduced by the whole number

one. The factor is multiplied by the weighted student units in each distance interval calculated pursuant to subsection (5) of this section. These products then are totaled. This total is the additional weighted student units attributable to the district's small average bus load. These additional weighted student units, if any, are multiplied by the standard student mile allocation rate and for the 1983-84 school year only this product is multiplied again by the formula support level expressed as a percent;

(10) The small fleet maintenance factor, if any, shall be added to the standard student mile allocation rate before the calculations in subsections (6), (8), and (9) of this section are made. For the 1983-84 school year, the small fleet maintenance factor shall be multiplied by the formula support level expressed as a percent;

(11) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (8), and (9) of this section;

(12) When a district submits a revised report pursuant to WAC 392-141-165, to the extent funds are available, the district's operation allocation shall be recalculated. Any increase in operations allocations shall be subject to the following:

(a) Any increase in annual allocations shall be prorated for the remainder of the annual school term. The date that the district documents first meeting the ten percent increase in eligible students transported shall be used to prorate any increase in annual transportation operation allocations; and

(b) All revised reports shall be held until the end of the annual school term in all school districts state-wide. After the end of the annual school terms all requests for increases shall be computed in accordance with subsections (1) through (11) of this section. The pool of state moneys available to meet all revised reports shall be prorated among eligible districts if necessary.

NEW SECTION

WAC 392-141-190 AUTHORIZATION AND LIMITATION ON DISTRICT PAYMENTS FOR INDIVIDUAL AND IN-LIEU TRANSPORTATION ARRANGEMENTS. Districts may commit to individual transportation or in-lieu arrangements consistent with this section, subject to the approval by the educational service district superintendent or his or her designee. The following arrangements and limitations shall apply:

(1) A district shall contract with the custodial parent, parents, guardian(s), person(s) in loco parentis, or adult student(s) to pay the lesser of the following in-lieu-of transportation by the school district:

(a) Mileage and tolls for transportation to and from school for not more than two necessary round trips per school day; or

(b) Mileage and tolls for transportation to and from school for not more than five round trips per school year, plus room and board.

(2) The in-lieu-of transportation mileage, tolls and board and room rates of reimbursement which a school district is hereby authorized to pay shall be computed as follows:

(a) Mileage reimbursement shall be computed by multiplying the distance to and from school with any type of transportation vehicle that is operated for the purpose of carrying one or more students by the maximum rate of reimbursement per mile that is now or hereafter authorized by law for state employees for the use of private motor vehicles in connection with state business;

(b) Toll reimbursement shall be computed by adding the actual fees paid as a condition to the passage of a transportation vehicle and its student passengers or its operator, or both, across a bridge or upon a ferry, and similar fees imposed as a condition to the passage, ingress, or egress of such vehicle and its student passengers or its operator, or both, while traveling to and from school; and

(c) Board and room reimbursement shall be computed at the rates now or hereafter established by the department of social and health services and set forth in chapter 388-70 WAC (inclusive of the basic rates and, in the case of handicapped students, the additional amounts for students with special needs, but exclusive of any rates or amounts for clothing and supplies).

NEW SECTION

WAC 392-141-195 ALLOCATION SCHEDULE FOR STATE PAYMENTS. The superintendent of public instruction shall apportion the transportation operation allocation pursuant to the payment schedule in RCW 28A.48.010. Such allocation shall be based on estimated amounts for payments to be made in September, October, November, and December. The superintendent shall notify each school district of

the student transportation operation allocation before December 15 of the current school year.

WSR 84-12-003
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)
[Filed May 24, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning minimum licensing requirements for alcoholism treatment facilities, repealing WAC 248-22-500 through 248-22-590;

that the agency will at 10:00 a.m., Wednesday, July 25, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 1, 1984.

The authority under which these rules are proposed is chapter 71.12 RCW.

The specific statute these rules are intended to implement is chapter 71.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1984.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by July 11, 1984. The meeting site is in a location which is barrier free.

Dated: May 22, 1984

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

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
Re: Repealing WAC 248-22-500, 248-22-501, 248-22-510, 248-22-520, 248-22-530, 248-22-540, 248-22-550, 248-22-560, 248-22-570, 248-22-580 and 248-22-590.

The Purpose of the Repeal of Rules: To remove one of two distinct set of licensing rules from chapter 248-22 WAC and to revise and update the rules prior to reassignment to new chapter 248-26 WAC, Minimum licensing standards for alcoholism treatment facilities.

The Reasons These are Necessary: To establish minimum licensing standards for noninstitutional settings for care and treatment of alcoholics, pursuant to chapter

71.12 RCW, which are separate and distinguished from licensing standards for psychiatric and alcoholism hospitals.

Statutory Authority: Chapter 71.12 RCW.

Summary of the Rule or Rule Change: The repeal of eleven sections of chapter 248-22 WAC will result in one complete set of licensing rules for psychiatric and alcoholism hospitals contained in chapter 248-22 WAC. The content removed pertains to noninstitutional settings, alcoholism treatment facilities. A new chapter of code is proposed, to establish licensing standards for alcoholism treatment facilities, chapter 248-26 WAC.

Person Responsible for the Enforcement of the Rule: John Gerth, Section Head, Facility Licensing and Certification Section, OSHPD, Division of Health, DSHS, Mailstop: ET-31, Phone: 753-5851.

Rules Proposed by: Facility Licensing and Certification Section, OSHPD, Division of Health, DSHS.

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

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------------------|--|
| (1) <u>WAC 248-22-500</u> | PURPOSE. |
| (2) <u>WAC 248-22-501</u> | DEFINITIONS. |
| (3) <u>WAC 248-22-510</u> | LICENSURE. |
| (4) <u>WAC 248-22-520</u> | ADMINISTRATIVE MANAGEMENT. |
| (5) <u>WAC 248-22-530</u> | CLIENT CARE AND SERVICES,
GENERAL. |
| (6) <u>WAC 248-22-540</u> | MAINTENANCE AND
HOUSEKEEPING. |
| (7) <u>WAC 248-22-550</u> | SPECIAL ADDITIONAL REQUIREMENTS FOR AN ALCOHOLISM TREATMENT FACILITY WHICH PROVIDES ALCOHOLISM DETOXIFICATION SERVICE. |
| (8) <u>WAC 248-22-560</u> | SPECIAL ADDITIONAL REQUIREMENTS FOR AN ALCOHOLISM TREATMENT FACILITY, OR DISTINCT PART THEREOF, WHICH PROVIDES ALCOHOLISM INTENSIVE INPATIENT TREATMENT OR SERVICES OR ALCOHOLISM RECOVERY HOUSE SERVICES. |
| (9) <u>WAC 248-22-570</u> | SPECIAL ADDITIONAL REQUIREMENTS FOR AN ALCOHOLISM TREATMENT FACILITY, OR DISTINCT PART THEREOF, WHICH PROVIDES ALCOHOLISM LONG-TERM TREATMENT SERVICE. |
| (10) <u>WAC 248-22-580</u> | SITE AND GROUNDS. |
| (11) <u>WAC 248-22-590</u> | PHYSICAL PLANT AND EQUIPMENT. |

WSR 84-12-004
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed May 24, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning minimum licensing standards for alcoholism treatment facilities, new chapter 248-26 WAC;

that the agency will at 10:00 a.m., Wednesday, July 25, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 1, 1984.

The authority under which these rules are proposed is chapter 71.12 RCW.

The specific statute these rules are intended to implement is chapter 71.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1984.

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

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
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Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015. The meeting site is in a location which is barrier free.

Dated: May 22, 1984

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: New chapter 248-26 WAC, Minimum licensing standards for alcoholism treatment facilities.

The Purpose of the New Rule: To establish updated, revised standards for licensure of alcoholism treatment facilities pursuant to chapter 71.12 RCW. The assignment of a new chapter serves to distinguish these facilities from hospital settings, which are also licensed pursuant to chapter 71.12 RCW.

The Reasons These are Necessary: To update outdated rules promulgated in 1974 and 1977 with focus upon residential rather than hospital nature of setting, to decrease duplication with program certification codes administered by the Bureau of Alcoholism and Substance Abuse, to achieve congruency with Bureau of Alcoholism and Substance Abuse in definitions.

Statutory Authority: Chapter 71.12 RCW.

Summary of the Rule or Rule Change: Eleven sections found in chapter 248-22 WAC are repealed and replaced with new chapter 248-26 WAC specifying minimum standards for the premises and operation of an alcoholism treatment facility other than a hospital. Rules which focused upon specific program elements were repealed or revised, with concurrence of the Bureau of Alcoholism and Substance Abuse, who certify programs.

Person Responsible for the Enforcement of the Rule: John Gerth, Section Head, Facility Licensing and Certification Section, OSHPD, Division of Health, DSHS, Mailstop: ET-31, Phone: 753-5851.

Rules Proposed by: Facility Licensing and Certification Section, OSHPD, Division of Health, DSHS.

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

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

Chapter 248-26 WAC
MINIMUM LICENSING STANDARDS FOR ALCOHOLISM
TREATMENT FACILITIES

NEW SECTION

WAC 248-26-001 PURPOSE. Regulations relating to alcoholism treatment facilities are hereby adopted pursuant to chapter 71.12 RCW. The purpose of these regulations is to provide health and safety standards and procedures for the issuance, denial, suspension, and/or revocation of licenses for facilities, other than hospitals regulated pursuant to chapter 248-18 WAC or chapter 248-22 WAC, maintained and operated primarily for receiving or caring for alcoholics.

NEW SECTION

WAC 248-26-010 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, competent, qualified, necessary, reasonable, reputable, satisfactory, sufficiently, effectively, appropriately, or suitable used in these rules and regulations to qualify an individual, a procedure, equipment, or building shall be as determined by the Washington state department of social and health services.

(1) "Abuse," other than substance or alcohol abuse, means the injury, sexual use, or sexual mistreatment of an individual patient by any person under circumstances which indicate the health, welfare, and safety of the patient is harmed thereby.

(a) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal or nonverbal actions, outside of accepted therapeutic programs, which are degrading to a patient or constitute harassment.

(2) "Administrator" means an individual appointed as the chief executive officer by the governing body of a facility to act in the facility's behalf in the overall management of the alcoholism treatment facility.

(3) "Alcoholic" means a person with alcoholism.

(4) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.

(5) "Alcoholism counselor" means an individual having adequate education, experience, and knowledge regarding the nature and treatment of alcoholism and knowledgeable about community resources providing services alcoholics may need and who knows and understands the principles and techniques of alcoholism counseling with minimal requirements to include:

(a) A history of no alcohol or other drug misuse for a period of at least two years immediately prior to time of employment as an alcoholism counselor and no misuse of alcohol or other drugs while employed as an alcoholism counselor;

(b) A high school diploma or equivalent;

(c) Satisfactory completion of at least twelve quarter or eight semester credits from a college or university, including at least six quarter credits or four semester credits in specialized alcoholism courses.

(6) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(7) "Alteration" means changes requiring construction in an existing alcoholism treatment facility.

"Minor alteration" means any physical or functional modification within existing alcoholism treatment facilities not changing the approved use of a room or area. Minor alterations performed under this definition do not require prior review of the department; however, this does not constitute a release from any applicable requirements herein.

(8) "Area," except when used in reference to a major section of an alcoholism treatment facility, means a portion of a room containing

the equipment essential to carry out a particular function and separated from other facilities of the room by a physical barrier or adequate space.

(9) "Authenticated" means written authorization of any entry in a patient treatment record by means of a signature including, minimally, first initial, last name, and title.

(10) "Authentication record" means a document which is part of each patient treatment record and includes identification of all individuals initialing entries in the treatment record: Full printed name, signature as defined in WAC 248-26-010(9), title, and initials that may appear after entries in the treatment record.

(11) "Bathing facility" means a bathtub or shower.

(12) "Counseling, group" means an interaction between two or more patients and alcoholism counselor or counselors for the purpose of helping the patients gain better understanding of themselves and develop abilities to deal more effectively with the realities of their environments.

(13) "Counseling, individual" means an interaction between a counselor and a patient for the purpose of helping the patient gain a better understanding of self and develop the ability to deal more effectively with the realities of his or her environment.

(14) "Detoxification" means care or treatment of an intoxicated person during a period where the individual recovers from the effects of intoxication.

(a) "Acute detoxification" means a method of withdrawing a patient from alcohol where nursing services and medications are routinely administered to facilitate the patient's withdrawal from alcohol.

(b) "Subacute detoxification" means a method of withdrawing a patient from alcohol utilizing primarily social interaction between patients and staff within a supportive environment designed to facilitate safety for patients during recovery from the effects of intoxication with no medications administered by the staff.

(15) "Detoxified" means withdrawn from the consumption of alcohol and recovered from the effects of intoxication and any associated acute physiological withdrawal reactions.

(16) "Department" means the Washington state department of social and health services.

(17) "Facilities" means a room or area and/or equipment to serve a specific function.

(18) "General health supervision" means provision of the following services as indicated:

(a) Reminding a patient to self-administer medically prescribed drugs and treatments;

(b) Encouraging a patient to follow a modified diet and rest or activity regimen when one has been medically prescribed;

(c) Reminding and assisting a patient to keep appointments for health care services, such as appointments with physicians, dentists, home health care services, or clinics;

(d) Encouraging a patient to have a physical examination if he or she manifests signs and symptoms of an illness or abnormality for which medical diagnosis and treatment are indicated.

(19) "Governing body" means an individual or group responsible for approving policies related to operation of an alcoholism treatment facility.

(20) "Grade" means the level of the ground adjacent to the building measured at the required windows. The ground shall be level or sloped downward for a distance of at least ten feet from the wall of the building.

(21) "Inpatient" means a patient to whom the alcoholism treatment facility is providing board and room on a twenty-four-hour-per-day basis.

(22) "Intoxication" means acute or temporary impairment of an individual's mental or physical functioning caused by alcohol in the body.

(23) "Intoxicated" means in the state of intoxication.

(24) "Lavatory" means a plumbing fixture of adequate size and proper design for washing hands.

(25) "Legend drug" means any drug required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or is restricted to use by practitioners only.

(26) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" means an individual licensed pursuant to chapter 18.78 RCW.

(b) "Registered nurse" means an individual licensed pursuant to chapter 18.88 RCW.

(27) "May" means permissive or possible at the discretion of the department.

(28) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a disregard of consequences of such magnitude as to constitute a clear and present danger to a patient's health, welfare, and/or safety.

(29) "New construction" means any of the following:

- (a) New building to be used as an alcoholism treatment facility.
- (b) Additions to existing buildings to be used as an alcoholism treatment facility.
- (c) Conversion of existing buildings or portions thereof for use as an alcoholism treatment facility.
- (d) Alterations.

(30) "Owner" means an individual, firm, partnership, corporation, company, association, or joint stock association or the legal successor thereof operating an alcoholism treatment facility whether he or she owns or leases the premises.

(31) "Patient" means any individual receiving services for the treatment of alcoholism.

(32) "Pharmacist" means an individual licensed as a pharmacist in the state of Washington pursuant to provisions of chapter 18.64 RCW.

(33) "Physician" means an individual licensed under the provisions of chapter 18.71 RCW physicians, or chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery.

(34) "Room" means a space set apart by floor to ceiling partitioning on all sides with proper access to a corridor or a common-use living room or area and with all openings provided with doors or windows.

(35) "Secretary" means the secretary of the Washington state department of social and health services.

(36) "Shall" means compliance is mandatory.

(37) "Should" means a suggestion or recommendation but not a requirement.

(38) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

(39) "Toilet" means a disposal apparatus consisting of a hopper fitted with a seat and flushing device, used for urination and defecation.

(40) "Usable floor space" means, in reference to patient sleeping room, the floor space exclusive of vestibules and closets, wardrobes, or portable lockers.

(41) "Utility sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

NEW SECTION

WAC 248-26-020 LICENSURE. (1) Application for License.

(a) An application for an alcoholism treatment facility license shall be submitted on forms furnished by the department. An application shall be signed by the owner of the facility, or his or her legal representative, and the administrator.

(b) The applicant shall furnish to the department full and complete information, and promptly report any changes.

(2) Disqualified Applicants.

(a) Each and every individual named in an application for an alcoholism treatment facility license shall be considered separately and jointly as applicants and, if anyone be deemed unqualified by the department in accordance with the law or these rules and regulations, the license may be denied, suspended, or revoked.

(b) A license may be denied, suspended, or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW or with these rules and regulations and, in addition, any of the following:

- (i) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;
- (ii) Permitting, aiding, or abetting the commission of any illegal act on the premises of the alcoholism treatment facility;
- (iii) Cruelty, assault, abuse, neglect, or indifference to the welfare of any patient;
- (iv) Misappropriation of the property of the patients; or
- (v) Failure or inability to exercise fiscal accountability and responsibility toward the individual patient, the department, or the business community.

(c) Before granting a license to operate an alcoholism treatment facility, the department shall consider the ability of each individual named in the application to operate the alcoholism treatment facility in accordance with the law and these regulations. Individuals having been previously denied a license to operate a health or personal care facility in this state or elsewhere, or having been convicted civilly or

criminally of operating such a facility without a license, or having had their license to operate such a facility suspended or revoked shall not be granted a license unless to the satisfaction of the department they affirmatively establish clear, cogent, and convincing evidence of their ability to operate the alcoholism treatment facility, for which the license is sought, in full conformance with all applicable laws, rules, and regulations.

(d) Individuals convicted of a felony, child abuse, and/or any crime involving physical harm to another person, or individuals identified as perpetrators of substantiated child abuse pursuant to chapter 26.44 RCW, shall be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, and/or administration of an alcoholism treatment facility unless, to the satisfaction of the department, the individual establishes clear, cogent, and convincing evidence of sufficient rehabilitation subsequent to such conviction or abuse registry listing to warrant public trust.

(3) Submission of Plans. The following shall be submitted with an application for license: PROVIDED HOWEVER, That whenever any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes not on file need to be submitted.

(a) A plot plan showing streets, driveways, water and sewage disposal systems, locations of buildings on the site, and grade elevations within ten feet of any building where patients are to be housed.

(b) Floor plans of each building where patients are to be housed. The floor plans shall provide the following information:

- (i) Identification of each room by use of a system;
- (ii) Identification of category of service intended for each room;
- (iii) The usable square feet of floor space in each patient sleeping room;
- (iv) The clear window glass area in each patient's sleeping room;
- (v) The height of the lowest portion of the ceiling in any patient's sleeping room; and
- (vi) Floor elevations referenced to the grade level.

(c) If new construction or remodeling is planned, requirements in WAC 248-26-020(7) shall apply.

(4) Classification or Categories of Alcoholism Treatment Services. For the purpose of licensing, alcoholism treatment services provided by alcoholism treatment facilities shall be classified as follows:

(a) Alcoholism detoxification services are either acute or subacute services required for the care and/or treatment of individuals intoxicated or incapacitated by alcohol during the initial period the body is cleared of alcohol and the individual recovers from the transitory effects of intoxication. Services include screening of intoxicated persons, detoxification of intoxicated persons, counseling of alcoholics regarding their illness to stimulate motivation to obtain further treatment, and referral of detoxified alcoholics to other, appropriate alcoholism treatment programs.

(b) Alcoholism intensive inpatient treatment services are those services provided to the detoxified alcoholic in a residential setting including, as a minimum, limited medical evaluation and general health supervision, alcoholism education, organized individual and group counseling, discharge referral to necessary supportive services, and a patient follow-through program after discharge.

(c) Alcoholism recovery house services are the provision of an alcohol-free residential setting with supporting services and social and recreational facilities for detoxified alcoholics to aid their adjustment to alcohol-free patterns of living and their engagement in occupational training, gainful employment, or other types of community activities.

(d) Alcoholism long-term treatment services are long-term provision of a residential care setting providing a structural living environment, board, and room for alcoholics with impaired self-maintenance capabilities needing personal guidance and assistance to maintain sobriety and optimum health status.

(5) Authorization and Designation of Categories of Alcoholism Treatment Service.

(a) The license issued to an alcoholism treatment facility shall show the category or categories of alcoholism treatment the facility is licensed to provide.

(b) For each category of alcoholism treatment service, the licensee shall designate and maintain the particular category or categories of service for which the department has shown approval on the license.

(c) If maintenance and operation are not in compliance with chapter 71.12 RCW or chapter 248-26 WAC, the department may deny, suspend, or revoke authorization to provide a particular category of treatment service.

(6) Posting of License. The license for an alcoholism treatment facility shall be posted in a conspicuous place on the premises.

(7) New Construction.

(a) When new construction is planned, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used affecting the extent of facilities required by these regulations.

(ii) Duplicate sets of preliminary plans for new construction drawn to scale and including:

(A) A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building or buildings on the site;

(B) Plans of each floor of the building or buildings, existing and proposed, designating the function of each room and showing all fixed equipment:

(iii) Preliminary plans shall be accompanied by a statement as to:

(A) Source of the water supply;

(B) Method of sewage and garbage disposal; and

(C) A general description of construction and materials including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans for new construction, drawn to scale, and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. These shall include:

(i) Plot plan;

(ii) Plans of each floor of the building or buildings designating the function of each room and showing all fixed equipment;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) A schedule of floor, wall, and ceiling finishes, and the types and sizes of doors and windows;

(v) Plumbing, heating, ventilating, and electrical systems; and

(vi) Specifications fully describing the workmanship and finishes.

(c) Adequate provisions shall be made for the safety and comfort of patients if construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications.

(i) The department shall be consulted prior to making any changes from the approved plans and specifications.

(ii) When indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change or changes for approval.

(iii) Only those changes approved by the department shall be incorporated into a construction project.

(iv) In all cases, modified plans or addenda on changes incorporated into the construction project shall be submitted for the department's file on the project even though it was not required these be submitted prior to approval.

(8) Exemptions.

(a) The secretary or designee may exempt an alcoholism treatment facility from compliance with parts of these regulations when it has been found after thorough investigation and consideration such exemption may be made in an individual case without jeopardizing the safety or health of the patients in the particular alcoholism treatment facility.

(b) The secretary or designee may, upon written application, allow the substitution of procedures, materials, or equipment for those specified in these regulations when such procedures, materials, or equipment have been demonstrated, to the satisfaction of the secretary, to be at least equivalent to those prescribed.

(c) All exemptions or substitutions granted pursuant to the foregoing provisions shall be reduced to writing and filed with the department and the alcoholism treatment facility.

(9) Compliance With Other Regulations.

(a) Rules and regulations adopted by the Washington state fire marshal under provision of RCW 71.12.485 which are found in chapter 212-40 WAC apply.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 1979 edition, shall be followed.

(c) Compliance with these regulations does not exempt an alcoholism treatment facility from compliance with local and state electrical codes or local zoning, building, and plumbing codes.

(10) Transfer of Ownership. The possession or ownership of an alcoholism treatment facility shall not be transferred until the transferee has been notified by the department that the transferee's application for license has been approved.

(11) Denial, Suspension, or Revocation of License. Upon finding, as a result of an inspection, the facility has failed or refused to comply with the requirements of chapter 71.12 RCW or these rules and regulations, the department may deny, suspend, or revoke a license in accordance with RCW 34.04.170. Procedures governing hearings under these regulations shall be in accord with procedures set out in chapter 248-08 WAC. All hearings conducted under these regulations shall be deemed to be contested cases within the meaning of chapter 34.04 RCW.

NEW SECTION

WAC 248-26-030 ADMINISTRATIVE MANAGEMENT. (1) Governing body.

(a) The alcoholism treatment facility shall have a governing body responsible for adopting policies related to the conduct of the alcoholism treatment facility in accordance with applicable laws and regulations.

(b) The governing body shall provide for the personnel, facilities, equipment, supplies, and special services necessary to meet patient needs for services and to maintain and operate the facility in accordance with applicable laws and regulations.

(2) Administrator.

(a) There shall be an administrator at least twenty-one years of age, with no history of drug or alcoholism misuse for a period of two years prior to employment, to manage the alcoholism treatment facility in compliance with chapter 71.12 RCW and chapter 248-26 WAC.

(b) The administrator either shall be on duty or readily available at all times except when an alternate administrator meeting qualifications in this section is designated in writing or in written job description and is on duty or readily available.

(c) The administrator shall establish and maintain a current written plan of organization including all positions and delineating the functions, responsibilities, authority, and relationships of all positions within the alcoholism treatment facility.

(d) The administrator shall ensure the existence and availability of policies and procedures which are:

(i) Written, developed, reviewed, and revised as necessary to keep them current;

(ii) Dated and signed by persons having responsibility for approval of the policies and procedures;

(iii) Readily available to personnel; and

(iv) Followed in the care and treatment of patients.

(3) Personnel.

(a) There shall be sufficient numbers of qualified personnel, who are not patients, to provide services needed by patients and to properly maintain the alcoholism treatment facility. At least one staff person shall be on duty or in residence within the alcoholism treatment facility at all times.

(b) There shall be a written job description for each position classification within the facility.

(c) Upon employment each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method unless medically contraindicated. When this skin test is negative (less than ten millimeters of induration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive test consists of ten millimeters or more of induration read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:

(i) Those with positive tests who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from testing.

(ii) Records of test results, x-rays, or exemptions to such shall be kept by the facility.

(d) Employees with a communicable disease in an infectious stage shall not be on duty.

(e) A planned, supervised orientation shall be provided to each new employee to acquaint him or her with the organization of the facility, the physical plant layout, his or her particular duties and responsibilities, the policies, procedures, and equipment pertinent to his or her work, and the disaster plan for the facility.

(f) A planned, training program shall be provided to any employee not prepared for his or her job responsibilities through previous training.

(g) Records shall be maintained of orientation, on-the-job training, and continuing education provided for employees.

(h) At least one staff person on the premises shall be currently qualified to provide basic first aid and cardiopulmonary resuscitation.

(i) Medical or nursing responsibilities, functions, or tasks shall be consistent with current Washington state law governing physician or nursing practice.

(j) Records or documentation of compliance with employee requirements described in chapter 248-26 WAC shall be available.

NEW SECTION

WAC 248-26-040 PATIENT CARE AND SERVICES—GENERAL. (1) Individual treatment plan. For each patient, there shall be a plan individualized for treatment to include the treatment prescribed as well as assessment of physical, mental, emotional, social, and spiritual needs.

(a) The patient shall be encouraged to participate in development of the plan.

(b) Work assignments may be permitted when part of the individual treatment plan and under supervision of staff.

(2) General care and treatment.

(a) Each patient shall have available the equipment, supplies, and assistance needed to maintain personal cleanliness and grooming.

(b) The patient shall be treated in a manner respecting individual identity and human dignity with policies and procedures, as appropriate, to include:

(i) Protection from invasion of privacy: PROVIDED, That reasonable means may be used to detect or prevent contraband from being possessed or used on the premises;

(ii) Confidential treatment of clinical and personal information in communications with individuals not associated with the plan of treatment;

(iii) Means of implementing federal requirements related to confidentiality of records, Title 42, Code of Federal Regulations, Part 2, Federal Register, July 1, 1975;

(iv) Provision of reasonable opportunity to practice religion of choice insofar as such religious practice does not infringe upon rights and treatment of other patients or the treatment program in the alcoholism treatment facility: PROVIDED, That a patient also has the right to refuse participation in any religious practice;

(v) Communication with significant others in emergency situations;

(vi) Freedom from physical abuse, corporal punishment, or other forms of abuse against the patient's will, including being deprived of food, clothes, or other basic necessities.

(c) Infection control, general.

(i) There shall be policies and procedures designed to prevent transmission of infection minimally to include aseptic techniques, handwashing, methods of cleaning, disinfecting or sterilizing, handling, and storage of all supplies and equipment.

(ii) There shall be reporting of communicable disease of patients in accordance with chapter 248-100 WAC.

NEW SECTION

WAC 248-26-050 HEALTH AND MEDICAL CARE SERVICES—ALL FACILITIES. (1) Admission and retention of patients shall be appropriate to services available.

(a) Each alcoholism treatment facility shall have written policies related to admission, retention, leave, and discharge.

(b) Patients manifesting signs and symptoms of a physical or mental condition requiring medical or nursing care not provided or available in the alcoholism treatment facility shall not remain in the facility. Staff shall facilitate movement of such patients to an appropriate setting as soon as possible and feasible.

(2) Each alcoholism treatment facility shall have a current, transfer agreement with a hospital licensed pursuant to chapter 70.41 RCW or chapter 71.12 RCW.

(3) Medical coverage.

(a) A physician shall be responsible for direction of all medical aspects of the alcoholism treatment program or programs with medical responsibility minimally to include approval of policies and procedures related to:

(i) Initial and ongoing medical screening and assessment of patients;

(ii) Care of patients with minor illnesses or other conditions requiring minor treatment or first aid; and

(iii) Medical emergencies.

(b) There shall be specific arrangements for physician services at all times with schedules, names, and phone numbers posted and available in appropriate locations. Physician services may include hospital emergency departments, group clinic practice, or equivalent emergency facilities.

(c) Medical emergency policy and procedures related to emergency situations shall minimally include:

(i) Delineation of circumstances, signs, and symptoms related to specific actions required of personnel;

(ii) Circumstances warranting immediate contact of physician services or other licensed personnel;

(iii) Minimum qualifications for staff executing procedures; and

(iv) Written approval or acceptance of medical emergency policies and procedures by administrator and responsible physician. When nursing services are provided, approval or acceptance by the responsible registered nurse shall be included.

(4) Nursing services. Nursing services, when provided, shall be planned and supervised by a registered nurse minimally to include:

(a) Responsibility for any nursing functions performed by personnel in the alcoholism treatment facility.

(b) Selection, training, and written evaluation of personnel or volunteers providing nursing observation and/or care.

(c) Written nursing procedures to guide actions of personnel and volunteers providing nursing observation and/or care.

(5) Supplies. Appropriate supplies for first aid, medical, or nursing procedures shall be readily available.

(6) Safety measures.

(a) There shall be written policies and procedures governing actions of staff following any accident or incident jeopardizing a patient's health or life, minimally to include:

(i) Facilitation of patient protection and safety;

(ii) Investigation of accidents or incidents;

(iii) Institution of preventive measures insofar as possible;

(iv) Written documentation in the patient treatment record.

(b) There shall be provision for staff to gain immediate emergency access to any room occupied by a patient.

(7) Individual patient treatment/care records.

(a) There shall be an organized record system providing for:

(i) Maintenance of a current, complete, treatment record for each patient;

(ii) A systematic method of identifying and filing patient records so each record can be located readily;

(iii) Maintenance of the confidentiality of patient treatment records by storing and handling the records under conditions allowing only authorized persons access to the records.

(b) Each entry in the patient's treatment/care record shall be dated and authenticated by the signature and title of the person making the entry. (An authentication record system may be acceptable.)

(c) Each record shall be available to treatment staff and include:

(i) Identifying and sociological data including the patient's full name, birthdate, home address, or last known address if available;

(ii) Date of admission;

(iii) The name, address, and telephone number of the patient's personal physician or medical practitioner if available;

(iv) A record of the findings of any health screenings;

(v) A record of medical findings following examination by a medical practitioner;

(vi) A record of observations of the patient's condition;

(vii) A physician or legally authorized practitioner's written order for any modified diet served to the patient;

(viii) Orders for any drugs or medical treatment shall be dated and signed by a physician or legally authorized practitioner unless self-administered from a container bearing an appropriate pharmacist-prepared label in accordance with instructions on that label;

(ix) A record of any administration of a medication or treatment to a patient by the person legally authorized to administer medications and/or observation of self-administration including time and date of administration and signature of the individual administering the medication or observing self-administration;

(x) Medical progress notes, when applicable, shall be made in the treatment record.

(8) Notification regarding change in patient's condition. A member of the patient's family or another person with whom the patient is known to have a responsible personal relationship shall be notified as

rapidly as possible, upon the discretion of the treating physician, should a serious change in the patient's condition, transfer, or death of the patient occur: PROVIDED HOWEVER, That the patient is incapable of rational communication. Such notification shall not occur without the consent of the patient any time when the patient is capable of rational communication.

(9) Food services – general.

(a) Food service sanitation shall be governed by chapter 248-84 WAC rules and regulations of the state board of health governing food service sanitation.

(b) Areas used for storage and preparation of food shall be used only for performance of assigned food service duties. Through traffic is prohibited.

(c) There shall be current written policies and procedures to include safety, food acquisition, food storage, food preparation, serving of food, and scheduled cleaning of all food service equipment and work areas. These policies shall be readily available to all personnel.

(i) All personnel handling food, including patients assisting in food services, shall follow the procedures.

(ii) Cooking shall not be permitted in sleeping rooms.

(d) Food provided shall be appropriate to meet the needs of patients on a twenty-four hour basis.

(10) Food service – alcoholism intensive inpatient treatment, recovery house, long-term treatment services.

(a) There shall be a designated individual responsible for food service.

(b) Staff trained in food service procedures shall be present during all meal times when meals are served on the premises.

(c) Meals and nourishments shall be palatable, properly prepared, attractively served, and sufficient in quality, quantity, and variety to meet "Recommended Dietary Allowance," Food and Nutrition Board, National Research Council, 1980 edition, adjusted for activity unless medically contraindicated.

(i) At least three meals a day shall be served at regular intervals with not more than fourteen hours between the evening meal and breakfast.

(ii) There shall be written medical orders for any therapeutic diet served to a patient. Therapeutic diets shall be prepared and served as prescribed.

(iii) A current diet manual, approved in writing by a dietitian and physician, shall be used for planning and preparing diets.

(d) Menus shall be planned, written, and dated at least one week in advance.

(i) Food substitutions shall be of comparable nutritional value and recorded as served.

(ii) A record of planned menus with substitutions and food as served shall be retained for six months.

(iii) The written order of a legally authorized medical practitioner is required prior to serving any nutrient concentrate or supplement.

NEW SECTION

WAC 248-26-060 MEDICATION RESPONSIBILITY—ADMINISTRATION OF MEDICATIONS AND TREATMENTS. (1) There shall be provisions for timely delivery of necessary patient medications from a pharmacy so a physician's or legally authorized practitioner's orders for medication therapy can be implemented without undue delay.

(2) There shall be written policies and procedures providing for description of types of stock medications, procurement, storage, control, use, retention, release, and disposal of medications in accordance with applicable federal and state laws and regulations.

(a) There shall be adequate medication facilities providing for locked storage of all medications.

(b) There shall be a sink with hot and cold running water, other than the lavatory or sink in a toilet room, available.

(c) Medications, including stock medications, shall be accessible only to authorized staff.

(d) Stock internal and external medicine and medications shall be stored apart from each other.

(e) Medicine or medications requiring special storage conditions shall be stored according to manufacturer's or pharmacist's directions.

(f) The inside temperature of the refrigerator where drugs are stored shall be maintained within a thirty-five to fifty degree Fahrenheit range. Medication stored in a refrigerator shall be enclosed in a container to separate the medications from food or other products.

(g) All medications shall be obtained and kept in containers labeled securely and legibly by a pharmacist, or in original containers labeled

by the manufacturer, and shall not be transferred from the container except for preparation of a single dose for administration. A label on a container of medication shall not be altered or replaced except by a pharmacist.

(i) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to a pharmacist for relabeling or disposal.

(ii) Medication in containers having no labels shall be destroyed.

(h) Any medication having an expiration date shall be removed from usage and destroyed immediately after the expiration date.

(i) All of an individual patient's medications left in the facility following discharge, transfer, or departure, except those released to the patient upon discharge and Schedule II controlled substances, shall be destroyed by authorized staff after departure of the patient or returned to a pharmacist for appropriate disposition.

(i) Medications or medicines shall be destroyed in the presence of a witness or by a pharmacist in such a manner that the medications cannot be retrieved, salvaged, or used; medications shall not be discarded with garbage or refuse.

(ii) For any medication destroyed, staff shall make an entry in the individual patient treatment record to include:

(A) Date;

(B) Name of medication;

(C) Strength of medication;

(D) Quantity of medication;

(E) Signature of staff who destroyed the medication; and

(F) Signature of staff who witnessed destruction.

(j) When staff who are legally authorized to administer medications are employed or available in an alcoholism treatment facility, a physician or legally authorized prescribing practitioner may provide an emergency drug or medication supply within a facility: PROVIDED, That the following requirements are met:

(i) The emergency drug or medication supply shall be considered an extension of the physician's or prescribing practitioner's own drug or medication supply and remain his or her responsibility.

(ii) All drugs or medications for an emergency supply shall be kept in a separate, secure, locked, emergency drug drawer or cabinet or equivalent.

(iii) The emergency drug or medication supply shall be limited to medications needed for genuine medical emergencies, including the need for the medical management of an intoxicated person.

(iv) The quantity of any medication in a particular dosage strength shall be limited to a seventy-two hour supply determined by calculating the number of patients and the potential need for emergency medication.

(v) A list of drugs or medications to be kept in the emergency medication supply shall be available with the emergency medication supply.

(A) This list shall include the names and dosage strength of each medication, and be dated and signed by the physician or legally authorized prescribing practitioner.

(B) The emergency medication supply shall contain only those medications on this list.

(vi) There shall be a record of each medication removed or added to the emergency medication supply. This record shall include:

(A) Name and amount of medication removed or added;

(B) Date of removal or addition;

(C) Identification of the patient receiving a medication removed;

(D) Signature of staff removing or adding to the emergency medication supply.

(k) Medications listed as controlled substances in Washington shall be prohibited. This does not preclude individual patient prescriptions or medications kept in an emergency medication supply pursuant to WAC 248-26-060 (2)(j).

(l) The alcoholism treatment facility maintaining nonprescription medications in a first-aid supply shall establish policies and procedures for use of the first-aid supply, approved by signature of a legally authorized prescribing practitioner.

(3) Administration of medications and medical treatments. Policies and procedures shall be established for administration of medications, including self-administration, within each alcoholism treatment facility.

(a) There shall be an organized system designed to ensure accuracy in receiving, transcribing, and implementing orders for administration of medications and treatments.

(i) Orders for medications and treatments, including standing orders, used in the care of a patient shall be entered in the patient's

treatment record and shall be signed by a physician or other legally authorized practitioner.

- (ii) Orders for drugs and medical treatments shall include:
 - (A) Date ordered;
 - (B) Name of the medication or description of the treatment including the name of medication, solution, or other agent to be used in the treatment;
 - (C) Dosage, concentration, or intensity of a medication, solution, or other agent used;
 - (D) Route or method of administration;
 - (E) Frequency, time interval between doses, or duration of administration;
 - (F) Maximum number of doses or treatments to be administered;
 - (G) Circumstances for which the medication or treatment is to be administered; and
 - (H) Signature of the legally authorized prescribing practitioner.
- (iii) A verbal or telephone order for the administration of medication or medications or medical treatment or treatments shall be received by a licensed nurse from the physician or other practitioner legally authorized to prescribe. Upon receipt of such an order, the following shall be entered immediately into the patient's treatment record.
 - (A) Data required under WAC 248-26-060 (3)(a)(ii);
 - (B) Name of the physician or legally authorized practitioner issuing the order;
 - (C) Signature of the licensed nurse receiving the order;
 - (D) Physician's or legally authorized practitioner's signature for such an order shall be obtained as soon as possible and not later than five days after receipt of the verbal or telephone order.
- (iv) Persons administering medications and medical treatments to patients shall be qualified by training and legally permitted to assume this responsibility.
- (v) Any medication administered to a patient shall be prepared, administered, and recorded in the patient's treatment record by the same person. This shall not be interpreted to preclude a physician's administration of a medication having been prepared for administration by a person assisting the physician in the performance of a diagnostic or treatment procedure or the administration of a single, properly labeled medication having been dispensed or issued from a pharmacy so the medication is ready to administer.
- (b) Medications shall be administered or self-administered only as legally authorized through written order, approval, or prescription signed by a physician or other legally authorized practitioner or self-administered from a container in accordance with an appropriately affixed pharmacist-prepared label.
- (c) Medications shall be administered by appropriately licensed personnel when they are not self-administered.
- (d) Self-administration of drugs by a patient shall be in accordance with the following:
 - (i) The patient shall be physically and mentally capable of administering his or her own medication properly.
 - (ii) Any medication a patient has for self-administration in the facility shall have been ordered, approved, or prescribed by a legally authorized practitioner.
 - (iii) Prescription medications, over-the-counter medications purchased independently by the patient, and other medicinal materials used by a patient shall be kept in individual storage units within locked drawers, medicine cabinets, compartments, or equivalent. Access to all medications shall be controlled by authorized staff. Use of such medications and materials in each individual storage unit shall be restricted to the particular patient for self-administration.
 - (iv) Staff shall observe use of medications by each patient and record the observation in the patient's individual treatment record.
 - (e) Any medications used in the subacute detoxification service shall be self-administered only with observation of use of medication recorded in the individual treatment record by the staff of the alcoholism treatment facility.

NEW SECTION

WAC 248-26-070 MAINTENANCE AND HOUSEKEEPING—LAUNDRY. (1) The alcoholism treatment facility structure, its component parts, facilities, and equipment shall be kept clean and in good repair and maintained in the interest of patients' safety and well-being.

(2) The storage and disposal of garbage and refuse shall be by methods preventing conditions conducive to the transmission of disease

or creation of a nuisance, breeding place for flies, or a feeding place for rodents.

- (a) A separate, well-ventilated room or suitable outside area shall be provided for storage of garbage and refuse.
 - (b) Garbage and refuse storage containers shall be of leakproof, nonabsorbent construction with close fitting covers.
 - (c) Adequate cleaning facilities shall be provided.
- (3) The alcoholism treatment facility shall be kept free from insects and rodents.
- (4) The alcoholism treatment facility shall provide a utility sink or an equivalent means of obtaining and disposing of mop water in areas other than those used for food preparation or serving. Wet mops shall be stored in an area with adequate ventilation.

(5) Laundry.

- (a) The alcoholism treatment facility shall make provision and be responsible for the proper handling, cleaning, and storage of linen and other washable goods.
- (b) Unless all laundry is sent out, every alcoholism treatment facility shall be provided with a laundry room equipped with laundry facilities.
 - (i) Laundry equipment shall be located in a separate room used for laundry, housekeeping, or storage of cleaning supplies and equipment.
 - (ii) Laundry equipment wash cycle shall have the capability of reaching a water temperature of one hundred forty degrees Fahrenheit.
 - (iii) The soiled linen storage and sorting area shall be in a well-ventilated area separate from clean linen handling and storage area.

NEW SECTION

WAC 248-26-080 SITE AND GROUNDS. The alcoholism treatment facility shall be located in an area properly drained and served by at least one street that is usable under all weather conditions.

NEW SECTION

WAC 248-26-090 PHYSICAL PLANT AND EQUIPMENT.

- (1) Patients' Sleeping Rooms.
 - (a) There shall be at least eighty square feet of usable floor space in single-bed sleeping rooms and seventy square feet of usable floor space per bed in multiple bed sleeping rooms.
 - (i) No portion of a sleeping room having less than seven foot six inch ceiling height may be counted as part of the required area.
 - (ii) The maximum capacity of any patient sleeping room shall not exceed twelve beds.
 - (b) Each sleeping room shall be located to prevent through traffic and minimize the entrance of excessive noise, odors, and other nuisances.
 - (c) Only rooms having unrestricted direct access to a hallway, living room, outside, or other common-use area shall be used as sleeping rooms.
 - (d) Sleeping rooms shall be outside rooms with a clear glass window area in a vertical wall not less than one-tenth of the required floor area.
 - (i) Rooms shall not be considered to be outside rooms if such required window area is within ten feet of another building or other obstruction to view or opens into a window well, enclosed porch, light shaft, ventilation shaft, or other enclosure of similar confining nature.
 - (ii) Windows designed to open shall operate freely.
 - (iii) Curtains, shades, blinds, or equivalent shall be provided at each window for visual privacy.
 - (e) A basement room may be used as a sleeping room provided the floor of the room is no more than three feet eight inches below the base of the window or windows, and there is adequate natural light. The grade shall extend ten feet out horizontally from the base of the window or windows.
 - (f) Each patient shall be provided with sufficient storage facilities, either in or convenient to his or her sleeping room, to adequately store a reasonable quantity of clothing and personal possessions.
 - (g) Sleeping rooms, furniture, and furnishings.
 - (i) Each patient shall be provided a comfortable bed not less than thirty-six inches wide, with a mattress in good condition.
 - (ii) To be acceptable, a patient's bed shall be a sturdy, nonfolding type, at least thirty-six inches wide and length appropriate to the height of the patient.
 - (iii) Room design and size shall be adequate to accommodate patient beds spaced three feet apart.
 - (iv) Sleeping rooms shall be provided with adequate furnishings including one chair per bed available in the facility.
- (2) Toilet and Bathing Facilities.

(a) On each level there shall be one toilet and one lavatory for each eight persons or fraction thereof.

(b) There shall be one bathing facility for each twelve persons or fraction thereof residing in the facility.

(c) The word "persons" used in subsection (2)(a) and (b) of this section includes all patients and staff members not having private toilet and bathing facilities for their exclusive use.

(d) There shall be a lavatory in each toilet room unless the toilet room adjoins a single patient room containing a lavatory.

(e) Each toilet and each bathing facility shall be enclosed in a separate room or stall, with a door or curtain for privacy. One toilet may be permitted in a room containing a single bathing facility. When a room contains more than one toilet or one bathing facility, it shall be used by one sex only.

(f) Grab bars shall be securely mounted at toilets and bathing facilities in such numbers and in such locations that accidental falls will be minimized minimally to include:

(i) One grab bar at each bathing facility.

(ii) One grab bar appropriately mounted at each toilet.

(3) Patient Dining, Living, and Therapy Rooms.

(a) The alcoholism treatment facility shall have two or more rooms suitably furnished to accommodate patients' dining, social, educational and recreational activities, group therapy, and staff meetings. At least one of these rooms shall be an outside room with a window or windows.

(i) An adequate dining area shall be provided with capacity to seat at least fifty percent of the patients at each meal setting.

(ii) If a multipurpose room is used for dining and social and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without their interference with one another.

(iii) At least twenty-five square feet of floor space per bed shall be provided for dining, social, educational, recreational activities, and group therapy.

(b) There shall be at least one room providing privacy for interviewing and counseling of patients on an individual basis. Additional rooms shall be provided in a ratio of 1:12 patient beds or major fraction thereof.

(4) Medical Examination Room. If there is regular provision for a medical practitioner to perform physical examinations of patients within the facility, there shall be an examination room in the facility. This examination room shall be equipped with an examination table, examination light, and storage units for medical supplies and equipment. There shall be a handwashing facility readily accessible to the examination room.

(5) Utility and Storage for Medical and Nursing Supplies and Equipment. If the services provided by the alcoholism treatment facility involve the use of medical supplies and equipment, there shall be facilities designed and equipped for washing, disinfection or sterilization, storage, and other handling of supplies and equipment in a manner ensuring segregation of clean and sterile supplies and equipment from those that are contaminated, soiled, or used.

(6) Storage facilities. There shall be sufficient, suitable storage facilities to provide for storage of clean linen and other supplies and equipment under sanitary conditions.

(7) Handrails on stairways and ramps.

(a) All stairways and ramps shall be provided with handrails on both sides.

(b) Adequate guardrails and other safety devices shall be provided on all open stairways and ramps.

(8) Surfaces (floors, walls, ceilings).

(a) The surfaces in each room and area of the alcoholism treatment facility shall be easily cleanable and suited to the functions of the room or area.

(b) Toilet rooms, bathrooms, kitchens, and other rooms subject to excessive soiling or moisture shall have washable, impervious floors.

(c) Ramp surfaces and stairway treads shall be of nonslip materials.

(9) Communications. There shall be at least one telephone and such additional telephones as may be needed to operate the alcoholism treatment facility and to provide for a telephone to be readily accessible in the event of fire or other emergency.

(10) Lighting.

(a) Lighting in all areas of the facility shall provide adequate illumination.

(b) An adequate number of electrical outlets shall be provided.

(c) General lighting shall be provided for sleeping rooms.

(d) Emergency lighting equipment, such as flashlights or battery-operated lamps, shall be available and maintained in operating condition.

(11) Heating—Temperature.

(a) The alcoholism treatment facility shall be equipped with an approved heating system capable of maintaining a healthful temperature. Use of portable space heaters is prohibited unless approved in writing by the Washington state fire marshal.

(b) Temperature shall be maintained at a healthful level and not less than sixty-five degrees Fahrenheit.

(12) Ventilation.

(a) Ventilation of all rooms used by patients or personnel shall be sufficient to remove all objectionable odors, excessive heat, or condensation.

(b) All inside rooms, including toilets, bathrooms, and other rooms in which excessive moisture, odors, or contaminants originate, shall be provided with mechanical exhaust ventilation.

(13) Water supply. Hot and cold water under pressure shall be readily available at all times.

(a) Water used for domestic purposes shall meet the standards of the department as described in chapter 248-54 WAC.

(b) Cross connections of any kind are prohibited.

(c) In the event an unsafe or nonpotable water supply is used for irrigation, fire protection, or other purposes, the system shall be adequately color-coded or labeled to lessen any chance of water use for domestic purposes.

(d) Hot water at lavatories, bathtubs, and showers used by patients shall not exceed one hundred twenty degrees Fahrenheit.

(14) Sewage disposal system. All sewage shall be discharged into a public sewage system where such system is available and is acceptable to the department. Otherwise, sewage shall be collected, treated, and disposed of in an independent sewage disposal system approved by the appropriate local health department.

NEW SECTION

WAC 248-26-100 SPECIAL ADDITIONAL REQUIREMENTS FOR FACILITIES PROVIDING ALCOHOLISM DETOXIFICATION SERVICE. (1) When an alcoholism detoxification service is located in an alcoholism treatment facility, it shall be designated as either an acute detoxification service or a subacute detoxification service.

(2) Acute detoxification services shall provide:

(a) Initial medical screening and ongoing nursing assessments of each patient with transfer to an appropriate hospital when signs and symptoms of a serious illness or severe trauma exist.

(b) Nursing services as described in WAC 248-26-050(4) with the following additional requirements:

(i) When there is not a need for full-time services of a registered nurse, part-time registered nurse supervision is acceptable, provided such a supervisor is on duty within the facility at least four hours each week.

(ii) At least one staff member, qualified to provide nursing observation and care needed by patients during detoxification, shall be on duty in the facility at all times.

(A) "Qualified" shall include training and approval by the responsible registered nurse supervisor to provide physiological and psychological observation and care as required.

(B) When a licensed nurse is not on duty, a registered nurse shall be on call who shall come to the alcoholism treatment facility when indicated.

(iii) Continuing observation of each patient's condition shall be by persons competent to recognize and evaluate significant signs and symptoms and to take appropriate action.

(A) Frequency of observation shall correspond with degrees of acuity, severity, and instability of patient's condition with at least one written note on patient condition every eight hours in each individual patient treatment record.

(B) Observation of significant signs and symptoms indicative of abnormality, adverse change, or favorable progress including vital signs, motor and sensory abilities, behavior, and discomfort.

(C) Observations shall be recorded and signed by the person making the observation.

(D) Significant adverse signs and symptoms shall be appropriately reported to a physician with nature of the report and time noted in the patient's treatment record.

(3) Subacute detoxification services shall provide:

(a) Screening of patients by a person knowledgeable about alcoholism and trained and skilled in recognition of significant signs and symptoms of illness or trauma.

(b) Continuing observation of each patient's condition by persons competent to recognize and evaluate significant signs and symptoms and to take appropriate action.

(i) Frequency of observation shall correspond to degree of acuity, severity, and instability of patient's condition with appropriate documentation in the individual treatment record;

(ii) Observation of significant signs and symptoms indicative of abnormality, adverse change, or favorable progress including vital signs, motor and sensory abilities, behavior, and discomfort.

(iii) Observations shall be recorded and signed by the person making the observation.

(c) Personnel on duty having valid, current first-aid and cardiopulmonary resuscitation certificates.

(d) Medication shall not be provided or administered by personnel in the distinct part of the alcoholism treatment facility where subacute detoxification service is located.

(e) A written plan or policies and procedures for management of patient-owned medications to include:

(i) Method of verification of need for patient to continue a medication while in subacute detoxification;

(ii) Method of verification that medication is correct (as labeled);

(iii) Security of patient-owned medication while in the facility;

(iv) Disposition of patient-owned medications when patient leaves; and

(v) Observation and documentation of patient use of any medication in the individual treatment record.

WSR 84-12-005

NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE [Memorandum—June 4, 1984]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regular June meeting at the following time and place: June 19, 1984, 2:00 p.m., Board Room, Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

The regularly scheduled July board of trustees meeting will not be held.

WSR 84-12-006

PROPOSED RULES BELLEVUE COMMUNITY COLLEGE [Filed May 24, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning the amendment of permanent rules of chapter 132H-160 WAC, Admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII, WAC 132H-160-180, refund policy;

that the institution will at 1:30, Tuesday, July 10, 1984, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 27B.50.140 [28B.50.140].

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

This notice is connected to and continues the matter in Notice No. WSR 84-09-050 filed with the code reviser's office on April 7 [17], 1984.

Dated: May 22, 1984
By: Paul N. Thompson
Secretary, Board of Trustees

STATEMENT OF PURPOSE

Community College District VIII, chapter 132H-160 WAC.

Description of Purpose: Amending WAC 132H-160-180, Refund policy, of admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII. The proposed amendment is intended to be fair and equitable for students.

Statutory Authority: RCW 28B.50.140.

Summary of Rule: Community College District VIII board of trustees has authorized the registrar to refund fees when a student withdraws from college or a course(s). This rule lists the percentage of refund to which a student is entitled.

Reasons Supporting Proposed Action: The proposed refund policy is intended to be fair and equitable for students, reduce first week turnover in the classrooms, and create a more positive image for Bellevue Community College. The policy will more align Bellevue Community College with like-type community colleges in Washington and should have a positive effect upon state-supported FTE's.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul N. Thompson.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Board of Trustees, Bellevue Community College, public.

Institution Comments or Recommendations, if any: None.

Rule Necessary as Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 56, Resolution 108, filed 3/14/78)

WAC 132H-160-180 REFUND POLICY. Community College District VIII board of trustees has authorized the registrar to refund fees when a student withdraws from college or a course(s). A student who is requested to withdraw for disciplinary reasons will not be eligible for a refund. (1) Tuition and related fees are refunded upon withdrawal from college or a course(s) as follows:

(a) Prior to the first day of the quarter:

(i) Complete withdrawal from college - (~~(80% refunded)~~) 100% refund

(ii) Withdrawal from a course(s) (reduction of class load below 10 credits) - (~~(80% refunded)~~) 100% refund

(b) Cancellation of a course - permission to transfer to another course or full refund upon request.

(c) Through (~~(first)~~) fourth week of the quarter:

(i) Complete withdrawal from college - 50% (~~(refunded)~~) refund

(ii) Withdrawal from a course(s) (reduction of class load below 10 credits) - 50% (~~(refunded)~~) refund

(~~(c)~~) (d) After (~~(first)~~) fourth week of the quarter:

(i) Complete withdrawal from college - no refund

(ii) Withdrawal from a course(s) (reduction of class load below 10 credits) - no refund

~~((iii) Cancellation of a course - permission to transfer to another course or full refund upon request~~

~~(d) Deferred payment deposit (the deferred payment is a \$20 tuition deposit paid at the time of registration by students who choose to postpone payment in full until the required due date. See quarterly class schedule)~~

~~(i) 100% refundable prior to the opening day of the quarter, less \$10 service charge)~~

(e) Lab fees (includes health service fee)

(i) Prior to first week of quarter - 100% refund

(ii) Through ~~((first))~~ the fourth week of the quarter - ~~((80%))~~ 50% refund

(iii) After the ~~((first))~~ fourth week of the quarter - no refund

(f) Parking fees

(i) Prior to the first week of the quarter - 100% refund

(ii) Through ~~((first))~~ the fourth week of the quarter - ~~((80%))~~ 50% refund

(iii) After the ~~((first))~~ fourth week of the quarter - no refund

(g) Insurance fees

(i) Through the first week of the quarter only - 100% refund

(ii) After the first week of the quarter - no refund

(iii) If insurance claim has been filed - no refund

~~(h) ((Community service/continuing education tuition and fees))~~

Continuing education classes (state and student supported):

~~(i) ((Through the first week of the quarter - 80% refund))~~ Prior to the first class session - 100% refund (less a \$5.00 administration fee)

~~(ii) ((Through))~~ Prior to the second ~~((week of the quarter - 50% refund))~~ class session - 100% refund (less a \$15.00 administration fee)

~~(iii) After the second ((week of the quarter)) class session - no refund~~

~~(i) ((Nonresident tuition differential: (That portion of tuition which nonresidents pay in addition to resident tuition)))~~ Continuing education workshops (self-supported)

~~(i) ((Through the first week of the quarter - 100% refund))~~ Cancellations received up through four working days prior to the first session - 100% refund (less a \$5.00 administration fee)

~~(ii) ((After the first week of the quarter - no refund))~~ After fourth working day prior to the first session - no refund.

WSR 84-12-007
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 25, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning State Board of Education—Election of members, chapter 392-109 WAC;

that the agency will at 9:00 a.m., Tuesday, July 10, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 11, 1984.

The authority under which these rules are proposed is RCW 28A.04.020.

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

Dated: May 23, 1984

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-109 WAC, State Board of Education—Election of members.

Rule Section(s): WAC 392-109-070 Declaration and affidavit of candidacy form.

Statutory Authority: RCW 28A.04.020.

Purpose of Rule(s): To clarify when State Board of Education membership requirements must be met.

Summary of the New Rule(s) and/or Amendments: WAC 392-109-070, candidates must meet the residence requirement and, if elected, the balance of the membership requirements upon commencing service.

Reasons Which Support the Proposed Action(s): The current rule is at odds with the ESD board member statutes and rules and seemingly with the state board election statutes at chapter 28A.04 RCW.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ralph E. Julnes, SPI, 3-2298.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): The state board election statutes at chapter 28A.04 RCW are ambiguous as to when the various membership requirements come into play (e.g., as of filing declarations of candidacy, as of the certification of election results, or upon commencing service as a board member?) A reexamination of the statutes and the current rule establishes that a defensible and, in any case, the most logical approach is to retain the past practice of requiring congressional district residence as of filing as a candidate, and impose the nonemployment and nonmembership upon other board's requirements as of the time a newly elected member commences to serve his or her term.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-070 DECLARATION AND AFFIDAVIT OF CANDIDACY FORM. The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I, _____, solemnly swear (or affirm): That (if filing for a voting position) I reside in the _____ Congressional District of the state of Washington or (if filing for the nonvoting position) I reside within the state of Washington; That I am ~~((not employed in any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction))~~ aware that if elected, I cannot concurrently serve as a member of the state board of education and as an employee of any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction, or as a member of the board of directors of either a common school district or a private school; and, That I hereby declare myself a candidate for membership on the state board of education for a term of _____ years beginning on the second Monday in January, 19____, subject to the election to be held during the month of October, 19____, and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signed)
Address:

SUBSCRIBED and sworn to before me this ____ day of _____,
19 __.

.....
Notary Public in and for the
state of Washington, residing
at

WSR 84-12-008
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 25, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules regarding miscellaneous services, WAC 16-212-084.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 28, 1984.

The authority under which these rules are proposed is chapter 22.09 RCW.

This notice is connected to and continues the matter in Notice No. WSR 84-09-007 filed with the code reviser's office on April 9, 1984.

Dated: May 25, 1984
By: Norval G. Johanson
Assistant Director

WSR 84-12-009
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 226—Filed May 25, 1984]

Be it resolved by the State Game Commission, acting at the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, that it does adopt the annexed rules relating to director empowered to alter seasons, WAC 232-12-085.

This action is taken pursuant to Notice No. WSR 84-08-068 filed with the code reviser on April 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.04.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1984.
By Vern E. Ziegler
Chairman, Game Commission

NEW SECTION

WAC 232-12-085 DIRECTOR EMPOWERED TO ALTER SEASONS. When the director determines from biological data or climatic conditions that the population of game fish, game animals or game birds is in jeopardy or distressed or may become in jeopardy or distressed within the established season, the director may close or shorten that season by emergency rule. After a season has been closed or shortened, the director may reopen it, limited to the time period originally established by the Game Commission, and establish daily, weekly, or seasonal bag limits for that season.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-084 DIRECTOR EMPOWERED TO ALTER SEASONS.

WSR 84-12-010
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 227—Filed May 25, 1984]

Be it resolved by the State Game Commission, acting at the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, that it does adopt the annexed rules relating to season closure for steelhead fishing on the Quinalt River system, WAC 232-28-61301.

This action is taken pursuant to Notice No. WSR 84-08-070 filed with the code reviser on April 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1984.
By Vern E. Ziegler
Chairman, Game Commission

NEW SECTION

WAC 232-28-61301 SEASON CLOSURE FOR STEELHEAD FISHING ON THE QUINALT RIVER SYSTEM. Effective May 26, 1984 it is unlawful for non-Indian sport fishermen to take, fish for, or possess steelhead trout greater than 20 inches in length from or in the Quinalt River system.

QUINALT RIVER, 135, 136 May 26-Nov. 30 TROUT; min. lgth. - 10".
(includes Olympic National Park) Closed to the taking of steelhead trout over 20" in length.

WSR 84-12-011
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 228—Filed May 25, 1984]

Be it resolved by the State Game Commission, acting at the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, that it does adopt the annexed rules relating to establishing an open fishing season for hatchery origin steelhead trout on the mainstem Columbia River and Drano Lake, WAC 232-28-60701.

This action is taken pursuant to Notice No. WSR 84-08-069 filed with the code reviser on April 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1984.

By Vern E. Ziegler
 Chairman, Game Commission

NEW SECTION

WAC 232-28-60701 ESTABLISH AN OPEN FISHING SEASON FOR HATCHERY ORIGIN STEELHEAD TROUT ON THE MAINSTEM COLUMBIA RIVER AND DRANO LAKE. Notwithstanding the provisions of WAC 232-28-607 and 232-28-612, it shall be lawful for any sport fisherman to take, fish for, or possess steelhead trout in the mainstem Columbia River and Drano Lake provided that these activities occur under the following provisions.

Open Area:

Columbia River Mainstem - From the Megler-Astoria Bridge upstream to the Highway 12 Bridge at Pasco except those waters closed to all fishing under WAC 232-28-607 adjacent to Bonneville, Dalles, John Day and McNary Dams.

Drano Lake

Season Dates:

July 26 through October 31

Special Provisions:

- 1) Only steelhead with dorsal fins measuring less than 2 1/4 inches in height when fully extended or with missing adipose or ventral fins may be reduced to possession.

- 2) It is unlawful to possess a steelhead with a freshly cut or mutilated dorsal, ventral or adipose fin.

Catch and Possession Limits for Steelhead:

Daily catch limit - 2

Possession limit - 4

WSR 84-12-012
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 229—Filed May 25, 1984]

Be it resolved by the State Game Commission, acting at the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, that it does adopt the annexed rules relating to steelhead fishing regulation change on the mainstem of the Stillaguamish River, WAC 232-28-61101.

This action is taken pursuant to Notice No. WSR 84-08-071 filed with the code reviser on April 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1984.

By Vern E. Ziegler
 Chairman, Game Commission

NEW SECTION

WAC 232-28-61101 STEELHEAD FISHING REGULATION CHANGE ON THE MAINSTEM OF THE STILLAGUAMISH RIVER. Notwithstanding the provisions of WAC 232-28-611, effective May 26, 1984, the following regulation changes will be in effect:

STILLAGUAMISH RIVER, 175 Year around and ALL SLOUGHS, west of Warm Beach-Stanwood Highway.	TROUT; minimum length - 10"; catch limit - 2. STEELHEAD; min. lgth. - 30" from May 26 to Nov. 30.
STILLAGUAMISH RIVER, 175 Jan. 1-Feb. 28 From the Warm Beach-Stanwood Highway to the forks—except HARVEY CREEK, PIONEER PONDS, and PORTAGE CREEK—these are CLOSED.	TROUT; minimum length - 10"; catch limit - 2. STEELHEAD; min. lgth. - 30" from May 26 to Nov. 30.
Mar. 1-Mar. 31 May 26-Dec. 31	TROUT; min. lgth. - 10"; catch limit - 1. WHITEFISH; CLOSED.

WSR 84-12-013
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 237—Filed May 25, 1984]

Be it resolved by the State Game Commission, acting at the Renton Sheraton Inn, 800 Rainier Avenue South, Renton, WA 98057, that it does adopt the annexed rules relating to season closure for steelhead fishing on the Quinault River system, WAC 232-28-61301.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is information gathered by the Department of Game from sport anglers fishing the Quinault River above Lake Quinault indicates that the wild Quinault summer steelhead run is extremely low and may be near extinction. The run requires maximum protection if it is to be saved. Therefore it is necessary to close the sport steelhead fishery on the Quinault River to allow all available fish to spawn.

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

This rule is promulgated pursuant to RCW 77.12.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1984.

By Vern E. Ziegler
 Chairman, Game Commission

NEW SECTION

WAC 232-28-61301 SEASON CLOSURE FOR STEELHEAD FISHING ON THE QUINAULT RIVER SYSTEM. *Effective May 26, 1984 it is unlawful for non-Indian sport fishermen to take, fish for, or possess steelhead trout greater than 20 inches in length from or in the Quinault River system.*

<p>QUINAULT RIVER, 135, 136 (includes Olympic National Park)</p>	<p>May 26-Nov. 30</p>	<p>TROUT; min. lgth. - 10". Closed to the taking of steelhead trout over 20" in length.</p>
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WSR 84-12-014
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 238—Filed May 25, 1984]

Be it resolved by the State Game Commission, acting at the Renton Sheraton Inn, 800 Rainier Avenue South,

Renton, WA 98057, that it does adopt the annexed rules relating to steelhead fishing regulation change on the mainstem of the Stillaguamish River, WAC 232-28-61101.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is in the Stillaguamish system, the important Deer Creek natural stock is depressed. Scale analysis of fish collected from Deer Creek over a period of years confirm that nearly all adults are less than 30 inches long. Deer Creek steelhead need complete protection. Deer Creek and Little Deer Creek are closed to all recreational angling to protect native summer-run populations. Regulations prohibit retention of steelhead under 30 inches in length in the North Fork below the mouth of Deer Creek from May 26 to November 30. Deer Creek stock must pass through the mainstem of the Stillaguamish and protective regulations must be extended to cover this area.

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

This rule is promulgated pursuant to RCW 77.12.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1984.

By Vern E. Ziegler
 Chairman, Game Commission

NEW SECTION

WAC 232-28-61101 STEELHEAD FISHING REGULATION CHANGE ON THE MAINSTEM OF THE STILLAGUAMISH RIVER. *Notwithstanding the provisions of WAC 232-28-611, effective May 26, 1984, the following regulation changes will be in effect:*

<p>STILLAGUAMISH RIVER, 175 Year around and ALL SLOUGHS, west of Warm Beach-Stanwood Highway.</p>	<p>TROUT; minimum length - 10"; catch limit - 2. STEELHEAD, min. lgth. - 30" from May 26 to Nov. 30.</p>
<p>STILLAGUAMISH RIVER, 175 Jan. 1-Feb. 28 From the Warm Beach-Stanwood Highway to the forks—except HARVEY CREEK, PIONEER PONDS, and PORTAGE CREEK—these are CLOSED.</p>	<p>TROUT; minimum length - 10"; catch limit - 2. STEELHEAD, min. lgth. - 30" from May 26 to Nov. 30. Mar. 1-Mar. 31 TROUT; min. lgth. - 10"; May 26-Dec. 31 catch limit - 1. WHITEFISH; CLOSED.</p>

WSR 84-12-015
NOTICE OF PUBLIC MEETINGS
BOARD FOR
COMMUNITY COLLEGE EDUCATION
 [Memorandum—May 24, 1984]

The meeting of June 27 will be held at the Washington Community College Computing Consortium, 4002 148th Avenue N.E., Redmond, Washington. The meeting of June 28 will be held, as originally announced, at North Seattle Community College, 9600 College Way North, Seattle, Washington.

WSR 84-12-016
EMERGENCY RULES
PUBLIC DISCLOSURE COMMISSION
 [Order 84-02—Filed May 25, 1984]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, WA 98504, FJ-42, that it does adopt the annexed rules relating to political advertising, new WAC 390-18-010.

We, the Public Disclosure Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is House Bill 1133 takes effect on June 8, 1984. This is a major election year. Numerous inquiries are being received from candidates and political committees for the guidance this rule will provide.

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

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Open Government Act.

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

APPROVED AND ADOPTED May 22, 1984.

By Graham E. Johnson
 Administrator

NEW SECTION

WAC 390-18-010 POLITICAL ADVERTISING.
Identification of Sponsor.

(1) For the purposes of chapter 216, Laws of 1984 and this rule, "sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(2) Printed advertising shall clearly state that it has been paid for by the sponsor (Example: Paid for by the

XYZ Committee, mailing address, city, state, zip code). Broadcast advertising shall conform to the requirements of the Federal Communications Commission.

(3) If more than one person sponsors advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of the advertising, it is unnecessary to include that contributor's name as a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW.

(4)(a) Political advertising consisting of more than one page but intended to be presented as a single item (i.e. 3-page letter with return envelope) need not contain the sponsor's identification on more than one page. Identification on an envelope alone is not sufficient.

(b) Political advertising which is a collection of several items and distributed simultaneously must show the respective sponsor on the respective items.

(5) The following forms of political advertising need not include the sponsor's name and address because such identification is impractical: ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers (4" x 15" or smaller), buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads (1/2 col. inch or less), noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders, reader boards where message is affixed in moveable letters, ribbons, 12-inch (or shorter) rulers, shoe horns, skywriting, staple removers, stickers (2-3/4" x 1" or smaller), sunglasses, sunvisors, swizzle sticks, water towers, whistlers, yard signs, yo-yos, and all other similar items.

(6) The commission shall publish a suggested list of abbreviations or symbols which may be used by candidates and political committees which the commission finds will clearly identify political party affiliation.

WSR 84-12-017
ADOPTED RULES
PUBLIC DISCLOSURE COMMISSION
 [Order 84-03—Filed May 25, 1984]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, WA 98504, FJ-42, that it does adopt the annexed rules relating to enforcement procedures, chapter 390-37 WAC.

This action is taken pursuant to Notice No. WSR 84-09-027 filed with the code reviser on April 12, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure

Commission has authority to implement the provisions of the Washington State Open Government Act.

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

APPROVED AND ADOPTED May 22, 1984.

By Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 79, filed 6/25/76)

WAC 390-37-020 ENFORCEMENT PROCEDURES—INITIATION OF COMPLAINT. (1) A complaint alleging a violation of chapter 42.17 RCW may be brought to the attention of the commission staff by:

- (a) A member of the public;
- (b) the commission staff;

(c) a commission member, who shall then be disqualified from participating in the decision of an an ((contested case)) enforcement hearing that may arise from the complaint; or

(d) referral from the office of the attorney general or any other law enforcement agency.

(2) The person or entity against whom a complaint is filed shall be known as the respondent.

AMENDATORY SECTION (Amending Order 79, filed 6/25/76)

WAC 390-37-030 ENFORCEMENT PROCEDURES—STATUS OF CITIZEN COMPLAINANT AND OTHERS. (1) When a citizen complaint has been filed with the commission, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any ((contested case)) enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the commission at any time. The complainant or any other person wishing to be heard in a compliance matter may request permission in advance of a public hearing on the matter or at such hearing, and the commission may grant such person a reasonable opportunity to be heard.

(3) A person not satisfied with the dismissal of a complaint by the commission or its administrator when no violation is found, may pursue an appropriate remedy under RCW 42.17.400(4).

AMENDATORY SECTION (Amending Order 81 [79], filed 7/22/76 [6/25/76])

WAC 390-37-040 ENFORCEMENT PROCEDURES—PROCEDURES FOR FILING CITIZEN

COMPLAINTS. (1) A complaint filed with the commission, relating to an elected official or a candidate for elective office, shall be in writing and signed by the complainant under oath.

(2) A complaint filed with the commission, other than a complaint specified in subsection (1) of this section, may be made informally.

(3) A complaint filed under the provisions of either subsection (1) or (2) of this section should include:

(a) A statement of the nature of the alleged violation or violations, date, time and place of each occurrence and name of person or persons responsible; and

(b) all available documentation and other evidence which the complainant is able to supply to demonstrate a reason for believing that a violation of chapter 42.17 RCW has occurred.

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 caption occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 81, filed 7/22/76)

WAC 390-37-060 ENFORCEMENT PROCEDURES—INVESTIGATION OF COMPLAINTS—INITIATION OF HEARING. (1) The administrator shall ((investigate and present to the commission each complaint which indicates reasonable cause to believe chapter 42.17 RCW has been violated)) initiate an enforcement hearing whenever an investigation reveals facts which the administrator has reason to believe are a material violation of chapter 42.17 RCW and do not constitute substantial compliance.

(2) The respondent shall be notified of the date of the hearing no later than twenty days before that date pursuant to WAC 10-08-040.

(3) The staff shall provide the respondent, at his/her request, with copies of all materials to be presented at the hearing by the staff.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310(1)(d). If a request is made for any such record which implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 81, filed 7/22/76)

WAC 390-37-070 ENFORCEMENT PROCEDURES—COMPLAINTS DISMISSIBLE BY ADMINISTRATOR. The administrator, with the concurrence of the chairman, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, does not

show reason to believe that a material violation of chapter 42.17 RCW has occurred.

AMENDATORY SECTION (Amending Order 81, filed 7/22/76)

WAC 390-37-090 ENFORCEMENT PROCEDURES—CASES RESOLVABLE BY STIPULATION. (1) When the administrator and respondent agree ~~((at the prehearing conference to the criteria set forth in subsections (2)(a) through (c) of WAC 390-37-080))~~ that some or all of the facts are uncontested, the administrator and respondent shall prepare a stipulated statement~~((s))~~ of fact ~~((and law))~~ for presentation to the commission.

(2) ~~((f))~~ The commission ~~((finds that there has been an actual violation by approving the findings of fact and conclusions of law as presented in the stipulation, the commission shall:~~

~~(a) Convene a contested case hearing on the issue of the sanction to be imposed, and~~

~~(b) Determine the amount of the sanction))~~ may ask that additional facts be presented if it deems any stipulation to be inadequate.

(3) The commission shall refer the matter to the administrator for further investigation or other action consistent with the commission's deliberations if the commission~~(:~~

~~(a))~~ does not approve the ~~((proposed findings))~~ stipulated statement of fact ~~((and conclusions of law pursuant to subsection (1) of this section or~~

~~(b) determines its own remedy would be inadequate)).~~

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 81, filed 7/22/76)

WAC 390-37-100 ENFORCEMENT PROCEDURES—~~((CONTESTED CASE))~~ CONDUCT OF HEARINGS. (1) An enforcement hearing shall be conducted pursuant to the Administrative Procedure Act (chapter 34.04 RCW) and its supporting regulations (chapter ~~((1-08))~~ 10-08 WAC).

(2) An ~~((contested case))~~ enforcement hearing shall be heard either by the commission or, ~~((if the respondent consents))~~ under RCW 34.12.040 or 34.12.050(2), by a duly designated ~~((hearing officer))~~ administrative law judge. ~~((The hearing officer may be either a member of the commission or another qualified person designated by resolution of the commission to preside at contested case hearings.))~~

(3) Upon the conclusion of an ~~((contested case, the hearing officer))~~ enforcement hearing heard by an administrative law judge, the judge shall prepare and present to the commission findings of fact, conclusions of law, and a proposed decision determinative of the matter. ~~((When the proposed decision is adverse to the respondent;))~~ A copy of the findings of fact, conclusions of law and the proposed decision shall be served upon the administrator and the respondent. Both the respondent and the administrator shall be afforded an opportunity to

file exceptions and written argument with the commission. The commission shall review the proposed decision at its next regular meeting or at a special meeting called for that purpose. The commission shall consider the whole record or such portions as shall be cited by the parties. Oral argument may be heard at the discretion of the commission.

(4) After either a hearing by the commission or review by the commission of the proposed decision of ~~((a hearing officer))~~ an administrative law judge the commission may find that:

(a) Respondent did not violate the act, as alleged, and dismiss the case; or

(b) Respondent violated chapter 42.17 RCW, as alleged, and determine the sanction, if any, to be imposed, or

(c) ~~((it))~~ Respondent is in apparent violation of chapter 42.17 RCW, ((it)) its own remedy is inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360.

(5) Upon the conclusion of a hearing, the commission

(a) shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) shall deliver, either in person or by mail, to each respondent~~((, or the attorney of record of each respondent;))~~ and their representative a copy of the findings of fact, conclusions of law and decision.

(6) When the commission finds an apparent violation and refers the matter to an enforcement agency, the commission shall give to the respondent written notice of such finding and order of referral.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 81, filed 7/22/76)

WAC 390-37-210 ~~((INVESTIGATIVE))~~ HEARINGS—SUBPOENAS. (1) The commission, ~~((its chairman, or designee of the commission or))~~ upon request by ~~((a respondent))~~ any party, may subpoena persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material.

(2) Such subpoena will issue and may be enforced in the form and manner set forth in RCW 34.04.105 and WAC 10-08-120.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

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

WAC 390-37-080 Enforcement Procedures—Prehearing Conference

WAC 390-37-200 Investigative Hearings—Commission Policy

WAC 390-37-205 Investigative Hearings—Respondent's Notice to Appear

WAC 390-37-215 Investigative Hearings—Conducted by Commission or Hearing Officer

WAC 390-37-220 Investigative Hearings—Procedures

WAC 390-37-225 Investigative Hearings—Disposition of Case by Hearing Officer

WAC 390-37-230 Investigative Hearings—Disposition of Case by Commission

WSR 84-12-018

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 84-08—Filed May 25, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to this order adds several new sections to chapters 296-200 and 296-400 WAC. WAC 296-200-300 procedures for notice of infraction; 296-200-310 service on employee of a contractor; 296-200-320 mailing copy of notice of infraction to contractor; and 296-400-300 procedures for notice of infraction. These four rules are new rules that are required by the changes to the contractor registration law, chapter 18.27 RCW; and the plumber certification law, chapter 18.106 RCW, enacted in 1983. They set out the procedures the department will follow in issuing a notice of infraction and notifying the contractor or plumber that they have received a notice of infraction. The rules also clarify, for the benefit of the district courts and contractors, which of the justice court traffic infraction rules (JTIR) apply to contractor and plumber notice of violation.

This action is taken pursuant to Notice Nos. WSR 84-04-072 and 84-07-021 filed with the code reviser on February 1, 1984, and March 14, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.27.040, 18.27.200 and 18.106.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 25, 1984.

By Sam Kinville
Director

NEW SECTION

WAC 296-200-300 PROCEDURES FOR NOTICES OF INFRACTION. (1) The department may issue a notice of infraction to a contractor that violates

RCW 18.27.200. The notice of infraction by law must be on the same basic form as that prescribed for traffic infractions. The supreme court has adopted the justice court traffic infraction rules (JTIR) as the rules of procedure for traffic infractions. To ensure that court procedures are the same for contractor notices of infraction as for traffic notices of infraction, the department shall comply with all JTIR rules except for rules 1.1, 1.2, 2.1, and 2.4(a). Rules 1.1, 1.2, and 2.1 do not directly apply to notices of violation for contractors. Rule 2.4(a) does not apply because RCW 18.27.270 provides that a defendant must respond to a notice of violation within fourteen days, not within seven days as for a traffic infraction.

(2) In reading the JTIR rules, the following terms, as they appear in the rules, shall be construed to mean:

(a) "Department" means the department of labor and industries, not the department of licensing.

(b) "Notice of traffic infraction" means notice of infraction.

(c) "Traffic case" means a contractor infraction case.

(d) "Law enforcement officer" means a representative of the department.

NEW SECTION

WAC 296-200-310 SERVICE ON EMPLOYEE OF A CONTRACTOR. If a contractor is a corporation or a partnership, the department need not serve the contractor personally. In such a case, if no owner, officer, or partner of a violating contractor is on a job site, the department may issue a notice of infraction to any employee on the site. For purposes of serving the notice of infraction, the legislature intended that all employees of a contractor, at whatever level, are authorized to act as, and are, agents to accept service of the notice of infraction on behalf of the contractor. A promise to appear signed by an employee on behalf of the contractor is binding on the contractor. To lessen possible problems, however, the department shall have the employee complete the promise to appear on the notice of infraction in the following fashion: The employee shall sign the "name of the contractor, by name of the employee". It will appear thus:

Jane Doe Construction Co.
(by) Richard Roe, Employee.

NEW SECTION

WAC 296-200-320 MAILING COPY OF NOTICE OF INFRACTION TO CONTRACTOR. If the department serves a notice of infraction on an employee of a contractor, and not on the owner, officer, or partner of the contractor, the law requires the department to mail by certified mail a copy of the notice of infraction to the contractor if the department can determine the contractor's name and address. If the department cannot determine the contractor's name and address, it need not mail a copy of the notice of infraction; in such a case, the notice of infraction shall remain valid. To ensure further that the contractor receives a copy, the department shall, as well as mail a copy by certified mail, mail a second copy by ordinary mail. To prove that the letters

were mailed the department's representative shall sign an affidavit of mailing in substantially the following form:

AFFIDAVIT OF MAILING

STATE OF WASHINGTON }
COUNTY OF } ss.

I, (name of Representative), being first duly sworn, on oath depone and say:

That on, 19__, pursuant to RCW 18.27-.230, I caused a copy of the notice of infraction, with serial number, dated, to be mailed by certified mail, return receipt requested, via the United States Postal Service, postage prepaid; and a second copy of the notice of infraction to be mailed by ordinary mail, via the United States Postal Service, postage prepaid, at, Washington, to:

(Name of Contractor
Address of Contractor)

(Signature of representative)
(Name of representative)

SUBSCRIBED AND SWORN TO before me this day of, 19__.

NOTARY PUBLIC for the State of Washington, residing at

NEW SECTION

WAC 296-400-300 PROCEDURES FOR NOTICES OF INFRACTION. (1) The department may issue a notice of infraction to a plumber that violates RCW 18.106.180. The notice of infraction by law must be on the same basic form as that prescribed for traffic infractions. The supreme court has adopted the justice court traffic infraction rules (JTIR) as the rules of procedure for traffic infractions. To ensure that court procedures are the same for plumber notices of infraction as for traffic notices of infraction, the department shall comply with all JTIR rules except for rules 1.1, 1.2, 2.1, and 2.4(a). Rules 1.1, 1.2, and 2.1 do not directly apply to notices of violation for plumbers. Rule 2.4(a) does not apply because RCW 18.106.220 provides that a defendant must respond to a notice of violation within fourteen days, not within seven days as for a traffic infraction.

(2) In reading the JTIR rules, the following terms, as they appear in the rules, shall be construed to mean:

- (a) "Department" means the department of labor and industries, not the department of licensing;
(b) "Notice of traffic infraction" means notice of infraction;
(c) "Traffic case" means a plumber infraction case;
(d) "Law enforcement officer" means a representative of the department.

WSR 84-12-019
ADOPTED RULES
BOARD OF PHARMACY
[Order 186-Filed May 25, 1984]

Be it resolved by the Washington State Board of Pharmacy, acting at Seattle, Washington, that it does adopt the annexed rules relating to adding new section WAC 360-16-025 and amending WAC 360-16-240.

This action is taken pursuant to Notice No. WSR 84-08-080 filed with the code reviser on April 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.64.043 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 16, 1984.

By Donald H. Williams
Executive Secretary

NEW SECTION

WAC 360-16-025 PHARMACY LICENSE RENEWAL. The state board of pharmacy will not renew any pharmacy license after June 1, 1984 unless the following are submitted:

- (1) A complete renewal application form;
(2) A completed self-inspection form; and
(3) The fee as established by WAC 360-18-020.

AMENDATORY SECTION (Amending Order 146, filed 2/1/79)

WAC 360-16-240 GENERAL. (1) A list of antidotes for poisoning shall be posted or otherwise readily available for reference. The telephone number of the nearest poison control center shall be readily available.

(2) The Washington state board of pharmacy shall set standards for the grading of pharmacies in the state of Washington. There shall be three classifications: A, 100-90; B, 89-80; and C, below 80. Each pharmacy being inspected shall receive either a Class A, Class B, or Class C certificate, depending on the extent of compliance with the set standards.

(3) Any pharmacy receiving a Class C rating will have 60 days to raise its standards to a Class B or better. If after 60 days the pharmacy has failed to raise its standards to a Class B or better, a hearing will be conducted to consider disciplinary action.

(4) Any pharmacy receiving two consecutive B grades will be subject to a hearing to consider disciplinary action.

(5) The certificate of inspection must be posted on the front of the prescription case in conspicuous view of the general public and shall not be removed or defaced.

~~((6)) Forms and instructions for a self inspection program shall be mailed to all pharmacies. Up to five points may be granted on the inspection conducted by the investigator for pharmacy compliance with this program[.]~~

~~((7))~~ (6) Noncompliance with the provisions of RCW 18.64A.010 - 900 (pharmacy Assistants) and WAC 360-52-010 - 100 (Pharmacy Assistants) shall result in an automatic "C" grade regardless of point scores as found (2) above. Refer to (3) above for specific information on "C" grades~~(([.]))~~.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 84-12-020
ADOPTED RULES
BOARD OF PHARMACY
[Order 187—Filed May 25, 1984]

Be it resolved by the Washington State Board of Pharmacy, acting at Seattle, Washington, that it does adopt the annexed rules relating to amending WAC 360-16-150.

This action is taken pursuant to Notice No. WSR 84-08-081 filed with the code reviser on April 4, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.64.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 16, 1984.

By Donald H. Williams
Executive Secretary

AMENDATORY SECTION (Amending Regulation 28, filed 3/23/60)

WAC 360-16-150 RETURN OR EXCHANGE OF DRUGS (~~PROHIBITED~~). Except as provided in this rule, ((P))prescriptions, drugs, medicines, sick room supplies and items of personal hygiene shall not be accepted for return or exchange by any pharmacist or pharmacy after such prescriptions, drugs, medicines, sick room supplies or items of personal hygiene have been taken from the premises where sold, distributed or dispensed.

(1) Those drugs and sick room supplies legally dispensed by prescription in unit dose forms or in sealed single or multiple dose ampoules or vials in which the pharmacist can readily determine that entry or attempted entry by any means has not been made and which, in

the pharmacist's professional judgment, meet the standards of the United States Pharmacopeia for storage conditions including temperature, light sensitivity, chemical and physical stability may be returned.

(2) Pharmacies serving hospitals and long-term care facilities may accept for return and reuse, unit dose packages or full or partial multiple dose medication cards based on the following criteria;

(a) The pharmacist can readily determine that entry or attempt at entry to the unit dose package or blister card has not been made;

(b) In the pharmacist's professional judgment, the unit dose package or full or partial multiple dose medication card meets the standards of the United States Pharmacopeia for storage conditions including temperature, light sensitivity, chemical and physical stability;

(c) The drug has been stored in such a manner as to prevent contamination by a means that would affect the efficacy and toxicity of the drug;

(d) The drug has not come into physical possession of the person for whom it was prescribed and control of the drug being returned is known to the pharmacist to have been the responsibility of a person trained and knowledgeable in the storage and administration of drugs;

(e) The drug labeling or packaging has not been altered or defaced so that the identity of the drug, its potency, lot number, and expiration date is retrievable.

(f) If the drug is prepackaged, it shall not be mixed with drugs of different lot numbers and/or expiration dates unless the specific lot numbers are retrievable and the expiration dates accompany the drug. If the drug is extemporaneously packaged, it shall not be mixed with drugs of different expiration dates unless the earliest expiration date appears on the label of the drug.

(3) This rule shall not include items such as orthopedic appliances, crutches, canes, wheelchairs and other similar items unless otherwise prohibited.

(4) Controlled substances shall not be returned to a pharmacy except for destruction in accordance with rules of the Drug Enforcement Administration or the Washington State Board of Pharmacy.

WSR 84-12-021
PROPOSED RULES
BOARD OF PHARMACY
[Filed May 25, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning adding new sections WAC 360-36-400, 360-36-410, 360-36-420, 360-36-430 and 360-36-440; that the agency will at 8:00 a.m., Wednesday, July 25, 1984, in the Sea-Tac Tower, Suite 500, 18000 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 69.50.201, 60.50.203 [69.50.203], 69.50.205, 69.50.207, 69.50.209 and 69.50.211.

This notice is connected to and continues the matter in Notice Nos. WSR 84-06-067 and 84-10-064 filed with the code reviser's office on March 7, 1984, and May 2, 1984.

Dated: May 23, 1984
By: Donald H. Williams
Executive Secretary

WSR 84-12-022
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-41—Filed May 25, 1984]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is in order to provide maximum recreational opportunity, landings from mixed stock origin waters that count in the allocation need to be restricted.

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

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

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

APPROVED AND ADOPTED May 24, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-56-15600A LANDING OF SALMON CAUGHT IN CANADIAN WATERS. Effective immediately until further notice, it is unlawful to land salmon taken for personal use from Canadian waters in any port in Salmon Catch Record Marine Areas 4, 5, or 6.

WSR 84-12-023
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-42—Filed May 25, 1984]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of spring chinook are available.

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

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

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

APPROVED AND ADOPTED May 25, 1984.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-29000F ICICLE RIVER. Notwithstanding the provisions of WAC 220-57-290, effective May 28 through June 30, 1984, the waters of the Icicle River are open under bag limit A.

WSR 84-12-024
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-43—Filed May 25, 1984]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation is necessary to protect late molting crab stocks.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
APPROVED AND ADOPTED May 25, 1984.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-33000C CRAB-AREAS AND SEASONS. *Notwithstanding the provisions of WAC 220-56-330, effective May 26 until 11:59 p.m. June 14, 1984, it is unlawful to fish for or possess crab taken with shellfish pot gear or have in the water, set, or fish with shellfish pot gear for crab in Puget Sound waters except those contiguous waters south of the Hood Canal Floating Bridge.*

WSR 84-12-025
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-44—Filed May 28, 1984]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable quota of salmon has been taken.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
APPROVED AND ADOPTED May 28, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000F SALTWATER SEASONS AND BAG LIMITS—SALMON. *Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m., May 29, 1984, until further notice, it is unlawful to fish for salmon taken for personal use or to have in possession salmon taken for personal use after May 28, 1984, from all waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean waters, Grays Harbor,*

Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., May 29, 1984:

WAC 220-56-19000D SALTWATER SEASONS AND BAG LIMITS—SALMON. (84-32)

WSR 84-12-026
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed May 29, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-18-070 Sick leave—Reporting—Payment.
Amd WAC 356-18-090 Vacation leave—Accrual.
Amd *WAC 356-30-145 Project employment;

that the agency will at 10:00 a.m., Thursday, June 14, 1984, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 12, 1984.

This notice is connected to and continues the matter in Notice Nos. WSR *84-08-035 and 84-09-049 filed with the code reviser's office on *March 30, 1984, and April 17, 1984.

Dated: May 24, 1984
By: Leonard Nord
Secretary

WSR 84-12-027
ADOPTED RULES
CENTRAL WASHINGTON UNIVERSITY
[Order 56—Filed May 29, 1984]

I, Gary Smith, Director, Computer Services of Central Washington University, do promulgate and adopt at Central Washington University, Ellensburg, Washington, the annexed rules relating to:

New WAC 106-124-700 Firearms, explosives, dangerous chemicals—Restrictions.

Amd WAC 106-136-411 Use of facilities for campaign purposes—Requirements.

This action is taken pursuant to Notice No. WSR 84-09-040 filed with the code reviser on April 16, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Central Washington University as authorized in RCW 28B.19.050 and 28B.35.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 22, 1984.

By Gary R. Smith
Director of Computer Services

NEW SECTION

WAC 106-124-700 FIREARMS, EXPLOSIVES, DANGEROUS CHEMICALS—RESTRICTIONS. No person shall have in his possession any gun, pistol, firearm, explosive, dangerous chemicals, or other dangerous weapons or instruments on university owned or leased property except as follows:

(1) Authorized law enforcement officers shall be permitted to carry arms while on duty and engaged in their regular duties;

(2) Activities requiring use of the prohibited items may be conducted upon approval of the president or his designee;

(3) Persons with firearms in their possession shall be permitted to travel enroute to or from the university-provided firearm storage facilities only.

Violators of this WAC shall be subject to appropriate disciplinary or legal action.

AMENDATORY SECTION (Amending Order 43, filed 5/16/79)

WAC 106-136-411 USE OF FACILITIES FOR CAMPAIGN PURPOSES—REQUIREMENTS. The purpose of Central Washington University is to provide a liberal education in a number of academic fields; it has been established for public benefit rather than for the benefit of any private endeavors. (~~Consequently, private organizations composed solely of students, faculty members, and staff members of Central Washington University, and others may use university facilities and services for political and other community-oriented activities, subject to applicable scheduled rental charges and university rules, regulations and procedures. Conditions for all such use include, in addition to previously mentioned rental charges, reimbursement for the use of telephones and other utilities or services, maintenance and security, campus mail services, postage, vehicles, computer time and other incidental costs.~~) In no case may university facilities or services be used to establish or maintain an

office or headquarters for a political candidate or partisan political cause. Rules, regulations, policies, procedures and practices regarding the use of university facilities shall not discriminate or promote discrimination among political parties or groups solely on the basis of their particular political viewpoint.

WSR 84-12-028

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-45—Filed May 29, 1984]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of shad are present, and this order is adopted pursuant to the Columbia River compact.

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

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 29, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-04100G SEASONS AND AREAS—SHAD. *Notwithstanding the provisions of WAC 220-32-041, (1) it is unlawful to take, fish for or possess shad for commercial purposes with gill nets except from the following areas during the specified times for each area as follows:*

(a) *A line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light; thence continuing westerly to the white four-second blinker light on the east end of Lady Island, thence easterly and northerly along the shoreline of Lady Island to the State Highway 14 Bridge; thence easterly across State Highway 14 Bridge to the mainland to point of origin, and excluding the waters of Camas Slough upstream from a line projected true north from the most western tip of Lady Island to the mainland, from 4:00 a.m. to 10:00 p.m. on the following days:*

May 29 through June 1, 1984

June 4 through June 8, 1984

June 11 through June 15, 1984

June 18 through June 22, 1984

June 25 through June 29, 1984

Lawful gear is defined in WAC 220-32-023, except that breaking strength of a 30-pound pull is lawful regardless of mesh twine denier size.

(b) Those waters of the Columbia River upstream and easterly of a line projected from the flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore; and including those waters of the Columbia River downstream and westerly of a line projected across the Columbia River at a point 5 miles below Bonneville Dam from 4:00 a.m. to 10:00 p.m. on the following days:

May 29 through June 1, 1984

June 4 through June 8, 1984

June 11 through June 15, 1984

Lawful gear is defined in WAC 220-32-023.

(c) It is unlawful to retain any fish except shad.

(2) It is lawful for individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties to take, fish for or possess shad for commercial purposes with dip nets at any time in Columbia River Management and Catch Reporting Areas 1F, 1G and 1H.

WSR 84-12-029'

ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION

[Order 84-03A—Filed May 29, 1984]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, WA 98504, FJ-42, that it does adopt the annexed rules relating to enforcement procedures, WAC 390-37-060.

This action is taken pursuant to Notice No. WSR 84-09-027 filed with the code reviser on April 12, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

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

APPROVED AND ADOPTED May 22, 1984.

By Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 81, filed 7/22/76)

WAC 390-37-060 ENFORCEMENT PROCEDURES—INVESTIGATION OF COMPLAINTS—INITIATION OF HEARING. (1) The administrator shall ((investigate and present to the commission each complaint which indicates reasonable cause to believe chapter 42.17 RCW has been violated)) initiate an enforcement hearing whenever an investigation reveals facts which the administrator has reason to believe are a material violation of chapter 42.17 RCW and do not constitute substantial compliance.

(2) The respondent shall be notified of the date of the hearing no later than twenty days before that date pursuant to WAC 390-10-08-040.

(3) The staff shall provide the respondent, at his/her request, with copies of all materials to be presented by the staff at the hearing.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310(1)(d). If a request is made for any such record which implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 84-12-030

EMERGENCY RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Order 205—Filed May 30, 1984]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to shift differential provisions and compensation, amending WAC 356-15-060.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the change in shift differential with an effective date of July 1, 1984, was adopted to show that the board was in favor of an increase in shift differential rates and to try to persuade the legislature to appropriate funds for the increase; however, funds were not appropriated making it necessary to change this WAC back the way it was.

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

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 10, 1984.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 198, filed 2/10/84)

WAC 356-15-060 **SHIFT DIFFERENTIAL PROVISIONS AND COMPENSATION.** (1) Any employee working a shift shall be paid a shift premium (as shown in the shift differential schedule) under any one of the following conditions:

(a) When her/his scheduled working hours extend before 6 a.m. or beyond 6 p.m., she/he shall receive the premium rate for those hours that so extend.

(b) The premium rate shall be paid for all hours worked on a scheduled evening or night shift. Evening or night shifts are defined as those in which four or more hours of a scheduled shift extend beyond 6 p.m. or in which three or more hours of a scheduled shift are completed prior to 6 a.m.

(2) Monthly shift differential rates: In cases where shift differential hours are regularly scheduled over a year, agencies may pay shift differential at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (1) of this section were applied. This option is granted to simplify book-keeping and is not authorized to establish shift differential rates higher or lower than those set by the board.

(3) Shift differential and overtime: When a scheduled work period employee works overtime on a shift which qualifies for shift differential, her/his overtime shall be computed as one-and-one-half times her/his basic salary and shift differential combined.

(4) Payment during leave periods: Employees eligible for shift differential will receive the shift differential rate for authorized periods of paid leave, i.e., vacation leave, sick leave, military leave, holiday leave, etc.

((SHIFT DIFFERENTIAL SCHEDULE))

((Effective 7-1-84))

((~~50¢ per hour~~))

SHIFT DIFFERENTIAL SCHEDULE

(Effective 7-1-75)

Code	Title	Hourly Premium
5630-5634	Registered Nurses	23¢
0628-0641	Liquor Store Personnel/ working in the stores	23¢
	All Other Classes	20¢

WSR 84-12-031

ADOPTED RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 230—Filed May 30, 1984]

Be it resolved by the State Game Commission, acting at the Thunderbird Inn, 510 Kelso Drive, Kelso, WA, that it does adopt the annexed rules relating to 1984 Mountain Goat, Sheep and Moose Hunting Seasons, WAC 232-28-806.

This action is taken pursuant to Notice No. WSR 84-05-059 filed with the code reviser on February 22, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated 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 April 6, 1984.

By Vern E. Ziegler
Chairman, Game Commission

NEW SECTION

WAC 232-28-806 1984 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1984 Mountain Goat, Sheep and Moose Hunting Seasons adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

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

WAC 232-28-805 1983 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS

WSR 84-12-032

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Filed May 30, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning developmental disabilities fair hearings, amending WAC 275-27-500;

that the agency will at 10:00 a.m., Wednesday, June 27, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 3, 1984.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1984.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by June 13, 1984. The meeting site is in a location which is barrier free.

This notice is connected to and continues the matter in Notice No. WSR 84-08-015 filed with the code reviser's office on March 27, 1984.

Dated: May 16, 1984

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

WSR 84-12-033
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2103—Filed May 30, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to community options program entry system (COPES), amending WAC 388-83-200.

This action is taken pursuant to Notice No. WSR 84-09-016 filed with the code reviser on April 10, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.08.044 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1984.

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

AMENDATORY SECTION (Amending Order 2020, filed 8/31/83)

WAC 388-83-200 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPES) PROJECT. (See WAC 388-15-600.) (1) Eligible persons for the COPES project are individuals age eighteen and over who:

(a) Meet the Title XIX categorically needy eligibility requirements for SSI related institutionalized individuals. See chapter ~~((s 388-83 and 388-92))~~ 388-95 WAC. Income and resources of parents or spouses will not be considered available when determining eligibility or participation for a COPES applicant or recipient;

(b) Are assessed by the department to require the level of care provided in a skilled nursing facility, intermediate care facility or an intermediate care facility for the mentally retarded;

(c) Have a plan of care approved by the department and the total cost for this plan of care including the MNIL for one person, is less than ~~((eighty))~~ ninety percent of the department's state-wide average nursing home rate; and

(d) Are able and choose to live at home with community support services, or in a congregate care facility, or in a licensed adult family home.

(2) Income disregarded in determining eligibility is not available for participation in COPES services.

(3) Available income ~~((total income less amounts disregarded in determining eligibility))~~ of ~~((a))~~ the COPES participant living at home shall be allocated as follows:

(a) An amount equal to the medically needy income level for one person shall be protected for the maintenance needs of the recipient; ~~((or))~~ and

(b) For ~~((an individual with a))~~ the maintenance needs of the participant's spouse or family at home, an additional amount shall be protected equal to the medically needy income level ~~((adjusted for the appropriate family size))~~ for the number of dependents in the home less the income of the dependents;

(c) Amounts for incurred medical expenses not subject to third party payment shall be protected, including:

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered under Medicaid;

(d) Income remaining after deductions in subsections (3)(a), (3)(b) and (3)(c) of this section will be the participation amount for COPES services. (See WAC 388-15-620.)

(4) Income of a COPES participant living in an adult family home or congregate care facility shall be allocated as for other eligible categorically needy persons in similar living situations.

WSR 84-12-034**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1827—Filed May 30, 1984]

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to establishing tolerances for the chemical ethylene dibromide (EDB), WAC 16-228-340.

This action is taken pursuant to Notice No. WSR 84-09-059 filed with the code reviser on April 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 69.04 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1984.

By M. Keith Ellis
Director

NEW SECTION

WAC 16-228-340 ESTABLISHING TOLERANCES FOR THE CHEMICAL ETHYLENE DIBROMIDE (EDB). As recommended by the Environmental Protection Agency the following tolerances have been established for the chemical ethylene dibromide and shall not exceed these levels in the state of Washington:

(1) Unprocessed grain and grain-related products for human consumption - not to exceed nine hundred parts per billion;

(2) Products requiring cooking, i.e., cereals, flour, cake mixes, etc. - not to exceed one hundred fifty parts per billion;

(3) Ready to eat products, i.e., snack food, bread, etc. - not to exceed thirty parts per billion;

(4) Citrus fruit and papayas:

(a) Whole fruit - not to exceed two hundred fifty parts per billion;

(b) Edible pulp of whole fruit - not to exceed thirty parts per billion.

WSR 84-12-035**REVIEW OF RULES****PUBLIC DISCLOSURE COMMISSION**

[Filed May 30, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.230, that the Public Disclosure Commission intends to review the following rules: Forms for lobbyist employers report, WAC 390-20-110.

The agency will at 9:00 a.m., Tuesday, July 24, 1984, in the 2nd Floor Conference Room, Evergreen Plaza

Building, 711 Capitol Way, Olympia, WA, conduct a public hearing on the rules.

The rules review committee's findings and the reasons for the findings were stated to this agency as follows:

May 8, 1984

Mr. Graham Johnson
Administrator
Public Disclosure Commission
403 Evergreen Plaza
Olympia, WA 98504
FJ-42

Dear Mr. Johnson:

At its meeting on May 3 the Joint Administrative Rules Review Committee, by a majority vote upon formal review, determined that your recently adopted rule establishing a new report form for employers of lobbyists (WSR 84-05-018; WAC 390-20-110) fails to meet the legislative intent of RCW 42.17.170 and 180.

The Commission's rule requires that employers of lobbyists assemble and report certain information which is statutorily exempt from reports required of lobbyists. It is the consensus of the Committee that the Commission's new report form requires information which the Legislature specifically intended to be exempt from reporting. A copy of the staff memorandum on the issue is enclosed for your consideration.

Under RCW 34.04.230 the Public Disclosure Commission must file a notice of hearing on the rule within 30 days of your receipt of this notice. The Commission must fully consider all written and oral submissions and notify the Joint Administrative Rules Review Committee of its action on the rule within seven days after the hearing. Further Committee action will be required if the Commission fails to hold the required hearing and refuses to modify, amend or repeal the rule.

If you have any questions, please feel free to call Mel Sorensen, Legal Counsel, at SCAN 234-7559.

Sincerely,

Senator A. N. "Bud" Shinpoch, Chair

MEMORANDUM

DATE: May 2, 1984

TO: Senator A. N. "Bud" Shinpoch, Chair
Members, Joint Administrative
Rules Review Committee

FROM: Mel Sorensen, Legal Counsel

SUBJECT: Public Disclosure Commission:
WSR 84-05-018; WAC 390-20-110

This filing establishes a new report form to be filed with the commission each year by employers of lobbyists. Among other things, the form requires lobbyists' employers to report expenses for unregistered lobbyists, office and support services and travel to and from legislative hearings.

Notwithstanding the foregoing, under RCW 42.17.170 lobbyists are not required to report the following:

Dated: May 29, 1984
By: Graham E. Johnson
Administrator

- 1) Unreimbursed personal living and travel expenses not incurred directly for lobbying;
- 2) Any expenses incurred for his or her own living accommodations;
- 3) Any expenses incurred for his or her own travel to and from hearings of the legislature; and
- 4) Any expenses incurred for telephone and any office expenses including rent and salaries and wages paid for staff and secretarial assistance.

It would appear that the commission is requiring employers of lobbyists to report items which are specifically exempted insofar as reports of lobbyists are concerned. Thus the commission is indirectly obtaining information which is directly exempted by the statute for lobbyists.

AMENDATORY SECTION (Amending Order 84-01, filed 2/10/84)

WAC 390-20-110 FORMS FOR LOBBYIST EMPLOYERS REPORT. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is hereby adopted for use in reporting to the public disclosure commission. This form, revised 8/83, shall be designated as "L-3." This form as amended shall be used for the report due March 31, 1984. Copies of this form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504.

8. TRAVEL PROVIDED TO LEGISLATORS, STATE ELECTED OFFICIALS, STATE EMPLOYEES OR MEMBERS OF THEIR IMMEDIATE FAMILIES.

NAME AND TITLE	COST	DATES, DESTINATION AND PURPOSE OF TRAVEL
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES		

9. CONTRIBUTIONS TO CANDIDATES FOR STATE OFFICE, LEGISLATURE, COMMITTEES SUPPORTING OR OPPOSING THOSE CANDIDATES OR COMMITTEES SUPPORTING OR OPPOSING STATEWIDE BALLOT MEASURES MADE BY EMPLOYER. (CONTRIBUTIONS FROM PAC NEED NOT BE LISTED.)

NAME OF RECIPIENT	AMOUNT
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES	

10. COMPENSATION OF \$500 OR MORE DURING THE PRECEDING CALENDAR YEAR FOR EMPLOYMENT OR PROFESSIONAL SERVICES PAID TO STATE ELECTED OFFICIALS, SUCCESSFUL CANDIDATES FOR STATE OFFICE AND EACH MEMBER OF THEIR IMMEDIATE FAMILY.

NAME	RELATIONSHIP TO CANDIDATE OR ELECTED OFFICIAL IF MEMBER OF FAMILY.	AMOUNT (CODE)	DESCRIPTION OF CONSIDERATION OR SERVICES EXCHANGED FOR COMPENSATION
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES			

DOLLAR CODE	
CODE	AMOUNT
A	Less than \$1,000
B	\$1,000 but less than \$5,000
C	\$5,000 but less than \$10,000
D	\$10,000 but less than \$25,000
E	\$25,000 or more

11. COMPENSATION OF \$500 OR MORE DURING THE PRECEDING CALENDAR YEAR FOR PROFESSIONAL SERVICES PAID TO ANY CORPORATION, PARTNERSHIP, JOINT VENTURE, ASSOCIATION OR OTHER ENTITY IN WHICH A STATE ELECTED OFFICIAL, SUCCESSFUL STATE CANDIDATE OR MEMBER OF THE IMMEDIATE FAMILY HOLDS OFFICE, PARTNERSHIP, DIRECTORSHIP OR OWNERSHIP INTEREST OF 10% OR MORE.

FIRM NAME	PERSON'S NAME	AMOUNT (CODE)	DESCRIPTION OF CONSIDERATION OR SERVICES EXCHANGED FOR COMPENSATION
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES			

12. ANY EXPENDITURE, NOT OTHERWISE REPORTED, MADE DIRECTLY OR INDIRECTLY TO A STATE ELECTED OFFICIAL, SUCCESSFUL CANDIDATE FOR STATE OFFICE OR MEMBER OF THE IMMEDIATE FAMILY, IF MADE TO HONOR, INFLUENCE OR BENEFIT THE PERSON BECAUSE OF HIS OFFICIAL POSITION.

NAME	AMOUNT	PURPOSE
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES		

WSR 84-12-036
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Filed May 30, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning developmental disabilities services and home aid resources, amending chapter 275-27 WAC;

that the agency will at 10:00 a.m., Wednesday, July 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 18, 1984.

The authority under which these rules are proposed is RCW 71.20.070.

The specific statute these rules are intended to implement is chapter 71.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1984.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by June 27, 1984. The meeting site is in a location which is barrier free.

Dated: May 25, 1984

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

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 275-27-020 through 275-27-400.

Purpose of the Rule Change: To update current definitions and terminology.

The Reason These Rules are Necessary: To implement revision of RCW 71.20.016 (definition of developmental disability).

Statutory Authority: RCW 71.20.070.

Summary of the Rule Change: Changes will bring WAC into compliance with RCW regarding definitions of developmental disability, and will update general definitions and terminology.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Linda Rolfe, Program Manager, Division of Developmental Disabilities, Field Services, Mailstop: OB 42C, Telephone: 753-4425.

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

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

WAC 275-27-020 DEFINITIONS. (1) "Mental retardation" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior manifested before age eighteen and exhibiting an intelligence quotient at or below sixty-seven using Stanford-Binet, or at or below sixty-nine using Wechsler (~~(, or a social quotient of sixty-nine or below using Vineland Social Maturity Scale)~~): PROVIDED, That ~~(;)~~ other appropriate analogous ~~((scale(s)))~~ scale or scales used receives the prior approval of the secretary.

(2) "Department" means the department of social and health services of the state of Washington.

(3) "Secretary" means the secretary of the department of social and health services.

(4) "~~(Bureau)~~ Division" means the ~~((bureau or))~~ division of developmental disabilities of the department of social and health services.

(5) "Director" means the director of the ~~((bureau))~~ division of developmental disabilities.

(6) "Respite care" means temporary services provided to a developmentally disabled individual and/or ~~((his))~~ the individual's family on either an emergency or planned basis without which the individual may need ~~((residential placement))~~ a more dependent program.

(7) "Individual" means the person for whom ~~((bureau))~~ division services are requested.

(8) "Informed consent" means an agreement obtained from an individual or his or her authorized representative, for such individual's participation in an activity. The following information is necessary to informed consent:

(a) An explanation of the procedures to be followed including an identification of those which are experimental;

(b) A description of the attendant discomforts and risks;

(c) A description of the benefits to be expected;

(d) A disclosure of appropriate alternative procedures;

(e) An offer to answer any inquiries concerning the procedures; and

(f) Instruction that consent may be withdrawn and participation discontinued at any time.

(9) "Residential ~~((facilities))~~ programs" means those ~~((facilities))~~ programs providing domiciliary care and other services, including, but not limited to, state residential facilities, group homes, skilled nursing facilities, intermediate care facilities, congregate care facilities, boarding homes, children's foster homes, adult family homes, and group training homes.

(10) "Nonresidential ~~((facilities))~~ programs" means ~~((facilities))~~ programs including, but not limited to, ~~((developmental centers and sheltered workshops))~~ county-funded habilitation services.

(11) "Emergency" means a sudden, unexpected occurrence demanding immediate action.

(12) "Best interest" includes, but is not limited to, individual client program elements designed to:

(a) Achieve or maintain economic self-support;

(b) Achieve or maintain self-sufficiency;

(c) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;

(d) Preserve, rehabilitate, or reunite families; and

(e) Prevent or reduce inappropriate institutional care by providing the least restrictive setting, such as community-based services, home-based services, or other forms of less-intensive service, to meet the individual's medical and personal needs.

(13) "More dependent program" means a program providing less opportunity for numbers and variety of community contacts for the individual or requiring more hours of staff supervision/training/support for the individual.

AMENDATORY SECTION (Amending Order 1143, filed 8/11/76)

WAC 275-27-030 DETERMINATION OF ELIGIBILITY. (1) An individual shall be eligible for services upon application pursuant to WAC 275-27-040, provided ~~((that))~~ the ~~((bureau))~~ division has determined ~~((that))~~ the individual ~~((has a mental or physical deficiency as defined in RCW 71.20.015 and/or))~~ is developmentally disabled ~~((as defined in RCW 71.20.015))~~. Eligibility criteria to determine ~~((such deficiency and/or))~~ developmental disability shall be:

(a) Mental retardation, cerebral palsy, epilepsy, autism; or

(b) ~~((Cerebral palsy, epilepsy, autism,))~~ Auditory impairment, ~~((or))~~ visual impairment, or a condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, and

(c) Having the following additional characteristics:

- (i) Originates before such person reaches age ~~((+8))~~ eighteen; and
- (ii) Has continued or can be expected to continue indefinitely; and
- (iii) Constitutes a substantial handicap to ~~((such))~~ the individual's ability to function normally in society.

(2) The director or designee may authorize exception to criteria specified ~~((above))~~ in subsection (1) of this section, upon determination ~~((that))~~ there are no other services available and ~~((that))~~ enforcement of such criteria will be extremely detrimental to the health and welfare of the individual.

(3) Prior to determining whether an individual is eligible for ~~((bureau))~~ division services, the ~~((bureau))~~ division may require a supporting affidavit of a physician and/or clinical or certified psychologist certifying ~~((that))~~ the individual ~~((has a mental and/or physical deficiency, or))~~ is developmentally disabled.

(4) If the applicant wishes the ~~((bureau))~~ division to consider documents not on file with the department, then the applicant must sign departmental consent forms authorizing the ~~((bureau))~~ division to acquire such documents.

(5) Within five working days of the receipt of the completed application and supporting documents, the ~~((bureau))~~ division shall determine whether the individual is eligible for ~~((bureau))~~ division services.

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

WAC 275-27-040 APPLICATION FOR SERVICES. (1) All applications for ~~((bureau))~~ division services shall be filed with one of the ~~((bureau case))~~ division field services offices in the form and manner required by the director.

(2) An application may be made by an individual, or advocate for, or ~~((parent(s)))~~ parent or parents or guardian of such an individual.

~~((3))~~ All applications shall include written informed consent to ~~bureau services requested by the individual, parent of an individual under age eighteen, or court authorized guardian. If an individual, who is over eighteen years of age and has no guardian, is unable to give informed consent, then consent may be received from next-of-kin.))~~

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

WAC 275-27-050 DETERMINATION FOR NECESSARY SERVICES. (1) Within ~~((thirty))~~ sixty days from the date of the ~~((bureau's))~~ division's decision that an individual is developmentally disabled, the appropriate ~~((bureau))~~ division field services office shall evaluate the individual's needs to determine which services, if any, are necessary to ~~((stabilize or ameliorate the disabling condition and are in))~~ serve the client's best interest.

(2) Upon completion of the evaluation, an individual ~~((program))~~ service plan with determination of necessary services shall be prepared pursuant to WAC 275-27-060 or other department forms as appropriate.

(3) Determination of necessary services shall not be regarded as a guarantee of delivery. Delivery of services shall be based on availability of services and/or funding.

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

WAC 275-27-060 INDIVIDUAL ~~((PROGRAM))~~ SERVICE PLAN. (1) The ~~((bureau))~~ division shall develop a written individual ~~((program))~~ service plan for each person ~~((who is))~~ determined eligible for ~~((bureau))~~ division services within ~~((30))~~ sixty days. Interim services may be provided if deemed necessary.

(2) The individual ~~((program))~~ service plan shall ~~((include the services))~~ be based on an assessment of the individual's needs and will specify the services adjudged to be in the best interests of the client and ~~((shall include short and long term training and))~~ meet the individual's habilitation ~~((goals for the client's progress. To the extent possible, all services shall be goal oriented and time limited))~~ needs. The individual service plan and authorization of services shall be in the form and manner specified by the director.

(3) ~~((The program plan shall be reviewed at least annually by the bureau client program coordinator with those directly involved with the client.~~

~~((4))~~ A client, his ~~((parent(s)))~~ or her parent or parents, or guardian may request review or modification of the ~~((program))~~ service plan at any time based on changed circumstances.

~~((5))~~ (4) Development, review, and significant modifications of the individual ~~((program))~~ service plan shall include, to the maximum extent possible, appropriate ~~((bureau))~~ division staff, the client, his ~~((parent(s)))~~ or her parent or parents or guardian, and personal ~~((representative(s)))~~ representative or representatives of the agency or facility which is, or will be, primarily responsible for the implementation of specific provisions of the plan.

AMENDATORY SECTION (Amending Order 1143, filed 8/11/76)

WAC 275-27-210 HOME AID RESOURCES. (1) The ~~((secretary))~~ division shall make payments for the provision of home aid resources as set forth in this section ~~((provided that no local, private, federal, or other state resource is available for the individual's needs)).~~

(2) Home aid resources shall be provided to eligible individuals and/or their families as follows:

(a) Planned or emergency respite care as defined in WAC 275-27-020(6);

(b) Transportation services where such transportation cannot be provided by the individual, the parent of an individual under age ~~((+8))~~ eighteen, or guardian;

(c) The purchase, rental, loan, or refurbishment of specialized equipment, environmental modifications, and other adaptations; ~~((and))~~

(d) Specialized therapies; and

(e) Attendant care.

(3) Transportation, equipment ~~((and))~~, therapies, and attendant care as set forth in WAC 275-27-210 (2)(c); (b), (c), ~~((and))~~ (d), and (e) shall be provided only upon receipt of information documenting ~~((that))~~ such ~~((service(s)))~~ service or services will substantially reduce the need for ~~((residential placement))~~ a more dependent program and with approval of the director.

(4) Home aid resources shall be:

(a) ~~((Specified in the client's program plan))~~ Based on need;

(b) Specifically goal-oriented and time-limited;

(c) Agreed to by the client receiving services and/or the ~~((parent(s)))~~ parent or parents or guardian entitled to custody, and the services provider.

(d) Extension of any service beyond the specified time limits ~~((specified in the program plan))~~ or established fee schedules shall be authorized by the director or designee of the ~~((bureau))~~ division.

(5) The division may require other local, private, federal, or other state resources be sought prior to making payments for home aid resources.

AMENDATORY SECTION (Amending Order 1771, filed 3/1/82)

WAC 275-27-230 ~~((PLACEMENT))~~ AUTHORIZATION OF SERVICES. (1) ~~((Unless an individual is placed pursuant to court order.))~~ The ~~((bureau's case))~~ division's field services section shall be responsible for ~~((placement))~~ authorizing services ~~((for))~~ received by all eligible ~~((bureau))~~ division clients ~~((into and out of state schools, into and out of))~~ from residential habilitation centers, other residential facilities, including, but not limited to, community IMR's, group homes, tenant support, and ~~((into and out of))~~ nonresidential programs.

(2) ~~((The placement))~~ Determination of services to be authorized shall include, to the maximum extent feasible, the client, his or her ~~((parent(s)))~~ parent or parents or guardian, and all other responsible parties.

(3) The emergency admission of any individual to a ~~((state school))~~ residential habilitation center shall not exceed thirty days.

(4) A temporary admission of any individual to a ~~((state school))~~ residential habilitation center for respite care or diagnostic services shall not exceed thirty days.

(5) Placement by the ~~((bureau))~~ division in a county-funded service is limited as follows:

(a) The service must be included in a state-approved county plan;

(b) Placement and funding is limited to those cases where the local school district is not responsible for provision of county-funded services: PROVIDED, That:

(i) The ~~((bureau))~~ division shall aid the client in obtaining required services from the local school district;

(ii) Exceptions may be granted by the ~~((bureau))~~ division for county-funded services during nonschool months.

AMENDATORY SECTION (Amending Order 1143, filed 8/11/76)

WAC 275-27-240 FINANCIAL SERVICES. The ~~((bureau's case))~~ division's field services may include services to protect the financial interests of developmentally disabled individuals.

AMENDATORY SECTION (Amending Order 1143, filed 8/11/76)

WAC 275-27-250 GUARDIANSHIP SERVICES. ~~((Whenever there is a bona fide doubt as to whether an adult person eligible to receive services pursuant to these rules and regulations is capable of giving informed consent for such services, the bureau's case services shall include assuring that a determination is made whether such person does or does not require a guardian; and))~~ If ~~((such person))~~ it appears an eligible individual requires a guardian, the division's field services may assure initiation of and/or assist in guardianship proceedings.

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

WAC 275-27-300 COMPLETION OF INDIVIDUAL PROGRAM PLAN—RESIDENTIAL ~~((SCHOOLS))~~ HABILITATION CENTERS. (1) Upon admission from ~~((bureau's case))~~ the division's field services section, the state residential ~~((school))~~ habilitation center shall take actions necessary to review and complete the individual ~~((program))~~ service plan. (WAC 275-27-060.) Residents of a common school age shall be placed in an educational program and other programs as deemed appropriate.

(2) The completed individual program plan for residential ~~((schools))~~ habilitation centers shall include assessment, training and habilitation goals, and long- and short-term objectives.

(3) Assessment shall include the following:

- (a) Scholastic assessment;
- (b) Physical assessment; and
- (c) Adjustment assessment.

(4) Upon completion of assessment, the residential ~~((school))~~ habilitation center shall determine training and habilitation goals for the resident.

(a) Training and habilitation goals shall be directed to maximizing the resident's potential, stabilizing, or ameliorating the resident's disabling condition, and in the resident's best interests.

(b) Training and habilitation goals shall include consideration of future community placement and an estimate as to when such placement is possible.

(c) Training and habilitation goals shall specify in measurable terms the behavioral changes desired, expected results, and necessary resources.

(5) For those residents of common school age as determined by chapter 392-173 WAC completion of the individual ~~((program))~~ service plan shall meet requirements of chapter 392-173 WAC.

(6) The requirements of this section shall be completed within ~~((30))~~ thirty days of admission. Upon completion of the requirements of this section, the parent, legal guardian, or committing court shall be notified of decisions made pursuant to ~~((this 500))~~ WAC 275-27-500.

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

WAC 275-27-400 REASONABLE NOTICE AND CONSULTATION. (1) A notification of department decision with respect to eligibility, development, or modification of the individual ~~((program))~~ service plan, proposed services, termination of ~~((bureau))~~ division services, placements, and admission or readmission to, or discharge from ~~((state schools))~~ residential habilitation centers, shall be delivered to the client and the ~~((parent(s)))~~ parent or parents, guardian, or advocate of such individual by ~~((certified))~~ mail or in person. Termination of the ~~((bureau))~~ division services shall not be implemented for a period of thirty days after notification of the department's decision to terminate services. Other decisions of the department may be acted upon by the department even though the thirty-day period in which to appeal pursuant to WAC 275-27-500(1) has not expired provided ~~((that))~~ the client, or parent of a client under age eighteen, or guardian authorized to determine residential placements for the client may at any time, withdraw consent to any ~~((bureau))~~ division service.

(2) The notice shall set forth a statement of the reasons for the decision, and information pertaining to such ~~((person(s)))~~ person's or persons' right to appeal pursuant to WAC 275-27-500.

(3) All parties affected by such department decision shall be consulted, whenever possible, during the decision process by the responsible ~~((case))~~ field services regional office in person ~~((:))~~ and/or by telephone.

(4) The ~~((bureau))~~ division shall ~~((notify))~~ ensure notification to the school district in which a school-aged child is to be placed when a placement decision is reached.

WSR 84-12-037
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 30, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning information and referral services, amending WAC 388-15-110;

that the agency will at 10:00 a.m., Wednesday, July 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 18, 1984.

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

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1984.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by June 27, 1984. The meeting site is in a location which is barrier free.

Dated: May 25, 1984

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

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-15-110.

Purpose of the Rule Change: To change a term to one more widely understood.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: The term "resource access" is changed to the more familiar "information and referral."

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Bonner Gordon, Program Manager, Bureau of Aging and Adult Services, Mailstop: OB 43G, Telephone: 3-4921.

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

AMENDATORY SECTION (Amending Order 1811, filed 5/19/82)

WAC 388-15-110 (~~RESOURCE ACCESS~~) INFORMATION AND REFERRAL SERVICES. (1) (~~Resource access~~) Information and referral services are available to all persons requesting services from community services offices by phone, correspondence or in person. These individuals are provided with information and referral, as needed, to available services within the department or the community.

(2) The service responds to service requests by determining the type of service needed (desired) and linking the individual to the appropriate service.

(3) Provision of minimal health support and family planning information is the responsibility of all social service staff. Minimal service means providing names and locations of providers and general program description and other additional information as required.

(4) (~~Resource access~~) Information and referral services may be offered to accomplish any of the five goals described in WAC 388-15-010.

WSR 84-12-038
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2101—Filed May 30, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to community options program entry system (COPES), amending WAC 388-15-610 through 388-15-630.

This action is taken pursuant to Notice No. WSR 84-09-015 filed with the code reviser on April 10, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.08.044 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1984.

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

AMENDATORY SECTION (Amending Order 1954, filed 3/30/83)

WAC 388-15-610 COPES—ELIGIBLE PERSONS. (1) Categorically related Medicaid recipients (i.e., aged, blind, and disabled persons) eighteen years of age and over are eligible for COPES services when they:

(a) Have gross monthly income which is less than three hundred percent of Supplemental Security Income (SSI) benefit level; and

(b) Have resources at or below the Medicaid standard; and

(c) Are assessed by the department as eligible for skilled nursing care, intermediate nursing care or intermediate nursing care for the mentally retarded; and

~~((c))~~ (d) Choose to live in their own homes or in congregate care facilities or in licensed adult family homes; and

~~((d))~~ (e) Have a plan of care for COPES services prepared by the department and the total cost for this plan of care, including the one-person medically needy income level, is less than ~~((eighty))~~ ninety percent of the average state-wide nursing home rate.

(2) Participation in COPES is the choice of the otherwise eligible recipient.

AMENDATORY SECTION (Amending Order 1954, filed 3/30/83)

WAC 388-15-620 COPES—SERVICES. (1) The following services may be authorized to COPES eligible recipients, based on department assessment of need and plan of care:

(a) Congregate care as defined in WAC 388-15-560 through 388-15-568. In addition, congregate care facilities may provide medication administration to COPES eligible clients, when this service is required by the department and performed by a registered nurse under the general direction of a licensed physician or dentist. (Refer to RCW 18.88.285 and WAC 308-120-100 through 308-120-522.)

(b) Adult family care as defined in WAC 388-15-551 through 388-15-555.

(c) Adult day health.

(d) Home health services as defined in WAC 388-86-045.

(e) Personal care services which include meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines. Other forms of household assistance such as house cleaning, telephoning, laundry, and writing are allowed when the recipient is unable to perform these tasks independently. Personal care also includes protective supervision when required due to the recipient's diminished mental capacity or judgment. Sterile procedures and administration of medications are not authorized personal care tasks, unless the provider is a licensed health practitioner or a member of the recipient's immediate family.

(f) Case management.

(2) Personal care services may not be authorized to recipients residing in congregate care facilities or adult family homes, since personal care is provided by these facilities.

(3) Adult day health and home health services are provided only when the recipient requires congregate care, adult family home services, or personal care. The average cost for adult day health and home health services must be included in the total plan of care costs.

(4) Applicants whose incomes exceed the cost for services are not eligible for COPES.

AMENDATORY SECTION (Amending Order 1954, filed 3/30/83)

WAC 388-15-630 COPEs—PAYMENT—PROCEDURES. (1) All nonexempt income of a person receiving COPEs services shall be allocated according to procedures in WAC 388-83-200.

(2) The department shall pay to the providers of congregate care, home health services, adult day health care, and adult family home care a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department.

(3) The department shall pay at least federal minimum hourly wage rates to individual and independent providers of personal care, but shall not pay more than three dollars and ~~((seventy-five))~~ eighty-five cents per hour. When the provider assists the recipient full time, a standby hourly wage shall be paid when the provider must be with the recipient but is not directly assisting the client. This standby wage shall not exceed twenty-five cents per hour.

(4) The department shall pay to private and public agencies ~~((which provide))~~ providing personal care the same hourly unit rate reimbursement established by the department for chore services personal care.

(5) Payments for COPEs services plus the recipient's income allocated for maintenance in the home shall not exceed ~~((eighty))~~ ninety percent of the average state-wide monthly rate for nursing home care.

(6) Income allocated for maintenance needs in the home cannot exceed the medically needy income levels.

WSR 84-12-039**ADOPTED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 2105—Filed May 30, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 84-08-056 filed with the code reviser on April 3, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.46.800 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.46 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 May 30, 1984.

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

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accounting" – Activities providing information, usually quantitative and often expressed in monetary units, for decision-making, planning, evaluating performance, controlling resources and operations, and external financial reporting to investors, creditors, regulatory authorities, and the public.

(2) "Accrual method of accounting" – A method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

(3) "Administration and management" – Activities employed to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

(4) "Allowable costs" – See WAC 388-96-501.

(5) "Ancillary care" – Services required by the individual, comprehensive plan of care provided by qualified therapists or by support personnel under their supervision.

(6) "Appraisal" – The process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). Appraisal includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

~~((6))~~ (7) "Arm's-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller who are unrelated and have adverse bargaining positions in the ~~((market place))~~ market-place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

~~((7))~~ (8) "Assets" – Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. "Assets" also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles.

~~((8))~~ (9) "Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

~~((9))~~ (10) "Beds" – Unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

~~((10))~~ (11) "Beneficial owner" – Any person who:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (4) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subsection ~~((10))~~(11)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (11)(b) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of

such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

~~((11))~~ (12) "Capitalization" – The recording of an expenditure as an asset.

~~((12))~~ (13) "Capitalized lease" – A lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

~~((13))~~ (14) "Cash method of accounting" – A method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

~~((14))~~ (15) "Change of ownership" – A change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(a) Events which change ownership include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home enterprise is transferred by the contractor to another party;

(iii) The nursing home enterprise is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs which dissolves the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating decisions;

(ii) If the contractor is a corporation, some or all of its stock is transferred.

~~((15))~~ (16) "Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

~~((16))~~ (17) "Contract" – A contract between the department and a contractor for the delivery of SNF or ICF services to medical care recipients.

~~((17))~~ (18) "Contractor" – An entity which contracts with the department to deliver care services to medical care recipients in a facility and which entity is responsible for operational decisions.

~~((18))~~ (19) "Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

~~((19))~~ (20) "CSO" – The local community services office of the department.

~~((20))~~ (21) "Department" – The department of social and health services (DSHS) and employees.

~~((21))~~ (22) "Depreciation" – The systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

~~((22))~~ (23) "Donated asset" – An asset which the contractor acquired without making any payment for the asset in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

~~((23))~~ (24) "Entity" – An individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

~~((24))~~ (25) "Equity capital" – Total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

~~((25))~~ (26) "Exceptional care recipient" – A medical care recipient determined by the department to require exceptionally heavy care.

~~((26))~~ (27) "Facility" – A nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((27))~~ (28) "Fair market value" – Prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell. Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is being determined.

~~((28))~~ (29) "Financial statements" – Statements prepared and presented in conformity with generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((29))~~ (30) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

~~((30))~~ (31) "Generally accepted accounting principles" – Accounting principles approved by the financial accounting standards board (FASB).

~~((31))~~ (32) "Generally accepted auditing standards" – Auditing standards approved by the American institute of certified public accountants (AICPA).

~~((32))~~ (33) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired. Also, the excess of the price paid for an asset over the fair market value of the asset.

~~((33))~~ (34) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

~~((34))~~ (35) "ICF" – When referring to a nursing home, an intermediate care facility. When referring to a level of care, intermediate care. When referring to a patient, a patient requiring intermediate care.

~~((35))~~ (36) "Imprest fund" – A fund which is regularly replenished in exactly the amount expended from it.

~~((36))~~ (37) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

~~((37))~~ (38) "Intermediate care facility" – A licensed facility certified to deliver intermediate care services to medical care recipients.

~~((38))~~ (39) "Joint facility costs" – Any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

~~((39))~~ (40) "Levels of care" – The classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

~~((40))~~ (41) "Medical care program" – Medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((41))~~ (42) "Medical care recipient" – An individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((42))~~ (43) "Multiservice facility" – A facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

(44) "Net book value" – The historical cost of an asset less accumulated depreciation.

(45) "Net invested funds" – The net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year. Assets associated with central or home offices or otherwise not on the nursing home premises are not included in net invested funds.

~~((43))~~ (46) "Nonallowable costs" – Same as "unallowable costs."

~~((44))~~ (47) "Nonrestricted funds" – Funds which are not restricted to a specific use by the donor, e.g., general operating funds.

~~((45))~~ (48) "Nursing home" – A home, place, or institution, licensed in accordance with chapter 18.51 RCW, in which skilled nursing and/or intermediate care services are delivered.

~~((46))~~ (49) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((47))~~ (50) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

~~((48))~~ (51) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((49))~~ (52) "Patient day" – A calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is

counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he or she is assigned a bed and a patient medical record is opened.

~~((50))~~ (53) "Per diem (per patient day) costs" – Total allowable costs for a fiscal period divided by total patient days for the same period.

(54) "Professionally designated real estate appraiser" – An individual regularly engaged in the business of providing real estate valuation services for a fee, and deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examination on valuation practice and theory, and, by virtue of membership in such organization, required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((51))~~ (55) "Prospective daily payment rate" – The rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

(56) "Qualified therapist":

(a) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional, either a qualified therapist or a therapist, approved by the department having specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker graduated from a school of social work;

(f) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; or

(h) An occupational therapist graduated from a program in occupational therapy, or having the equivalent of such education or training, and meeting all requirements of state law.

~~((52))~~ (57) "Recipient" – A medical care recipient.

~~((53))~~ (58) "Records" – Those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, invoices, schedules, summaries, and transaction documentation, however such data are maintained.

~~((54))~~ (59) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

~~((55))~~ (60) "Related care" – Includes the director of nursing services, activities and social services programs, medical and medical records specialists, and consultation provided by medical directors, pharmacists, occupational, physical, speech, and other therapists, and mental health professionals as defined in law and regulation.

~~((56))~~ (61) "Related organization" – An entity ~~((which, to a significant extent, is))~~ under common ownership and/or control with, or which has control of or is controlled by, the contractor. ~~((An entity is deemed to "control" another entity))~~ Common ownership exists if ((the)) an entity has a five percent or greater beneficial ownership interest in ((the other, or if the entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other)) the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

~~((57))~~ (62) "Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; step-parent, stepchild, stepbrother, stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

~~((58))~~ (63) "Restricted fund" – A fund for which the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. These generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

~~((59))~~ (64) "Secretary" – The secretary of the department of social and health services (DSHS).

~~((60))~~ (65) "Skilled nursing facility" – A licensed facility certified to deliver skilled nursing care services to medical care recipients.

~~((61))~~ (66) "SNF" – When referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

~~((62))~~ (67) "Start-up costs" – The one-time pre-opening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

~~((63))~~ (68) "Title XIX" – The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

~~((64))~~ (69) "Unallowable costs" – Costs which do not meet every test of an allowable cost.

~~((65))~~ (70) "Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

~~((66))~~ (71) "Vendor number" – A number assigned to each contractor delivering care services to medical care recipients.

~~((67))~~ (72) "Working capital" – Total current assets ~~((which are))~~ necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities ~~((which are))~~ necessary, ordinary, and related to patient care from the most recent cost report.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-032 TERMINATION OF CONTRACT. (1) When a contract is terminated for any reason, the old contractor shall submit final reports in accordance with WAC 388-96-104. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final annual report, an audit has been completed by the department, and final settlement has been determined, such settlement to be issued within ninety days following completion of the audit process.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor, after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with WAC 388-96-904, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a reputable bonding company and acceptable to the department is filed by the contractor. The bond shall:

- (a) Be in an amount equal to the released payment;
- (b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;
- (c) Provide that the full amount of the bond shall be paid to the department if a properly completed final annual report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the department's auditors; and

(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) The department may accept an assignment of funds if the assignment meets the requirements of subsection (3) of this section.

(5) If a contract is terminated solely in order for the same owner to contract with the department to deliver SNF or ICF services to a different class of medical care recipients at the same nursing home, the contractor is not required to submit final reports, and payment for the final thirty days will not be withheld.

~~((5))~~ (6) When a contract is terminated, any accumulated liabilities which are assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All reports shall be legible, reproducible, and shall be submitted in original. All entries must be typed or completed in black or dark blue ink.

(2) Reports shall be completed in accordance with the provisions of this chapter, the state of Washington nursing home accounting and reporting manual, and such instructions ((provided)) as may be issued by the department from time to time. If no specific regulation, manual provision, or instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy and generally accepted accounting principles are followed.

(4) Methods of allocating costs, including indirect or overhead costs, shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the contractor shall provide to the department a written schedule which specifies the way in which the contractor's individual account numbers correspond to the department's chart of accounts. Records shall be available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) If a contractor fails to maintain records adequate for audit purposes as provided in subsection (5) of this section or fails to allow inspection of such records by authorized personnel as provided in subsection (5) of this section, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to subsection (6) of this section.

AMENDATORY SECTION (Amending Order 1808, filed 5/14/82)

WAC 388-96-122 AMENDMENTS TO REPORTS. (1) For purposes of computing a settlement, an amendment to an annual report shall be filed if significant errors or omissions are discovered prior to the ~~((commencement of))~~ receipt by the provider of the notification scheduling the department's field audit. In order to determine the date of receipt, all notifications scheduling field audits shall be sent by registered mail, return receipt requested. Errors or omissions shall be deemed "significant" if the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only those pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department may refuse to consider an amendment resulting in a more favorable settlement to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question. Amendments may be submitted for purposes of adjusting reimbursement rates in accordance with WAC 388-96-769; however, use in this regard does not mean an amendment will be used for settlement purposes in the absence of conditions specified in this subsection.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-204 FIELD AUDITS. (1) All cost reports for calendar year 1982 shall be field audited by the department.

(2) Cost reports for years subsequent to 1982 may be field audited by auditors employed by or under contract with the department.

(3) Beginning with field audits for calendar year 1983, up to one hundred percent of submitted contractor cost reports and patient care trust fund accounts shall be audited.

(4) Each facility will be audited at least once every three years.

(5) Beginning with cost reports for calendar year 1983, facilities selected for audit shall be notified within one hundred twenty days after submission of a complete and correct cost report of the department's intent to audit. Such audits shall be completed within one year after notification of the department's intent to audit unless the contractor fails to allow access to records and documentation or otherwise prevents the audit from being completed in a timely manner.

(6) Regarding submitted contractor cost reports, all facilities meeting the following conditions will be audited:

(a) Facilities terminating their contracts with the department to provide Medicaid services will be audited when the audits are conducted for the calendar year in which the contract is terminated. Schedule preference will be given to conduct closing audits as soon as possible;

(b) Facilities contracting in any given calendar year shall be audited for that partial or full year, and facilities contracting for the first time shall be audited annually for the first two full calendar years;

(c) Facilities whose last completed audit had an audit adjustment of five thousand dollars or more in expenses, twenty thousand dollars or more in equity, one thousand dollars or more in revenue/interim payments and/or fifty days or more in total patient days shall be audited;

(d) Facilities under investigation by the Internal Revenue Service, Securities Exchange Commission, Department of Health and Human Services, Medicaid fraud control unit, or any other federal, state, or municipal agency for alleged fiscal and/or patient account impropriety shall be audited for the year during which such investigation is commenced, for each year the investigation is continued, for the year during which the investigation is concluded, and for two full calendar years following the year the investigation is terminated;

(e) Facilities whose costs in one or more cost centers for the current year exceeds the industry average by one standard deviation, and such costs exceed prior year allowable costs, facilities whose costs in one or more cost centers exceeds inflation increases for the year in question, facilities with questionable costs in excess of ten thousand dollars, if requested by the manager, rate management program, bureau of nursing home affairs, shall be audited.

(7) If a facility has a home or central office and such central office or any associated facility meets any of the criteria set forth in subsection (6) of this section, such facility shall be audited as provided in subsection (6) of this section.

(8) Patient care trust fund accounts shall be audited annually if two or more findings were reported in the previous trust fund audit of a facility or if, in the opinion of the department, a single finding reported in the previous trust fund audit materially impacts the patient trust fund accounts maintained by the facility.

(9) Reported costs and trust fund accounts of facilities may be selected for audit on a random or other basis.

NEW SECTION

WAC 388-96-502 INDIRECT AND OVERHEAD COSTS. If a nursing home provides goods or services not reimbursable under this chapter, any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs.

NEW SECTION

WAC 388-96-508 TRAVEL EXPENSES FOR MEMBERS OF TRADE ASSOCIATION BOARDS OF DIRECTORS. Travel expenses for members of trade association boards of directors otherwise meeting the requirements of this chapter will be allowable for twelve meetings per calendar year.

NEW SECTION

WAC 388-96-509 BOARDS OF DIRECTORS FEES. Fees paid to members of boards of directors of corporations operating nursing homes shall be included in any tests or limits on management or administrative compensation or expense.

AMENDATORY SECTION (Amending Order 1712, filed 11/4/81)

WAC 388-96-525 EDUCATION AND TRAINING. (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs.

(2) Ordinary expenses of nursing assistant training conducted pursuant to chapter 18.52A RCW will be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs.

(4) Expenses for travel in the states of Idaho, Oregon, and Washington and the province of British Columbia associated with education and training will be allowable if the expenses meet the requirements of this chapter.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-533 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL. (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits contained in this section.

(2) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) will be allowable at the lower of:

- (a) Actual compensation received, or
- (b) The amount in the table in subsection (5) of this section corresponding to the number of beds in the nursing home.

Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty beds in the nursing home, at the lower of:

- (a) Actual compensation received, or
- (b) Seventy-five percent of the appropriate amount in the table in subsection (5) of this section.
- (4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of:
 - (a) Actual compensation received, or
 - (b) Sixty percent of the appropriate amount in the table in subsection (5) of this section.
- (5)

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year 1983

BED SIZE

1 - 79	\$ 29,716
80 - 159	\$ 32,884
160 and up	\$ 34,960

(6) A table to be promulgated by the department will apply for subsequent calendar years.

(7) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, allowable compensation shall be the lower of:

- (a) Actual compensation received, or
- (b) The appropriate amount in the table in subsection (5) of this section multiplied by the percentage derived from the division of the actual hours worked, plus reasonable vacation, holiday, and sick time normally available to employees working similar hours, by forty hours per week for each week covered by the cost report. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(8) The contractor shall maintain time records customary for employees which are adequate for audit for the licensed administrator, assistant administrator, and/or administrator-in-training. Such records must verify the actual hours of service performed for the nursing home.

(9) Reimbursement for administrative and management services shall be limited in total amount to allowable compensation for administrative personnel set forth in this section regardless of the provisions of any employment, management or consultation agreement, or other arrangement which exists between the contractor and persons or organizations providing such services.

(10) Costs of an administrator-in-training shall not be considered for the purpose of setting the administration and operations prospective rate. The costs of an approved administrator-in-training program shall be reimbursed by an adjustment to current rate. To obtain an adjustment, the contractor must submit a request for an increase in current rate together with necessary documentation which shall include a copy of the department of licensing approval of the administrator-in-training program and a schedule indicating the commencement date, expected termination date, salary or wage, hours,

and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual termination date of the administrator-in-training program. Upon termination of the program, the current rate shall be reduced by an amount corresponding to the cost of the program.

NEW SECTION

WAC 388-96-580 OPERATING LEASES OF OFFICE EQUIPMENT. Rental costs of office equipment under arm's-length operating leases shall be allowable to the extent such costs are necessary, ordinary, and related to patient care. Beginning January 1, 1985, office equipment rental costs shall be reimbursed in the administration and operations cost center.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-585 UNALLOWABLE COSTS. (1) Costs will be unallowable if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF or ICF recipients which are covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of

comparable services, facilities, or supplies purchased elsewhere.

(j) Bad debts. Beginning July 1, 1983, bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established there was no likelihood of recovery at any time in the future. Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Dues to national trade associations or that portion of dues paid to local or state trade associations attributable to membership in national associations shall be unallowable. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care.

(r) Fund-raising expenses, except expenses directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands.

(ff) Legal and consultant fees in connection with a lawsuit against the department.

(gg) Lease acquisition costs and other intangibles not related to patient care.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs.

(jj) Beginning January 1, 1985, interest costs.

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington and the province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report submitted by contractors.

(2) Data containing obvious errors will be excluded from the determination of predicted costs and rate upper limits for WAC 388-96-743 and 388-96-735.

(3) Inflation adjustments shall be applied as follows:

(a) In the nursing services and administration and operations cost areas for July 1, 1983, rate setting, an adjustment of 2.5 percent shall be applied to allowable costs in these cost areas if the cost report for a contractor covers all twelve months of 1982. If the cost report ~~((corners))~~ covers less than twelve months, the inflation factor shall be reduced to reflect the shorter period.

(b) In the food cost area, an inflation adjustment factor of 2.5 percent shall be applied to the January 1, 1983, rate for all contractors.

(c) Property and return on equity rates will not be adjusted for inflation.

(4) The occupancy level for each facility shall be computed by dividing the actual number of patient days by the product of the numbers of licensed beds and calendar days in the report period. For prospective rate computations, as well as determining lids for property and administration and operations reimbursement, if a facility's occupancy is below eighty-five percent, per patient day cost shall be computed utilizing patient days at

the eighty-five percent occupancy level. Actual occupancy level shall be utilized for facilities at or above eighty-five percent occupancy.

(5) If a nursing home provides residential care to individuals other than skilled or intermediate care patients, the facility may request in writing and the department may grant in writing an exception to the requirements of subsection (4) of this section by including such other residents in computing occupancy. Exceptions granted will be revocable effective ninety days after written notice of revocation is received from the department. No exception will be granted unless the contractor submits with the annual cost report a certified statement of occupancy including all residents of the facility and their status or level of care.

NEW SECTION

WAC 388-96-721 PRIORITIES IN ESTABLISHING RATES AND RESPONDING TO APPEALS OF DESK-REVIEW ADJUSTMENTS. Consistent with other provisions of this chapter, the following priorities shall apply in calculating rates, issuing rates, and responding to appeals of desk-review adjustments:

(1) First priority shall be given to contractors submitting correct and complete cost reports postmarked no later than March 31st;

(2) Second priority shall be given to contractors submitting correct and complete cost reports by May 15th;

(3) Third priority shall be given to contractors submitting correct and complete cost reports after May 15th; and

(4) For the purposes of responding to appeals of desk-review adjustments within each of the foregoing priority groups, contractors will receive a priority determined by the proportion of Medicaid patient days of service to total patient days of service reflected in the latest cost report and by the rate change at July 1st rate setting relative to other facilities in the priority group.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-750 RETURN ON INVESTMENT. (1) Beginning July 1, 1983, the department will pay a return on equity to proprietary contractors utilizing applicable Medicare rules and regulations with the following modifications:

(a) Contractors will not be required to submit monthly equity calculations in order to calculate allowable equity for cost reporting periods unless a desk review of reported equity conducted pursuant to WAC 388-96-717 discloses reported equity appears to exceed a level that is ordinary, necessary, and related to patient care. In such cases, the department may request and the contractor shall provide a monthly equity calculation as established by Medicare rules, regulations, and guidelines. The average ratio among proprietary contractors of current assets to expenses will be computed from the most recent desk reviewed cost reports. The standard deviation of the ratio and the average ratio plus one standard deviation will also be computed. Current assets in excess

of the average ratio plus one standard deviation will not be allowed unless the contractor can document that the excess is ordinary, necessary, and related to patient care. No adjustments will be made to reported equity insofar as changes reflect additions to fixed assets which are ordinary, necessary, and related to patient care.

(b) Goodwill is not includable in the determination of net equity.

(c) Net equity and the payment for net equity shall be calculated as described in subsections (2) and (3) of this section.

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk reviewed cost report utilizing the definition of equity in WAC 388-96-010 and applying relevant Medicare rules, regulations, and guidelines, with the modifications described in subsection (1) of this section.

(3) The contractor's net equity will be multiplied by a rate of return on equity capital of twelve percent. This amount will be divided by the contractor's annual patient days for the cost report period to determine a rate per patient day. Where a contractor's cost report covers less than a twelve-month period, annual patient days will be estimated using the contractor's reported patient days. The contractor shall be paid at a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per patient day.

(4) The information on which the return on equity is calculated is subject to field audit. If a field audit determines that the desk reviewed reported equity exceeds the equity which can be documented and calculated in conformity with Medicare rules, regulations, and guidelines as modified by this section, the contractor's return on equity rate for the rate period during which a return on equity rate calculated on the basis of that cost report was in effect shall be recalculated using the determinations of the field audit, not to exceed a maximum of two dollars per patient day. Any payments in excess of this rate shall be refunded to the department as part of the settlement procedure established by this chapter.

(5) Contractors shall not, for periods prior to January 1, 1984, include in equity nor shall they receive a return on accounts receivable or other assets, real, personal, liquid, or in any other form directly or indirectly resulting from judgments and/or settlements obtained in the class actions commonly known as UNH II and UNH III (Thurston County Cause Nos. 59035, 80-2-01440-1 and 81-2-00076-0).

NEW SECTION

WAC 388-96-761 HOME OFFICE, CENTRAL OFFICE, AND OTHER OFF-PREMISES ASSETS. Assets used in the provision of services by or to a nursing home, but not located on the premises of the nursing home, shall not be included in net invested funds or in the calculation of property reimbursement for the nursing facility. Depreciation, interest expense, and operating lease expense for home office, central office, and other off-premises assets may be allocated to the cost of services provided to or by the facility on a reasonable statistical basis approved by the department and included

in the costs of services in cost centers where such services and related costs are appropriately reported.

NEW SECTION

WAC 388-96-762 ALLOWABLE LAND. (1) Beginning January 1, 1985, land associated with a nursing home which is eligible for inclusion in net invested funds shall not exceed two acres for facilities located in a standard metropolitan statistical area, as defined by the United States Bureau of the Census, and three acres for nursing homes located outside such an area.

(2) The department may grant an exception to these limits if a contractor presents documentation deemed adequate by the department establishing a larger area of land is directly related to patient care. Requests for exceptions and any exceptions granted must be in writing.

(3) Requests for exceptions may be granted in the following cases:

(a) The area occupied by the nursing home building exceeds the allowable land area specified in subsection (1) of this section;

(b) The land is used directly in the provision of patient care;

(c) The land is maintained;

(d) The land is not subdivided or eligible for subdivision;

(e) The land is zoned for nursing home or similar use; or

(f) Other reasons exist which are deemed sufficient by the department.

NEW SECTION

WAC 388-96-764 ACTIVITIES ASSISTANTS. Costs associated with the employment of activities assistants working under the direction of a qualified activities specialist are allowable in the nursing services cost center.

NEW SECTION

WAC 388-96-765 ANCILLARY CARE. Beginning July 1, 1984, costs of providing ancillary care are allowable provided documentation establishes the costs were incurred for medical care recipients and other sources of payment to which patients may be legally entitled, such as private insurance or Medicare, were first fully utilized.

NEW SECTION

WAC 388-96-767 APPRAISAL VALUES. If a contractor is unwilling or unable to provide and document the lessor's historical cost of leased assets, the department shall arrange for an appraisal of such assets to be conducted by the state of Washington department of general administration. If such an appraisal is conducted, it shall be the basis for all property and return on investment reimbursement, except that: If documentation subsequently becomes available to the department establishing the lessor's historical cost is less than the appraisal value, the historical cost shall be the basis for all property and return on investment reimbursement.

WSR 84-12-040**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1829—Filed May 30, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to alcohol blend gasolines, chapter 16-657 WAC.

This action is taken pursuant to Notice Nos. WSR 84-07-026 and 84-10-057 filed with the code reviser on March 16, 1984, and May 2, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 19.94 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1984.

By M. Keith Ellis
Director

NEW SECTION

WAC 16-657-040 POSTING OF ALCOHOL BLEND GASOLINES. (1) All retail motor fuel devices dispensing alcohol blend gasolines shall state on the face of the device that alcohol ingredients are contained therein. The statement shall disclose what alcohol products are included, i.e., methyl alcohol, ethyl alcohol, and the percentage of alcohol that is contained therein. The statement shall be conspicuously posted in gothic letters at least one inch in height in contrasting letters, in a location as to be easily seen by consumers and in the following format:

CONTAINS _____% ethyl/methyl ALCOHOL

(2) The percentage of alcohol disclosed on the dispensing device shall be the ratio between the amount of ethyl alcohol, or methyl alcohol including co-solvents or proprietary inhibitors, or any other alcohol, to the total product volume.

WSR 84-12-041**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1828—Filed May 31, 1984—Eff. July 1, 1984]

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to marketing order for Washington cranberries, WAC 16-565-040.

This action is taken pursuant to Notice No. WSR 84-05-055 filed with the code reviser on February 22, 1984. These rules shall take effect at a later date, such date being July 1, 1984.

This rule is promulgated pursuant to chapter 15.65 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 29, 1984.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1713, filed 9/12/80)**WAC 16-565-040 ASSESSMENTS AND COLLECTIONS.** (1) Assessments.

(a) The annual assessment on all varieties of cranberries shall be ((five)) ten cents per affected unit (100 lbs.).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the

collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 84-12-042
ADOPTED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
[Order 84-5—Filed May 31, 1984]

I, R. H. "Bob" Lewis, Supervisor of the Division of Savings and Loan, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 419-14-120, a minimum nonrefundable fee of \$5,000 payable with acquisition applications described in RCW 33.24.360 and attendant investigation. Savings and loan associations merging under authority of RCW 33.04.010 are not considered within the scope of RCW 33.24.360 and are therefore not included with respect to this WAC.

This action is taken pursuant to Notice No. WSR 84-09-055 filed with the code reviser on April 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 30, 1984.

By R. H. "Bob" Lewis
Supervisor

NEW SECTION

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

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

A minimum non-refundable fee of \$5,000 payable with the acquisition application described in RCW 33.24.360. In addition direct costs involving travel and lodging of the supervisor or his staff and legal expense billed directly to the division will be paid by the acquirers.

Savings and loan associations merging under authority of RCW 33.04.010 are not considered within the scope of RCW 33.24.360 and are therefore not included with respect to this WAC.

WSR 84-12-043
ADOPTED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
[Order 84-4—Filed May 31, 1984]

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

This action is taken pursuant to Notice No. WSR 84-09-056 filed with the code reviser on April 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 30, 1984.

By R. H. "Bob" Lewis
Supervisor

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

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

- (1) For division personnel classified as examiner I, \$16.88 per hour;
- (2) For division personnel classified as examiner II, \$21.88 per hour; ~~((and))~~
- (3) For division personnel classified as examiner III or above, \$24.75 per hour;
- (4) For division personnel classified as examiner IV or above, \$30.00 per hour.

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

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

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

purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

NEW SECTION

WAC 419-14-075 BRANCH APPLICATION FEE—FOREIGN ASSOCIATIONS. The fee required by RCW 33.08.110 to be submitted in connection with an application to establish a branch office of a foreign association in this state shall be two thousand five hundred dollars, nonrefundable. In the event the actual costs of the investigation with respect to a particular application exceed the amount of the fee, such difference between the fee and the actual costs shall be paid by the applicant. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

WSR 84-12-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-46—Filed May 31, 1984]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this order allows subsistence fisheries for chinook salmon.

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

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

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

APPROVED AND ADOPTED May 30, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-05500J OFF RESERVATION INDIAN SUBSISTENCE FISHING. *Notwithstanding the provisions of WAC 220-32-055, it is unlawful for any Treaty Indian fishermen to fish for or possess salmon taken for ceremonial or subsistence purposes from the waters of the Columbia River or tributaries of the Columbia River except as provided for in this section:*

(1) *Effective immediately through June 10, 1984, those individuals possessing treaty fishing rights under*

the Yakima treaty may fish for and possess salmon for subsistence purposes with dip net gear from 12:00 noon Thursday, to 12:00 noon Monday in that portion of the Klickitat River between the swinging bridge, approximately one and one-half miles upstream, and a monument located in Section 25, Township 3N, Range 12E, a distance of 25 feet downstream from the entrance to the upper Klickitat Falls Fishway No. 5.

(2) *Effective immediately until further notice, those individuals possessing treaty fishing rights under the Yakima Treaty may fish for and possess salmon taken for subsistence purposes on odd numbered days with pond seine and dip net gear from 8:00 a.m. to 5:00 p.m. in the lower most end of the spawning channel, ladder and volunteer trap area of the Priest Rapids Salmon Hatchery.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500H CEREMONIAL AND SUBSISTENCE FISHING (84-33)

WAC 220-32-05500I CEREMONIAL AND SUBSISTENCE FISHING (84-40)

WSR 84-12-045
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed May 31, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning dangerous waste regulations, amending chapter 173-303 WAC: Recycling standards - WAC 173-303-016, 173-303-017, 173-303-120, 173-303-500, 173-303-505, 173-303-510, 173-303-515 and 173-303-520; designation and exemptions - WAC 173-303-070 and 173-303-072; EP toxicity characteristic - WAC 173-303-090; carcinogenic wastes - WAC 173-303-103 and 173-303-104; test methods - WAC 173-303-110; generator waste accumulation - WAC 173-303-200; transporter identification numbers - WAC 173-303-240; special storage time limits - WAC 173-303-395; closure performance - WAC 173-303-610; special treatment demonstration permits - WAC 173-303-809; procedure for decision making - WAC 173-303-840; and petitions for designation changes - WAC 173-303-910.

NOTE: The previous notice incorrectly listed the adoption date as July 26. This corrects that date to June 27, 1984.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 27, 1984.

The authority under which these rules are proposed is chapter 70.105 RCW.

This notice is connected to and continues the matter in Notice No. WSR 84-09-083 filed with the code reviser's office on April 18, 1984.

Dated: May 31, 1984
 By: Donald W. Moos
 Director

WSR 84-12-046
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order ET 84-2—Filed June 1, 1984]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to amusement and recreation activities and business, WAC 458-20-183.

This action is taken pursuant to Notice Nos. WSR 84-05-068 and 84-08-033 filed with the code reviser on February 22, 1984, and March 30, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED June 1, 1984.

By DeLoss H. Brown
 Acting Assistant Director

AMENDATORY SECTION (Amending Order ET 78-4, filed 6/27/78)

WAC 458-20-183 (~~(PLACES OF)) AMUSEMENT ((OR)) AND RECREATION ACTIVITIES AND BUSINESSES.~~ The term "sale at retail" is defined by RCW 82.04.050 to include ~~((certain amusement and recreation businesses. Those activities specifically included within the definition are golf, pool, billiards, skating, bowling, and ski lifts and tows. Thus, while the legislature has not defined the term "amusement and recreation business," it has indicated the type of businesses it intended to tax under this classification, i.e., recreations in which the payment is for participation. Accordingly, the language of this classification is construed to include the following additional amusement and recreation businesses: Archery, badminton, bowling shoes rentals, croquet and handball courts, operation of charter boats for sport fishing, golf cart rentals, dancing, golf driving ranges, miniature golf, private fishing, shuffleboard, swimming facilities, tennis facilities, trampolines))~~ the sale of or charge made by persons engaging in certain business activities, including "amusement and recreation businesses." The statute indicates the type of activities and business intended to be taxed under this classification; i.e., "including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, and others." Thus, while certain activities are specifically included within the statutory definition (golf, pool, etc.) it

is clear that the types of activities and businesses intended to be taxed under the retail sales tax classification are those in which payment is for participation.

The term "sale at retail" includes all activities wherein a person pays for the right to actively participate in an amusement or recreation activity. The term does not include the sale of or charge made for providing facilities where a person is merely a spectator or passive participant in the activity, such as movies, concerts, sports events, and the like. Nor does the term include activities of an instructional nature, even though the person is physically participating in the activity.

Health and fitness activities are distinguishable from amusement and recreation activities. Thus, health and fitness activities such as body building, exercise rooms and classes, weight lifting, nautilus facilities, saunas, massages, and the like are not taxable as retail sales, even though they may involve some active participation.

Coin operated amusement devices are not governed by this section. See WAC 458-20-187.

The term "sale at retail" also includes the sale of or charge made for providing camping and other outdoor living facilities regardless of whether or not additional recreation facilities of the type mentioned above are available for use.

Local governmental agencies which provide recreational, social, educational, health and fitness, and similar public programs are generally not making retail sales. Registration fees, league fees, and similar charges collected by such agencies may be taxable or exempt of business and occupation tax depending upon the nature of the programs and services provided. In any case, the taxability of such agencies and charges is governed by WAC 458-20-189, rather than this section on "amusement and recreation businesses."

BUSINESS AND OCCUPATION TAX

Gross receipts from the kind of amusement and recreation activities and businesses ((listed)) involving active participation as described above are taxable under the classification retailing.

Such persons are also taxable under the retailing classification upon gross receipts from sales of meals, drinks, tobacco, or other property sold by them.

Gross receipts from instruction and passive participation in amusement and recreation activities and businesses are taxable under the classification service and other activities.

RETAIL SALES TAX

The retail sales tax must be collected upon charges for admissions and the use of facilities by persons engaged in the amusement and recreation activities and businesses ((listed)) involving active participation as described above. The retail sales tax must also be collected upon sales of cigarettes and other merchandise by persons engaging in such businesses. See WAC 458-20-244 for sales of food products.

When the charge for merchandise is included within a charge for admission which is not a "sale at retail" as defined herein, the retail sales tax applies to the charge made for both merchandise and admission, unless a

proper segregation of such charge is made upon the books of account of the seller.

The retail sales tax applies upon the sale or rental of all equipment and supplies to persons conducting places of amusement and recreation, except merchandise which is resold by them.

The retail sales tax does not apply to the charge made for instruction or passive participation in an amusement or recreation activity. Neither does the sales tax apply to charges or fees for health and fitness activities as described in this section. For the sales tax liability of governmental agencies, see WAC 458-20-189.

~~((Revised April 28, 1978))~~ Revised March 27, 1984.
Effective July 1, ~~((1978))~~ 1984.

WSR 84-12-047
ADOPTED RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Order 117—Filed June 1, 1984]

Be it resolved by the Higher Education Personnel Board, acting at the Wenatchee Valley College, Wenatchee, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 251-04-050 Higher Education Personnel Board.
- Amd WAC 251-10-140 Immediate dismissal.
- Amd WAC 251-18-060 Examination—Eligibility.
- Amd WAC 251-18-130 Veterans preference.
- Amd WAC 251-22-090 Vacation leave—Cash payment.
- Amd WAC 251-22-200 Leave of absence without pay.
- Rep WAC 251-22-091 Vacation leave—Separation.

This action is taken pursuant to Notice Nos. WSR 84-06-065, 84-09-068 and 84-10-055 filed with the code reviser on March 7, 1984, April 18, 1984, and May 2, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED May 25, 1984.

By Dennis Carlson
for Director

AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD. (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. ~~((No member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his/her~~

~~appointment shall have been approved by the senate.))~~ Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he/she has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an

employee, and appeals therefrom; certification of names for vacancies, including promotions and reemployment from layoff, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment; determination of appropriate bargaining units within any institution or related board: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and re-allocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment or merit increases within the series of steps for each pay grade; and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-10-140 IMMEDIATE DISMISSAL. When the appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120, but the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action. ~~((Provisions must be made to permit affected employees to use all accumulated vacation leave as provided in WAC 251-22-091.))~~

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-060 EXAMINATION—ELIGIBILITY. (1) ~~Open-competitive examinations shall be open to all ((applicants, including probationary employees, who meet the minimum qualifications for the class))~~ persons who apply according to the provisions of these rules and meet the minimum qualifications for the class.

(2) Promotional examinations shall be limited to those current permanent employees of the classified service at the institution((-)) who apply according to the provisions of these rules and meet the minimum qualifications for the class. The personnel officer may open promotional examinations ((may be opened)) on either an organizational unit or institution-wide basis, whichever the personnel officer determines to be in the interest of the service.

(3) ~~((When normal recruitment and examination of applicants is expected to result in an eligible list in excess of the institution's current needs, the personnel officer may declare in advance the number of persons to be:~~

(a) Placed on a noncompetitive eligible list, or

(b) Admitted to the entire examination. ~~Following the screening of applications and/or the initial scoring of the examination for this purpose, the applicants receiving the highest scores will be admitted to the final phases of the examination.~~

Such limitations must be stated on the published bulletin board posting, and do not preclude)) When the number of qualified applicants for a class in the competitive service is expected to result in an eligible list in excess of the institution's current needs, the personnel officer may limit the applications to be admitted to the intermediate and/or final phase(s) of the examination to those most qualified, based on an assessment of qualifications in the initial and/or intermediate phase(s) of the examination. Such limitation must be specified in the recruitment notice. If no such limitation is specified, all applicants who pass the entire examination shall be placed on the eligible list for the class.

(4) ~~The personnel officer ((from adding)) may add members of ((under-represented)) under-utilized groups to ((the)) promotional and open competitive eligible lists~~

at anytime in accordance with the institution's corrective employment program as provided in WAC 251-18-390 (2)(e), provided such persons (~~meet the same criteria and achieve the same examination score required of the original applicant group~~) pass the examination for the class.

(5) The personnel officer may add employees who complete institution-approved training programs to the appropriate eligible list at any time, provided such employees meet the minimum qualifications and pass the examination for the class.

AMENDATORY SECTION (Amending Order 70, filed 9/29/78, effective 11/1/78)

WAC 251-18-130 (~~(EXAMINATION=)~~) VETERANS PREFERENCE. (~~The claiming of the following veterans preference provisions is the responsibility of the applicant and must be claimed within eight years of the date of release from active service.~~

~~(1) The term "veteran" as used in these rules shall include any person who has served in any branch of the armed forces of the United States during World War I, World War II, the Korean Conflict, the Viet Nam era; and the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress. "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on May 7, 1975.~~

~~(2) Only persons who received an honorable discharge, a physical discharge under honorable conditions, or who were released from active duty under honorable circumstances shall be eligible for veterans preference.~~

~~(3) Only those veterans who receive a passing final score on an examination, prior to addition of veterans preference, shall be eligible to receive such preference.~~

~~(4) In all competitive examinations, veterans shall be given a preference by adding to their achieved passing final scores, based upon a possible rating of one hundred points as perfect, a percentage of the achieved score under the following conditions) (1) Veterans who claim veterans preference and meet the criteria specified in subsections (2) through (4) of this section shall have added to their final passing scores:~~

~~(a) Ten percent of the ((passing)) final passing score ((to)) for a veteran who is not receiving any veteran's retirement payments. This preference shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.~~

~~(b) Five percent of the ((passing)) final passing score ((to)) for a veteran who is receiving any veteran's retirement payments. This ((percentage)) preference shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.~~

~~(c) Five percent of the ((passing)) final passing score ((to)) for a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war. This preference shall be limited to the first promotional examination following return from military service.~~

(2) Veterans preference must be claimed within eight years of the date of release from active service.

(3) The term "veteran" as used in these rules shall include any person who has served in any branch of the armed forces of the United States during World War I, World War II, the Korean conflict, the Viet Nam era and the period beginning on the date of any future declaration of war declared by congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on May 7, 1975.

(4) Only persons who received an honorable discharge, a physical discharge under honorable conditions or who were released from active duty under honorable circumstances shall be eligible for veterans preference.

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-22-090 VACATION LEAVE—CASH PAYMENT. Classified employees who (~~are members of public employees retirement system Plan I~~) have completed six continuous months of employment and who separate from service by resignation, layoff, dismissal, retirement or death are entitled to a lump sum cash payment for all unused vacation leave ((when they separate from service by resignation, layoff, dismissal, retirement or death. Compensation for unused vacation leave)) except that accrued under WAC 251-22-080(2). In the case of voluntary resignation, an employee may be required to provide fourteen calendar days' notice to qualify for such lump sum cash payment. Excess vacation leave accumulated as prescribed in WAC 251-22-080(2) must be taken as vacation leave or be lost as provided in WAC 251-22-080(2). Vacation leave payable under WAC 251-22-080 and this section shall be computed and paid as prescribed by the office of financial management.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-22-091 VACATION LEAVE—SEPARATION.

AMENDATORY SECTION (Amending Order 108, filed 9/23/83, effective 10/24/83)

WAC 251-22-200 LEAVE OF ABSENCE WITHOUT PAY. (1) Leave of absence without pay may be allowed for any of the following reasons:

- (a) Conditions applicable for leave with pay;
- (b) Maternity leave;
- (c) Educational leave;
- (d) Leave for government service in the public interest;
- (e) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-22-381.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee

and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month(~~(, except as provided in WAC 251-18-380(2))~~).

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment.

WSR 84-12-048
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 84-12-Filed June 1, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Director's Office, General Administration Building, Olympia, Washington, the annexed rules relating to the amending of WAC 296-17-765 (classification 72-3) and WAC 296-17-895 (industrial insurance accident fund base rates and medical aid rates by class of industry). These amendments provide for changes contained in SSB 4334 extending elective coverage for all offenders performing community service work pursuant to court order or under the provisions of chapter 13.40 RCW at the option of any county, city or town and providing an accident fund rate for classification 72-3.

This action is taken pursuant to Notice No. WSR 84-09-035 filed with the code reviser on April 13, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020(1) which directs that the Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, industrial insurance.

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

APPROVED AND ADOPTED June 1, 1984.

By Sam Kinville
 Director

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-765 CLASSIFICATION 72-3.

~~((Juvenile))~~ Community service workers

This classification includes all community service workers performing work for counties, cities or towns pursuant to court order or under the provisions of chapter 13.40 RCW.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

Rates Effective
 January 1, 1984

Class	Accident Fund Base Rate	Medical Aid Fund Rate
1-1	.6897	.4712
1-2	.4642	.4157
1-3	.5756	.5629
1-4	.4729	.3509
1-5	.5802	.5533
1-6	1.1119	.7710
1-7	.5008	.3805
1-8	.5516	.3842
1-9	.9017	.7761
2-1	1.2644	.8667
2-2	1.4438	1.0578
2-6	.6145	.5299
3-1	.3027	.2989
3-2	.9070	.4880
3-6	.2985	.3109
3-7	.2849	.3448
4-1	1.1969	.9475
4-2	.7472	.8755
4-3	.8635	.6254
5-2	.5704	.4199
5-3	.3547	.4093
5-4	.6620	.4903
5-5	.6870	.5786
5-6	.8826	.7491
5-7	.9005	.7277
5-8	1.0040	.7730
5-9	.8546	.6579
6-1	.2488	.2646
6-2	.2606	.2413
6-3	.4458	.2739
6-4	.6820	.7121
6-6	.1259	.1492
6-7	.1643	.1710
7-1	.6832	.7223
8-3	.2346	.2085
8-4	.3787	.5207

Rates Effective January 1, 1984			Rates Effective January 1, 1984		
Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
9-1	1.2688	.4948	34-4	.2761	.2897
10-2	.6220	.4093	34-5	.1200	.1223
10-3	.3633	.2779	34-6	.1029	.1842
10-4	.3633	.2779	34-7	.1759	.2141
10-5	1.5333	1.0170	34-8	.0680	.0793
10-7	.0491	.0727	34-9	.1014	.1308
11-1	.2739	.2697	35-1	.2660	.3516
11-2	.6368	.4830	35-3	.1849	.2459
11-3	.2111	.2125	35-6	.3539	.2729
11-4	.2761	.2916	35-8	.2028	.2459
11-6	.0602	.0957	36-2	.0516	.0637
11-8	.2853	.2897	36-3	.2735	.3318
13-1	.2165	.2266	36-4	.4951	.4203
13-3	.1165	.1643	36-5	.1790	.2027
13-4	.0072	.0140	36-6	.3566	.3526
13-5	.1350	.1884	37-1	.1144	.1506
14-1	.4712	.5766	37-2	.2944	.2461
14-4	.2812	.1908	37-7	.2132	.2141
15-1	.2097	.2296	37-8	.1195	.1352
15-7	.1744	.1764	38-1	.1560	.1784
17-1	1.1894	.6408	38-2	.0950	.1075
17-2	1.1894	.6408	38-8	.1061	.1199
17-3	.3126	.2402	39-1	.1858	.1632
17-4	.3434	.3618	39-2	.3561	.3063
18-1	.4416	.4813	39-3	.5012	.6399
20-2	.3628	.2953	39-5	.0759	.1165
20-3	.2348	.2312	39-6	.2698	.2807
20-4	.4022	.4622	39-9	.0967	.1452
20-5	.1918	.2349	40-2	.3949	.2951
20-7	.2304	.2400	41-1	.0744	.0994
20-8	.1591	.1500	41-3	.1386	.1872
21-1	.2665	.2907	41-7	.0394	.0577
21-2	.2348	.2312	41-8	.0744	.0994
21-4	.1039	.1658	41-9	.0744	.0994
21-5	.4050	.3988	42-1	.2878	.2277
22-1	.1438	.1335	43-1	.4455	.4505
22-2	.2069	.1612	43-2	.4374	.4525
24-1	.3419	.3343	43-3	.4736	.5513
29-3	.4101	.4165	43-4	.3737	.3327
29-4	.5145	.4117	43-5	.6971	.4550
29-6	.2615	.2753	44-1	.2475	.2277
29-8	.4168	.4232	44-2	.3239	.3004
31-1	.4325	.3453	44-4	.2348	.2312
31-2	.3122	.2466	45-1	.0696	.0772
31-3	.3122	.2466	45-2	.0287	.0267
31-4	.3424	.2733	45-4	.0355	.0641
31-5	.4718	.4629	46-1	.2762	.4672
33-1	.4532	.4365	48-2	.1319	.1340
33-2	.3269	.3180	48-3	.1562	.2269
33-3	.1760	.2333	48-4	.3137	.3029
33-9	.2279	.3075	48-5	.1642	.1788
34-1	.2201	.2312	48-6	.0409	.0534
34-2	.2318	.2810	48-7	.6870	.5786
34-3	.0728	.0529	48-8	.1807	.2547

Class	Rates Effective January 1, 1984		Class	Rates Effective January 1, 1984	
	Accident Fund Base Rate	Medical Aid Fund Rate		Accident Fund Base Rate	Medical Aid Fund Rate
48-9	.1109	.1211	64-3	.0798	.1023
49-1	.0358	.0565	64-4	.0279	.0387
49-2	.0804	.0914	64-5	.2361	.2813
49-3	.0358	.0565	64-6	.0437	.0544
49-4	.0089	.0122	64-7	.1031	.1215
49-5	.1460	.1484	64-8	.1747	.2354
49-6	.0294	.0374	64-9	.2597	.3415
49-7	.0584	.0574	65-1	.0235	.0256
49-8	.0596	.1286	65-2	.0083	.0123
49-9	.0596	.1286	65-3	.0706	.0394
50-1	2.1618	1.5449	65-4	.0955	.1589
50-2	.2249	.2750	65-5	.1020	.1077
50-3	.7123	.3866	65-6	.0249	.0308
50-4	.3808	.4928	65-8	.1718	.1967
51-1	.4732	.4309	65-9	.0959	.1225
51-2	.7544	.7078	66-1	.1335	.1521
51-3	.6477	.5469	66-2	.2489	.2088
51-6	.3264	.4004	66-3	.1306	.1409
51-8	.4214	.4669	66-4	.0410	.0440
51-9	.3154	.2806	66-5	.1086	.1299
52-1	.2275	.2250	66-7	.0746	.0964
52-4	.8762	.4040	66-8	.1691	.1301
52-6	.2450	.2506	66-9	.9389	1.1782
52-7	.0746	.0964	67-4	.0967	.1220
52-8	.4017	.4901	67-5	.2727	.4213
52-9	.3101	.3760	67-6	.1522	.1847
53-1	.0094	.0135	67-7	4.66*	8.98*
53-5	.0160	.0199	67-8	1.0846	1.0980
53-6	.0188	.0172	67-9	.0681	.1052
53-7	.1167	.1142	68-1	.3776	.2545
61-3	.0182	.0277	68-2	.2118	.2730
61-4	.2076	.2027	68-3	1.8960	1.5451
61-5	.1216	.1578	68-4	.1230	.1576
61-7	.0899	.1087	68-9	1.0015	2.0736
61-8	.2379	.2306	69-1	-	.0562
61-9	.0213	.0233	69-2	.6083	.3585
62-1	.0914	.1098	69-3	2.4133	2.7010
62-2	.3765	.3076	69-4	.1876	.1990
62-3	.0693	.0824	69-5	.1876	.1990
62-4	.0766	.1057	69-6	-	.1990
62-5	.0766	.1057	69-7	.6494	.5735
62-6	.0766	.1057	69-8	.2631	.2148
62-7	.4319	.7898	69-9	.0451	.0544
62-8	.1486	.1633	71-1	.0243	.0256
62-9	.1109	.1970	71-2	7.20*	27.14*
63-1	.0672	.0595	71-3	.1081	.1108
63-2	.0954	.0859	71-4	.0216	.0209
63-3	.0256	.0277	71-5	.1581	.1456
63-4	.0719	.0729	71-6	.2772	.2683
63-5	.0324	.0482	71-7	.3861	.4111
63-6	.1022	.1537	71-8	.9391	.7929
63-8	.0223	.0188	71-9	2.5333	2.2113
63-9	.0542	.0854	72-1	.1155	.1154
64-2	.1326	.1222	72-2	.0294	.0296

Rates Effective
January 1, 1984

Class	Accident Fund Base Rate	Medical Aid Fund Rate
72-3	((=)).0547	.0575
72-4	-	-
73-1	.2179	.3068
73-2	.2170	.3079
73-7	.2145	.3109
73-8	.1042	.1235

*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

WSR 84-12-049
PROPOSED RULES
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
[Filed June 1, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Interagency Committee for Outdoor Recreation intends to adopt, amend, or repeal rules concerning this notice proposes to revise and amend the following within chapter 286-26 WAC:

- Amd WAC 286-26-020 Definitions, to include definition (7) off-road vehicle advisory committee (ORVAC), which is an established committee to advise the director of the IAC in regard to the off-road vehicle plan and other ORV matters. Authorized by RCW 46.09.260.
- Amd WAC 286-26-055 Funded projects, to note that the off-road vehicle advisory committee (ORVAC) as well as staff of the IAC will review all ORV projects and that a supplemental agreement may be issued by the IAC on a project contract already in force;

that the agency will at 1:00 p.m., Friday, July 20, 1984, in the Council Chambers, Lacey City Hall, 420 College S.E., Lacey, WA 98503, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 20, 1984.

The authority under which these rules are proposed is RCW 34.04.025 and chapters 43.99 and 46.09 RCW.

The specific statute these rules are intended to implement is RCW 46.09.240, 46.09.250 and 46.09.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1984.

Dated: May 31, 1984
By: Robert L. Wilder
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 286-26 WAC: Includes WAC 286-26-010 Scope of chapter; 286-26-020 Definitions; 286-26-040 Qualification; 286-26-055 Funded projects; 286-26-060 Disbursement of funds; and 286-26-070 Fund accountability.

Statutory Authority: RCW 43.99.010, 43.99.110, 46.09.240, 46.09.250 and 46.09.260.

This notice proposes to revise and amend Title 286 WAC, Interagency Committee for Outdoor Recreation rules, specifically chapter 286-26 WAC, Off-road vehicles. WAC 286-26-020 Definitions will include definition (7) off-road vehicle advisory committee (ORVAC), which is an established committee to advise the director of the IAC in regard to the off-road vehicle plan and other ORV matters. WAC 286-26-055 Funded projects will note that ORVAC as well as staff of the IAC will review all ORV projects and that a supplemental agreement may be issued by the IAC on a project contract already in force.

Description of the Purpose of the Rule(s): To include the definition for the off-road vehicle advisory committee (ORVAC) formed in accordance with RCW 46.09.260, to advise the director of the IAC on the off-road vehicle plan and other ORV matters, and to note that ORVAC and the IAC staff will review all ORV projects. Also, to indicate that a supplemental agreement may be issued by the IAC on any ORV project already in force.

Reasons Supporting the Proposed Rule(s): WAC 286-26-020, an off-road vehicle advisory committee (ORVAC) is authorized by RCW 46.09.260 and has been serving the IAC for some time. A definition of the committee's purpose and responsibilities is needed within Title 286 WAC. Further, the responsibility of this committee in reviewing all ORV project applications needs to officially be noted in WAC, with the fact that supplemental agreements may be issued by the IAC on any ORV project in force should this be necessary.

The Agency Personnel Responsible for Drafting: Stanley D. Scott, Chief, Management Services, Interagency Committee for Outdoor Recreation, 4800 Capitol Boulevard, KP-11, Olympia, Washington 98504; Implementation and Enforcement: Robert L. Wilder, Director, Interagency Committee for Outdoor Recreation, 4800 Capitol Boulevard, KP-11, Olympia, Washington 98504.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Interagency Committee for Outdoor Recreation.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: Revisions are necessary to include the off-road vehicle advisory committee as a functioning committee of this agency, and are required for the guidance of agencies submitting grant-in-aid off-road vehicle projects to the IAC for funding consideration.

No fiscal impact is involved. There are no major changes in implementation or enforcement. Revisions made also conform to the off-road vehicle participation manual of the agency.

This rule is not necessary to conform to federal law.
Small Business Economic Impact: None.

AMENDATORY SECTION (Amending Order IAC 82-1, filed 12/8/82)

WAC 286-26-020 DEFINITIONS. For purposes of this chapter, the following definitions shall apply:

(1) "Nonhighway vehicle" means any self-propelled vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include, but are not limited to, two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW for which an exemption or rebate is claimed. This exception includes, but is not limited to, farm, construction, and logging vehicles.

(2) "Off-road vehicle" (ORV) means any nonhighway vehicle when used for cross-country travel on trails or any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

(3) "Interagency committee for outdoor recreation off-road vehicle funds" (IAC-ORV funds) means those funds deposited in the outdoor recreation account to be administered and distributed by the interagency committee in conformance with chapter 46.09 RCW, and IAC-ORV participation manuals for the planning, acquisition, development and management of ORV trails and areas.

(4) "Off-road vehicle trail" (ORV trail) means a corridor designated and maintained for public ORV recreational use which is not normally suitable for travel by conventional two-wheel drive vehicles and which is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel; this may include race courses for ORV motorcycles and four-wheeled vehicles over 40 inches width which are equipped with four-wheel drive or other characteristics such as nonslip drive trains and high clearance. Such courses will be designed to include ORV trail or area characteristics such as sharp turns, jumps, soft tread material, dips, or other obstacles found in more natural settings. Race courses designed primarily for other vehicles, such as go-karts and formula cars, constitute an inappropriate use of ORV funds.

(5) "Off-road vehicle use area" means the entire area of a parcel of land except for camping and approved buffer areas where it is posted or designated for ORV use in accordance with rules adopted by the managing authority.

(6) "Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ORV trails and ORV areas.

(7) "Off-road vehicle advisory committee" (ORVAC) means the established committee of off-road vehicle (ORV) recreationists, including representatives of organized ORV recreational groups, to advise the director in the development of the state-wide ORV plan, the development of a project funding system, the suitability of ORV projects submitted to the interagency committee for funding, and other aspects of ORV recreation as the need may arise, in accordance with chapter 46.09 RCW. This committee may also include representatives from various governmental entities or other interests as deemed appropriate by the director.

AMENDATORY SECTION (Amending Order IAC 82-1, filed 12/8/82)

WAC 286-26-055 FUNDED PROJECTS. (1) Final decision. The interagency committee will review all staff and ORVAC recommendations for off-road vehicle projects. The interagency committee retains the authority and the responsibility to accept or deviate from staff and/or ORVAC recommendations and it alone has the authority to make the final decision concerning the funding of a project.

(2) Project contract/supplemental agreement. For every funded project, a project contract or supplemental agreement must be executed (as applicable). The project contract/supplemental agreement shall

be prepared by the interagency committee staff subsequent to approval of the project by the committee. The director shall execute the contract/supplemental agreement on behalf of the interagency committee and tender the document to the sponsoring agency for execution. Upon execution by the sponsoring agency, the parties will thereafter be bound by the project contract/supplemental agreement. The sponsoring agency may not proceed with the project until the project contract/supplemental agreement has been executed unless specific authorization has been given by the director.

WSR 84-12-050

**NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION**

[Memorandum—May 31, 1984]

The July 20, 1984, IAC regular meeting will be held in the Council Chambers, Lacey City Hall, 420 College S.E., Lacey, Washington, beginning at 9:00 a.m.

This meeting is not a funding session of the IAC. Agenda items include: Fiscal, planning and administrative status reports; project changes, changes to the IAC's Washington Administrative Code (Title 286 WAC), review and approval of the agency's capital and operating budgets for 1985-87, and other matters as placed on the agenda. The open public hearing for the changes to the Washington Administrative Code, (Title 286 WAC), will take place at 1:00 p.m.

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided at this regular IAC meeting if necessary. A request for this type of service, however, must be received by the IAC ten days before the meeting - July 10, 1984. Please contact: Robert L. Wilder, Director, 4800 Capitol Boulevard, KP-11, Olympia, Washington 98504, (206) 753-3610. The meeting site is barrier free.

WSR 84-12-051

**PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed June 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning support enforcement, amending chapter 388-14 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about June 1, 1984;

that the agency will at 10:00 a.m., Wednesday, July 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 18, 1984.

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

The specific statute these rules are intended to implement is chapter 260, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1984.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by June 27, 1984. The meeting site is in a location which is barrier free.

Dated: June 1, 1984

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

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-14-302, 388-14-320, 388-14-325 and repealing WAC 388-14-315.

The Purpose of These Rule Changes: To conform the code sections to statutory amendments to RCW 74.20.040. These amendments provide that the secretary may no longer collect a fee for nonassistance support enforcement services from the applicant/custodian by deducting a fee from child support collected on behalf of the applicant/custodian.

The Reason These Rule Changes are Necessary: To implement legislation.

Statutory Authority: ESHB 1627, section 29, chapter 260, Laws of 1984.

Summary of Rule Changes: The code section listed above is being amended/repealed in order to remove any reference in chapter 388-14 WAC to the collection of a nonassistance support enforcement fee from the applicant/custodian by deducting a fee from child support collections.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Jon Conine, Acting Chief, Office of Support Enforcement, Mailstop: FU-11, Phone: 459-6481.

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

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-14-302 NONASSISTANCE SUPPORT ENFORCEMENT—PERSONS ELIGIBLE. (1) Any resident of the state of Washington who is a physical and legal custodian or guardian of a person who is a resident of the state of Washington and who is not a recipient of public assistance for whom a support obligation is owed and who is not receiving adequate support (as defined by WAC 388-14-100) from persons owing a duty to pay support may apply for nonassistance support enforcement services to establish or enforce or collect an obligation for support including accrued arrears: PROVIDED, That the office of support enforcement may also act to establish paternity where it is a necessary part of establishing support obligations for nonassistance clients. When the person(s) owing the duty to pay support is deceased or is eligible for or receiving social security benefits,

public assistance moneys, supplemental security income, or is participating in any other governmental, private charity or other rehabilitation program providing benefits at less than the standards in WAC 388-29-100, the application cannot be accepted.

(2) Any person who has been provided support enforcement services as a result of an approved application for public assistance may also apply for nonassistance support enforcement services effective with the date of termination of public assistance. An application made prior to termination shall not be effective until the first of the month following termination from assistance. Support enforcement services may be continued by the office of support enforcement for a period of time not to exceed four months following last month in which public assistance was paid as a continuation of actions maintained as a result of an assignment pursuant to WAC 388-24-108 and 388-14-200. During such four month period, all support moneys collected except those collected to satisfy arrears assigned to the department under sections 17 and 22, chapter 171, Laws of 1979 ex. sess. (~~RCW 74.20.320~~) ~~RCW 74.20.330~~) RCW 74.20.330, 42 U.S.C. 602 (a)(26)(A), RCW 74.20A.250 and/or 74.20A.030 shall be remitted to the children's custodian (~~without deduction of fees for nonassistance services~~).

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-14-320 NONASSISTANCE SUPPORT ENFORCEMENT—DISTRIBUTION. (1) Current support payments received on behalf of the applicant/custodian in the four-month period following the last month in which public assistance was paid shall be forwarded (~~without deduction of fees~~) to the applicant/custodian.

(2) Support payments received on behalf of the applicant/custodian are forwarded as received (~~after the deduction of fees for services with a statement of the amount of support received and the amount of fees deducted~~).

(3) Nothing herein shall be construed to obligate the office of support enforcement to remit to the applicant/custodian moneys paid in satisfaction of a debt owed to the department under sections 17 and 22, chapter 171, Laws of 1979 ex. sess. RCW (~~74.20.320~~) ~~74.20.330~~) 74.20.330, 42 USC 602 (a)(26)(A), RCW 74.20A.250, or 74.20A.030 except as provided for in WAC 388-14-270(5). The total amount of any obligation that has accrued under the assignment made pursuant to WAC 388-24-108 and 388-14-200 prior to termination of assistance is collectible by the office of support enforcement subsequent to termination of assistance to reimburse the department for public assistance paid prior to termination.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-14-325 NONASSISTANCE SUPPORT ENFORCEMENT—TERMINATION OF SERVICES. (1) Support enforcement services may be terminated by the applicant/custodian:

(a) An applicant/custodian may terminate support enforcement service(s) by written notice to the office of support enforcement. The office of support enforcement's rights and responsibilities toward the applicant/custodian shall continue in effect until written notification is received.

(b) Upon receipt of the applicant/custodian's request for termination of support enforcement services, the office of support enforcement will discontinue such service. Any support moneys received which are owing to the applicant/custodian after the receipt of notice shall be returned to the payor with instructions to send all support moneys directly to the applicant/custodian or forwarding agent as appropriate.

~~((c) If an applicant/custodian has requested termination of support enforcement service(s) while a fee balance is still owing, the office of support enforcement may require payment of this balance as a condition precedent to the acceptance of any subsequent application for support enforcement service(s) by that applicant/custodian. However, this required payment is limited to a maximum of ten percent of any support money collected by the applicant/custodian during the period of time preceding the reapplication as the result of action taken by the office of support enforcement preceding termination of services.))~~

(2) Support enforcement services may be terminated or reapplications may be denied by the office of support enforcement:

(a) In cases where further action to enforce payment of a support obligation is deemed inappropriate or inadvisable by the office of support enforcement.

(b) In the event an applicant/custodian fails or refuses to provide supplementary information or fails or refuses to forward to the office of support enforcement support payments made direct, or fails or refuses to take necessary cooperative action as specifically requested by the

office of support enforcement or who employs and/or fails or refuses to discharge a private attorney, collection agency or other agency engaged in collection of the support debt assigned for collection to the department.

~~((c) In the event nonassistance support enforcement fees are raised and an applicant/custodian fails or refuses to complete a new request for nonassistance support enforcement services and limited power of attorney authorizing deduction of the increased fees.))~~

(3) When the office of support enforcement terminates services, the applicant/custodian must be notified in writing that the office of support enforcement will no longer provide support enforcement services. Notification may be by regular mail addressed to the applicant/custodian's last known address and must include the reason for discontinuation of services.

(4) Any support moneys received after a notice of decision by the office of support enforcement to discontinue support enforcement services has been mailed shall be returned to the payor with instructions to send all support moneys directly to the applicant/custodian or other forwarding agent, court, as appropriate.

REPEALER (Amending Order 1465, filed 12/14/79)

The following section of the Washington Administrative Code is repealed:

WAC 388-14-315 NONASSISTANCE SUPPORT ENFORCEMENT—FEES—LIMITATIONS.

WSR 84-12-052
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2106—Filed June 4, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to alternative sources for medical care, amending WAC 388-83-010.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules will result in substantially improved services to clients.

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

This rule is promulgated under the general rule-making authority of the 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 May 31, 1984.

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

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-010 ALTERNATIVE SOURCES FOR MEDICAL CARE. (1) All third party resources

for medical care available to the applicant or recipient must be utilized to the fullest possible extent in the payment for the medical care prior to participation by the department.

~~(2) ((Any payment, additional payment or contribution by or on behalf of an applicant recipient, meant to increase the overall level of care beyond that included in the amount, duration or scope of medical care shall be considered as a nonexempt resource and will be applied against the cost of medical care provided under the program.~~

~~(3)) The department makes agreements with providers of prepaid medical plans. Eligible recipients who choose to participate in a prepaid program are required to utilize such providers of service exclusively except for certain noncovered services for which the department may be responsible under the medical care program. See WAC 388-87-010(4).~~

(3) Supplementation of medical services shall meet the following limitations:

(a) Supplemental services:

(i) Shall be services beyond those covered by the medical assistance programs;

(ii) Shall not be required, implied or otherwise, by the provider in order for the recipient to receive services covered by the medical assistance program.

(b) Funds for payment of the supplemental services from a source other than the recipient are not considered as income available to the recipient for eligibility purposes if:

(i) The funds are paid directly to the provider, and

(ii) The funds do not at any time come under the control of the recipient.

WSR 84-12-053
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2107—Filed June 4, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to support enforcement, amending chapter 388-14 WAC.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is if these rules are not adopted by June 7, the department will be in violation of RCW 74.20.040 as amended by chapter 260, Laws of 1984.

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

This rule is promulgated under the general rule-making authority of the 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 June 1, 1984.

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

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-14-302 NONASSISTANCE SUPPORT ENFORCEMENT—PERSONS ELIGIBLE.

(1) Any resident of the state of Washington who is a physical and legal custodian or guardian of a person who is a resident of the state of Washington and who is not a recipient of public assistance for whom a support obligation is owed and who is not receiving adequate support (as defined by WAC 388-14-100) from persons owing a duty to pay support may apply for nonassistance support enforcement services to establish or enforce or collect an obligation for support including accrued arrears: PROVIDED, That the office of support enforcement may also act to establish paternity where it is a necessary part of establishing support obligations for nonassistance clients. When the person(s) owing the duty to pay support is deceased or is eligible for or receiving social security benefits, public assistance moneys, supplemental security income, or is participating in any other governmental, private charity or other rehabilitation program providing benefits at less than the standards in WAC 388-29-100, the application cannot be accepted.

(2) Any person who has been provided support enforcement services as a result of an approved application for public assistance may also apply for nonassistance support enforcement services effective with the date of termination of public assistance. An application made prior to termination shall not be effective until the first of the month following termination from assistance. Support enforcement services may be continued by the office of support enforcement for a period of time not to exceed four months following last month in which public assistance was paid as a continuation of actions maintained as a result of an assignment pursuant to WAC 388-24-108 and 388-14-200. During such four month period, all support moneys collected except those collected to satisfy arrears assigned to the department under sections 17 and 22, chapter 171, Laws of 1979 ex. sess. (~~{RCW 74.20.320}~~ ~~{RCW 74.20.330}~~) RCW 74.20.330, 42 U.S.C. 602 (a)(26)(A), RCW 74.20A.250 and/or 74.20A.030 shall be remitted to the children's custodian (~~((without deduction of fees for nonassistance services))~~).

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-14-320 NONASSISTANCE SUPPORT ENFORCEMENT—DISTRIBUTION. (1) Current support payments received on behalf of the applicant/custodian in the four-month period following

the last month in which public assistance was paid shall be forwarded (~~((without deduction of fees))~~) to the applicant/custodian.

(2) Support payments received on behalf of the applicant/custodian are forwarded as received (~~((after the deduction of fees for services with a statement of the amount of support received and the amount of fees deducted))~~).

(3) Nothing herein shall be construed to obligate the office of support enforcement to remit to the applicant/custodian moneys paid in satisfaction of a debt owed to the department under sections 17 and 22, chapter 171, Laws of 1979 ex. sess. RCW (~~{74.20.320}~~ ~~{74.20.330}~~) 74.20.330, 42 USC 602 (a)(26)(A), RCW 74.20A.250, or 74.20A.030 except as provided for in WAC 388-14-270(5). The total amount of any obligation that has accrued under the assignment made pursuant to WAC 388-24-108 and 388-14-200 prior to termination of assistance is collectible by the office of support enforcement subsequent to termination of assistance to reimburse the department for public assistance paid prior to termination.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-14-325 NONASSISTANCE SUPPORT ENFORCEMENT—TERMINATION OF SERVICES. (1) Support enforcement services may be terminated by the applicant/custodian:

(a) An applicant/custodian may terminate support enforcement service(s) by written notice to the office of support enforcement. The office of support enforcement's rights and responsibilities toward the applicant/custodian shall continue in effect until written notification is received.

(b) Upon receipt of the applicant/custodian's request for termination of support enforcement services, the office of support enforcement will discontinue such service. Any support moneys received which are owing to the applicant/custodian after the receipt of notice shall be returned to the payor with instructions to send all support moneys directly to the applicant/custodian or forwarding agent as appropriate.

~~((c) If an applicant/custodian has requested termination of support enforcement service(s) while a fee balance is still owing, the office of support enforcement may require payment of this balance as a condition precedent to the acceptance of any subsequent application for support enforcement service(s) by that applicant/custodian. However, this required payment is limited to a maximum of ten percent of any support money collected by the applicant/custodian during the period of time preceding the reapplication as the result of action taken by the office of support enforcement preceding termination of services.))~~

(2) Support enforcement services may be terminated or reapplications may be denied by the office of support enforcement:

(a) In cases where further action to enforce payment of a support obligation is deemed inappropriate or inadvisable by the office of support enforcement.

(b) *In the event an applicant/custodian fails or refuses to provide supplementary information or fails or refuses to forward to the office of support enforcement support payments made direct, or fails or refuses to take necessary cooperative action as specifically requested by the office of support enforcement or who employs and/or fails or refuses to discharge a private attorney, collection agency or other agency engaged in collection of the support debt assigned for collection to the department.*

~~((c) In the event nonassistance support enforcement fees are raised and an applicant/custodian fails or refuses to complete a new request for nonassistance support enforcement services and limited power of attorney authorizing deduction of the increased fees:))~~

(3) *When the office of support enforcement terminates services, the applicant/custodian must be notified in writing that the office of support enforcement will no longer provide support enforcement services. Notification may be by regular mail addressed to the applicant/custodian's last known address and must include the reason for discontinuation of services.*

(4) *Any support moneys received after a notice of decision by the office of support enforcement to discontinue support enforcement services has been mailed shall be returned to the payor with instructions to send all support moneys directly to the applicant/custodian or other forwarding agent, court, as appropriate.*

REPEALER (Amending Order 1465, filed 12/14/79)

The following section of the Washington Administrative Code is repealed:

WAC 388-14-315 NONASSISTANCE SUPPORT ENFORCEMENT—FEES—LIMITATIONS.

**WSR 84-12-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 4, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning alternative sources for medical care, amending WAC 388-83-010.

It is the intention of the secretary to adopt these rules on an emergency basis on or about June 1, 1984;

that the agency will at 10:00 a.m., Wednesday, July 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 18, 1984.

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

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1984.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by June 27, 1984. The meeting site is in a location which is barrier free.

Dated: May 31, 1984

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

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-83-010.

Purpose of the Rule or Rule Change: To allow for supplementation of care by purchase of noncovered services.

The Reason(s) These Rules are Necessary: To remove the prohibition on supplementation of medical services.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Removes the subsection which prohibits the supplementation of medical care, and adds a new section which limits supplementation of medical services.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Phone: 234-7316, Mailstop: LK-11.

These rules are necessary as a result of federal law, 42 CFR 450.30(a)(8).

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-010 ALTERNATIVE SOURCES FOR MEDICAL CARE. (1) All third party resources for medical care available to the applicant or recipient must be utilized to the fullest possible extent in the payment for the medical care prior to participation by the department.

~~(2) ((Any payment, additional payment or contribution by or on behalf of an applicant recipient, meant to increase the overall level of care beyond that included in the amount, duration or scope of medical care shall be considered as a nonexempt resource and will be applied against the cost of medical care provided under the program.~~

~~(3))~~ The department makes agreements with providers of prepaid medical plans. Eligible recipients who choose to participate in a prepaid program are required to utilize such providers of service exclusively except for certain noncovered services for which the department may be responsible under the medical care program. See WAC 388-87-010(4).

(3) Supplementation of medical services shall meet the following limitations:

(a) Supplemental services:

(i) Shall be services beyond those covered by the medical assistance programs;

(ii) Shall not be required, implied or otherwise, by the provider in order for the recipient to receive services covered by the medical assistance program.

(b) Funds for payment of the supplemental services from a source other than the recipient are not considered as income available to the recipient for eligibility purposes if:

- (i) The funds are paid directly to the provider; and
(ii) The funds do not at any time come under the control of the recipient.

WSR 84-12-055
PROPOSED RULES
LOTTERY COMMISSION
 [Filed June 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery intends to adopt, amend, or repeal rules concerning Evergreen Lotto rules, adding new chapter 315-32 WAC;

that the agency will at 9:00, Friday, July 13, 1984, in the Seattle Central Community College, 1701 Broadway, Seattle, WA 98122, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 13, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-09-084 filed with the code reviewer's office on April 18, 1984.

Dated: June 1, 1984
 By: Lawrence G. Waldt
 Chairman

WSR 84-12-056
PROPOSED RULES
LOTTERY COMMISSION
 [Filed June 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery intends to adopt, amend, or repeal rules concerning:

New	WAC 315-11-130	Definitions for Instant Game Number 11.
New	WAC 315-11-131	Criteria for Instant Game Number 11.
New	WAC 315-11-132	Ticket validation requirements for Instant Game Number 11;

that the agency will at 9:00 a.m., Friday, July 13, 1984, in the Seattle Central Community College, 1701 Broadway, Seattle, WA 98122, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 13, 1984.

Dated: June 1, 1984
 By: Lawrence G. Waldt
 Chairman

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-11-130 Definitions for Instant Game Number 11; 315-11-131 Criteria for Instant Game Number 11; and 315-11-132 Ticket validation requirements for Instant Game Number 11.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rule is Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-11-130, this rule provides definitions of the terms used in Instant Game Number 11 rules; WAC 315-11-131, this rule sets forth criteria for Instant Game Number 11, including the price of a ticket, determination of winning tickets, ticket validation requirements, ticket redemption, grand prize awards, and the director's authority to vary the game's length and/or the number of tickets sold; and WAC 315-11-132, this rule states the ticket validation requirements for Instant Game Number 11, what may occur if a ticket fails validation requirements, and the lottery's responsibility if a defective ticket is sold.

Reasons Supporting the Proposed Rule(s): WAC 315-11-130, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-131 and 315-11-132; WAC 315-11-131, licensed agents, and players of Instant Game Number 11 need to know how the game will function. Specifying the criteria which apply to Instant Game Number 11 will provide this information; and WAC 315-11-132, tickets for Instant Game Number 11 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets.

The Agency Personnel Responsible for Drafting: Colleen Nelson, Contracts Assistant, Office of the Director, Washington State Lottery, P.O. Box 9702, Olympia, WA 98504, (206) 754-1031; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412; Robert Boyd, Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330; Elwin Hart, Deputy Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334; N. A. Stussy, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3329; William Robinson, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-1414; and Jamie Bailey, Assistant Director, Office

of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Washington State Lottery Commission.

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

The rule is not necessary to comply with federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The office of the director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the office of the director, Washington State Lottery or who voluntarily interact with the office of the director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the office of the director, Washington State Lottery.

NEW SECTION

WAC 315-11-130 DEFINITIONS FOR INSTANT GAME NUMBER 11. (1) Play numbers for Instant Game Number 11. The following are the "play numbers": "1", "2", "3", "4", "5", "6", "8", and "9". Each play number is printed in gray-black ink in the Archer font in positive and one of these play numbers appears under each of the three rub-off play spots on the front center of the ticket.

(2) Prize box numbers for Instant Game Number 11. The following are the "prize box numbers": "TICKET", "\$2.00", "\$7.00", "\$25.00", "\$1,100", and "21,000". Each prize box number is printed in gray-black ink in the Archer font in positive and one of these prize box numbers appears under each of the three rub-off prize spots on the front right of the ticket.

(3) Validation number for Instant Game Number 11. The nine-digit number on the front bottom right of the ticket.

(4) Pack-ticket number for Instant Game Number 11. The ten-digit number of the form 2000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the pack-ticket number for Instant Game Number 11 constitute the "pack number" which starts at 2000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Play number caption for Instant Game Number 11. The small printed material appearing below each play number which verifies and corresponds with that play number. The caption is a spelling out of the play number. One and only one of these captions appears under each play number and is printed in gray-black ink in positive in the Mead 5 x 9 font. For Instant Game Number 11, the play number caption which corresponds with and verifies each play number is as follows:

<u>PLAY NUMBER</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THREE
4	FOUR
5	FIVE
6	SIX
8	EIGHT
9	NINE

(6) Prize box caption for Instant Game Number 11. The small printed material appearing below each prize box number which verifies and corresponds with that prize box number. The caption is a spelling out, in full or abbreviated form, of the prize box number. One and only one of these captions appears under each prize box number and is printed in gray-black ink in positive in the Mead 5 x 9 font. For Instant Game Number 11, the prize box number caption which corresponds with and verifies each prize box number is as follows:

<u>PRIZE BOX NUMBER</u>	<u>CAPTION</u>
TICKET	TICKET
\$2.00	TWO
\$7.00	SEVEN
\$25.00	TWTY FIV
\$1,100	ELEVEN HUND
21,000	21 THOU

(7) Agent validation codes for Instant Game Number 11. Agent validation codes are codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 11, the agent validation code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the play numbers on the ticket. The agent validation code used by the sales agent to verify Free Ticket, \$2, and \$7 winners are as follows:

TIC	=	Free Ticket
TWO	=	\$2
SEV	=	\$7

(8) Pack for Instant Game Number 11. A pack of 400 fanfolded instant game tickets separated from each other by perforations, and packaged in a plastic bag or plastic shrinkwrapping. The licensed agent separates the tickets at the perforations at the time of retail sales.

NEW SECTION

WAC 315-11-131 CRITERIA FOR INSTANT GAME NUMBER 11. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of instant prize winning tickets. An instant prize winner is determined in the following manner:

(a) An instant prize winning ticket shall have an occurrence of 3 play numbers which total 7, 11, or 21; if the sum of the three play numbers on the ticket is 7, 11, or 21 the player wins the prize specified by the prize box number shown under the prize spot immediately to the right of the preprinted number which corresponds to the player's winning total of 7, 11, or 21.

(b) In any event, only the highest instant prize amount will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery, to the particular ticket validation requirements for Instant Game Number 11, and to the requirements set out on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set out on the back of the ticket.

(6) Grand prize drawing for Instant Game Number 11. The grand prize drawing process shall be conducted as follows:

(a) Participants in the grand prize drawing process shall be those ticket bearers with an instant cash winning ticket of \$25, which ticket is a valid winner of \$25, and which is properly redeemed within fourteen days after the announced end of Instant Game Number 11 in the manner prescribed on the back of the instant ticket. The lottery is not responsible for any entry until it is properly and timely redeemed.

(b) Each of the \$25 winning tickets must be a valid Instant Game Number 11 "7-11-21" ticket.

(c) The legible name of an eligible player must be present on the back of each eligible ticket.

(d) There will be one grand prize drawing for Instant Game Number 11. The preliminary grand prize drawing process and the grand prize drawing will be conducted at times and places and pursuant to methods to be announced by the director. The prizes involved in the grand prize drawing will be: First prize, \$1,000 a week for life, with the prize payment starting at age eighteen or older, with a minimum prize payment of \$1,000,000 being guaranteed; second prize, \$100,000; third prize, \$75,000; fourth prize, \$50,000; fifth prize, \$25,000; sixth prize, \$15,000; and seventh prize, \$10,000. In the event that an entry

is not included in the preliminary grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent preliminary grand prize drawing process.

(7) Notwithstanding any other provisions of these rules, the director may:

- (a) Vary the length of Instant Game Number 11; and/or
- (b) Vary the number of tickets offered in Instant Game Number 11 and the number of grand prize drawing winners in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-132 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 11. (1) In addition to meeting all of the other requirements in these rules and regulations, the following validation requirements will apply with regard to instant game tickets in Instant Game Number 11. To be a valid instant game ticket, all of the following requirements must be met:

(a) Exactly one prize box number must appear under each of the three rub-off prize spots on the ticket; exactly one play number must appear under each of the three rub-off play spots on the ticket.

(b) Each of the three prize box numbers and each of the three play numbers must have a caption underneath, and each must agree with their caption.

(c) Each of the three prize box numbers and each of the three play numbers must be present in their entirety and be fully legible.

(d) Each of the three prize box captions and each of the three play number captions must be present in their entirety and be fully legible.

(e) Each of the three prize box numbers and each of the three play numbers and their captions must be printed in gray-black ink.

(f) The pack-ticket number, validation number, and agent validation code must be present in their entirety and be fully legible. The validation number shall correspond, using the lottery's codes, to the prize box numbers and play numbers on the ticket.

(g) The ticket must not be altered, unreadable, reconstituted, or tampered with in any manner.

(h) The ticket must not be counterfeit in whole or in part.

(i) The validation number and agent validation code shall be printed in gray-black ink, and the pack-ticket number shall be printed in red ink.

(j) The ticket must have been issued by the director in an authorized manner.

(k) The ticket must not be stolen nor appear on any list of omitted tickets on file at the lottery.

(l) The prize box numbers and the play numbers and their captions, the validation number, agent validation code, and the pack-ticket number must be right-side-up and not reversed in any manner.

(m) The ticket must be complete, and not miscut, and have exactly one number and exactly one caption under each of the six rub-off spots on the ticket, exactly one pack-ticket number, exactly one agent validation code, and exactly one validation number.

(n) The validation number of an apparent winning ticket shall appear on the lottery's official list of validation numbers of winning tickets; and a ticket with that validation number shall not have been previously paid.

(o) The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error.

(p) Each of the prize box numbers and play numbers must be exactly one of those described in WAC 315-11-130 (1) and (2) and each of the captions to the prize box numbers and play numbers must be exactly one of those described in WAC 315-11-131 (5) and (6).

(q) Each of the three prize box numbers and the three play numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file at the lottery; each of the three prize box number captions and the three play number captions must be printed in the Mead 5 x 9 font and must correspond precisely to the artwork on file with the director; the pack-ticket number must be .11" high in red and correspond precisely to the artwork on file with the director; and the validation numbers must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.

(r) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.

(s) The ticket must pass all additional confidential validation requirements of the director.

(2) Any ticket not passing all the validation requirements in subsection (1) of this section is invalid and ineligible for any prize.

(3) The director may replace an invalid ticket with an unplayed ticket(s) of equivalent sales price from any other current lottery instant game. In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with an unplayed ticket(s) of equivalent sales price from any other current lottery game. However, if the ticket is partially mutilated or if the ticket is not intact but can still be validated by the other validation tests, the director may pay the prize for that ticket.

WSR 84-12-057

ADOPTED RULES LOTTERY COMMISSION

[Order 58—Filed June 4, 1984]

Be it resolved by the State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 315-04-070	License fees.
Amd	WAC 315-04-120	Transfer of license prohibited.
New	WAC 315-04-132	Change of business structure.
New	WAC 315-04-133	Change of ownership.
New	WAC 315-04-134	Change of corporate officers.
New	WAC 315-11-120	Definitions for Instant Game Number 10.
New	WAC 315-11-121	Criteria for Instant Game Number 10.
New	WAC 315-11-122	Ticket and stub validation requirements for Instant Game Number 10.

This action is taken pursuant to Notice No. WSR 84-09-085 filed with the code reviser on April 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 67.70.040 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 June 1, 1984.

By Lawrence G. Waldt
Chairman

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-070 LICENSE FEES. (1) The fee for a license application shall be \$15.00.

(2) The fee for renewal of a license shall be \$15.00.

(3) The fee for late renewal of a license shall be ~~(\$25.00)~~ \$10.00 for each licensed location in addition to the renewal fee of \$15.00.

(4) The fee for a background check shall be \$10.00 (for:

~~(a) Initial licensure~~) regardless of the number of individuals listed on the license application for whom background checks are required(~~(:)~~). A background check will be required and this fee will be charged when an application for a license or renewal thereof lists an individual who does not have on file with the lottery a current "criminal history statement" or current "renewal affidavit - criminal history."

~~((b) Each subsequent addition of one or more partners or officers, an owner's or partner's spouse, or a new holder of ten percent or more equity in the business:))~~

(5) All fees established in this section or other sections of this title are not refundable with the exception of the fees in subsections (1) and (2) ~~((above))~~ of this section which may be refunded if a license is not issued or renewed.

(6) The fees in subsections (1) and (2) of this section may be prorated for staggered license renewal periods as provided in WAC 315-04-100.

AMENDATORY SECTION (Amending Order 54, filed 4/9/84)

WAC 315-04-120 TRANSFER ~~((OF OWNER-SHIP))~~ OF LICENSE PROHIBITED. ~~((+))~~ Any license issued by the director is personal to the licensed agent and may not be transferred to another person except in the event of the death or incapacity of licensee as provided in WAC 315-04-130.

~~((2) If the person to which a license is issued substantially changes its ownership, the license shall immediately terminate and be void and tickets shall not be sold. Every such change in ownership shall be reported to the lottery prior to the change. The license and identification card shall be surrendered to the lottery immediately. A substantial change in ownership of a business shall mean the transfer of ten percent or more equity in that business. In the event the new ownership wishes to become a licensed agent, the new ownership shall submit an application and fees for initial licensure and the lottery shall process these in accordance with these rules:))~~

NEW SECTION

WAC 315-04-132 CHANGE OF BUSINESS STRUCTURE. Every change of business structure of a person to whom a license has been issued must be reported to the lottery prior to the change. A change of business structure shall mean the change from one form of business organization to another, such as from sole proprietorship to partnership or corporation.

(1) If such change involves the addition of one or more owners or officers, the license shall terminate and be void and tickets shall not be sold. In the event the new person wishes to become a licensed agent, that person shall submit a license application and fees which the lottery will process in accordance with these rules.

(2) If such change does not involve the addition of one or more owners or officers, the license shall not be terminated. No fee will be required; however, the licensed agent shall submit a license application reflecting the change and any other documentation the director may require.

NEW SECTION

WAC 315-04-133 CHANGE OF OWNERSHIP. Every substantial change of ownership of a person to whom a license has been issued must be reported to the lottery prior to the change. A substantial change of ownership shall mean the transfer of ten percent or more equity.

(1) If such a change involves the addition of one or more owners, the license shall terminate and be void and tickets shall not be sold. In the event the new person wishes to become a licensed agent, the new person shall submit a license application and fees which the lottery shall process in accordance with these rules.

(2) If such change involves the deletion of one or more existing owners, the license shall not be terminated. No fees will be required; however, the licensed agent shall submit a license application reflecting the change(s) and any other documentation the director may require.

(3) If such change involves a transfer of ten percent or more equity among existing owners who have on file with the lottery a current "criminal history statement" or current "renewal affidavit - criminal history", the license shall not be terminated. No fees nor application will be required.

NEW SECTION

WAC 315-04-134 CHANGE OF CORPORATE OFFICERS. Each licensed agent shall report on a form prescribed by the director every change of corporate officer(s) to the lottery not later than ten days following the effective date of the change. The director may require the licensed agent to submit additional documentation. The lottery will not assess a license fee for a change of corporate officer(s).

If such change involves the addition of one or more corporate officers who does not have on file with the lottery a current "criminal history statement" or current "renewal affidavit - criminal history", each such officer shall submit a "personal information form" and a "criminal history statement". The lottery will assess a fee for a background check.

NEW SECTION

WAC 315-11-120 DEFINITIONS FOR INSTANT GAME NUMBER 10 ("BONANZA"). (1) Play numbers: The following are the "play numbers": "TICKET", "\$2.00", "\$5.00", "\$25.00", "\$500", "\$5,000" and an illustration of a HORSESHOE. Each such play number is printed in gray-black ink in the Archer font in positive and one of these play numbers appears under each of the six rub-off spots on the front main portion (left side) of the ticket.

(2) Validation number: The unique nine-digit number on the front bottom center on the main portion (left side) of the ticket. There is a ticket stub (right portion of the ticket) for Instant Game Number 10 and the unique validation number will also appear at the bottom of the front of the ticket stub.

(3) Pack-ticket number: The ten-digit number of the form 1000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the pack-ticket number for Instant Game Number 10 constitute the "pack number" which starts at 1000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed material appearing below each play number which verifies and corresponds with that play number. The caption is a spelling out, in full or abbreviated form, of the play number, except in the case of the play number which is an illustration of a HORSESHOE. One and only one of these captions appears under each play number and is printed in gray-black ink in positive in 5 x 9 font. For Instant Game Number 10, the captions which correspond with and verify each play number are:

<u>PLAY NUMBER</u>	<u>CAPTION</u>
TICKET	TICKET
\$2.00	TWO
\$5.00	FIVE
\$25.00	TWTY FIV
\$500	FIVE HUND
\$5,000	FIVE THOU
	DOUBLE

(5) Agent validation codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 10, the agent validation code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the play numbers on the main portion of the ticket. The agent validation codes used by the licensed agent to verify lower tier prizes are:

TIC	=	Free Ticket
TKS	=	2 Free Tickets
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00

(6) Pack: A set of 400 fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

(7) Stub play number: The letter found under the removable covering on the front of the stub (right side) portion of the ticket. The stub play number is printed in Archer font in positive with a small caption beneath it. The stub play numbers are "B", "O", "N", "A", and "Z".

(8) Stub captions: The small printed material appearing below each stub play number which verifies and corresponds with that stub play number. This stub caption is a double repetition of the stub play number. One and only one of these stub captions appears under the stub play number and is printed in gray-black ink in positive in 5 x 9 font. For Instant Game Number 10, the stub captions which correspond with and verify the stub play numbers are as follows:

<u>STUB PLAY NUMBER</u>	<u>STUB CAPTION</u>
B	BB
O	OO
N	NN
A	AA
Z	ZZ

NEW SECTION

WAC 315-11-121 CRITERIA FOR INSTANT GAME NUMBER 10. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having a TICKET, \$2.00, \$5.00, \$25.00, \$500, or \$5,000 as a play number in any three of the six spots on the main portion of the ticket shall win the following prize:

- Three TICKET play numbers - Win one free ticket
- Three \$2.00 play numbers - Win \$2.00
- Three \$5.00 play numbers - Win \$5.00
- Three \$25.00 play numbers - Win \$25.00
- Three \$500 play numbers - Win \$500
- Three \$5,000 play numbers - Win \$5,000

Handwritten signature and date 10/3

(b) The bearer of a ticket having a TICKET, \$2.00, \$5.00, \$25.00, \$500, or \$5,000 play number in any two of the six spots on the main portion of the ticket and an illustration of a HORSESHOE in a third spot shall win one of the following prizes:

- Two TICKET play numbers plus horseshoe - Win two free tickets
- Two \$2.00 play numbers plus horseshoe - Win \$4.00
- Two \$5.00 play numbers plus horseshoe - Win \$10.00
- Two \$25.00 play numbers plus horseshoe - Win \$50.00
- Two \$500 play numbers plus horseshoe - Win \$1,000
- Two \$5,000 play numbers plus horseshoe - Win \$10,000

Handwritten signature and date 10/3

(c) In any event, only the highest instant prize amount meeting the standards of (a) and (b) of this subsection will be paid on a given ticket.

(d) The bearer of seven stubs each containing one of the following stub play numbers "B", "O", "N", "A", "N", "Z", and "A" so that there are seven stubs which collectively spell the word "Bonanza" shall be entitled to a prize of \$50,000. Each stub must be from a valid Instant Game Number 10 "Bonanza" ticket stub. One or more stubs or the claim form must be signed by the claimant. A claim shall not include more than one name.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or payable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery, to the particular ticket validation requirements for Instant Game Number 10 set forth in WAC 315-11-122, and to the requirements stated on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set out on the back of the ticket.

(6) Grand prize drawing for Instant Game Number 10: The grand prize drawing process shall be conducted as follows:

(a) Participants in the grand prize drawing process shall be those validated prize winners of either exactly \$25 or \$50 whose prize claim is received by the lottery within fourteen days after the announced end of Instant Game Number 10 in the manner prescribed on the back of the instant ticket. The lottery is not responsible for any entry until it is received.

(b) Each of the \$25 or \$50 winning tickets must be a valid Instant Game Number 10 "Bonanza" ticket.

(c) The legible name of an eligible player must be present on the back of each eligible ticket or on the claim form.

(d) There will be one grand prize drawing for Instant Game Number 10. The preliminary grand prize drawing process and the grand prize drawing will be conducted at times and places and pursuant to methods to be announced by the director. The prizes involved in the grand prize drawing will be: First prize, \$1,000 a week for life, with the prize payment starting at age eighteen or older, with a minimum payment of \$1,000,000 being guaranteed; second prize, \$100,000; third and fourth prizes, \$75,000 each; fifth and sixth prizes, \$50,000 each; seventh and eighth prizes, \$25,000 each; and ninth and tenth prizes, \$10,000 each. In the event that an entry is not included in the preliminary grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent preliminary grand prize drawing process.

(7) Notwithstanding any other provisions of these rules, the director may: (a) Vary the length of Instant Game Number 10, and/or (b) vary the number of tickets sold in Instant Game Number 10 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-122 TICKET AND STUB VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 10. (1) In addition to meeting all of the other requirements in these rules and regulations, the following validation requirements will apply to instant game tickets in Instant Game Number 10. To be a valid Instant Game Number 10 ticket or a valid stub, all of the following requirements must be met.

(a) Exactly one play number must appear under each of the six rub-off spots on the main portion of the ticket.

(b) Exactly one stub play number must appear under the one rub-off spot on the stub portion of the ticket.

(c) Each of the six play numbers must have a caption underneath, and each must agree with its caption.

(d) The stub play number must have a stub caption underneath and it must agree with its caption.

(e) Each of the six play numbers and play number captions must be present in their entirety and be fully legible.

(f) The stub play number and stub captions must be present in their entirety and be fully legible.

(g) Each of the six play numbers and their captions must be printed in gray-black ink.

(h) The one stub play number and its stub caption must be printed in gray-black ink.

(i) The pack-ticket number, validation number, and agent validation code must be present in their entirety and be legible on the ticket. The validation number shall correspond, using the lottery's codes, to the play numbers on the ticket.

(j) The validation number on the stub must be present in its entirety and be legible. The validation number shall correspond, using the lottery's codes, to the stub play number.

(k) Neither the ticket nor the stub may be altered, unreadable, reconstituted, or tampered with in any manner.

(l) Neither the ticket nor the stub may be counterfeit in whole or in part.

(m) The validation numbers and agent validation code shall be printed in gray-black ink, and the pack-ticket number shall be printed in red ink.

(n) The ticket must have been issued by the director in an authorized manner.

(o) Neither the ticket nor the stub may be stolen nor appear on any list of omitted tickets on file with the director.

(p) The play numbers and their captions, the stub play number and its stub caption, the validation numbers, the agent validation code and the pack-ticket number must be right-side-up and not reversed in any manner.

(q) The ticket must be complete, and not miscut, and have exactly one play number and exactly one caption under each of the six rub-off spots on the main (left) portion of the ticket, exactly one pack-ticket number, exactly one agent validation code, and exactly one validation number on the main (left) portion of the ticket.

(r) The stub must be complete, and not miscut, and have exactly one stub play number and exactly one stub caption on the stub (right) portion of the ticket, and exactly one validation number.

(s) The validation number of an apparent winning ticket shall appear on the lottery's official list of validation numbers of winning tickets; and a ticket with that validation number shall not have been previously paid.

(t) Neither the ticket nor the stub may be blank or partially blank, misregistered, defective, or printed or produced in error.

(u) Each of the play numbers must be exactly one of those described in WAC 315-11-120(1) and each of the captions to the play numbers must be exactly one of those described in WAC 315-11-120(4); each of the stub play numbers must be exactly one of those described in WAC 315-11-120(7) and each of the stub captions must be exactly one of those described in WAC 315-11-120(8).

(v) Each of the six play numbers on the main portion of the ticket and the one stub play number on the stub (right) portion of the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file with the director; each of the six play number captions and the one stub caption must be printed in the Mead 5 x 9 font and must correspond precisely to the artwork on file with the director; the pack-ticket number must be .11" high in red and correspond precisely to the artwork on file with the director; and the validation numbers must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.

(w) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.

(x) The ticket or the stub must pass all additional confidential validation requirements of the director.

(2) Any ticket or the stub not passing all the validation requirements in subsection (1) of this section is invalid and ineligible for any prize.

(3) The director may replace any invalid ticket or stub with an unplayed ticket of equivalent sales price from any current instant game or issue a refund of the sales price. In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with an unplayed ticket of equivalent sales price from any current instant game or issue a refund of the sales price. However, if the ticket is partially mutilated or if the ticket is not intact but can still be validated by the other validation tests, the director may pay the prize for that ticket.

WSR 84-12-058
PROPOSED RULES
BOARD OF HEALTH
[Filed June 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning variances, waivers and exemptions, new WAC 248-08-596;

that the agency will at 9:00 a.m., Wednesday, July 11, 1984, in the Conference Room, Chelan-Douglas County Health District Offices, Wenatchee, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 34.04.020.

The specific statute these rules are intended to implement is RCW 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1984.

Dated: June 4, 1984
By: John A. Beare, MD
Director, Division of Health

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Repealing WAC 248-98-595 Exemptions, waivers and variances.

The Purpose of the Rule or Rule Change: To repeal the old and substitute the new language for clarification purposes only.

The Reasons These are Necessary: There is no substantive change, but language is intended merely as a clarification of an ambiguous, confusing rule.

Statutory Authority: RCW 43.20.050.

Summary of the Rule or Rule Change: The new language defines the procedure for the state Board of Health to consider and grant requests for exemptions, waivers or variances.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Robert Todd

Gay, Assistant Attorney General, Office of the Attorney General, Mailstop: PY-13, Phone: 459-6562.

Rules Proposed by: Division of Health.

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

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

NEW SECTION

WAC 248-08-596 VARIANCES, WAIVERS AND EXEMPTIONS. The following procedure for considering requests for exemptions, waivers or variances applies to all those rules and regulations of the Washington state board of health wherein the board of health has reserved the power to grant exemptions, waivers and variances:

(1) The director of the health services division of the department of social and health services shall recommend, pursuant to the standards contained in the regulation from which the exemption, waiver or variance is requested, that the request be granted or denied.

(2) Written summaries of all exemptions, waivers or variances proposed to be granted by the director shall be sent to all members of the board of health and shall include written forms upon which the members may indicate approval or disapproval of the request.

(3) Upon receipt by the director of written approval by each and every member of the board of health, the approval shall take effect and the director shall notify the requesting party of the approval in writing.

(4) If any member of the board of health shall disapprove the request within thirty days of notification by the director, the request shall be discussed by the board at its next regular meeting.

(5) If a request is recommended for denial by the director, the request and recommendation shall be reviewed by the board at its next regular meeting.

Consideration by the board of requests for exemptions, waivers and variances shall not be considered contested cases as that term is defined in chapter 34.04 RCW. Statements and written material regarding the request may be presented to the board at or before its meeting wherein the application will be considered. Allowing cross examination of witnesses in such matters shall be within the discretion of the board.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-08-595 EXEMPTIONS, WAIVERS, AND VARIANCES.

WSR 84-12-059
PROPOSED RULES
BOARD OF HEALTH
[Filed June 4, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning:

Rep	ch. 248-60A	WAC	Labor camps.
Rep	ch. 248-61	WAC	Standards for existing agricultural labor camps.
New	ch. 248-63	WAC	Standards for labor camps;

that the agency will at 9:00 a.m., Wednesday, July 11, 1984, in the Conference Room, Chelan-Douglas County Health District Offices, Wenatchee, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 43.20 RCW.

The specific statute these rules are intended to implement is chapter 43.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1984.

Dated: June 1, 1984

By: John A. Beare, MD
Director, Division of Health

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Repealing chapters 248-60A and 248-61 WAC, and new chapter 248-63 WAC.

The Purpose of the Rule or Rule Change: To eliminate the confusion caused by the existence of two regulations governing labor camps by repealing the two existing regulations and adopting a single standard for new and existing labor camps; and to establish less restrictive standards to provide more flexibility in the type of housing permitted and to eliminate nonpublic health requirements, but yet provide for minimum health needs and protection of temporary workers.

The Reason These Rules are Necessary: To protect the public's health by providing for minimum environmental standards for the estimated 900 labor camps in Washington that house the thousands of temporary workers and their families that come from out-of-state to harvest agricultural crops.

Statutory Authority: Chapter 43.20 RCW.

Summary of the Rule or Rule Change: The new regulation eliminates nonpublic health requirements and provides for less restrictive standards in areas such as number of housing units provided to be considered a labor camp, construction requirements, fire and first aid. The regulations provide for greater protection of workers from physical hazards and toxic materials. The regulations require DSHS to administer the regulations unless an agreement between the department and the local health jurisdiction is in effect whereby the local health officer assumes primary responsibility for administration.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rules: William F. Miller, Head, Environmental Health Services Section, Environmental Health Programs, Mailstop: LD-11, Phone: 753-5958.

Rules Proposed by: Washington State Board of Health's Migrant Housing Work/Study group and the Environmental Health Services Section, OEHP, Division of Health, DSHS.

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

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982 since the regulation does not impact ten percent of the involved industries or any one industry.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 248-60A-010 DEFINITIONS.
- (2) WAC 248-60A-020 ADMINISTRATION.
- (3) WAC 248-60A-030 WATER SUPPLY.

- (4) WAC 248-60A-040 SEWAGE AND LIQUID WASTE DISPOSAL—EXISTING AND NEW CONSTRUCTION.
- (5) WAC 248-60A-050 PLUMBING.
- (6) WAC 248-60A-060 REFUSE DISPOSAL.
- (7) WAC 248-60A-070 RODENT AND INSECT CONTROL.
- (8) WAC 248-60A-080 LOCATION AND MAINTENANCE.
- (9) WAC 248-60A-090 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS.
- (10) WAC 248-60A-100 HEATING.
- (11) WAC 248-60A-110 LIGHTING.
- (12) WAC 248-60A-120 TOILET, HANDWASHING, BATHING AND LAUNDRY FACILITIES.
- (13) WAC 248-60A-130 FOODHANDLING FACILITIES.
- (14) WAC 248-60A-140 BEDS AND BEDDING.
- (15) WAC 248-60A-150 FIRE AND SAFETY PROVISIONS.
- (16) WAC 248-60A-160 SUPERVISION AND RESPONSIBILITY.
- (17) WAC 248-60A-170 COMMUNICABLE DISEASE.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 248-61-001 PURPOSE.
- (2) WAC 248-61-010 DEFINITIONS.
- (3) WAC 248-61-015 PLAN OF IMPLEMENTATION.
- (4) WAC 248-61-020 ADMINISTRATION.
- (5) WAC 248-61-030 WATER SUPPLY.
- (6) WAC 248-61-040 SEWAGE AND LIQUID WASTE DISPOSAL.
- (7) WAC 248-61-050 PLUMBING.
- (8) WAC 248-61-060 REFUSE DISPOSAL.
- (9) WAC 248-61-070 RODENT AND INSECT CONTROL.
- (10) WAC 248-61-080 LOCATION AND MAINTENANCE.
- (11) WAC 248-61-090 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS.
- (12) WAC 248-61-100 HEATING.
- (13) WAC 248-61-110 LIGHTING.
- (14) WAC 248-61-120 TOILET, HANDWASHING, BATHING AND LAUNDRY FACILITIES.
- (15) WAC 248-61-130 FOODHANDLING FACILITIES.
- (16) WAC 248-61-140 BEDS AND BEDDING.
- (17) WAC 248-61-150 FIRE AND SAFETY PROVISIONS.
- (18) WAC 248-61-160 SUPERVISION AND RESPONSIBILITY.
- (19) WAC 248-61-170 COMMUNICABLE DISEASE.
- (20) WAC 248-61-180 EXEMPTIONS.

Chapter 248-63 WAC STANDARDS FOR LABOR CAMPS

NEW SECTION

WAC 248-63-001 PURPOSE. The following rules and regulations are established as the minimum sanitation requirements for labor camps. The regulations set forth are adopted pursuant to the provisions of chapter 43.20 RCW.

The person responsible for labor camps is encouraged to use innovative ideas and incorporate new approaches to solve the environmental problems of worker housing, such as relocatable housing, dual-purpose buildings, and new design techniques: PROVIDED HOWEVER, That all ideas and approaches shall meet the intent of these rules and regulations.

NEW SECTION

WAC 48-63-010 DEFINITIONS. (1) "Central foodhandling facility" shall mean any facility provided by employers, growers, management, or other person as defined in subsection (8) of this section where food is served or provided to the labor camp occupants with or without charge.

(2) "Common foodhandling facility" shall mean a facility provided by employers, growers, management, or other person as defined in subsection (8) of this section for use by the labor camp occupants in the preparation and consumption of their own food.

(3) "Department" shall mean the Washington state department of social and health services.

(4) "Director" shall mean the director of the division of health of the Washington state department of social and health services or authorized representative.

(5) "Dwelling unit" shall mean family unit, single unit, dormitory, or other facility and/or housing provided by a person for temporary workers and used or intended to be used for living and/or sleeping, with or without facilities for cooking and eating.

(a) "Dormitory" shall mean facilities and/or housing accommodating one sex only, used for sleeping purposes and designed for group occupancy.

(b) "Family unit" shall mean facilities and/or housing accommodating members of both sexes for living and/or sleeping, with or without facilities for cooking and eating purposes.

(c) "Single unit" shall mean facilities and/or housing accommodating one person only for living and/or sleeping, with or without facilities for cooking and eating purposes.

(6) "Health officer" means the legally qualified person appointed as the health officer for the city, town, county, or district public health department as defined in RCW 70.05.010(2) or authorized representative.

(7) "Labor camp" shall mean all facilities, housing, and/or real property consisting of five or more dwelling units, recreational vehicle spaces, campground spaces, or other areas set aside and/or provided to accommodate temporary worker supplied shelter or any combination thereof, together with the land appurtenant thereto provided with or without charge by employers, growers, management, or other person, for occupancy by temporary workers or temporary workers and dependents, and shall include facilities, housing, and/or real property located either at the site of employment or elsewhere: PROVIDED, That any dormitory building accommodating five or more persons shall be considered a labor camp: PROVIDED FURTHER, That the provisions hereof shall not apply to any person who, in the ordinary course of that person's business, regularly provides housing on a commercial basis to the general public and who provides housing to any temporary worker of the same character and on the same or comparable terms and conditions as provided to the general public.

(8) "Person" shall mean any individual, firm, partnership, corporation, association, or the legal successor thereof and any agency of the city, county, or state and any municipal subdivision thereof.

(9) "Refuse" shall mean all putrescible and nonputrescible solid waste.

(10) "Temporary worker" shall mean any individual employed by a person where the labor is performed on a seasonal basis, where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year or when the worker is employed for a limited time only or his or her performance is contemplated for a particular piece of work, usually of short duration.

Reviser's note: The above new section was filed by the agency as WAC 48-63-010. This section is placed among sections forming new chapter 248-63 WAC, and therefore should be numbered WAC 248-63-010. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 248-63-020 ADMINISTRATION. (1) The department and health officer for each local health jurisdiction may enter into an agreement whereby the health officer assumes primary responsibility for administering these regulations. The agreement shall provide for a minimum necessary level of labor camp supervision. This agreement shall be submitted to the local board of health for adoption. The agreement shall be approved and updated as necessary. Wherever in these regulations the term "department" is used, the term "health officer" may be substituted where an agreement between the department and the health officer is in effect.

(2) Except as provided in subsection (6) of this section, the person owning or controlling a labor camp shall not permit the labor camp to be occupied by any temporary worker unless issued a certificate of occupancy by the department in the name of the person owning or controlling the specified labor camp.

(3) The department may issue a provisional certificate of occupancy for a labor camp when said camp does not fully meet all requirements of these rules and regulations. The issuance of a provisional certificate of occupancy shall be contingent upon approval by the department of a

written plan and time schedule for compliance with the requirements of these rules and regulations.

(4) Every certificate of occupancy shall be valid for a period not in excess of one year and may be renewed.

(5) Applications for certificates of occupancy or renewals thereof must be submitted in writing to the department at least forty-five days prior to occupancy of the camp and shall contain such information as may be reasonably required by the department for the proper administration of these rules and regulations.

(6) If an application for a certificate of occupancy or renewal is made to the department at least forty-five days prior to the date the labor camp is to be occupied by a temporary worker but the department has not issued or denied a certificate of occupancy by such a date, the facility or property may be occupied by temporary workers unless prohibited by other local, state, or federal laws.

(7) Fees may be charged by the department as authorized in chapter 43.20A RCW and by local health agencies as authorized in RCW 70.05.060 to recover all or a portion of operational costs incurred in administering these regulations.

NEW SECTION

WAC 248-63-030 WATER SUPPLY. (1) The water supply system for a labor camp shall be designed, constructed, maintained, and operated in accordance with chapter 248-54 WAC.

(2) The use of common drinking cups or containers is prohibited.

(3) Hot and cold running water shall be provided for each central bathing, handwashing, and laundry facility twenty-four hours daily.

(4) All family units shall be provided with cold running water under pressure and plumbed to a properly trapped sink.

NEW SECTION

WAC 248-63-040 SEWAGE DISPOSAL. All sewage and waste water from a labor camp shall be drained to a sewerage disposal system approved by the jurisdictional agency. On-site sewage disposal systems shall be designed, constructed, and maintained in accordance with chapters 248-96 and 173-240 WAC and local regulations.

NEW SECTION

WAC 248-63-050 PLUMBING. Plumbing shall be maintained in an operable condition to prevent creating a nuisance or health hazard.

NEW SECTION

WAC 248-63-060 REFUSE DISPOSAL. (1) The storage, collection, transportation, and disposal of refuse shall be so managed as not to create rodent harborage, insect breeding, or other health hazards.

(2) All refuse shall be stored in clean, watertight, and rodent-proof containers with tight-fitting lids. Such containers shall be located adjacent to dwelling units except when other department-approved methods are used.

NEW SECTION

WAC 248-63-070 RODENT AND INSECT CONTROL. Appropriate measures shall be taken to control rodents and insects in labor camps.

NEW SECTION

WAC 248-63-080 LOCATION AND MAINTENANCE. (1) Labor camps shall be well-drained and located and maintained as not to create a health or safety hazard.

(2) Labor camps shall be located no closer than two hundred feet of an occupied feedlot, dairy, or poultry operation except with the approval of the department.

NEW SECTION

WAC 248-63-090 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS AND OTHER BUILDINGS. (1) All dwelling units and other buildings related to the labor camp constructed or remodeled after the effective date of these regulations shall have a valid certificate of occupancy as issued by the local building official.

(2) Dwelling units and other buildings shall be structurally sound, in good repair, and in a sanitary condition. Dwelling units shall provide protection against the elements.

(3) Floors shall be of wood, concrete, tile, or other impervious material. Wood floors shall be smooth, planed, and tight-fitting.

(4) Interior walls shall have cleanable surfaces without excessive peeling paint. Interior walls shall be maintained clean.

(5) A person shall not assign temporary workers or temporary workers and dependents to housing having less than seventy square feet of gross floor space for the first assigned occupant and thirty-five square feet of gross floor space for each additional assigned occupant: PROVIDED HOWEVER, That dormitories shall have at least forty square feet per assigned occupant for sleeping purposes.

(6) At least one-half of the floor area in each dwelling unit shall have a minimum ceiling height of seven feet: PROVIDED HOWEVER, That the ceiling height in factor-built housing may be less than seven feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than five feet.

(7) All habitable rooms, including bathrooms, laundry rooms, and similar rooms shall be provided with natural ventilation by means of operable windows or skylights or shall be equipped with an adequate mechanical ventilation system. Windows and skylights shall open directly to the outside and shall be openable to at least forty-five percent of their aggregate area and, except for bathrooms, shall be not less than four square feet in dimension.

NEW SECTION

WAC 248-63-100 HEATING. (1) Dwelling units used during periods requiring artificial heating shall be provided with heating facilities capable of maintaining sixty-five degrees Fahrenheit temperature in all rooms.

(2) Heating facilities shall be installed, vented, and maintained to prevent fire hazard or fume concentrations, and be so located as to prevent impeded egress from the dwelling unit in case of emergency.

NEW SECTION

WAC 248-63-110 LIGHTING. (1) All dwelling unit rooms, common foodhandling facilities, toilet, shower, and laundry rooms shall have a minimum of twenty footcandles on work surfaces provided by sufficient wall or ceiling fixtures.

(2) All labor camps shall be provided with electric service.

(3) Each dwelling unit room shall be provided with a minimum of one ceiling fixture and one wall outlet.

(4) Each toilet, handwashing, bathing, and laundry room shall be provided with one ceiling or wall-type fixture and convenience outlets as needed.

(5) All wiring and lighting fixtures shall be installed and maintained in a safe condition.

NEW SECTION

WAC 248-63-120 TOILET, HANDWASHING, BATHING, AND LAUNDRY FACILITIES. (1) Where dwelling units lack toilets and bathroom facilities or where recreational vehicle spaces, campground spaces, or other areas are provided to accommodate temporary worker supplied shelter, conveniently located central toilet, handwashing, and bathing facilities, separate for men and women, shall be provided. These facilities shall be maintained in a clean and sanitary condition.

(2) Toilets shall be provided in a ratio of one for every fifteen occupants or major fraction thereof. Urinals may be substituted for up to one-third of the toilets required for each sex. Water flush toilets shall be required: PROVIDED HOWEVER, That the department may make exception to allow privies or other approved methods.

(3) Where central toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.

(4) Lavatories, supplied with hot and cold water under pressure, shall be provided in the ratio of one for every fifteen occupants or major fraction thereof.

(5) Bathing facilities, supplied with hot and cold water under pressure, shall be provided in the ratio of one shower head for each fifteen occupants or major fraction thereof.

(6) Conveniently located central laundry facilities, supplied with hot and cold water under pressure, shall be provided in the ratio of one laundry tray and one mechanical washing machine for each fifty occupants or major fraction thereof; except that additional mechanical washing machines may be provided in lieu of an equivalent number of laundry trays: PROVIDED HOWEVER, That the department may

waive this requirement when in the department's opinion commercial facilities are accessible and conveniently located.

(7) Where sanitary facilities are provided in each dwelling unit, there shall be provided a minimum of one toilet, lavatory, and bathing facility.

(8) The number of toilets, lavatories, bathing, and laundry facilities provided in central facilities are to be based on the maximum housing capacity of the labor camp, excluding the housing capacity of dwelling units with individual facilities. Where recreational vehicle spaces, campground spaces, or other areas are provided to accommodate temporary worker supplied shelter, the minimum number of toilets, lavatories, bathing, and laundry facilities provided in central facilities for that portion of the camp's occupants shall be determined according to the following table: PROVIDED HOWEVER, That the department may modify these requirements based upon a mutual written agreement between the department and person as to the number and type of facilities necessary to satisfy the intent of these regulations.

Number of Spaces	Toilets		Bathing		Handwashing Sinks		Laundry Facilities
	Men	Women	Men	Women	Men	Women	
1- 5	1	1	1	1	1	1	0
6-10	1	1	1	1	1	1	1
11-20	2	2	2	2	2	2	1
21-30	3	3	3	3	3	3	2
31-40	4	4	4	4	4	4	2
41-50	5	5	5	5	5	5	3
51-60	6	6	6	6	6	6	4

(9) The floors of central toilet, lavatory, bathing, and laundry facilities shall be sloped to properly trapped floor drains connected to an approved disposal system.

NEW SECTION

WAC 248-63-130 FOODHANDLING FACILITIES. (1) Where central food facilities are provided, the facilities shall comply with the state board of health rules and regulations for food establishments (chapter 248-84 WAC).

(2) If central facilities are not provided, cooking facilities shall be provided in each family unit. Such facilities shall be provided with:

(a) An operable cook stove or hot plate with a minimum of two burners.

(b) Adequate food storage shelves and food preparation counter.

(c) Mechanical refrigeration capable of maintaining temperatures of forty-five degrees Fahrenheit or below shall be provided in each dwelling unit where cooking is done or in a central unit capable of maintaining like temperatures and providing ample space for storing perishable food items of all labor camp occupants. Inasmuch as certain refrigerator units not in use constitute a health hazard to children when such refrigerator units are not in use, adequate precaution shall be taken by the camp owner or operator to assure these refrigerator units are not a hazard to children.

(d) The walls adjacent to cooking areas shall be fire resistant, non-absorbent, and of easily cleanable material.

(e) Where the occupant provides foodhandling facilities equal to or better than those described in this subsection, this shall be permitted.

(3) Where dwelling units, other than family units, do not have foodhandling facilities equal to those described in subsections (1) and (2) of this section, a common foodhandling facility shall be provided. This shall consist of a room or building provided for cooking and eating separate from the sleeping facilities. Such room or building shall be provided with:

(a) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of one stove or hot plate to ten persons;

(b) Adequate food storage shelves and a counter for food preparations;

(c) Mechanical refrigeration capable of maintaining the temperature of food at forty-five degrees Fahrenheit or below;

(d) Tables and chairs or equivalent seating adequate for the intended use of the facility;

(e) Adequate sinks with hot and cold water under pressure; and

(f) Floors of nonabsorbent, easily cleanable materials.

NEW SECTION

WAC 248-63-140 BEDS AND BEDDING. (1) Sleeping facilities shall be provided for each occupant. Such facility shall consist of beds or bunks provided with clean mattresses or cots.

(2) Where bedding is provided by the person responsible for operation of the labor camp, the bedding shall be issued and maintained in a clean and sanitary condition.

(3) Each bed or bunk shall clear the floor by a minimum of twelve inches.

(4) Where the occupant provides beds and bedding equal to or better than those described in this section, this shall be permitted.

NEW SECTION

WAC 248-63-150 SAFETY PROVISIONS. (1) In dwelling units two means of escape shall be provided: One may be an accessible window, at least five hundred and seventy-six square inches (four square feet) in size with no side less than sixteen inches.

(2) Flammable or volatile liquids or materials, other than those intended for household use, shall not be stored in or adjacent to rooms of dwelling units.

(3) Pesticides and toxic chemicals, other than those intended for household use, shall not be stored or mixed in the housing area.

(4) The existence of conditions presenting a potential health, safety, and/or fire hazard to occupants of the labor camp are in violation of these regulations.

NEW SECTION

WAC 248-63-160 SUPERVISION AND RESPONSIBILITY.

(1) The person responsible for operation of the labor camp shall, once the labor camp is occupied, supervise and maintain such facility and property so as to ensure the labor camp remains in compliance with these rules and regulations.

(2) Receipt of a certificate of occupancy as provided under WAC 248-63-020(2) or the failure of the department to issue such a certificate of occupancy within the forty-five-day-time period shall not relieve the person owning or controlling a labor camp from the responsibility of ensuring such facility or property meets the requirements of these rules and regulations.

NEW SECTION

WAC 248-63-170 COMMUNICABLE DISEASE. The person responsible for operation of the labor camp or his or her designated agent shall exercise reasonable efforts to know of the presence of communicable disease within the camp and when such is suspected shall report this to the local health officer.

NEW SECTION

WAC 248-63-180 EXEMPTIONS. The director, at his or her discretion, may, upon written application, exempt a labor camp from complying with a requirement of these rules and regulations when it has been found after thorough investigation and consideration that such an exemption may be made in an individual case without placing the health or safety of the occupants in jeopardy and that strict enforcement of the regulation would create an undue hardship on the labor camp: PROVIDED HOWEVER, That where the health officer has assumed primary responsibility for administering these regulations in accordance with WAC 248-63-020(1) the health officer may, upon concurrence of the director, grant such an exemption.

WSR 84-12-060

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-47—Filed June 4, 1984]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, and Lake Washington and Baker River sockeye. Restrictions in Areas 5, 6, 6C provide protection for Puget Sound and Canadian spring chinook stocks and Lake Washington and Baker River sockeye. Restrictions in Area 6A provide protection for Puget Sound spring chinook and sockeye stocks and Canadian spring chinook. Restrictions in Area 8 and the Skagit River provide protection for Skagit spring chinook. Restrictions in Areas 7, 7A and 7D provide protection for Puget Sound and Canadian spring chinook stocks. Restrictions in Areas 6D, 7B, 7C, 13A and the Elwha River, Dungeness River, Nooksack River, Stillaguamish River, Puyallup River, White River and Minter Creek provide protection for local spring chinook stocks. Restrictions in Areas 6B, 9, 10, 10A, 10B, 10C, 10D and the Cedar River provide protection for Lake Washington sockeye.

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

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

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

APPROVED AND ADOPTED June 4, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-48-403 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective 8:00 AM Wednesday, June 6, 1984, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Area 4B - Closed to all net gear, and troll gear must release all sockeye when open.

*Areas 5, 6, 6A, 6C - Closed to all net gear, and troll gear must release all chinook greater than 30 inches in length and all sockeye when open.

*Areas 6B, 9 - Gill net gear restricted to 6-1/2-inch minimum mesh, and other gear must release sockeye when open.

Area 6D - Closed to all commercial fishing.
Areas 7, 7A, 7D - Closed to all net gear, and troll gear must release chinook greater than 30 inches in length.

Areas 7B, 7C, 8 - Closed to all commercial fishing.

*Areas 10, 10A - Effective June 10, gill net gear restricted to 6-1/2-inch minimum

mesh, and other gear must release sockeye when open.

*Areas 10B, 10C, 10D, Cedar River - Effective June 10, closed to all commercial fishing.

Area 13A - Closed to all commercial fishing.

Elwha River, Dungeness River, Nooksack River, Skagit River, Stillaguamish River, Puyallup River, White River, Minter Creek - Closed to all commercial fishing.

the state of Washington to be affixed at Olympia this 31st day of May, A.D., nineteen hundred and eighty-four.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 AM June 6, 1984.

WAC 220-28-402 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-30)

WSR 84-12-063
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 84-13]

WSR 84-12-061
NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD
[Memorandum—June 4, 1984]

CHARITABLE CONTRIBUTIONS

Beginning at 9:30 a.m., Friday, June 22, 1984, Urban Arterial Board, Transportation Building, Olympia, Washington.

NOTE: Persons wishing to testify at this meeting will be required to contact the UAB in writing prior to June 15, 1984.

This Executive Order establishes a plan for combined employee charitable contributions to social service, health, and welfare organizations through payroll deductions or other payment methods in one annual solicitation.

Currently, both endorsed and unendorsed fund-raising drives occur sporadically throughout the year and, with one exception, do not have the convenience and benefit of payroll deduction and other features of a coordinated collection system. These separate drives are neither as efficient nor effective as they can be for the various charitable organizations or for state agencies and employees. This situation must be alleviated.

WSR 84-12-062
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 84-12]

A policy committee established by this Order will represent the employees in state government and higher education. The committee will, in cooperation with charitable organizations, organize and effect one solicitation effort each year. The Governor's Office will no longer be the clearinghouse for endorsement of various charitable drives.

RESCINDING EO 84-01

The 1984 Legislature passed Substitute House Bill 1083, which created an Economic and Revenue Forecasting Council to assist in the preparation of state forecasts of economic activity and revenue collections. This legislative action renders unnecessary continuation of the Forecast Council established under my prior executive order.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby resolve that Executive Order 84-01 is rescinded.

After careful study of organizations which typically make appeals for financial support from state employees, the committee will evaluate each and authorize those which may participate in one annual combined effort to secure funds for distribution to the organizations engaged in charitable, public health, welfare, and service purposes in accordance with RCW 41.04.035 and RCW 41.04.230.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, do hereby order that:

- (1) A policy committee be established to be known as the Washington State Employee Combined Fund Drive Committee.
- (2) The function of this committee shall be to:

- (a) Determine which agencies engaged in charitable and public health, welfare and service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method;
 - (b) Establish the policies necessary to conduct one annual campaign for employee contributions for the established organizations. No other separate campaign drive shall be conducted under the auspices of the state of Washington after September 30, 1984, without the approval of the committee;
 - (c) Establish the policies necessary to collect and distribute the funds collected through one annual combined effort.
- (3) The committee shall be composed of not more than eight state employees appointed by the Governor for three year terms, except that the terms of those first appointed shall be staggered with two persons appointed for one year, three persons appointed for two years, and three persons appointed for three years, as determined by the Governor. The members shall be selected from the following groups:
- (a) One member from an employee organization;
 - (b) One member from the Legislative branch;
 - (c) One member from the Judicial branch;
 - (d) Three members from state agencies;
 - (e) Two members from higher education;
- (4) The Governor shall name one of the members as acting chairperson to call the first meeting, at which time the group will elect a chairperson to serve for the term of one year, and such other officers as may be needed.
- (5) Members of the committee shall serve without additional salary, but shall be reimbursed by their employing agencies for travel, lodging and meals in accordance with state law and regulations.
- (6) All costs such as printing of brochures, preparation of slide presentations and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs

shall be shared in a percentage relating to the total funds distributed.

- (7) The Department of Personnel shall provide the administrative support for the operation of the committee.
- (8) This order is effective September, 1984, and shall remain in effect until cancelled or modified by the Governor.

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 May, A.D., nineteen hundred and eighty-four.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

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

WSR 84-12-064
EMERGENCY RULES
COMMITTEE FOR
DEFERRED COMPENSATION
[Order 84-1—Filed June 5, 1984]

Be it resolved by the Committee for Deferred Compensation, acting at the Department of Transportation Materials Lab Building, Tumwater, Washington, that it does adopt the annexed rules relating to:

Amd WAC 154-12-050 Modification of deferral.
Rep WAC 154-12-105 Change of investment mode.

We, the Committee for Deferred Compensation, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is early effective date is needed to implement the changes on a timely basis.

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

This rule is promulgated under the general rule-making authority of the Committee for Deferred Compensation as authorized in RCW 41.04.260.

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

Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 4, 1984

By C. H. Shay
Group Insurance Analyst

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-050 MODIFICATION OF DEFERRAL. A participant may ((change the amount of deferral specified pursuant to WAC 154-12-010(2) of this plan at any time, but)) modify his/her deferral no more frequently than twice in any calendar year, unless the committee by specific action authorizes a special additional open change period. Such change may be in the amount of deferral specified and/or the investment mode pursuant to WAC 154-12-010(2). A change in the investment mode may apply to the redirection of amounts previously deferred as well as current deferrals. Such change or changes shall be effective as to any calendar month only if a new participation agreement is executed by the participant and approved by the committee or its designee before the beginning of such calendar month.

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 154-12-105 Change of Investment Mode

WSR 84-12-065

**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Memorandum—May 30, 1984]

The board of trustees of Western Washington University will hold their regular meeting on Thursday, June 7, 1984, at 1:30 p.m. in Old Main 340 on the campus of the university.

WSR 84-12-066

**RULES OF COURT
STATE SUPREME COURT**

[May 25, 1984]

IN THE MATTER OF THE ADOPTION
OF RAP 18.15 and AMENDMENTS
TO CrR 2.1, 4.2, 7.1, 7.2 and
7.3

NO. 25700-355

ORDER

The adoption of RAP 18.15 and amendments to CrR 2.1, 4.2, 7.1, 7.2 and 7.3 having been proposed by the Sentencing Guidelines Commission and the Court having determined that the proposed Rule and amendments will aid in the prompt and orderly administration of justice, and that the publication of the comments thereto will aid the Bench and Bar; Now, therefore, it is hereby ORDERED:

(a) That RAP 18.15 and amendments to CrR 2.1, 4.2, 7.1, 7.2 and 7.3, attached hereto are adopted.

(b) The comments are published solely to aid the Bench and Bar and are not adopted by the Court.

(c) That pursuant to the emergency provisions of GR 9(i) the Rule and amendments are to be published expeditiously in the Washington Reports and shall become effective July 1, 1984.

DATED at Olympia, Washington this 25th day of May, 1984.

William H. Williams

James M. Dolliver

Fred H. Dore

Robert F. Utter

Carolyn R. Dimmick

Robert F. Brachtenbach

Vernon R. Pearson

RULE 18.15

ACCELERATED REVIEW OF ADULT SENTENCINGS

(a) Generally. A sentence which is beyond the standard range may be reviewed in the manner provided in the rules for other decisions or by accelerated review as provided in this rule.

(b) Accelerated Review by Motion. After the notice of appeal has been filed, any party may seek accelerated sentence review and must do so by motion. The motion must include (1) the name of the party filing the motion; (2) the offense; (3) the disposition of the trial court; (4) the standard range for the offense; (5) a statement of the disposition urged by the moving party; (6) copies of the findings of fact, conclusions of law and judgment and sentence; (7) an argument for the relief sought with reference to that portion of RCW 9.94A.210(4) relied upon by the moving party.

(c) Service on Court Reporter or Clerk. A copy of the motion for accelerated review must be served upon the court reporter in attendance at the sentencing, or, in the case of electronic recording, upon the clerk of the superior court.

(d) Time for Hearing. The hearing will be conducted no later than 28 days following filing of the record required by RCW 9.94A.210(5). The court will notify the parties of the hearing date.

(e) Motion Procedure Controls. The motion procedure, including a party's response, is governed by Title 17.

(f) Accelerated Review of Other Issues. The decision of issues other than those relating to the sentence may be accelerated only pursuant to rules 18.8 and 18.12.

CrR 2.1(f)

(f) Defendant's Criminal History. Upon the filing of an indictment or information charging a felony, the prosecuting attorney shall request a copy of the defendant's criminal history, as defined in RCW 9.94A.030,

from the Washington State Patrol Identification and Criminal History Section.

Comment

The purpose of the rule is to ensure that the defendant's criminal history is available when and if the court is required to determine the validity of a plea agreement.

RULE 4.2
PLEAS

(a) Types. A defendant may plead not guilty, not guilty by reason of insanity or guilty.

(b) Multiple Offenses. Where the indictment or information charges two or more offenses in separate counts the defendant shall plead separately to each.

(c) Pleading Insanity. Written notice of an intent to rely on the insanity defense, and/or a claim of present incompetency to stand trial, must be filed at the time of arraignment or within 10 days thereafter, or at such later time as the court may for good cause permit. All procedures concerning the defense of insanity or the competence of the defendant to stand trial are governed by RCW 10.77.

(d) Voluntariness. The court shall not accept a plea of guilty, without first determining that it is made voluntarily, competently and with an understanding of the nature of the charge and the consequences of the plea. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea.

(e) Agreements. If a plea of guilty is based upon an agreement between the defendant and the prosecuting attorney, such agreement must be made a part of the record at the time the plea is entered. No agreement shall be made which specifies what action the judge shall take on or pursuant to the plea or which attempts to control the exercise of his discretion, and the court shall so advise the defendant. If the defendant intends to plead guilty pursuant to an agreement with the prosecuting attorney, both the defendant and the prosecuting attorney shall, before the plea is entered, file with the court their understanding of the defendant's criminal history, as defined in RCW 9.94A.030. The nature of the agreement and the reasons for the agreement shall be made a part of the record at the time the plea is entered. The validity of the agreement under RCW 9.94A.090 may be determined at the same hearing at which the plea is accepted.

(f) Withdrawal of Plea. The court shall allow a defendant to withdraw his plea of guilty whenever it appears that the withdrawal is necessary to correct a manifest injustice. If the defendant pleads guilty pursuant to a plea agreement and the court later determines under RCW 9.94A.090 that the agreement is not binding, the court shall inform the defendant that the guilty plea may be withdrawn and a plea of not guilty entered.

(g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY

THE STATE OF WASHINGTON } No. _____
Plaintiff, }
v. } STATEMENT OF
_____ } DEFENDANT ON
Defendant. } PLEA OF GUILTY

1. My true name is _____.
2. My age is _____.
3. I went through the _____ grade in school.
4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.
5. I have been informed and fully understand that I am charged with the crime of _____, that the elements of the crime are _____, and that the maximum sentence for the crime is _____. the maximum sentence(s) for which is (are) _____ years and \$ _____ fine. The standard sentence range for the crime is at least _____ and not more than _____, based upon my criminal history which I understand the Prosecuting Attorney says to be:

- I have been given a copy of the information.
6. I have been informed and fully understand that:
 - (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
 - (b) I have the right to remain silent before and during trial, and I need not testify against myself.
 - (c) I have the right at trial to hear and question witnesses who testify against me.
 - (d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.
 - (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
 - (f) I have the right to appeal a determination of guilt after a trial.
 - (g) If I plead guilty I give up the rights in statements 6(a)-(f).

7. I plead _____ to the crime of _____ as charged in the _____ information.
8. I make this plea freely and voluntarily.
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. I have been informed and fully understand the Prosecuting Attorney will make the following recommendation to the court; and to the Board of Prison Terms and Paroles: _____

12. I have been informed and fully understand that the court does not have to follow the Prosecuting Attorney's recommendation as to sentence. The court is completely free to give me any sentence up to the maximum

~~permitted by law no matter what the Prosecuting Attorney recommends. the standard sentencing range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions or guilty pleas at juvenile court that are felonies and which were committed when I was 15 years of age or older. Juvenile convictions count only if I was less than 23 years of age at the time I committed this present offense. I fully understand that if criminal history in addition to that listed in paragraph 5 is discovered, both the standard sentence range and the Prosecuting Attorney's recommendation may increase. Even so, I fully understand that my plea of guilty to this charge is binding upon me if accepted by the court, and I cannot change my mind if additional criminal history is discovered and the standard sentence range and Prosecuting Attorney's recommendation increases.~~

13. I have been informed and fully understand that if I am sentenced to prison the Judge must sentence me to the maximum term required by the law, which in this case is _____. The minimum term of sentence is set by the Board of Prison Terms and Paroles. The Judge and Prosecuting Attorney may recommend a minimum sentence to the Board but the Board does not have to follow their recommendation. I have been further advised that the crime with which I am charged carries a mandatory minimum of _____ years. I have been advised that the law requires that a prison term be imposed and does not permit any form of probation for the crime with which I am charged. I have been advised that if I am sentenced to prison, my sentence must be served consecutively to my prior prison sentence for a prior felony. (If not applicable, any or all of the last three sentences shall be stricken and initialed by the defendant and the Judge.) the court does not have to follow anyone's recommendation as to sentence. I have been fully informed and fully understand that the court must impose a sentence within the standard sentence range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard sentence range, either I or the State can appeal that sentence. If the sentence is within the standard sentence range, no one can appeal the sentence.

14. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

15. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime in the information. This is my statement: _____

16. I have read or have had read to me and fully understand all of the numbered paragraphs above (1 through 15) and have received a copy of "Statement of

Defendant on Plea of Guilty." I have no further questions to ask of the court.

Defendant

Prosecuting Attorney Defendant's Lawyer

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his or her attorney, and the undersigned Judge, in open court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

Dated this _____ day of _____, 19____.

Judge

I _____ am _____ fluent _____ in _____ the _____ language and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19____.

Interpreter

(h) Verification by Interpreter. If a defendant is not fluent in the English language, a person the court has determined has fluency in the defendant's language shall certify that the written statement provided for in section (g) has been translated orally or in writing and that the defendant has acknowledged that he or she understands the translation.

Comment

Section (e) of the rule accommodates the requirements in RCW 9.94A.080, .090, and .100. The rule also makes it clear that it is unnecessary to hold separate hearings for determining the validity of the agreement and for accepting the guilty plea.

In section (f) of the rule, a new sentence is added reflecting a similar provision in RCW 9.94A.090. It is desirable to repeat the statutory provision in the rule to avoid any implication that the "manifest injustice" test in the existing rule applies to the withdrawal of a plea entered pursuant to an agreement that is later found to be not binding under the statute.

The rule requires only that the court "inform" the defendant of the right to withdraw a guilty plea. The Commission concluded that the statutory provision requiring a formal "order" was unnecessary and will recommend that the statute be amended to conform to the rule. It is assumed that if the defendant chooses to exercise the option of withdrawing the plea, the withdrawal will be confirmed by the entry of an order.

Regardless of whether the defendant is permitted to withdraw a guilty plea under the existing "manifest injustice" standard or the new statutory provision, the time for trial is extended under CrR 3.3(d)(7) to 90 days after the entry of the order confirming the withdrawal of the plea if the defendant is released, or 60 days if the defendant is to remain in custody pending trial.

Section (g), concerning the defendant's written statement, has been revised throughout to conform to the requirements of the new act.

Section (h) is the same as the corresponding section in the prior rule.

RULE 7.1

PROCEDURES BEFORE SENTENCING

(a) Generally. At the time of, or within 3 days after, a plea, finding, or verdict of guilt of a felony, the court may order that a presentence investigation and report be prepared by the Department of Corrections. The court shall also then:

(1) Set a date, time, and place for sentencing in compliance with the time requirements of RCW 9.94A.110;

(2) Order the defendant to return at the designated date, time, and place; and

(3) Set a date at least 10 days before sentencing for delivery of the presentence report, if any, to the court, to the prosecuting attorney, and to the defendant or defense counsel.

(b) Report. The report of the presentence investigation shall contain the defendant's criminal history, as defined by RCW 9.94A.030, and such information about his characteristics, his financial condition, and the circumstances affecting his behavior as may be relevant in imposing sentence or in the correctional treatment of the defendant, and such other information as may be required by the court.

(c) Notice of New Evidence. At least 3 days before the sentencing hearing, defense counsel and the prosecuting attorney shall notify opposing counsel and the court of any part of the presentence report that will be controverted by the production of evidence.

(d) Other Reports. Any interested person, as designated in RCW 9.94A.110, may submit a report separate from that furnished by the Department of Corrections.

Comment

The rule is designed to implement RCW 9.94A.110 and related statutes concerning the sentencing procedure. The entire rule is new; it replaces the prior CrR 7.2, Presentence Investigation, portions of which are incorporated into the new rule.

Section (a) is adapted from Minn. R. Crim. P. 27.03. The rule states that the court may order a presentence investigation and report, giving the court a measure of discretion to dispense with a report when the appropriate sentence can readily be determined on the basis of the sentencing guidelines score sheet. The rule codifies the existing practice of requiring the writer of the report to send copies to counsel and to the court.

Section (b) is substantially the same as the prior rule, CrR 7.2(b). The reference in the prior rule to the defendant's "prior criminal record" is replaced by a reference to the defendant's "criminal history" in order to parallel the statutory language.

The reference to "helpful" information is replaced by a reference to "relevant" information because much of what is "helpful" under the prior rule will become irrelevant under a system of presumptive sentencing.

Section (c) ensures that both parties will receive reasonable notice of any intent to controvert the presentence report by the production of new evidence. The combined effect of sections (a)(3) and (c) is that each party will have 7 days to examine the report before giving the required notice.

Section (d) makes it clear that persons who are permitted under RCW 9.94A.110 to present "argument" at sentencing may do so in writing.

Unlike the prior rule, CrR 7.2(c), the rule contains no provision concerning the nondisclosure of "harmful" portions of the presentence report. The Commission concluded that the provision was no longer necessary because much of what might be "harmful" under the prior rule will no longer be relevant under presumptive sentencing and will not be included in the report. If a report under the presumptive sentencing system does contain information that the court believes should be kept confidential, the court may fashion an appropriate remedy on a case-by-case basis.

RULE 7.2

SENTENCING

(a) Generally. The court shall state the precise terms of the sentence and shall assure that the record accurately reflects all time spent in custody in connection with the offense or behavioral incident for which sentence is imposed. Pending such action the court may release or commit the defendant, pursuant to rule 3.2.

(b) Procedure at Time of Sentencing. The court shall, at the time of sentencing, unless the judgment and sentence are based on a plea of guilty, advise the defendant: (1) of his right to appeal the conviction; (2) of the right to appeal a sentence outside the standard sentence range; (3) that unless a notice of appeal is filed within 30 days after the entry of the judgment or order appealed from, the right to appeal is irrevocably waived; (4) that the court clerk will, if requested by the defendant appearing without counsel, file a notice of appeal in his behalf; and (5) of his right, if unable to pay the costs thereof, to have counsel appointed and portions of the trial record necessary for review of assigned errors transcribed at public expense for an appeal. These proceedings shall be made a part of the record.

(c) Record. A verbatim record of the sentencing proceedings shall be made.

(d) Judgment and Sentence. For every felony sentencing, the clerk of the court shall forward a copy of the judgment and sentence to the Sentencing Guidelines Commission. If the sentence imposed departs from the applicable standard sentence range, the court's written

findings of fact and conclusions of law shall also be supplied to the Commission.

Comment

The prior rule, CrR 7.1, is adopted as CrR 7.2.

In section (a), the added language is suggested by Minn. R. Crim. P. 27.03. The deleted language addressed matters that are now covered in more detail in RCW 9.94A.110.

Section (b) is the same as the corresponding section in the prior rule, except that subsections (1) and (2) are modified to reflect the provisions of RCW 9.94A.210.

Section (c), concerning the withdrawal of a guilty plea, is deleted. In the existing rules, the point is covered in both CrR 4.2 and CrR 7.1. (See rule 4.2.) The language of the two provisions differs, but they appear to be the same in substance. There is no apparent distinction between the two provisions in the cases that have interpreted them. No loss of substance occurs when the provision in CrR 7.1 is deleted, leaving the point governed by CrR 4.2.

Section (c) is suggested by Minn. R. Crim. P. 27.03.

Section (d) is suggested by Minn. R. Crim. P. 27.03.

RULE 7.3

JUDGMENT

A judgment of conviction shall set forth whether defendant was represented by counsel or ~~validly waived counsel~~, made a valid waiver of counsel, the plea, the verdict or findings, and the adjudication and sentence. The court may order that its sentence include special conditions or requirements, including a specified schedule for the payment of a fine, restitution, or other costs, or the performance of community service. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judgment shall be signed by the judge and entered by the clerk.

Comment

The rule codifies the existing practice allowing the court to impose special conditions on its sentence. The rule makes it clear that special conditions, including a specified schedule, may likewise be imposed with respect to an order for community service, restitution, or costs. (See RCW 9.94A.200, referring to terms and conditions of restitution.)

The rule is, of course, subject to any statutory restrictions on the court's sentencing authority. For example, a statute requires that a sentence of confinement for more than 60 days must be served on consecutive days (RCW 9.94A.120). The rule would not permit the court to order that such a sentence be served on intermittent days.

WSR 84-12-067

PROPOSED RULES

DEPARTMENT OF CORRECTIONS

[Filed June 5, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning jail and medical cost reimbursement to cities and counties, adopting chapter 137-75 WAC.

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

The authority under which these rules are proposed is chapter 235, Laws of 1984, which amends and adds new sections to chapter 70.48 RCW.

The specific statute these rules are intended to implement is chapter 70.48 RCW.

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

All correspondence relating to this publication should be referred to:

Robert W. Sampson, Administrator
Office of Contracts and Regulations
Department of Corrections
Mailstop FN-61
Scan 234-5770

Dated: June 4, 1984

By: Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Number of Rule: Adopting chapter 137-75 WAC, Jail and medical cost reimbursement to cities and counties.

Statutory Authority: Chapter 235, Laws of 1984, which amends and adds new sections to chapter 70.48 RCW.

Summary and Purpose of Rule Change: This rule is intended to implement chapter 235, Laws of 1984, which makes the Department of Corrections financially responsible for certain jail and medical costs incurred by cities and counties.

Agency Personnel Responsible for Drafting and Adoption: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Division of Management and Budget, Mailstop FN-61, scan 234-5770; Implementation and Enforcement: Walter L. Kautzky, Director, Division of Prisons, Department of Corrections, Mailstop FN-61, scan 234-1502, and Ross M. Peterson, Director, Division of Community Services, Department of Corrections, Mailstop FN-61, scan 234-4616.

No other person or organization other than the Department of Corrections is proposing this rule.

This rule is not necessary to comply with a federal law or a federal or state court decision.

This rule does not have an impact on small businesses.

Chapter 137-75 WAC
JAIL AND MEDICAL COST REIMBURSEMENT TO CITIES
AND COUNTIES

NEW SECTION

WAC 137-75-010 PURPOSE. Chapter 70.48 RCW as amended by chapter 235, Laws of 1984, imposes certain financial responsibility on the department of corrections for certain persons imprisoned in a city or county jail. The purpose of these rules is to establish procedures by which the department of corrections will discharge said financial responsibility.

NEW SECTION

WAC 137-75-020 DEFINITIONS. As used in this chapter, the following words shall have the following meanings:

- (1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee;
- (2) "Department" shall mean the department of corrections;
- (3) "Director" shall mean the director of the division of prisons or the director of the division of community services of the department, or their designees;
- (4) "Institution" shall mean a facility designated in RCW 72.01.050(2), any similar facility hereafter established, and a work release facility;
- (5) "Work release facility" shall mean a community residence operated pursuant to chapter 72.65 RCW;
- (6) "Jail" shall mean a city or county holding facility as defined in RCW 70.48.020(1);
- (7) "Parole hold" shall mean a detention of a person pursuant to an order of parole suspension or revocation issued in accordance with RCW 9.95.120;
- (8) All references to the singular shall include the plural, unless otherwise noted.

NEW SECTION

WAC 137-75-030 DEPARTMENT FINANCIAL RESPONSIBILITY. (1) The financial responsibility of the department under this chapter shall be limited to reimbursing cities and counties for the costs and at the rates set forth in chapter 235, Laws of 1984 or any amendment thereto hereafter enacted.

(2) The financial responsibility of the department for a person convicted of a felony as defined by RCW 9A.04.040 and committed to the care and custody of the department, but detained in a jail after June 30, 1984, shall begin upon the eighth day, excluding Saturdays, Sundays, and holidays, following the sentencing of such person for the felony and notification to the department by the city or county that such person is available for movement to an institution. Provided, however, if such person is detained in the jail beyond such eight-day period pursuant to an order of a superior court, the financial responsibility of the department shall not begin until the expiration of the period ordered by the court. The notification required hereunder is to be given by telephone or teletype to the supervisor of the reception center at the Washington Corrections Center, Shelton, Washington.

(3) The financial responsibility of the department for a person detained in a jail solely by reason of a parole hold after June 30, 1984, shall begin upon the sixteenth day following the commencement of such detention. Provided, however, the department shall have no such financial responsibility if a felony charge is filed against a person so detained.

(4) The financial responsibility of the department for an inmate, as defined in RCW 72.09.020, who resides in a work release facility and who is detained in a jail after June 30, 1984, shall begin when such detention commences.

NEW SECTION

WAC 137-75-040 EXTRAORDINARY EMERGENCY MEDICAL TREATMENT. (1) The department shall reimburse a city or county the actual cost of extraordinary emergency medical treatment provided to a person for whom the department is financially responsible.

(2) If a person for whom the department is financially responsible requires extraordinary and emergency medical treatment, the department is to be notified by a competent medical authority of the nature and course of such treatment as far in advance as practical. The department will then authorize such treatment or advise of alternative means by which such treatment may be provided. If it is not practical

to give such notice prior to such treatment, notice will be given to the department as soon as practical after such treatment has been given.

(3) The notice required shall, in the case of parolees and work release inmates, be given to the director of the division of community services, and in all other cases such notice shall be given to the director of the division of prisons.

NEW SECTION

WAC 137-75-050 REQUEST FOR REIMBURSEMENT. (1) A city or county requesting reimbursement under this chapter shall complete a form supplied by the department and file it with the Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, who will forward the request to the director. The director will confirm the accuracy of the information submitted with the request and determine whether the amount requested is properly reimbursable under chapter 70.48 RCW and this chapter.

(2) All such requests should be filed within thirty days after the costs for which reimbursement is requested were incurred, but in no event later than ten days after the close of the state fiscal biennium during which such costs were incurred.

NEW SECTION

WAC 137-75-060 IMPLIED CONSENT TO AUDIT. By submitting a request for reimbursement under this chapter, the requesting city or county agrees to maintain for a period of five years after the date of the request records which would support such request, and to make such records available for review or audit by the department.

WSR 84-12-068**EMERGENCY RULES****DEPARTMENT OF CORRECTIONS**

[Order 84-07—Filed June 5, 1984]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to jail and medical cost reimbursement to cities and counties, adopting chapter 137-75 WAC.

All correspondence relating to this publication should be referred to:

Robert W. Sampson, Administrator
Office of Contracts and Regulations
Department of Corrections
Mailstop FN-61
Scan 234-5770

I, Amos E. Reed, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 137-75 WAC implements the provisions of chapter 235, Laws of 1984, which requires the Department of Corrections to reimburse cities and counties for certain jail and medical costs effective July 1, 1984.

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

This rule is promulgated pursuant to chapter 235, Laws of 1984, amending and adding new sections to chapter 70.48 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 June 4, 1984.

By Amos E. Reed
Secretary

Chapter 137-75 WAC
JAIL AND MEDICAL COST REIMBURSEMENT
TO CITIES AND COUNTIES

NEW SECTION

WAC 137-75-010 *PURPOSE.* Chapter 70.48 RCW as amended by chapter 235, Laws of 1984, imposes certain financial responsibility on the department of corrections for certain persons imprisoned in a city or county jail. The purpose of these rules is to establish procedures by which the department of corrections will discharge said financial responsibility.

NEW SECTION

WAC 137-75-020 *DEFINITIONS.* As used in this chapter, the following words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee;

(2) "Department" shall mean the department of corrections;

(3) "Director" shall mean the director of the division of prisons or the director of the division of community services of the department, or their designees;

(4) "Institution" shall mean a facility designated in RCW 72.01.050(2), any similar facility hereafter established, and a work release facility;

(5) "Work release facility" shall mean a community residence operated pursuant to chapter 72.65 RCW;

(6) "Jail" shall mean a city or county holding facility as defined in RCW 70.48.020(1);

(7) "Parole hold" shall mean a detention of a person pursuant to an order of parole suspension or revocation issued in accordance with RCW 9.95.120;

(8) All references to the singular shall include the plural, unless otherwise noted.

NEW SECTION

WAC 137-75-030 *DEPARTMENT FINANCIAL RESPONSIBILITY.* (1) The financial responsibility of the department under this chapter shall be limited to reimbursing cities and counties for the costs and at the rates set forth in chapter 235, Laws of 1984 or any amendment thereto hereafter enacted.

(2) The financial responsibility of the department for a person convicted of a felony as defined by RCW 9A.04.040 and committed to the care and custody of the department, but detained in a jail after June 30, 1984, shall begin upon the eighth day, excluding Saturdays, Sundays, and holidays, following the sentencing of such person for the felony and notification to the department by the city or county that such person is available for

movement to an institution. Provided, however, if such person is detained in the jail beyond such eight-day period pursuant to an order of a superior court, the financial responsibility of the department shall not begin until the expiration of the period ordered by the court. The notification required hereunder is to be given by telephone or teletype to the supervisor of the reception center at the Washington Corrections Center, Shelton, Washington.

(3) The financial responsibility of the department for a person detained in a jail solely by reason of a parole hold after June 30, 1984, shall begin upon the sixteenth day following the commencement of such detention. Provided, however, the department shall have no such financial responsibility if a felony charge is filed against a person so detained.

(4) The financial responsibility of the department for an inmate, as defined in RCW 72.09.020, who resides in a work release facility and who is detained in a jail after June 30, 1984, shall begin when such detention commences.

NEW SECTION

WAC 137-75-040 *EXTRAORDINARY EMERGENCY MEDICAL TREATMENT.* (1) The department shall reimburse a city or county the actual cost of extraordinary emergency medical treatment provided to a person for whom the department is financially responsible.

(2) If a person for whom the department is financially responsible requires extraordinary and emergency medical treatment, the department is to be notified by a competent medical authority of the nature and course of such treatment as far in advance as practical. The department will then authorize such treatment or advise of alternative means by which such treatment may be provided. If it is not practical to give such notice prior to such treatment, notice will be given to the department as soon as practical after such treatment has been given.

(3) The notice required shall, in the case of parolees and work release inmates, be given to the director of the division of community services, and in all other cases such notice shall be given to the director of the division of prisons.

NEW SECTION

WAC 137-75-050 *REQUEST FOR REIMBURSEMENT.* (1) A city or county requesting reimbursement under this chapter shall complete a form supplied by the department and file it with the Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, who will forward the request to the director. The director will confirm the accuracy of the information submitted with the request and determine whether the amount requested is properly reimbursable under chapter 70.48 RCW and this chapter.

(2) All such requests should be filed within thirty days after the costs for which reimbursement is requested were incurred, but in no event later than ten days after

the close of the state fiscal biennium during which such costs were incurred.

NEW SECTION

WAC 137-75-060 IMPLIED CONSENT TO AUDIT. By submitting a request for reimbursement under this chapter, the requesting city or county agrees to maintain for a period of five years after the date of the request records which would support such request, and to make such records available for review or audit by the department.

WSR 84-12-069
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed June 5, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology, intends to adopt, amend, or repeal rules concerning used automotive oil recycling sign requirements for automotive oil sellers, chapter 173-330 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 27, 1984, Room 273, Mailstop PV-11, Olympia, Washington 98504, at 1:30 p.m.

The authority under which these rules are proposed is chapter 19.114 RCW, used automotive oil recycling.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 21, 1984.

This notice is connected to and continues the matter in Notice No. WSR 84-10-061 filed with the code reviser's office on May 2, 1984.

By: Donald W. Moos
Director

WSR 84-12-070
EMERGENCY RULES
LOTTERY COMMISSION
[Order 57—Filed June 6, 1984]

Be it resolved by the State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- | | | |
|-----|----------------|--|
| New | WAC 315-11-130 | Definitions for Instant Game Number 11. |
| New | WAC 315-11-131 | Criteria for Instant Game Number 11. |
| New | WAC 315-11-132 | Ticket validation requirements for Instant Game Number 11. |
| New | ch. 315-32 WAC | Evergreen Lotto rules. |

We, the State Lottery Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the rules for play of Game Number 11 need to be in place before the start of

the game which is scheduled to begin before permanent rules can be adopted. It is necessary for players and the public to know the rules and criteria for Evergreen Lotto. These rules are necessary for the public good.

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

This rule is promulgated pursuant to RCW 67.70.040 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 June 1, 1984.

By Lawrence G. Waldt
Chairman

NEW SECTION

WAC 315-11-130 DEFINITIONS FOR INSTANT GAME NUMBER 11. (1) Play numbers for Instant Game Number 11. The following are the "play numbers": "1", "2", "3", "4", "5", "6", "8", and "9". Each play number is printed in gray-black ink in the Archer font in positive and one of these play numbers appears under each of the three rub-off play spots on the front center of the ticket.

(2) Prize box numbers for Instant Game Number 11. The following are the "prize box numbers": "TICKET", "\$2.00", "\$7.00", "\$25.00", "\$1,100", and "21,000". Each prize box number is printed in gray-black ink in the Archer font in positive and one of these prize box numbers appears under each of the three rub-off prize spots on the front right of the ticket.

(3) Validation number for Instant Game Number 11. The nine-digit number on the front bottom right of the ticket.

(4) Pack-ticket number for Instant Game Number 11. The ten-digit number of the form 2000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the pack-ticket number for Instant Game Number 11 constitute the "pack number" which starts at 2000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Play number caption for Instant Game Number 11. The small printed material appearing below each play number which verifies and corresponds with that play number. The caption is a spelling out of the play number. One and only one of these captions appears under each play number and is printed in gray-black ink in positive in the Mead 5 x 9 font. For Instant Game Number 11, the play number caption which corresponds with and verifies each play number is as follows:

PLAY NUMBER CAPTION

1	ONE
2	TWO
3	THREE
4	FOUR
5	FIVE

- 6 SIX
- 8 EIGHT
- 9 NINE

(6) Prize box caption for Instant Game Number 11. The small printed material appearing below each prize box number which verifies and corresponds with that prize box number. The caption is a spelling out, in full or abbreviated form, of the prize box number. One and only one of these captions appears under each prize box number and is printed in gray-black ink in positive in the Mead 5 x 9 font. For Instant Game Number 11, the prize box number caption which corresponds with and verifies each prize box number is as follows:

<u>PRIZE BOX NUMBER</u>	<u>CAPTION</u>
TICKET	TICKET
\$2.00	TWO
\$7.00	SEVEN
\$25.00	TWTY FIV
\$1,100	ELEVEN HUND
21,000	21 THOU

(7) Agent validation codes for Instant Game Number 11. Agent validation codes are codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 11, the agent validation code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the play numbers on the ticket. The agent validation code used by the sales agent to verify Free Ticket, \$2, and \$7 winners are as follows:

TIC	=	Free Ticket
TWO	=	\$2
SEV	=	\$7

(8) Pack for Instant Game Number 11. A pack of 400 fanfolded instant game tickets separated from each other by perforations, and packaged in a plastic bag or plastic shrinkwrapping. The licensed agent separates the tickets at the perforations at the time of retail sales.

NEW SECTION

WAC 315-11-131 CRITERIA FOR INSTANT GAME NUMBER 11. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of instant prize winning tickets. An instant prize winner is determined in the following manner:

(a) An instant prize winning ticket shall have an occurrence of 3 play numbers which total 7, 11, or 21; if the sum of the three play numbers on the ticket is 7, 11, or 21 the player wins the prize specified by the prize box number shown under the prize spot immediately to the right of the preprinted number which corresponds to the player's winning total of 7, 11, or 21.

(b) In any event, only the highest instant prize amount will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery, to the particular ticket validation requirements for Instant Game Number 11, and to the requirements set out on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set out on the back of the ticket.

(6) Grand prize drawing for Instant Game Number 11. The grand prize drawing process shall be conducted as follows:

(a) Participants in the grand prize drawing process shall be those ticket bearers with an instant cash winning ticket of \$25, which ticket is a valid winner of \$25, and which is properly redeemed within fourteen days after the announced end of Instant Game Number 11 in the manner prescribed on the back of the instant ticket. The lottery is not responsible for any entry until it is properly and timely redeemed.

(b) Each of the \$25 winning tickets must be a valid Instant Game Number 11 "7-11-21" ticket.

(c) The legible name of an eligible player must be present on the back of each eligible ticket.

(d) There will be one grand prize drawing for Instant Game Number 11. The preliminary grand prize drawing process and the grand prize drawing will be conducted at times and places and pursuant to methods to be announced by the director. The prizes involved in the grand prize drawing will be: First prize, \$1,000 a week for life, with the prize payment starting at age eighteen or older, with a minimum prize payment of \$1,000,000 being guaranteed; second prize, \$100,000; third prize, \$75,000; fourth prize, \$50,000; fifth prize, \$25,000; sixth prize, \$15,000; and seventh prize, \$10,000. In the event that an entry is not included in the preliminary grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent preliminary grand prize drawing process.

(7) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 11; and/or

(b) Vary the number of tickets offered in Instant Game Number 11 and the number of grand prize drawing winners in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-132 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 11. (1) In addition to meeting all of the other requirements in these rules and regulations, the following validation requirements will apply with regard to instant game tickets in Instant Game Number 11. To be a valid instant game ticket, all of the following requirements must be met:

(a) Exactly one prize box number must appear under each of the three rub-off prize spots on the ticket; exactly one play number must appear under each of the three rub-off play spots on the ticket.

(b) Each of the three prize box numbers and each of the three play numbers must have a caption underneath, and each must agree with their caption.

(c) Each of the three prize box numbers and each of the three play numbers must be present in their entirety and be fully legible.

(d) Each of the three prize box captions and each of the three play number captions must be present in their entirety and be fully legible.

(e) Each of the three prize box numbers and each of the three play numbers and their captions must be printed in gray-black ink.

(f) The pack-ticket number, validation number, and agent validation code must be present in their entirety and be fully legible. The validation number shall correspond, using the lottery's codes, to the prize box numbers and play numbers on the ticket.

(g) The ticket must not be altered, unreadable, reconstituted, or tampered with in any manner.

(h) The ticket must not be counterfeit in whole or in part.

(i) The validation number and agent validation code shall be printed in gray-black ink, and the pack-ticket number shall be printed in red ink.

(j) The ticket must have been issued by the director in an authorized manner.

(k) The ticket must not be stolen nor appear on any list of omitted tickets on file at the lottery.

(l) The prize box numbers and the play numbers and their captions, the validation number, agent validation code, and the pack-ticket number must be right-side-up and not reversed in any manner.

(m) The ticket must be complete, and not miscut, and have exactly one number and exactly one caption under each of the six rub-off spots on the ticket, exactly one pack-ticket number, exactly one agent validation code, and exactly one validation number.

(n) The validation number of an apparent winning ticket shall appear on the lottery's official list of validation numbers of winning tickets, and a ticket with that validation number shall not have been previously paid.

(o) The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error.

(p) Each of the prize box numbers and play numbers must be exactly one of those described in WAC 315-11-130 (1) and (2) and each of the captions to the prize box numbers and play numbers must be exactly one of those described in WAC 315-11-131 (5) and (6).

(q) Each of the three prize box numbers and the three play numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file at the lottery, each of the three prize box number captions and the three play number captions must be printed in the Mead 5 x 9 font and must correspond precisely to the artwork on file with the director, the pack-ticket number must be .11" high in red and correspond precisely to the artwork on file with the director, and the validation numbers must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.

(r) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.

(s) The ticket must pass all additional confidential validation requirements of the director.

(2) Any ticket not passing all the validation requirements in subsection (1) of this section is invalid and ineligible for any prize.

(3) The director may replace an invalid ticket with an unplayed ticket(s) of equivalent sales price from any other current lottery instant game. In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with an unplayed ticket(s) of equivalent sales price from any other current lottery game. However, if the ticket is partially mutilated or if the ticket is not intact but can still be validated by the other validation tests, the director may pay the prize for that ticket.

NEW SECTION

WAC 315-32-010 DEFINITIONS FOR EVERGREEN LOTTO. (1) Number: Any play integer from 1 through 40 inclusive.

(2) Game grids: A field of the 40 numbers found on the play slip.

(3) Play slip: A mark-sense game card used by players of Evergreen Lotto to select plays. There shall be ten game grids on each play slip identified as A, B, C, D, E, F, G, H, I, and J.

NEW SECTION

WAC 315-32-020 PRICE OF EVERGREEN LOTTO TICKET. The price of each Evergreen Lotto ticket shall be \$1.00 and shall contain two plays. A player may use a play slip to purchase up to 5 tickets as follows:

- 1 ticket: \$1 - game grids A and B.
- 2 tickets: \$2 - game grids A, B, C, and D.
- 3 tickets: \$3 - game grids A, B, C, D, E, and F.
- 4 tickets: \$4 - game grids A, B, C, D, E, F, G, and H.
- 5 tickets: \$5 - game grids A, B, C, D, E, F, G, H, I, and J.

NEW SECTION

WAC 315-32-030 PLAY FOR EVERGREEN LOTTO. (1) Type of play: An Evergreen Lotto player must select six numbers in each play. A winning play is achieved only when 4, 5, or 6 of the numbers selected by the player match, in any order, the six winning numbers drawn by the lottery.

(2) Method of play: The player will use play slips to make number selections. The TDM will read the play slip and issue ticket(s) with corresponding plays. If a play slip is not available, the agent may enter the selected numbers via the keyboard. A player may leave all play selections to a random number generator operated by the computer, commonly referred to as "quick play".

NEW SECTION

WAC 315-32-040 PRIZES FOR EVERGREEN LOTTO. (1) The prize amounts to be paid to each Evergreen Lotto player who selects a winning combination

of numbers vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Evergreen Lotto drawing distributed over the number of winning tickets in each of the following categories.

<u>WINNING COMBINATIONS</u>	<u>PRIZE CATEGORIES</u>
All six winning numbers in one play	First Prize (Jackpot)
Any five but not six winning numbers in one play	Second Prize
Any four but not five or six winning numbers in one play	Third Prize

(2) Prize pool. The prize pool consists of forty-five percent of Evergreen Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence), provided, that the jackpot shall have a minimum cash value of \$500,000.

(b) Second prize. Twenty percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Twenty percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Prize reserve. Two percent of the prize pool is to be held for payment of jackpot prizes at the discretion of the director.

(e) All prize allocations will be rounded down to nearest dollar, and the remainder, if any, from the rounding process shall be placed in the prize reserve.

(f) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty equal annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten equal annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single lump sum.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form of fixed term annuity.

NEW SECTION

WAC 315-32-050 **TICKET PURCHASES.** (1) Evergreen Lotto tickets may be purchased between 6:00 a.m. and 11:00 p.m., Sunday through Friday and from 6:00 a.m. to the time established under WAC 315-30-040(2) on Saturdays, provided that on-line agents shall sell tickets only during their normal business hours.

(2) Evergreen Lotto tickets may be purchased only from a licensed agent authorized by the director to sell on-line tickets.

(3) Evergreen Lotto tickets shall contain the player's selection of numbers, amount, game grids played, and drawing date.

(4) Evergreen Lotto tickets may be purchased for the next drawing only.

NEW SECTION

WAC 315-32-060 **DRAWINGS.** (1) The Evergreen Lotto drawings shall be held each week on Saturday evening, except that the director may change the drawing schedule if Saturday is a holiday.

(2) The drawings will be conducted by lottery officials.

(3) Each drawing shall determine, at random, six winning numbers with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn numbers are not declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Lotto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

WSR 84-12-071
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning Land exchange—Fee, WAC 352-32-295;

that the agency will at 9:00 a.m., Friday, July 20, 1984, in the Clallam County Courthouse, 223 East 4th, Port Angeles, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.040.

The specific statute these rules are intended to implement is RCW 43.51.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1984.

Dated: June 6, 1984
By: Gary Robinson
Executive Assistant

STATEMENT OF PURPOSE

Title: Land exchange—Fee, WAC 352-32-295.

Description of Purpose: The rule establishes a transfer fee for land exchanges made by the Washington State Parks and Recreation Commission.

Statutory Authority: RCW 43.51.040.

Statute Which Rule Implements: RCW 43.51.210.

Summary of Rule: The rule establishes a transfer fee of one hundred dollars which is to be paid to the Washington State Parks and Recreation Commission by each party that exchanges land with the commission.

Reasons Supporting Proposed Action: The rule establishes a transfer fee for exchanges of land by the Washington State Parks and Recreation Commission in accordance with RCW 43.51.210.

Agency Personnel Responsible for Drafting: Yvonne Ferrell, Deputy Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-2010; Implementation and Enforcement: Tom France, Assistant Director, Resources Development, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-5767.

Proposing: Washington State Parks and Recreation Commission.

Federal Law/Court Action: The rule is not necessary because of federal law or state court action.

NEW SECTION

WAC 352-32-295 LAND EXCHANGE—FEE. A party who exchanges land with the commission shall pay a transfer fee to the commission of one hundred dollars for each exchange.

**WSR 84-12-072
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
[Filed June 6, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning easement, franchise, license, and special use permit applications and fees, WAC 352-32-300;

that the agency will at 9:00 a.m., Friday, July 20, 1984, in the Clallam County Courthouse, 223 East 4th, Port Angeles, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.040.

The specific statute these rules are intended to implement is RCW 43.51.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1984.

Dated: June 6, 1984
By: Gary Robinson
Executive Assistant

STATEMENT OF PURPOSE

Title: Easement, franchise, license, and special use permit applications and fees, WAC 352-32-300.

Description of Purpose: The rule prescribes application procedures and fee requirements for parties who desire to have a request for certain land uses considered by the Washington State Parks and Recreation Commission.

Statutory Authority: RCW 43.51.040.

Statute Which Rule Implements: RCW 43.51.040.

Summary of Rule: The rule requires a party that desires to have a request for an easement, franchise, license, or special use permit to submit an application to the Washington State Parks and Recreation Commission. The rule requires these applicants, other than government agencies, to pay an application fee of one hundred dollars to the commission. All applicants are also required to pay the commission for any appraisal, appraisal review, and survey costs associated with an application. The rule authorizes the director of the commission to waive the application fee and the other payments for applicants who propose actions that will be of benefit to the general public, if approved by the commission.

Reasons Supporting Proposed Action: The rule establishes standardized procedures and fees for the consideration of certain requests for land uses which are submitted to the Washington State Parks and Recreation Commission.

Agency Personnel Responsible for Drafting: Yvonne Ferrell, Deputy Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-2010; Implementation and Enforcement: Tom France, Assistant Director, Resources Development, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-5767.

Proposing: Washington State Parks and Recreation Commission.

Federal Law/Court Action: The rule is not necessary because of federal law or state court action.

NEW SECTION

WAC 352-32-300 EASEMENT, FRANCHISE, LICENSE, AND SPECIAL USE PERMIT APPLICATIONS AND FEES. (1) A party that desires to have a request for an easement, franchise, license, or special use permit considered by the commission shall submit an application prescribed by the commission to the:

Washington State Parks and
Recreation Commission
7150 Cleanwater Lane KY-11
Olympia, WA 98504

Each application from a party other than a government agency shall be accompanied by an application fee of one hundred dollars.

A party shall pay the commission for any appraisal, appraisal review, and survey costs incurred by the commission during the consideration of an application for an easement, franchise, license, or special use permit. The amount of any appraisal, appraisal review, and survey costs shall be determined by the director or the designee of the director.

An application fee and any appraisal, appraisal review, and survey payments shall be submitted to the commission at the address listed above and shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) The application fee and the appraisal, appraisal review, and survey payments established by subsection (1) of this section may be waived by the director or the designee of the director when the director or the designee determines that the action authorized by an easement, franchise, license, or special use permit will be of benefit to the general public, if approved by the commission.

WSR 84-12-073
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
 [Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning filming within state parks, chapter 352-74 WAC;

that the agency will at 9:00 a.m., Friday, July 20, 1984, in the Clallam County Courthouse, 223 East 4th, Port Angeles, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.040.

The specific statute these rules are intended to implement is RCW 43.51.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1984.

Dated: June 6, 1984
 By: Gary Robinson
 Executive Assistant

STATEMENT OF PURPOSE

Title: Filming within state parks, chapter 352-74 WAC.

Description of Purpose: The rules establish procedures for the issuance of permits for filming within state parks.

Statutory Authority: RCW 43.51.040.

Statute Which Rules Implement: RCW 43.51.040.

Summary of Rule: The rules state the purpose of the chapter; define certain terms used in the chapter; state the policy of the Washington State Parks and Recreation Commission on filming within state parks; establish film permit application, fee, and condition requirements; specify the procedure for the approval or disapproval of film permits; specify the procedure for the issuance and revocation of film permits; and specify the procedure for the payment of additional fees and the release of bonds and damage deposits.

Reasons Supporting Proposed Action: The rules establish procedures for the issuance of film permits by the Washington State Parks and Recreation Commission so that film makers may use park facilities when their work is compatible with recreational activities.

Agency Personnel Responsible for Drafting: Yvonne Ferrell, Deputy Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-2010; Implementation and Enforcement: Lynn Genasci, Assistant Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-5761.

Proposing: Washington State Parks and Recreation Commission.

Federal Law/Court Action: The rules are not necessary because of federal law or state court action.

Chapter 352-74 WAC
FILMING WITHIN STATE PARKS

WAC 352-74-010 352-74-020 352-74-030 352-74-040 352-74-050 352-74-060 352-74-070	Purpose. Definitions. Filming within state parks. Film permit application, fee, and conditions. Approval or disapproval of film permit application. Issuance and revocation of film permit. Additional fees and release of bond or damage deposit.
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NEW SECTION

WAC 352-74-010 PURPOSE. This chapter is promulgated in order to establish procedures for the issuance of permits for filming within state parks.

NEW SECTION

WAC 352-74-020 DEFINITIONS. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Applicant" means an individual or organization who submits an application to the commission to film within state parks for other than personal or news purposes.

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

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

(4) "Film and filming" mean still and movie camera filming and video taping.

(5) "Film maker" means an applicant who has received approval to film within state parks through the issuance of a filming permit by the director or the designee of the director.

NEW SECTION

WAC 352-74-030 FILMING WITHIN STATE PARKS. The commission recognizes the desire of individuals and organizations to film within the state parks. Individuals and organizations may film within state parks in a manner which is not disruptive to park users or resources when the filming is for personal or news purposes. Individuals and organizations that desire to film within state parks for other than personal or news purposes may do so only in accordance with the film permit requirements of chapter 352-74 WAC.

NEW SECTION

WAC 352-74-040 FILM PERMIT APPLICATION, FEE, AND CONDITIONS. Persons or organizations that desire to film within a state park for other than personal or news purposes shall submit a film permit application prescribed by the commission to the:

Washington State Parks and
Recreation Commission
7150 Cleanwater Lane KY-11
Olympia, WA 98504

Each application shall be accompanied by an application fee of one hundred dollars which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

All applicants shall agree to film in a manner which is compatible with the activities of park visitors, does not damage facilities or resources, does not disrupt wildlife, does not imply the endorsement of the commission for the content of the film, acknowledges the cooperation of the commission, and conforms with all of the applicable statutes, rules, policies, and procedures of the commission, and the instructions of the commission staff who supervise the filming.

NEW SECTION

WAC 352-74-050 APPROVAL OR DISAPPROVAL OF FILM PERMIT APPLICATION. The director or the designee of the director shall approve or disapprove a film permit application and establish the filming locations, time periods, and conditions for an approved application.

The director or the designee of the director may require an approved applicant to submit the following to the commission prior to the issuance of a film permit.

(1) Fees payable to the Washington state parks and recreation commission in the form of a check or money order in an amount, as determined by the director or the designee of the director, which covers the charges for the facilities to be used by a film maker and any staff costs to be incurred by the commission due to the filming that are beyond the regular responsibilities of the staff of the commission;

(2) A bond or damage deposit payable to the Washington state parks and recreation commission in an amount, as determined by the director or the designee of the director, which is sufficient to cover any damages to park resources or facilities which may occur during the filming and any unanticipated fees not paid to the commission prior to the filming; and

(3) Certification that an approved applicant has liability insurance in an amount, as determined by the director or the designee of the director, which is sufficient to cover any liability costs associated with the actions of a film maker during filming.

NEW SECTION

WAC 352-74-060 ISSUANCE AND REVOCATION OF FILM PERMIT. The director or designee of the director, shall issue a film permit prescribed by the commission to an approved applicant after the applicant has submitted to the commission any fees, bond, damage deposit, and insurance certification established pursuant to WAC 352-74-050.

If a film maker does not comply with all of the applicable statutes, rules, policies, and procedures of the commission, and the instructions of the commission staff who supervise the filming, then the director or designee of the director shall revoke a film permit.

NEW SECTION

WAC 352-74-070 ADDITIONAL FEES AND RELEASE OF BOND OR DAMAGE DEPOSIT. After completion of filming the director or the designee of the director shall determine if any additional fees are to be assessed a film maker and whether or not any bond or damage deposit submitted to the commission by a film maker may be released.

If the director or the designee of the director determines that no additional fees are to be assessed and that a bond or damage deposit is to be released, then a bond or damage deposit shall be returned to a film maker.

If the director or the designee of the director determines that additional fees are to be assessed or that a bond or damage deposit is not to be released, then the film maker shall be so informed.

If a film maker pays additional fees in the form of a check or money order payable to the Washington state parks and recreation commission which is submitted to the commission within thirty days of receipt of the notice to pay the fees, then the director or the designee of the director shall return a bond or damage deposit to a film maker.

If a film maker does not pay additional fees within the time period and in accordance with the procedures set forth above, then the director or designee of the director shall exercise the rights of the commission under a bond or damage deposit to pay the additional fees and so inform a film maker.

WSR 84-12-074
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning Wood debris collection permit—Fee, WAC 352-32-290;

that the agency will at 9:00 a.m., Friday, July 20, 1984, in the Clallam County Courthouse, 223 East 4th, Port Angeles, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.040.

The specific statute these rules are intended to implement is RCW 43.51.045.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1984.

Dated: June 6, 1984

By: Gary Robinson
Executive Assistant

STATEMENT OF PURPOSE

Title: Wood debris collection permit—Fee, WAC 352-32-290.

Description of Purpose: The rule states when and under what conditions persons may collect wood debris from state parks.

Statutory Authority: RCW 43.51.040.

Statute Which Rule Implements: RCW 43.51.045.

Summary of Rule: The rule defines the term "wood debris"; specifies that persons may collect wood debris from state parks only when issued permits by park managers and rangers and only under certain conditions; establishes a fee of ten dollars for each permit; and exempts persons sixty-five years of age or over from the fee.

Reasons Supporting Proposed Action: The rule establishes procedures for the issuance of wood debris collection permits in accordance with RCW 43.51.045.

Agency Personnel Responsible for Drafting: Yvonne Ferrell, Deputy Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-2010; Implementation and Enforcement: Lynn Genasci, Assistant Director, Operations, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-5761.

Proposing: Washington State Parks and Recreation Commission.

Federal Law/Court Action: The rule is not necessary because of federal law or state court action.

NEW SECTION

WAC 352-32-290 WOOD DEBRIS COLLECTION PERMIT—FEE. (1) As used in this section "wood debris" means down and dead tree material which may be removed without adversely impacting the environment of the park at which it is located significantly and which is surplus to the needs of such park.

(2) A person may collect and remove wood debris from a state park area only when a park manager or ranger has issued the person a wood debris collection permit.

A wood debris collection permit is valid only at the state park at which the permit is issued and only during the calendar year when the permit is issued.

Subject to availability, for each wood debris collection permit issued, a person may collect and remove from a state park area not more than five cords of wood debris. Wood debris may be collected only for personal firewood use and only from sites and during time periods designated by a park manager or ranger.

The fee for a wood debris collection permit shall be ten dollars, except for persons sixty-five years of age or over who shall be exempt from the fee.

**WSR 84-12-075
PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning liquor purchases by Class H licensees, amending WAC 314-16-110;

that the agency will at 9:30 a.m., Wednesday, July 18, 1984, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 66.08.010, 66.08.030 (2)(1), 66.24.400 and 66.24.440.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 18, 1984.

Dated: June 6, 1984

By: L. H. Pedersen
Board Member

STATEMENT OF PURPOSE

Title: WAC 314-16-110 Liquor purchases by Class H licensees.

Description of Purpose: The amendment to subsection (2) would allow a more reasonable construction of the rule in its application to a liquor delivery service engaged in delivering Class H discount liquor.

Statutory Rule-Making Authority: RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030 (2)(1), 66.24.400 and 66.24.440.

Summary of Rule: A portion of WAC 314-16-110(2) requires every Class H licensee to immediately take Class H discount liquor purchased from the board back to their licensed premises. The amendment would provide that a liquor delivery service may pick up numerous orders and deliver same in the course of a day's business.

Reason Supporting Proposed Action: When the rule was originally adopted, there was no such business as a liquor delivery service. It is unreasonably impractical and unprofitable to require a liquor delivery service to pick up each order individually and immediately take it back to the licensed premises. This amendment would allow such a delivery service to pick up multiple orders and then deliver them, rather than requiring each delivery to be separately made before another can be picked up.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Robert D. Obenland, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6270; Gary W. Gilbert, Assistant Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6274; Ray Hensel, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6259; and Lowell Hanson, Operations Supervisor, Stores and Agencies Division, 4401 East Marginal Way South, Seattle, WA 98134, Phone: (206) 464-6860.

Person or Organization Proposing Rule: This rule was proposed by the Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both small and large businesses is estimated to be moderately favorable.

Discussion: The amendment will reduce present operational costs for all liquor delivery service businesses because it will allow combining of orders.

AMENDATORY SECTION (Amending Order 136, Resolution No. 145, filed 1/4/84)

WAC 314-16-110 LIQUOR PURCHASES BY CLASS H LICENSEES. (1) Any employee authorized by the board may sell spirituous liquor at a discount of fifteen percent from the retail price fixed by the board, together with all taxes, to any Class H licensee upon presentation to such employee at the time of purchase of a special permit issued by the board to such licensee or through such other means of insuring identification of the authorized purchaser as are approved by the board: PROVIDED, HOWEVER, That prior to license delivery, a new licensee or transferee may, with board authorization, be sold Class H discount liquor for the purpose of stocking the premises. The employee shall at the time of selling any spirituous liquor to a Class H licensee make a record of the liquor so sold, together with the name of the Class H licensee making the purchase.

(2) Every Class H licensee, upon purchasing any spirituous liquor from the board, shall immediately cause such liquor to be delivered to his licensed premises, and he shall not thereafter remove or permit to be removed from said premises any bottle or other container containing such liquor, except pursuant to chapter 314-70 WAC or to return it to a state liquor store or agency, nor shall he dispose or allow to be

disposed the liquor contained therein in any manner except as authorized by his license: PROVIDED, HOWEVER, That a delivery service business may pick up more than one Class H liquor order on the same day so long as each of said orders are delivered in the normal course of business on the same day without detour or diversion, except for those stops and deliveries as may be necessary to make deliveries to the other Class H licensees whose order is also on the particular delivery vehicle.

The possession of any bottle or other container purchased from the board at a discount by any person other than the Class H licensee or said licensee's agents or employees who purchased the same, or the possession thereof at any place which is not the licensed premises of the licensee who purchased such liquor, shall be prima facie evidence that the Class H licensee unlawfully permitted the removal thereof from his licensed premises: PROVIDED, That a Class H licensee who permanently discontinues business, other than as a result of a legal distraint action, may remove open bottles of liquor from the premises for personal use upon payment to the board of an amount to be determined by the board in lieu of the Class H discount and tax exemption in effect at that time.

(3) No Class H licensee shall keep in or on the licensed premises any spirituous liquor which was not purchased from the board at a discount: PROVIDED, That spirituous liquor not purchased at a discount from the board may be kept in or on the Class H licensed premises under authority of a banquet permit issued pursuant to RCW 66.20.010(3) and chapter 314-18 WAC, but only during the specific date and time for which the banquet permit was issued: PROVIDED, FURTHER, That notwithstanding any other provision of Title 314 WAC, a Class H licensee may display antique, unusual, or unique liquor bottles with or without liquor on the licensed premises if such bottles are used as part of the decor, and any such bottles containing liquor are locked securely in display cases, and are not for sale.

(4) No person, including anyone acting as the agent for another other than a Class H licensee shall keep or possess any bottle or other container containing spirituous liquor which was purchased from the board at a discount except as provided in subsection (2) of this section.

(5) All spirituous liquor in and on the licensed premises shall be made available at all times by every Class H licensee for inspection by the board, and such licensee shall permit any authorized inspector of the board to make such tests or analyses, by spirit hydrometer or otherwise, as the inspector deems proper. Such inspectors are authorized to seize as evidence any bottles or other containers and the contents thereof which they have determined have been reused, refilled, tampered with, adulterated, diluted, fortified or substituted.

WSR 84-12-076
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning minimum qualifications for issuance for Class E, F and Classes EF licenses, WAC 314-16-200;

that the agency will at 9:30 a.m., Wednesday, July 11, 1984, in the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

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

The specific statute these rules are intended to implement is RCW 66.24.010, 66.24.360 and 66.24.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1984.

Dated: June 6, 1984

By: L. H. Pedersen
Board Member

STATEMENT OF PURPOSE

Title: WAC 314-16-200 Minimum qualifications for issuance of Class E, F, and Classes EF licenses.

Description of Purpose: The amendment to WAC 314-16-200 will modify the minimum qualifications for Classes E, F, and Classes EF licenses. The board feels that additional requirements respecting the type of inventory and where such inventory is kept are important factors to set criteria for in order to prevent an unwarranted proliferation of Class E, F, and Classes EF licenses.

Statutory Rule-Making Authority: RCW 66.08.030 and 66.98.070.

Statutes Implemented by the Rule: RCW 66.24.010, 66.24.360 and 66.24.370.

Summary of Rule: The amendment to WAC 314-16-200 maintains the same minimum dollar amount of wholesale grocery related items for those grocery stores that do not sell gasoline (\$3,000) and for those that do (\$7,500), but will henceforth require that the minimum wholesale inventory shall not include such items as tobacco, gasoline or oil products, and soft drinks, and that the minimum inventory be maintained in the retail sales area. The amendment raises the minimum wholesale inventory of wine required in the case of a store other than a grocery store from \$3,000 to \$5,000. The amendment provides a "grandfather clause" which will exempt present licensees from compliance with the new and/or modified requirements. The amendment provides for the discretionary granting of a variance from the requirements of the rule in situations involving unusual extenuating or mitigating circumstances.

Reasons Supporting Proposed Action: The board originally adopted WAC 314-16-200 to establish minimum requirements for Classes E, F, and Classes EF licenses. The intent of the rule was to assure that the premises to be licensed would operate in a substantial manner as a grocery store. The additional requirements, namely excluding certain items (tobacco, etc.) and specifying where the minimum inventory is to be maintained are deemed necessary to assure that the board's initial intent will be carried out. The board is seeking to avoid both the type of operation where the bulk of the grocery or grocery related inventory would consist of tobacco products, gasoline related products and/or soft drinks which together with the beer and/or wine inventory (if so licensed) would in effect be all that would be available to the patrons, and/or an operation where the operator might comply with the minimum grocery inventory, but then proceed to store such inventory in the back room or some other building on the premises, and then have available in the retail sales area only or mostly beer, tobacco, soft drinks and gasoline products. The board feels that by instituting these additional requirements it will slow down the proliferation of unneeded beer and wine off-premises licenses.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for

drafting, implementing and enforcing this rule: Ray Hensel, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6259.

Person or Organization Proposing Rule: This rule was proposed by the Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for existing businesses is estimated to be zero.

Discussion: Only those businesses which start up after the effective date of the rule will be affected by it. There is a provision to authorize a variance from the rule's requirements at the board's discretion to any new applicant that has a good reason why a particular requirement of the rule should not be applicable to his/her proposed operation.

AMENDATORY SECTION (Amending Order 102, Resolution No. 111, filed 4/28/82)

WAC 314-16-200 MINIMUM QUALIFICATIONS FOR ISSUANCE OF CLASS E, F, AND CLASSES EF LICENSES. (1) The following are minimum qualifications necessary prior to consideration being given by the board to the issuance of Class E, F, or Classes EF licenses to store operations. The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66-24.010, a matter of board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a Class E, F, or Classes EF license to an applicant, the mere fact that an applicant meets these minimum qualifications is not to be construed as creating a vested right in the applicant to have a license issued.

(2) Before the board will issue a Class E, F, or Classes EF license to an applicant grocery store, the proposed licensed premises must be stocked with an inventory of food, grocery and related grocery store items in excess of \$3,000 wholesale value. The minimum wholesale inventory required by this subsection shall be stocked and maintained in the retail sales display area of the licensed premises and shall not include any gasoline, oil, auto parts, tobacco products, or soft drinks.

(3) ~~Grocery stores which also sell gasoline ((or apply for board approval to install gasoline pumps in connection with their businesses)) must be stocked with an inventory of food, grocery, and related grocery store items((exclusive of gasoline, oil, auto parts, and related gas station or garage items;)) in excess of \$7,500 wholesale value before the board will issue to them a Class E, F, or Classes EF license ((or grant approval to install gas pumps at their licensed premises. ~~PROVIDED, That~~)). The minimum wholesale inventory required by this subsection shall be stocked and maintained in the retail sales display area of the licensed premises and shall not include any gasoline, oil, auto parts, tobacco products, or soft drinks. Marinas which sell gasoline for use in boats only shall be subject to the requirements of subsection (2) ((above)) of this section.~~

(4) The minimum amounts referred to in ~~((paragraphs))~~ subsections (2) and (3) ((above)) of this section shall be maintained at the premises at all times they are licensed with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(5) Stores other than grocery stores must submit to the board a written commitment to establish and maintain a minimum wholesale inventory of wine in the amount of ~~(((\$3,000))~~ \$5,000 prior to the issuance of a license. This minimum inventory shall be maintained at the licensed premises at all times they are licensed.

(6) ~~((PROVIDED, That))~~ Subsections (2), (3), (4), and (5) of this ((regulation)) section shall not apply to stores licensed prior to ((the effective date of this regulation unless on that date they do meet the minimum inventory figures required by those subsections. ~~PROVIDED FURTHER, That upon a change of the ownership of these licensed stores, it will be necessary for the requirements of this regulation to be met prior to the issuance of a new license~~)) August 13, 1984, if on that date and thereafter they continue to meet the requirements imposed by

this section which were in effect pursuant to liquor control board Administrative Order 102, Resolution No. 111.

(7) If a Class E, Class F, or Classes EF licensee or applicant for such licenses does not meet or maintain the requirements provided for in subsections (2) through (6) of this section, the licensee or applicant may petition the board, setting forth any unusual, extenuating, or mitigating circumstances that may justify a variance, and the board may, under such terms and conditions it determines are in the best interest of the public, grant the variance.

WSR 84-12-077

PROPOSED RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to fees and gross operating revenue of charter party carriers of passengers, WAC 480-40-080. The proposed amendatory section is shown below as Appendix A, Cause No. TCH-1787. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, July 11, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 81.70.180.

The specific statute these rules are intended to implement is RCW 81.70.180.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 6, 1984.

Dated: June 6, 1984

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-40-080 relating to fees and gross operating revenue of charter party carriers of passengers.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.20.130 [81.70.180] which direct that the commission has authority to implement the provisions of chapter 81.70 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to provide for the filing of statements showing gross operating intrastate revenues and payment of regulatory fees consistent with RCW 81.70.180.

Barry M. Mar, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and

will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.70.180.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-12, filed 11/28/69)

WAC 480-40-080 FEES AND GROSS OPERATING REVENUE. (1) Charter party carriers of passengers shall, between the first and fifteenth days of January, April, July and October of each year file with the commission (~~(in duplicate)~~) a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of (~~(2/5)~~) four-fifths of (1%) one percent of the gross operating revenue derived from intrastate charter operations or such other fee as may be prescribed by order of the commission, as provided in chapter 81.70 RCW; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. Forms are distributed by the commission.

WSR 84-12-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)
[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning home health agency regulations, new chapter 248-27 WAC;

that the agency will at 10:00 a.m., Wednesday, July 25, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 1, 1984.

The authority under which these rules are proposed is RCW 70.126.040.

The specific statute these rules are intended to implement is chapter 70.126 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1984.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by July 11, 1984. The meeting site is in a location which is barrier free.

Dated: June 4, 1984

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

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: New chapter 248-27 WAC, Home health agency regulations.

Purpose of the New Rule: To establish standards for certification of home health agencies pursuant to RCW 70.126.040.

The Reason These Rules are Necessary: Legislative mandate of 1983 session directing DSHS to adopt rules establishing standards for certification of home health agencies compatible with and at least as stringent as home health certification regulations established by the United States Department of Health and Human Services.

Statutory Authority: RCW 70.126.040.

Summary of the Rule: Definitions addressed various therapy services specified in chapter 70.126 RCW and consistent with other state laws and rules as well as USHHS regulations. Organizational and operational components of home health agencies who desire certification, for purposes of inclusion as options in group or blanket disability insurance policies, are described with focus on appropriate and adequate home health care for patients when medically prescribed.

Person Responsible for the Enforcement of the Rule: John Gerth, Section Head, Facility Licensing and Certification Section, OHFS, Division of Health, Mailstop: ET-31, Phone: 753-5851.

Rules Proposed by: DSHS.

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

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

Chapter 248-27 WAC
HOME HEALTH AGENCY REGULATIONS

NEW SECTION

WAC 248-27-001 PURPOSE. The purpose of these rules and regulations is to establish standards for operation of certified home health agencies. These rules are promulgated pursuant to chapter 70.126 RCW directing the department of social and health services to adopt rules establishing standards for certification of home health care agencies.

NEW SECTION

WAC 248-27-002 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Administrator" means a person managing and responsible for the day-to-day operation of each certified home health agency who has at least one year of administrative experience and/or training.

(2) "Ambulance" means an emergency vehicle defined and licensed pursuant to chapter 18.73 RCW, Emergency Medical Care and Transportation Services, and chapter 248-17 WAC, Ambulance Rules and Regulations.

(3) "Bylaws or equivalent" means a set of rules adopted by a home health care agency for governing the agency operation.

(4) "Branch office" means an extension of the home health care providing the same home health care services as the home health care agency. Each branch office is located within thirty miles or one hour travel time by car from the home health agency unless the branch office demonstrates, to the satisfaction of the department, the ability to share administration and supervision of home health care services on a daily basis with the home health agency. Branch offices share administration and supervision of direct home health care services in a manner rendering it unnecessary for the branch office to independently meet the requirements of chapter 248-27 WAC.

(5) "Certification" means a formal initial and periodic evaluation of a home health care agency by the department which may result in issuance of written approval, in the form of a certificate, signifying operation of that agency is in accordance with standards of the department pursuant to chapter 70.126 RCW and chapter 248-27 WAC.

(6) "Clinical-progress note" means a written, dated notation of each contact with a patient containing a description of signs and symptoms, treatments, medications given, the patient reaction, any changes in physical or emotional condition, and other pertinent information.

(7) "Department" means the department of social and health services.

(8) "Governing body" means the individual or group with responsibility and authority to establish policies related to operation of a home health agency.

(9) "Home health agency" means a private or public agency or organization administering and providing home health care and certified by the department of social and health services as a home health care agency, pursuant to chapter 70.126 RCW.

(10) "Home health aide" means a person employed by a home health agency providing part-time or intermittent care of home health agency patients under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care includes ambulation and exercise, assistance with medications ordinarily self-administered, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or household services needed to achieve the medically desired results.

(11) "Home health care" means services, supplies, and medical equipment meeting the standards of RCW 70.126.020 and chapter 248-27 WAC, prescribed and authorized by the attending physician, provided through a home health agency and rendered to patients in their residences when hospitalization would otherwise be required.

(12) "Legend drugs" means any drugs required by any applicable federal or state law or regulation to be dispensed on prescription only or restricted to use by practitioners only.

(13) "Licensed practical nurse" means an individual licensed as a practical nurse under provisions of chapter 18.78 RCW, Practical Nurses.

(14) "May" means permissive or discretionary on the part of the department.

(15) "Occupational therapist" means an individual licensed as a registered occupational therapist pursuant to RCW 18.____.

(16) "Owner" means the individual, partnership, corporation, or legal successor thereof, applying for department certification or recertification or renewal of certification of a home health agency and providing evidence of intent and ability to comply with standards pursuant to chapter 70.126 RCW and chapter 248-27 WAC.

(17) "Personnel" means employees, individuals, and groups providing patient care on behalf of a home health agency.

(a) "Direct personnel" means employees and those individuals providing patient care in behalf of a home health agency on a per visit basis or any other individual home health agency employment agreement which shall require home health agency responsibility for orientation, job descriptions, specifying qualifications, screening of

applicants appropriate to fill positions, and administrative and professional evaluation.

(b) "Other personnel" means those individuals providing patient care and functioning according to a contract or written agreement between the home health agency and another organization or agency, with the contract specifying all individual deliverers of patient care meet qualifications required for the job to be done with professional evaluation by the contractee.

(18) "Physical therapist" means an individual practicing physical therapy as defined in chapter 18.74 RCW, Physical Therapy, under the prescription and direction of a physician.

(19) "Physician" means an individual currently licensed as a physician pursuant to chapter 18.71 RCW or an osteopathic physician and surgeon licensed pursuant to chapter 18.57 RCW.

(20) "Plan of treatment" means a written plan of care established and periodically reviewed and signed by a physician that describes medically necessary home health care to be provided to a patient for treatment of illness or injury.

(21) "Professional advisory group" means a group including at least one physician and one registered nurse and professionals from other disciplines representing the scope of services provided by the home health agency. At least one-third of the members shall be neither owners nor employees of the home health agency.

(22) "Registered nurse" means an individual currently licensed pursuant to chapter 18.88 RCW, Registered Nurses.

(23) "Respiratory therapist" means an individual certified (CRTT) or registered (RRT) as defined and prescribed in "information about NBRC," National Board of Respiratory Care, 11015 West 75th Terrace, Shawnee Mission, Kansas 66214, 1983.

(24) "Shall" means compliance is mandatory.

(25) "Social worker" means a person having a masters degree from a college of social work accredited by the council on social work education and having completed one year of social work experience in a health care setting.

(26) "Speech therapist" means a person:

(a) Meeting the education and experience requirements for a certificate of clinical competence in the appropriate area of speech pathology or audiology, granted by the American speech, language, and hearing association as described in "The ASHA Directory," American Speech, Language and Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852, 1983; or

(b) Meeting the education requirements for a certificate of clinical competence and in the process of accumulating the supervised experience, as specifically prescribed in "The ASHA Directory," 1983.

(27) "Summary report" means a written, dated notation summarizing facts about home health care given, patient response to home health care, and coordination of home health care.

(28) "Supervision" means authoritative procedural guidance by a qualified person who assumes the responsibility for the accomplishment of a function or activity and who provides initial direction and periodic inspection of the actual act of accomplishing the function or activity.

(29) "Therapy services" means those services delivered by any deliverer of care listed in RCW 70.126.020(1)(a) and 70.126.020(2)(a), (b), (c), and (d).

(a) "Required therapy services" means, for purposes of meeting certification requirements, those services delivered by at least one of the following in addition to a registered nurse: Physical therapist, occupational therapist, speech therapist, or home health aide on a part-time or intermittent basis pursuant to RCW 70.126.020(1)(a).

(b) "Additional therapeutic services" means, for purposes of meeting certification requirements, those services delivered by licensed practical nurses, respiratory therapists, social workers, and ambulance: PROVIDED, That these services are medically necessary, ordered by the attending physician, and included in the plan of treatment.

NEW SECTION

WAC 248-27-010 CERTIFICATION OF THE HOME HEALTH AGENCY. (1) An application for home health agency certification shall be submitted on forms furnished by the department, accompanied by the fee. Applications shall be signed by the owner or designated agent.

(a) The applicant shall furnish to the department full and complete information as required by the department for the proper administration of these requirements.

(b) Fees established by the department shall be paid as required in RCW 43.20A.055 and chapter 440-44 WAC.

(2) The department may at any time inspect those parts of the premises of the home health agency and examine those records necessary to determine compliance with this chapter, pertaining to home health agency state certification requirements pursuant to chapter 70.126 RCW and chapter 248-27 WAC.

(a) The certificate shall be valid for a maximum of twenty-four months,

(b) Each certificate shall be issued for the home health agency including branch offices, and

(c) The certificate shall not be transferable or assignable.

(3) A home health agency certificate may be denied, suspended, or revoked for failure to comply with chapter 70.126 RCW or chapter 248-27 WAC. Any action to deny, suspend, or revoke certification shall comply with chapter 34.04 RCW, Administrative Procedure Act.

(4) When a change of ownership is planned, the owner shall notify the department at least thirty days prior to the date of transfer.

(a) The notification shall be written and contain the following information:

(i) Full name of the current owner and prospective new owner,

(ii) Name and address of the home health agency, and

(iii) The date of the proposed change of ownership.

(b) The prospective new owner shall submit a new application for home health certification with the fee at least thirty days prior to the change of ownership.

(c) A new home health agency certification shall be issued only following approval of the application by the department.

(5) The home health agency shall inform the department at the time of opening or closing of branch offices.

NEW SECTION

WAC 248-27-020 GENERAL REQUIREMENTS. (1) Organization, services provided, administrative control, and lines of authority for the delegation of responsibility to the patient care level shall be clearly set forth in writing and readily identifiable.

(a) Administrative and supervisory functions shall not be delegated to another agency or organization.

(b) All services not provided directly shall be monitored and controlled by the home health agency, including services provided through branch offices.

(2) Part-time or intermittent registered nurse services and at least one other required therapy service shall be made available on a visiting basis, in a place of residence used as a patient's home.

(a) A home health agency shall provide part-time or intermittent registered nursing primarily through use of direct personnel.

(b) Additional therapy services may be provided through direct personnel or other personnel: PROVIDED, That all services are monitored and controlled pursuant to WAC 248-27-020(1)(a) and (b).

(3) The home health agency shall, as applicable under a written plan of treatment, provide home health care which shall include assisting the patient with arrangements for obtaining drugs, supplies, and equipment pursuant to RCW 70.126.020(1)(b)(i), (ii), and (iii).

(4) Registered nurse and therapy services offered by the home health agency shall be:

(a) Ordered by the attending physician,

(b) Included in the physician-approved plan of treatment, and

(c) Provided or delivered by individuals described or defined in RCW 70.126.020(1)(a), (2)(a), (b), (c), and (d) and chapter 248-27 WAC.

NEW SECTION

WAC 248-27-030 GOVERNING BODY—ADMINISTRATION. (1) There shall be a governing body assuming authority and responsibility for:

(a) Establishing policy related to safe, adequate patient care and operation of the agency;

(b) Appointing an administrator;

(c) Arranging for professional services;

(d) Adopting and periodically reviewing written bylaws or an acceptable equivalent;

(e) Overseeing the management and fiscal affairs of the agency; and

(f) Assuring written annual evaluation of the clinical programs.

(2) The administrator, when qualified, may also function as the supervising physician or registered nurse, and shall:

(a) Organize and direct the agency's ongoing functions;

(b) Maintain ongoing liaison among the governing body, the professional advisory group, and the staff;

(c) Employ qualified personnel and ensure adequate staff education and evaluation;

(d) Ensure the accuracy of public information materials and activities;

(e) Implement an effective budgeting and accounting system; and

(f) Authorize in writing a qualified alternate to act in his or her absence.

NEW SECTION

WAC 248-27-040 PERSONNEL. (1) Personnel practices shall be supported by written personnel policies.

(2) Personnel records shall include:

(a) Job descriptions, including minimum qualifications for position;

(b) Qualifications of direct personnel;

(c) Evidence of current licensure when applicable;

(d) Performance evaluations;

(e) Evidence of annual cardiopulmonary resuscitation training for registered nurses and personnel providing therapy services;

(f) Evidence of review of agency policy and procedures related to abuse and neglect of children and adults for registered nurses and personnel providing therapy services; and

(g) Health records minimally to include evidence of one tuberculin skin test by the Mantoux method unless medically contraindicated, with specifications as follows:

(i) Upon employment, each person expected to have contact with patients shall have or provide documented evidence of a tuberculin skin test by the Mantoux method.

(ii) When the skin test is negative (less than ten millimeters of induration), no further tuberculin skin testing shall be required.

(iii) A positive skin test consists of ten millimeters or more of induration read at forty-eight to seventy-two hours.

(iv) Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exceptions and specific requirements follow:

(A) Results of skin tests, report of x-ray findings or exemptions to such shall be maintained in the home health agency.

(B) Those with positive skin tests having completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

(3) Personnel with a communicable disease in an infectious stage shall not provide direct patient care.

(4) There shall be documentation of orientation of direct personnel to home health agency standards and policies and procedures.

(5) Each home health agency shall provide evidence direct personnel are provided opportunities for ongoing education related to safe, current practice.

(6) If personnel are provided by arrangement with another agency, there shall be a written contract between the agencies. If personnel under hourly or per visit contracts are utilized by a home health agency, there shall be a written contract between each entity and the home health agency. All contracts with other agencies or entities shall clearly designate:

(a) Patients are accepted for home health care only by the home health agency,

(b) Services to be provided;

(c) Necessity to conform to all applicable home health agency policies, including personnel qualifications;

(d) Responsibility for participating in developing plans and treatment and case conferences;

(e) Responsibility for supervision of home health aides, when appropriate;

(f) The manner in which services will be controlled, coordinated, and evaluated by the home health agency;

(g) Procedures for submitting clinical progress notes, summary reports, scheduling of visits, periodic patient assessment; and

(h) Procedures for determining charges and reimbursement.

NEW SECTION

WAC 248-27-050 PROFESSIONAL ADVISORY GROUP. There shall be a professional advisory group:

(1) Advising the home health agency on clinical issues,

(2) Assisting the home health agency to maintain liaison with other health care providers in the community,

(3) Participating in the annual agency evaluation with recommendations forwarded to the governing body for home health agency policies related to:

- (a) The scope of services offered,
- (b) Admission and discharge,
- (c) Medical supervision and plans of treatment,
- (d) Clinical policies,
- (e) Infection control policies,
- (f) Emergency and safety policies,
- (g) Clinical records,
- (h) Clinical personnel qualifications, and
- (i) Quality assurance and utilization review mechanisms.

NEW SECTION

WAC 248-27-060 QUALITY ASSURANCE—UTILIZATION REVIEW—EVALUATION. (1) Each home health agency shall have written policies requiring an annual overall evaluation of the agency's total program including the quality assurance program and utilization review.

(2) The annual evaluation of the home health agency shall be the responsibility of the governing body with participation of the professional advisory group and home health agency staff and consumers, or by persons outside of the agency representing the scope of clinical programs working in conjunction with consumers.

(3) The home health agency annual evaluation shall include assessment of the appropriateness, adequacy, effectiveness, and efficiency of the agency with collection, review, and evaluation of data minimally to include:

- (a) Number of patients receiving each service offered,
- (b) Number of patient visits with breakdown by total number of visits by each discipline,
- (c) Length or duration of services per patient with reasons for discharge,
- (d) Breakdown by diagnosis,
- (e) Sources of referral,
- (f) Number of patients provided assessment-only visits with reasons for not continuing home health care, and
- (g) Total clinical personnel hours for each registered nurse and therapy service provided.

(4) Results of the home health agency evaluation shall be reported in writing to the governing body with reports maintained separately as administrative records and acted upon by those responsible for operation of the agency.

(5) At least quarterly, appropriate health professionals representing at least the scope of the program shall review a sample of both active and closed clinical records to determine established policies have been followed in providing direct personnel services as well as other personnel services with a written report of findings as a part of administrative files.

(a) An appropriate sample shall consist of ten percent of both active and closed clinical records for any defined consecutive twelve-month period unless the home health agency demonstrates, to the satisfaction of the department, a sample of fewer records is appropriate.

(b) The quarterly sample shall include records involving the various services provided in proportion to the numbers of patients receiving such services.

(c) In instances where a patient is receiving two or more services, that record may be included in the sample of each service.

(d) The review shall address:

- (i) Physician review of plan of treatment at appropriate intervals;
- (ii) Presence of written, physician-signed orders;
- (iii) Appropriateness of patient plan of treatment and care to diagnosis and patient needs;
- (iv) Correlation of frequency of visits with plan of treatment;
- (v) Unmet patient needs at time of discharge; and
- (vi) Problem cases.

NEW SECTION

WAC 248-27-070 PATIENT CARE POLICIES AND PROCEDURES. (1) There shall be written patient care policies and procedures designed to guide personnel minimally to include:

- (a) Infection control;
- (b) Emergency care, patient safety, and patient or other death;
- (c) Abuse or neglect pursuant to chapter 26.44 RCW;
- (d) Safety, cleanliness, and maintenance of equipment and supplies provided or utilized by the home health agency;
- (e) Admission, transfer, and discharge of patients;
- (f) Management and handling of patient-owned drugs in the patient's place of residence; and

(g) Termination of service and advising patient of termination of service.

(2) When legend drugs are stored, managed in, or distributed by the home health agency, a written approval of the Washington state board of pharmacy shall be obtained and available in the home health agency.

NEW SECTION

WAC 248-27-080 SUPERVISION AND COORDINATION OF CLINICAL SERVICES. (1) The registered nurse and therapy services provided shall be supervised and directed by a physician or a registered nurse having been a practicing registered nurse or physician for at least one year and employed by the home health agency. This person or similarly qualified registered nurse or physician shall be available at all times during operating hours and participate in all activities relevant to the clinical services provided including:

(a) Development of qualifications for employment and assignment of clinical personnel,

(b) Development and revision of written patient care objectives and patient care policies related to each service rendered by the agency, and

(c) Planning and implementation of orientation and training for clinical services.

(2) Liaison among registered nurse and therapy service personnel providing home health care for each patient shall be maintained so that efforts effectively complement one another and support objectives outlined in the plan of treatment with documented evidence of coordination of services to include:

- (a) Reports in clinical records,
- (b) Reports of case conferences,
- (c) Reports of other interdisciplinary communication, and
- (d) A written summary report for each patient which shall be forwarded to the attending physician at least every sixty days or when patient condition indicates the need to communicate change and at discharge.

NEW SECTION

WAC 248-27-090 ACCEPTANCE—MEDICAL SUPERVISION—PLAN OF TREATMENT. (1) Patients shall be accepted for treatment on the basis of a reasonable expectation that the patient's plan of treatment can be implemented adequately by the agency in the patient's place of residence.

(2) Home health care shall follow a written plan of treatment approved and periodically reviewed by a physician.

(3) A plan of treatment shall be developed in consultation with home health agency personnel to cover all pertinent diagnoses including:

- (a) Mental status;
- (b) Types of services and equipment required;
- (c) Frequency of visits;
- (d) Prognosis;
- (e) Rehabilitation potential;
- (f) Functional limitations;
- (g) Activities permitted;
- (h) Nutritional requirements;
- (i) Medications and treatments;
- (j) Any safety measures to protect against injury;
- (k) Instructions for timely discharge or referral;
- (l) Any other appropriate items, e.g., laboratory procedures, and any contraindications or precautions to be observed; and
- (m) Specific objectives and plans for implementation.

(4) If a physician refers a patient under a plan of treatment not completed until after an evaluation visit, the physician shall be consulted to approve additions or modifications to the original plan.

(5) The plan of treatment shall include the specific procedures and modalities to be used and the amount, frequency, and duration.

(6) The total plan of treatment shall be reviewed by the attending physician and home health agency personnel as often as severity of a patient's condition requires, but at least once every sixty days.

(7) Home health agency clinical personnel shall promptly alert the physician to any changes suggesting a need to alter the plan of treatment.

(8) Drugs and treatments, when administered by home health agency personnel, shall be administered by legally authorized personnel and as ordered by the attending physician.

(9) Verbal or phone orders issued by a physician shall be received only by authorized personnel.

(a) Orders shall be immediately recorded by the nurse or therapist accepting the order.

(b) Counter-signature of the physician shall be obtained.

(10) Suspected drug allergies, adverse reactions to drugs, or other problems related to patient use of drugs shall be promptly reported to the attending physician.

NEW SECTION

WAC 248-27-100 NURSING AND THERAPY SERVICES—FUNCTIONS. (1) The home health agency shall provide registered nursing services directly and therapy services directly, or under arrangement, which are:

(a) Delivered or provided by a registered nurse, licensed practical nurse, physical therapist, occupational therapist, speech therapist, social worker, respiratory therapist, or home health aide as defined in WAC 248-27-002;

(b) Supervised by registered nurse or physician pursuant to WAC 248-27-002 and WAC 248-27-080;

(c) Ordered by the attending physician; and

(d) Provided in accordance with the approved plan of treatment pursuant to WAC 248-27-002 and WAC 248-27-090.

(2) Functions of registered nurses, physical therapists, occupational therapists, speech therapists, and respiratory therapists include:

(a) Initial evaluation visit, appropriate to service prescribed by physician;

(b) Initiation and/or participation in development of a plan of treatment, revising as necessary;

(c) Provision of services in accordance with home health agency policy and procedures;

(d) Direct provision of those services requiring substantial and specialized nursing or therapy skills;

(e) Initiation of appropriate preventive and rehabilitative nursing or therapy procedures;

(f) Participation in inservice programs and consultation with other agency personnel;

(g) Participation in case conferences or other processes used to coordinate patient care;

(h) Teaching and counseling patients and family to meet patient needs identified in plan of treatment;

(i) Regular re-evaluation of patient nursing or therapy needs;

(j) Preparation of clinical progress notes and summary reports;

(k) Informing the attending physician, other personnel, and supervising registered nurse or physician of changes in the patient's condition and needs;

(l) Participation in discharge planning;

(m) Development of written directions or plan of care for use by home health aide, when home health aides are ordered by the physician; and

(n) Supervision and orientation of home health aide to assure safe, therapeutic patient care.

(3) Functions of licensed practical nurses shall be in accordance with home health agency policies and chapter 18.78 RCW.

(4) Social services, when provided, shall be provided by or under direct supervision of a social worker, as ordered by the attending physician and in accordance with the plan of treatment with functions to include:

(a) Assisting and consulting with patient, family, physician, personnel, and appropriate community agencies to increase understanding of significant social and emotional factors related to health or medical problems of the patient;

(b) Participation in development of the plan of treatment, case conferences, and other processes used to coordinate patient care;

(c) Identification, mobilization, and utilization of appropriate community resources;

(d) Participation in discharge planning;

(e) Participation in inservice programs; and

(f) Preparation of clinical progress notes and/or summary reports.

(5) Home health aide services, when appropriate, shall be:

(a) Included in the plan of treatment;

(b) Provided by a home health aide following specific written instructions;

(c) Under the supervision of the home health agency and a registered nurse, physical therapist, occupational therapist, or speech therapist with:

(i) Documented orientation of the home health aide to the specific home health care of each patient, and

(ii) Evidence of supervision by the appropriate registered nurse or therapist at least every two weeks.

(d) Provided by a home health aide who can follow written and oral directions and prepare reports.

(e) There shall be evidence of a home health agency orientation and training to include:

(i) Functions and responsibilities of a home health aide;

(ii) Purpose and goals of the home health agency;

(iii) Documentation and record keeping;

(iv) Rights of people receiving care in their homes;

(v) Ethics and confidentiality;

(vi) Personal care activities and simple nursing or therapy procedures including when and to whom to report any change in patient condition;

(vii) Promotion of a safe, clean, healthful environment;

(viii) Emergency procedures; and

(ix) Assistance with medications ordinarily self-administered by the patient, with assistance limited to:

(A) Communication of appropriate information to the patient regarding self-administration, and

(B) Presenting a patient-owned, pharmacist, or manufacturer prepared, unopened, original medication container to the patient.

NEW SECTION

WAC 248-27-120 CLINICAL RECORDS. (1) A clinical record shall be maintained in accordance with accepted professional standards and shall contain:

(a) Pertinent past and current findings;

(b) Plan of treatment;

(c) Appropriate identifying information;

(d) Name of attending physician;

(e) Drug, dietary, treatment, and activity orders;

(f) Signed and dated summary reports; and

(g) Signed and dated clinical progress notes;

(i) Written on the day service is rendered, and

(ii) Incorporated in the clinical record within one week from the day service was rendered or more frequently.

(2) Clinical records shall be retained or information readily retrievable in Washington state for a period of no less than ten years following the most recent discharge of the patient from home health agency care.

(3) Records of minors shall be retained and preserved for a period of no less than three years following attainment of age eighteen years, or ten years following discharge from home health agency care, whichever is longer.

(4) There shall be policies specific to retention and disposition of clinical records.

(a) If a home health agency discontinues operation, arrangements shall be made to preserve clinical records with the plan for such arrangements approved by the department prior to cessation of operation.

(b) Final disposal of clinical records or patient care data shall be accomplished in such a manner that retrieval and subsequent use of information are impossible.

(c) In the event of patient transfer to another home health agency or to a health care facility, a copy of the clinical record or an abstract and a copy of the most recent summary report shall accompany the patient. When patients are transferred without notification of the home health agency, a copy or abstract shall be forwarded upon notification and as soon as possible.

(5) Clinical record information shall be safeguarded against loss or unauthorized use.

(a) There shall be written procedures governing use and removal of records and conditions for release of information.

(b) Release of information not authorized by law shall require prior written consent of the patient, in accordance with written policy of the home health agency.

WSR 84-12-079
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 206—Filed June 6, 1984]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd	WAC 356-06-010	Definitions (temporary employment).
Amd	WAC 356-15-100	Call-back provisions and compensation for work preceding or following a scheduled workshift.
Amd	WAC 356-15-110	Call-back provisions and compensation for work on scheduled days off or holidays.
New	WAC 356-30-065	Temporary appointment—Classified service.
Amd	WAC 356-30-080	Temporary ((employment)) appointments—Exempt service.

This action is taken pursuant to Notice Nos. WSR 84-08-035 and 84-09-049 filed with the code reviser on March 30, 1984, and April 17, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 10, 1984.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 203, filed 5/4/84)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting

crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY – A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction in force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41-.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION – The date of election is the date the director of personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

EXCHANGE TIME – Equal time off for excess hours worked by exceptions work period employees.

EXIT LEAVE – The paid hours of nonworking time taken by an employee who is not eligible to receive a lump sum cash payment for accrued vacation leave. Exit leave is taken following the last designated work day prior to an employee's resignation, dismissal, or separation due to reduction in force or disability and continuing until all the employee's accrued vacation leave is exhausted.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time

subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the merit system rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060 (2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or re-employment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356-30-260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced

knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director of personnel as "project employment," that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of an employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION IN FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction in force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the re-employment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SCHEDULING PLAN – A series of schedules, approved for specific positions by the director of personnel or the personnel board, through which schedules the incumbents move in an established pattern.

SEASONAL CAREER EMPLOYEES – Incumbents who have been appointed into seasonal career positions with the mutual expectation of continued employment or employees who have repeatedly returned to state employment in the same agency and are granted a seasonal career appointment at the start of their fourth season of consecutive employment as provided in WAC 356-30-130(3).

SEASONAL CAREER EMPLOYMENT – Two work patterns are included: (1) Work in positions, not intermittent in

nature nor exempted by statutes or the provisions of WAC 356-06-020, which is cyclic in nature and beginning at approximately the same time each year lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period; and (2) work patterns in positions as in (1) above but lasting for only a minimum of three months each season and for the past three consecutive seasons in the same agency.

SEASONAL CAREER POSITIONS – A grouping of assigned duties, tasks, and responsibilities in seasonal career employment established to respond to work that is cyclic in nature beginning at approximately the same time each year and lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction in force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(6). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee ((on leave;)) or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of appointment from a voluntary demotion register to a class which the employee has not previously held permanent status or from a promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who,

upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: **PROVIDED**, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unmarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

WAC 356-15-100 CALL-BACK PROVISIONS AND COMPENSATION FOR WORK PRECEDING OR FOLLOWING A SCHEDULED WORKSHIFT.

(1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after their workshift ends or to change the starting time of their next scheduled workshift.

(a) Failure to give such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the straight time rate (or two hours at one-and-one-half times the regular rate of pay) in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in subsection (1) above.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled and Exception work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

WAC 356-15-110 CALL-BACK PROVISIONS AND COMPENSATION FOR WORK ON SCHEDULED DAYS OFF OR HOLIDAYS. (1) Management may assign ~~((scheduled and nonscheduled work period))~~ employees to work on a day off or holiday. ~~((Management must make))~~ Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

~~((1))~~ (a) If management fails to give such notice, affected employees shall receive a penalty payment of three hours pay at their straight time rate (or two hours at one-and-one-half times the regular rate of pay) in addition to all other compensation due them.

~~((2))~~ (b) Management may cancel work assigned on a day off or holiday. However, if management fails to notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at their straight time rate (or two hours at one-and-one-half times the regular rate of pay).

~~((3))~~ (2) These provisions shall apply to employees in paid leave status.

~~((4))~~ (3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(3).

NEW SECTION

WAC 356-30-065 TEMPORARY APPOINTMENTS—CLASSIFIED SERVICE. (1) Temporary appointments may be made to classified positions during the absence of a permanent employee or during a workload peak having an end in sight.

(2) Temporary appointments may be made at the same or lower level classes within the same or related class series as the classification of the position to which the appointment is made.

(3) Temporary appointments shall be reported to the director of personnel, or designee. A temporary appointment shall last no more than nine months for single appointments, or no more than nine cumulative months for multiple appointments within a continuous twelve-

month period, except when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140, 356-39-120, and 356-39-130 or when a temporary appointment is made to replace a permanent employee who was appointed pursuant to WAC 356-39-040, 356-30-040, 356-30-065, and 356-30-070. In such cases, the temporary appointment may extend to thirty days after the date the permanent employee is scheduled to return.

(4) A two-month break in service shall occur since the last temporary appointment of the same person in the same agency, except for multiple appointments as indicated in subsection (2) of this section.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed. Established registers, certification, and referral services are available when making temporary appointments. An employee given a temporary appointment following certification from the register may enter a probationary or trial service period and subsequently gain permanent status when a change in agency needs results in the permanent availability of the position.

(6) Compensation of temporary appointees shall be consistent with the rules.

(7) An employee who accepts a temporary appointment to another classified position shall not achieve permanent status in the class to which the employee was temporarily appointed. Upon termination of such temporary appointment, a permanent employee shall have the right to resume a permanent position at their former status and salary including any increments and/or adjustments that may have accrued.

(8) An employee's temporary appointment may be ended with one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

AMENDATORY SECTION (Amending Order 148 and 148A, filed 10/13/80 and 1/20/81)

WAC 356-30-080 TEMPORARY ((EMPLOYMENT)) APPOINTMENTS—EXEMPT SERVICE.

(1) Except as stipulated below, appointments to temporary exempt positions as defined in WAC 356-06-020(15) are exempt from these rules provided((:

((1) There is no involvement in federal grant-in-aid)) the positions are not used in a seasonal manner as described in the definition of seasonal career employment.

((2) Upon establishment, temporary exempt positions ((have been reported to)) shall be approved by the director of personnel or designee.

((3) Temporary appointments may be made to temporary exempt positions for work done at a workload peak normally lasting for less than nine months and having an end in sight.

((4) Compensation and minimum qualifications of temporary appointees ((are)) shall be consistent with those for comparable classified positions.

((4) That the)) (5) A temporary appointment ((lasts for)) shall last no more than nine months for single appointments, or no more than nine cumulative months for multiple appointments within a continuous twelve month

period(~~(, except when a temporary employee replaces a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140 and 356-39-120 and 356-39-130. In such cases, the temporary appointment may extend to the date the employee on leave is scheduled to return.~~

~~(5) That)) (6) A two-month break in service ((has occurred)) shall occur since the last temporary appointment of the same person in the same agency, except for multiple appointments as indicated in ((4) above)) subsection (5) of this section.~~

~~(7) Established registers, certification, and referral service are available for use in filling temporary exempt positions. ((A temporary employee, appointed following certification from the register, may enter a probationary period and subsequently gain permanent status, when a change in agency needs results in the permanent availability of the position.))~~

WSR 84-12-080
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-10-040 ~~((Positions—Downward or lateral reatlocation—Employees)) Employee ap-pointment status—Downward reallocation.~~
- New WAC 356-10-045 Employee appointment status—Lateral reallocation.
- Amd WAC 356-10-050 ~~((Positions—Reallocation upward—Incumbents)) Employee appointment status—Upward reallocation.~~
- Amd WAC 356-26-060 Certification—General methods;

that the agency will at 10:00 a.m., Thursday, July 12, 1984, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

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

Dated: June 6, 1984
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend WAC 356-10-040.

Title: ~~((Positions—Downward or lateral reatlocation—Employees)) Employee appointment status—Downward reallocation.~~

Purpose: To establish a uniform method to process the appointment status of individuals who occupy positions

that have been reallocated downward or to a class with the same salary range (laterally).

Statutory Authority: RCW 41.06.150.

Summary: The change will remove all language that refers to the determination of appointment status for individuals that occupy positions that are reallocated laterally.

Reasons: There are three possible ways that the appointment status of an employee can be affected depending on whether the position they occupy is reallocated downward, laterally, or upward. Each way should have its own separate rule (section).

Responsibility for Drafting: Ron Carlson, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-4741; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

New WAC 356-10-045.

Title: Employee appointment status—Lateral reallocation.

Purpose: New section.

Statutory Authority: RCW 41.06.150.

Summary: This proposal will establish a unique rule to handle the appointment status of an employee who occupies a position that is reallocated laterally, i.e., same salary range.

Reasons: We presently have a separate rule to address the appointment status of employees in positions reallocated upward. We should also have separate rules to address lateral and downward appointments.

Responsibility for Drafting: Ron Carlson, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-4741; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-10-050.

Title: ~~((Positions—Reallocation upward—Incumbents)) Employee appointment status—Upward reallocation.~~

Purpose: To establish a uniform method to process the appointment status of individuals who occupy positions that are reallocated upward.

Statutory Authority: RCW 41.06.150.

Summary: To clarify the title to reflect the rule addresses employee appointment status, and also to clarify the intent of subsection (6).

Reasons: The proposed changes will aid individuals in finding the proper rule to use for determining employee appointment status upward and to properly interpret rule intent.

Responsibility for Drafting: Ron Carlson, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-4741; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-26-060.

Title: Certification—General methods.

Purpose: Outlines methods in which certification of names are provided to agencies.

Statutory Authority: RCW 41.06.150.

Summary: To remove clause which prohibits supplemental certification when there are employees on the reduction-in-force register.

Reasons: To make the supplemental certification policy consistent with the regular referral process insofar as consideration of reduction-in-force candidates are concerned. The proposed change is one of several positive efforts being undertaken to remove barriers to effective affirmative action in state government.

Responsibility for Drafting: Julia Graham, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-3758; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Comments: There appears to be wide-spread support for this proposal from the agencies, community organizations, and the governor's office.

AMENDATORY SECTION (Amending Order 193, filed 11/28/83)

WAC 356-10-040 (~~(POSITIONS—DOWNWARD OR LATERAL REALLOCATION—EMPLOYEES:))~~ EMPLOYEE APPOINTMENT STATUS—DOWNWARD REALLOCATION. Employees in positions that have been reallocated downward are affected as follows:

(1) When a position occupied by an employee is reallocated downward, (~~or laterally to a different classification with the same salary range;~~) the director of personnel shall notify the incumbent and the agency in writing at least (~~30~~) thirty calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee may elect to remain in a position which is reallocated downward (~~or laterally~~) provided he/she meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(3) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (2) of this section and he/she is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(4) The employee who remains in a position which is reallocated downward may have his/her name placed upon the agency reduction in force register for the classification to which his/her position was previously allocated.

(5) An employee who continues in a position which is reallocated downward shall be paid an amount equal to his/her previous salary if such amount is within the salary subrange for the lower class. Employees whose current salary falls between two steps or exceeds the top step of the new position shall be Y-rated.

(6) The employee shall retain his/her existing periodic increment date provided the salary is not equal or greater than the maximum of the lower subrange. Employees whose salaries are Y-rated between steps will move to the first dollar amount step for the class in the lower subrange on their periodic increment date.

(7) Employees who retain their salaries as provided in subsection (5) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if the salary falls between the steps of the higher subrange, the employees' salaries will be increased to the first dollar amount step for the class in the higher subrange upon promotion.

~~((8) The salary and periodic increment date of an employee who continues in a position which is reallocated laterally shall remain unchanged.))~~

NEW SECTION

WAC 356-10-045 EMPLOYEE APPOINTMENT STATUS—LATERAL REALLOCATION. Employees in positions that have been reallocated laterally are affected as follows:

(1) The employee may elect to retain existing appointment status in a position that is reallocated laterally provided he/she meets the minimum or desirable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(2) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (1) of this section and he/she is not transferred, promoted, demoted, or otherwise retained in status within sixty days, the provisions governing reduction-in-force shall apply.

(3) The employee retains existing appointment status when a position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) of this section applies when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(4) The director of personnel or designee may approve the retention of status for an incumbent in a laterally reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed the duties of the lateral class for three continuous years or more.

(5) The effective date of an incumbent's appointment status as provided for in subsection (1) or (4) of this section shall be the date the director of personnel or designee approves the position reallocation.

(6) The salary and periodic increment date of an employee who continues in a position that is reallocated laterally shall remain unchanged.

AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

WAC 356-10-050 (~~(POSITIONS—REALLOCATION UPWARD—INCUMBENTS))~~ EMPLOYEE APPOINTMENT STATUS—UPWARD REALLOCATION. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the rule governing promotion.

(2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee.

(b) The employee passes the appropriate examination.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within (~~60~~) sixty days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these rules. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) ~~(Paragraphs)~~ Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) The effective date of ~~((other than competitive reallocations and appointments in (2) and (5) above))~~ an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-26-060 CERTIFICATION—GENERAL METH-ODS. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to four more than there are vacancies to be filled from the ranked registers except:

(1) When there are names to be certified from the agency reduction in force register and/or the service-wide reduction in force register and when the number of names is less than equal to four more than there are vacancies to be filled, the director of personnel shall initially certify only the reduction in force register's names. The appointing authority may request additional names in ranked register order to satisfy the statutory maximum allowed provided the appointing authority has first indicated, in writing, to the director of personnel and the certified candidates why additional names are being requested.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute five names per vacancy to be filled.

(3) When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ties shall be broken by lot upon each instance of certification.

(4) An unranked register may be used to complete a certification. In such cases, all names appearing on that register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) The director of personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the director of personnel with employees being automatically advanced after completion of one year's service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may ~~(except where there are employees on the reduction in force register;)~~ refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, state law against discrimination, or for federal contract compliance purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the department of personnel a determination prior to the utilization of this rule as to whether there are

members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The director of personnel or designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than five names available to fill the position:

Messenger clerk
Receptionist
Clerk 1
Clerk 2
Clerk-Steno 1 visually handicapped
Clerk-Steno 2 visually handicapped
Clerk-Typist 1
Clerk-Typist 2
Dictating machine transcriber
Word processing operator 1
Word processing operator 2
Clerk-Steno 1
Clerk-Steno 2
PBX operator
Data entry operator 1
Data entry operator 2

If such certification contains five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

WSR 84-12-081 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION [Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning chapter 480-30 WAC relating to auto transportation companies and excursion service companies; WAC 480-149-060 relating to passenger tariffs; and WAC 480-149-070 relating to excursion and temporarily reduced one-way tariffs. The proposed amendatory sections are shown below as Appendix A, Cause No. TC-1786. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

This notice of intention to adopt on a permanent basis rules amended on an emergency basis on June 6, 1984, General Order No. R-214, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, July 11, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 81.68.030.

The specific statute these rules are intended to implement is chapter 81.68 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 6, 1984.

Dated: June 6, 1984

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending chapter 480-30 WAC relating to auto transportation companies and excursion service companies; WAC 480-149-060 relating to passenger tariffs; and WAC 480-149-070 relating to excursion and temporarily reduced one-way tariffs.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.68.030 which direct that the commission has authority to implement the provisions of chapter 81.68 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to define "between fixed termini or over a regular route" for auto transportation companies and establish regulations regulating the application procedure for, and regulation of "excursion service companies" as defined by statute.

Barry M. Mar, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.68.030.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

WAC 480-30-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) The word "certificate" means the certificate (~~of public convenience and necessity~~) authorized to be issued to an auto transportation company or an excursion service company for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway," when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation

company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular.

(8) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, baggage, mail, and express for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town. (~~The term "auto transportation company" shall not include corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, or any other carrier which does not come within the term "auto transportation company" as defined by RCW 81.68.010.~~

The term "auto transportation company" shall not include commuter ride-sharing or ride-sharing for the elderly and the handicapped so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided prior to the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

(~~8~~) (9) "Excursion service company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area designated by the commission, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

(10) "Area designated by the commission" shall mean a county boundary or a specifically designated location(s) as a point of origin.

(11) Chapter 480-30 WAC does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" or "excursion service company" as defined in RCW 81.68.010.

Chapter 480-30 WAC does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in the state of Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

Except as specifically provided herein, chapter 480-30 WAC does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company or excursion service company certificated under chapter 81.68 RCW.

(12) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.

(~~(9)~~) (13) The term "elderly" shall mean any person sixty years of age or older.

(~~(10)~~) (14) The term "handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who

require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-020 LICENSES, AND RULES AND REGULATIONS. No motor vehicle ~~((shall))~~ may be operated upon the public highways of this state by any auto transportation company or excursion service company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

WAC 480-30-030 CERTIFICATES—AUTO TRANSPORTATION COMPANIES AND EXCURSION SERVICE COMPANIES. (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

(2) No excursion service company shall operate, establish, or begin operations for the purpose of transporting persons on the public highways of this state without first having obtained from the commission a certificate based upon a finding that the applicant is fit, willing, and able to properly perform the services proposed and conform to the laws and rules of the commission, and that such operations will be consistent with the public interest: PROVIDED, That any person, firm, or corporation whose operations were consistent with those of an excursion service company as defined herein and actually operating in good faith and to the satisfaction of the commission that type of service on or before January 15, 1983, need only file an application provided by the commission and a notarized affidavit giving all information as to the service performed and the territory served. Such application shall be accompanied by the fee set forth in subsection (12) of this section.

(3) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.

~~((3))~~ (4) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

~~((4))~~ (5) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application with any false affidavit or representation shall be subject to revocation and cancellation by the commission.

~~((5))~~ (6) Every auto transportation company and excursion service company shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.

~~((6))~~ (7) All auto transportation companies and excursion service companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:

- (a) Description of each vehicle used;
- (b) Number of trips and to what points each of said vehicles was operated;
- (c) Drivers' time sheets for each day's employment;
- (d) Copies of all accident reports.

~~((7))~~ (8) No auto transportation company certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments that may be presented to him within sixty days after the date of the transfer. The agreement herein provided for must be included in the application to transfer.

(9) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. ~~((No certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against~~

~~the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments, that may be presented to him within sixty days after the date of the transfer. The agreement herein provided must be included in the application to transfer.))~~ Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection ~~((8))~~ (10) of this section, must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

~~((8))~~ (10) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ~~((10))~~ (12) of this section.

~~((9))~~ (11) Application for sale, lease, or transfer, or for authority to mortgage a certificate, or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ~~((10))~~ (12) of this section.

~~((10))~~ (12) Miscellaneous fees:

Application for certificate ((of public convenience and necessity))	\$150.00
Application for extension of service, line or route under a certificate	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein	150.00
Application for authority to mortgage a certificate .	35.00
Application for issuance of a duplicate certificate . .	3.00

EXCEPTION: The above fees of \$150.00 shall be reduced to \$50.00 for applications pertaining to certificates for private, nonprofit transportation providers certificated under WAC 480-30-035.

~~((11))~~ (13) All applications for the issuance of a duplicate certification ~~((of public convenience and necessity))~~ must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

~~((12))~~ (14) Whenever an order is entered by the commission revoking a previous order granting a certificate ~~((of public convenience and necessity))~~, or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for such reinstatement shall pay the fee required by the rules and regulations, as is provided in case of an original application.

~~((13))~~ (15) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-040 EXPRESS. (1) All auto transportation companies transporting express are required to issue at the time of accepting shipment an express receipt covering each express shipment. Such express receipt must be itemized to show:

- (a) Name of carrier.
- (b) Point of origin and date of shipment.
- (c) Shipper.
- (d) Consignee.
- (e) Destination.
- (f) Routing optional.
- (g) Number of packages.
- (h) Description of articles.
- (i) Weight.
- (j) Rate.
- (k) Express charges.
- (l) Advance charges.
- (m) Prepaid charges.
- (n) C.O.D. charges.
- (o) Total to collect.
- (p) Signature of auto transportation company or its agent.
- (q) Signature of shipper.

Not less than three copies of such express receipt must be issued, one to be given to the shipper, one copy to be retained by the auto transportation company, and in cases where such auto transportation

company does not issue an expense bill covering such shipment, one copy of the express receipt shall be delivered to the consignee, or connecting line carrier.

Copies of express receipts retained by the auto transportation company must be filed in date order (numerical order if numbered by such carrier), and must be kept on file at the main office of such company for a period of three years, subject to inspection by the commission.

No auto transportation company shall transport on one express receipt goods received from more than one shipper or goods to be delivered to more than one consignee on one day to one destination. No auto transportation company shall act as agent for a shipper.

(2) The amount of express or baggage that may be carried on a vehicle with passengers shall not be greater than can be safely and conveniently carried without causing discomfort to the passengers. The term "express" as used in certificates of public convenience and necessity includes only such shipments as can be handled as an adjunct and incidental to the passenger service authorized thereby; must be confined strictly to vehicles operated primarily for the carriage of passengers; must not be of sufficient volume to disturb the convenience, speed and other essential qualities of the passenger service, and the rates for carriage of such express must be based primarily upon the expedited service rendered.

(3) No auto transportation company, its agents, officers, or employees, shall suffer or permit any article to be loaded in or upon any motor vehicle then and there used or employed by it in the transportation of passengers which is dangerous to the life and safety of such passengers, including the following:

Liquid nitrogen, dynamite, nitrocellulose, fulminate of mercury, fireworks, firecrackers, torpedoes, high explosives; black, brown or smokeless powders, ammunition (other than for small arms); explosive projectiles, blasting caps, detonating fuses, primers, time fuses, hydrochloric acid, compressed gases, gasoline in packages, hydrofluoric acid, nitrating acid, sulphuric acid, liquefied petroleum gas, matches in commercial quantities, burnt cotton, calcium phosphide, carbon bisulphide, celluloid scraps, chloride of phosphorus, chloride of sulphur, distillate in packages, naphtha in packages, petroleum oil in packages, phosphorus, picric acid, metallic and sulphide potassium, pyroxylin solution, metallic, peroxide, and sulphide sodium, liquid bichloride of tin, trinitrotoluol.

The transportation of motion picture film ((§)) in passenger-carrying vehicles of auto transportation companies is permitted only when packed and handled in shipping containers required under specifications of the Interstate Commerce Commission, postal rules and regulations, and in accordance with the requirements of the National Board of Fire Underwriters.

(4) No auto transportation company shall advertise or hold itself out to the public as furnishing express service nor use the word "express" as a part of its corporate or trade name, unless its certificate authorizes express service, and no express certificate will be granted except in connection with passenger service.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-050 TARIFF, NAMING RATES AND FARES.

(1) Every auto transportation company and excursion service company shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line; or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at

least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, ((Insurance)) Highways-Licenses Building, Olympia, Washington ((98501)) 98504."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies and excursion service companies shall be governed by the provisions of chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies and excursion service companies.

(5) No auto transportation company or excursion service company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-060 SCHEDULE OF TIME AND ROUTE. (1) Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows:

1st. Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of sample time schedule, subsection (4))

2nd. Name of auto transportation company. (If the auto transportation company is not an incorporated company, and a trade name is used, the names of the individuals composing such auto transportation company must precede such trade name.) (See title page of sample time schedule, subsection (4))

3rd. The termini or points between which the time schedule applies, briefly stated.

4th. Route traversed, definitely outlined, showing exact location of depot at all terminals.

5th. Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and date of such special permission must be shown directly under the date effective, as provided in subsection (6), 4th paragraph.

6th. The name, title and address of the official issuing such time schedule, including street address.

(3) Time schedules must show:

1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI.

2nd. The time of DEPARTURE from intermediate points between termini.

3rd. The distance between all points shown in the schedule.

4th. Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

Time Schedule No. 2

Cancel

Time Schedule No. 1

TIME SCHEDULE

of

Walter A. Keys,

(Certificate No. 88)

Operating under Trade Name of

Wenatchee-Cashmere Stage Line

MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE

Between

Wenatchee, Wash., and Cashmere, Wash.

With Terminal Depots at

123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere

via the following route:

West on Wenatchee Avenue to City Limits; thence west on Sunset Highway

through Monitor to Terminal at Cashmere

Issued June 8, 1967

Effective June 10, 1967

Issued by Walter A. Keys

Title, Owner and Manager

St. Address, 123 So. Wenatchee Ave.

City and State, Wenatchee, Washington

Authority

M. V. L. S. N. No. 400

Dated June 8, 1967

WESTBOUND

Mileage	From Wenatchee to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Wenatchee	Lv. 7:00	8:30	11:00	1:30	3:30	5:30	9:30
2.7	Wenatchee River Bridge	" 7:08	8:38	11:08	1:38	3:38	5:38	9:38
3.3	Olds Corner	" 7:09	8:39	11:09	1:39	3:39	5:39	9:39
4.4	Sunnyslope Bridge	" 7:12	8:42	11:12	1:42	3:42	5:42	9:42
6.0	Burkeys Corner	" 7:16	8:46	11:16	1:46	3:46	5:46	9:46
8.1	Monitor P. O.	" 7:23	8:53	11:23	1:53	3:53	5:53	9:53
9.3	Red Bridge	" 7:29	8:59	11:29	1:59	3:59	5:59	9:59
12.5	Cashmere	Ar. 7:40	9:10	11:40	2:10	4:10	6:10	10:10

EASTBOUND

Mileage	From Cashmere to	@ AM	# AM	Daily AM	Daily PM	@ PM	Daily PM	X PM
0.0	Cashmere	Lv. 8:00	9:30	12:30	2:30	4:30	6:20	10:15
3.1	Red Bridge	" 8:11	9:41	12:41	2:41	4:41	6:31	10:26
4.4	Monitor P. O.	" 8:16	9:46	12:46	2:46	4:46	6:36	10:31
6.5	Burkeys Corner	" 8:22	9:52	12:52	2:52	4:52	6:42	10:37
8.1	Sunnyslope Bridge	" 8:29	9:59	12:59	2:59	4:59	6:49	10:44
9.2	Olds Corner	" 8:31	10:01	1:01	3:01	5:01	6:51	10:46
9.8	Wenatchee River Bridge	" 8:32	10:02	1:02	3:02	5:02	6:52	10:47
12.5	Wenatchee	Ar. 8:40	10:10	1:10	3:10	5:10	7:00	11:00

Explanatory Notes: @ Daily except Sunday; # Sunday only; X Saturday only.

Time Schedule No. 2

Cancel

Time Schedule No. 1

TIME SCHEDULE

of

Walter A. Keys,

(Certificate No. 88)

Operating under Trade Name of

Wenatchee-Cashmere Stage Line

MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE

Between

Wenatchee, Wash., and Cashmere, Wash.

With Terminal Depots at

123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere

via the following route:

West on Wenatchee Avenue to city limits; thence west on Sunset

Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967

Effective June 23, 1967

Issued by Walter A. Keys

Title, Owner and Manager

St. Address, 123 So. Wenatchee Ave.

City and State, Wenatchee, Wash.

Leave Wenatchee Read Down				Leave Cashmere Read Up			
Daily	Sunday Only	Daily Ex. Sun.	Mileage	From Wenatchee to	Daily	Sunday Only	Daily Ex. Sun.
AM	PM	PM		AM	PM	PM	
Lv. 11:00	1:30	5:30	0.0	Wenatchee	Ar. 10:40	1:10	5:10
" 11:08	1:38	5:38	2.7	Wenatchee River Bridge	Lv. 10:32	1:02	5:02
" 11:09	1:39	5:39	3.3	Olds Corner	" 10:31	1:01	5:01
" 11:12	1:42	5:42	4.4	Sunnyslope	" 10:29	12:59	4:59
" 11:16	1:46	5:46	6.0	Burkeys Corner	" 10:22	12:52	4:52
" 11:23	1:53	5:53	8.1	Monitor P. O.	" 10:16	12:46	4:46
" 11:29	1:59	5:59	9.3	Red Bridge	" 10:11	12:41	4:41
Ar. 11:40	2:10	6:10	12.5	Cashmere	Lv. 10:00	12:30	4:30

Explanatory notes:

(5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to.

(6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

1st. A new time schedule must be issued in accordance with rules 24 through 27; or a supplement to the existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

2nd. Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the commission and notice must be given to the public at least ten days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days

before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, ((Insurance)) Highways-Licenses Building, Olympia, Washington, ((98504)) 98504."

4th. In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:

"Authority M.V.L.S.N. Order No., dated"

5th. The commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: PROVIDED, HOWEVER, That the commission may permit the resumption of operation after such five day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

(9) No auto transportation company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to the commission and to the public, at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

(10) Any excursion service company which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules.

AMENDATORY SECTION (Amending Order R-109, filed 10/19/77)

WAC 480-30-070 LIABILITY AND PROPERTY DAMAGE INSURANCE OR SURETY BOND. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington or a surety bond, the form of which is set out in subsection (4), covering each motor vehicle used or to be used by such applicant, in not less than the following sums:

- For any recovery of personal injury by one person—\$100,000;
- For all persons receiving personal injury by reason of at least one act of negligence:
 - Vehicles having capacity of 16 passengers or less—\$300,000,
 - Vehicles having capacity of 17 or more passengers—\$500,000,
 - For damage to property of any person other than the assured—\$50,000.

Failure to file and keep such insurance or surety bond in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to auto transportation companies shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Form of surety bond.

Know all men by these presents:

That we of the City of, State of Washington, as principal, and, a corporation organized and existing under and by virtue of the Laws of, and authorized to transact business in the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this day of 19...

This bond is written in pursuance of and is to be construed in accordance with chapter 81.68 RCW, and the Rules and Regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the auto transportation company or excursion service company (principal herein) under and by virtue of its certificate ((of Public Convenience and Necessity)) granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

On each motor vehicle used for the transportation of persons, not less than:

- For any recovery for personal injury by one person—\$100,000;
- For all persons receiving personal injury by reason of at least one act of negligence:
- Vehicles having capacity of 16 passengers or less—\$300,000,
- Vehicles having capacity of 17 or more passengers—\$500,000,
- For damage to property of any person other than the assured—\$50,000.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 81.68 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of motor propelled vehicles in transporting persons and express for compensation, under its Certificate of Public Convenience and Necessity issued by the Washington Utilities and Transportation Commission, and tariffs and time schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

.....
Principal
.....
.....
Surety

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-090 EQUIPMENT OF MOTOR VEHICLES. (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under a certificate ((of public convenience and necessity)), shall have displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the certificate under which such vehicle is being operated, preceded by the letters W.U.T.C.

"W.U.T.C.
No."

(3) Motor vehicles used in the transportation of passengers shall have displayed therein the company number of such vehicle printed in

letters of sufficient size and so placed as to be easily discernible by the passengers thereof or, at the option of the carrier, an identification badge attached to the uniform of the driver in a conspicuous position.

(4) Each motor vehicle used in the transportation of passengers shall have displayed on the front thereof an appropriate destination sign in letters not less than three inches in height.

(5) When all seats are occupied in a bus and another vehicle is following to handle local traffic, suitable sign should be displayed to inform prospective passengers of the fact, or the driver shall stop to convey such information.

(6) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

(7) All motor vehicles used in the transportation of passengers and having a covered top or top up, shall maintain a light or lights of not less than two candle power each, within the vehicle and so arranged as to light up the whole of the interior thereof, except that portion occupied by the driver.

(8) All motor vehicles used in the transportation of passengers shall be equipped with a standard speedometer or tachometer which shall be maintained in good working order.

(9) Passenger carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same at a comfortable temperature for its patrons.

(10) All motor vehicles used in the transportation of passengers shall be equipped with a fire extinguisher of pump or stored pressure type, suitable for attachment to motor vehicles and bearing the label of approval by the Underwriters Laboratories, Incorporated, and shall be kept in good working condition at all times.

(11) Sufficient reserve equipment shall be maintained by all auto transportation companies to insure the reasonable maintenance of established routes and fixed time schedules.

AMENDATORY SECTION (Amending Order R-197, Cause No. TC-1684, filed 2/23/83)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

(4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW, except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or

herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: **PROVIDED, HOWEVER,** That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company or excursion service company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies and excursion service companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle: **PROVIDED,** That any such company operating buses equipped with air conditioning or efficient ventilating systems may permit smoking therein on certain schedules and routes when and where in the judgment of the company management smoking can be permitted without offense to the nonsmoking traveling public, and then only to the extent shown on signs prominently displayed within the buses.

(8) No motor vehicle used in the transportation of persons shall carry more persons than one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

(11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation (~~(companies)~~ company or excursion service company) operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(13) Auto transportation companies or excursion service companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(14) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

WAC 480-30-110 FEES AND GROSS OPERATING REVENUE. (1) Auto transportation companies or excursion service companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission (~~(in duplicate)~~) a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24.020; in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. **EXCEPTION:** A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "independent operations" as hereinafter defined; also that revenue which such company receives from other property **OWNED** by it, the value of which is or should properly be included in its **FIXED CAPITAL ACCOUNTS.**

For the purpose of reporting to the commission on quarterly reports the "gross operating revenue" of an auto transportation company shall be subdivided as follows:

R-1 Passenger revenue.

R-2 Express and baggage revenue.

R-3 United States mail and other operating revenue.

R-1, Passenger revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "independent operations," as hereinafter defined.

(Note: This item must include ALL revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its **FIXED CAPITAL ACCOUNTS** dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., **UNLESS** the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used **EXCLUSIVELY** in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "independent operations.")

R-2, Express and baggage revenue: Shall include all revenue from the transportation of:

Express.

Baggage in excess of free authorized allowances.

Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States mail and other operating revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

A—Rentals received for use of cars.

B—Revenue derived from the performance of shop work for others.

C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are **OWNED** by the reporting company.

D—Rentals received from other transportation companies for the right to use stations **OWNED** by the reporting company, used in its auto transportation operations and included in the **FIXED CAPITAL ACCOUNTS** thereof.

E—Revenue received from advertising in stations and cars.

The ~~((total))~~ intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) The "gross operating revenue" of an excursion service company is that revenue which such carrier receives or becomes lawfully entitled to recover for the transportation of passengers under its excursion service company certificate plus all other operating revenues incidental to the excursion service.

(4) Nonoperating revenue: Is that revenue received as a return on property OWNED by the reporting company, the value of which is not included in the FIXED CAPITAL ACCOUNTS of its "auto transportation" or "independent" operations. Principal items:

A—Revenue received from other auto transportation companies, ownership of which is shared by the reporting company.

B—Dividends on stock of other companies.

C—Interest on loans.

D—Rents from property the value of which is not included in the FIXED CAPITAL ACCOUNTS of the reporting company's certified or independent operations.

Independent operations: Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the FIXED CAPITAL ACCOUNTS of such auto transportation company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations.

AMENDATORY SECTION (Amending Order R-156, Cause No. TC-1421, filed 1/28/81)

WAC 480-30-120 UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORTS. (1) The uniform system of accounts prescribed by the interstate commerce commission for motor carriers of passengers is hereby adopted and prescribed for the use of Class I auto transportation companies and excursion service companies in the state of Washington, operating under chapter 81.68 RCW. A uniform system of accounts is hereby adopted and prescribed for the use of Class II and Class III auto transportation companies and excursion service companies in the state of Washington. Said uniform system of accounts is entitled "uniform system of accounts for Class II auto transportation companies operating under certificates ~~((of public convenience and necessity))~~ and Appendix 'A' uniform system of accounts for Class III auto transportation companies ~~((effective January 1, 1961))~~ and excursion service companies."

(2) The various auto transportation companies and excursion service companies shall be divided into three classes as per average yearly gross revenue according to the following schedule:

- | | |
|------------|---|
| Class I. | Those having average annual gross operating revenue of \$3,000,000 or over. |
| Class II. | Those having average annual gross operating revenue of \$200,000 or more but less than \$3,000,000. |
| Class III. | Those having average annual gross operating revenue less than \$200,000. |

(3) Each auto transportation company and excursion service company must secure from the commission a copy of the "uniform system of accounts" adopted by subsection (1) hereof, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) ~~((hereof))~~ of this section may be compiled in accordance therewith.

(4) At the close of each calendar year every auto transportation company and excursion service company must secure from the commission two copies of the form of annual report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "uniform system of accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible; but in no event later than April 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the annual report required by subsection (4) must be filed immediately covering the period from the first of the year to the date on which the auto transportation company or excursion service company ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, annual report shall be rendered covering that portion of the calendar year during which the auto transportation company or excursion service company operated and shall show on the face thereof the exact period covered thereby.

(6) Each auto transportation company and excursion service company must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-130 RULES AND REGULATIONS—GENERAL APPLICATION. (1) The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the commission shall be made up in accordance with the following instructions:

- 1st. Application should be directed to the Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington ~~((98501))~~ 98504; should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.
- 2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

AMENDATORY SECTION (Amending Order R-16, filed 2/3/70)

WAC 480-149-060 PASSENGER TARIFFS. Passenger tariffs shall contain: (1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlines in certificate, children's fares, baggage rules, excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies and excursion service companies, must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations.

AMENDATORY SECTION (Amending Order R-16, filed 2/3/70)

WAC 480-149-070 EXCURSION SERVICE COMPANY AND TEMPORARILY REDUCED ONE-WAY TARIFFS. (1) Round trip excursion fares limited to a designated period of not more than thirty days may be established, without further notice, upon posting a tariff for the information of the public one day in advance at each point where such excursion tickets are sold, and filing one copy thereof one day in advance with the commission.

(2) Round trip excursion tariffs covering a period exceeding thirty days will require full thirty days' notice to the public and to the commission, unless in special cases shorter time is authorized.

(3) The term "limited to a designated period" used above is construed to cover the period between the date on which the transportation can first be used and the last date upon which tickets sold under such tariff will be honored for return passage.

(4) Tariffs covering temporarily reduced one-way fares may not be issued except upon special permission from the commission.

(5) Round trip party excursion tariffs shall provide as follows: "Unused tickets may be redeemed only on the basis of a minimum payment for the tickets used."

(6) The above rules are in addition to WAC 480-149-060 and in addition to the general rules of this circular insofar as they apply to ((passenger)) excursion ((operations)) service companies.

"between fixed termini or over a regular route" for auto transportation companies, establish procedures and standards applicable to excursion service companies and assure that such companies are subject to passenger tariffs as well as temporarily reduced one-way tariffs.

ORDER

WHEREFORE, IT IS ORDERED That chapter 480-30 WAC, WAC 480-149-060 and 480-149-070 as set forth in Appendix A, be amended, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 6th day of June, 1984.

Washington Utilities and Transportation Commission
Robert W. Bratton, Chairman
Mary D. Hall, Commissioner
A. J. "Bud" Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

WAC 480-30-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington utilities and transportation commission.

(4) The word "certificate" means the certificate ((of public convenience and necessity)) authorized to be issued to an auto transportation company or an excursion service company for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway," when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from the termini or route, whether the departures are periodic or irregular.

(8) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, baggage,

WSR 84-12-082

EMERGENCY RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-214, Cause No. TC-1786—Filed June 6, 1984]

In the matter of amending chapter 480-30 WAC relating to auto transportation companies and excursion service companies; WAC 480-149-060 relating to passenger tariffs; and WAC 480-149-070 relating to excursion and temporarily reduced one-way tariffs.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is the effective date of chapter 166, Laws of 1984, regarding excursion service companies, is June 7, 1984. Emergency rules are necessary to meet that deadline while permanent rules are still under consideration.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 81.68.030.

The rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 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).

These amendments to chapter 480-30 WAC, WAC 480-149-060 and 480-149-070 affect no economic values.

In reviewing the entire record herein, it has been determined that chapter 480-30 WAC, WAC 480-149-060 and 480-149-070 should be amended, to read as set forth in Appendix A as shown below and made a part hereof by this reference. Chapter 480-30 WAC, WAC 480-149-060 and 480-149-070 as amended, will define

mail, and express for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town. ((The term "auto transportation company" shall not include corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, or any other carrier which does not come within the term "auto transportation company" as defined by RCW 81.68.010.

The term "auto transportation company" shall not include commuter ride-sharing or ride-sharing for the elderly and the handicapped so long as the ride-sharing operation does not compete with nor infringe upon comparable service actually being provided prior to the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

((8)) (9) "Excursion service company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area designated by the commission, to any other location within the state of Washington and returning to that origin. The service shall not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered or afforded shall be computed, charged, or assessed by the excursion service company on an individual fare basis.

(10) "Area designated by the commission" shall mean a county boundary or a specifically designated location(s) as a point of origin.

(11) Chapter 480-30 WAC does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the market, or any other carrier that does not come within the term "auto transportation company" or "excursion service company" as defined in RCW 81.68.010.

Chapter 480-30 WAC does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in the state of Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

Except as specifically provided herein, chapter 480-30 WAC does not apply to commuter ride sharing or ride sharing for the elderly and the handicapped in accordance with RCW 46.74.010, so long as the ride-sharing

operation does not compete with nor infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company or excursion service company certificated under chapter 81.68 RCW.

(12) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.

((9)) (13) The term "elderly" shall mean any person sixty years of age or older.

((10)) (14) The term "handicapped" means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semi-ambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-020 LICENSES, AND RULES AND REGULATIONS. No motor vehicle ((shall)) may be operated upon the public highways of this state by any auto transportation company or excursion service company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

WAC 480-30-030 CERTIFICATES—AUTO TRANSPORTATION COMPANIES AND EXCURSION SERVICE COMPANIES. (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

(2) No excursion service company shall operate, establish, or begin operations for the purpose of transporting persons on the public highways of this state without first having obtained from the commission a certificate based upon a finding that the applicant is fit, willing, and able to properly perform the services proposed and conform to the laws and rules of the commission, and that such operations will be consistent with the public

interest: PROVIDED, That any person, firm, or corporation whose operations were consistent with those of an excursion service company as defined herein and actually operating in good faith and to the satisfaction of the commission that type of service on or before January 15, 1983, need only file an application provided by the commission and a notarized affidavit giving all information as to the service performed and the territory served. Such application shall be accompanied by the fee set forth in subsection (12) of this section.

(3) No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.

~~((3))~~ (4) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

~~((4))~~ (5) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

~~((5))~~ (6) Every auto transportation company and excursion service company shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.

~~((6))~~ (7) All auto transportation companies and excursion service companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:

- (a) Description of each vehicle used;
- (b) Number of trips and to what points each of said vehicles was operated;
- (c) Drivers' time sheets for each day's employment;
- (d) Copies of all accident reports.

~~((7))~~ (8) No auto transportation company certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments that may be presented to him within sixty days after the date of the transfer. The agreement herein provided for must be included in the application to transfer.

(9) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. ~~((No certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments, that may be presented to him within sixty days after the date of the transfer. The agreement herein provided must be included in the application to transfer.))~~ Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection ~~((8))~~ (10) of

this section, must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

~~((8))~~ (10) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ~~((10))~~ (12) of this section.

~~((9))~~ (11) Application for sale, lease, or transfer, or for authority to mortgage a certificate, or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ~~((10))~~ (12) of this section.

~~((10))~~ (12) Miscellaneous fees:

Application for certificate (of public convenience and necessity)	\$150.00
Application for extension of service, line or route under a certificate.	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein	150.00
Application for authority to mortgage a certificate	35.00
Application for issuance of a duplicate certificate	3.00

EXCEPTION: The above fees of \$150.00 shall be reduced to \$50.00 for applications pertaining to certificates for private, nonprofit transportation providers certificated under WAC 480-30-035.

~~((11))~~ (13) All applications for the issuance of a duplicate certification (~~of public convenience and necessity~~) must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

~~((12))~~ (14) Whenever an order is entered by the commission revoking a previous order granting a certificate (~~of public convenience and necessary~~), or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for such reinstatement shall pay the fee required by the rules and regulations, as is provided in case of an original application.

~~((13))~~ (15) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington utilities and transportation commission.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-040 EXPRESS. (1) All auto transportation companies transporting express are required to issue at the time of accepting shipment an express receipt covering each express shipment. Such express receipt must be itemized to show:

- (a) Name of carrier.

- (b) Point of origin and date of shipment.
- (c) Shipper.
- (d) Consignee.
- (e) Destination.
- (f) Routing optional.
- (g) Number of packages.
- (h) Description of articles.
- (i) Weight.
- (j) Rate.
- (k) Express charges.
- (l) Advance charges.
- (m) Prepaid charges.
- (n) C.O.D. charges.
- (o) Total to collect.
- (p) Signature of auto transportation company or its agent.
- (q) Signature of shipper.

Not less than three copies of such express receipt must be issued, one to be given to the shipper, one copy to be retained by the auto transportation company, and in cases where such auto transportation company does not issue an expense bill covering such shipment, one copy of the express receipt shall be delivered to the consignee, or connecting line carrier.

Copies of express receipts retained by the auto transportation company must be filed in date order (numerical order if numbered by such carrier), and must be kept on file at the main office of such company for a period of three years, subject to inspection by the commission.

No auto transportation company shall transport on one express receipt goods received from more than one shipper or goods to be delivered to more than one consignee on one day to one destination. No auto transportation company shall act as agent for a shipper.

(2) The amount of express or baggage that may be carried on a vehicle with passengers shall not be greater than can be safely and conveniently carried without causing discomfort to the passengers. The term "express" as used in certificates of public convenience and necessity includes only such shipments as can be handled as an adjunct and incidental to the passenger service authorized thereby; must be confined strictly to vehicles operated primarily for the carriage of passengers; must not be of sufficient volume to disturb the convenience, speed and other essential qualities of the passenger service, and the rates for carriage of such express must be based primarily upon the expedited service rendered.

(3) No auto transportation company, its agents, officers, or employees, shall suffer or permit any article to be loaded in or upon any motor vehicle then and there used or employed by it in the transportation of passengers which is dangerous to the life and safety of such passengers, including the following:

Liquid nitrogen, dynamite, nitrocellulose, fulminate of mercury, fireworks, firecrackers, torpedoes, high explosives, black, brown or smokeless powders, ammunition (other than for small arms); explosive projectiles, blasting caps, detonating fuses, primers, time fuses, hydrochloric acid, compressed gases, gasoline in packages, hydrofluoric acid, nitrating acid, sulphuric acid, liquefied petroleum gas, matches in commercial quantities, burnt cotton, calcium phosphide, carbon bisulphide, celluloid

scraps, chloride of phosphorus, chloride of sulphur, distillate in packages, naphtha in packages, petroleum oil in packages, phosphorus, picric acid, metallic and sulphide potassium, pyroxylin solution, metallic, peroxide, and sulphide sodium, liquid bichloride of tin, trinitrotoluol.

The transportation of motion picture film ((~~is~~)) in passenger-carrying vehicles of auto transportation companies is permitted only when packed and handled in shipping containers required under specifications of the Interstate Commerce Commission, postal rules and regulations, and in accordance with the requirements of the National Board of Fire Underwriters.

(4) No auto transportation company shall advertise or hold itself out to the public as furnishing express service nor use the word "express" as a part of its corporate or trade name, unless its certificate authorizes express service, and no express certificate will be granted except in connection with passenger service.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-050 TARIFF, NAMING RATES AND FARES. (1) Every auto transportation company and excursion service company shall file with the commission two copies of its tariff, and any amendments thereto, showing all fares, rates and charges for the transportation of persons, and for auto transportation companies baggage and express between all points on its line, or in the case of a joint tariff, shall show all fares, rates and charges applicable between points on its line and all affected points on the line of the concurring carrier or carriers. Tariffs, or supplements thereto, must be issued and filed in accordance with the commission's Tariff Circular No. 6 or reissues thereof.

(2) In the event that a new tariff or amendment will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under said tariff, a notice must be given to the public at least thirty days before the effective date thereof, unless the commission has granted authority for a lesser period, by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, ((~~Insurance~~)) Highways-Licenses Building, Olympia, Washington ((~~98501~~)) 98504."

(3) Where through ticketing arrangements are in effect between two or more auto transportation companies for the transportation of persons over routes authorized by certificates of public convenience and necessity duly granted by the commission, interline settlements must be made between such carriers within thirty days after the close of the month in which such settlements are due. If any carrier fails to make full settlement with its connecting lines within thirty days such connecting carriers shall immediately report each failure to do so to the commission in writing, giving the names of the defaulting carriers together with the amounts outstanding.

(4) Auto transportation companies and excursion service companies shall be governed by the provisions of

chapter 81.68 RCW, and by such other portions of Title 81 RCW as may be applicable to auto transportation companies and excursion service companies.

(5) No auto transportation company or excursion service company shall pay any commission to any individual, firm, association or corporation, their lessees, trustees or receivers, for the sale of any ticket or fare, or for transportation by express unless upon a contract or agreement, the form of which has previously been approved by the commission.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-060 SCHEDULE OF TIME AND ROUTE. (1) Every auto transportation company shall publish and file with the commission two copies of time schedules made up in accordance with the following rules. Such schedules must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper, size 8 by 11 inches or 8-1/2 by 11 inches. A margin of not less than 5/8 inch must be left for binding.

(2) Title page of time schedules must be made up as follows:

1st. Time schedules must be numbered consecutively in the upper right hand corner, beginning with number one, and must show the number of the time schedule cancelled thereby, if any. (See title page of sample time schedule, subsection (4))

2nd. Name of auto transportation company. (If the auto transportation company is not an incorporated company, and a trade name is used, the names of the individuals composing such auto transportation company must precede such trade name.) (See title page of sample time schedule, subsection (4))

3rd. The termini or points between which the time schedule applies, briefly stated.

4th. Route traversed, definitely outlined, showing exact location of depot at all terminals.

5th. Date issued and date effective. If issued on less than ten or twenty days' notice, whichever the case may be, by permission of the commission, the number and date of such special permission must be shown directly under the date effective, as provided in subsection (6), 4th paragraph.

6th. The name, title and address of the official issuing such time schedule, including street address.

(3) Time schedules must show:

1st. The time of ARRIVAL and DEPARTURE at and from all TERMINI.

2nd. The time of DEPARTURE from intermediate points between termini.

3rd. The distance between all points shown in the schedule.

4th. Time schedule shall show what points, if any, on route of carrier, to which service cannot be rendered, and reasons therefor.

Time Schedule No. 2 Cancels Time Schedule No. 1

TIME SCHEDULE

of Walter A. Keys, (Certificate No. 88)

Operating under Trade Name of Wenatchee-Cashmere Stage Line

MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE

Between Wenatchee, Wash., and Cashmere, Wash.

With Terminal Depots at

123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere

via the following route: West on Wenatchee Avenue to City Limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967 Effective June 10, 1967 Issued by Walter A. Keys Authority Title, Owner and Manager M. V. L. S. N. No. 400 St. Address, 123 So. Wenatchee Ave. Dated June 8, 1967 City and State, Wenatchee, Washington

WESTBOUND

Table with columns: Mileage, From Wenatchee to, @ AM, # AM, Daily AM, Daily PM, @ PM, Daily PM, X PM. Rows include destinations like Wenatchee River Bridge, Olds Corner, Sunnyslope Bridge, etc.

EASTBOUND

Table with columns: Mileage, From Cashmere to, @ AM, # AM, Daily AM, Daily PM, @ PM, Daily PM, X PM. Rows include destinations like Cashmere, Red Bridge, Monitor P. O., etc.

Explanatory Notes: @ Daily except Sunday; # Sunday only; X Saturday only.

Time Schedule No. 2 Cancels Time Schedule No. 1

TIME SCHEDULE

of Walter A. Keys, (Certificate No. 88)

Operating under Trade Name of Wenatchee-Cashmere Stage Line

MOTOR VEHICLE PASSENGER AND EXPRESS SERVICE

Between Wenatchee, Wash., and Cashmere, Wash.

With Terminal Depots at

123 So. Wenatchee Ave., Wenatchee; Butler's Jewelry Store, Cashmere

via the following route: West on Wenatchee Avenue to city limits; thence west on Sunset Highway through Monitor to Terminal at Cashmere

Issued June 8, 1967 Effective June 23, 1967 Issued by Walter A. Keys Authority Title, Owner and Manager M. V. L. S. N. No. 400 St. Address, 123 So. Wenatchee Ave. Dated June 8, 1967 City and State, Wenatchee, Wash.

Table with columns: Leave Wenatchee Read Down, Sunday Only, Daily Ex. Sun., Mileage, From Wenatchee to, Leave Cashmere Read Up, Sunday Only, Daily Ex. Sun. Rows include destinations like Wenatchee River Bridge, Olds Corner, Sunnyslope, etc.

Explanatory notes:

(5) At least one copy of such time schedule shall be easily accessible for public inspection, at each station or regular stopping place on the line or route, and a copy shall be in the possession of each operator or driver, and must be adhered to.

(6) Changes in schedules affecting the time of arrival or departure of any motor vehicle at any station or stopping place on its route, or which will effect an increase or reduction in the amount of passenger service rendered at any station or stopping place on its route, must be made as follows:

1st. A new time schedule must be issued in accordance with rules 24 through 27; or a supplement to the

existing time schedule must be issued in the same manner and in essentially the same form as the original time schedule.

2nd. Except as provided in "4th" paragraph below, such new time schedule or supplement shall be filed with the commission and notice must be given to the public at least ten days before the effective date thereof unless such change effects a reduction in the amount of passenger service rendered at any station or stopping place on its route, in which event such filing and notice must be given at least twenty days before the effective date thereof. EXCEPTION: If the sole change accomplished by a new time schedule or supplement is to increase the amount of service rendered, and no change is otherwise made in existing schedules, such filing must be made with the commission not less than one day before the effective date and notice to the public will not be required.

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, ((Insurance)) Highways-Licenses Building, Olympia, Washington, ((98501)) 98504."

4th. In the case of actual emergency, or when real merit is shown, the commission may, in its discretion, permit such time schedule or supplement to become effective on less than ten or twenty days' notice, whichever the case may be, in which case the time schedule or supplement must show on the title page thereof, directly under the effective date, the number and date of such special permission or order in the following manner:
" Authority M.V.L.S.N. Order No., dated"

5th. The commission may, on its own motion, or on the filing of sufficient protest by any person or persons affected, order such time schedule or supplement withdrawn, modified or suspended. If such an order is not issued by the commission the time schedule or supplement thereto will be considered in full force and effect on the designated effective date.

(7) All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

(8) Discontinuance of service for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all rights secured under and by virtue of any order or permission to operate issued by the commission: PROVIDED, HOWEVER, That the commission may permit the resumption of operation after such five day discontinuance, on proper showing that the carrier was not responsible for the failure to give service.

(9) No auto transportation company shall discontinue the service called for under its certificate, and time schedule filed thereunder, without first having given to

the commission and to the public, at least ten days' notice in writing of the intention to discontinue such service, and having secured from the commission permission so to do.

(10) Any excursion service company which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules.

AMENDATORY SECTION (Amending Order R-109, filed 10/19/77)

WAC 480-30-070 LIABILITY AND PROPERTY DAMAGE INSURANCE OR SURETY BOND. (1) Within ten days after the date of the order granting an application for certificate, and before such certificate shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington or a surety bond, the form of which is set out in subsection (4), covering each motor vehicle used or to be used by such applicant, in not less than the following sums:

For any recovery of personal injury by one person—\$100,000;

For all persons receiving personal injury by reason of at least one act of negligence:

Vehicles having capacity of 16 passengers or less—\$300,000,

Vehicles having capacity of 17 or more passengers—\$500,000,

For damage to property of any person other than the assured—\$50,000.

Failure to file and keep such insurance or surety bond in full force and effect shall be cause for dismissal of an application or cancellation of a certificate.

(2) Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," filed in triplicate with the commission.

(3) All liability and property damage insurance policies issued to auto transportation companies shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Form of surety bond.

Know all men by these presents:

That we of the City of, State of Washington, as principal, and, a corporation organized and existing under and by virtue of the Laws of, and authorized to transact business in the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this day of 19. . .

This bond is written in pursuance of and is to be construed in accordance with chapter 81.68 RCW, and the

Rules and Regulations of the Washington Utilities and Transportation Commission, adopted thereunder, is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the auto transportation company or excursion service company (principal herein) under and by virtue of its certificate ((of Public Convenience and Necessity)) granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

On each motor vehicle used for the transportation of persons, not less than:

- For any recovery for personal injury by one person—\$100,000,
- For all persons receiving personal injury by reason of at least one act of negligence:
- Vehicles having capacity of 16 passengers or less—\$300,000,
- Vehicles having capacity of 17 or more passengers—\$500,000,
- For damage to property of any person other than the assured—\$50,000.

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provisions of chapter 81.68 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of motor propelled vehicles in transporting persons and express for compensation, under its Certificate of Public Convenience and Necessity issued by the Washington Utilities and Transportation Commission, and tariffs and time schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission, stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until fifteen (15) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

.....
Principal
.....
.....
Surety

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-090 EQUIPMENT OF MOTOR VEHICLES. (1) Motor vehicles shall be equipped in accordance with existing state laws, and the rules and regulations of the commission.

(2) For the purpose of identification and information of the public, all motor vehicles, including substitute or emergency vehicles, while being operated under a certificate ((of public convenience and necessity)), shall have

displayed on each side of such vehicle in a conspicuous place and of such size as to be easily discernible, the number of the certificate under which such vehicle is being operated, preceded by the letters W.U.T.C.

" W.U.T.C.
No. "

(3) Motor vehicles used in the transportation of passengers shall have displayed therein the company number of such vehicle printed in letters of sufficient size and so placed as to be easily discernible by the passengers thereof or, at the option of the carrier, an identification badge attached to the uniform of the driver in a conspicuous position.

(4) Each motor vehicle used in the transportation of passengers shall have displayed on the front thereof an appropriate destination sign in letters not less than three inches in height.

(5) When all seats are occupied in a bus and another vehicle is following to handle local traffic, suitable sign should be displayed to inform prospective passengers of the fact, or the driver shall stop to convey such information.

(6) All motor vehicles shall be maintained in a safe and sanitary condition and shall be at all times subject to inspection by the commission's duly authorized representatives.

(7) All motor vehicles used in the transportation of passengers and having a covered top or top up, shall maintain a light or lights of not less than two candle power each, within the vehicle and so arranged as to light up the whole of the interior thereof, except that portion occupied by the driver.

(8) All motor vehicles used in the transportation of passengers shall be equipped with a standard speedometer or tachometer which shall be maintained in good working order.

(9) Passenger carrying vehicles shall be equipped with a suitable heating system sufficient to keep the same at a comfortable temperature for its patrons.

(10) All motor vehicles used in the transportation of passengers shall be equipped with a fire extinguisher of pump or stored pressure type, suitable for attachment to motor vehicles and bearing the label of approval by the Underwriters Laboratories, Incorporated, and shall be kept in good working condition at all times.

(11) Sufficient reserve equipment shall be maintained by all auto transportation companies to insure the reasonable maintenance of established routes and fixed time schedules.

AMENDATORY SECTION (Amending Order R-197, Cause No. TC-1684, filed 2/23/83)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

(4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.

(5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW, except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.

(6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: **PROVIDED, HOWEVER,** That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company or excursion service company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies and excursion service companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle: **PROVIDED,** That any such company operating buses equipped with air conditioning or efficient ventilating systems may permit smoking therein on certain schedules and routes when and where in the judgment of the company management smoking can be permitted without offense to the nonsmoking traveling public, and then only to the extent shown on signs prominently displayed within the buses.

(8) No motor vehicle used in the transportation of persons shall carry more persons than one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

(9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

(10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

(11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

(12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation (~~companies~~) company or excursion service company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150, or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(13) Auto transportation companies or excursion service companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(14) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-129, Cause No. TC-1249, filed 8/9/79)

WAC 480-30-110 FEES AND GROSS OPERATING REVENUE. (1) Auto transportation companies or excursion service companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission (~~in duplicate~~) a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24-.020, in no case shall the fee so paid be less than two dollars and fifty cents. Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. **EXCEPTION:** A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the corporation.

(2) The "gross operating revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue, except such revenue as properly comes within the meaning of the term "independent operations" as hereinafter defined; also that revenue which such company receives from other property OWNED by it, the value of which is or should properly be included in its **FIXED CAPITAL ACCOUNTS**.

For the purpose of reporting to the commission on quarterly reports the "gross operating revenue" of an auto transportation company shall be subdivided as follows:

R-1 Passenger revenue.

R-2 Express and baggage revenue.

R-3 United States mail and other operating revenue.

R-1, Passenger revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "independent operations," as hereinafter defined.

(Note: This item must include ALL revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its **FIXED CAPITAL ACCOUNTS** dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., UNLESS the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used **EXCLUSIVELY** in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "independent operations.")

R-2, Express and baggage revenue: Shall include all revenue from the transportation of:

Express.

Baggage in excess of free authorized allowances.

Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States mail and other operating revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

A—Rentals received for use of cars.

B—Revenue derived from the performance of shop work for others.

C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are OWNED by the reporting company.

D—Rentals received from other transportation companies for the right to use stations OWNED by the reporting company, used in its auto transportation operations and included in the **FIXED CAPITAL ACCOUNTS** thereof.

E—Revenue received from advertising in stations and cars.

The ((total)) intrastate portion of above items R-1, R-2 and R-3 will constitute "total gross operating revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and rule 62.

(3) The "gross operating revenue" of an excursion service company is that revenue which such carrier receives or becomes lawfully entitled to recover for the transportation of passengers under its excursion service company certificate plus all other operating revenues incidental to the excursion service.

(4) Nonoperating revenue: Is that revenue received as a return on property OWNED by the reporting company,

the value of which is not included in the *FIXED CAPITAL ACCOUNTS* of its "auto transportation" or "independent" operations. Principal items:

A—Revenue received from other auto transportation companies, ownership of which is shared by the reporting company.

B—Dividends on stock of other companies.

C—Interest on loans.

D—Rents from property the value of which is not included in the *FIXED CAPITAL ACCOUNTS* of the reporting company's certified or independent operations.

Independent operations: Revenue from "independent operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the *FIXED CAPITAL ACCOUNTS* of such auto transportation company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "independent operations" are kept separate and apart from the accounts of the company's certified operations.

AMENDATORY SECTION (Amending Order R-156, Cause No. TC-1421, filed 1/28/81)

WAC 480-30-120 *UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORTS.* (1) The uniform system of accounts prescribed by the interstate commerce commission for motor carriers of passengers is hereby adopted and prescribed for the use of Class I auto transportation companies and excursion service companies in the state of Washington, operating under chapter 81.68 RCW. A uniform system of accounts is hereby adopted and prescribed for the use of Class II and Class III auto transportation companies and excursion service companies in the state of Washington. Said uniform system of accounts is entitled "uniform system of accounts for Class II auto transportation companies operating under certificates ((of public convenience and necessity)) and Appendix 'A' uniform system of accounts for Class III auto transportation companies(~~effective January 1, 1961~~) and excursion service companies."

(2) The various auto transportation companies and excursion service companies shall be divided into three classes as per average yearly gross revenue according to the following schedule:

- Class I. Those having average annual gross operating revenue of \$3,000,000 or over.
- Class II. Those having average annual gross operating revenue of \$200,000 or more but less than \$3,000,000.
- Class III. Those having average annual gross operating revenue less than \$200,000.

(3) Each auto transportation company and excursion service company must secure from the commission a

copy of the "uniform system of accounts" adopted by subsection (1) hereof, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) (~~hereof~~) of this section may be compiled in accordance therewith.

(4) At the close of each calendar year every auto transportation company and excursion service company must secure from the commission two copies of the form of annual report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "uniform system of accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible, but in no event later than April 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.

(5) In the event that a certificate is transferred, or is cancelled for any cause, the annual report required by subsection (4) must be filed immediately covering the period from the first of the year to the date on which the auto transportation company or excursion service company ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, annual report shall be rendered covering that portion of the calendar year during which the auto transportation company or excursion service company operated and shall show on the face thereof the exact period covered thereby.

(6) Each auto transportation company and excursion service company must keep trip reports showing complete statistics and these records must be kept on file in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-30-130 *RULES AND REGULATIONS—GENERAL APPLICATION.* (1) The above rules and regulations are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time and also to such exceptions as may be considered just and reasonable in individual cases.

(2) Application for the waiver or modification of any of the rules and regulations of the commission shall be made up in accordance with the following instructions:

- 1st. Application should be directed to the Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington ((98501)) 98504;

should be typewritten on one side of the paper only, size of paper to be 8-1/2 x 11 inches.

- 2nd. Reference must be made in a separate paragraph to each rule for which modification or waiver is requested and a full explanation given as to the reasons why such waiver or modification is desired.

AMENDATORY SECTION (Amending Order R-16, filed 2/3/70)

WAC 480-149-060 PASSENGER TARIFFS. Passenger tariffs shall contain: (1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlines in certificate, children's fares, baggage rules, excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies and excursion service companies, must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations.

AMENDATORY SECTION (Amending Order R-16, filed 2/3/70)

WAC 480-149-070 EXCURSION SERVICE COMPANY AND TEMPORARILY REDUCED ONE-WAY TARIFFS. (1) Round trip excursion fares limited to a designated period of not more than thirty days may be established, without further notice, upon posting a tariff for the information of the public one day

in advance at each point where such excursion tickets are sold, and filing one copy thereof one day in advance with the commission.

(2) Round trip excursion tariffs covering a period exceeding thirty days will require full thirty days' notice to the public and to the commission, unless in special cases shorter time is authorized.

(3) The term "limited to a designated period" used above is construed to cover the period between the date on which the transportation can first be used and the last date upon which tickets sold under such tariff will be honored for return passage.

(4) Tariffs covering temporarily reduced one-way fares may not be issued except upon special permission from the commission.

(5) Round trip party excursion tariffs shall provide as follows: "Unused tickets may be redeemed only on the basis of a minimum payment for the tickets used."

(6) The above rules are in addition to WAC 480-149-060 and in addition to the general rules of this circular insofar as they apply to ((passenger)) excursion ((operations)) service companies.

WSR 84-12-083

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules relating to the importation of animals into the state of Washington, chapter 16-54 WAC;

that the agency will at 1:00 p.m., Thursday, July 12, 1984, in the Washington Cattlemen's Association Office, 1720 Canyon Road, Ellensburg, WA 98926, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 23, 1984.

The authority under which these rules are proposed is chapter 16.36 RCW.

The specific statute these rules are intended to implement is RCW 16.36.040 and 16.36.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 12, 1984.

Dated: June 6, 1984

By: Mike Willis
Assistant Director

STATEMENT OF PURPOSE

Title: Animal importation.

Description of Purpose: To change import testing requirements to comply with federal brucellosis classification of states.

Statutory Authority: Chapter 16.36 RCW.

Summary of Rule: The rule sets forth the requirements of the health certificate needed to import cattle from other states depending upon classification.

Agency Personnel to Contact: Dean H. Smith, DVM, State Veterinarian, Livestock Services Division, Department of Agriculture, 406 General Administration Building, Olympia, WA 98504, Mailstop: EK-22, (206) 753-5040.

The Rules are Proposed by: Department of Agriculture.

Agency Comments: None.

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

Small Business Economic Impact: None.

AMENDATORY SECTION (Amending Order 1172, filed 12/15/70)

WAC 16-54-010 (~~(DIRECTOR DEFINED:)~~) DEFINITIONS. For ~~((the purpose of these rules the))~~ purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment or a registered quarantined feed lot.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine.

(5) "Class free and class A, B, and C states" means states as classified by the federal brucellosis eradication uniform methods and regulations.

AMENDATORY SECTION (Amending Order 1716, filed 12/17/80, effective 4/1/81)

WAC 16-54-016 OFFICIAL CALFHOOD (~~(VACCINATE DEFINED)~~) VACCINATES. (~~For the purpose of this order "official calfhood vaccination" means a female bovine animal four through twelve months (120 to 365 days) of age vaccinated with an approved brucella vaccine.~~) All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U.S. registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done. An official vaccination tag shall be used for individual animal identification unless excepted by the director.

AMENDATORY SECTION (Amending Order 1792, filed 4/8/83)

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian: PROVIDED, That this permit requirement will be reviewed two years after the effective date to determine that the results obtained warrant the continuation of this requirement. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to quarantined registered feed lots, or to federally inspected slaughter (~~(establishments)~~) plants for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved (~~(stockyard)~~) public livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) (~~All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest.~~) Brucellosis test.

(i) Cattle originating in class free or class A states must be negative to an official brucellosis test conducted within thirty days prior to date of entry.

(ii) Cattle originating in class B states must be negative to an official brucellosis test conducted within thirty days prior to date of entry and will be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of pre-entry test.

(iii) Cattle originating in class C states must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. These cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than ~~((thirty))~~ forty-five nor more than ~~((sixty))~~ one hundred twenty days from the date of ~~((previous))~~ the second negative pre-entry test ~~((, except that))~~.

(iv) The following classes of cattle are exempt from ~~((these))~~ the test requirements in (a) (i), (ii), and (iii) of this subsection:

~~((i))~~ (A) Calves under six months of age.

~~((ii))~~ (B) Steers and spayed heifers.

~~((iii))~~ (C) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

~~((iv))~~ (D) Immediate slaughter cattle going directly to a federally inspected slaughter ~~((establishment))~~ plant.

~~((v))~~ (E) Cattle consigned directly to a quarantined registered feed lot.

~~((vi))~~ (F) Cattle from certified brucellosis free herds.

~~((vii))~~ (G) Beef breed cattle eligible for brucellosis testing coming from ~~((contiguous))~~ class free or class A states ~~((certified brucellosis free))~~ may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. ~~((Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.))~~

(b) (~~After January 1, 1979,~~) Brucellosis calfhood vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis calfhood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a quarantined registered feed lot.

(iv) Spayed heifers.

(c) (~~After January 1, 1984,~~) Brucellosis calfhood vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Female beef breed cattle ~~((, after January 1, 1984, over twelve months of age, after January 1, 1985, over two years of age, after January 1, 1986, over three years of age, after January 1, 1987, over four years of age, after January 1, 1988, over five years of age, after January 1, 1989, over six years of age))~~ born before January 1, 1983.

(iii) Cattle sold or consigned to a quarantined registered feed lot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: PROVIDED, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter ~~((establishment))~~ plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter ~~((establishment))~~ plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: PROVIDED, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-54-012 BREEDING CATTLE DEFINED.
(2) WAC 16-54-014 OFFICIAL BRUCELLOSIS TEST DEFINED.

WSR 84-12-084
PROPOSED RULES
SECRETARY OF STATE
[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning the declaration and affidavit of candidacy used by candidates for public office and for the office of precinct committeeman;

that the agency will at 10:00 a.m., Monday, July 16, 1984, in the Office of the Secretary of State, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 29.04.080.

The specific statute these rules are intended to implement is none.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1984.

Dated: June 6, 1984

By: Laura E. Eckert
Assistant Secretary of State

STATEMENT OF PURPOSE

Title: Declaration of candidacy forms for public office and for the office of precinct committeeman.

Purpose: To establish a standard declaration of candidacy form for all candidates for public office and to establish a separate form for the office of precinct committeeman.

Statutory Authority: RCW 29.04.080.

Summary of Rules: The rules establish a single declaration of candidacy form for all public office and a separate form for the office of precinct committeeman. The rule specifying a different form for nonpartisan offices not subject to a primary is repealed. The form for the office of precinct committeeman is amended to remove the option for candidates to waive the filing fee.

Reasons: The state legislature, in enacting chapter 142, Laws of 1984, provided for a new method of ballot access for those candidates without sufficient assets or income to pay the filing fee. The new form, set forth in the amended rules, incorporates this change and additionally makes other changes which are more matters of style than substance. These style changes are intended to make the form easier to understand and to complete.

Agency Personnel Responsible for Drafting: John Pearson, Office of the Secretary of State, Post Office Box 9000, Olympia, 98504, 753-2334; Implementation and Enforcement: Secretary of State, Post Office Box 9000, Olympia, 98504, 753-7121.

Rules Proposed by: Elections Division, Office of the Secretary of State.

Agency Comments: None.

Rules are not a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 80-1, filed 4/8/80)

WAC 434-28-012 DECLARATION AND AFFIDAVIT OF CANDIDACY—OFFICES SUBJECT TO A PRIMARY. Declarations and affidavits of candidacy for all partisan and nonpartisan offices ((subject to a primary)) shall be filed in substantially the following form:

((DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington)
) ss:
County of)

DECLARATION

- (1) I, (Print name as you are registered to vote), declare that I am a registered voter residing at (Street and number or rural route), (City or town), (Zip code), County of, state of Washington; that, at the time of filing this declaration, I am legally qualified to assume office if elected, that I hereby declare myself a candidate for nomination to the office of (Name of the office) (Congressional or legislative district, county, city, or other jurisdiction) (Position number, if applicable) (Director or commissioner district, if any); for (4) a full term or a full term and a short term or an unexpired term at the primary election to be held on the (5) day of September, 19, that (6) this office is nonpartisan or this office is partisan and I hereby request that my name be printed on the official primary ballot as a candidate of the party or an independent candidate nominated pursuant to chapter 29-24 RCW and; that (7) there is no filing fee because the office is without a fixed annual salary, or I accompany herewith the sum of dollars, the fee required by law of me for becoming a candidate, or I am without sufficient assets or income to pay the fee required by law.

AFFIDAVIT

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Print name exactly as you wish it to appear on the ballot)

(Signature of candidate as registered to vote)

Subscribed and sworn to before me this day of 19

(Signature of acknowledging official)

(SEAL) (Title of acknowledging official)

DECLARATION AND AFFIDAVIT OF CANDIDACY

1. I, (print name as you are registered to vote) am a registered voter residing at:

2. (street address or rural route) (telephone no.) Washington (city) (county) (zip code)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of: (name of office)

(congressional or legislative district, county, city, or other jurisdiction)

(position number if applicable) (director or commissioner district, if any)

4. For the following term of office: a full term or a full term and a short term, or an unexpired term

5. At the primary in September, 19

6. This office is: Nonpartisan, or Partisan, and I am: a candidate of the party, or an independent candidate nominated pursuant to chapter 29.24 RCW

7. Filing Fee (Check one): There is no filing fee because the office has no fixed annual salary, or I am submitting a filing fee of \$, an amount equal to 1% of the annual salary, or I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050

8. Please print my name on the ballot exactly as follows: (please print)

I swear, or affirm, that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

9. Sign Here (signature of candidate as registered to vote)

*Note: Your signature must be personally witnessed by either a notary public or by the officer with whom the declaration is filed.

Subscribed and sworn before me this day of 19

(signature of acknowledging official)

(title of acknowledging official)

Candidate: Return all copies of this declaration to your Elections Dept. Distribution by Elections Dept.: White-County; Yellow-PDC; Pink-Candidate

The forms shall measure eight and one-half inches by eleven inches and may also contain space for recording the date and time of filing

and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.18.040. One copy of each properly executed and filed declaration and affidavit of candidacy, containing such information on the requirements of chapter 42.17 RCW as may be provided by resolution of the public disclosure commission, shall be returned to the candidate.

AMENDATORY SECTION (Amending Order 75-1, filed 6/26/75)

WAC 434-28-020 DECLARATION OF CANDIDACY-PRECINCT COMMITTEEMAN. Declarations and affidavits of candidacy for the office of precinct committeeman, shall be filed in the form hereinafter set forth:

DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington } County of ... } ss.

I, (Name as it will appear on ballot), declare that I am a registered voter residing at (Street and Number or Rural Route), (City or Town), County of ..., state of Washington; that, at the time of filing this declaration, I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of precinct committeeman to be elected at the general election to be held on the ... day of November, 19..., and hereby request that my name be printed upon the official general election ballots as a candidate of the ... party, and:

I accompany herewith the sum of ... dollars, the fee required by law of me for becoming a candidate; or

(I am without sufficient assets or income to pay the fee required by law.)

AFFIDAVIT

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signature of candidate)

Subscribed and sworn to before me this day of 19...

(Signature of acknowledging official)

(SEAL)

(Title of acknowledging official)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of twenty pound bond or a comparable substitute. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-28-040 DECLARATION OF CANDIDACY-NONPARTISAN OFFICES NOT SUBJECT TO A PRIMARY.

WSR 84-12-085 PROPOSED RULES DEPARTMENT OF ECOLOGY [Filed June 6, 1984]

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

Amd WAC 173-19-420 Thurston County.

Amd WAC 173-19-4201 Bucoda, town of.
 Amd WAC 173-19-4202 Lacey, city of.
 Amd WAC 173-19-4203 Olympia, city of.
 Amd WAC 173-19-4204 Tenino, town of.
 Amd WAC 173-19-4205 Tumwater, city of.
 Amd WAC 173-19-4206 Yelm, town of;

that the agency will at 2:00 p.m., Wednesday, July 11, 1984, in the Energy Facility Site Evaluation Council Office, Rowsix, 4224 6th Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 25, 1984.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1984.

Dated: June 6, 1984
 By: Glen H. Fiedler
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-420 Thurston County; 173-19-4201 Bucoda, town of; 173-19-4202 Lacey, city of; 173-19-4203 Olympia, city of; 173-19-4204 Tenino, town of; 173-19-4205 Tumwater, city of; and 173-19-4206 Yelm, town of.

Description of Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master programs of Thurston County and the cities of Bucoda, Lacey, Olympia, Tenino, Tumwater, and Yelm.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Holloman, WDOE, MS/PV 11, Olympia, WA 98504, (206) 459-6287.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 82-3, filed 3/4/82)

WAC 173-19-420 THURSTON COUNTY. Thurston County Master Program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982. Revision approved July 25, 1984.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4201 BUCODA, TOWN OF. Town of Bucoda master program approved May 21, 1976. Revision approved July 25, 1984.

AMENDATORY SECTION (Amending Order DE 79-34 [81-47], filed 1/30/80 [1/16/82])

WAC 173-19-4202 LACEY, CITY OF. City of Lacey master program approved May 21, 1976. Revision approved January 5, 1982. Revision approved July 25, 1984.

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

AMENDATORY SECTION (Amending Order DE 84-17, filed 5/2/84)

WAC 173-19-4203 OLYMPIA, CITY OF. City of Olympia master program approved May 21, 1976. Revision approved March 29, 1984. Revision approved May 2, 1984.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4204 TENINO, TOWN OF. Town of Tenino master program approved May 21, 1976. Revision approved July 25, 1984.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4205 TUMWATER, CITY OF. City of Tumwater master program approved May 21, 1976. Revision approved July 25, 1984.

AMENDATORY SECTION (Amending Order DE 81-48, filed 1/6/82)

WAC 173-19-4206 YELM, TOWN OF. Town of Yelm master program approved May 21, 1976. Revision approved January 5, 1982. Revision approved July 25, 1984.

WSR 84-12-086
PROPOSED RULES
SECRETARY OF STATE
 [Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning the maintenance of voter registration records on data processing systems, the transfer of information from such systems to the secretary of state, and the subsequent transfer of the same information to political parties, amending sections in chapter 434-24 WAC and repealing chapter 434-20 WAC;

that the agency will at 11:00 a.m., Monday, July 16, 1984, in the Office of the Secretary of State, Legislative Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 29.04.080.

The specific statute these rules are intended to implement is RCW 29.04.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1984.

Dated: June 6, 1984

By: Laura Eckert
Assistant Secretary of State

STATEMENT OF PURPOSE

Title: Maintenance and transfer of voter registration records on data processing equipment.

Purpose: To update regulations governing automated voter registration systems, to standardize the format of data provided to the secretary of state and political parties under state law, and to repeal obsolete sections.

Statutory Authority: RCW 29.04.080.

Summary of Rules: Defines "county auditor" and "automated voter registration system"; eliminates obsolete references to counties using partially automated systems and references to conversion of records from manual to automated systems; adopts a Spanish-language version of the voter registration worksheet; provides an alternative form for the certification of initiative signature cards to the secretary of state; deletes specific references to weights and grades of paper stock for voter registration supplies; conforms the procedures for cancellation for failure to vote to current statutes; changes the procedures and form for challenging a voter's registration on the basis of residence to conform to recent amendments in statutes; provides procedures and uniform formats for counties to periodically transmit voter registration records to the secretary of state; requires the secretary of state to reimburse counties for copies of their voter registration files; provides procedures for the secretary of state to compile a statewide voter registration file and produce copies of this file for political parties; requires the political parties to reimburse the secretary of state for the cost of producing copies of the statewide voter registration file; and repeals the procedure for reporting transfers to the secretary of state, the subsidies for establishing automated voter registration systems, and the provisions for counties using partially-automated systems.

Reasons for Proposed Rules: These regulations were originally adopted at the time the election laws were amended to require counties to automate the processing of their voter registration records. They included provisions for establishing automated files, reimbursement to counties for data processing costs, and special provisions for counties which were only partially automated or which applied only during the transition to automated systems. Since the transfer to automated records is now complete, many of these provisions are obsolete and confusing to auditors who work with these regulations. The legislature has made two significant amendments which affect the processing of voter registration records: The change in the period of cancellation for failure to vote from thirty months to twenty-four months; and new procedures for challenging a voter's registration on the basis of residence. These new statutory provisions are incorporated into the regulations by these amendments.

The procedures for periodically transmitting copies of the voter registration records from the counties to the secretary of state and from the secretary of state to the political parties were not included in the original version of the regulations. Procedures covering these items are added by these proposed amendments.

Agency Personnel Responsible for Drafting: Donald F. Whiting and John Pearson, Office of the Secretary of State, Post Office Box 9000, Olympia, WA 98504, (206) 753-2336; Implementation and Enforcement: Donald F. Whiting, Office of the Secretary of State, Post Office Box 9000, Olympia, WA 98504, (206) 753-2336.

Rules Proposed by: Elections Division, Office of the Secretary of State.

Agency Comments: None.

These proposed rules are not the result of federal law or federal or state court action.

Chapter 434-24 WAC MAINTENANCE OF VOTER REGISTRATION RECORDS ON ELECTRONIC DATA PROCESSING SYSTEMS

WAC

434-24-005	Definitions.
434-24-010	Contents of computer file of registered voters.
434-24-015	Uniform control number.
434-24-020	County codes.
434-24-025	Precinct codes.
434-24-030	Taxing district codes.
434-24-035	Maintenance of recent voting record.
434-24-040	Oath of deputy registrars.
434-24-055	Voter registration worksheet.
434-24-057	Spanish language voter registration worksheet.
434-24-060	Transmittal of signature cards to the secretary of state.
434-24-070	Voters' request for transfer.
434-24-085	Notice of new registration or transfer.
434-24-090	Voters' authorization to cancel registration.
434-24-095	Cancellation due to death.
434-24-100	Cancellation for failure to vote.
434-24-105	Notification of cancellation for failure to vote.
434-24-110	Transmittal of cancellations to the secretary of state.
434-24-115	Challenge of voter's registration.
434-24-120	Contents of precinct list of registered voters.
434-24-130	Contents of list of registered voters for the public.
434-24-140	Requests for list of registered voters.
434-24-155	Subsidies for maintenance of records on automated voter registration systems.
434-24-160	((Approval)) Documentation of automated voter registration systems.
434-24-170	Continuing review of automated voter registration systems.
434-24-180	County voter registration records to secretary of state.
434-24-190	Uniform format for county voter registration tapes provided under WAC 434-24-180.
434-24-200	Documentation for coded or indexed items on tapes provided under WAC 434-24-180.
434-24-210	Reimbursement to counties for voter registration tapes provided under WAC 434-24-180.
434-24-220	Secretary of state to compile state-wide voter registration file.
434-24-230	Copy of state-wide voter registration file to each political party.
434-24-240	Reimbursement to secretary of state for state-wide voter registration file provided under WAC 434-24-230.

NEW SECTION

WAC 434-24-005 DEFINITIONS. As used in this chapter: "County auditor" means the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration information and conduct state and local

elections in a charter county, and his or her deputies where the context indicates.

"Automated voter registration system" means an organized set of voter registration records maintained on data processing equipment together with the software and administrative procedures necessary to carry out the provisions of this chapter.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

~~WAC 434-24-010 CONTENTS OF COMPUTER FILE OF REGISTERED VOTERS. ((In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030)) Each county auditor shall maintain, in an automated voter registration system, a record or records containing the following information ((shall be maintained)) on each registered voter in ((the computer file)) that county: Name, address, registration number, sex, date of birth, date of registration, applicable district and precinct codes, and up to five dates upon which the individual has voted since establishing that registration record. The county auditor may assign numeric or alphabetic codes for city names in order to facilitate economical storage of the voter's address. ((When existing manual voter registration records are converted to data processing, the county auditor shall record the last date upon which the individual voted. PROVIDED, That if the individual has not voted since establishing that record no data shall be recorded. Subsequent dates upon which the individual votes shall be recorded and retained as provided by WAC 434-24-035 as now or hereafter amended.))~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

~~WAC 434-24-015 UNIFORM CONTROL NUMBER. All ((counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030)) county auditors shall assign to each voter registration record in the ((computer)) automated voter registration file a permanent control number composed of two alphabetic characters representing the county in which the voter is registered, followed by two numeric characters which shall be the last two digits of the year in which the registration was taken, followed by a six digit item number assigned in sequence((PROVIDED, That for those registrations taken prior to the time at which a county has placed all its current registrations on the computer file.)). The two numeric characters, which normally correspond to the year of registration, may be assigned arbitrarily((and PROVIDED FURTHER, That)) for those registrations taken prior to the time at which a county automated its voter registration file. The components of the uniform registration number need not be stored ((in the computer file)) as a single item of information within the voter registration record.~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

~~WAC 434-24-020 COUNTY CODES. All ((counties which maintain voter registration records on electronic data processing systems under the provisions of subsection (2) of RCW 29.07.150 and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030.)) county auditors shall use the following system of two character codes for designating the county in which the voter is registered:~~

Adams	- AD	Lewis	- LE
Asotin	- AS	Lincoln	- LI
Benton	- BE	Mason	- MA
Chelan	- CH	Okanogan	- OK
Clallam	- CM	Pacific	- PA
Clark	- CR	Pend Oreille	- PE
Columbia	- CU	Pierce	- PI
Cowlitz	- CZ	San Juan	- SJ
Douglas	- DG	Skagit	- SK
Ferry	- FE	Skamania	- SM
Franklin	- FR	Snohomish	- SN
Garfield	- GA	Spokane	- SP
Grant	- GR	Stevens	- ST
Grays Harbor	- GY	Thurston	- TH
Island	- IS	Wahkiakum	- WK
Jefferson	- JE	Walla Walla	- WL
King	- KI	Whatcom	- WM

Kitsap	- KP	Whitman	- WT
Kittitas	- KS	Yakima	- YA
Klickitat	- KT		

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

~~WAC 434-24-025 PRECINCT CODES. ((Counties)) County auditors shall assign numeric codes of up to six digits in length to designate for each voter registration record the precinct in which that individual voter ((is located)) resides.~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

~~WAC 434-24-030 TAXING DISTRICT CODES. ((Counties)) County auditors shall assign numeric codes of up to six digits in length to designate for each voter registration record the taxing district or combination of taxing districts in which that individual voter ((is located)) resides.~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

~~WAC 434-24-035 MAINTENANCE OF RECENT VOTING RECORD. After each primary or election, ((in counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030.)) the county auditor shall enter a date ((shall be entered)) in the voter registration record of each individual who cast a proper ballot ((at that election)), either at the polling place or by absentee. ((In the case of each individual record.)) The five most recent of such dates shall be retained in that record((PROVIDED, That)). If the voter has not voted at least five times since establishing his current registration record, only the available dates shall be recorded. If there are already five such dates being maintained in a given record, the least recent date shall be deleted at the time that ((any)) a new date is added to that record. If the voter cast a ballot at the last presidential election, the date of that election or other notation of this fact shall be retained in the voter registration record.~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-040 OATH OF DEPUTY REGISTRARS. Pursuant to RCW 29.07.050, each county auditor shall require each deputy voter registrar to take the oath provided therein and to sign a certificate on a form substantially similar to the sample included below. The form shall be designated as Permanent Registration Form 6A. The county auditor shall acknowledge the oath and file it in his or her office.

OATH OF REGISTRATION OFFICER

STATE OF WASHINGTON

County of.....City of.....Precinct.....

"I,, do swear (or affirm) that I will truly, faithfully and impartially perform my duties as registration officer, to the best of my judgement and abilities, and that I will register no person except upon his personal application before me."

Subscribed and sworn to before me this.....day of.....19.....

Registrar

This oath must be administered and certified to by an officer legally authorized to administer oaths, and shall be filed with the Registrar of Voters.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-055 VOTER REGISTRATION WORKSHEET. Voter registrars may, at the direction of the county auditor, record the responses of the applicant for voter registration on a form substantially similar to the sample included below in lieu of recording them directly upon the basic voter registration form provided by WAC 434-24-050(~~(, as now or hereafter amended. The)~~). This form shall be designated Permanent Registration Form 1A. The county auditor shall transfer the information from ~~((the worksheet))~~ Permanent Registration Form 1A to the appropriate locations on the permanent registration record provided by WAC 434-24-050. After the information has been transferred, the worksheet forms shall be filed and retained by the county auditor for such a period of time as shall be required under the provisions of RCW 40.14.070(~~(, as now or hereafter amended)~~).

PRECINCT _____

VOTER REGISTRATION WORK SHEET

Voter's Telephone No. _____ Parents Telephone No. _____

Please print name as signed _____

Address (mailing) _____ Post Office _____ Zip _____

*Whenever mailing address does not contain street numbers to precisely locate place of residence, additional information is necessary to determine the precinct and districts in which the prospective voter resides.

*Residence location (indicate one) (A) Same as above (B) Unit No. _____ Block No. _____

(C) Sec. _____ Twn. _____ Rg. _____ (D) Other _____

1. Male Female 2. Date of birth _____ 3. U.S. Citizenship

Month Day Year

4. Identification Produced Yes No 5. Social Security Number _____

6. Last registered in this state: County _____ Address _____
 City or Town _____ Zip _____ (If presently registered elsewhere complete Cancellation Card.)

7. The following is the affidavit concerning your answers to the questions above.

Please do not sign until you are in the presence of the registrar.

"I, the undersigned, on oath or affirmation, do hereby declare that the facts set forth herein relating to my qualifications as a voter, recorded by the registration officer in my presence, are true. I further certify that I am not presently denied my civil rights as a result of being convicted of an infamous crime and that I will be at least eighteen years of age at the time of voting."

SIGN
HERE



_____ Signature of Voter

Subscribed and sworn to before me this _____ day of _____, 19 _____

_____ Signature of Registration Officer

REGISTRAR PLEASE NOTE: Have all forms been signed and acknowledged?

CEME- TERY	P.U.D.	HOSPITAL	LIBRARY	PORT	WATER	FIRE	SEWER	SCHOOL			PRECINCT

NEW SECTION

WAC 434-24-057 SPANISH LANGUAGE VOTER REGISTRATION WORKSHEET. Those counties required by federal law to provide registration and voting materials in Spanish shall record the responses of the applicant for voter registration on a form provided by WAC 434-24-055, which has a Spanish-language translation printed on the reverse side substantially similar to the sample included below.

HOJA DE TRABAJO DE REGISTRACION VOTANTE

NOMBRE _____ Telefono _____

DOMICILIO _____

Calle o Número de Ruta y Numero de Cajon

Zip Code

Ciudad o Pueblo

Si el domicilio es Ruta rural o Apartado Postal, describa la localizacion de la residencia. Este seguro de declarar si la residencia es hacia el norte, sur, este, o oeste de la calle o ruta. Si dan el nombre del complejo de apartamento, de la direccion del apartamento:

1. Numero del Seguro Social _____ Ninguno

2. Masculino Femenino

3. Ciudadano de Estados Unidos Si

4. Fecha de nacimiento _____

5. Domicilio donde estaba registrado para votar la ultima vez:

Calle o Ruta Rural

Ciudad y Estado

6. Presento Identificacion - YES NO

7. Al presente es uste negado sus derechos civil por los resultados de que a sido condenado de un crimen infame? No

"Yo, firmo abajo juramento que los datos que he dado para votar al oficial de votar es cierto. Y tambien que tengo o voy a tener mis diez y ocho anos al tiempo que voy a votar y que no tengo ningun record con las oficinas de la ley."

Firma del Votante

Suscrito y jurado ante mí este _____ día de _____ 19_____.

Firma del Oficial de Inscripciones

REGISTRADOR POR FAVOR NOTE: Han sido todas las formas firmadas y reconocidas?

No escriba en este espacio.

Tax District Code _____ School District _____ Precinct _____

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-060 TRANSMITTAL OF SIGNATURE CARDS TO THE SECRETARY OF STATE. Each group of initiative and referendum signature cards transmitted to the office of the secretary of state under the provisions of RCW 29.07.120 shall be accompanied by either:

(1) A properly executed certificate on a form substantially similar to the sample included below (~~(-The)~~); this form, designated Permanent Registration Form 5A, shall measure five inches by eight inches (~~(and be printed on paper stock of sixteen pound bond or a comparable substitute approved by the office of the secretary of state)~~); or

(2) A computer listing of the information on the initiative and referendum signature cards which includes the signed certification provided by Permanent Registration Form 5A.

**Registrar of Voters' Certificate
of Original Third Cards**

State of Washington, County of _____ 19_____

SECRETARY OF STATE,
Olympia, Washington.

Herewith I transmit to you _____ registration cards, and I hereby certify that they are the original third cards, signed by the voters whose names appear thereon, respectively, and that these voters are duly registered in the precincts and from the addresses shown thereon, respectively.

Signed _____
Registrar of Voters.

County of _____ Washington

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-070 VOTERS' REQUEST FOR TRANSFER. All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below for the purpose of allowing registered voters to request the transfer of their voter registration record under the provisions of RCW 29.10.020(~~(-PROVIDED, That Permanent Registration Form 2A, as provided by WAC 434-24-040, may be used to record a request to transfer the existing registration of a voter in the manner provided thereon).~~). The form, designated Permanent Registration Form 9A, shall measure three and one-fourth inches by five and one-half inches (~~(and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state)~~), and shall additionally be available at each polling place on the day of any primary or election, general or special. Permanent Registration Form 2A, as provided by WAC 434-24-040, may also be used to transfer the existing registration of a voter.

<p style="text-align: center;">VOTER'S REQUEST FOR TRANSFER</p> <p>I hereby request that my registration be transferred</p> <p>FROM _____</p> <p style="text-align: center; font-size: small;">ADDRESS (OLD RESIDENCE)</p> <p style="text-align: center; font-size: small;">CITY</p> <p>In _____</p> <p style="text-align: center; font-size: small;">OLD PRECINCT (IF KNOWN)</p> <p>TO _____</p> <p style="text-align: center; font-size: small;">ADDRESS (NEW RESIDENCE)</p> <p style="text-align: right; font-size: small;">Zip _____</p> <p style="text-align: center; font-size: small;">CITY</p> <p style="text-align: center; font-size: small;">DESCRIPTION OF LOCATION</p> <p style="font-size: x-small;">NOTE: SIGNATURE OF VOTER MAKING REQUEST MUST CORRESPOND WITH SIGNATURE ON ORIGINAL REGISTRATION RECORD.</p> <p>Date _____, 197__</p>	<p style="text-align: center;">REGISTRATION NUMBER</p> <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table> <p>PRECINCT CODE <table border="1" style="width: 60px; height: 20px; border-collapse: collapse;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>LEVY CODE <table border="1" style="width: 60px; height: 20px; border-collapse: collapse;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>REGISTRATION DATE <table border="1" style="width: 60px; height: 20px; border-collapse: collapse;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>PRECINCT NAME OR NUMBER _____</p> <p>RECEIVED BY _____</p> <p>X _____</p> <p style="text-align: center; font-size: x-small;">SIGNATURE OF VOTER</p> <p>PLEASE TYPE OR PRINT NAME ON THIS LINE _____</p>																												

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-090 VOTERS' AUTHORIZATION TO CANCEL REGISTRATION. All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below, for the purpose of allowing registered voters to request that their registration under a former name or at a former residence be cancelled. The form, designated Permanent Registration Form 10A, shall measure three and one-fourth inches by five and one-half inches (and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state).

<p style="text-align: center;">VOTER'S REQUEST FOR CANCELLATION</p> <p>I hereby request that my registration be cancelled</p> <p>FROM _____ <small>ADDRESS (OLD RESIDENCE)</small></p> <p>_____ <small>CITY</small> <small>ZIP</small> <small>COUNTY</small></p> <p>In _____ <small>PRECINCT (IF KNOWN)</small></p> <p><input type="checkbox"/> CHANGE OF RESIDENCE</p> <p><input type="checkbox"/> CHANGE OF NAME</p> <p>X _____ <small>SIGNATURE OF VOTER (OLD NAME)</small></p> <p style="text-align: center;"><small>PLEASE TYPE OR PRINT NAME ON THIS LINE</small></p> <p>NOTE: SIGNATURE OF VOTER MAKING REQUEST MUST CORRESPOND WITH SIGNATURE ON ORIGINAL REGISTRATION RECORD</p> <p>Date _____, 197__</p>	<p style="text-align: center;">REGISTRATION NUMBER</p> <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> </table> <p>PRECINCT CODE <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> </table></p> <p>LEVY CODE <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> </table></p> <p>REGISTRATION DATE <table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> </table></p> <p>_____ <small>DATE RECEIVED</small></p>																																																																																

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-095 CANCELLATION DUE TO DEATH. Pursuant to RCW 29.10.090, the ((registration officer)) county auditor shall maintain a supply of, furnish to the public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms substantially similar to the sample included below for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be cancelled. The form, designated Permanent Registration Form 13A, shall measure three and one-fourth inches by five and one-half inches ((and shall be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state)).

REQUEST FOR CANCELLATION OF REGISTRATION BECAUSE OF DEATH		REGISTRATION NUMBER											
I hereby declare, under penalties of perjury, that I am a Registered Voter and according to my personal knowl- edge or belief: <hr/> <small>(NAME OF DECEASED VOTER)</small> <hr/> <small>(ADDRESS GIVEN ON REGISTRATION RECORD)</small>		<table border="1" style="width: 100%; height: 20px;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>											
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<hr/> <small>(ADDRESS)</small>		<hr/> <small>PRECINCT NAME OR NUMBER</small>											
has died and I am requesting that the voting registration records of said deceased person be cancelled.													
<hr/> <small>(SIGNATURE OF VOTER)</small>		<hr/> <small>DATE</small>											
<small>NOTE: This record is to be attached to Permanent Registration Form No. 2 and the Secretary of State notified of cancellation (Chapter 32, Laws of 1961).</small>													

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-100 CANCELLATION FOR FAILURE TO VOTE. ((On the first day of April of each odd-numbered year, or as soon thereafter as is practical and expedient, the registration officer of each county)) After each state general election and prior to January 1st of the next year, the county auditor shall cancel the registrations of all persons who were registered prior to and have not voted at either the last presidential election or any ((time)) primary or election during the ((thirty)) twenty-four months immediately preceding the ((first day of April of that year. No registration shall be cancelled for which the date of registration is not prior to thirty months preceding the first day of April of that year)) most recent state general election.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-105 NOTIFICATION OF CANCELLATION FOR FAILURE TO VOTE. The ((registration officer)) county auditor shall notify, by mail, each registered voter whose registration has been cancelled for failure to vote pursuant to RCW 29.10.080 and WAC 434-24-100. ((Such)) This notice shall be on a form, designated Permanent Registration Form 12A, substantially similar to the sample included below((- The form, designated Permanent Registration Form 12A)) and shall measure three and one-quarter inches by five and one-half inches ((and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state)).

<p style="text-align: center;">NOTIFICATION TO VOTER OF CANCELLATION OF REGISTRATION</p> <p>IN ACCORDANCE WITH THE PROVISIONS OF THE PERMANENT REGISTRATION LAW (RCW 29.10.080) YOU ARE HEREBY NOTIFIED THAT, BECAUSE YOU HAVE NOT VOTED DURING THE PAST THIRTY (30) MONTHS, YOUR VOTING REGISTRATION IS NOW CANCELLED. PLEASE UNDERSTAND THAT YOU ARE NOT ENTITLED TO VOTE AT ANY ELECTION UNTIL YOU RE REGISTER. SHOULD YOU HAVE ANY QUESTION, PLEASE FEEL FREE TO CONTACT MY OFFICE AT: [REDACTED]</p> <p>Respectfully yours,</p> <p style="text-align: right;">COUNTY AUDITOR</p>	<p>RETURN POSTAGE GUARANTEED</p>
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AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-110 TRANSMITTAL OF CANCELLATIONS TO THE SECRETARY OF STATE. Pursuant to the requirements of RCW 29.10.100, the ~~((registration officer in each county which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the polling place as provided by RCW 29.48.030))~~ county auditor shall prepare an alphabetical list of all voter registrations cancelled from the registration records of that county since the last previous report. The list shall be printed on paper stock measuring eight and one-half inches by fourteen and seven-eighths inches and shall be of substantially the following form:

State of Washington }
County of } ss.

I,, hereby certify that I have cancelled from the registration records of this county, the following persons:

Signed:
Registrar of Voters

REGISTRATION NUMBER NAME OF VOTER DATE OF REGISTRATION ADDRESS

.....
(An alphabetical list of names, addresses, registration numbers, and date of registration, for each person whose registration record has been cancelled follows.)

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-115 CHALLENGE OF VOTER'S REGISTRATION. All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to sample included below for the purpose of allowing ~~((-+))~~ a registered voter ~~((to challenge the registration of another voter on the basis of residence pursuant to RCW 29.59.010; or (2) a precinct committeeman))~~ or precinct election officer to challenge the registration of any voter on the basis of residence pursuant to RCW ~~((29.10.130))~~ 29.10.125. The form, designated as Permanent Registration Form 15A, shall be in duplicate, the original to be retained by the registration officer and the duplicate copy to be sent to the voter ~~((;))~~ whose residence has been challenged, at the address at which the challenger asserts that the voter presently resides.

ORIGINAL: To be retained by registration officer.

CHALLENGE OF VOTER'S REGISTRATION

I, _____ declare, under penalties of perjury,
(Please print name)

that I reside at _____
(Street and number, or rural route) (City or Town)

County of _____ State of Washington, and pursuant to Chapter

225, Laws of 1967, I herewith challenge the registration of the following named voter on the grounds that according to my personal knowledge and belief said voter does not actually reside and maintain an abode at the address as given on his permanent registration record:

(Print name of challenged voter) (Precinct)

Residence as given on permanent registration record:

(Street and number, or rural route) (Name of city or town) (County)

I further declare, under penalties of perjury, that the actual residence of said voter is as stated below and that said voter is not protected from loss of legal residence by the constitutional and statutory provisions as listed on the reverse side of this form.

ACTUAL RESIDENCE: (This information must be valid in order for any challenge to be valid)

(Street and number, or rural route) (Name of city or town) (State)

I further understand that in the event said challenged voter denies my allegation as to his present actual residence and appears at the required time at your office or files an affidavit — state law requires that I also must be present or file an affidavit, otherwise no further consideration will be given to this challenge.

(Date) * _____
(Signature of voter making challenge)

*** WARNING:** To properly execute this form it is necessary to check the appropriate square (one only) as described below:

A. **REGISTERED VOTER:**

If this challenge is being initiated by a registered voter not acting either as a precinct committeeman or a precinct election officer, there is no geographical limitation but the challenge must be filed with the registration officer (city clerk or county auditor as the case may be) **NO LATER THAN 60 DAYS** prior to any approaching primary or election, general or special (RCW 29.59.010).

B. **PRECINCT COMMITTEEMAN OR PRECINCT ELECTION OFFICER:**

If this challenge is being initiated by a precinct committeeman or precinct election officer, the challenge must be restricted to voters of the same precinct wherein such officers serve but the forms may be filled out at the polling place on the day of the election. However, it must be understood that such action cannot stop the challenged voter from casting his ballot at the time the challenge is being made (RCW 29.10.130).

IMPORTANT: Please read the constitutional and statutory provisions listed on reverse side which protects the voting residence of certain persons, before filling out this form.

Provisions Relating to Voting Residence

The State Constitution (Article VI, Section 4) provides that voting residence shall NOT be lost if absence of the citizen is caused by:

- A. State employment
- B. Federal employment
- C. Military service
- D. Attendance at an institution of learning
- E. Employment in the navigation of waters of state, United States, or high seas
- F. Confinement at public expense in any poorhouse or other asylum, or in a public prison

In addition, state law provides that absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed and exercised elsewhere (RCW 29.01.140).

NOTE: Please understand that a citizen who is absent for any of the above reasons has a legal right to continue to use his former residence as given on his registration record for voting purposes. Therefore, persons should be sure of the facts BEFORE signing the affidavit appearing on the front side of this form.

History of Challenge

(To be filled in by registration officer)

Date challenge filed _____ Date notice mailed to challenged voter _____

Did challenged voter deny allegation in writing? Yes No

If answer to above is "yes" — then fill in the following:

Date denial received _____ Time set for hearing _____ (Date) (Hour)

Date notices mailed to both electors concerned _____

Did challenged voter appear? Yes No.

Did voter making challenge appear? Yes No.

DISPOSITION OF CHALLENGE:

Registration transferred. Registration cancelled. Registration unchanged.

Remarks: _____

(Date)

(Signature of registration officer or authorized deputy)

ORIGINAL: To be retained by registration officer.

CHALLENGE OF VOTER'S REGISTRATION

TO PROPERLY EXECUTE THIS FORM IT IS NECESSARY TO CHECK THE APPROPRIATE SQUARE BELOW. **BEFORE FILLING OUT THIS FORM**, PLEASE READ THE CONSTITUTIONAL AND STATUTORY PROVISIONS LISTED ON THE REVERSE SIDE WHICH PROTECT THE VOTING RESIDENCE OF CERTAIN PERSONS.

REGISTERED VOTER:

If this challenge is being initiated by a registered voter not acting as a precinct election officer, the challenge must be filed with the county auditor **NO LATER THAN 7 DAYS** prior to any approaching primary or election, general or special (RCW 29.10.125).

PRECINCT ELECTION OFFICER:

If this challenge is being initiated by a precinct election officer, the challenge may be made at the polling place on the day of the election. However, it must be understood that such action does not prevent the challenged voter from casting a challenged ballot at that primary or election.

I _____ declare, under penalties of perjury, that I reside at _____
(Please print name) County of _____
(Street and number, or rural route) (City or Town)

State of Washington, and pursuant to RCW 29.10.125 I herewith challenge the registration of the following voter because, according to my personal knowledge and belief, this voter does not actually reside at the address as given on his or her permanent registration record:

(Print name of challenged voter) (Precinct)

Residence of this voter on his or her permanent registration record:

(Street and number, or rural route) (Name of city or town) (County)

I further declare, under penalties of perjury, that the actual residence of the challenged voter is as stated below and that he or she is not protected from loss of legal residence by the constitutional and statutory provisions **as listed on the reverse side of this form**.

ACTUAL RESIDENCE: (This information must be provided in order for any challenge to be administratively processed.)

(Street and number, or rural route) (Name of city or town) (County)

State law provides that any challenged voter may appear in person or file an affidavit contesting that challenge. I understand that, in the event such a contest is made, failure on my part to either appear in person or file an affidavit supporting my challenge may result in the dismissal of the challenge by the county auditor.

(Date) (Signature of voter making challenge)

Provisions Relating to Voting Residence

The State Constitution (Article VI, Section 4) provides that voting residence shall NOT be lost if absence of the citizen is caused by:

- A. State employment
- B. Federal employment
- C. Military service
- D. Attendance at an institution of learning
- E. Employment in the navigation of waters of state, United States, or high seas
- F. Confinement at public expense in any poorhouse or other asylum, or in a public prison

In addition, state law provides that absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed and exercised elsewhere (RCW 29.01.140).

NOTE: Please understand that a citizen who is absent for any of the above reasons has a legal right to continue to use his former residence as given on his registration record for voting purposes. Therefore, persons should be sure of the facts BEFORE signing the affidavit appearing on the front side of this form.

History of Challenge

(To be filled in by registration officer)

Date challenge filed _____ Date notice mailed to challenged voter _____

Did challenged voter deny allegation in writing? Yes No.

If answer to above is "yes" — then fill in the following:

Date denial received _____ Time set for hearing _____ (Date) (Hour)

Date notices mailed to both electors concerned _____

DISPOSITION OF CHALLENGE:

Registration transferred. Registration cancelled. Registration unchanged.

Remarks: _____

_____ (Date)

_____ (Signature of registration officer or authorized deputy)

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-120 CONTENTS OF PRECINCT LIST OF REGISTERED VOTERS. The precinct list of registered voters as required by RCW 29.48.030 shall contain the name, address, sex, month and day of birth, and voter registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct. The names shall be listed alphabetically by surname. The list ~~((may))~~ shall also contain a space for each voter to sign his name and his current address and a space for the inspector or judge to credit the voter with having participated in a particular election as provided in RCW 29.51.070. Each county shall submit ~~((its output format for listing))~~ any changes in the format of the precinct list of registered voters to the secretary of state who shall determine whether ((such)) the new format is suitable for use at the polls. If so, he or she shall approve that format for use in all elections in that county.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-130 CONTENTS OF LIST OF REGISTERED VOTERS FOR THE PUBLIC. Pursuant to the provisions of RCW 29.04.100, the ~~((registration officer in each county which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the place as provided by RCW 29.48.030))~~ county auditor shall furnish to any person, upon request, current lists of registered voters at actual reproduction cost. The registration officer shall, upon request, select names from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists may contain any information maintained on the computer file except the date of birth of each registered voter and may be in the form of computer printouts ~~((computer-prepared labels, microfilm duplicates, or magnetic tape copies))~~ or other forms of such information which the county has the capability to produce. Such voter registration lists shall be used only for political purposes; commercial use of this information shall be punishable as provided in RCW 29.04.120 ~~((as now or hereafter amended)).~~

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-140 REQUESTS FOR LIST OF REGISTERED VOTERS. ((In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030;)) The county auditor shall require each person who requests a list of registered voters under the authority of RCW 29.04.100 and WAC 434-24-130 to sign a request on a form, designated Permanent Registration Form 14A, substantially similar to the sample included below. ((The form shall be designated as Permanent Registration Form 14A.))

REQUEST FOR LIST OF REGISTERED VOTERS

_____ County Auditor _____ Date

I request a listing of registered voters for the following precinct and/or taxing districts:

- computer printed list
- mailing labels
- magnetic tape

I understand that the County Auditor is required by law to furnish copies of current registration lists of registered voters in his possession to any person, upon request, PROVIDED: That such lists be used only for political purposes and shall not be used for commercial purposes. (RCW 29.04.100)

I further understand that any violation of RCW 29.04.100 relating to the use of lists of registered voters is a felony and shall be punished by imprisonment in the state penitentiary for a period of not more than five years or a fine of not more than five thousand dollars, or both such fine and imprisonment, in addition to possible civil penalties.

(Name of Requester (please print))

(Witness)

(Address)

(Approved by)

(Signature)

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-155 SUBSIDIES FOR MAINTENANCE OF RECORDS ON AUTOMATED VOTER REGISTRATION SYSTEMS. Pursuant to ((section 13, chapter 127, Laws of 1974, and subject to the approval of the operating system as provided by WAC 434-24-160, and 434-27-170)) RCW 29.07.230, the office of the secretary of state shall pay annually((, from the voter registration assistance account,)) to each county with fewer than ten thousand registered voters at the time of the state general election held in the previous calendar year, an amount equal to thirty cents times the number of registered voters in that county at the time of that election((~~-PROVIDED, That prior to July 1, 1975, the office of the secretary of state shall pay quarterly, from the voter registration assistance account, to each such county for each full calendar quarter after all of the existing voter registration records of that county have been converted to maintenance on the automated system, an amount equal to seven and one-half cents times the number of registered voters in that county at the time of the state general election held in the previous calendar year.~~)).

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-160 ((~~APPROVAL~~)) DOCUMENTATION OF AUTOMATED VOTER REGISTRATION SYSTEMS. Each county ((which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030 shall submit to the office of the secretary of state a summary description of the automated voter registration system used by that county or by the governmental unit or firm with which the county contracts for maintenance of voter registration records)) auditor shall ensure that the secretary of state is provided with a current description of the county's automated voter registration system. Such summary description shall contain, but not be limited to the following:

- (1) Input formats;
- (2) Data storage formats or record layouts;
- (3) Output formats;
- (4) Samples of the outputs required by WAC 434-24-080, 434-24-085, 434-24-105, 434-24-110, 434-24-120, and 434-24-130;
- (5) Samples of any edit listings or other working output not specifically required by these regulations; and
- (6) Any manuals of administrative procedure prepared for use by the elections staff of the county auditor or the data processing staff of that county or the governmental unit or firm with which the county contracts for maintenance of voter registration records.

((If the automated voter registration system conforms to all of the requirements of state law and of these regulations, the office of the secretary of state shall approve and certify that system for use. If the automated voter registration system fails to conform to all of the requirements of state law and these regulations, the office of the secretary of state shall notify the county auditor of the nature of the nonconformity. The county auditor shall correct the nonconforming aspects of the automated voter registration system and provide to the office of the secretary of state such evidence of the change or changes in the system as that office may deem appropriate.))

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-170 CONTINUING REVIEW OF AUTOMATED VOTER REGISTRATION SYSTEMS. (1) Whenever, through action of the state legislature, federal congress or any division of the state or federal judiciary, changes occur in the voter registration laws which require modifications of the automated voter registration systems of the counties ((which maintain voter registration records on electronic data processing systems)), the office of the secretary of state shall notify each county auditor of the nature of the modifications required. The county auditor shall ((effect such)) make appropriate modifications to the operating system and administrative procedures and provide to the office of the secretary of state such evidence of those modifications as he may deem appropriate.

(2) Whenever a county substantially modifies the input formats, data storage formats, output formats, or manuals of administrative procedure for its automated voter registration system, it shall notify the office of the secretary of state. Such modifications shall be reviewed and approved in the manner provided for review and approval of new automated voter registration systems in WAC 434-24-160.

NEW SECTION

WAC 434-24-180 COUNTY VOTER REGISTRATION RECORDS TO SECRETARY OF STATE. Between January 1 and February 1 of each year and between July 1 and August 1 of each year, each county auditor shall produce and send to the secretary of state a computer tape copy of the current voter registration records of that county as maintained pursuant to this chapter.

NEW SECTION

WAC 434-24-190 UNIFORM FORMAT FOR COUNTY VOTER REGISTRATION TAPES PROVIDED UNDER WAC 434-24-180. The county voter registration tapes produced under WAC 434-24-180 shall contain the following information for each voter: Name, residence or mailing address, date of registration, sex, precinct code, levy code, and the dates of the last five elections in which the voter participated. The information shall be produced on a uniform medium and in a uniform format to be specified by the secretary of state.

NEW SECTION

WAC 434-24-200 DOCUMENTATION FOR CODED OR INDEXED ITEMS ON TAPES PROVIDED UNDER WAC 434-24-180. If any item of information in the records provided under WAC 434-24-180, including precinct code and levy code, is stored as a code or index to a list containing the complete information corresponding to that code, the county auditor shall provide a copy of any code tables or index lists necessary to determine the data associated with such codes.

NEW SECTION

WAC 434-24-210 REIMBURSEMENT TO COUNTIES FOR VOTER REGISTRATION TAPES PROVIDED UNDER WAC 434-24-180. The secretary of state shall reimburse each county auditor for the actual cost of producing and transmitting the computer tape copy of the current voter registration records of that county upon receipt of the tape copy and a proper voucher for such costs.

NEW SECTION

WAC 434-24-220 SECRETARY OF STATE TO COMPILE STATE-WIDE VOTER REGISTRATION FILE. The secretary of state shall catalog each county voter registration tape and compile them into a state-wide voter registration file pursuant to RCW 29.04.150.

NEW SECTION

WAC 434-24-230 COPY OF STATE-WIDE VOTER REGISTRATION FILE TO EACH POLITICAL PARTY. The secretary of state shall provide a copy of the state-wide voter registration file, or portions of the file, to each political party at their request. A political party must make a request for a copy of the state-wide voter registration file in writing, signed by the chairperson or presiding officer of the party, stating whether or not the party will provide blank computer tapes on which to copy the file and to whom the copy of the state-wide voter registration file should be delivered.

NEW SECTION

WAC 434-24-240 REIMBURSEMENT TO SECRETARY OF STATE FOR STATE-WIDE VOTER REGISTRATION FILE PROVIDED UNDER WAC 434-24-230. At the time that a copy of the state-wide voter registration file is delivered to a political party or its representative, that party will reimburse the secretary of state for the cost of duplicating the computer tapes containing the state-wide voter registration file and any costs of delivering or transmitting the duplicate copies of these records.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 434-24-080 TRANSMITTAL OF TRANSFERS TO THE SECRETARY OF STATE.

(2) WAC 434-24-150 SUBSIDIES FOR ESTABLISHMENT OF AUTOMATED VOTER REGISTRATION SYSTEMS.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 434-20-010 PERMANENT REGISTRATION FORM 1.
- (2) WAC 434-20-020 REGISTRAR'S CERTIFICATE OF REGISTERED VOTERS.
- (3) WAC 434-20-030 CERTIFICATE OF TRANSFER OF REGISTRATIONS.
- (4) WAC 434-20-040 CERTIFICATE OF CANCELLATION OF REGISTRATIONS.
- (5) WAC 434-20-050 USE OF FORMS PREVIOUSLY PRESCRIBED.

WSR 84-12-087
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD

[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning: Amending WAC 251-04-020 Definitions, to add definitions of "annual performance evaluation," "management employee," "nonmanagement employee," "merit increase" and "rating factor" to facilitate the enactment of performance-based pay for management employees; and to modify the definitions of "permanent employee" and "trial service period" to accommodate employee movement between the Higher Education Personnel Board and Department of Personnel jurisdictions; amending WAC 251-20-010, to clarify the authority for and purpose of employee performance evaluation required by RCW 28B.16.250 and to add that annual evaluations will be used to determine and award periodic increment and merit increases for management employees; amending WAC 251-20-020 Employee performance evaluation—Forms, to change the term "performance factor" to "rating factor"; amending WAC 251-20-030 Method of evaluation, to change the term "criteria" to "performance expectations" and to require that a copy of those be provided to employees. In addition, the rule requires that management employee receive an overall evaluation rating in one of five rating categories; amending WAC 251-20-040 Employee performance evaluation—Procedure, to require that a completed copy of the evaluation be provided to the employee upon request; new WAC 251-20-045 Annual performance evaluation—Distribution of ratings—Management employees, to add the requirement that employee performance evaluations do not result in unrealistic concentration in any rating category; amending WAC 251-20-050 Employee performance evaluation—Appeal, to establish the appeal rights for reduction in salary resulting from withholding or withdrawal of a periodic increment; amending WAC 251-08-090 Salary—Periodic increment, to add the requirement that management employee may only be granted increment and merit increases based on performance; new WAC

251-08-091 Periodic increment withheld or withdrawn—Management employees, to establish the conditions under which a management employee's annual evaluation rating may be withdrawn; new WAC 251-08-093 Salary—Merit increase—Management employees, to provide that management employees may receive merit increases based on performance; amending WAC 251-10-160, 251-12-080, 251-12-110 and 251-12-240, to add reference to "reduction in salary" in the appeal process; amending WAC 251-10-112 Medical examination—Current employee, to move the provision permitting medical examinations of current employee to chapter 251-10 WAC and to require that the costs of such examinations will be borne by the employer; amending WAC 251-18-140 Examination results—Notification—Institutional review, to provide that an error in rating an examination will invalidate an appointment made from an eligible list unless such invalidation will cause irreparable harm to the individual so appointed; amending WAC 251-18-180 Eligible lists, to establish two additional eligible lists to accommodate employee movement between Department of Personnel and Higher Education Personnel Board jurisdictions and to modify the making of the open competitive list to comply with a guidance from the attorney general's office; amending WAC 251-18-240 Certification method, to modify lists from which certification may be made to accommodate employee movement; and amending WAC 251-18-347 Permanent classified employee movement between institutions/related boards or state agencies, to broaden the existing rules to accommodate movement between the Higher Education Personnel Board and Department of Personnel jurisdictions;

that the agency will at 9:00 a.m., Friday, July 20, 1984, in the Board Room of the Administration Building, Grays Harbor College, Aberdeen, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 20, 1984.

This notice is connected to and continues the matter in Notice Nos. WSR 84-06-065 and 84-10-055 filed with the code reviser's office on March 7, 1984, and May 2, 1984.

Dated: June 6, 1984

By: John A. Spitz
 Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on June 6, 1984, and is filed pursuant to RCW 34.04.025.

Rules Affected: WAC 251-04-020 Definitions; 251-20-010 Employee performance evaluation—Authority, purpose, use; 251-20-020 Employee performance evaluation—Forms; 251-20-030 Method of evaluation; 251-

20-040 Employee performance evaluation—Procedure; 251-20-045 Annual performance evaluation—Distribution of ratings—Management employees; 251-20-050 Employee performance evaluation—Appeal; 251-08-090 Salary—Periodic increment; 251-08-091 Periodic increment withheld or withdrawn—Management employees; 251-08-093 Salary—Merit increase—Management employees; 251-10-160 Withdrawal or amendment of charges—Time limitation; 251-12-080 Appeals from demotion, suspension, lay-off, reduction in salary, separation, dismissal; 251-12-110 Appearance and practice before the board; and 251-12-240 Burden of proof.

Substitute House Bill 1226, enacted by the legislature in 1982, requires the Higher Education Personnel Board to adopt rules regarding periodic increment and merit increases in salary based on employee performance. The State Supreme Court Order No. 48914-9, dated May 17, 1984, upheld Governor Spellman's veto of section 30 of SHB 1226, thereby making performance-based pay for management employees effective July 1, 1984.

Statutory Authority: RCW 28B.16.250 and 28B.16-.270, to implement the provisions of those sections.

Purpose of Existing Rules: Chapter 251-20 WAC, to establish standardized forms and procedures for evaluation of employee performance at least annually; WAC 251-08-090, to provide that employees shall receive periodic increment increases in salary within the steps of the salary range; WAC 251-10-160, to provide for withdrawal or amendment of charges in disciplinary actions prior to the time an appeal of such action has been heard by the board; WAC 251-12-080, to provide an employee the right to appeal a disciplinary action; and WAC 251-12-240, to establish that the institution shall have the burden of proof in a disciplinary action.

Summary of Proposed Changes: WAC 251-04-020, to add definitions of "annual performance evaluation," "management employee," "nonmanagement employee," "merit increase" and "rating factor"; WAC 251-20-010, to clarify the authority for and purpose of employee performance evaluation required by RCW 28B.16.250 and to add that annual evaluations will be used to determine and award periodic increment and merit increases for management employees; WAC 251-20-020, to change the term "performance factor" to "rating factor"; WAC 251-20-030, to change the term "criteria" to "performance expectations" and to require that a copy of performance expectations be provided to employees in sufficient time to enable them to meet the work expectations. In addition, the rule requires that management employees receive an overall evaluation rating in one of five rating categories; WAC 251-20-040, to establish that the immediate supervisor shall be responsible for evaluating the employee prior to the date of a salary increase, and to require that a completed copy of the evaluation be provided to the employee upon request; WAC 251-20-045, to add the requirement in RCW 28B.16.250(3) that employee performance evaluations do not result in unrealistic concentration in any rating category; WAC 251-20-050, to provide with the right to appeal a reduction in salary resulting from withholding or withdrawal of a periodic increment, and

to establish that withdrawal of a merit increase at the end of the one-year period for which it was awarded is not appealable; WAC 251-08-090, to add the requirement of RCW 28B.16.270 that management employees may only be granted increment and merit increases in salary based on performance; WAC 251-08-091, to provide that a periodic increment increase in salary be withdrawn when a management employee's annual evaluation rating is lower than "meets expectations" and to require that such action be processed as a reduction in salary disciplinary action; WAC 251-08-093, to provide that management employees may receive merit increases in salary based on performance; WAC 251-10-160, to add reduction in salary as subject to withdrawal or amendment of charges prior to the board hearing an appeal of such action; WAC 251-12-080, to add reduction in salary to the appeal procedure for disciplinary actions; WAC 251-12-110, to add reduction in salary and separation to the requirement that persons represented at hearings on such actions be represented by attorneys at law; and WAC 251-12-240, to provide that at any hearing on a reduction in salary the institution shall have the burden of proof.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or state court action.

Rule Affected: WAC 251-10-112 Medical examination—Current employee.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rule: New.

Summary of Proposed Change: The provision permitting medical examination of a current employee previously existed in WAC 251-18-160. This proposal moves the provision to chapter 251-10 WAC and adds the requirement that the costs of any such required examination will be borne by the employer.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Washington Federation of State Employees.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or state court action.

Rule Affected: WAC 251-18-140 Examination results—Notification—Institutional review.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rule: Specifies the requirements for notifying applicants of their examination results and right of appeal.

Summary of Proposed Change: To provide that an error in rating an examination will invalidate an appointment made from an eligible list unless such invalidation will cause irreparable harm to the individual so appointed.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Washington Federation of State Employees.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or state court action.

Rules Affected: WAC 251-04-020 Permanent employee; 251-04-020 Trial service; 251-18-180 Eligible lists; 251-18-240 Certification method; 251-18-320 Appointment probationary; and 251-18-347 Permanent classified employee movement between institutions/related boards.

The above rule modifications are required to accommodate employee movement between the Higher Education Personnel Board and the Department of Personnel jurisdictions.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Purpose of Existing Rules: WAC 251-04-020, permanent employee is a definition; WAC 251-04-020, trial service is a definition; WAC 251-18-180, eligible lists identifies the various eligible lists and their make up; WAC 251-18-240, certification method is the established means by which certifications are to be made; WAC 251-18-320, appointment probationary establishes who will serve a probationary appointment; and WAC 251-18-347, permanent classified employee movement between institutions/related boards outlines criteria for employee movement between institutions and related boards.

Summary of Proposed Changes: WAC 251-04-020 permanent employee, to broaden definition to accommodate movement between the Higher Education Personnel Board and Department of Personnel jurisdiction; WAC 251-04-020 trial service period, to specify period of employment described at a related board also under jurisdiction of the Higher Education Personnel Board; WAC 251-18-180 eligible lists, to establish two additional eligible lists to accommodate employee movement and to modify the making of the open competitive list to comply with an attorney general opinion; WAC 251-18-240 certification method, to modify lists from which certifications may be made to accommodate employee movement; WAC 251-18-320 appointment probationary, modified to comply with opinion of attorney general; and WAC 251-18-347 permanent classified employee movement between institutions/related boards or state agencies, broadens existing rules to accommodate movement between the Higher Education Personnel Board and Department of Personnel jurisdictions.

Agency Person Responsible for Rule: John Spitz, Director, Higher Education Personnel Board, 1202 Black

Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Change: Higher Education Personnel Board staff.

The agency makes no additional comments/recommendations.

The change is not the result of federal law or state court action.

AMENDATORY SECTION (Amending Order 116, filed 5/2/84)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" - A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" - The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"ANNUAL PERFORMANCE EVALUATION" - The official annual performance rating of an employee recorded on a form approved by the board.

"APPOINTING AUTHORITY" - A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" - An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"BOARD" - The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" - The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" - A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" - One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" - All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" - The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" – Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"CYCLIC YEAR POSITION" – A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

"DEMOTION" – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" – The personnel director of the higher education personnel board.

"DISMISSAL" – The termination of an individual's employment for just cause as provided in these rules.

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty must be management of a recognized department or subdivision; and
- (2) Must customarily and regularly direct the work of two or more employees; and
- (3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and
- (4) Must customarily and regularly exercise discretionary powers; and
- (5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040.

(Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption.")

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-118-130, 251-18-180 (6) and/or (8)(b).

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds or lack of work:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The last period of unbroken service in the classified service. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of cyclic year positions. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken service the veteran's active military service to a maximum of five years' credit.

"LAYOFF UNITY" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"**LEAD**" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"**MANAGEMENT EMPLOYEE**" – An employee whose position: (1) Is at system-wide salary range 49 or above, and (2) includes supervision of subordinates, and (3) includes responsibilities normally associated with management such as planning, organizing, directing, and controlling a program or function.

"**NONMANAGEMENT EMPLOYEES**" – All classified employees except those defined as "management employees."

"**MERIT INCREASE**" – A salary increase granted to a management employee for performance.

"**NONCOMPETITIVE SERVICE**" – All positions in the classified service for which a competitive examination is not required.

"**ORGANIZATIONAL UNIT**" – A clearly identified structure, or sub-structure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"**PART-TIME EMPLOYMENT**" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"**PERIODIC INCREMENT DATE**" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class (as provided in WAC 251-08-090 and 251-08-100).

"**PERMANENT EMPLOYEE**" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution ((or)), related board or state agency.

"**PERSONNEL OFFICER**" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"**P.I.D.**" – Commonly used abbreviation for periodic increment date.

"**POSITION**" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"**PRINCIPAL ASSISTANT EXEMPTION**" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"**PROBATIONARY PERIOD**" – The initial six-month period of employment in a class following appointment from an eligible list of a non-permanent employee. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"**PROBATIONARY REAPPOINTMENT**" – Appointment of a probationary employee from an eligible list to a position in a different class.

"**PROFESSIONAL EMPLOYEES**" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"**PROMOTION**" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"**PROVISIONAL APPOINTMENT**" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"**PUBLIC RECORDS**" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"**RATING FACTOR**" – An element, duty, responsibility, skill, ability, or other specific aspect of performance which is rated as part of the annual performance evaluation.

"**REALLOCATION**" – The assignment of a position by the personnel officer to a different class.

"**REASSIGNMENT**" – A management initiated movement of a classified employee from one position to another in the same class.

"**RELATED BOARDS**" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"**RESEARCH EXEMPTION**" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"**RESIGNATION**" – A voluntary termination of employment.

"**REVERSION**" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved at the institution.

"**SUPERVISOR**" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"**SUSPENSION**" – An enforced absence without pay for disciplinary purposes.

"**TEMPORARY APPOINTMENT**" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

"**TRAINING**" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"**TRANSFER**" – An employee initiated change from one classified position to another in the same class without a break in service.

"**TRIAL SERVICE**" – The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"**UNDERUTILIZATION**" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"**UNION SHOP**" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"**UNION SHOP REPRESENTATIVE**" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"**UNION SHOP REPRESENTATION FEE**" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the

regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" - Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-090 SALARY—PERIODIC INCREMENT. (1) Nonmanagement employees(;) whose performance permits them to retain job status in the classified service(;) shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range.

(2) The salary of each management employee shall be increased two steps on the periodic increment date, not to exceed the maximum step of the range providing that the management employee's overall performance evaluation rating is "meets expectations" or higher.

(3) The director shall establish a procedure to implement the above provisions for management employees.

(4) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

NEW SECTION

WAC 251-08-091 PERIODIC INCREMENT WITHHELD OR WITHDRAWN—MANAGEMENT EMPLOYEES. (1) The periodic increment which was granted as a result of the prior year's performance evaluation shall be withdrawn when a management employee receives an annual overall performance evaluation rating lower than "meets expectations."

(2) Withholding or withdrawal of a periodic increment is a reduction in salary and shall be processed as provided in WAC 251-10-110, 251-10-150 and 251-10-160.

(3) Withholding or withdrawal of a periodic increment shall be for a period of one year effective on the employee's periodic increment date.

NEW SECTION

WAC 251-08-093 SALARY—MERIT INCREASE—MANAGEMENT EMPLOYEES. (1) A management employee shall be eligible to receive a merit increase at the time of the employee's official annual performance evaluation following completion of the employee's probationary period.

(2) The date of eligibility to receive a merit increase shall be the employee's periodic increment date or last such annual date if the employee is at the top step of the salary range.

(3) After each annual performance evaluation, an employee who is eligible for a merit increase shall be awarded a merit increase as follows:

(a) An increase of one step for an assigned overall score of 3.0 through 3.4 but not to exceed the top step of the employee's salary range.

(b) An increase of two steps for an assigned overall score higher than 3.4 which increase may exceed the top step of the employee's salary range.

(4) A merit increase is in addition to any periodic increment increase.

(5) A merit increase shall be awarded for one year. The merit increase shall be applied to the employee's newly assigned step and range if the employee is promoted, demoted, reallocated, or reduced due to layoff during the one-year period.

(6) An employee may not be awarded more than one merit increase during a twelve-month period.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-10-160 WITHDRAWAL OR AMENDMENT OF CHARGES—TIME LIMITATION. Appointing authorities may

withdraw or amend demotion, suspension, reduction in salary, or dismissal actions, but not after an appeal of the action has been heard by the board.

AMENDATORY SECTION (Amending Order 95, filed 4/26/82, effective 6/1/82)

WAC 251-12-080 APPEALS FROM DEMOTION, SUSPENSION, LAYOFF, REDUCTION IN SALARY, SEPARATION, DISMISSAL. Any permanent employee who is demoted, suspended, laid off, reduced in salary, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed in the office of the director within thirty calendar days after the effective date of the action appealed.

AMENDATORY SECTION (Amending Order 86, filed 10/27/80, effective 12/1/80)

WAC 251-12-110 APPEARANCE AND PRACTICE BEFORE THE BOARD. Appellants shall have the right to represent themselves in all types of hearings before the board. In addition appellants or institutions may be represented by a party of their choosing, except that no person may represent an appellant or institution in hearings of demotion, reduction in salary, suspension, separation, dismissal, layoff, or refusal to reinstate after presumption of resignation other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by Washington state law.

(3) Authorized legal interns, when accompanied by their qualified supervising attorney.

AMENDATORY SECTION (Amending Order 90, filed 8/28/81, effective 10/1/81)

WAC 251-12-240 BURDEN OF PROOF. (1) At any hearing on appeal from a layoff, demotion, suspension, reduction in salary, separation (except for voluntary resignation or retirement), or dismissal the institution shall have the burden of proof.

(2) At any hearing on appeal from an allocation, the burden of proof shall rest with the appellant.

(3) At any hearing on exceptions to a hearing examiner's recommended decision per the provisions of WAC 251-12-085 or to a director's determination per the provisions of WAC 251-12-075, 251-12-600, or 251-18-115, the party filing the exceptions shall have the burden of proof.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-20-010 EMPLOYEE PERFORMANCE EVALUATION—AUTHORITY, PURPOSE, USE. (1) The rules contained in this chapter follow from the authority of the higher education personnel law, RCW 28B.16.105, 28B.16.250, which ~~((provides in part, "the board shall develop"))~~ require that standardized employee performance evaluation procedures and forms ~~((which shall))~~ be used by institutions of higher ~~((learning))~~ education for the appraisal of employee job performance at least annually ~~((...))~~.

(2) ~~((It is the board's intent that employing officials or designated supervisory personnel))~~ Supervisors will conduct annual performance evaluations for uses including but not limited to the following:

(a) To record and inform employees regarding how well they have contributed to ~~((efficiency, effectiveness, and economy in fulfilling))~~ the fulfillment of institution and job objectives.

(b) To award periodic increment and merit increases for management employees.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-20-020 EMPLOYEE PERFORMANCE EVALUATION—FORMS. (1) Standardized performance evaluation forms approved by the board shall be used to record employee evaluations. The forms shall contain standard ~~((performance))~~ rating factors and shall provide for one or more "optional factors" developed by the institution,

which reflect organizational requirements and specific job-related aspects of performance.

(2) The approved forms shall accommodate the provisions of WAC 251-20-040.

(3) The approved forms may be supplemented with other forms and/or information used by an institution to support the ratings recorded on the approved forms.

AMENDATORY SECTION (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-030 **METHOD OF EVALUATION.** (1) Employee performance is to be rated for each "~~((performance))~~rating factor" on the approved form on the basis of ~~((criteria))~~ performance expectations determined by the supervisor. ~~((To assist in the rating))~~

~~((2))~~ Upon appointment to a position, the employee's supervisor will ~~((provide the employee with a copy of the following:~~

~~((a))~~ The specification for the class ~~((and))~~.

~~((b))~~ ~~((Identify thereon, or on the approved form or attached thereto,))~~ The employee's specific position duties and responsibilities which relate to the specification ~~((and))~~.

~~((c))~~ ~~((Identify on the approved form or attached thereto criteria to be evaluated which set forth the supervisor's))~~ (3) Written performance expectations ~~((with regard to factors of quality, quantity, job knowledge and working relationships as they relate to the employee's position))~~ for each of the rating factors shall be provided to the employee in sufficient time to allow the employee to meet the work expectations (normally within thirty calendar days after appointment to an existing position and within ninety calendar days after appointment to a newly created or significantly modified position).

~~((2))~~ ~~((Criteria which set forth))~~ (4) The supervisor's performance expectations shall remain in effect for future evaluations unless action is taken to modify ~~((or replace))~~ them and the employee has been provided with a copy of them.

~~((3))~~ (5) Each "~~((performance))~~rating factor" will be rated and recorded in one of the rating categories on the approved evaluation form.

(6) Each management employee shall be given an overall performance rating which will be recorded on the approved form in one of the following five rating categories: "Outstanding," "exceeds expectations," "meets expectations," "needs improvement" or "unsatisfactory."

(7) The director shall establish procedures for determining assigned overall scores and overall performance ratings for management employees.

AMENDATORY SECTION (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-040 **EMPLOYEE PERFORMANCE EVALUATION—PROCEDURE.** (1) Each employee shall be evaluated at least annually by his/her immediate supervisor prior to the date on which the employee would be eligible to receive a periodic increment or merit increase in salary. The evaluation process shall use the form(s) as provided in WAC 251-20-020 and shall be in accord with the provisions of this chapter.

(2) Prior to review by the second level of supervision, the employee shall be provided an opportunity to comment on the evaluation and to discuss his/her comments and the final evaluation with the supervisor.

(3) The evaluation shall be reviewed by the employee's second level of supervision (or management designee as determined by the institution).

(4) A copy of the ~~((signed))~~ completed annual evaluation form will be provided to the employee upon request.

(5) Performance evaluations shall be retained in the employee's file for no more than three years.

NEW SECTION

WAC 251-20-045 **ANNUAL PERFORMANCE EVALUATION—DISTRIBUTION OF RATINGS—MANAGEMENT EMPLOYEES.** (1) Each institution is expected to monitor the application of ratings of management employees to ensure a realistic distribution. A distribution of ratings will not be considered unrealistic if it approximates the following:

Assigned Overall Score/Rating

3.5 - 4.0 Outstanding	Maximum 10%
2.5 - 3.4 Exceeds expectations	Maximum 35%
1.5 - 2.4 Meets expectations	Minimum 50%

(2) Each year the personnel officer shall review the distribution of ratings of management employees and shall report that distribution at the time of the annual report to the director. The management of each institution shall take steps so that the rating distribution for the coming year would more nearly approximate a realistic distribution, such steps to include, if necessary, the adjustment of performance expectations.

AMENDATORY SECTION (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-050 **EMPLOYEE PERFORMANCE EVALUATION—APPEAL.** (1) An appeal against action under this chapter shall be restricted as follows:

(a) To allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-010, 251-20-020, 251-20-030, and 251-20-040, as provided in WAC 251-12-075. ~~((Performance evaluations shall not be used to initiate personnel actions such as transfer, promotion or discipline.))~~

(b) To a reduction in salary resulting from withholding or withdrawal of a periodic increment as provided in WAC 251-12-080.

(2) Withdrawal of a merit increase at the end of the one-year period for which it was awarded to a management employee is not appealable.

NEW SECTION

WAC 251-10-112 **MEDICAL EXAMINATION—CURRENT EMPLOYEE.** A medical examination and/or doctor's certificate may be required where a question arises concerning the fitness of a current employee to perform the duties of his/her position. All costs related to said medical examination and/or doctor's certificate should be borne by the employer.

AMENDATORY SECTION (Amending Order 115, filed 5/2/84)

WAC 251-18-140 **EXAMINATION RESULTS—NOTIFICATION—INSTITUTIONAL REVIEW.** (1) The personnel officer shall:

(a) Provide each applicant with written notice of his/her final status in the examination process, normally within fifteen calendar days after the eligible list is established; and

(b) Inform each applicant that within fifteen calendar days of service of his/her notice, he/she may request a review of the action by the personnel officer; and

(c) Inform each applicant of his/her appeal rights per WAC 251-18-145 (1)(c).

(2) Within thirty calendar days after receiving a request for review as provided in subsection (1)(b) of this section, the personnel officer will provide the applicant with written notice of the results of the review and of appeal rights as provided in WAC 251-18-145 (1)(b).

(3) Any action to correct an error in rating an examination will invalidate appointments made from the affected eligible list(s) if the correction of the error would have changed the composition of the referrals made from the list; but may not be invalidated if the person appointed would suffer irreparable harm.

AMENDATORY SECTION (Amending Order 115, filed 5/2/84)

WAC 251-18-180 **ELIGIBLE LISTS—DEFINITION—COMPOSITION.** Eligible lists shall be established by class as follows:

(1) Institution-wide layoff lists shall contain the names of:

(a) All permanent and probationary employees laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ranked in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved, ranked in order of layoff seniority.

(2) Organizational unit promotional lists shall contain the names of all permanent employees of the organizational unit for which the list is established who have passed the examination for the class, ranked in order of their final examination scores.

(3) Institution-wide promotional lists shall contain the names of all permanent employees who have passed the examination for the class, ranked in order of their final examination scores.

(4) Special employment program layoff lists shall contain the names of permanent employees laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.

(5) State-wide layoff lists shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060, ranked in order of layoff seniority as provided in WAC 251-10-060(2).

(6) Interinstitutional employee lists shall contain the names of permanent employees of an institution or related board other than the one at which he/she is applying, who have passed the examination for the class, ranked in order of their final examination scores.

(7) Intersystem employee lists shall contain the names of permanent employees under the jurisdiction of chapter 41.06 RCW who have passed the examination for the class ranked in order of their final examination scores.

(8) Open competitive lists shall contain the names of all other applicants who have passed the examination for the class, ranked in order of their final examination score. ~~((Applicants who are in permanent status at another institution/related board shall have a five percent credit added to their final passing score.~~

~~(7))~~ (9) Noncompetitive lists shall be established per WAC 251-18-015 and shall contain the names of applicants who meet the minimum qualifications and have passed the noncompetitive examination, if any, for the class, ranked by priority in time of filing application.

~~((8))~~ (10) For positions which meet the HEPB definitions of administrative, executive or professional employees, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the interinstitutional employee list, the intersystem employee list, the state-wide layoff list, and the open competitive list into a single eligible list:

(a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class;

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution shall have a five percent credit added to their final passing score.

AMENDATORY SECTION (Amending Order 115, filed 5/2/84)

WAC 251-18-240 CERTIFICATION—METHOD. (1) Upon receipt of a personnel request, the personnel officer shall provide to the employing official in writing four more names than there are vacancies to be filled by the certification.

(2) Names shall be certified in strict order of standing on the eligible list(s).

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

(a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(8):

- (i) Institution-wide layoff list;
- (ii) Organizational unit promotional list;
- (iii) Institution-wide promotional list;
- (iv) Special employment program layoff list;
- (v) State-wide layoff list;
- (vi) Interinstitutional employee list;
- (vii) Intersystem employee list;
- (viii) Open competitive or noncompetitive list.

(b) When the personnel officer has established a combined eligible list:

- (i) Institution-wide layoff list;
- (ii) Combined eligible list.

AMENDATORY SECTION (Amending Order 113, filed 3/30/84, effective 5/1/84)

WAC 251-18-320 APPOINTMENT—PROBATIONARY. (1) Probationary appointment shall be made only upon appointment of eligibles from the:

(a) Open-competitive or noncompetitive list ~~((except those identified in WAC 251-18-347)).~~

(b) Institution-wide layoff list – when the employee was in probationary status at the time of layoff.

(c) State-wide layoff list.

(d) Combined eligible list as provided in WAC 251-18-181 and 251-18-240(4) when the person appointed is neither a permanent employee of the institution nor an employee moving pursuant to WAC 251-18-347.

(2) The probationary period will continue for the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

(a) The employee shall begin a probationary period in the new class;

(b) The salary in the new class shall be established as provided in WAC 251-08-080;

(c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

AMENDATORY SECTION (Amending Order 110, filed 12/30/83, effective 2/1/84)

WAC 251-18-347 PERMANENT CLASSIFIED EMPLOYEE MOVEMENT BETWEEN INSTITUTIONS/RELATED BOARDS OR STATE AGENCIES. Permanent classified employees desiring to promote, transfer, laterally move, or voluntarily demote to positions at other institutions/related boards or state agencies will:

(1) Have the responsibility for communicating their desires in writing to potential receiving institutions/related boards or the department of personnel.

(2) Be required to pass the examination for the class administered by the receiving institution/related board or department of personnel.

(3) Have their names placed on the appropriate eligible list as provided in WAC 251-18-180 or corresponding department of personnel register.

(4) Be certified to employing official(s) as provided in WAC 251-18-240 or corresponding department of personnel rule.

(5) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the institution-wide layoff list at the institution/related board from which he/she came or corresponding department of personnel register.

(6) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employee to the new position.

(7) Retain ~~((annual))~~ vacation and sick leave balances ~~((and accrual rates as if no movement had occurred)).~~ Vacation leave accrual rates shall be determined by appropriate higher education personnel board or department of personnel rules.

(8) Retain their former periodic increment date except upon promotion in accordance with WAC 251-08-100 (3)(a).

WSR 84-12-088
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning: Amending WAC 251-04-020 Definitions (temporary appointment, temporary assignment, temporary employment, temporary position, part-time employment, temporary employee, student employee,

temporary duties), separate proposals to identify and define positions and employees of higher education institutions which are exempt from coverage of Title 251 WAC; amending WAC 251-04-040 Exemptions, four different proposals regarding the requirements for exemptions of students, temporary and part-time employees; amending WAC 251-18-350 Appointment—Temporary, two separate proposals to establish the provisions of temporary appointments/employment; new WAC 251-18-315 Appointment—Intern, to provide mechanism for filling vacant classified positions on an intern basis; new WAC 251-18-355 Assignment—Temporary, two separate proposals to clarify the conditions of temporary assignment; and new WAC 251-18-361 Appointment—Leave of absence/replacement, two separate proposals to establish conditions of appointments made to perform the work of employees on leave; that the agency will at 9:00 a.m., Friday, July 20, 1984, in the Board Room of the Administration Building, Grays Harbor College, Aberdeen, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 20, 1984.

This notice is connected to and continues the matter in Notice Nos. WSR 83-18-064, 83-22-061, 84-02-067 and 84-06-004 filed with the code reviser's office on September 7, 1983, November 2, 1983, January 4, 1984, and February 24, 1984.

Dated: June 6, 1984

By: John A. Spitz
Director

WSR 84-12-089
PROPOSED RULES
DEPARTMENT OF LICENSING
(Optometry Board)
[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Optometry Board intends to adopt, amend, or repeal rules concerning minimum contact lens prescription, WAC 308-53-211.

A copy of the proposed rule is shown below, however, changes may be made at the hearing;

that the agency will at 9:00 a.m., Tuesday, July 24, 1984, in the University Towers, 4507 Brooklyn Avenue N.E., Seattle, Parrington Room, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.54.070(5).

The specific statute these rules are intended to implement is RCW 18.54.070(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 24, 1984.

Dated: June 4, 1984
By: Stanley R. Haskins
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Optometry Board.

Purpose of Proposed Rule: To provide for minimum information on contact lens prescriptions by optometrists.

Statutory Authority: RCW 18.54.070(5).

Summary of the Rules: WAC 308-53-211 Minimum contact lens prescription.

Reason for Proposed Rule: To assure that adequate and sufficient information is provided on prescriptions for contact lenses by optometrists.

Responsible Personnel: The Washington State Optometry Board and its executive secretary have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Stanley R. Haskins, P.O. Box 9649, Olympia, WA 98504, telephone (206) 753-0774 comm, (206) 234-0774 scan.

Proponents of the Proposed Rule: This rule was proposed by the Washington State Optometry Board.

Agency Comments: These rules were proposed pursuant to RCW 18.54.070(5).

Federal Law or Federal or State Court Requirements: The proposed rule is not necessitated as the result of federal law or federal or state court action.

NEW SECTION

WAC 308-53-211 MINIMUM CONTACT LENS PRESCRIPTION. When contact lenses are prescribed, the prescription must include as a minimum, but is not limited to, the following:

- (1) spectacle examination prescription data;
- (2) ophthalmometer/keratometer examination findings;
- (3) corneal examination approval;
- (4) wearing schedule for daily or other periods of time;
- (5) designation of times the patient is to return for prescription evaluation and reexamination by the prescribing doctor of optometry; and,
- (6) expiration date.

A prescription for contact lenses shall not state "okay for contacts" or a similar brief statement without including the above.

WSR 84-12-090
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
[Filed June 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Medical Examiners intends to adopt, amend, or repeal rules concerning:

- Amd WAC 308-52-100 Applications for examination.
Amd WAC 308-52-255 Post graduate medical training defined;

that the agency will at 1:30 p.m., Friday, July 13, 1984, in the Seattle Marriott, 3201 South 176th Street, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.71.017.

The specific statute these rules are intended to implement is RCW 18.71.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 6, 1984.

Dated: June 6, 1984

By: John H. Keith
Assistant Attorney General
Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Medical Examiners.

Purpose: WAC 308-52-100 is amended to change the deadline for medical license examination applications; and WAC 308-52-255 is amended to specify the board approved post graduate medical education courses.

Statutory Authority: RCW 18.71.017.

Summary of the Rules: WAC 308-52-100 Applications for examination; and WAC 308-52-255 Post graduate medical education defined.

Reason Proposed: The amendment to WAC 308-52-100 is proposed to provide necessary additional time to process applications; and the amendment to WAC 308-52-255 is proposed to inform applicants what will constitute a satisfactory post graduate clinical training course for licensure in the state of Washington.

Responsible Departmental Personnel: In addition to the members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Deanna Dicombe, Executive Secretary, and Arlene Robertson, Assistant Executive Secretary, 1300 South Quince, Olympia, WA 98504, (206) 234-2205 scan, (206) 753-2205 comm.

Proponents: All amendments were proposed by the Washington State Board of Medical Examiners.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 136, filed 11/16/72)

WAC 308-52-100 APPLICATIONS FOR EXAMINATION. All applications for medical license by examination in the state of Washington shall be in the office of the professional licensing division, department of ~~((motor vehicles))~~ licensing no later than ~~((October))~~ August 1 or ~~((April))~~ February 1.

AMENDATORY SECTION (Amending Order PL 369, filed 1/21/81)

WAC 308-52-255 POST GRADUATE MEDICAL TRAINING DEFINED. (1) For the purposes of this chapter, post graduate medical training shall be considered to mean clinical training approved by the board in general medicine or surgery, or a recognized specialty or

sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of under-graduate medical instruction outlined in RCW 18.71.055. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

(2) The board approves the following post-graduate clinical training courses:

(a) Programs accredited by the American Medical Association Accreditation Council for graduate medical education which are listed in the 1984-1985 directory of residency programs, or programs approved by the American Medical Association Accreditation Council at the time of residency.

(b) Pre-registration training programs approved as of July 1, 1982 by the Canadian National Joint Committee on Accreditation of Pre-registration Physician Training Programs, or programs approved by the Canadian National Joint Committee on Accreditation of Pre-registration Physician Training Programs at the time of residency.

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16-470-020	NEW	84-10-039	67-45-040	NEW-P	84-10-033	132H-116-800	REP	84-07-040
16-470-030	NEW-P	84-06-054	67-45-045	NEW-P	84-10-033	132H-160-180	AMD-P	84-09-050
16-470-030	NEW	84-10-039	67-45-050	NEW-P	84-10-033	132H-160-180	AMD-C	84-12-006
16-470-040	NEW-P	84-06-054	67-45-060	NEW-P	84-10-033	132H-200-110	NEW-P	84-04-049
16-470-040	NEW	84-10-039	67-45-070	NEW-P	84-10-033	132H-200-110	NEW	84-07-039
16-470-050	NEW-P	84-06-054	67-45-075	NEW-P	84-10-033	132I-116-010	AMD-P	84-09-039
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16-470-060	NEW-P	84-06-054	106-116-201	AMD	84-08-044	132I-116-030	AMD-P	84-09-039
16-470-060	NEW	84-10-039	106-116-501	AMD	84-08-044	132I-116-040	AMD-P	84-09-039
16-470-100	NEW-P	84-06-054	106-116-603	AMD	84-08-044	132I-116-050	AMD-P	84-09-039
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16-470-110	NEW-P	84-06-054	106-124-700	NEW	84-12-027	132I-116-070	AMD-P	84-09-039
16-470-110	NEW	84-10-039	106-136-411	AMD-P	84-09-040	132I-116-080	REP-P	84-09-039
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16-470-130	NEW-P	84-06-054	118-03-010	AMD-P	84-11-055	132I-116-110	AMD-P	84-09-039
16-470-130	NEW	84-10-039	118-03-050	AMD-E	84-11-054	132I-116-120	REP-P	84-09-039
16-540-040	AMD-P	84-04-018	118-03-050	AMD-P	84-11-055	132I-116-140	AMD-P	84-09-039
16-540-040	AMD	84-10-046	118-04-010	NEW-P	84-08-074	132I-116-150	AMD-P	84-09-039
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16-657-040	NEW-P	84-07-026	118-04-030	NEW	84-11-022	132I-116-180	REP-P	84-09-039
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16-657-040	NEW	84-12-040	118-04-050	NEW	84-11-022	132I-116-210	AMD-P	84-09-039
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67-35-020	AMD	84-09-048	118-04-230	NEW	84-11-022	132J-160-045	NEW	84-11-021
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173-303-070	AMD-P	84-09-083	173-303-630	AMD	84-09-088
173-303-070	AMD-C	84-12-045	173-303-640	AMD	84-09-088
173-303-071	AMD	84-09-088	173-303-645	NEW	84-09-088
173-303-072	NEW-P	84-09-083	173-303-650	AMD	84-09-088
173-303-072	NEW-C	84-12-045	173-303-655	NEW	84-09-088
173-303-075	AMD	84-09-088	173-303-660	AMD	84-09-088
173-303-081	AMD	84-09-088	173-303-665	NEW	84-09-088
173-303-082	AMD	84-09-088	173-303-670	AMD	84-09-088
173-303-084	AMD	84-09-088	173-303-700	AMD	84-09-088
173-303-090	AMD-P	84-09-083	173-303-800	AMD	84-09-088
173-303-090	AMD-C	84-12-045	173-303-801	AMD	84-09-088
173-303-100	AMD	84-09-088	173-303-802	NEW	84-09-088
173-303-101	AMD	84-09-088	173-303-804	NEW	84-09-088
173-303-102	AMD	84-09-088	173-303-805	AMD	84-09-088
173-303-103	AMD-P	84-09-083	173-303-806	NEW	84-09-088
173-303-103	AMD-C	84-12-045	173-303-807	NEW	84-09-088
173-303-104	AMD-P	84-09-083	173-303-808	NEW	84-09-088
173-303-104	AMD-C	84-12-045	173-303-809	NEW-P	84-09-083
173-303-110	AMD-P	84-09-083	173-303-809	NEW-C	84-12-045
173-303-110	AMD-C	84-12-045	173-303-810	AMD	84-09-088
173-303-120	AMD-P	84-09-083	173-303-815	AMD	84-09-088
173-303-120	AMD-C	84-12-045	173-303-820	AMD	84-09-088
173-303-825	AMD	84-09-088	173-303-830	AMD	84-09-088
173-303-840	AMD-P	84-09-083	173-303-840	AMD-C	84-12-045
173-303-910	AMD-P	84-09-083	173-303-910	AMD-P	84-09-083
173-303-910	AMD-C	84-12-045	173-303-910	AMD-C	84-12-045
173-303-950	NEW	84-09-088	173-303-950	NEW	84-09-088
173-303-9901	AMD	84-09-088	173-303-9901	AMD	84-09-088
173-303-9903	AMD	84-09-088	173-303-9903	AMD	84-09-088
173-303-9904	AMD	84-09-088	173-303-9904	AMD	84-09-088
173-303-9905	AMD	84-09-088	173-303-9905	AMD	84-09-088
173-305-010	NEW	84-05-012	173-305-010	NEW	84-05-012
173-305-015	NEW	84-05-012	173-305-015	NEW	84-05-012
173-305-020	NEW	84-05-012	173-305-020	NEW	84-05-012
173-305-040	NEW	84-05-012	173-305-040	NEW	84-05-012
173-305-050	NEW	84-05-012	173-305-050	NEW	84-05-012
173-305-060	NEW	84-05-012	173-305-060	NEW	84-05-012
173-305-070	NEW	84-05-012	173-305-070	NEW	84-05-012
173-305-080	NEW	84-05-012	173-305-080	NEW	84-05-012
173-305-090	NEW	84-05-012	173-305-090	NEW	84-05-012
173-330	NEW-C	84-10-069	173-330	NEW-C	84-10-069
173-330-010	NEW-P	84-10-061	173-330-010	NEW-P	84-10-061
173-330-020	NEW-P	84-10-061	173-330-020	NEW-P	84-10-061
173-330-030	NEW-P	84-10-061	173-330-030	NEW-P	84-10-061
173-330-040	NEW-P	84-10-061	173-330-040	NEW-P	84-10-061
173-330-050	NEW-P	84-10-061	173-330-050	NEW-P	84-10-061
173-330-060	NEW-P	84-10-061	173-330-060	NEW-P	84-10-061
173-330-070	NEW-P	84-10-061	173-330-070	NEW-P	84-10-061
173-330-900	NEW-P	84-10-061	173-330-900	NEW-P	84-10-061
173-400-075	AMD-P	84-04-076	173-400-075	AMD-P	84-04-076
173-400-075	AMD	84-10-019	173-400-075	AMD	84-10-019
173-422-050	AMD-P	84-03-056	173-422-050	AMD-P	84-03-056
173-422-050	AMD	84-09-087	173-422-050	AMD	84-09-087
173-514-010	NEW	84-04-014	173-514-010	NEW	84-04-014
173-514-020	NEW	84-04-014	173-514-020	NEW	84-04-014
173-514-030	NEW	84-04-014	173-514-030	NEW	84-04-014
173-514-040	NEW	84-04-014	173-514-040	NEW	84-04-014
173-514-050	NEW	84-04-014	173-514-050	NEW	84-04-014
173-514-060	NEW	84-04-014	173-514-060	NEW	84-04-014
173-514-070	NEW	84-04-014	173-514-070	NEW	84-04-014
173-514-080	NEW	84-04-014	173-514-080	NEW	84-04-014
173-514-090	NEW	84-04-014	173-514-090	NEW	84-04-014
173-549-010	AMD-P	84-07-056	173-549-010	AMD-P	84-07-056
173-549-015	NEW-P	84-07-056	173-549-015	NEW-P	84-07-056
173-549-020	AMD-P	84-07-056	173-549-020	AMD-P	84-07-056
173-549-025	NEW-P	84-07-056	173-549-025	NEW-P	84-07-056
173-549-027	NEW-P	84-07-056	173-549-027	NEW-P	84-07-056
173-549-030	REP-P	84-07-056	173-549-030	REP-P	84-07-056
173-549-035	NEW-P	84-07-056	173-549-035	NEW-P	84-07-056
173-549-040	REP-P	84-07-056	173-549-040	REP-P	84-07-056
173-549-050	REP-P	84-07-056	173-549-050	REP-P	84-07-056
173-549-060	AMD-P	84-07-056	173-549-060	AMD-P	84-07-056
173-549-070	AMD-P	84-07-056	173-549-070	AMD-P	84-07-056
173-549-080	NEW-P	84-07-056	173-549-080	NEW-P	84-07-056
173-549-090	NEW-P	84-07-056	173-549-090	NEW-P	84-07-056
173-549-100	NEW-P	84-07-056	173-549-100	NEW-P	84-07-056
173-549-900	NEW-P	84-07-056	173-549-900	NEW-P	84-07-056
173-801-010	REP-P	84-09-081	173-801-010	REP-P	84-09-081
173-801-020	REP-P	84-09-081	173-801-020	REP-P	84-09-081
173-801-030	REP-P	84-09-081	173-801-030	REP-P	84-09-081
173-801-040	REP-P	84-09-081	173-801-040	REP-P	84-09-081
173-801-045	REP-P	84-09-081	173-801-045	REP-P	84-09-081
173-801-050	REP-P	84-09-081	173-801-050	REP-P	84-09-081
173-801-060	REP-P	84-09-081	173-801-060	REP-P	84-09-081
173-801-070	REP-P	84-09-081	173-801-070	REP-P	84-09-081
173-801-080	REP-P	84-09-081	173-801-080	REP-P	84-09-081
173-801-090	REP-P	84-09-081	173-801-090	REP-P	84-09-081
173-801-100	REP-P	84-09-081	173-801-100	REP-P	84-09-081
173-801-110	REP-P	84-09-081	173-801-110	REP-P	84-09-081
173-801-120	REP-P	84-09-081	173-801-120	REP-P	84-09-081
173-801-130	REP-P	84-09-081	173-801-130	REP-P	84-09-081
173-802-010	NEW-P	84-09-081	173-802-010	NEW-P	84-09-081
173-802-020	NEW-P	84-09-081	173-802-020	NEW-P	84-09-081
173-802-030	NEW-P	84-09-081	173-802-030	NEW-P	84-09-081
173-802-040	NEW-P	84-09-081	173-802-040	NEW-P	84-09-081
173-802-050	NEW-P	84-09-081	173-802-050	NEW-P	84-09-081

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
173-802-060	NEW-P 84-09-081	174-109-300	NEW-C 84-11-020	180-22-260	REP-P 84-08-047
173-802-070	NEW-P 84-09-081	174-109-400	NEW-P 84-08-064	180-22-260	REP-W 84-08-058
173-802-080	NEW-P 84-09-081	174-109-400	NEW-C 84-11-020	180-22-260	REP-P 84-08-059
173-802-090	NEW-P 84-09-081	174-109-500	NEW-P 84-08-064	180-22-260	REP 84-11-044
173-802-100	NEW-P 84-09-081	174-109-500	NEW-C 84-11-020	180-22-265	REP-P 84-08-047
173-802-110	NEW-P 84-09-081	174-116-011	AMD-P 84-10-047	180-22-265	REP-W 84-08-058
173-802-120	NEW-P 84-09-081	174-116-040	AMD-P 84-10-047	180-22-265	REP-P 84-08-059
173-802-130	NEW-P 84-09-081	174-116-044	AMD-P 84-10-047	180-22-265	REP 84-11-044
173-802-140	NEW-P 84-09-081	174-116-119	AMD-P 84-10-047	180-22-270	REP-P 84-08-047
173-802-150	NEW-P 84-09-081	174-116-122	AMD-P 84-10-047	180-22-270	REP-W 84-08-058
173-802-190	NEW-P 84-09-081	174-116-123	AMD-P 84-10-047	180-22-270	REP-P 84-08-059
173-805-010	REP-P 84-10-049	174-148-010	REP-P 84-08-064	180-22-270	REP 84-11-044
173-805-020	REP-P 84-10-049	174-148-010	REP-C 84-11-020	180-22-275	REP-P 84-08-047
173-805-030	REP-P 84-10-049	174-148-015	REP-P 84-08-064	180-22-275	REP-W 84-08-058
173-805-040	REP-P 84-10-049	174-148-015	REP-C 84-11-020	180-22-275	REP-P 84-08-059
173-805-050	REP-P 84-10-049	174-148-030	REP-P 84-08-064	180-22-275	REP 84-11-044
173-805-060	REP-P 84-10-049	174-148-030	REP-C 84-11-020	180-22-280	REP-P 84-08-047
173-805-070	REP-P 84-10-049	174-148-040	REP-P 84-08-064	180-22-280	REP-W 84-08-058
173-805-080	REP-P 84-10-049	174-148-040	REP-C 84-11-020	180-22-280	REP-P 84-08-059
173-805-090	REP-P 84-10-049	174-148-050	REP-P 84-08-064	180-22-280	REP 84-11-044
173-805-100	REP-P 84-10-049	174-148-050	REP-C 84-11-020	180-22-285	REP-P 84-08-047
173-805-105	REP-P 84-10-049	174-148-060	REP-P 84-08-064	180-22-285	REP-W 84-08-058
173-805-110	REP-P 84-10-049	174-148-060	REP-C 84-11-020	180-22-285	REP-P 84-08-059
173-805-115	REP-P 84-10-049	174-148-070	REP-P 84-08-064	180-22-285	REP 84-11-044
173-805-120	REP-P 84-10-049	174-148-070	REP-C 84-11-020	180-22-290	REP-P 84-08-047
173-805-121	REP-P 84-10-049	174-148-080	REP-P 84-08-064	180-22-290	REP-W 84-08-058
173-805-130	REP-P 84-10-049	174-148-080	REP-C 84-11-020	180-22-290	REP-P 84-08-059
173-805-135	REP-P 84-10-049	174-148-085	REP-P 84-08-064	180-22-290	REP 84-11-044
173-805-140	REP-P 84-10-049	174-148-085	REP-C 84-11-020	180-22-295	REP-P 84-08-047
173-806-010	NEW-P 84-10-049	174-148-090	REP-P 84-08-064	180-22-295	REP-W 84-08-058
173-806-020	NEW-P 84-10-049	174-148-090	REP-C 84-11-020	180-22-295	REP-P 84-08-059
173-806-030	NEW-P 84-10-049	174-148-100	REP-P 84-08-064	180-22-295	REP 84-11-044
173-806-040	NEW-P 84-10-049	174-148-100	REP-C 84-11-020	180-23-037	NEW-P 84-08-050
173-806-045	NEW-P 84-10-049	174-148-110	REP-P 84-08-064	180-23-037	NEW 84-11-045
173-806-050	NEW-P 84-10-049	174-148-110	REP-C 84-11-020	180-23-040	NEW-P 84-08-050
173-806-060	NEW-P 84-10-049	174-148-120	REP-P 84-08-064	180-23-040	NEW 84-11-045
173-806-070	NEW-P 84-10-049	174-148-120	REP-C 84-11-020	180-23-043	NEW-P 84-08-050
173-806-080	NEW-P 84-10-049	180-16-002	NEW-P 84-08-051	180-23-043	NEW 84-11-045
173-806-090	NEW-P 84-10-049	180-16-002	NEW 84-11-043	180-23-047	NEW-P 84-08-050
173-806-100	NEW-P 84-10-049	180-16-003	REP-P 84-08-051	180-23-047	NEW 84-11-045
173-806-120	NEW-P 84-10-049	180-16-003	REP 84-11-043	180-23-050	NEW-P 84-08-050
173-806-125	NEW-P 84-10-049	180-16-006	NEW-P 84-08-051	180-23-050	NEW 84-11-045
173-806-130	NEW-P 84-10-049	180-16-006	NEW 84-11-043	180-23-055	NEW-P 84-08-050
173-806-140	NEW-P 84-10-049	180-16-191	AMD-P 84-08-051	180-23-055	NEW 84-11-045
173-806-150	NEW-P 84-10-049	180-16-191	AMD 84-11-043	180-23-058	NEW-P 84-08-050
173-806-160	NEW-P 84-10-049	180-16-195	AMD-P 84-08-051	180-23-058	NEW 84-11-045
173-806-170	NEW-P 84-10-049	180-16-195	AMD 84-11-043	180-23-060	NEW-P 84-08-050
173-806-180	NEW-P 84-10-049	180-16-200	AMD-P 84-08-051	180-23-060	NEW 84-11-045
173-806-190	NEW-P 84-10-049	180-16-200	AMD 84-11-043	180-23-065	NEW-P 84-08-050
173-806-200	NEW-P 84-10-049	180-16-205	AMD-P 84-08-051	180-23-065	NEW 84-11-045
173-806-210	NEW-P 84-10-049	180-16-205	AMD 84-11-043	180-23-070	NEW-P 84-08-050
173-806-220	NEW-P 84-10-049	180-16-210	AMD-P 84-08-051	180-23-070	NEW 84-11-045
174-104-010	AMD-C 84-04-017	180-16-210	AMD 84-11-043	180-23-075	NEW-P 84-08-050
174-104-010	AMD-C 84-09-051	180-16-220	AMD-P 84-08-051	180-23-075	NEW 84-11-045
174-109-010	NEW-P 84-08-064	180-16-220	AMD 84-11-043	180-23-077	NEW-P 84-08-050
174-109-010	NEW-C 84-11-020	180-16-225	AMD-P 84-08-051	180-23-077	NEW 84-11-045
174-109-020	NEW-P 84-08-064	180-16-225	AMD 84-11-043	180-23-078	NEW-P 84-08-050
174-109-020	NEW-C 84-11-020	180-16-240	AMD-P 84-08-051	180-23-078	NEW 84-11-045
174-109-030	NEW-P 84-08-064	180-16-240	AMD 84-11-043	180-23-080	NEW-P 84-08-050
174-109-030	NEW-C 84-11-020	180-22-100	NEW-P 84-08-047	180-23-080	NEW 84-11-045
174-109-040	NEW-P 84-08-064	180-22-100	NEW-W 84-08-058	180-23-085	NEW-P 84-08-050
174-109-040	NEW-C 84-11-020	180-22-105	NEW-P 84-08-047	180-23-085	NEW 84-11-045
174-109-050	NEW-P 84-08-064	180-22-105	NEW-W 84-08-058	180-23-090	NEW-P 84-08-050
174-109-050	NEW-C 84-11-020	180-22-140	NEW-P 84-08-047	180-23-090	NEW 84-11-045
174-109-060	NEW-P 84-08-064	180-22-140	NEW-W 84-08-058	180-23-095	NEW-P 84-08-050
174-109-060	NEW-C 84-11-020	180-22-150	AMD-P 84-08-047	180-23-095	NEW 84-11-045
174-109-070	NEW-P 84-08-064	180-22-150	AMD-W 84-08-058	180-23-100	NEW-P 84-08-050
174-109-070	NEW-C 84-11-020	180-22-200	REP-P 84-08-047	180-23-100	NEW 84-11-045
174-109-080	NEW-P 84-08-064	180-22-200	REP-W 84-08-058	180-23-105	NEW-P 84-08-050
174-109-080	NEW-C 84-11-020	180-22-250	REP-P 84-08-047	180-23-105	NEW 84-11-045
174-109-090	NEW-P 84-08-064	180-22-250	REP-W 84-08-058	180-23-110	NEW-P 84-08-050
174-109-090	NEW-C 84-11-020	180-22-250	REP-P 84-08-059	180-23-110	NEW 84-11-045
174-109-100	NEW-P 84-08-064	180-22-255	REP 84-11-044	180-23-115	NEW-P 84-08-050
174-109-100	NEW-C 84-11-020	180-22-255	REP-P 84-08-047	180-23-115	NEW 84-11-045
174-109-200	NEW-P 84-08-064	180-22-255	REP-W 84-08-058	180-23-120	NEW-P 84-08-050
174-109-200	NEW-C 84-11-020	180-22-255	REP-P 84-08-059	180-23-120	NEW 84-11-045
174-109-300	NEW-P 84-08-064	180-22-255	REP 84-11-044	180-26-025	AMD-P 84-08-049

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-24-02000A	NEW-E	84-11-011	220-47-258	REP-P	84-08-065	220-52-01901	AMD-P	84-04-091
220-24-02000Z	NEW-E	84-10-024	220-47-258	REP-C	84-11-098	220-52-01901	AMD	84-08-014
220-28-073H0F	NEW-E	84-11-013	220-47-259	REP-P	84-08-065	220-52-020	AMD-P	84-04-091
220-28-401	NEW-E	84-09-037	220-47-259	REP-C	84-11-098	220-52-020	AMD	84-08-014
220-28-401	REP-E	84-11-010	220-47-260	REP-P	84-08-065	220-52-030	AMD-P	84-04-091
220-28-402	NEW-E	84-10-015	220-47-260	REP-C	84-11-098	220-52-030	AMD	84-08-014
220-28-402	REP-E	84-12-060	220-47-261	REP-P	84-08-065	220-52-03000B	NEW-E	84-07-023
220-28-403	NEW-E	84-12-060	220-47-261	REP-C	84-11-098	220-52-040	AMD-P	84-04-091
220-32-02000L	NEW-E	84-05-006	220-47-263	REP-P	84-08-065	220-52-040	AMD	84-08-014
220-32-02200K	NEW-E	84-04-043	220-47-263	REP-C	84-11-098	220-52-043	AMD-P	84-04-091
220-32-02200K	REP-E	84-05-006	220-47-264	REP-P	84-08-065	220-52-043	AMD	84-08-014
220-32-02500I	NEW-E	84-06-022	220-47-264	REP-C	84-11-098	220-52-046	AMD-P	84-04-091
220-32-02500I	REP-E	84-06-051	220-47-265	REP-P	84-08-065	220-52-046	AMD	84-08-014
220-32-03000H	NEW-E	84-05-037	220-47-265	REP-C	84-11-098	220-52-050	AMD-P	84-04-091
220-32-03000H	REP-E	84-06-008	220-47-267	REP-P	84-08-065	220-52-050	AMD	84-08-014
220-32-03000I	NEW-E	84-06-008	220-47-267	REP-C	84-11-098	220-52-053	AMD-P	84-04-091
220-32-04000T	NEW-E	84-02-049	220-47-268	REP-P	84-08-065	220-52-053	AMD	84-08-014
220-32-04000T	REP-E	84-04-060	220-47-268	REP-C	84-11-098	220-52-05300N	NEW-E	84-11-028
220-32-04000U	NEW-E	84-04-060	220-47-307	AMD-P	84-08-065	220-52-063	AMD-P	84-04-091
220-32-04000U	REP-E	84-05-035	220-47-307	AMD-C	84-11-098	220-52-063	AMD	84-08-014
220-32-04000V	NEW-E	84-05-035	220-47-311	AMD-P	84-08-065	220-52-066	AMD-P	84-04-091
220-32-04100G	NEW-E	84-12-028	220-47-311	AMD-C	84-11-098	220-52-066	AMD	84-08-014
220-32-044	AMD-P	84-04-091	220-47-312	AMD-P	84-08-065	220-52-06600D	NEW-E	84-04-044
220-32-044	AMD	84-08-014	220-47-312	AMD-C	84-11-098	220-52-06600E	NEW-E	84-10-010
220-32-05000H	REP-E	84-11-058	220-47-313	AMD-P	84-08-065	220-52-069	AMD-P	84-04-091
220-32-05100B	NEW-E	84-05-036	220-47-313	AMD-C	84-11-098	220-52-069	AMD	84-08-014
220-32-055	AMD-P	84-03-059	220-47-314	REP-P	84-08-065	220-52-075	AMD-P	84-04-091
220-32-055	AMD	84-05-046	220-47-314	REP-C	84-11-098	220-52-075	AMD	84-08-014
220-32-05500H	NEW-E	84-10-042	220-47-319	AMD-P	84-08-065	220-52-07500H	NEW-E	84-04-044
220-32-05500H	REP-E	84-12-044	220-47-319	AMD-C	84-11-098	220-52-07500I	NEW-E	84-10-010
220-32-05500I	NEW-E	84-11-058	220-47-411	AMD-P	84-08-065	220-55-120	AMD-P	84-03-059
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220-32-05500J	NEW-E	84-12-044	220-47-412	AMD-P	84-08-065	220-55-130	AMD-P	84-03-059
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220-36-02500J	NEW-E	84-06-051	220-47-414	AMD-C	84-11-098	220-56-115	AMD	84-09-026
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248-17-275	NEW-P	84-11-069	248-61-170	REP-P	84-12-059	251-18-020	AMD	84-10-056
248-19-220	AMD-P	84-04-026	248-61-180	REP-P	84-12-059	251-18-025	REP-P	84-06-065
248-19-220	AMD-E	84-04-057	248-63-001	NEW-P	84-12-059	251-18-025	REP-C	84-10-055
248-19-220	AMD	84-07-014	248-63-010	NEW-P	84-12-059	251-18-030	REP-P	84-06-065
248-19-230	AMD-P	84-04-026	248-63-020	NEW-P	84-12-059	251-18-030	REP-C	84-10-055
248-19-230	AMD-E	84-04-057	248-63-030	NEW-P	84-12-059	251-18-050	AMD-P	84-06-065
248-19-230	AMD	84-07-014	248-63-040	NEW-P	84-12-059	251-18-050	AMD	84-10-056
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248-22-501	REP-P	84-12-003	248-63-060	NEW-P	84-12-059	251-18-060	AMD-C	84-10-055
248-22-510	REP-P	84-12-003	248-63-070	NEW-P	84-12-059	251-18-060	AMD	84-12-047
248-22-520	REP-P	84-12-003	248-63-080	NEW-P	84-12-059	251-18-070	AMD-P	84-06-065
248-22-530	REP-P	84-12-003	248-63-090	NEW-P	84-12-059	251-18-070	AMD	84-10-056
248-22-540	REP-P	84-12-003	248-63-100	NEW-P	84-12-059	251-18-080	REP-P	84-06-065
248-22-550	REP-P	84-12-003	248-63-110	NEW-P	84-12-059	251-18-080	REP	84-10-056
248-22-560	REP-P	84-12-003	248-63-120	NEW-P	84-12-059	251-18-100	REP-P	84-06-065
248-22-570	REP-P	84-12-003	248-63-130	NEW-P	84-12-059	251-18-100	REP	84-10-056
248-22-580	REP-P	84-12-003	248-63-140	NEW-P	84-12-059	251-18-110	AMD-P	84-06-065
248-22-590	REP-P	84-12-003	248-63-150	NEW-P	84-12-059	251-18-110	AMD	84-10-056
248-26-001	NEW-P	84-12-004	248-63-160	NEW-P	84-12-059	251-18-115	REP-P	84-06-065
248-26-010	NEW-P	84-12-004	248-63-170	NEW-P	84-12-059	251-18-115	REP	84-10-056
248-26-020	NEW-P	84-12-004	248-63-180	NEW-P	84-12-059	251-18-120	AMD-P	84-06-065
248-26-030	NEW-P	84-12-004	248-84-002	AMD-P	84-10-044	251-18-120	AMD	84-10-056
248-26-040	NEW-P	84-12-004	248-84-030	AMD-P	84-10-044	251-18-130	AMD-P	84-06-065
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248-26-060	NEW-P	84-12-004	248-84-062	NEW-P	84-10-044	251-18-130	AMD	84-12-047
248-26-070	NEW-P	84-12-004	250-18-060	AMD-E	84-10-027	251-18-140	AMD-P	84-06-065
248-26-080	NEW-P	84-12-004	250-18-060	AMD-P	84-10-043	251-18-140	AMD	84-10-056
248-26-090	NEW-P	84-12-004	250-44-050	AMD-P	84-10-048	251-18-140	AMD-C	84-12-087
248-26-100	NEW-P	84-12-004	250-44-060	AMD-P	84-10-048	251-18-145	NEW-P	84-06-065
248-27-001	NEW-P	84-12-078	250-44-070	AMD-P	84-10-048	251-18-145	NEW	84-10-056
248-27-002	NEW-P	84-12-078	250-44-080	AMD-P	84-10-048	251-18-150	REP-P	84-06-065
248-27-010	NEW-P	84-12-078	250-44-090	AMD-P	84-10-048	251-18-150	REP	84-10-056
248-27-020	NEW-P	84-12-078	250-44-110	AMD-P	84-10-048	251-18-155	REP-P	84-06-065
248-27-030	NEW-P	84-12-078	250-44-130	AMD-P	84-10-048	251-18-155	REP	84-10-056
248-27-040	NEW-P	84-12-078	251-04-020	AMD-P	84-02-067	251-18-160	AMD-P	84-06-065
248-27-050	NEW-P	84-12-078	251-04-020	AMD-P	84-04-070	251-18-160	AMD	84-10-056
248-27-060	NEW-P	84-12-078	251-04-020	AMD-E	84-04-071	251-18-170	REP-P	84-06-065
248-27-070	NEW-P	84-12-078	251-04-020	AMD-C	84-06-004	251-18-170	REP	84-10-056
248-27-080	NEW-P	84-12-078	251-04-020	AMD	84-06-035	251-18-175	REP-P	84-06-065
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251-18-180	AMD-C 84-12-087	260-70-032	NEW-P 84-04-061	275-55-293	AMD 84-03-035
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251-18-181	REP 84-10-056	260-70-090	AMD-P 84-04-061	275-55-301	AMD 84-03-035
251-18-190	AMD-P 84-06-065	260-70-090	AMD 84-06-061	275-55-331	AMD 84-03-035
251-18-190	AMD 84-10-056	260-70-100	AMD-P 84-04-061	275-55-371	AMD 84-03-035
251-18-200	AMD-P 84-06-065	260-70-100	AMD 84-06-061	275-60-010	NEW-P 84-10-009
251-18-200	AMD 84-10-056	260-84-010	AMD-P 84-11-099	275-60-020	NEW-P 84-10-009
251-18-230	REP-P 84-06-065	261-20	AMD-P 84-09-021	275-60-030	NEW-P 84-10-009
251-18-230	REP 84-10-056	261-20	AMD-C 84-10-013	275-60-040	NEW-P 84-10-009
251-18-240	AMD-P 84-06-065	262-01-010	NEW 84-04-042	275-60-050	NEW-P 84-10-009
251-18-240	AMD 84-10-056	262-01-020	NEW 84-04-042	275-60-060	NEW-P 84-10-009
251-18-240	AMD-C 84-12-087	262-01-030	NEW 84-04-042	275-60-070	NEW-P 84-10-009
251-18-260	AMD-P 84-06-065	262-01-040	NEW 84-04-042	275-60-200	NEW-P 84-10-009
251-18-260	AMD 84-10-056	262-01-050	NEW 84-04-042	275-60-300	NEW-P 84-10-009
251-18-265	AMD-P 84-06-065	263-12-115	AMD-C 84-04-025	275-60-400	NEW-P 84-10-009
251-18-265	AMD 84-10-056	263-12-115	AMD-C 84-04-058	275-60-500	NEW-P 84-10-009
251-18-270	AMD-P 84-06-065	263-12-115	AMD-E 84-04-059	275-60-510	NEW-P 84-10-009
251-18-270	AMD 84-10-056	263-12-115	AMD 84-08-036	275-60-520	NEW-P 84-10-009
251-18-315	NEW-P 84-02-067	275-27-020	AMD-P 84-12-036	284-44-020	REP-P 84-04-032
251-18-315	NEW-C 84-06-004	275-27-030	AMD-P 84-12-036	284-44-020	REP 84-08-001
251-18-315	NEW-C 84-12-088	275-27-040	AMD-P 84-12-036	284-44-400	NEW-P 84-04-032
251-18-320	AMD-P 84-04-070	275-27-050	AMD-P 84-12-036	284-44-400	NEW 84-08-001
251-18-320	AMD-E 84-04-071	275-27-060	AMD-P 84-12-036	284-44-410	NEW-P 84-04-032
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251-18-330	AMD-P 84-04-070	275-27-250	AMD-P 84-12-036	284-46-020	NEW-P 84-04-033
251-18-330	AMD-E 84-04-071	275-27-300	AMD-P 84-12-036	284-46-020	NEW 84-08-002
251-18-330	AMD 84-08-032	275-27-400	AMD-P 84-12-036	286-26-020	AMD-P 84-12-049
251-18-340	AMD-P 84-04-070	275-27-500	AMD-P 84-08-015	286-26-055	AMD-P 84-12-049
251-18-340	AMD-E 84-04-071	275-27-500	AMD-C 84-12-032	289-02-020	AMD-P 84-09-065
251-18-340	AMD 84-08-032	275-27-800	NEW-P 84-04-009	289-15-130	AMD-P 84-09-066
251-18-347	AMD-P 84-12-087	275-27-800	NEW-E 84-04-010	289-15-225	AMD-P 84-09-067
251-18-350	AMD-P 84-02-067	275-27-800	NEW 84-07-018	289-15-230	AMD-P 84-09-066
251-18-350	AMD-C 84-06-004	275-27-810	NEW-P 84-04-009	289-16-100	AMD-P 84-09-065
251-18-350	AMD-C 84-12-088	275-27-810	NEW-E 84-04-010	289-16-200	AMD-P 84-09-065
251-18-355	NEW-P 84-02-067	275-27-810	NEW 84-07-018	296-04-500	REP 84-04-024
251-18-355	NEW-C 84-06-004	275-27-820	NEW-P 84-04-009	296-04-501	REP 84-04-024
251-18-355	NEW-C 84-12-088	275-27-820	NEW-E 84-04-010	296-04-502	REP 84-04-024
251-18-361	NEW-P 84-02-067	275-27-820	NEW 84-07-018	296-04-503	REP 84-04-024
251-18-361	NEW-C 84-06-004	275-31-005	NEW 84-03-054	296-04-504	REP 84-04-024
251-18-361	NEW-C 84-12-088	275-31-010	NEW 84-03-054	296-04-505	REP 84-04-024
251-20-010	AMD-P 84-12-087	275-31-020	NEW 84-03-054	296-04-506	REP 84-04-024
251-20-020	AMD-P 84-12-087	275-31-030	NEW 84-03-054	296-14-010	AMD-P 84-02-059
251-20-030	AMD-P 84-12-087	275-31-040	NEW 84-03-054	296-14-010	AMD 84-06-018
251-20-040	AMD-P 84-12-087	275-31-050	NEW 84-03-054	296-15-02601	AMD-P 84-02-078
251-20-045	NEW-P 84-12-087	275-31-070	NEW 84-03-054	296-15-02601	AMD 84-06-031
251-20-050	AMD-P 84-12-087	275-31-080	NEW 84-03-054	296-15-21001	REP-P 84-02-078
251-22-070	AMD-P 84-04-070	275-31-090	NEW 84-03-054	296-15-21001	REP 84-06-031
251-22-070	AMD-E 84-04-071	275-33-010	NEW-E 84-06-016	296-17-350	AMD-P 84-08-077
251-22-070	AMD 84-08-032	275-33-010	NEW-P 84-06-025	296-17-350	AMD 84-11-034
251-22-090	AMD-P 84-09-068	275-33-010	NEW 84-10-032	296-17-35101	NEW-P 84-02-059
251-22-090	AMD-E 84-10-018	275-33-020	NEW-E 84-06-016	296-17-35101	NEW 84-06-018
251-22-090	AMD 84-12-047	275-33-020	NEW-P 84-06-025	296-17-765	AMD-P 84-09-035
251-22-091	REP-P 84-09-068	275-33-020	NEW 84-10-032	296-17-765	AMD-E 84-09-036
251-22-091	REP-E 84-10-018	275-33-030	NEW-E 84-06-016	296-17-765	AMD 84-12-048
251-22-091	REP 84-12-047	275-33-030	NEW-P 84-06-025	296-17-779	NEW-P 84-08-077
251-22-200	AMD-P 84-09-068	275-33-030	NEW 84-10-032	296-17-779	NEW 84-11-034
251-22-200	AMD 84-12-047	275-33-040	NEW-E 84-06-016	296-17-895	AMD-P 84-09-035
260-32-160	AMD-P 84-11-099	275-33-040	NEW-P 84-06-025	296-17-895	AMD-E 84-09-036
260-56-030	AMD-P 84-11-099	275-33-040	NEW 84-10-032	296-17-895	AMD 84-12-048
260-70-010	AMD-P 84-04-061	275-33-050	NEW-E 84-06-016	296-17-905	AMD-P 84-02-060
260-70-010	AMD 84-06-061	275-33-050	NEW-P 84-06-025	296-17-905	AMD 84-06-024
260-70-021	AMD-P 84-04-061	275-33-050	NEW 84-10-032	296-17-910	AMD-P 84-02-060
260-70-021	AMD 84-06-061	275-33-060	NEW-E 84-06-016	296-17-910	AMD 84-06-024
260-70-025	NEW-P 84-04-061	275-33-060	NEW-P 84-06-025	296-17-911	AMD-P 84-02-060
260-70-025	NEW 84-06-061	275-33-060	NEW 84-10-032	296-17-911	AMD 84-06-024
260-70-026	NEW-P 84-04-061	275-38-600	AMD-P 84-05-056	296-17-913	AMD-P 84-02-060
260-70-026	NEW 84-06-061	275-38-600	AMD 84-09-018	296-17-913	AMD 84-06-024
260-70-027	NEW-P 84-04-061	275-38-730	AMD-P 84-04-056	296-17-914	AMD-P 84-02-060
260-70-027	NEW 84-06-061	275-38-730	AMD 84-09-032	296-17-914	AMD 84-06-024
260-70-028	NEW-P 84-04-061	275-55-020	AMD 84-03-035	296-17-916	AMD-P 84-02-060

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296-17-917	AMD	84-06-024	296-81-340	AMD	84-05-005
296-17-918	NEW-P	84-02-060	296-81-360	AMD-C	84-03-008
296-17-918	NEW	84-06-018	296-81-360	AMD	84-05-005
296-17-919	AMD-P	84-02-060	296-81-991	NEW-C	84-03-008
296-17-919	AMD	84-06-024	296-81-991	NEW	84-05-005
296-17-91901	AMD-P	84-02-060	296-93-010	NEW-P	84-05-032
296-17-91901	AMD	84-06-024	296-93-010	NEW	84-10-025
296-17-91902	AMD-P	84-02-060	296-93-020	NEW-P	84-05-032
296-17-91902	AMD	84-06-024	296-93-020	NEW	84-10-025
296-19-010	REP-P	84-02-059	296-93-030	NEW-P	84-05-032
296-19-010	REP	84-06-018	296-93-030	NEW	84-10-025
296-24-073	AMD-E	84-10-016	296-93-040	NEW-P	84-05-032
296-46-110	AMD-P	84-07-010	296-93-040	NEW	84-10-025
296-46-110	AMD-E	84-08-006	296-93-050	NEW-P	84-05-032
296-46-120	REP-P	84-07-010	296-93-050	NEW	84-10-025
296-46-130	AMD-P	84-07-010	296-93-060	NEW-P	84-05-032
296-46-140	AMD-P	84-07-010	296-93-060	NEW	84-10-025
296-46-150	AMD-P	84-07-010	296-93-070	NEW-P	84-05-032
296-46-160	AMD-P	84-07-010	296-93-070	NEW	84-10-025
296-46-170	REP-P	84-07-010	296-93-080	NEW-P	84-05-032
296-46-180	AMD-P	84-07-010	296-93-080	NEW	84-10-025
296-46-190	REP-P	84-07-010	296-93-090	NEW-P	84-05-032
296-46-200	AMD-P	84-07-010	296-93-090	NEW	84-10-025
296-46-210	REP-P	84-07-010	296-93-100	NEW-P	84-05-032
296-46-220	AMD-P	84-07-010	296-93-100	NEW	84-10-025
296-46-230	REP-P	84-07-010	296-93-110	NEW-P	84-05-032
296-46-240	AMD-P	84-07-010	296-93-110	NEW	84-10-025
296-46-242	REP-P	84-07-010	296-93-120	NEW-P	84-05-032
296-46-244	REP-P	84-07-010	296-93-120	NEW	84-10-025
296-46-270	REP-P	84-07-010	296-93-130	NEW-P	84-05-032
296-46-280	REP-P	84-07-010	296-93-130	NEW	84-10-025
296-46-290	REP-P	84-07-010	296-93-140	NEW-P	84-05-032
296-46-300	REP-P	84-07-010	296-93-140	NEW	84-10-025
296-46-335	REP-P	84-07-010	296-93-150	NEW-P	84-05-032
296-46-336	NEW-P	84-07-010	296-93-150	NEW	84-10-025
296-46-350	AMD-P	84-07-010	296-93-160	NEW-P	84-05-032
296-46-355	REP-P	84-07-010	296-93-160	NEW	84-10-025
296-46-360	AMD-P	84-07-010	296-93-170	NEW-P	84-05-032
296-46-370	AMD-P	84-07-010	296-93-170	NEW	84-10-025
296-46-380	REP-P	84-07-010	296-93-180	NEW-P	84-05-032
296-46-390	REP-P	84-07-010	296-93-180	NEW	84-10-025
296-46-420	AMD-P	84-07-010	296-93-190	NEW-P	84-05-032
296-46-424	REP-P	84-07-010	296-93-190	NEW	84-10-025
296-46-426	REP-P	84-07-010	296-93-200	NEW-P	84-05-032
296-46-480	AMD-P	84-07-010	296-93-200	NEW	84-10-025
296-46-490	AMD-P	84-07-010	296-93-210	NEW-P	84-05-032
296-46-495	REP-P	84-07-010	296-93-210	NEW	84-10-025
296-46-500	REP-P	84-07-010	296-93-220	NEW-P	84-05-032
296-46-501	REP-P	84-07-010	296-93-220	NEW	84-10-025
296-46-535	REP-P	84-07-010	296-93-230	NEW-P	84-05-032
296-46-540	REP-P	84-07-010	296-93-230	NEW	84-10-025
296-46-545	REP-P	84-07-010	296-93-240	NEW-P	84-05-032
296-46-550	REP-P	84-07-010	296-93-240	NEW	84-10-025
296-46-555	REP-P	84-07-010	296-93-250	NEW-P	84-05-032
296-46-560	REP-P	84-07-010	296-93-250	NEW	84-10-025
296-46-565	REP-P	84-07-010	296-93-260	NEW-P	84-05-032
296-46-590	REP-P	84-07-010	296-93-260	NEW	84-10-025
296-46-59005	REP-P	84-07-010	296-93-270	NEW-P	84-05-032
296-46-59010	REP-P	84-07-010	296-93-270	NEW	84-10-025
296-46-900	REP-P	84-07-010	296-93-280	NEW-P	84-05-032
296-46-905	REP-P	84-07-010	296-93-280	NEW	84-10-025
296-62-054	NEW-P	84-09-029	296-93-290	NEW-P	84-05-032
296-62-05403	NEW-P	84-09-029	296-93-290	NEW	84-10-025
296-62-05405	NEW-P	84-09-029	296-93-300	NEW-P	84-05-032
296-62-05407	NEW-P	84-09-029	296-93-300	NEW	84-10-025
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296-62-05411	NEW-P	84-09-029	296-93-320	NEW	84-10-025
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296-62-05415	NEW-P	84-09-029	296-93-330	NEW	84-10-025
296-62-05417	NEW-P	84-09-029	296-104-200	AMD-P	84-06-010
296-62-05419	NEW-P	84-09-029	296-104-200	AMD	84-11-016
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296-116-300	AMD-E	84-04-007			
296-116-330	REP-P	84-07-028			
296-116-330	REP-E	84-08-013			
296-116-330	REP	84-11-041			
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296-200-300	NEW-P	84-04-072			
296-200-300	NEW-C	84-07-021			
296-200-300	NEW	84-12-018			
296-200-310	NEW-E	84-03-003			
296-200-310	NEW-P	84-04-072			
296-200-310	NEW-C	84-07-021			
296-200-310	NEW	84-12-018			
296-200-320	NEW-E	84-03-003			
296-200-320	NEW-P	84-04-072			
296-200-320	NEW-C	84-07-021			
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296-400-300	NEW-P	84-04-072			
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296-400-300	NEW	84-12-018			
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304-12-015	REP	84-07-020			
304-12-020	NEW-P	84-04-089			
304-12-020	NEW	84-07-020			
304-12-025	NEW-P	84-04-089			
304-12-025	NEW	84-07-020			
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304-12-125	AMD	84-07-020			
304-25-040	AMD-P	84-04-089			
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304-25-090	REP-P	84-04-089			
304-25-090	REP	84-07-020			
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304-25-100	REP	84-07-020			
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308-12-050	AMD	84-04-028			
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308-25-025	AMD-P	84-07-049			
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308-25-040	REP	84-04-088			
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308-26-015	AMD	84-08-019			
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308-26-017	AMD	84-08-019			
308-31-015	NEW	84-02-077			
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308-42-050	REP	84-03-055			
308-42-055	REP	84-03-055			
308-42-060	AMD-P	84-10-060			
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308-42-125	NEW-P	84-10-060	308-93-150	AMD-P	84-10-081	315-11-110	NEW-E	84-05-053
308-42-130	AMD-P	84-10-060	308-93-155	NEW-P	84-10-081	315-11-110	NEW	84-09-008
308-42-135	AMD-P	84-10-060	308-93-160	AMD-P	84-10-081	315-11-111	NEW-P	84-05-052
308-42-140	AMD-P	84-10-060	308-93-165	NEW-P	84-10-081	315-11-111	NEW-E	84-05-053
308-42-145	AMD-P	84-10-060	308-93-215	NEW-P	84-10-081	315-11-111	NEW	84-09-008
308-42-150	AMD-P	84-10-060	308-93-225	NEW-P	84-10-081	315-11-112	NEW-P	84-05-052
308-42-155	AMD-P	84-10-060	308-93-260	AMD-P	84-10-081	315-11-112	NEW-E	84-05-053
308-42-160	AMD-P	84-10-060	308-93-270	AMD-P	84-10-081	315-11-112	NEW	84-09-008
308-48-145	NEW-P	84-08-061	308-93-290	AMD-P	84-10-081	315-11-120	NEW-P	84-07-053
308-48-145	NEW	84-11-059	308-93-310	AMD-P	84-10-081	315-11-120	NEW-E	84-09-009
308-50-010	AMD-E	84-03-018	308-93-350	AMD-P	84-10-081	315-11-120	NEW-P	84-09-085
308-50-010	AMD-P	84-04-048	308-93-360	AMD-P	84-10-081	315-11-120	NEW	84-12-057
308-50-010	AMD	84-08-062	308-93-500	AMD-P	84-10-081	315-11-121	NEW-P	84-07-053
308-50-020	AMD-E	84-03-018	308-93-560	AMD-P	84-10-081	315-11-121	NEW-E	84-09-009
308-50-020	AMD-P	84-04-048	308-93-610	REP-P	84-10-081	315-11-121	NEW-P	84-09-085
308-50-020	AMD-P	84-10-059	308-93-640	AMD-P	84-10-081	315-11-121	NEW	84-12-057
308-50-050	REP-P	84-04-048	308-93-650	NEW-P	84-06-056	315-11-122	NEW-P	84-07-053
308-50-050	REP	84-08-062	308-93-650	NEW	84-11-060	315-11-122	NEW-E	84-09-009
308-50-090	AMD-E	84-03-018	308-138-200	AMD	84-05-011	315-11-122	NEW-P	84-09-085
308-50-090	AMD-P	84-04-048	308-138A-025	AMD	84-05-011	315-11-122	NEW	84-12-057
308-50-100	AMD-P	84-04-048	308-138B-120	REP	84-05-011	315-11-130	NEW-P	84-12-056
308-50-100	AMD	84-08-062	308-138B-165	NEW	84-05-011	315-11-130	NEW-E	84-12-070
308-50-110	AMD-P	84-04-048	308-138B-170	AMD	84-05-011	315-11-131	NEW-P	84-12-056
308-50-110	AMD-P	84-10-059	314-12-160	REP-P	84-09-062	315-11-131	NEW-E	84-12-070
308-50-120	AMD-P	84-04-048	314-12-160	REP-E	84-09-063	315-11-132	NEW-P	84-12-056
308-50-120	AMD	84-08-062	314-12-160	REP	84-11-093	315-11-132	NEW-E	84-12-070
308-50-140	AMD	84-10-062	314-16-040	AMD-P	84-09-022	315-12-030	AMD	84-05-008
308-50-160	AMD	84-10-062	314-16-040	AMD	84-11-092	315-30-080	NEW	84-05-008
308-50-170	AMD	84-10-062	314-16-110	AMD	84-02-066	315-30-090	NEW	84-05-008
308-50-180	AMD	84-10-062	314-16-110	AMD-P	84-12-075	315-32	NEW-C	84-12-055
308-50-190	AMD	84-10-062	314-16-200	AMD-W	84-03-019	315-32-010	NEW-P	84-09-084
308-50-200	AMD	84-10-062	314-16-200	AMD-P	84-07-052	315-32-010	NEW-E	84-12-070
308-50-210	AMD	84-10-062	314-16-200	AMD-W	84-09-077	315-32-020	NEW-P	84-09-084
308-50-220	AMD-P	84-10-062	314-16-200	AMD-P	84-12-076	315-32-020	NEW-E	84-12-070
308-50-230	AMD	84-10-062	314-16-205	NEW-P	84-06-063	315-32-030	NEW-P	84-09-084
308-50-240	AMD	84-10-062	314-16-205	NEW	84-09-024	315-32-030	NEW-E	84-12-070
308-50-250	AMD	84-10-062	314-18-040	AMD-P	84-06-064	315-32-040	NEW-P	84-09-084
308-50-260	AMD	84-10-062	314-18-040	AMD	84-09-025	315-32-040	NEW-E	84-12-070
308-50-270	AMD	84-10-062	314-20-010	AMD-P	84-06-062	315-32-050	NEW-P	84-09-084
308-50-280	AMD	84-10-062	314-20-010	AMD	84-09-023	315-32-050	NEW-E	84-12-070
308-50-290	AMD	84-10-062	314-24-110	AMD-P	84-06-062	315-32-060	NEW-P	84-09-084
308-50-295	AMD	84-10-062	314-24-110	AMD	84-09-023	315-32-060	NEW-E	84-12-070
308-52-100	AMD-P	84-12-090	314-38-020	AMD-P	84-11-039	316-02-001	NEW-P	84-04-081
308-52-255	AMD-P	84-12-090	315-04-070	AMD-E	84-06-045	316-02-001	NEW	84-07-037
308-53-030	AMD-P	84-05-069	315-04-070	AMD-E	84-09-009	316-02-003	NEW-P	84-04-081
308-53-030	AMD	84-09-082	315-04-070	AMD-P	84-09-085	316-02-003	NEW	84-07-037
308-53-085	AMD-P	84-05-069	315-04-070	AMD	84-12-057	316-02-007	NEW-P	84-04-081
308-53-085	AMD	84-09-082	315-04-120	AMD-P	84-05-050	316-02-007	NEW	84-07-037
308-53-120	AMD-P	84-05-069	315-04-120	AMD-E	84-06-045	316-02-010	NEW-P	84-04-081
308-53-120	AMD	84-09-082	315-04-120	AMD	84-09-008	316-02-010	NEW	84-07-037
308-53-190	REP-P	84-05-069	315-04-120	AMD-P	84-09-085	316-02-020	NEW-P	84-04-081
308-53-190	REP	84-09-082	315-04-120	AMD-E	84-11-012	316-02-020	NEW	84-07-037
308-53-211	NEW-P	84-12-089	315-04-120	AMD	84-12-057	316-02-030	NEW-P	84-04-081
308-54-140	AMD-P	84-04-086	315-04-132	NEW-E	84-06-045	316-02-030	NEW	84-07-037
308-54-140	AMD	84-07-051	315-04-132	NEW-P	84-09-085	316-02-040	NEW-P	84-04-081
308-54-150	AMD-P	84-04-086	315-04-132	NEW-E	84-11-012	316-02-040	NEW	84-07-037
308-54-150	AMD	84-07-051	315-04-132	NEW	84-12-057	316-02-100	NEW-P	84-04-081
308-78-010	AMD-P	84-06-066	315-04-133	NEW-E	84-06-045	316-02-100	NEW	84-07-037
308-78-040	AMD-P	84-06-066	315-04-133	NEW-P	84-09-085	316-02-103	NEW-P	84-04-081
308-78-045	AMD-P	84-06-066	315-04-133	NEW-E	84-11-012	316-02-103	NEW	84-07-037
308-78-050	AMD-P	84-06-066	315-04-133	NEW	84-12-057	316-02-105	NEW-P	84-04-081
308-78-070	AMD-P	84-06-066	315-04-134	NEW-P	84-09-085	316-02-105	NEW	84-07-037
308-93-010	AMD-P	84-10-081	315-04-134	NEW-E	84-11-012	316-02-110	NEW-P	84-04-081
308-93-020	AMD-P	84-10-081	315-04-134	NEW	84-12-057	316-02-110	NEW	84-07-037
308-93-030	AMD-P	84-10-081	315-04-180	AMD	84-05-008	316-02-120	NEW-P	84-04-081
308-93-040	AMD-P	84-10-081	315-06-120	AMD-P	84-05-050	316-02-120	NEW	84-07-037
308-93-050	AMD-P	84-10-081	315-06-120	AMD	84-09-008	316-02-130	NEW-P	84-04-081
308-93-060	AMD-P	84-10-081	315-06-130	AMD	84-05-008	316-02-130	NEW	84-07-037
308-93-070	AMD-P	84-10-081	315-10-020	AMD	84-05-008	316-02-140	NEW-P	84-04-081
308-93-075	NEW-P	84-10-081	315-10-030	AMD	84-05-008	316-02-140	NEW	84-07-037
308-93-080	AMD-P	84-10-081	315-10-060	AMD	84-05-008	316-02-150	NEW-P	84-04-081
308-93-085	NEW-P	84-10-081	315-11-071	AMD	84-05-008	316-02-150	NEW	84-07-037
308-93-090	AMD-P	84-10-081	315-11-081	AMD	84-05-008	316-02-160	NEW-P	84-04-081
308-93-110	AMD-P	84-10-081	315-11-101	AMD-E	84-03-026	316-02-160	NEW	84-07-037
308-93-135	NEW-P	84-10-081	315-11-101	AMD-P	84-05-051	316-02-170	NEW-P	84-04-081
308-93-140	AMD-P	84-10-081	315-11-101	AMD	84-09-008	316-02-170	NEW	84-07-037

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316-45-110	NEW-P 84-04-081	316-65-010	NEW 84-07-037	326-06-020	NEW 84-09-002
316-45-110	NEW 84-07-037	316-65-030	NEW-P 84-04-081	326-06-030	NEW-P 84-05-033
316-45-130	NEW-P 84-04-081	316-65-030	NEW 84-07-037	326-06-030	NEW-E 84-05-034
316-45-130	NEW 84-07-037	316-65-050	NEW-P 84-04-081	326-06-030	NEW 84-09-002
316-45-150	NEW-P 84-04-081	316-65-050	NEW 84-07-037	326-06-040	NEW-P 84-05-033
316-45-150	NEW 84-07-037	316-65-090	NEW-P 84-04-081	326-06-040	NEW-E 84-05-034
316-45-170	NEW-P 84-04-081	316-65-090	NEW 84-07-037	326-06-040	NEW 84-09-002
316-45-170	NEW 84-07-037	316-65-110	NEW-P 84-04-081	326-06-050	NEW-P 84-05-033
316-45-190	NEW-P 84-04-081	316-65-110	NEW 84-07-037	326-06-050	NEW-E 84-05-034
316-45-190	NEW 84-07-037	316-65-130	NEW-P 84-04-081	326-06-050	NEW 84-09-002
316-45-210	NEW-P 84-04-081	316-65-130	NEW 84-07-037	326-06-060	NEW-P 84-05-033
316-45-210	NEW 84-07-037	316-65-150	NEW-P 84-04-081	326-06-060	NEW-E 84-05-034
316-45-230	NEW-P 84-04-081	316-65-150	NEW 84-07-037	326-06-060	NEW 84-09-002
316-45-230	NEW 84-07-037	316-65-500	NEW-P 84-04-081	326-06-070	NEW-P 84-05-033
316-45-250	NEW-P 84-04-081	316-65-500	NEW 84-07-037	326-06-070	NEW-E 84-05-034
316-45-250	NEW 84-07-037	316-65-510	NEW-P 84-04-081	326-06-070	NEW 84-09-002
316-45-270	NEW-P 84-04-081	316-65-510	NEW 84-07-037	326-06-080	NEW-P 84-05-033
316-45-270	NEW 84-07-037	316-65-515	NEW-P 84-04-081	326-06-080	NEW-E 84-05-034
316-45-290	NEW-P 84-04-081	316-65-515	NEW 84-07-037	326-06-080	NEW 84-09-002
316-45-290	NEW 84-07-037	316-65-525	NEW-P 84-04-081	326-06-090	NEW-P 84-05-033
316-45-310	NEW-P 84-04-081	316-65-525	NEW 84-07-037	326-06-090	NEW-E 84-05-034
316-45-310	NEW 84-07-037	316-65-530	NEW-P 84-04-081	326-06-090	NEW 84-09-002
316-45-330	NEW-P 84-04-081	316-65-530	NEW 84-07-037	326-06-100	NEW-P 84-05-033
316-45-330	NEW 84-07-037	316-65-535	NEW-P 84-04-081	326-06-100	NEW-E 84-05-034
316-45-350	NEW-P 84-04-081	316-65-535	NEW 84-07-037	326-06-100	NEW 84-09-002
316-45-350	NEW 84-07-037	316-65-540	NEW-P 84-04-081	326-06-110	NEW-P 84-05-033
316-45-370	NEW-P 84-04-081	316-65-540	NEW 84-07-037	326-06-110	NEW-E 84-05-034
316-45-370	NEW 84-07-037	316-65-545	NEW-P 84-04-081	326-06-110	NEW 84-09-002
316-45-390	NEW-P 84-04-081	316-65-545	NEW 84-07-037	326-06-120	NEW-P 84-05-033
316-45-390	NEW 84-07-037	316-65-550	NEW-P 84-04-081	326-06-120	NEW-E 84-05-034
316-45-410	NEW-P 84-04-081	316-65-550	NEW 84-07-037	326-06-120	NEW 84-09-002
316-45-410	NEW 84-07-037	316-65-555	NEW-P 84-04-081	326-06-130	NEW-P 84-05-033
316-45-430	NEW-P 84-04-081	316-65-555	NEW 84-07-037	326-06-130	NEW-E 84-05-034
316-45-430	NEW 84-07-037	316-65-560	NEW-P 84-04-081	326-06-130	NEW 84-09-002
316-45-550	NEW-P 84-04-081	316-65-560	NEW 84-07-037	326-06-140	NEW-P 84-05-033
316-45-550	NEW 84-07-037	316-75-001	NEW-P 84-04-081	326-06-140	NEW-E 84-05-034
316-55-001	NEW-P 84-04-081	316-75-001	NEW 84-07-037	326-06-140	NEW 84-09-002
316-55-001	NEW 84-07-037	316-75-010	NEW-P 84-04-081	326-06-160	NEW-P 84-05-033
316-55-010	NEW-P 84-04-081	316-75-010	NEW 84-07-037	326-06-160	NEW-E 84-05-034
316-55-010	NEW 84-07-037	316-75-030	NEW-P 84-04-081	326-06-160	NEW 84-09-002
316-55-020	NEW-P 84-04-081	316-75-030	NEW 84-07-037	326-08-010	NEW-P 84-05-033
316-55-020	NEW 84-07-037	316-75-050	NEW-P 84-04-081	326-08-010	NEW-E 84-05-034
316-55-030	NEW-P 84-04-081	316-75-050	NEW 84-07-037	326-08-010	NEW 84-09-002
316-55-030	NEW 84-07-037	316-75-070	NEW-P 84-04-081	326-08-020	NEW-P 84-05-033
316-55-050	NEW-P 84-04-081	316-75-070	NEW 84-07-037	326-08-020	NEW-E 84-05-034
316-55-050	NEW 84-07-037	316-75-090	NEW-P 84-04-081	326-08-020	NEW 84-09-002
316-55-070	NEW-P 84-04-081	316-75-090	NEW 84-07-037	326-08-030	NEW-P 84-05-033
316-55-070	NEW 84-07-037	316-75-110	NEW-P 84-04-081	326-08-030	NEW-E 84-05-034
316-55-090	NEW-P 84-04-081	316-75-110	NEW 84-07-037	326-08-030	NEW 84-09-002
316-55-090	NEW 84-07-037	316-75-130	NEW-P 84-04-081	326-08-040	NEW-P 84-05-033
316-55-110	NEW-P 84-04-081	316-75-130	NEW 84-07-037	326-08-040	NEW-E 84-05-034
316-55-110	NEW 84-07-037	316-75-150	NEW-P 84-04-081	326-08-040	NEW 84-09-002
316-55-130	NEW-P 84-04-081	316-75-150	NEW 84-07-037	326-08-050	NEW-P 84-05-033
316-55-130	NEW 84-07-037	316-75-170	NEW-P 84-04-081	326-08-050	NEW-E 84-05-034
316-55-150	NEW-P 84-04-081	316-75-170	NEW 84-07-037	326-08-050	NEW 84-09-002
316-55-150	NEW 84-07-037	316-75-190	NEW-P 84-04-081	326-08-060	NEW-P 84-05-033
316-55-160	NEW-P 84-04-081	316-75-190	NEW 84-07-037	326-08-060	NEW-E 84-05-034
316-55-160	NEW 84-07-037	316-75-210	NEW-P 84-04-081	326-08-060	NEW 84-09-002
316-55-170	NEW-P 84-04-081	316-75-210	NEW 84-07-037	326-08-070	NEW-P 84-05-033
316-55-170	NEW 84-07-037	316-75-230	NEW-P 84-04-081	326-08-070	NEW-E 84-05-034
316-55-500	NEW-P 84-04-081	316-75-230	NEW 84-07-037	326-08-070	NEW 84-09-002
316-55-500	NEW 84-07-037	316-75-250	NEW-P 84-04-081	326-08-080	NEW-P 84-05-033
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316-55-505	NEW 84-07-037	316-75-270	NEW-P 84-04-081	326-08-080	NEW 84-09-002
316-55-510	NEW-P 84-04-081	316-75-270	NEW 84-07-037	326-08-090	NEW-P 84-05-033
316-55-510	NEW 84-07-037	316-75-290	NEW-P 84-04-081	326-08-090	NEW-E 84-05-034
316-55-515	NEW-P 84-04-081	316-75-290	NEW 84-07-037	326-08-090	NEW 84-09-002
316-55-515	NEW 84-07-037	316-75-310	NEW-P 84-04-081	326-08-100	NEW-P 84-05-033
316-55-520	NEW-P 84-04-081	316-75-310	NEW 84-07-037	326-08-100	NEW-E 84-05-034
316-55-520	NEW 84-07-037	326-02-030	AMD-P 84-05-033	326-08-100	NEW 84-09-002
316-55-525	NEW-P 84-04-081	326-02-030	AMD-E 84-05-034	326-08-110	NEW-P 84-05-033
316-55-525	NEW 84-07-037	326-02-030	AMD 84-09-002	326-08-110	NEW-E 84-05-034
316-55-600	NEW-P 84-04-081	326-06-010	NEW-P 84-05-033	326-08-110	NEW 84-09-002
316-55-600	NEW 84-07-037	326-06-010	NEW-E 84-05-034	326-08-120	NEW-P 84-05-033
316-65-001	NEW-P 84-04-081	326-06-010	NEW 84-09-002	326-08-120	NEW-E 84-05-034
316-65-001	NEW 84-07-037	326-06-020	NEW-P 84-05-033	326-08-120	NEW 84-09-002

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356-49-010	NEW-P	84-06-049	388-08-406	AMD	84-05-040
356-49-010	NEW-C	84-09-049	388-08-407	REP	84-05-040
356-49-010	NEW	84-11-091	388-08-408	REP	84-05-040
356-49-020	NEW-P	84-06-049	388-08-409	AMD	84-05-040
356-49-020	NEW-C	84-09-049	388-08-413	AMD	84-05-040
356-49-020	NEW	84-11-091	388-08-414	REP	84-05-040
356-49-030	NEW-P	84-06-049	388-08-416	AMD	84-05-040
356-49-030	NEW-C	84-09-049	388-08-420	REP	84-05-040
356-49-030	NEW	84-11-091	388-08-430	REP	84-05-040
356-49-040	NEW-P	84-06-049	388-08-440	REP	84-05-040
356-49-040	NEW-C	84-09-049	388-08-450	REP	84-05-040
356-49-040	NEW	84-11-091	388-08-470	REP	84-05-040
360-12-015	AMD	84-04-029	388-08-480	REP	84-05-040
360-12-065	AMD	84-03-015	388-08-490	REP	84-05-040
360-16-025	NEW-P	84-08-080	388-08-500	REP	84-05-040
360-16-025	NEW-E	84-08-082	388-08-503	REP	84-05-040
360-16-025	NEW	84-12-019	388-08-510	REP	84-05-040
360-16-150	AMD-P	84-08-081	388-08-520	REP	84-05-040
360-16-150	AMD	84-12-020	388-08-600	REP	84-05-040
360-16-230	AMD	84-03-015	388-09-010	AMD	84-05-040
360-16-240	AMD-P	84-08-080	388-09-020	AMD	84-05-040
360-16-240	AMD-E	84-08-082	388-09-040	NEW	84-05-040
360-16-240	AMD	84-12-019	388-14-302	AMD-P	84-12-051
360-16-260	REP	84-03-016	388-14-302	AMD-E	84-12-053
360-18-020	AMD-E	84-03-017	388-14-315	REP-P	84-12-051
360-18-020	AMD	84-04-030	388-14-315	REP-E	84-12-053
360-19-010	NEW	84-03-016	388-14-320	AMD-P	84-12-051
360-19-020	NEW	84-03-016	388-14-320	AMD-E	84-12-053
360-19-030	NEW	84-03-016	388-14-325	AMD-P	84-12-051
360-19-040	NEW	84-03-016	388-14-325	AMD-E	84-12-053
360-19-050	NEW	84-03-016	388-15-110	AMD-P	84-12-037
360-19-060	NEW	84-03-016	388-15-610	AMD-P	84-09-015
360-19-070	NEW	84-03-016	388-15-610	AMD	84-12-038
360-19-080	NEW	84-03-016	388-15-620	AMD-P	84-09-015
360-19-090	NEW	84-03-016	388-15-620	AMD	84-12-038
360-19-100	NEW	84-03-016	388-15-630	AMD-P	84-09-015
360-36-400	NEW-P	84-06-067	388-15-630	AMD	84-12-038
360-36-400	NEW-C	84-10-064	388-24-044	AMD-P	84-06-026
360-36-400	NEW-C	84-12-021	388-24-044	AMD	84-09-074
360-36-410	NEW-P	84-06-067	388-24-065	AMD-P	84-11-075
360-36-410	NEW-C	84-10-064	388-26-120	AMD-P	84-11-005
360-36-410	NEW-C	84-12-021	388-28-400	AMD-P	84-04-003
360-36-420	NEW-P	84-06-067	388-28-400	AMD	84-07-019
360-36-420	NEW-C	84-10-064	388-28-410	AMD-P	84-04-003
360-36-420	NEW-C	84-12-021	388-28-410	AMD	84-07-019
360-36-430	NEW-P	84-06-067	388-28-415	AMD-P	84-04-003
360-36-430	NEW-C	84-10-064	388-28-415	AMD	84-07-019
360-36-430	NEW-C	84-12-021	388-28-420	AMD-P	84-04-003
360-36-440	NEW-P	84-06-067	388-28-420	AMD	84-07-019
360-36-440	NEW-C	84-12-021	388-28-430	AMD-P	84-04-003
360-36-440	NEW-C	84-10-064	388-28-430	AMD	84-07-019
360-36-450	NEW-P	84-06-067	388-28-435	NEW-P	84-04-003
388-08-00101	REP	84-05-040	388-28-435	NEW	84-07-019
388-08-002	REP	84-05-040	388-28-438	NEW-P	84-04-003
388-08-00201	NEW	84-05-040	388-28-438	NEW	84-07-019
388-08-00401	AMD	84-05-040	388-28-440	AMD-P	84-04-003
388-08-006	AMD	84-05-040	388-28-440	AMD	84-07-019
388-08-00601	AMD	84-05-040	388-28-440	AMD-P	84-04-003
388-08-010	AMD	84-05-040	388-28-450	AMD	84-07-019
388-08-050	REP	84-05-040	388-28-455	REP-P	84-04-003
388-08-055	REP	84-05-040	388-28-455	REP	84-07-019
388-08-080	REP	84-05-040	388-28-473	AMD-P	84-04-003
388-08-083	REP	84-05-040	388-28-473	AMD	84-07-019
388-08-150	REP	84-05-040	388-28-484	AMD-P	84-04-003
388-08-160	REP	84-05-040	388-28-484	AMD	84-07-019
388-08-170	REP	84-05-040	388-28-530	AMD-P	84-09-079
388-08-180	REP	84-05-040	388-29-080	AMD-P	84-09-079
388-08-190	REP	84-05-040	388-29-100	AMD-P	84-09-079
388-08-200	REP	84-05-040	388-29-110	AMD-P	84-09-079
388-08-210	REP	84-05-040	388-29-112	AMD-P	84-09-079
388-08-220	REP	84-05-040	388-29-125	AMD-P	84-09-079
388-08-230	REP	84-05-040	388-29-130	AMD-P	84-09-079
388-08-235	REP	84-05-040	388-29-135	AMD-P	84-09-079
388-08-375	REP	84-05-040	388-29-145	AMD-P	84-09-079
388-08-390	REP	84-05-040	388-29-146	NEW-P	84-09-079
388-08-400	REP	84-05-040	388-29-160	AMD-P	84-09-079
388-29-200	AMD-P	84-09-079	388-29-220	AMD-P	84-09-079
388-29-260	AMD-P	84-09-079	388-29-260	AMD-P	84-09-079
388-29-280	AMD-P	84-09-079	388-29-280	AMD-P	84-09-079
388-29-290	AMD	84-02-050	388-29-290	AMD	84-02-050
388-29-295	AMD-P	84-06-027	388-29-295	AMD-P	84-06-027
388-29-295	AMD	84-09-073	388-29-295	AMD	84-09-073
388-33-385	AMD-P	84-06-038	388-33-385	AMD-P	84-06-038
388-33-385	AMD	84-09-071	388-33-385	AMD	84-09-071
388-33-576	AMD-P	84-06-028	388-33-576	AMD-P	84-06-028
388-33-576	AMD	84-09-072	388-33-576	AMD	84-09-072
388-37-010	AMD-P	84-11-074	388-37-010	AMD-P	84-11-074
388-37-030	AMD-P	84-11-074	388-37-030	AMD-P	84-11-074
388-37-032	AMD-P	84-11-074	388-37-032	AMD-P	84-11-074
388-37-035	AMD-P	84-11-074	388-37-035	AMD-P	84-11-074
388-37-036	REP-P	84-11-074	388-37-036	REP-P	84-11-074
388-37-037	AMD-P	84-11-074	388-37-037	AMD-P	84-11-074
388-37-038	AMD-P	84-11-074	388-37-038	AMD-P	84-11-074
388-37-040	AMD-P	84-11-074	388-37-040	AMD-P	84-11-074
388-37-050	AMD-P	84-11-074	388-37-050	AMD-P	84-11-074
388-37-060	AMD-P	84-11-074	388-37-060	AMD-P	84-11-074
388-37-100	NEW-P	84-11-074	388-37-100	NEW-P	84-11-074
388-37-110	NEW-P	84-11-074	388-37-110	NEW-P	84-11-074
388-37-120	NEW-P	84-11-074	388-37-120	NEW-P	84-11-074
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388-37-150	NEW-P	84-11-074	388-37-150	NEW-P	84-11-074
388-37-160	NEW-P	84-11-074	388-37-160	NEW-P	84-11-074
388-37-170	NEW-P	84-11-074	388-37-170	NEW-P	84-11-074
388-37-180	NEW-P	84-11-074	388-37-180	NEW-P	84-11-074
388-42	AMD-C	84-03-053	388-42	AMD-C	84-03-053
388-42	AMD-C	84-06-039	388-42	AMD-C	84-06-039
388-42	AMD-C	84-09-070	388-42	AMD-C	84-09-070
388-42-020	AMD	84-11-071	388-42-020	AMD	84-11-071
388-42-025	NEW	84-11-071	388-42-025	NEW	84-11-071
388-42-030	AMD	84-11-071	388-42-030	AMD	84-11-071
388-42-040	AMD	84-11-071	388-42-040	AMD	84-11-071
388-42-100	AMD	84-11-071	388-42-100	AMD	84-11-071
388-42-110	AMD	84-11-071	388-42-110	AMD	84-11-071
388-42-115	AMD	84-11-071	388-42-115	AMD	84-11-071
388-42-125	AMD	84-11-071	388-42-125	AMD	84-11-071
388-42-150	AMD	84-11-071	388-42-150	AMD	84-11-071
388-54-601	NEW	84-06-015	388-54-601	NEW	84-06-015
388-54-620	AMD	84-06-014	388-54-620	AMD	84-06-014
388-54-676	AMD-P	84-03-012	388-54-676	AMD-P	84-03-012
388-54-676	AMD	84-06-029	388-54-676	AMD	84-06-029
388-54-728	NEW	84-06-015	388-54-728	NEW	84-06-015
388-54-737	AMD	84-04-067	388-54-737	AMD	84-04-067
388-54-740	AMD	84-04-067	388-54-740	AMD	84-04-067
388-54-745	AMD	84-06-015	388-54-745	AMD	84-06-015
388-54-760	AMD	84-06-014	388-54-760	AMD	84-06-014
388-54-765	AMD	84-06-014	388-54-765	AMD	84-06-014
388-54-768	NEW	84-06-014	388-54-768	NEW	84-06-014
388-54-770	AMD	84-06-014	388-54-770	AMD	84-06-014
388-54-775	AMD	84-06-014	388-54-775	AMD	84-06-014
388-54-776	NEW	84-06-014	388-54-776	NEW	84-06-014
388-54-780	AMD	84-06-014	388-54-780	AMD	84-06-014
388-54-785	AMD	84-04-067	388-54-785	AMD	84-04-067
388-55-010	AMD-P	84-10-003	388-55-010	AMD-P	84-10-003
388-55-020	AMD-P	84-10-003	388-55-020	AMD-P	84-10-003
388-57-097	AMD-P	84-09-047	388-57-097	AMD-P	84-09-047
388-73-012	AMD	84-06-030	388-73-012	AMD	84-06-030
388-73-014	AMD	84-06-030	388-73-014	AMD	84-06-030
388-73-054	AMD	84-06-030	388-73-054	AMD	84-06-030
388-73-058	AMD	84-06-030	388-73-058	AMD	84-06-030
388-73-072	AMD	84-06-030	388-73-072	AMD	84-06-030
388-73-077	NEW	84-06-030	388-73-077	NEW	84-06-030
388-73-108	AMD	84-06-030	388-73-108	AMD	84-06-030
388-73-118	AMD	84-06-030	388-73-118	AMD	84-06-030
388-73-140	AMD	84-06-030	388-73-140	AMD	84-06-030
388-73-142	AMD	84-06-030	388-73-142	AMD	84-06-030
388-73-144	AMD	84-06-030	388-73-144	AMD	84-06-030
388-73-146	AMD	84-06-030	388-73-146	AMD	84-06-030
388-73-602	AMD	84-06-030	388-73-602	AMD	84-06-030
388-73-606	AMD	84-06-030	388-73-606	AMD	84-06-030

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388-73-610	AMD	84-06-030	388-96-585	AMD-E	84-08-041	390-37-220	REP	84-12-017
388-73-900	NEW	84-06-030	388-96-585	AMD-P	84-08-056	390-37-225	REP-P	84-09-027
388-73-902	NEW	84-06-030	388-96-585	AMD	84-12-039	390-37-225	REP	84-12-017
388-73-904	NEW	84-06-030	388-96-719	AMD-E	84-08-041	390-37-230	REP-P	84-09-027
388-81-043	NEW	84-02-053	388-96-719	AMD-P	84-08-056	390-37-230	REP	84-12-017
388-81-044	NEW	84-02-053	388-96-719	AMD	84-12-039	392-109-037	NEW-P	84-08-057
388-81-052	AMD	84-04-068	388-96-721	NEW-E	84-08-041	392-109-037	NEW	84-11-038
388-82-115	AMD	84-04-069	388-96-721	NEW-P	84-08-056	392-109-040	AMD-P	84-08-057
388-82-130	AMD	84-02-055	388-96-721	NEW	84-12-039	392-109-040	AMD	84-11-038
388-83-010	AMD-E	84-12-052	388-96-750	AMD-E	84-08-041	392-109-043	NEW-P	84-08-057
388-83-010	AMD-P	84-12-054	388-96-750	AMD-P	84-08-056	392-109-043	NEW	84-11-038
388-83-028	AMD	84-04-069	388-96-750	AMD	84-12-039	392-109-047	NEW-P	84-08-057
388-83-036	AMD-P	84-04-004	388-96-761	NEW-E	84-08-041	392-109-047	NEW	84-11-038
388-83-036	AMD-E	84-04-005	388-96-761	NEW-P	84-08-056	392-109-050	AMD-P	84-08-057
388-83-036	AMD	84-07-016	388-96-761	NEW	84-12-039	392-109-050	AMD	84-11-038
388-83-130	AMD	84-02-055	388-96-762	NEW-E	84-08-041	392-109-058	NEW-P	84-08-057
388-83-200	AMD-P	84-09-016	388-96-762	NEW-P	84-08-056	392-109-058	NEW	84-11-038
388-83-200	AMD	84-12-033	388-96-762	NEW	84-12-039	392-109-060	AMD-P	84-08-057
388-83-210	NEW	84-04-066	388-96-764	NEW-E	84-08-041	392-109-060	AMD	84-11-038
388-85-110	AMD	84-02-055	388-96-764	NEW-P	84-08-056	392-109-070	AMD-P	84-12-007
388-85-115	AMD	84-02-055	388-96-764	NEW	84-12-039	392-109-075	AMD-P	84-08-057
388-86-005	AMD	84-02-052	388-96-765	NEW-E	84-08-041	392-109-075	AMD	84-11-038
388-86-040	AMD	84-02-055	388-96-765	NEW-P	84-08-056	392-109-078	NEW-P	84-08-057
388-86-095	AMD	84-02-052	388-96-765	NEW	84-12-039	392-109-078	NEW	84-11-038
388-86-120	AMD-P	84-04-055	388-96-767	NEW-E	84-08-041	392-109-080	AMD-P	84-08-057
388-86-120	AMD-E	84-04-065	388-96-767	NEW-P	84-08-056	392-109-080	AMD	84-11-038
388-86-120	AMD	84-07-015	388-96-767	NEW	84-12-039	392-109-085	AMD-P	84-08-057
388-87-070	AMD-P	84-08-039	388-96-904	AMD	84-05-040	392-109-085	AMD	84-11-038
388-87-070	AMD-E	84-08-040	388-99-020	AMD	84-05-039	392-109-090	AMD-P	84-08-057
388-87-070	AMD	84-11-070	388-99-030	AMD-P	84-04-054	392-109-090	AMD	84-11-038
388-87-095	AMD-P	84-04-054	388-99-030	AMD	84-07-017	392-109-095	AMD-P	84-08-057
388-87-095	AMD	84-07-017	388-99-040	AMD	84-02-054	392-109-095	AMD	84-11-038
388-91-010	AMD-P	84-05-038	388-100-005	AMD	84-02-054	392-109-100	AMD-P	84-08-057
388-91-010	AMD	84-09-017	388-100-010	AMD	84-02-054	392-109-100	AMD	84-11-038
388-92-005	AMD	84-02-051	388-100-035	AMD	84-02-054	392-109-105	AMD-P	84-08-057
388-92-015	AMD	84-04-068	389-12-010	AMD	84-03-037	392-109-105	AMD	84-11-038
388-92-025	AMD	84-02-056	389-12-020	AMD	84-03-037	392-109-110	AMD-P	84-08-057
388-92-030	AMD	84-02-055	389-12-030	AMD	84-03-037	392-109-110	AMD	84-11-038
388-92-043	AMD	84-04-068	389-12-040	AMD	84-03-037	392-109-115	AMD-P	84-08-057
388-92-045	AMD	84-02-055	389-12-050	AMD	84-03-037	392-109-115	AMD	84-11-038
388-95-340	AMD	84-02-056	389-12-080	AMD	84-03-037	392-121	AMD-C	84-11-076
388-95-360	AMD-P	84-04-054	389-12-100	AMD	84-03-037	392-121-195	AMD-P	84-10-076
388-95-360	AMD-C	84-07-013	389-12-130	AMD	84-03-037	392-122	NEW-C	84-11-077
388-95-380	AMD	84-02-055	389-12-230	AMD	84-03-037	392-122-005	NEW-P	84-10-065
388-96-010	AMD-E	84-08-041	389-12-270	AMD	84-03-037	392-122-010	NEW-P	84-10-065
388-96-010	AMD-P	84-08-056	390-16-031	AMD	84-05-018	392-122-600	NEW-P	84-10-065
388-96-010	AMD	84-12-039	390-16-041	AMD	84-05-018	392-122-605	NEW-P	84-10-065
388-96-032	AMD-E	84-08-041	390-18-010	NEW-E	84-12-016	392-122-610	NEW-P	84-10-065
388-96-032	AMD-P	84-08-056	390-20-110	AMD	84-05-018	392-122-700	NEW-P	84-10-065
388-96-032	AMD	84-12-039	390-20-110	REVIEW	84-12-035	392-122-705	NEW-P	84-10-065
388-96-113	AMD-E	84-08-041	390-24-300	REP	84-05-018	392-122-710	NEW-P	84-10-065
388-96-113	AMD-P	84-08-056	390-37-020	AMD-P	84-09-027	392-122-800	NEW-P	84-10-065
388-96-113	AMD	84-12-039	390-37-020	AMD	84-12-017	392-122-805	NEW-P	84-10-065
388-96-122	AMD-E	84-08-041	390-37-030	AMD-P	84-09-027	392-122-810	NEW-P	84-10-065
388-96-122	AMD-P	84-08-056	390-37-030	AMD	84-12-017	392-122-900	NEW-P	84-10-065
388-96-122	AMD	84-12-039	390-37-040	AMD-P	84-09-027	392-122-905	NEW-P	84-10-065
388-96-204	AMD-E	84-08-041	390-37-040	AMD	84-12-017	392-123	AMD-C	84-11-078
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388-96-502	NEW-E	84-08-041	390-37-060	AMD	84-12-029	392-123-072	AMD-P	84-10-066
388-96-502	NEW-P	84-08-056	390-37-070	AMD-P	84-09-027	392-125	AMD-C	84-11-079
388-96-502	NEW	84-12-039	390-37-070	AMD	84-12-017	392-125-003	NEW-P	84-10-067
388-96-508	NEW-E	84-08-041	390-37-080	REP-P	84-09-027	392-125-011	AMD-P	84-10-067
388-96-508	NEW-P	84-08-056	390-37-080	REP	84-12-017	392-125-012	NEW-P	84-10-067
388-96-508	NEW	84-12-039	390-37-090	AMD-P	84-09-027	392-125-020	AMD-P	84-10-067
388-96-509	NEW-E	84-08-041	390-37-090	AMD	84-12-017	392-125-025	AMD-P	84-10-067
388-96-509	NEW-P	84-08-056	390-37-100	AMD-P	84-09-027	392-125-030	AMD-P	84-10-067
388-96-509	NEW	84-12-039	390-37-100	AMD	84-12-017	392-125-035	AMD-P	84-10-067
388-96-525	AMD-E	84-08-041	390-37-200	REP-P	84-09-027	392-125-040	AMD-P	84-10-067
388-96-525	AMD-P	84-08-056	390-37-200	REP	84-12-017	392-125-045	AMD-P	84-10-067
388-96-525	AMD	84-12-039	390-37-205	REP-P	84-09-027	392-125-065	AMD-P	84-10-067
388-96-533	AMD-E	84-08-041	390-37-205	REP	84-12-017	392-129	AMD-C	84-11-080
388-96-533	AMD-P	84-08-056	390-37-210	AMD-P	84-09-027	392-129-013	NEW-P	84-10-068
388-96-533	AMD	84-12-039	390-37-210	AMD	84-12-017	392-132	NEW-C	84-11-081
388-96-580	NEW-E	84-08-041	390-37-215	REP-P	84-09-027	392-132-010	NEW-P	84-10-069
388-96-580	NEW-P	84-08-056	390-37-215	REP	84-12-017	392-132-020	NEW-P	84-10-069
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392-132-070	NEW-P	84-10-069	392-162-060	NEW-P	84-10-073	392-171-295	NEW-W	84-09-001
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392-138-012	NEW-P	84-10-070	392-165-100	NEW	84-06-019	392-171-383	NEW-P	84-10-075
392-138-015	REP-P	84-10-070	392-165-105	NEW	84-06-019	392-171-384	NEW-P	84-10-075
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392-138-100	NEW-P	84-10-070	392-165-170	NEW	84-06-019	392-171-413	NEW-P	84-03-013
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