

Washington State Register

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CITATION

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

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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.

1985

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>
85-01	Nov 21	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 22
85-02	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 16	Feb 5
85-03	Dec 26, 1984	Jan 9, 1985	Jan 23	Feb 6	Feb 26
85-04	Jan 9	Jan 23	Feb 6	Feb 20	Mar 12
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85-06	Feb 6	Feb 20	Mar 6	Mar 20	Apr 9
85-07	Feb 20	Mar 6	Mar 20	Apr 3	Apr 23
85-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
85-09	Mar 20	Apr 3	Apr 17	May 1	May 21
85-10	Apr 3	Apr 17	May 1	May 15	Jun 4
85-11	Apr 24	May 8	May 22	Jun 5	Jun 25
85-12	May 8	May 22	Jun 5	Jun 19	Jul 9
85-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
85-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
85-15	Jun 26	Jul 10	Jul 24	Aug 7	Aug 27
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85-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
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85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986

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 85-17-001
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
 [Order 462—Filed August 8, 1985]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of an emergency rule restricting logging, land clearing, and other industrial operations which may cause a fire to start on lands protected by the Department of Natural Resources in Western Washington and Klickitat County in Eastern Washington.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to change in fire weather danger in certain shutdown zones in Western Washington and Klickitat County in Eastern Washington, logging, land clearing, and other industrial operations and burning restrictions are modified or lifted.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 8, 1985.

By Brian J. Boyle
 Commissioner of Public Lands

AMENDATORY SECTION (Amending Emergency Order 460, filed 8/5/85)

WAC 332-26-087 MODIFIED LOGGING OPERATIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES SOUTHEAST AREA. *Effective midnight, (~~Monday, August 5, 1985~~) Thursday, August 8, 1985, through midnight, Monday, August 12, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those used on landings, to shutdown from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here will shutdown from 1:00 p.m. to 8:00 p.m. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.*

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources Southeast Area in (~~Klickitat~~) Yakima, Kittitas, and Chelan counties.

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

All burning privileges, including burning barrels and fires in organized campgrounds, are suspended on lands protected by the Department of Natural Resources in the affected counties.

Firewood cutting privileges on forest lands are suspended due to fire danger in the affected counties.

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

REPEALER

The following section of WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON.

WSR 85-17-002
EMERGENCY RULES
OFFICE OF THE GOVERNOR
 [Order 85-1—Filed August 9, 1985]

I, Terry Sebring, legal counsel of the Office of the Governor, do promulgate and adopt at 2nd Floor, Legislative Building, Olympia, Washington, the annexed rules relating to state employee combined charitable contributions program, chapter 240-10 WAC.

I, Terry Sebring, 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 first combined fund drive is scheduled to take place in October 1985. These rules need to be effective immediately so that the charitable community will have notice of the standards and criteria applicable to their participation in the fund drive. The charitable community has had extensive input into the content of the standards and criteria pursuant to EO 84-13.

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

This rule is promulgated pursuant to RCW 41.04.035, 41.04.036 and 41.04.230 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 8, 1985.

By Terry Sebring
Legal Counsel

Chapter 240-10 WAC
STATE EMPLOYEE COMBINED CHARITABLE
CONTRIBUTIONS PROGRAM

WAC

- 240-10-010 Committee established.
- 240-10-020 Purposes.
- 240-10-030 Definitions.
- 240-10-040 Basic standards and criteria for agency membership applicable to all agencies.
- 240-10-050 Required characteristics of eligible federations (umbrella organizations).
- 240-10-060 Qualifications for local campaign manager.

NEW SECTION

WAC 240-10-010 COMMITTEE ESTABLISHED. (1) In accordance with RCW 41.04.035, 41.04.036 and 41.04.230 and in order to implement Executive Orders EO 84-13 and EO 84-15 a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes.

(2) The committee shall be known as the Washington state employee combined fund drive committee.

(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 committee shall elect a chairperson annually, 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) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 240-10-040 and 240-10-050).

(8) The committee shall annually print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and 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.

(10) The committee may establish departmental combined fund drive coordinators, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.

(11) The department of personnel shall provide the administrative support for the operation of the committee.

(12) 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.

NEW SECTION

WAC 240-10-020 PURPOSES. (1) The following rules are promulgated to implement a payroll deduction plan for the efficient, long-term collection of voluntary employee contributions to qualifying charitable, human health and welfare organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified organizations.

(2) The intent of these regulations is to:

(a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(b) Provide a convenient channel through which state employees may contribute to the efforts of the qualifying voluntary health and welfare organizations providing services in the community or region where the employees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers that multiple charitable fund drives have caused; and

(d) Ensure that recipient agencies are fiscally responsible in the uses of the moneys so raised.

NEW SECTION

WAC 240-10-030 DEFINITIONS. (1) Committee - The Washington state employee combined fund drive committee described in WAC 240-10-010.

(2) State employee combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) *Annual campaign* – The once-a-year period of organized solicitation of state employees conducted annually in the month of October to obtain voluntary contributions from state employees for charitable commitments to be allocated during the ensuing year of contributions.

(5) *Year of contributions* – The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) *Health and welfare agency* – The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services directly to, and for the direct benefit of, human beings:

- (a) Delivery of health care to ill or infirm individuals;
- (b) Education and training of personnel for the delivery of health care to ill or infirm individuals;
- (c) Health research for the benefit of ill or infirm individuals;
- (d) Delivery of education, training, and care to physically and mentally handicapped individuals;
- (e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;
- (f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;
- (g) Neighborhood and community-wide services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;
- (h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;
- (i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;
- (j) Relief of needy, poor, and indigent adults and of the elderly.

(7) *Local presence* – Demonstration of direct and substantial presence in the local campaign community:

- (a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.
- (b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an

office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(8) *Overseas* – Areas outside of the District of Columbia and the fifty states of the United States.

NEW SECTION

WAC 240-10-040 BASIC STANDARDS AND CRITERIA FOR AGENCY MEMBERSHIP APPLICABLE TO ALL AGENCIES. (1) Basic standards.

(a) *Federal exemption*. Each charitable organization must submit a copy of the internal revenue service determination letter indicating that it is an exempt organization under internal revenue code section 501(c)(3). An advance ruling on its exempt status shall meet this requirement.

(b) *Registration and reporting*. Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) and with the attorney general under the provisions of chapter 11.110 RCW (charitable trusts) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) *Integrity of operations*. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds contributed to charitable organizations by state employees must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) *Finances*. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to an independent certified public accountant. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) *Nondiscrimination*. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) *Annual reports*. The charitable organization shall prepare an annual report available to the general public

which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) *Agency organization.* The charitable organization must maintain an active local volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, by-laws, and, preferably, standards adopted by its national or state affiliate: **PROVIDED**, That the "local volunteer board" is exempted for those voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and which meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community.

(h) *Fund-raising costs.* Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) *Application deadline.* Completed applications must be received before the closing date established annually by the committee.

(2) *Criteria.*

(a) *Service programs.* Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: **PROVIDED**, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) *Participation in eligible federations.*

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

NEW SECTION

WAC 240-10-050 REQUIRED CHARACTERISTICS OF ELIGIBLE FEDERATIONS (UMBRELLA ORGANIZATIONS). In addition to meeting the requirements set out in WAC 240-10-040, each federated organization (umbrella organization) must demonstrate the following:

(1) *Scope.* It is representative of its constituent parts. While it may not accept responsibility for the exact nature of program objectives and administrative and financial procedures of its affiliates, it must be in a position to affirm that the operations and fund-raising of its affiliates comply with the standards and criteria set out in WAC 240-10-040.

(2) It has good will and acceptability within this state, including ability to demonstrate a well recognized service to or in behalf of citizens of this state: **PROVIDED**, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership.

(3) It has sufficient volunteers or staff, or both, to contribute to the organization and conduct of the Washington state employee combined fund drive and has at least six months of prior operation within this state.

(4) It has registered and been approved under chapter 19.09 RCW (charitable solicitations).

(5) It has at least five organizational members.

(6) It adheres to high standards in services, management and public accountability as required by the standards and criteria set out in WAC 240-10-040.

NEW SECTION

WAC 240-10-060 QUALIFICATIONS FOR LOCAL CAMPAIGN MANAGER. In selecting a local campaign manager, the local steering committee must assess the following qualities of an applicant to determine the applicant's capability to manage a successful charitable campaign:

(1) The local manager shall demonstrate the administrative and financial capability to manage and operate a fund-raising campaign with integrity and in an efficient manner yielding contributions comparable to those made by state employees in the past.

(2) The local manager shall demonstrate that a broad base of community support has been established within the state and demonstrate continuing positive relationships with a significant number of the state's charitable organizations.

(3) The local manager shall demonstrate the ability to effectively promote and publicize a charitable fund-raising campaign among the state employee work force.

(4) The local manager shall demonstrate the ability to give guidance to, train, and supervise volunteer solicitors and other state employee volunteers in the campaign.

(5) The local manager shall demonstrate the ability to publish and distribute informational literature and other material relative to the programs of participating agencies in a fair and equitable manner.

(6) The local manager shall demonstrate a history of integrity, and a direct and substantial presence in the local (or regional) community.

(7) The local manager shall demonstrate the intent to cooperate fully with the local steering committee and with state officials.

WSR 85-17-003
PROPOSED RULES
DEPARTMENT OF
EMERGENCY MANAGEMENT
 [Filed August 9, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Emergency Management intends to adopt, amend, or repeal rules concerning rules for permitted entry and/or occupancy, Mt. St. Helens restricted zone, chapter 118-03 WAC;

that the agency will at 10:00 a.m., Wednesday, September 25, 1985, in the State Emergency Operations Center, Department of Emergency Management, 4220 East Martin Way, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is executive order 85-06.

The specific statute these rules are intended to implement is chapters 38.52 and 43.06 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1985.

Dated: August 9, 1985
 By: William M. Lokey
 Assistant Director

STATEMENT OF PURPOSE

Title: Mt. St. Helens closure—Rules for permitted entry and/or occupation.

Description of Purpose: To provide rules and regulations to implement the governor's EO 85-06.

Statutory Authority: Chapters 43.06 and 38.52 RCW.

Summary of Rule: Provide rules for entry into the Mt. St. Helens restricted zone. They also establish the criteria for those persons allowed entry and the restrictions they must obey in order to enter the area.

Reasons Supporting Proposed Action: EO 85-06.

Agency Personnel Responsible for Implementation: William M. Lokey and Benard D. Dew, 4220 East Martin Way, Olympia, Washington 98504; Drafting and Enforcement: William M. Lokey, 4220 East Martin Way, Olympia, Washington 98504, phone (206) 753-5255.

Organization Proposing Rule: Washington State Department of Emergency Management.

AMENDATORY SECTION (Amending Order 83-01, filed 7/27/83)

WAC 118-03-010 PURPOSE. The purpose of this chapter is to adopt rules, regulations, and guidelines to implement ~~((Executive Order 83-08;))~~ executive orders issued by the governor prohibiting any person or persons with certain limited exceptions from entering the high risk danger zone known as the restricted zone of the Mt. St. Helens volcano as described in that executive order, and providing entry permit procedures for persons excepted. These rules may be amended from time to time as conditions warrant. The executive orders issued by the governor ~~((effective June 14, 1983;))~~ recognize(s) the continuing danger from additional eruptions, earthquakes, flash floods, and other related events from Mt. St. Helens.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-030 DEFINITIONS. "Restricted zone" shall mean that high hazard area immediately adjacent to or surrounding the Mt. St. Helens volcano closed to public access by the governor of the state of Washington pursuant to RCW 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The restricted zone boundary area may change from time to time as conditions warrant. "Fallback zones" shall mean areas immediately adjacent or surrounding the restricted zone which may be closed to public access by the governor of the state of Washington pursuant to RCW 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. When closed to public access by the governor, a fallback zone shall be a part of the restricted zone defined by this section. Fallback zones may be instituted from time to time as conditions warrant. The abbreviation ~~(("DES"))~~ "DEM" as used hereinafter shall mean the Washington state department of emergency ~~((services))~~ management. The term "director" used hereinafter shall mean the director of the department of emergency ~~((services))~~ management. "DOL" shall mean the Washington state department of licensing. "News media" shall include journalists, publishers, television and radio broadcast persons who are regularly engaged in the business of publishing or broadcasting. "ECC" shall mean the emergency coordinating center located at the U.S. Forest Service Office in Vancouver, Washington. "Individual(s)" shall mean a person, partnership, joint venture, private or public corporation, association, firm, public service company, public utility district, or any other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean driver's license examiner. "USFS" shall mean United States Forest Service. "USGS" shall mean United States Geological Survey.

AMENDATORY SECTION (Amending Order 83-01, filed 7/27/83)

WAC 118-03-050 EXEMPTED PERSONNEL. ~~((Consistent with Executive Order 83-08;))~~ The following shall be subject to a limited exception to the prohibition against entry or occupancy in the restricted zone.

(1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessments that require their presence in the restricted zone.

(2) U.S. Forest Service personnel who are performing official duties that require entry into the restricted zone.

(3) U.S. Army Corps of Engineers personnel who are performing official duties that require their presence in the restricted zone.

(4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the restricted zone. The sheriffs of counties whose jurisdictions lie within the boundaries of the restricted zone or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel.

(5) Federal, state, county and local law enforcement and fire fighting personnel whose jurisdiction is within the restricted zone and who are on official business within the restricted zone.

(6) Federal, state, county or local administrative personnel on official business within the restricted zone.

(7) Individual(s) who own and/or control real property, or personal property being used as a residence, and whose official permanent residence is within the restricted zone when applicable.

(8) Individual(s) with a legitimate business reason for being within the restricted zone as determined by the director, department of emergency ~~((services))~~ management, or his designee(s).

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-070 CONDITIONS FOR ENTRY. (1) All permit holders must have two-way communications available within the restricted zone with a base station located outside of the zone. The base station must be monitored at all times while the permittee is in the restricted zone. The base station emergency phone number must be on file with ~~((DES))~~ DEM or the USFS.

(2) ~~((The restricted zone will be open only when volcanic monitoring instruments are functioning properly. The restricted zone will be closed when volcanic monitoring instruments are unreliable.))~~ The restricted zone will be closed by a coordinated decision of the DEM and the USFS on the advice of the USGS that hazards are elevated. The restricted zone will be closed ~~((also during eruptions;))~~ when there is an alert issued by the U.S. Geological Survey, and ~~((occasionally))~~ if necessary during advisories issued by the U.S. Geological Survey.

(3) Overnight stays in the restricted zone will be granted only by special permission by the USFS or by the director of ((DES)) DEM or his designee. The permit holder must be doing work requiring night time operations and have constant radio communications. Otherwise, entry and occupancy of the restricted zone will normally be limited to the period one-half hour before sunrise to one-half hour after sunset, as established by the National Weather Service.

(4) The permit for entry into the restricted zone will contain specified routes of travel, duration of stay, type of vehicle or aircraft and description, destination, evacuation route, base radio contact alternative routes, and names of those entering.

(5) Helicopters entering the restricted zone must obtain a mission number from the ((ECC)) Mt. St. Helens National Volcanic Monument ((206) 247-5473). Information required is the number of people entering, destination and estimated entry and departure times. All aircraft are to monitor aircraft radio frequently ((H8-6)) 122.75 MHZ.

(6) Entry into the crater will be limited to scientists, media permit holders, and other officials on official business with supervision by the U.S. Forest Service or U.S. Geological Survey.

(7) Permit holders must be able to leave the restricted zone within one hour.

(8) Permit holders will leave the restricted zone when ordered by proper authorities.

(9) Anyone entering the restricted zone must have with them either a restricted zone permit or a restricted zone contractor's permit card.

(10) It is strongly recommended that all who enter the restricted zone carry emergency gear and a first aid kit. Recommended minimal emergency equipment should include: Hard hat, respirator or face mask, goggles, water and food.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-090 WASHINGTON STATE DEPARTMENT OF LICENSING TO PROCESS PERMITS. When the restricted zone is expanded by governor's executive order to include areas outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

The DOL ((shatt)) may process restricted zone entry permit applications at but limited to the following locations:

Longview	—	73 Third Avenue, 98632
Vancouver	—	915 MacArther Blvd., 98661
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Centralia	—	112 Harrison Ave., 98531
Seattle	—	King County Administrative Bldg. Room 615 500 4th Avenue

The DOL, under the direction of the director of ((DES)) DEM or his designee(s), may issue a permit for entry to the restricted zone, only to such individuals and for such purposes as are clearly permitted by this chapter and executive order. The DOL shall compile a daily status list of approved and denied entry permits to the restricted zone. DOL shall also maintain a daily status list of those permanent residents or property owners who are currently occupying their property within the restricted zone. Permanent residents or property owners will keep DOL advised by mail of the names and number of visitors and the dates that the visitors will be present.

Phone Numbers of DOL Offices

Longview	—	206-577-2235 or 2236
Vancouver	—	206-696-6671 or 6672
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Seattle	—	206-464-5846

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-110 APPLICATION/PROCESSING PROCEDURES—NONPERMANENT RESIDENTS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individuals desiring access to the restricted zones should contact one of the designated DOL driver's license examiners at the locations

listed during regular business hours, Tuesday through Saturday, 8:30 a.m. to 5 p.m., and complete an application form for a permit stating the nature and need for access and sign the waiver contained on the application form. Federal, state and local governmental personnel on official business will only be required to complete and submit a permit application form. Upon completion and submission of this application to DOL, the application will be approved or disapproved within five regular working days by DOL. After approval of the application a permit will be issued immediately.

(2) Individuals who are employers or government entities applying for a permit under WAC 118-03-230 may complete and submit an industrial application form to be issued an industrial permit which would allow the entry and/or occupation within the restricted zone by its authorized employees, contractors or agents for business reasons.

(3) DOL will screen applicants according to the criteria published herein and will issue permits to those that have demonstrated a need to enter and/or occupy the restricted zone. The DLE will assure that all pertinent data such as time of entry, duration of need, and mode of travel has been presented and will inform the applicant of entry requirements as stated herein.

(4) DOL will provide the director, ((DES)) DEM; the director, USFS emergency coordination center; and the sheriffs of counties whose jurisdictions lie within the boundaries of the restricted zone with a daily list of permits issued.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-130 PERMIT AND WAIVER ISSUANCE PROCEDURES—PERMANENT RESIDENTS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Permanent residence applicants must present proof of ownership or control of real property or personal property being used as a residence and a permanent residence status at the time of application.

(2) Permanent residence applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(3) Permanent residence applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(4) All permanent residence applicants under sixteen years of age must be included on the application of their parent/guardian.

(5) DOL will maintain a current list of permanent residents with permits within the restricted zone.

(6) Permanent residents must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-150 PERMIT AND WAIVER ISSUANCE PROCEDURES—RECREATION PROPERTY OWNERS, RENTERS, OR LESSEES. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Recreation property owners, renters, or lessees must comply with the following conditions:

(a) Applicants must present proof of ownership or control of real property or personal property.

(b) Applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen years of age must be included on the application of their parent/guardian.

(2) DOL will maintain a current list of recreation property owners, renters, or lessees with permits within the restricted zone.

(3) Recreation property owners, renters, or lessees must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-170 PERMIT AND WAIVER ISSUANCE PROCEDURES—VISITORS TO PERMANENT RESIDENTS OR RECREATIONAL PROPERTY OWNERS. When the restricted zone is expanded by governor's executive order to include lands outside

of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

- (1) Visitors must maintain a signed waiver on file with DOL.
 - (a) All visitors eighteen years of age and older shall sign a waiver.
 - (b) All visitors between sixteen years of age or older, but who have not attained eighteen years of age must have a waiver signed on their behalf by their parent/guardian.
 - (c) All visitors under sixteen years of age must be included on the waiver signed by their parent/guardian.
- (2) Permanent residents or recreational property owners must notify DOL by mail in advance of the names of visitors and the dates the visitors will be with them in the restricted zone.
- (3) Visitor(s) will obtain their pending permit that is being held at the DOL office where the visitor permit application was mailed.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-190 PERMIT AND WAIVER ISSUANCE PROCEDURES—MEDIA AND SCIENTIFIC RESEARCH. (1) Media permit applications will be reviewed by a ((~~Mt. St. Helens~~)) USFS review committee ((~~composed of members of the media community~~)).

(2) Scientific research permit applications will be reviewed by a ((~~Mt. St. Helens~~)) USFS scientific research review committee ((~~composed of members of the scientific community~~)).

(3) Requests for permits by both media and scientific research personnel will be forwarded to the USFS ((~~Volcano Center~~)) ECC coordinator for distribution and consideration by the appropriate review committee.

(4) Applicants must meet all criteria contained in WAC 118-03-070 and 118-03-230.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-210 CONDITIONS FOR ENTRY—PERMANENT RESIDENTS AND RECREATION PROPERTY OWNERS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individuals who establish proof of permanent residence in communities or areas within the restricted zone will be issued a permit by DOL.

(2) Movement within the restricted zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations within the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the restricted zone unless a specific permit has been issued.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-230 CONDITIONS FOR ENTRY—EMPLOYEES, CONTRACTORS, AND AGENTS OF INDIVIDUAL(S) OR GOVERNMENT ENTITY(S) ISSUED INDUSTRIAL PERMITS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individual(s) or governmental entity(s) issued a permit under WAC 118-03-050, 118-03-110, and 118-03-270 shall:

- (a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the restricted zone for the permittee's business.
- (b) Inform each authorized employee, agent and contractor of pre-designated escape routes.
- (c) Monitor the local sheriff's department or other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens.
- (d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the restricted zone under the permittee's business.
- (e) Issue an identification card, tag or other form of identification approved by the director of ((~~DES~~)) DEM or his designee to each authorized employee, agent and contractor who is within the restricted zone for the permittee's business.
- (f) Provide the foreman of each work crew, or one member of each group working together with a two-way radio and require them to make regular contact with a central dispatcher.

(g) Inform each employee, agent and contractor authorized to enter the restricted zone for permittee's business that they must be able to leave the restricted zone within one hour.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WAC 118-03-070, 118-03-230, and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the state of Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries, or losses due to natural volcanic or flash flood causes suffered by any person while within the restricted zones or as a result of entering or occupying this zone under the authority of the industrial permit.

(3) Entry and occupancy of the restricted zone for industrial permittees will be authorized as per WAC 118-03-070(3).

(a) Industrial permits will be good for the length of contract, not to exceed three months.

(b) Industrial permits may be renewed upon approval of the director of ((~~DES~~)) DEM or his designee(s).

(4) Entry and occupancy of the restricted zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the director of ((~~DES~~)) DEM or his designee(s) upon a showing of overriding necessity.

(5) Each individual(s) at the time of application for an industrial permit issued under WAC 118-03-050 and 118-03-110 or prior to application must file with ((~~DES~~)) DEM an evacuation, emergency communication and warning plan.

(6) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range, and section.

(b) Number of personnel to be engaged within these areas.

(c) Type and number of vehicles to be used for evacuation.

(d) Primary and alternate escape routes to be used.

(7) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event.

(b) Procedures which the industrial permit holder would use to warn his/her personnel in the restricted zone.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-250 INDUSTRIAL PERMIT REAPPLICATION PROCEDURE. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Industrial permits issued for the restricted zone prior to ((~~May 12, 1982~~)) August 1, 1985, are valid until the expiration date on the permit has been attained and then only if all requirements under WAC 118-03-230 have been complied with.

(2) Industrial permittee(s) may request a new permit prior to the existing permit date via telephone or personal contact with/or in person to the DLE whose DOL office issued the application and permit.

(3) The DLE must be advised of the date and approximate time an authorized agent of the industrial permittee will arrive to sign and pick up the new permit.

(4) The industrial permittee must also give all necessary information required to process the application.

(5) On assigned day, the authorized industrial agent must go to the DOL, identify him/herself to the DLE, review the application form and permit for accuracy, and sign the waiver.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-270 FEDERAL, STATE, AND LOCAL GOVERNMENT ADMINISTRATIVE PERSONNEL. Federal, state or local government administrative personnel on official business shall be authorized entry into the restricted zone when:

(1) Such entry will not burden official search and rescue missions or other emergency operations in the restricted zone, and

(2) Such entry be limited, to the extent possible, to specified destination(s) and route(s) within the restricted zone, and

(3) Approval for permit issue has been made by the director, ((~~DES~~)) DEM or his designee(s) or the USFS, and

(a) Such entry is necessary to provide for the health, safety, and welfare of citizens in the disaster area, or

(b) Such entry is necessary to assess damages caused by the volcanic activity for the purpose of mitigating further damage or providing for the well being of disaster victims, or

(c) Such entry will provide information necessary for federal, state or local officials responsible for disaster response.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-290 OTHER PERMIT APPLICANTS. The director, (~~(DES, or)~~) DEM, his designee(s) or the USFS may authorize persons not included in the above specific categories to enter the restricted zone when:

(1) Such entry be limited, to the extent possible, to specified destinations and routes within the restricted zone, and

(2) Such entry will not burden official search and rescue missions or other emergency operations, and

(3) Such entry is limited in duration and by type of transportation to minimize, to the extent consistent with urgency of the entry, the safety of those granted entry permits, and

(a) Such entry is necessary for or will contribute to the health, safety, and welfare of the citizens in the disaster area, or

(b) Such entry is necessary for maintenance of privately owned property within the restricted zone when applicable, or

(c) Such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-310 REVOCATION AND SUSPENSION. (1) In the event that volcanic activity or other events increase the danger already present in the restricted zone, permits, except permanent residents, when applicable, and scientific personnel approved by the director of (~~(DES or)~~) DEM, his designee(s), or the USFS may be suspended or revoked by the director, (~~(DES, or)~~) DEM, his designee(s), or the USFS. This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC director) and (~~(DES)~~) DEM. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by (~~(DES)~~) DEM and the USFS in accordance with established (~~(DES)~~) DEM and USFS operational procedures.

(2) The director of (~~(DES)~~) DEM or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code, except for permanent residents when applicable, upon the failure of the permit holder(s) to meet the conditions of the permit of this chapter.

WSR 85-17-004
EMERGENCY RULES
DEPARTMENT OF
EMERGENCY MANAGEMENT

[Order 85-01—Filed August 9, 1985]

I, Hugh Fowler, director of the Department of Emergency Management, do promulgate and adopt at 4220 East Martin Way, Olympia, WA, the annexed rules relating to the filing of emergency rules for permitted entry and/or occupancy, Mt. St. Helens restricted zone, chapter 118-03 WAC.

I, Hugh Fowler, director, Department of Emergency Management, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is governor's executive order 85-06.

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

This rule is promulgated pursuant to chapters 43.06 and 38.52 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 9, 1985.

By Hugh H. Fowler
Director

AMENDATORY SECTION (Amending Order 83-01, filed 7/27/83)

WAC 118-03-010 PURPOSE. The purpose of this chapter is to adopt rules, regulations, and guidelines to implement (~~(Executive Order 83-08;)~~) executive orders issued by the governor prohibiting any person or persons with certain limited exceptions from entering the high risk danger zone known as the restricted zone of the Mt. St. Helens volcano as described in that executive order, and providing entry permit procedures for persons excepted. These rules may be amended from time to time as conditions warrant. The executive orders issued by the governor (~~(effective June 14, 1983;)~~) recognize((s)) the continuing danger from additional eruptions, earthquakes, flash floods, and other related events from Mt. St. Helens.

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other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean driver's license examiner. "USFS" shall mean United States Forest Service. "USGS" shall mean United States Geological Survey.

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(1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessments that require their presence in the restricted zone.

(2) U.S. Forest Service personnel who are performing official duties that require entry into the restricted zone.

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(4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the restricted zone. The sheriffs of counties whose jurisdictions lie within the boundaries of the restricted zone or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel.

(5) Federal, state, county and local law enforcement and fire fighting personnel whose jurisdiction is within the restricted zone and who are on official business within the restricted zone.

(6) Federal, state, county or local administrative personnel on official business within the restricted zone.

(7) Individual(s) who own and/or control real property, or personal property being used as a residence, and whose official permanent residence is within the restricted zone when applicable.

(8) Individual(s) with a legitimate business reason for being within the restricted zone as determined by the director, department of emergency ~~((services))~~ management, or his designee(s).

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~~((The restricted zone will be open only when volcanic monitoring instruments are functioning properly. The restricted zone will be closed when volcanic monitoring instruments are unreliable.))~~ The restricted zone will be closed by a coordinated decision of the DEM and the USFS on the advice of the USGS that hazards are elevated. The restricted zone will be closed ~~((also during~~

~~eruptions,))~~ when there is an alert issued by the U.S. Geological Survey, and ~~((occasionally))~~ if necessary during advisories issued by the U.S. Geological Survey.

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(4) The permit for entry into the restricted zone will contain specified routes of travel, duration of stay, type of vehicle or aircraft and description, destination, evacuation route, base radio contact alternative routes, and names of those entering.

(5) Helicopters entering the restricted zone must obtain a mission number from the ~~((ECC))~~ Mt. St. Helens National Volcanic Monument ~~((206) 247-5473)~~. Information required is the number of people entering, destination and estimated entry and departure times. All aircraft are to monitor aircraft radio frequently ~~((H8-6))~~ 122.75 MHZ.

(6) Entry into the crater will be limited to scientists, media permit holders, and other officials on official business with supervision by the U.S. Forest Service or U.S. Geological Survey.

(7) Permit holders must be able to leave the restricted zone within one hour.

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(9) Anyone entering the restricted zone must have with them either a restricted zone permit or a restricted zone contractor's permit card.

(10) It is strongly recommended that all who enter the restricted zone carry emergency gear and a first aid kit. Recommended minimal emergency equipment should include: Hard hat, respirator or face mask, goggles, water and food.

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The DOL ~~((shall))~~ may process restricted zone entry permit applications at but limited to the following locations:

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AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-110 APPLICATION/PROCESSING PROCEDURES—NONPERMANENT RESIDENTS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individuals desiring access to the restricted zones should contact one of the designated DOL driver's license examiners at the locations listed during regular business hours, Tuesday through Saturday, 8:30 a.m. to 5 p.m., and complete an application form for a permit stating the nature and need for access and sign the waiver contained on the application form. Federal, state and local governmental personnel on official business will only be required to complete and submit a permit application form. Upon completion and submission of this application to DOL, the application will be approved or disapproved within five regular working days by DOL. After approval of the application a permit will be issued immediately.

(2) Individuals who are employers or government entities applying for a permit under WAC 118-03-230 may complete and submit an industrial application form to be issued an industrial permit which would allow the entry and/or occupation within the restricted zone by its authorized employees, contractors or agents for business reasons.

(3) DOL will screen applicants according to the criteria published herein and will issue permits to those that have demonstrated a need to enter and/or occupy the restricted zone. The DLE will assure that all pertinent data such as time of entry, duration of need, and mode of travel has been presented and will inform the applicant of entry requirements as stated herein.

(4) DOL will provide the director, ((DES)) DEM; the director, USFS emergency coordination center; and the

sheriffs of counties whose jurisdictions lie within the boundaries of the restricted zone with a daily list of permits issued.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-130 PERMIT AND WAIVER ISUANCE PROCEDURES—PERMANENT RESIDENTS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Permanent residence applicants must present proof of ownership or control of real property or personal property being used as a residence and a permanent residence status at the time of application.

(2) Permanent residence applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(3) Permanent residence applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(4) All permanent residence applicants under sixteen years of age must be included on the application of their parent/guardian.

(5) DOL will maintain a current list of permanent residents with permits within the restricted zone.

(6) Permanent residents must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-150 PERMIT AND WAIVER ISUANCE PROCEDURES—RECREATION PROPERTY OWNERS, RENTERS, OR LESSEES. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Recreation property owners, renters, or lessees must comply with the following conditions:

(a) Applicants must present proof of ownership or control of real property or personal property.

(b) Applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen years of age must be included on the application of their parent/guardian.

(2) DOL will maintain a current list of recreation property owners, renters, or lessees with permits within the restricted zone.

(3) Recreation property owners, renters, or lessees must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-170 PERMIT AND WAIVER ISUANCE PROCEDURES—VISITORS TO PERMANENT RESIDENTS OR RECREATIONAL PROPERTY OWNERS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Visitors must maintain a signed waiver on file with DOL.

(a) All visitors eighteen years of age and older shall sign a waiver.

(b) All visitors between sixteen years of age or older, but who have not attained eighteen years of age must have a waiver signed on their behalf by their parent/guardian.

(c) All visitors under sixteen years of age must be included on the waiver signed by their parent/guardian.

(2) Permanent residents or recreational property owners must notify DOL by mail in advance of the names of visitors and the dates the visitors will be with them in the restricted zone.

(3) Visitor(s) will obtain their pending permit that is being held at the DOL office where the visitor permit application was mailed.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-190 PERMIT AND WAIVER ISUANCE PROCEDURES—MEDIA AND SCIENTIFIC RESEARCH. (1) Media permit applications will be reviewed by a ((~~Mt. St. Helens~~)) USFS review committee ((composed of members of the media community)).

(2) Scientific research permit applications will be reviewed by a ((~~Mt. St. Helens~~)) USFS scientific research review committee ((composed of members of the scientific community)).

(3) Requests for permits by both media and scientific research personnel will be forwarded to the USFS ((~~Volcano Center~~)) ECC coordinator for distribution and consideration by the appropriate review committee.

(4) Applicants must meet all criteria contained in WAC 118-03-070 and 118-03-230.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-210 CONDITIONS FOR ENTRY—PERMANENT RESIDENTS AND RECREATION PROPERTY OWNERS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individuals who establish proof of permanent residence in communities or areas within the restricted zone will be issued a permit by DOL.

(2) Movement within the restricted zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations within the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the restricted zone unless a specific permit has been issued.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-230 CONDITIONS FOR ENTRY—EMPLOYEES, CONTRACTORS, AND AGENTS OF INDIVIDUAL(S) OR GOVERNMENT ENTITY(S) ISSUED INDUSTRIAL PERMITS. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Individual(s) or governmental entity(s) issued a permit under WAC 118-03-050, 118-03-110, and 118-03-270 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the restricted zone for the permittee's business.

(b) Inform each authorized employee, agent and contractor of predesignated escape routes.

(c) Monitor the local sheriff's department or other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens.

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the restricted zone under the permittee's business.

(e) Issue an identification card, tag or other form of identification approved by the director of ((~~DES~~)) DEM or his designee to each authorized employee, agent and contractor who is within the restricted zone for the permittee's business.

(f) Provide the foreman of each work crew, or one member of each group working together with a two-way radio and require them to make regular contact with a central dispatcher.

(g) Inform each employee, agent and contractor authorized to enter the restricted zone for permittee's business that they must be able to leave the restricted zone within one hour.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WAC 118-03-070, 118-03-230, and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the state of Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries, or losses due to natural volcanic or flash flood causes suffered by any person while within the restricted zones or as a result of entering or occupying this zone under the authority of the industrial permit.

(3) Entry and occupancy of the restricted zone for industrial permittees will be authorized as per WAC 118-03-070(3).

(a) Industrial permits will be good for the length of contract, not to exceed three months.

(b) Industrial permits may be renewed upon approval of the director of ((~~DES~~)) DEM or his designee(s).

(4) Entry and occupancy of the restricted zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the director of ((~~DES~~)) DEM or his designee(s) upon a showing of overriding necessity.

(5) Each individual(s) at the time of application for an industrial permit issued under WAC 118-03-050 and 118-03-110 or prior to application must file with ((~~DES~~)) DEM an evacuation, emergency communication and warning plan.

(6) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range, and section.

(b) Number of personnel to be engaged within these areas.

(c) Type and number of vehicles to be used for evacuation.

(d) Primary and alternate escape routes to be used.

(7) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event.

(b) Procedures which the industrial permit holder would use to warn his/her personnel in the restricted zone.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-250 INDUSTRIAL PERMIT RE-APPLICATION PROCEDURE. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Industrial permits issued for the restricted zone prior to ((~~May 12, 1982~~)) August 1, 1985, are valid until the expiration date on the permit has been attained and then only if all requirements under WAC 118-03-230 have been complied with.

(2) Industrial permittee(s) may request a new permit prior to the existing permit date via telephone or personal contact with/or in person to the DLE whose DOL office issued the application and permit.

(3) The DLE must be advised of the date and approximate time an authorized agent of the industrial permittee will arrive to sign and pick up the new permit.

(4) The industrial permittee must also give all necessary information required to process the application.

(5) On assigned day, the authorized industrial agent must go to the DOL, identify him/herself to the DLE, review the application form and permit for accuracy, and sign the waiver.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-270 FEDERAL, STATE, AND LOCAL GOVERNMENT ADMINISTRATIVE PERSONNEL. Federal, state or local government administrative personnel on official business shall be authorized entry into the restricted zone when:

(1) Such entry will not burden official search and rescue missions or other emergency operations in the restricted zone, and

(2) Such entry be limited, to the extent possible, to specified destination(s) and route(s) within the restricted zone, and

(3) Approval for permit issue has been made by the director, ((~~DES~~)) DEM or his designee(s) or the USFS, and

(a) Such entry is necessary to provide for the health, safety, and welfare of citizens in the disaster area, or

(b) Such entry is necessary to assess damages caused by the volcanic activity for the purpose of mitigating further damage or providing for the well being of disaster victims, or

(c) Such entry will provide information necessary for federal, state or local officials responsible for disaster response.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-290 OTHER PERMIT APPLICANTS. The director, ((~~DES~~, or)) DEM, his designee(s) or the USFS may authorize persons not included in the above specific categories to enter the restricted zone when:

(1) Such entry be limited, to the extent possible, to specified destinations and routes within the restricted zone, and

(2) Such entry will not burden official search and rescue missions or other emergency operations, and

(3) Such entry is limited in duration and by type of transportation to minimize, to the extent consistent with urgency of the entry, the safety of those granted entry permits, and

(a) Such entry is necessary for or will contribute to the health, safety, and welfare of the citizens in the disaster area, or

(b) Such entry is necessary for maintenance of privately owned property within the restricted zone when applicable, or

(c) Such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity.

AMENDATORY SECTION (Amending Order 86-06, filed 7/9/82)

WAC 118-03-310 REVOCATION AND SUSPENSION. (1) In the event that volcanic activity or other events increase the danger already present in the restricted zone, permits, except permanent residents, when applicable, and scientific personnel approved by the director of ((~~DES~~ or)) DEM, his designee(s), or the USFS may be suspended or revoked by the director,

~~((DES, or))~~ DEM, his designee(s), or the USFS. This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC director) and ~~((DES))~~ DEM. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by ~~((DES))~~ DEM and the USFS in accordance with established ~~((DES))~~ DEM and USFS operational procedures.

(2) The director of ~~((DES))~~ DEM or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code, except for permanent residents when applicable, upon the failure of the permit holder(s) to meet the conditions of the permit of this chapter.

WSR 85-17-005
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 9, 1985]

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 School personnel—Permits for aliens, chapter 392-193 WAC;

that the agency will at 9:00 a.m., Friday, September 30, 1985, in the Old Capitol Building, State Board of Education Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1985.

The authority under which these rules are proposed is RCW 28A.67.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 30, 1985.

Dated: August 8, 1985

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-193 WAC, School personnel—Permits for aliens.

Rule Section(s): WAC 392-193-005 Authority; 392-193-010 Purpose; 392-193-020 Applicability to teachers only; 392-193-025 Teacher—Defined; 392-193-030 Alien—Defined; 392-193-035 Alien permits required; 392-193-045 Immigrant alien permits—Requirements; 392-193-050 Conversion of immigrant alien permit to regular certificate; 392-193-055 Nonimmigrant alien permits—Requirements; and 392-193-060 Alien permits—Revocation—Hearing rights.

Statutory Authority: RCW 28A.67.020.

Purpose of the Rule(s): To implement 1985 statutory change and codify agency policy regarding alien permits.

Summary of the New Rule(s) and/or Amendments: WAC 392-193-005 sets forth authority; 392-193-010

sets forth purpose; 392-193-020 makes clear that alien permit policy is only applicable to classroom teachers; 392-193-025 defines teacher; 392-193-030 defines alien; 392-193-035 sets forth public policy requiring alien permits; 392-193-045 sets forth requirements for immigrant alien permits; 392-193-050 sets forth procedure for conversion of immigrant alien permits to regular certificates for certain aliens; 392-193-055 sets forth requirements for nonimmigrant alien permits; and 392-193-060 recognizes right to due process prior to revocation of alien permits.

Reasons Which Support the Proposed Action(s): Implementation of state policy.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Don Hair, SPI, 3-2751; and Enforcement: Bob Marshall, SPI, 3-1880.

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): [No information supplied by agency.]

Chapter 392-193 WAC
SCHOOL PERSONNEL—PERMITS FOR ALIENS

WAC

392-193-005	Authority.
392-193-010	Purpose.
392-193-020	Applicability to teachers only.
392-193-025	Teacher—Defined.
392-193-030	Alien—Defined.
392-193-035	Alien permits required.
392-193-045	Immigrant alien permits—Requirements.
392-193-050	Conversion of immigrant alien permit to regular certificate.
392-193-055	Nonimmigrant alien permits—Requirements.
392-193-060	Alien permits—Revocation—Hearing rights.

NEW SECTION

WAC 392-193-005 **AUTHORITY.** The authority for this chapter is RCW 28A.67.020 which permits the superintendent of public instruction to grant alien permits authorizing an alien to teach in the common schools of this state and to convert certain alien permits to a regular teaching certificate.

NEW SECTION

WAC 392-193-010 **PURPOSE.** The purpose of this chapter is to establish policies and procedures for the issuance of an alien permit and the conversion of certain alien permits to a regular teaching certificate.

NEW SECTION

WAC 392-193-020 **APPLICABILITY TO TEACHERS ONLY.** The alien permit requirement of RCW 28A.67.020 applies only to teachers.

NEW SECTION

WAC 392-193-025 **TEACHER—DEFINED.** For the purposes of this chapter, "teacher" shall be defined as a person with classroom instructional responsibilities and who is not under the supervision of another certificated employee assigned primary instructional responsibilities in the same classroom(s).

NEW SECTION

WAC 392-193-030 ALIEN—DEFINED. For the purposes of this chapter, "alien" shall be defined as a person who is not a citizen of the United States of America.

NEW SECTION

WAC 392-193-035 ALIEN PERMITS REQUIRED. Except as provided in WAC 392-193-050, no alien shall be permitted to serve as a teacher in the common schools of this state without an alien permit.

NEW SECTION

WAC 392-193-045 IMMIGRANT ALIEN PERMITS—REQUIREMENTS. The superintendent of public instruction shall grant an immigrant alien permit to each applicant who is otherwise qualified to teach in the common schools of the state under regulations established by the state board of education and who offers sufficient proof that such applicant has declared officially an intention to become a citizen of the United States by filing such declaration with the United States immigration and naturalization service.

NEW SECTION

WAC 392-193-050 CONVERSION OF IMMIGRANT ALIEN PERMIT TO REGULAR CERTIFICATE. Any alien who possesses an immigrant alien permit who has completed a probationary period of one school year of teaching in the common schools, upon recommendation of the superintendent of the district in which such teaching took place, shall be eligible for regular certification singularly under the provisions established by the state board of education; and, if such certification is issued, the alien teacher will be permitted to teach in the common schools of the state without an alien permit.

NEW SECTION

WAC 392-193-055 NONIMMIGRANT ALIEN PERMITS—REQUIREMENTS. The superintendent of public instruction shall grant a nonimmigrant alien permit to each nonimmigrant alien applicant who is qualified to teach in the common schools of the state under regulations established by the state board of education, who subscribes to the oath or affirmation required by RCW 28A.67.020, and who offers sufficient proof that such applicant has been:

- (1) Admitted to the United States for purpose of serving as an exchange teacher. Such nonimmigrant permit for exchange teachers shall be valid for one school year and may be renewed once; or
- (2) Employed for the sole purpose of serving as a foreign language teacher. Such nonimmigrant permit for a foreign language teacher shall be valid for the same period of time as would be the case if the applicant sought certification solely under the applicable regulations established by the state board of education.

NEW SECTION

WAC 392-193-060 ALIEN PERMITS—REVOCATION—HEARING RIGHTS. Alien permits may be revoked by the superintendent of public instruction in accordance with the procedures for revocation of certificates in chapter 180-75 WAC. Prior to revocation of an alien permit, the superintendent of public instruction shall notify the holder of the reasons for revocation and shall afford such holder an opportunity to contest the revocation action in administrative hearing conducted in accordance with contested cases under the state Administrative Procedure Act, chapter 34.04 RCW.

WSR 85-17-006
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 9, 1985]

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 Student—Health records, chapter 392-183 WAC;

that the agency will at 9:00 a.m., Friday, September 30, 1985, in the Old Capitol Building, State Board of Education Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1985.

The authority under which these rules are proposed is section 5, chapter 50, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 30, 1985.

Dated: August 8, 1985

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-183 WAC, Student—Health records.

Rule Section(s): WAC 392-183-005 Authority; 392-183-010 Purpose; 392-183-015 Supplement to chapter 180-38 WAC; and 392-183-020 Quick verification of immunization records.

Statutory Authority: Section 5, chapter 50, Laws of 1985.

Purpose of the Rule(s): To provide quick verification of immunization records of transfer student.

Summary of the New Rule(s) and/or Amendments: WAC 392-183-005 sets forth agency authority; 392-183-010 sets forth purpose of chapter; 392-183-015 cross references to substantive rules of State Board of Education; and 392-183-020 establishes procedures for quick verification of student's records in previous school.

Reasons Which Support the Proposed Action(s): Implement action by 1985 legislature.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Judith Maire, SPI, 3-3220; and Enforcement: Judy Schrag, SPI, 4-1842.

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): [No information supplied by agency.]

Chapter 392-183 WAC
STUDENT—HEALTH RECORDS

WAC	
392-183-005	Authority.
392-183-010	Purpose.
392-183-015	Supplement to chapter 180-38 WAC.
392-183-020	Quick verification of immunization records.

NEW SECTION

WAC 392-183-005 AUTHORITY. The authority for this chapter is RCW 28A._____ which requires the superintendent of public instruction to "provide procedures for schools to quickly verify the immunization of records of students transferring from one school to another before the immunization records are received."

NEW SECTION

WAC 392-183-010 **PURPOSE.** The purpose of this chapter is to implement RCW 28A.----- and provide for quick verification of immunization records of students transferring from one school to another before the immunization records are received.

NEW SECTION

WAC 392-183-015 **SUPPLEMENT TO CHAPTER 180-38 WAC.** This chapter is intended to supplement rules of the state board of education in chapter 180-38 WAC. Definitions within chapter 180-38 WAC are incorporated herein by reference.

NEW SECTION

WAC 392-183-020 **QUICK VERIFICATION OF IMMUNIZATION RECORDS.** In the event the records of a student transferring from one school to another have not been received before or on the student's first day of attendance at the new school, the chief administrator of the new school shall attempt to verify the immunization status of the student prior to excluding such student pursuant to the provision of chapter 180-38 WAC. Such verification of full immunization, commencement of a schedule of immunization, or a statement of exemption may rely upon:

- (1) An affidavit of the parent, legal guardian, adult in loco parentis to such student, or the student if an adult which attests to sufficient facts to demonstrate compliance.
- (2) Telephonic or electronic communication with the chief administrator or other appropriate official at the previous school which verifies compliance.
- (3) Any other evidence which provides the chief administrator of the new school district reasonable certainty that the student has complied.

WSR 85-17-007
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 85-5—Filed August 9, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to School personnel—Permits for aliens, chapter 392-193 WAC.

I, Frank B. Brouillet, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is RCW 28A.67.020 was amended by the 1985 legislature to permit nonimmigrant aliens to teach foreign language under certain circumstances. These rules are needed to implement programs in September 1985 when the school year commences.

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

This rule is promulgated pursuant to RCW 28A.67-.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 August 8, 1985.

By Frank B. Brouillet
 Superintendent of Public Instruction

Chapter 392-193 WAC

SCHOOL PERSONNEL—PERMITS FOR ALIENS**WAC**

- | | |
|-------------|--|
| 392-193-005 | Authority. |
| 392-193-010 | Purpose. |
| 392-193-020 | Applicability to teachers only. |
| 392-193-025 | Teacher—Defined. |
| 392-193-030 | Alien—Defined. |
| 392-193-035 | Alien permits required. |
| 392-193-045 | Immigrant alien permits—Requirements. |
| 392-193-050 | Conversion of immigrant alien permit to regular certificate. |
| 392-193-055 | Nonimmigrant alien permits—Requirements. |
| 392-193-060 | Alien permits—Revocation—Hearing rights. |

NEW SECTION

WAC 392-193-005 **AUTHORITY.** The authority for this chapter is RCW 28A.67.020 which permits the superintendent of public instruction to grant alien permits authorizing an alien to teach in the common schools of this state and to convert certain alien permits to a regular teaching certificate.

NEW SECTION

WAC 392-193-010 **PURPOSE.** The purpose of this chapter is to establish policies and procedures for the issuance of an alien permit and the conversion of certain alien permits to a regular teaching certificate.

NEW SECTION

WAC 392-193-020 **APPLICABILITY TO TEACHERS ONLY.** The alien permit requirement of RCW 28A.67.020 applies only to teachers.

NEW SECTION

WAC 392-193-025 **TEACHER—DEFINED.** For the purposes of this chapter, "teacher" shall be defined as a person with classroom instructional responsibilities and who is not under the supervision of another certificated employee assigned primary instructional responsibilities in the same classroom(s).

NEW SECTION

WAC 392-193-030 **ALIEN—DEFINED.** For the purposes of this chapter, "alien" shall be defined as a person who is not a citizen of the United States of America.

NEW SECTION

WAC 392-193-035 **ALIEN PERMITS REQUIRED.** Except as provided in WAC 392-193-050, no alien shall be permitted to serve as a teacher in the common schools of this state without an alien permit.

NEW SECTION

WAC 392-193-045 IMMIGRANT ALIEN PERMITS—REQUIREMENTS. *The superintendent of public instruction shall grant an immigrant alien permit to each applicant who is otherwise qualified to teach in the common schools of the state under regulations established by the state board of education and who offers sufficient proof that such applicant has declared officially an intention to become a citizen of the United States by filing such declaration with the United States immigration and naturalization service.*

NEW SECTION

WAC 392-193-050 CONVERSION OF IMMIGRANT ALIEN PERMIT TO REGULAR CERTIFICATE. *Any alien who possesses an immigrant alien permit who has completed a probationary period of one school year of teaching in the common schools, upon recommendation of the superintendent of the district in which such teaching took place, shall be eligible for regular certification singularly under the provisions established by the state board of education; and, if such certification is issued, the alien teacher will be permitted to teach in the common schools of the state without an alien permit.*

NEW SECTION

WAC 392-193-055 NONIMMIGRANT ALIEN PERMITS—REQUIREMENTS. *The superintendent of public instruction shall grant a nonimmigrant alien permit to each nonimmigrant alien applicant who is qualified to teach in the common schools of the state under regulations established by the state board of education, who subscribes to the oath or affirmation required by RCW 28A.67.020, and who offers sufficient proof that such applicant has been:*

(1) *Admitted to the United States for purpose of serving as an exchange teacher. Such nonimmigrant permit for exchange teachers shall be valid for one school year and may be renewed once, or*

(2) *Employed for the sole purpose of serving as a foreign language teacher. Such nonimmigrant permit for a foreign language teacher shall be valid for the same period of time as would be the case if the applicant sought certification solely under the applicable regulations established by the state board of education.*

NEW SECTION

WAC 392-193-060 ALIEN PERMITS—REVOCA-TION—HEARING RIGHTS. *Alien permits may be revoked by the superintendent of public instruction in accordance with the procedures for revocation of certificates in chapter 180-75 WAC. Prior to revocation of an alien permit, the superintendent of public instruction shall notify the holder of the reasons for revocation and shall afford such holder an opportunity to contest the revocation action in administrative hearing conducted in accordance with contested cases under the state Administrative Procedure Act, chapter 34.04 RCW.*

WSR 85-17-008
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 85-6—Filed August 9, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Student—Health records, chapter 392-183 WAC.

I, Frank B. Brouillet, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are needed to implement section 5, chapter 50, Laws of 1985, on the first day of the school year in late August or early September.

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

This rule is promulgated pursuant to section 5, chapter 50, Laws of 1985, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 8, 1985.

By Frank B. Brouillet
 Superintendent of Public Instruction

Chapter 392-183 WAC
STUDENT—HEALTH RECORDS

WAC

392-183-005	Authority.
392-183-010	Purpose.
392-183-015	Supplement to chapter 180-38 WAC.
392-183-020	Quick verification of immunization records.

NEW SECTION

WAC 392-183-005 AUTHORITY. *The authority for this chapter is RCW 28A._____ which requires the superintendent of public instruction to "provide procedures for schools to quickly verify the immunization of records of students transferring from one school to another before the immunization records are received."*

NEW SECTION

WAC 392-183-010 PURPOSE. *The purpose of this chapter is to implement RCW 28A._____ and provide for quick verification of immunization records of students transferring from one school to another before the immunization records are received.*

NEW SECTION

WAC 392-183-015 SUPPLEMENT TO CHAPTER 180-38 WAC. This chapter is intended to supplement rules of the state board of education in chapter 180-38 WAC. Definitions within chapter 180-38 WAC are incorporated herein by reference.

NEW SECTION

WAC 392-183-020 QUICK VERIFICATION OF IMMUNIZATION RECORDS. In the event the records of a student transferring from one school to another have not been received before or on the student's first day of attendance at the new school, the chief administrator of the new school shall attempt to verify the immunization status of the student prior to excluding such student pursuant to the provision of chapter 180-38 WAC. Such verification of full immunization, commencement of a schedule of immunization, or a statement of exemption may rely upon:

(1) An affidavit of the parent, legal guardian, adult in loco parentis to such student, or the student if an adult which attests to sufficient facts to demonstrate compliance.

(2) Telephonic or electronic communication with the chief administrator or other appropriate official at the previous school which verifies compliance.

(3) Any other evidence which provides the chief administrator of the new school district reasonable certainty that the student has complied.

WSR 85-17-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-94—Filed August 9, 1985]

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 net restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Troll fishery in Areas 5 and 6C provided for in chapter 220-47 WAC. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian chinook and pink allocations. Opening in Area 8 provides opportunity to harvest non-Indian allocation of chinook. Opening in Area 12C provides opportunity to harvest non-Indian chinook and coho allocations. All other marine and freshwater areas are closed to prevent overharvest.

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 August 9, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-47-603 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

**Areas 5, 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open. Open to trolling from 5:00 AM to 9:30 PM August 13. Waters noted in WAC 220-47-266 are closed to all commercial fishing.*

Area 6, 6A, 7, 7A – Under control of International Pacific Salmon Fisheries Commission. Gill net gear restricted to 5-7/8-inch maximum mesh when open.

**Areas 7B, 7C – Closed except gill nets using 5-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, August 12 through the morning of August 16. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.*

**Area 8 – Closed except gill nets using 7-1/2-inch minimum mesh may fish from 6:00 PM the night of August 12 through the morning of August 13. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307.*

**Area 12C (excluding that portion south of a line projected from Lake Cushman powerhouse to the public boat ramp at Union) – Closed except gill nets using 5-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 12 through the morning of August 16, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily August 13 through August 15 and from 5:00 AM to 4:00 PM August 16. Additional fishery exclusion zones applicable to*

Area 12C commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed.

WAC 220-47-602 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (85-93)

WSR 85-17-010

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-95—Filed August 9, 1985]

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 Areas 4B, 5, 6C provide protection for Puget Sound and Canadian stocks while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7, 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in Areas 6B and 9 protect Nisqually and Hood Canal pink stocks. Restrictions in Area 10 protect chinook returning to Suquamish Hatchery. Restrictions in Area 10C and the Cedar River protect Lake Washington sockeye and chinook. Restrictions in Areas 10D and 10G protect Lake Washington sockeye while allowing harvest of chinook. Restrictions in Areas 12 and 12B protect natural Hood Canal pink stocks while allowing harvest of Hood Canal chinook. Restrictions in Area 13A, Nooksack, Quilcene, and White rivers and Minter Creek protect Puget Sound spring chinook. Restrictions in the Skagit River protect spawning salmon stocks. Restrictions in Area 7C and the Samish River provide protection for chinook returning to Samish Hatchery. Restrictions in Area 6D, Elwha and Dungeness rivers protect local summer/fall chinook and pink salmon stocks. Restrictions in Area 8A and the Stillaguamish River protect local summer/fall chinook. Restrictions in Area 12C protect chinook returning to Hoodspout and Enetai hatcheries. Restrictions in Area 13 provide protection for Nisqually pinks.

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 August 9, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-28-509 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS. *Effective August 11, 1985, 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:*

Areas 4B, 5, 6C – Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Areas 6B, 9 – Effective through September 14, gill net gear restricted to 7-inch minimum mesh, and other gear must release pink salmon when open.

Area 6D, Dungeness and Elwha Rivers – Closed to all commercial fishing through September 21.

Areas 6, 6A, 7, 7A – Gill net gear restricted to 5-7/8-inch maximum mesh when open.

Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8A – Closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D.

Area 10 – Closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock.

Area 10C and Cedar River – Closed to all commercial fishing until further notice.

Area 10D – (1) Effective through October 5, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye. (2) Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.

Area 10G – Effective through September 28, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye when open.

Areas 12, 12B – Effective through August 24, commercial gill net gear restricted to 7-inch minimum and all other gear must release pink salmon when open.

Area 12C – Effective through September 7, closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and Hoodspout Marina dock and in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough.

*Area 13 excluding those waters of Hale Passage southerly of the Fox Island Bridge and northerly of the southernmost cable crossing – Effective through September 21, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

Area 13A – Closed to all commercial net fishing until further notice in that portion north of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove.

Nooksack (upstream of the confluence of the forks) and Samish Rivers – Closed to all commercial fishing through October 15.

Skagit River upstream of Baker River – Closed to all commercial fishing until further notice.

*Stillaguamish River – Effective through September 21, gill net gear restricted to 6-inch maximum mesh when open.

Quilcene River – Closed to all commercial fishing through August 31.

Minter Creek and White River – Closed to all commercial fishing through September 28.

REPEALER

The following of the Washington Administrative Code is repealed effective August 11, 1985:

WAC 220-28-508 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-92)

WSR 85-17-011
PROPOSED RULES
OFFICE OF
ADMINISTRATIVE HEARINGS
[Filed August 12, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Administrative Hearings intends to adopt, amend, or repeal rules concerning:

Amd	WAC 10-04-020	Change of agency organization and office locations.
Amd	WAC 10-08-040	Uniform procedural rule on notice of hearing, adding notice of right to interpreter.
New	WAC 10-08-150	New section on language interpreters.
Amd	WAC 10-08-160	Amending interpreter oath.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1985.

The authority under which these rules are proposed is RCW 34.12.080.

The specific statute these rules are intended to implement is WAC 10-04-020 – RCW 42.17.250 and 34.04.020; WAC 10-08-040, 10-08-150 and 10-08-160(2) – RCW 34.04.020, 34.04.022 and chapter 2.42 RCW.

This notice is connected to and continues the matter in Notice Nos. WSR 85-13-003 and 85-14-013 filed with the code reviser's office on June 6, 1985, and June 24, 1985, respectively.

Dated: August 9, 1985

By: D. R. LaRose
Chief Administrative Law Judge

WSR 85-17-012
ADOPTED RULES
DEPARTMENT OF TRANSPORTATION
[Order 96—Filed August 12, 1985]

I, Duane Berentson, secretary of the Department of Transportation, do promulgate and adopt at Room 1D-9, Transportation Building, Olympia, Washington 98504, the annexed rules relating to outdoor advertising control, chapter 468-66 WAC, and motorist information signs, chapter 468-70 WAC. Adoption of amendments to incorporate the 1985 legislation provided in ESHB 133 and ESSB 3500.

This action is taken pursuant to Notice No. WSR 85-14-099 filed with the code reviser on July 2, 1985. 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 47.42 RCW which directs that the Department of Transportation has authority to implement the provisions of chapter 47.42 RCW.

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

APPROVED AND ADOPTED August 12, 1985.

By Duane Berentson
Secretary

AMENDATORY SECTION (Amending Order 94, filed 1/10/85)

WAC 468-66-010 DEFINITIONS. The following terms when used in these regulations shall have the following meanings:

(1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
- (f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

(5) "Commission" means the Washington state transportation commission.

(6) Discontinued. A sign shall be considered discontinued if, after receiving notice of absence of advertising content for one hundred twenty days, the permit holder fails to put advertising content on the sign for a period of twelve months. Six months after the beginning of this twelve-month period, the permit holder shall receive a second copy of the original notice.

(7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(10) "Interstate system" means any state highway which is or does become part of the national system of

interstate and defense highways as described in section 103(d) of Title 23, United States Code.

(11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable.

(13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(15) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

(16) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system; or

(c) Any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in section 2, chapter 62, Laws of 1971 ex. sess.

(17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).

(23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or similar information.

(24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products harvested or produced on the property where the sale is taking place.

AMENDATORY SECTION (Amending Order 94, filed 1/10/85)

WAC 468-66-030 GENERAL PROVISIONS. Notwithstanding any other provision of the act or these regulations, no signs visible from the main-traveled way of the interstate system, primary system, or scenic system which have any of the following characteristics shall be erected or maintained:

(1) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

(2) Illegal, destroyed, abandoned, discontinued or obsolete signs.

(3) Signs that are not clean and in good repair.

(4) Signs that are not securely affixed to a substantial structure.

(5) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(6) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(7) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights (except those signs giving public service information).

(8) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(9) Signs which move or have any animated or moving parts (except revolving signs giving public service information).

(10) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(11) Signs which exceed twenty feet in length, width or height, or one hundred fifty square feet in area, including border and trim but excluding supports, except:

(a) Larger signs as permitted within commercial and industrial areas adjacent to the primary system pursuant to RCW 47.42.062; and

(b) Type 3 signs not more than fifty feet from the advertised activity; and

(c) Type 8 signs shall not exceed thirty-two square feet in area, unless they qualify as Type 3 (on-premise) signs.

(12) Electronic signs may be used only to advertise activities conducted or goods and services available on

the property on which the signs are located or to present public service information.

(a) Advertising messages may contain words, phrases, sentences, symbols, trade-marks, and logos. A single message or a segment of a message must have a display time of at least two seconds including the time to move onto the sign board, with all segments of the total message to be displayed within ten seconds. A message consisting of only one segment may remain on the sign board as long as desired.

(b) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(c) Displays traveling horizontally across the sign board must move between sixteen and thirty-two light columns per second. Displays can scroll onto the sign board but must hold for two seconds including scrolling.

(d) Sign displays shall not include any art animations or graphics that portray motion, except for movement of graphics onto or off of the sign board as previously described.

(e) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be too bright shall be adjusted in accordance with the instructions of the department.

(f) As on-premise signs, electronic signs are subject to the provisions of RCW 47.42.045 and 47.42.062.

AMENDATORY SECTION (Amending Order 55, filed 4/18/80)

WAC 468-66-050 CLASSIFICATION OF SIGNS. Signs shall be classified as follows:

(1) Type 1—Directional or other official signs or notices.

(a) Signs and notices erected and maintained by public offices or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(b) Service club and religious notices, whose message shall contain only the name of a nonprofit service club or religious organization, its address and the time of its meeting or service.

(2) Type 2—For sale or lease sign. A sign not prohibited by state law which is consistent with the applicable provisions of these regulations and which advertises the sale or lease only of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease or the owner's agent shall not be displayed more conspicuously than the words "for sale" or "for lease". Not more than one such sign advertising the sale or lease of a parcel of property shall be permitted in such manner as to be visible to traffic proceeding in any one direction on an interstate system, primary system or scenic system highway.

(3) Type 3—On-premise sign. A sign advertising an activity conducted on the property on which the sign is

located. Not more than one such sign, visible to traffic proceeding in any one direction on an interstate system, primary system, or scenic system highway may be permitted more than fifty feet from the advertised activity.

Signs reading "future site of" or similar wording will be allowed as an on-premise sign without any activity being apparent on the site for one year from date of installation provided the following conditions have been met:

(a) The department of transportation has received a letter of notification of intent from the owner of the proposed advertised activity.

(b) The sign shall not inform of activities conducted elsewhere.

(c) The maximum size of a future site sign shall not be greater than one hundred fifty square feet.

The sign must be removed at the end of the one year time period if the advertised activity has not become operational.

(4) Type 4—Signs within twelve air miles of advertised activities. Signs not prohibited by state law which are consistent with the applicable provisions of these regulations and which advertise activities conducted within twelve air miles of such signs.

(5) Type 5—Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by state law which are consistent with these regulations and which are designed to give information in the specific interest of the traveling public.

(6) Type 6—Signs lawfully in existence on October 22, 1965, determined by the department of transportation, subject to the approval of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW.

(7) Type 7—Public service signs located on school bus stop shelters, which:

(a) Identify the donor, sponsor or contributor of said shelters;

(b) Contain safety slogans or messages which do not pertain to the donor and occupy not less than sixty percent of the area of the signs. In addition to this area limitation the donor identification portion of the sign may not appear more prominently than the safety slogan message;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation or ordinance, off the state highway right of way. School bus shelters shall not exceed 10 feet in length, 10 feet in width or 8 feet in height and shall be constructed with the upper 4 feet of the sides perpendicular to the roadway being occupied by the sign. The remainder is to be constructed of a see through nature. No school bus shelter shall be located along fully controlled access highways as specifically referenced in WAC 468-58-030;

(e) Do not exceed 32 square feet in area. Not more than one sign on each shelter may face in any one direction. The sign shall not protrude above the roof line or beyond the sides of the shelter;

(f) Signs erected pursuant to a permit issued by the department of transportation as provided in RCW 47.42.120 and 47.42.130 and the regulations issued thereunder. A permit shall be required for each individual sign face.

(8) Type 8—Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise (Type 3) sign;

(c) Signs shall not be placed within an incorporated city or town, but may be placed in unzoned areas and areas zoned for agricultural, commercial, and industrial activities;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections, or restrict the visibility of other authorized signs;

(f) The minimum spacing between sign structures shall be three hundred feet. For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure (spacing is independent of off-premise (Type 4) signs).

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-66-060 SIGNS ALONG SCENIC, PRIMARY, AND INTERSTATE SYSTEMS. Signs of Types 4 and 5 shall not be erected or maintained within view of the main-traveled way of the scenic or primary system. Signs visible from the main-traveled way of the primary system within commercial and industrial areas shall be permitted as provided in WAC 468-66-110. Only signs of Types 1, 2, 3, 4 and 5 shall be erected or maintained within view of the main-traveled way of the interstate system to the extent and in the manner permitted by WAC 468-66-080, 468-66-090, and 468-66-100: PROVIDED, That after May 10, 1974, no Type 4 or Type 5 signs shall be maintained within view of the main-traveled way of the interstate system outside of commercial and industrial areas. Signs of Types 7 and 8 may be erected or maintained within view of the primary and scenic highway systems to the extent and manner permitted by WAC 468-66-050.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-66-090 PREFERENCE OF APPLICANTS FOR TYPE 4 ((AND)), TYPE 5, AND TYPE 8 SITES. Applications for available Type 4 ((and)), Type 5, and Type 8 sign sites, where the number of applications shall exceed the available sites, shall be awarded upon the following preferential basis:

(1) Agencies of the state of Washington in order of their applications.

(2) Counties or incorporated cities in the order of their applications.

(3) Federal agencies in the order of their applications.

(4) All other applicants in the order of their applications, giving preference, however, to the holder of an existing permit for renewal thereof. All applications received during the department's normal office hours during the same day shall be construed as having been received simultaneously. In the case of a tie between applicants, and upon notification thereof by the department, the department shall determine by lot which shall receive the permit.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-66-100 ADVERTISING COPY. (1) A Type 4 sign that displays any trade name which refers to or identifies any service rendered or product sold, used or otherwise handled more than twelve air miles from such sign may not be permitted unless the name of the advertised activity which is within twelve air miles of such sign is displayed as conspicuously as such trade name.

(2) In Type 5 signs, only information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping, lodging, eating and vehicle service and repair is deemed to be in the specific interest of the traveled public. For the purposes of the act and these regulations, a trade name is deemed to be information in the specific interest of the traveling public only if it identifies or characterizes such a place or identifies vehicle service, equipment, parts, accessories, fuels, oils or lubricants being offered for sale at such a place. Signs displaying any other trade name may not be permitted under Type 5.

(3) Notwithstanding the provisions of subsection (1) of this section, Type 4 signs which also qualify as Type 5 signs may display trade names in accordance with the provisions of subsection (2) of this section.

(4) A Type 8 sign shall contain the business name, product(s) for sale, and travel direction and distance to the nearest mile from the intersection with the state highway to the business activity. The sign shall have a medium blue background color with white message and border, except that colors consistent with customary use should be used for business logos or trademarks. The materials and workmanship in fabricating and installing the signs should have a professional appearance.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-66-110 SIGNS WITHIN COMMERCIAL AND INDUSTRIAL AREAS OF PRIMARY SYSTEM. Signs visible from the main-traveled way of

the primary system within commercial and industrial areas whose size and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained: PROVIDED, That nothing in this section shall restrict Type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: PROVIDED, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(2) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two sign((s)) structures shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located (Type 2 and Type 3 signs) shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

AMENDATORY SECTION (Amending Order 52, filed 4/1/80)

WAC 468-66-140 PERMITS. (1) No signs except Type 1, Type 2, or Type 3 signs shall be erected or maintained adjacent to interstate system ((or)), primary system, or scenic system highways without a permit issued by the department of transportation. Permits for erection and maintenance of signs adjacent to the interstate system ((or)), primary system, or scenic system will be issued by the department of transportation in accordance with these rules and regulations.

(2) Applications for permits (except for Type 8 signs) will be accepted only at the Department of Transportation Headquarters Office, Olympia, Washington. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) Application forms shall contain:

(a) The name and address of the owner of the sign;

(b) A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained indicating that he has consented thereto;

(c) A statement of the precise location where the sign is to be erected or maintained;

(d) A statement of the proposed size and shape of the sign. An application for a Type 5 sign to be erected along the interstate system shall contain a description of the copy to be placed on the sign;

(e) Such other information as may be required by the department;

(f) For Type 8 signs, application forms must be submitted to the appropriate department of transportation district office and submittals must include, in addition to (a) through (e) of this subsection, an exact description of the location of the temporary agricultural business activity, a description of the proposed sign copy, identification of the products sold and expected weeks/months of sales assigned tax number, and a certification that the products being sold were harvested or produced on the property where the sale is taking place. After approval of the application by the transportation district office, the sign may be erected at the beginning of the sale season and must be removed at the end of the sale season. Regardless of previous approval for any sign location, a new application must be submitted and approved prior to erection of a sign for the next sale season.

For any Type 8 sign not in compliance with these regulations, the department of transportation shall request the attorney general on its behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without payment of compensation.

Subsections (5) through (10) of this section do not apply to Type 8 signs.

(4) Applications shall be accompanied by a fee of ten dollars for each sign.

(5) Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application except as provided in WAC 468-66-090. Fees shall not be prorated for fractions of the year. Any moneys paid to the department of transportation for a sign permit shall be

credited first to the payment of any annual permit or renewal fee for such sign due for any prior year. The department shall not accept payment for the current year renewal fee until all due and unpaid permit and renewal fees for prior years have been paid.

(6) Prior to December 1 of each year the department of transportation shall notify in writing the owner of every sign for which a permit is required under RCW 47-42.120 and this rule but for which no sign permit was obtained or renewed for the then current calendar year, that all unpaid permit and renewal fees for such sign and the renewal fee for such sign due in the calendar year to commence on the following January 1 shall be due and payable not later than the following February 1. The notice shall further state that if all such fees have not been paid by February 1, legal proceedings will be instituted to cause removal of such sign as an illegally maintained sign.

(7) Following the notice specified in subsection (6) of this section, if all due and unpaid permit and renewal fees are not received for any sign for which a permit is required by the date specified, the department of transportation shall request the attorney general on its behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without the payment of compensation therefor.

(8) Changes in size, shape, or position of a permitted sign shall be reported to the department of transportation at Olympia at least ten days before a change is to be made. In the case of Type 5 signs permitted along the interstate system, changes in copy shall be reported to the department at Olympia at least ten days before a change is to be made.

(9) Assignment of permits in good standing shall be effective only upon receipt of assignment by the department of transportation.

(10) Every permit issued by the department shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six square inches, which shall be furnished by the department and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign.

(11) A permit issued under these rules does not relieve the permittee from the duty to comply with all local rules, regulations, and ordinances pertaining to signs and sign structures.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-70-020 DEFINITIONS. (1) When used in these regulations the terms: Sign, business sign, commercial and industrial areas, commission, interstate system, primary system, scenic system, and specific information panel shall have the same meaning as set forth in the act.

(2) When used in these regulations the term:

(a) "Act" shall mean the Highway Advertising Control Act of 1961 as amended by chapter 80, Laws of

1974 ex. sess. (43rd Leg., 3rd ex. sess.) and chapter 47-.42 RCW.

(b) "Conventional road" shall mean a primary or scenic highway which is not an expressway or freeway.

(c) "Department" shall mean the Washington state department of transportation.

(d) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

(e) "Freeway" shall mean an expressway with full control of access.

(f) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping and/or related tourist services.

(g) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

(h) "Supplemental directional panel" shall mean a motorist informational panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

(i) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

(j) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

(k) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(l) "Tourist-oriented directional (TOD) sign" means a sign on a specific information panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-70-030 LOCATION OF PANELS AND SIGNS. (1) Specific information panels will be provided on interchange approaches and in advance of intersections. Where a qualified type of motorist activity is not present, a panel will not be erected. Generally, these panels should be located near the right of way line and readable from the main traveled way. Normally, the panels will be erected ~~((between the previous interchange/intersection and one half mile in advance of the theoretical gore for the approaching interchange, except on conventional highways.~~

(2) ~~The distinguishing characteristic between signing for freeways/expressways and conventional roads is that for the latter there will be one panel for "GAS-FOOD-LODGING" right, and one panel for "GAS-FOOD-LODGING" left and one for RECREATION, while for the former~~

~~there will be one panel each for GAS, FOOD, LODGING and CAMPING OR RECREATION.))~~ as follows:

(a) For freeways and interchanges on expressways the panels shall be erected between the previous interchange and at least eight hundred feet in advance of the exit direction sign at the interchange from which the services are available. There shall be at least eight hundred feet spacing between the panels. Normally, there will be one panel each for GAS, FOOD, LODGING, and CAMPING/RECREATION, but signs for business activities may be combined on panels where space is restricted.

(b) For conventional roads the panels shall be erected between the previous intersection and at least three hundred feet in advance of the intersection from which the services are available, signing should not be provided to any service visible at least three hundred feet along the mainline prior to the intersection or driveway approach serving the business. Normally, there will be one panel for "GAS-FOOD-LODGING" right and one panel for "GAS-FOOD-LODGING" left and one panel for CAMPING/RECREATION, but business signs on panels may be combined in response to demand and to space restrictions.

~~((3))~~ (2) Information for specific information panels on expressways/freeways will be repeated on the supplemental directional panels located along the interchange ramps or at the ramp terminal where the services are not visible from the ramp. There will be one GAS-FOOD-LODGING supplement for each direction and a separate supplement for RECREATION OR CAMPING.

~~((4) Appendices A thru E show typical signing situations with minimum distance requirements and by this reference are made part of these rules and regulations. Where there occurs a situation not definable by figure representation, the department shall look to other applicable state and federal regulations for guidance.))~~ (3) One tourist-oriented directional (TOD) sign panel may be placed in advance of the GAS, FOOD, LODGING, and CAMPING/RECREATION specific information panels. Spacing shall be the same as for the specific information panels. For interchanges supplemental TOD sign assemblies will be repeated along the ramps or at ramp terminals where the activities are not visible from the ramp. TOD sign panels are not allowed in lieu of the GAS, FOOD, LODGING, and CAMPING/RECREATION specific information panels, or along interstate highways.

(4) The spacing between sign panels, and between sign panels and Type I signs as classified in RCW 47-.42.040, shall be in accordance with the Manual on Uniform Traffic Control Devices. Where there is insufficient spacing for both Type I signs and specific information/TOD sign panels, the Type I signs only shall be installed.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-70-040 INTERCHANGE AND INTERSECTION SELECTION FOR SPECIFIC INFORMATION PANELS. (1) On an interstate, primary, or scenic highway the interchange or intersection must:

(a) ~~((Be located in a rural or nonurban area, and~~

(b)) For interchanges consist of both an exit and entrance ramp: PROVIDED, That where an entrance ramp is not present an interchange will qualify if an entrance ramp is reasonably and conveniently located, in the determination of the department, so as to permit a motorist to proceed without undue indirection or use of poor connecting roads.

~~((2) On a primary or scenic highway the interchange or intersection must:~~

~~(a) Be located outside the boundaries of a city, or town, and lie outside commercial and industrial areas; and))~~

~~(b) ((Consist of both an exit and entrance, provided that where an entrance is)) For intersections provide a reasonable and ((conveniently located)) convenient route, in the determination of the department, so as to permit a motorist to proceed without undue indirection or use of poor connecting roads.~~

(2) Specific information, and TOD (allowed on noninterstate highways only), sign panels may be erected at locations within the corporate limits of cities and towns and areas zoned for commercial and industrial uses where there is sufficient distance between interchanges or intersections to erect the signs in accordance with WAC 468-70-030(1). Where there is insufficient space available to install separate GAS, FOOD and LODGING panels, the total number of signs per type of business activity for that interchange or intersection approach shall be two times the number of locations available for panels.

(3) Signing will be provided from the nearest interchange or intersection from the nearest freeway/expressway or from a conventional highway to the activity. Signing will not be provided from a freeway or expressway to another freeway or expressway.

AMENDATORY SECTION (Amending Order 94, filed 1/10/85)

WAC 468-70-050 BUSINESS ELIGIBILITY. (1) To be eligible for placement of a business sign on a specific information panel a motorist activity must conform to the following standards:

- (a) Gas activity:
 - (i) Provide vehicle services including fuel, oil, lubrication, tire repair and water; and
 - (ii) Be in continuous operation at least sixteen hours a day, seven days a week; and
 - (iii) Provide restroom facilities, drinking water and a telephone access;
 - (iv) Specific information panels may be installed and existing signing will not be removed when the service facility is closed for a short period of time or when its hours of operation have been reduced as a result of a shortage of gasoline;
 - (v) Facilities not meeting the requirements of (i) of this subsection but have at least gas, oil, and water may qualify for signing provided that other facilities meeting the requirements of (i) of this subsection are available within the distances from the interchange as specified in subsection (3)(a) of this section.

(b) Food activity:

(i) Be licensed or approved by the ~~((Washington department of social and health services or))~~ county health office; and

(ii) Be in continuous operation for a minimum of twelve hours a day to serve three meals a day, breakfast, lunch, and dinner seven days a week; and

(iii) Have seats for a minimum of twenty patrons and/or parking and drive-in facilities for a minimum of ten vehicles; and

(iv) Provide telephone and restroom facilities.

(c) Lodging activity:

(i) Be licensed or approved by the Washington department of social and health services ~~((or county health office))~~; and

(ii) ~~((Consist of at least twelve units available for daily rental, each having a private bath and access to telephone service: PROVIDED, That a lodging activity on a highway with partial access control or no access control with fewer than twelve units will be eligible for a business sign if otherwise qualified and there are fewer than three lodging activities within the distances prescribed in subsection (3)(c) of this section which have twelve or more units:))~~ Provide adequate sleeping and bathroom accommodations available without reservations for rental on a daily basis; and

(iii) Provide public telephone facilities.

(d) Camping activity (applicable only for activities on fully controlled limited access highways):

(i) Be licensed or approved by the Washington department of social and health services or county health office;

(ii) Consist of at least twenty camping spaces, at least fifty percent of which will accommodate tents, and have adequate parking, modern sanitary and drinking water facilities for such spaces; and

(iii) Have an attendant on duty to manage and maintain the facility twenty-four hours a day while in operation.

(e) Recreation activity (applicable only for activity on scenic system or primary system highways with partial access control or no access control):

(i) Consist of activities and sports of interest to family groups and the public generally in which people participate for purposes of active physical exercise, collective amusement or enjoyment of nature; e.g., hiking, golfing, skiing, boating, swimming, picnicking, camping, fishing, tennis, horseback riding, ice skating and gun clubs; and

(ii) Be licensed or approved by the state or local agency regulating the particular type of business; and

(iii) When the recreational activity is a campground, it must meet the criteria specified in WAC 468-70-050 (1)(d)(i) thru (iii).

(f) Tourist-oriented business activity (not applicable for activities on interstate highways):

(i) A natural, recreational, historical, cultural, educational, or entertainment activity, or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business seasons from motorists not residing in the immediate area of the activity.

(ii) Activities must be open to the motoring public without appointment, at least eight hours a day, five days a week including Saturday and/or Sunday.

(2) Distances prescribed herein will be measured from the center of the interchange or intersection along the centerline of the most direct public road to the facility access.

(3) The maximum distance that GAS, FOOD, LODGING, CAMPING or RECREATIONAL activities can be located on either side of an interchange or intersection to qualify for a business sign shall be as follows:

(a) From an interchange on a fully controlled limited access highway, GAS, FOOD and LODGING activities shall be located within ~~((one))~~ three miles in either direction. ~~((For any one of the activities, where there are less than three qualifying activities of that type within the first mile, one additional mile may be used to complete the balance of allowable signs specified in WAC 468-70-060 (3)(a):))~~ CAMPING activities shall be located within five miles in either direction;

(b) From an interchange or intersection on a highway with partial access control or no access control, GAS ~~((and))~~, FOOD, LODGING, or CAMPING activities shall be located within five miles in either direction.

(c) ~~((From an interchange or intersection on a highway with partial access control or no access control, LODGING activities shall be located within five miles in either direction. If within such five mile limit there are fewer than three LODGING activities available, then activities of such type located within a ten mile limit shall qualify. If within such ten mile limit there are fewer than three LODGING activities available, then activities of such type located within a fifteen mile limit shall qualify.))~~ Where there are fewer than the maximum number, as specified in WAC 468-70-060, of eligible services within the distance limits prescribed in subsection (3)(a) and (b) of this section, the distance limits may be increased in three-mile increments up to a maximum of fifteen miles to complete the balance of allowable signs.

(d) From an interchange or intersection on a highway with partial access control or no access control, ~~((CAMPING and))~~ RECREATIONAL activities shall be located within ten miles in either direction. If within such ten mile limit there are fewer than ~~((three CAMPING and))~~ the maximum number, as specified in WAC 468-70-060, of RECREATIONAL activities available, then activities of such type located within a fifteen mile limit shall qualify.

(e) Qualified tourist-oriented business must be located within fifteen miles of the state highway.

(f) Specific information panels or tourist-oriented directional panels will not be provided until the required supplemental panels, if needed, are installed by local agencies.

(g) Within cities and towns having a population greater than fifteen thousand, the department of transportation shall obtain concurrence from the municipality of locations for installing panels, and may have the municipality install the panels.

(4) A GAS, FOOD, LODGING, CAMPING ~~((or))~~ RECREATIONAL, or TOURIST-ORIENTED activity visible from the

mainline at least three hundred feet prior to an intersection on a highway which has no access control shall not qualify for a business sign on such highway.

(5) To be eligible for business sign placement or supplemental direction panel the activity must be eligible for specific information panel placement.

(6) When an activity qualifies for business sign placement on more than one type of information panel, placement will be made on that type of panel which, as determined by the department, best describes the main product or service.

(7) When appropriate, the department may require an applicant activity to file written assurances that adequate follow-through signing, as specified by the department, will be erected and maintained.

(8) Where operations are seasonal, business signs for each specific location shall be removed or covered during the appropriate period as determined by the department.

AMENDATORY SECTION (Amending Order 94, filed 1/10/85)

WAC 468-70-060 SIGNING DETAILS. (1) Specifications. All specific information panels, supplemental directional panels, and business signs shall be constructed in accordance with the Washington state standard specifications, standard plans and amendments thereto. All business signs shall be constructed of a single piece of 0.080 inch thick aluminum. All panels and business signs shall be fully reflectorized to show the same shape and color both by day and night.

(2) Color of panels and signs:

(a) The background color for GAS, FOOD, LODGING ~~((and))~~, CAMPING ~~((and GAS=FOOD=LODGING))~~ and TOD specific information panels and supplemental directional panels shall be blue. The background color for RECREATION specific information panels and supplemental directional panels shall be brown. The border and lettering on all such signs shall be white.

(b) The background color for business signs shall be blue, or brown ~~((only if))~~ for a recreation activity ~~((?))~~, with a white message and border ~~((except that colors consistent with customary use should be used with nationally recognized or locally known symbols or trademarks))~~. Standard sign sheeting colors and inks, available in white, black, yellow, red, blue, orange, green, and brown, shall be used in business symbols or trademarks.

(3) Composition of specific information panels:

(a) ~~((Interstate, primary, and scenic highways which are expressways or freeways:~~

(i) ~~For single exit interchange, GAS))~~ Specific information panels and tourist-oriented directional panels shall be limited to six business signs ~~((, FOOD, LODGING, CAMPING (in the case of interstate highway) and RECREATION (in the case of primary/scenic) shall be limited to four business signs each. The business signs shall be arranged on the panel, with maximum of two horizontal rows. These signs are to be mounted on the panel in the order of the travel distance, the closest at the top left, the next closest at the bottom left. When the number of business signs is half or less of the maximum permitted;~~

the arrangement shall be in one horizontal row reading from left to right in order of travel distance.

(ii) For double exit interchanges and at grade intersections, the specific information panels will consist of two sections (piggy-back) where the same type of motorist services are to be signed for each exit. The top section of the panel will display the signs for the first exit and shall display a directional legend "next right" (interchanges) or "next left" (intersections). The lower section of the panel will display the business signs of the second exit with the directional legend "second right" (for interchanges) or "next right" (for intersections). The number of business signs on this type of panel shall be limited to three for GAS and two each for FOOD, LODGING, CAMPING and RECREATION, for each exit. The arrangement shall follow the same pattern as for single exit.

(b) Primary and scenic highways which are conventional roads:

(i) "GAS=FOOD=LODGING" specific information panels shall be limited to a total of four business signs for GAS and two each for FOOD and LODGING for each intersection. If there are more than two qualified business activities for either FOOD or LODGING and not two of the other, any combination up to a total of four business signs may be provided. These signs will be mounted in order of travel distance, reading from left to right. The bottom line of the specific information panel shall contain the directional legend, "next left" or "next right," as required.

(ii) Specific information panels for CAMPING or RECREATION shall be limited to four business signs. The business signs shall be arranged in two vertical rows with the left row for RECREATION to the left and the right row for RECREATION to the right. These business signs will be mounted on the panel in order of travel distance, with the closest at the top. The directional legend, "next left" and "next right" shall be placed above the corresponding vertical row of business.

(iii) For qualifying businesses located more than one mile from the intersection, the mileage to the business shall be shown to the nearest mile on the business sign.

(4) Composition of supplemental directional panels:

(a) When required, placement on a supplemental directional panel shall be limited to six business signs for GAS and four each for FOOD, LODGING and CAMPING. The business signs shall be arranged in three horizontal rows, with the top row for GAS, the center row for FOOD, and the third row for LODGING. These signs will be mounted on the panel in order of travel distance, reading left to right. The bottom line shall display an arrow showing the direction of the services.

(b) The supplemental directional panel for RECREATION or CAMPING shall be limited to four business signs. The business signs shall be arranged in two vertical rows with the left row for RECREATION or CAMPING to the left and the right row for RECREATION or CAMPING to the right and shall include the appropriate directional arrow below each vertical row. These signs are to be mounted on the panel in order of travel distance, with the closest at the top.

(c) For activities located more than one mile from the interchange, the mileage to the nearest mile shall be shown on business signs mounted on the supplemental directional panel.

(5) Panel, sign and legend size. (NOTE: Reference is to outside dimensions including border.)

(a) Specific information panels = Interstate, primary, and scenic freeways and expressways:

(i) Single exit interchange: 13 feet wide (15 feet wide for GAS) by 10 feet high (11 1/2 feet high for RECREATION). Minimum 13 feet wide (15 feet wide for GAS) by 6 feet high (7 1/2 feet high for RECREATION).

(ii) Double exit interchange 13 feet wide (14 feet wide for LODGING and CAMPING and 15 feet for GAS) by 6 feet high for single (8 feet high for RECREATION) and 12 feet high for double (14 feet high for RECREATION).

(iii) The words GAS, FOOD, LODGING, CAMPING, RECREATION and directional message shall be ten-inch capital letters.

(b) Specific information panels = conventional roads:

(i) Standard = 8 feet wide by 6 1/2 feet high. (NOTE: The minimum and maximum panel size shall be as required to accommodate the required business signs.)

(ii) The words GAS, FOOD, LODGING, CAMPING, RECREATION and the directional message shall be six-inch capital letters.

(c) Supplemental directional panels = expressways and freeways:

(i) Standard size for the GAS=FOOD=LODGING panels shall be 10 feet wide by 6 feet high. The standard size for RECREATION or CAMPING shall be 6 feet wide by 5 feet high. (NOTE: The minimum and maximum panel size shall be as required to accommodate the required information.)

(ii) The words, GAS, FOOD, LODGING, CAMPING and RECREATION will be six-inch capital letters.

(d) Business signs = interstate, primary, and scenic freeway and expressways for mounting on specific information panels:

(i) "GAS" signs = 48 inches wide by 36 inches high.

(ii) "FOOD," "LODGING," "CAMPING" and "RECREATION" signs = 60 inches wide by 36 inches high (including border).

(iii) The principal legend height shall be at least ten inches whether capitals or lower case. (NOTE: Where the symbol or trademark is used alone, any legend on the symbol shall be in proportion to the size of the symbol, consistent with customary use.)

(e) Business signs = conventional roads:

(i) "GAS" signs = 24 inches wide by 16 inches high.

(ii) "FOOD," "LODGING," "CAMPING," and "RECREATION" signs = 36 inches wide by 16 inches high (including border).

(iii) Principal legend height shall be at least 6 inches (4-inch minimum with 2 lines) whether capital or lower case. (NOTE: Where the symbol or trademark is used alone, any legend on the symbol shall be in proportion to the size of the symbol, consistent with customary use.)

(f) Business signs = mounted on supplemental directional panels:

(i) "GAS" signs = 18 inches wide by 12 inches high.

(ii) ~~"FOOD," "LODGING," "CAMPING" and "RECREATION" signs – 24 inches wide by 12 inches high.~~

(iii) ~~The principal legend height shall be at least 6 inches (4-inch minimum with 2 lines)).~~

(b) Sign panel fabrication layouts, and business sign sizes, are provided in the Appendices of the Scenic Vistas Act Booklet published by the Washington state department of transportation.

(i) The panel size shall be sufficient to accommodate the various sizes of business signs and directional information.

(ii) For qualifying businesses located more than one mile from an interchange or intersection the business sign shall show the mileage to the business to the nearest mile. (For interchanges the mileage will also be shown on the supplemental directional panel business signs installed along the interchange ramp or at the ramp terminal.)

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-70-070 PERMITS AND PROCEDURE. (1) No business signs will be installed on information panels prior to issuance of a permit by the department. Permits will be issued by the department in accordance with these rules and regulations.

(2) Permit applications will be accepted at the appropriate department of transportation district office in care of the district ~~((engineer))~~ administrator. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) One permit application will be for all the signing that the applicant will qualify for at a single interchange or intersection.

(4) Application, forms for which may be obtained from the department, shall contain the following information:

(a) Name and address of the owner of the business to be advertised.

(b) The highway for which the applicant seeks signing.

(c) A description of the interchange or intersection for which the business sign is to be installed.

(d) A statement of location including exact travel distance from the interchange or intersection and precise roads used for access.

(e) An agreement to limit the height of any on-premise sign to no greater than 15 feet higher than the roof of the main building.

(f) Such other information as may be required by the department.

(5) Each permit application will include a sketch, drawing or picture of the message to be placed on the business signs. The department shall have final approval of the design of the business sign and may modify such submissions to achieve uniformity.

(6) A standard application processing fee of seventy-five dollars will accompany each application. Such fee will be returned if an application is denied or if after approval the activity is not signed for reasons caused by the department.

~~(7) ((Once an initial application has been received by the department for signing at an eligible intersection or interchange, the department will notify all businesses in the area and set a date, at least thirty days after receipt of the first application, for all interested businesses to submit applications. Where the number of applications for business signs exceeds the available spaces on the information panel, businesses will be given preference in order of distance from the grade intersection or ramp terminal of the interchange. In addition, preference may be given at the discretion of the department in favor of those businesses offering rest-room facilities for handicapped persons:~~

~~((8))) (8) Any party aggrieved by an application determination of the department shall be accorded hearing rights before the secretary of transportation or his designee pursuant to chapter 34.04 RCW.~~

~~((9))) (9) Once an application is approved, the owner shall remit a manufacturing and installation fee within ten days of receipt of written notice of such approval. This fee will be in the amount prescribed by WAC 468-70-080 fee schedule, shall not be prorated for fractions of years, and will fulfill the owner's maintenance obligation for the first calendar year or fraction thereof during which a business sign is actually installed. If for reasons caused by the department the owner's activity is not signed, this fee will be returned.~~

~~((10))) (10) For each additional year an annual maintenance fee shall be paid, as prescribed by WAC 468-70-080 for each business sign that is maintained by the department. This annual maintenance fee is to be paid by February 1 of the calendar year it is due. This fee will not be prorated for fractions of the year in the event of removal or coverage. Failure to pay the annual maintenance fee by February 1 of the year due will cause the permit application to expire and the business signs will be removed from the information panels.~~

~~((11))) (11) In the event of change of ownership or operation, assignment of permits in good standing shall be effective only upon receipt of assignment by the department.~~

~~((12))) (12) Revocation and expiration:~~

~~(a) After hearing before the secretary of transportation or his designee, as required by chapter 34.04 RCW (Administrative Procedure Act) and the rules and regulations of the department adopted pursuant thereto, any permit may be revoked by the secretary or the secretary's designee who has conducted the hearing for any of the following reasons:~~

~~(i) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.~~

~~(ii) For allowing or suffering any on-premise sign to remain that does exceed the height requirements set forth in the act or these regulations.~~

~~(iii) For failure to provide the services and/or facilities required by WAC 468-70-050 and 468-70-070 of these regulations.~~

(b) If a permit is revoked or is allowed to expire, a new application may be accepted by the department and the application must meet the requirements of any other new application.

AMENDATORY SECTION (Amending Order 94, filed 1/10/85)

WAC 468-70-080 FEE SCHEDULE. (1) Manufacturing and installation charge.

(a) Interstate, primary, and scenic free-ways and expressways.

- (i) (~~"GAS"~~ pictorial business sign to be installed on a specific information panel) ~~\$180.00~~
- (ii) ~~"GAS"~~ pictorial business sign to be installed on a supplemental information panel) ~~\$ 40.00~~
- (iii) ~~"GAS"~~ lettered business sign to be installed on a specific information panel) ~~\$110.00~~
- (iv) ~~"GAS"~~ lettered business sign to be installed on a supplemental directional panel) ~~\$ 25.00~~
- (v)) "GAS, FOOD, LODGING, CAMPING ((σ)) / RECREATION, or TOD" - pictorial business sign to be installed on a specific information panel) ~~\$(200.00)~~ 370.00

((vi)) (ii) "GAS, FOOD, LODGING, CAMPING ((σ)) / RECREATION, or TOD" - pictorial business sign to be installed on a supplemental directional panel) ~~\$(50.00)~~ 110.00

((vii)) (iii) "GAS, FOOD, LODGING, CAMPING ((σ)) / RECREATION, or TOD" - lettered business sign to be installed on a specific information panel) ~~\$(125.00)~~ 320.00

((viii)) (iv) "GAS, FOOD, LODGING, CAMPING ((σ)) / RECREATION, or TOD" - lettered business sign to be installed on a supplemental directional panel) ~~\$(30.00)~~ 100.00

(b) Primary or scenic highways that are conventional roads.

- (i) (~~"GAS"~~ pictorial business sign to be installed on a specific information panel) ~~\$ 90.00~~
- (ii) ~~"GAS"~~ lettered business sign to be installed on a specific information panel) ~~\$ 65.00~~
- (iii)) "GAS, FOOD, LODGING, ((σ)) RECREATION, or TOD" - pictorial business sign to be installed on a specific information panel) ~~\$(100.00)~~ 190.00
- ((iv)) (ii) "GAS, FOOD, LODGING ((σ))₂ RECREATION, or TOD" - lettered business sign to be installed on a specific information panel) ~~\$(70.00)~~ 145.00

(2) The following schedule is the annual maintenance charge.

(a) Interstate, primary, and scenic free-ways and expressways.

- (i) (~~"GAS"~~ pictorial business sign on a specific information panel) ~~\$ 45.00~~
- (ii) ~~"GAS"~~ pictorial business sign on a supplemental directional panel) ~~\$ 20.00~~
- (iii) ~~"GAS"~~ lettered business sign on a specific information panel) ~~\$ 30.00~~
- (iv) ~~"GAS"~~ lettered business sign on a supplemental directional panel) ~~\$ 20.00~~
- (v)) "GAS, FOOD, LODGING, CAMPING ((σ)) / RECREATION, or TOD" - pictorial business sign on a specific information panel) ~~\$(50.00)~~ 95.00

((vi)) (ii) "GAS, FOOD, LODGING, CAMPING ((σ)) / RECREATION, or TOD" - pictorial business sign on a supplemental directional panel) ~~\$(25.00)~~ 30.00

((vii)) (iii) "GAS, FOOD, LODGING, CAMPING ((σ)) / RECREATION, or TOD" - lettered sign on a specific information panel ~~\$(30.00)~~ 80.00

((viii)) (iv) "GAS, FOOD, LODGING, CAMPING ((σ)) / RECREATION, or TOD" - lettered sign on a supplemental directional panel) ~~\$(20.00)~~ 25.00

(b) Primary or scenic highways that are conventional roads.

- (i) (~~"GAS"~~ pictorial business sign on a specific information panel) ~~\$ 25.00~~
- (ii) ~~"GAS"~~ lettered business sign on a specific information panel) ~~\$ 20.00~~
- (iii)) "GAS, FOOD, LODGING ((σ))₂ RECREATION, or TOD" - pictorial business sign on a specific information panel) ~~\$(30.00)~~ 50.00
- ((iv)) (ii) "GAS, FOOD, LODGING ((σ))₂ RECREATION, or TOD" - lettered business sign on a specific information panel) ~~\$(20.00)~~ 40.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 468-70-990 APPENDIX A—TYPICAL SIGNING FOR SINGLE EXIT INTERCHANGE ON THE INTERSTATE SYSTEM.

WAC 468-70-99001 APPENDIX B—TYPICAL SIGNING FOR DOUBLE EXIT INTERCHANGE ON THE INTERSTATE SYSTEM.

WAC 468-70-99002 APPENDIX C—TYPICAL SIGNING FOR SINGLE EXIT INTERCHANGE FOR A FREEWAY OR EXPRESSWAY PART OF THE PRIMARY OR SCENIC SYSTEM.

WAC 468-70-99003 APPENDIX D—TYPICAL SIGNING FOR DOUBLE EXIT INTERCHANGE AND AT-GRADE INTERSECTIONS FOR A FREEWAY OR EXPRESSWAY PART OF THE PRIMARY OR SCENIC SYSTEM.

WAC 468-70-99004 APPENDIX E—TYPICAL SIGNING FOR AT-GRADE INTERSECTION ON A CONVENTIONAL HIGHWAY PART OF THE PRIMARY OR SCENIC SYSTEM.

WSR 85-17-013
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—August 9, 1985]

There will be a public meeting of the executive committee on Thursday, August 15, 1985, beginning at 10:30 a.m. in Room 301 Administration Building.

The regular August board meeting had been cancelled earlier.

WSR 85-17-014
PROPOSED RULES
GAMBLING COMMISSION
 [Filed August 12, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-30-060, 230-30-070, 230-30-103 and 230-40-120;

that the agency will at 10:00 a.m., Thursday, October 10, 1985, in the Town Plaza Motor Inn, Yakima, 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 9.46.020(20), 9.46.070 (8), (11), (14) and (20) and 9.46.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 10, 1985.

Dated: August 12, 1985

By: Ronald O. Bailey
 Deputy Director

STATEMENT OF PURPOSE

Title: Amendatory sections WAC 230-30-060 Punchboard restrictions; 230-30-070 Control of prizes; 230-30-103 Standards for construction of pull tabs; and 230-40-120 Limits on wagers in card games.

Description of Purpose: Permits display of collectable punchboards; requires winning pull tabs of \$20.00 or larger be signed by person presenting tab for payment and winning tabs or punches of \$5.00 or over be marked or perforated; requires manufacturers to establish game restrictions for pull tab series; and permits a blind and straddle in lieu of an ante.

Statutory Authority: RCW 9.46.070 (8), (11), (14) and (20), 9.46.110 and 9.46.020(20).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-30-060 amends rule to permit display of collectable punchboards; 230-30-070 amends

rule to require individuals presenting winning pull tabs of over twenty dollars to sign their name on the winning pull tab; requires operators to mark or perforate winning pull tabs or punches of five dollars or more when presented for payment; 230-30-103 amends rule to require manufacturers to establish game protection for each pull tab series and submit their system to the Gambling Commission; and 230-40-120 amends rule to permit a blind and straddle of \$1.00 and \$3.00 respectively, in lieu of an ante.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm, and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment.

Agency Comments: The agency believes the proposed rule is self-explanatory and needs no further comment.

This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of this amendment.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-30-060 PUNCHBOARD RESTRICTIONS. No operator shall ((display)) put out for play, and no manufacturer shall sell or furnish to any person, any punchboard:

(1) To which any key to any winning number, or symbol, exists other than a key which is furnished to the operator, which key designates the color codes for all chances on that board without regard to whether or not such chances are designated winners.

(2) Which has taped sides, corners, or edges.

(3) Wherein the winning punches or approximate location of any winning punches can be determined in advance of punching the punchboard in a manner or by any device, including, but not limited to, any patterns in manufacture, assembly, packaging or by markings. Winning punches shall be distributed and mixed among all other punches in the punchboard. The punchboard shall be manufactured with special care so as to eliminate any pattern as between punchboards, or portions of punchboards, from which the location or approximate location of the winning punches may be determined.

AMENDATORY SECTION (Amending Order 142, filed 1/9/85)

WAC 230-30-070 CONTROL OF PRIZES. (1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. No punchboard which offers as a prize the opportunity to take another punch on that board shall be sold or placed out for play unless that particular style and type of step-up board has been approved in advance by the commission. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2)(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be

displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(3) Upon a determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

Immediately upon determining the winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in a standard format prescribed by the commission and shall disclose at minimum the following information:

(a) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

(b) The series number of the pull tab series or punchboard from which the prize was won;

(c) The name of the punchboard or pull tab series;

(d) The date the pull tab series or punchboard was placed out for play;

(e) The date the pull tab series or punchboard was removed from play;

(f) The month, day and year of the win;

(g) If the prize is cash, the amount of the prize won;

(h) If the prize is merchandise, a description of the prize won and its retail value;

(i) The printed full name of the winner;

(j) The current address of the winner which will include the street address, the city and the state.

It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall require the winner to sign his name in ink on the winning pull tab being presented for payment. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be maintained in the licensee record of the win.

(6) Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches of five dollars or more for a period of six months and shall display the same to any representative of the commission or law enforcement officials upon demand. The licensee shall, immediately, or at the maximum, within twenty-four hours after a winning pull tab or punch of five dollars or more has been presented for payment, mark or perforate the winning pull tab or punch in such a manner that the pull tab or punch cannot be presented again for payment.

(7) For the purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(8) Spindle-type pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain pre-designated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs

designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-30-103 STANDARDS FOR CONSTRUCTION OF PULL TABS. (1) Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, ((or)) set of symbols, or game protection on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

(2) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

(3) The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

(4) The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

(5) Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

(6) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington state gambling commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state by the Washington state gambling commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(7) Length and width.

(a) Vendable pull tabs

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be 3 1/2 inches by 1 7/8 inches plus or minus 1 inch.

(b) Nonvendable pull tabs - manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.

(8) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot be determined prior to being opened through the use of high intensity lights or any other method.

(9) Each manufacturer shall establish his own game protection for each pull tab game or series of games. The game protection shall be a method of identifying winning pull tabs, after they have been purchased and opened, from non-winning, altered or forged pull tabs. The

manufacturer may use special numbers, colors, designs, ink or any combination to establish the game protection. Manufacturers will submit to the Gambling Commission a letter explaining the game protection and will keep the Commission informed on any changes.

AMENDATORY SECTION (Amending Orders 125 and 125A, filed 11/15/82 and 12/13/82)

WAC 230-40-120 LIMITS ON WAGERS IN CARD GAMES. The following limits shall not be exceeded in making wagers on any card game. For games in which the following method of wagering is allowed:

(1) Multiple wagers per player per hand during each round, each wager or raise shall not exceed \$5.00. There shall be no more than a total of two raises per round irrespective of the number of players.

(2) Single wagers per player per hand during each round (no raises), each wager shall not exceed \$5.00.

(3) Single wager per player per game, each wager shall not exceed \$5.00.

(4) Amount per point, each point shall not equal more than five cents in value.

(5) An ante, except for panguingue (pan), shall not be more than twenty-five cents per person per hand to be played, contributed by each player, or the dealer of each hand, subject to house rules, may ante for all players before dealing in an amount not to exceed \$2.00. In lieu of an ante, the licensee may, by house rule, authorize one blind and not more than two straddles. The blind will not exceed \$1.00 and the straddles will not exceed \$3.00. The blind and straddle will become part of the player's wager. The maximum betting round when a blind and straddle are used shall not exceed \$15.00.

(6) Forced wagers or raises in poker are prohibited except as an ante. In other authorized games, forced wagers and raises are prohibited except as they may be expressly included within the basic definition of the particular card game in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974 1st Edition, pages 219-277.

(7) Panguingue (pan) - maximum value of a chip for payoff will not exceed \$2.00. Ante will not exceed one chip. No doubling of conditions. Players going out, may collect not more than two chips from each participating player.

No licensee shall allow these wagering limits to be exceeded in a card game on his premises.

- Amd WAC 230-20-325 Manner of conducting a raffle, authorizes raffle chances to be sold for \$5.00.
- Amd WAC 230-40-050 Fees for card playing, authorizes licensed card rooms to collect a fee of up to \$2.00 per half hour from each player participating in the card game.
- Amd WAC 230-40-055 Card tournaments for fee and prizes, authorizes licensed card rooms to charge a fee of up to \$50 for entry into a card tournament where prizes are awarded.
- Amd WAC 230-04-201 Fees, establishes fee schedule for authorized licensable gambling activities. Adds mah-jongg to list of games that can be played under a class B card room license.
- Amd WAC 230-25-220 Raffles or similar lotteries conducted at fund raising events, authorizes lottery chances to be sold for \$10 a chance at fund raising events.

This action is taken pursuant to Notice Nos. WSR 85-13-037, 85-13-070 and 85-14-075 filed with the code reviser on June 14, 1985, June 19, 1985, and July 1, 1985. 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 9.46.070 (1), (2), (4), (5), (6), (9), (11), (14) and (17), 9.46.020 (19) and (23) and 9.46.070 (11) and (14) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 9, 1985.

By Ronald O. Bailey
Deputy Director

WSR 85-17-015
ADOPTED RULES
GAMBLING COMMISSION
[Order 153—Filed August 12, 1985]

Be it resolved by the Washington State Gambling Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to:

AMENDATORY SECTION (Amending Order 142, filed 1/9/85)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. <u>AMUSEMENT GAMES</u> <u>((GAMES))</u>	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. <u>BINGO</u>	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
3. <u>BINGO GAME</u> <u>MANAGER</u>	Original Renewal	\$ 150 75
4. <u>CARD GAMES</u>		
Class A	General (fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage - (fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (no fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25
5. <u>CHANGES</u>		
<u>NAME</u>	(See WAC 230-04-310)	\$ 25
<u>LOCATION</u>	(See WAC 230-04-320)	25
<u>FRE</u>	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
<u>LICENSE CLASS</u> <u>((CLASS))</u>	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
<u>DUPLICATE LICENSE</u> <u>REPLACEMENT</u>	(See WAC 230-04-290)	25
<u>IDENTIFICATION STAMPS</u>	(See WAC 230-30-016)	25
6. <u>FUND RAISING EVENT</u>		
Class A	One event not more than 24 consec. hrs.	\$ 300
Class B	One event not more than 72 consec. hrs.	500
Class C	Additional participant in joint event	

2.	CHANGES			
	NAME	(See WAC 230-04-310)	\$	25
	LOCATION	(See WAC 230-04-320)		25
	BUSINESS CLASSIFICATION	(Same owners - see WAC 230-04-340(3))		50
	LICENSE CLASS ((CLASS))	(See WAC 230-04-260) New class fee, less previous fee paid, plus		25
	DUPLICATE LICENSE	(See WAC 230-04-290)		25
	OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-340(1))		50
	IDENTIFICATION STAMPS	(See WAC 230-30-016)		25
	LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)		50
3.	DISTRIBUTOR	(Original \$2,500) (Renewal \$1,250) (Fee based on annual gross receipts for sale of punchboards, pull tabs, pull tab dispensing devices and sale/lease of fund raising event equipment.)		
			Original	Renewal
	Class A	up to \$600,000	\$2,750	\$1,250
	Class B	over \$600,000	\$2,750	\$1,700
4.	DISTRIBUTOR'S REPRESENTATIVE	Original (\$-200) Renewal ((+00))	\$220	110
5.	MANUFACTURER	Original ((-\$3,000)) Renewal ((+\$1,500))	\$3,300	1,650
6.	MANUFACTURER'S REPRESENTATIVE	Original ((200)) Renewal ((+00))	220	110
7.	PERMITS	Agricultural Fair/Special Property Bingo		
	Class A	One location and event only (See WAC 230-04-191)	\$	25
	Class B	Annual permit for specified different events and locations (See WAC 230-04-193)		150
8.	PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$	150 75
9.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)		
	(Class A)	Up to \$50,000	\$	450
	Class B	\$50,001 to 100,000		950
	Class C	\$100,001 to 200,000		1,350
	Class D	\$200,001 to 300,000		1,750
	Class E	\$300,001 to 500,000		2,150
	Class F	Over \$500,000		3,000))
	Class A	Up to \$10,000	\$	300
	Class B	Up to \$50,000		475
	Class C	Up to \$100,000		960
	Class D	Up to \$200,000		1,560
	Class E	Up to \$300,000		2,360
	Class F	Up to \$400,000		3,150
	Class G	Up to \$500,000		3,775
	Class H	Up to \$600,000		4,350

<u>Class I</u>	<u>Up to \$700,000</u>	<u>4,825</u>
<u>Class J</u>	<u>Up to \$800,000</u>	<u>5,225</u>
<u>Class K</u>	<u>Over \$800,000</u>	<u>5,900</u>

10.	SPECIAL FEES		
	INVESTIGATION	(See WAC 230-04-240)	<u>As required</u>
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	<u>As required</u>

11.	SPECIAL LOCATION ((LOCATION))	(Fee based on annual net receipts)	
	AMUSEMENT GAMES		
	Class A	One event per year lasting no longer than 12 consec ((:)) utive days	\$ 500
	Class B	\$25,000 or less	500
	Class C	\$25,001 - 100,000	1,500
	Class D	\$100,001 - 500,000	3,000
	Class E	Over \$500,000	5,000

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 149, filed 4/15/85)

WAC 230-20-325 MANNER OF CONDUCTING A RAFFLE. All raffles shall be conducted by selling individual prenumbered tickets for not more than ~~((one))~~ five dollars and awarding prizes by selecting winners by a random drawing from among all tickets sold. The following operating procedures apply:

(1) All tickets for use in any raffle shall be consecutively numbered and each ticket shall be accounted for separately in accordance with WAC 230-08-070. Raffle tickets sold to the general public shall have a stub or other detachable section bearing a duplicate number corresponding to the number on the ticket.

(2) All prizes awarded, whether in cash or merchandise, and all rules by which such prizes may be won, including all costs to a participant, shall be disclosed to each participant. This information shall be printed upon each ticket sold, or shall be otherwise provided in writing to each purchaser at the time of sale and shall also include, but not be limited to, date and time of drawing, location of drawing, and name of organization conducting raffle.

(3) No person shall be required to pay, directly or indirectly, more than ~~(((\$1.00))~~ \$5.00 in order to enter any raffle. Each raffle ticket must be sold for the same price as every other raffle ticket being used for that particular raffle. No free tickets, or any opportunity to participate in the drawing of any raffle, shall be awarded or given to a person as a prize or reward for selling raffle tickets or for purchasing a certain number of raffle tickets. No person shall be required to obtain more than one ticket or to pay for anything other than the ticket, in order to enter the raffle: PROVIDED, That licensed raffles conducted among members of the organization only, may be conducted using alternative sales methods if specifically

authorized by the commission. This authority will be issued on an individual basis and ~~((with))~~ will require a detailed written request.

(4) If an entrant is required to be present at a raffle drawing in order to be eligible for the prize drawing, then a statement setting forth this condition shall be set forth conspicuously on each raffle ticket and on all promotional material concerning the raffle. When the participant is not required to be present at the drawing the ticket stub or other detachable section(s) of the ticket shall contain the purchaser's name, complete address, and telephone number, and shall be maintained for a period of not less than three years from the end of the fiscal year in which the raffle was completed.

(5) In conducting a drawing in connection with any raffle, each ticket seller shall return to the licensee the stubs or other detachable section of all tickets sold. The licensee shall then place each stub or other detachable section of each ticket sold into a receptacle out of which the winning tickets are to be drawn. Such receptacle shall be designed so that each ticket placed therein has an equal opportunity with every other ticket to be the one withdrawn.

AMENDATORY SECTION (Amending Order 150, filed 5/13/85)

WAC 230-25-220 RAFFLES OR SIMILAR LOTTERIES CONDUCTED AT FUND RAISING EVENTS. (1) No sales of tickets or drawing(s) in any raffle or similar lottery wherein the winner or winners are chosen by the drawing of a ticket or other card or device shall be done at, or in connection with, a licensed fund raising event unless all aspects of the raffle or similar lottery are done only at the fund raising event.

(2) If any ticket or card or device for a raffle or similar lottery is sold, or any drawing for a raffle or similar lottery held, other than at and during a licensed fund raising event then no portion of the raffle or similar lottery shall be conducted at or during any licensed fund raising event, nor shall the raffle or similar lottery be

considered as being held under the license for any such fund raising event.

(3) Raffles or other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or as a part of, a licensed fund raising event authorized under RCW 9.46.030(1) shall be treated as conducted solely pursuant to the license to conduct that fund raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund raising events and shall not be reported, or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under a different statutory authority: **PROVIDED**, That the requirements of WAC 230-20-325 applicable to raffles shall be applicable to all such lotteries conducted at a fund raising event, except that single chances on lotteries may be sold for up to \$10 per chance.

Income from raffles or other lotteries conducted at, or as a part of, such a fund raising event shall be applied only against the maximum income permitted for fund raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission's rules.

(4) All of the commission's rules applicable to the conduct of raffles, whether general or specific, shall apply to the conduct of raffles and to the conduct of other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a fund raising event, except as provided in subsection (3) above and except the following rules which shall not be applicable:

- (a) WAC 230-08-070;
- (b) WAC 230-20-350;
- (c) WAC 230-12-020.

(5) Subsections (1) through (4) above shall not be applicable where a drawing is held during a fund raising event for a raffle conducted pursuant to a raffle license issued by the commission subject to all the commission's rules applicable to such raffles, and all tickets for said raffle are sold, and deposited into the drawing container prior to the beginning of the fund raising event.

AMENDATORY SECTION (Amending Order 144, filed 1/9/85)

WAC 230-40-050 FEES FOR CARD PLAYING. No fee shall be charged a person, directly or indirectly, to play in a card game in excess of those fees set forth below:

(1) For all card games, except as provided in (2) below, the fee shall not exceed (~~(\$1.00)~~) \$2.00 per half hour, or portion thereof, per player.

The fee charged shall be collected by the licensee in cash, or in wagering chips, directly from the player upon each half hour only. No player shall be required to pay for or purchase any other goods or services as a condition of playing cards beyond the (~~(\$1.00)~~) \$2.00 per half hour per player except under section (3) below. The fee schedule applicable to the type of games and number of tables in the card room shall be conspicuously posted on the premises where it can be clearly seen by the players in the card games.

(2) A person requesting a new deck of cards beyond those regularly furnished by the operator as required by WAC 230-40-070(2) may be charged a fee not to exceed the actual cost to the licensee of the deck. Further, Class D licensees may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game.

(3) This rule shall not prevent a bona fide nonprofit or charitable organization which has been established and operated for purposes other than card playing from charging its usual membership fee to belong to the organization.

(4) The licensee shall collect the same fee from all players at a table except licensed card room employees or the licensed owner. If he elects to allow free play, then all players at a table must be allowed to play for free.

The amount collected each half hour shall be recorded by the licensee immediately following the collection of the fees on a standard card room format prescribed and supplied by the commission to the licensee. All records required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept.

AMENDATORY SECTION (Amending Order 144, filed 1/9/85)

WAC 230-40-055 CARD TOURNAMENTS FOR FEE AND PRIZES. (1) A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission. Card room licensees with a Class A, B, or E license may conduct a card tournament for a fee without obtaining a card tournament license: **PROVIDED**, That Class B licensees are limited to only those card games authorized under their licensing class. Card room licensees with a Class D or R license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter. The licensee shall notify the commission ten days in advance of any card tournament where the players are charged a fee to enter. A card tournament shall not exceed ten consecutive calendar days.

(2) The fee for a player to enter a card tournament for prizes shall not exceed (~~(\$25.00)~~) \$50.00, including all separate fees which might be paid by a player for various phases or events of the tournament. There shall be no buy-ins or additional opportunities allowing the players to purchase additional chips beyond those provided with the (~~(\$25.00)~~) \$50.00 entry fee.

(3) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in paragraph (2) above.

(4) The licensee may adopt house rules to facilitate the operation of card tournaments: **PROVIDED**, That all house rules must be submitted to the commission for

approval and posted where all tournament participants can see and read the rules.

(5) The licensee shall maintain a record of all such fees collected and the number of participants for each tournament conducted. This information shall be entered on the card room daily control sheet for the time and date the tournament begins.

(6) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant.

WSR 85-17-016
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order PT 85-3—Filed August 12, 1985]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 458-14-040 Limitations on reconvening.
Amd WAC 458-14-045 Reconvening upon timely filed petition.
Amd WAC 458-14-092 Change of assessment rolls.
Amd WAC 458-14-152 Manifest errors.

This action is taken pursuant to Notice No. WSR 85-14-003 filed with the code reviser on June 21, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.08.070 which directs that the Department of Revenue has authority to implement the provisions of chapter 84.08 RCW.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 84.08.010.

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

APPROVED AND ADOPTED August 12, 1985.

By Trevor W. Thompson
Assistant Director

AMENDATORY SECTION (Amending Order PT 70-1, filed 4/8/70)

WAC 458-14-040 (~~CONTENT OF ORDER = FURTHER~~) LIMITATIONS ON RECONVENING. No order reconvening the July session of the county board of equalization (~~will be reconvened~~) shall be issued subsequent to the 30th day of April immediately following the time the board was in regular session, except where the request for the order alleges sufficient facts to substantiate a prima facie showing that there was either actual fraud on the part of the taxpayer or taxing officers, or that an error occurred because the taxing officers, acting with due diligence, did not have available all of the facts when performing their duties, or except where, in cases in which the department orders

upon its own initiative the reconvening of a county board, the department has grounds to substantiate a prima facie showing that there was actual fraud on the part of the taxpayer or taxing officers or constructive fraud on the part of taxing officers; nor will a board be reconvened to act upon or consider an increase in the valuation of real estate when a bona fide purchaser, encumbrancer or contract buyer of record has acquired an interest in such real property subsequent to the first Monday in January next succeeding the date of levy of the taxes.

AMENDATORY SECTION (Amending Order PT 82-6, filed 9/7/82)

WAC 458-14-045 RECONVENING UPON TIMELY FILED PETITION. (1) Notwithstanding the provisions of WAC 458-14-010 through 458-14-040, any July session of the county board of equalization which has timely received a petition as required by WAC 458-14-120, and which has adjourned in accordance with WAC 458-14-075, shall reconvene upon a date set by the board to consider said timely filed petition (~~(-PROVIDED, That))~~. In addition, the board may reconvene to consider a subsequent year(s) value when an order of the county board or the state board of tax appeals adjusting a value is issued after the convening of the July board of the subsequent year(s) and no intervening change of value has occurred and a petition is filed with the board within thirty days of the order or a notice of a change sent by the assessor.

(2) No board shall reconvene later than three years after the adjournment of its regular session.

(3) No July session of the county board of equalization shall reconvene to consider any petition not timely filed except upon written order of the department of revenue or as provided in subsection (1) of this section.

AMENDATORY SECTION (Amending Order PT 82-6, filed 9/7/82)

WAC 458-14-092 CHANGE OF ASSESSMENT ROLLS. (1) The assessment rolls shall not be changed subsequent to certification as required by WAC 458-14-090 and 458-14-091 except in the following cases:

(a) Ordered by the county board of equalization (WAC 458-14-130).

(b) Ordered by the state board of tax appeals (RCW 84.08.120).

(c) Reduced because of destroyed property (chapter 84.70 RCW).

(d) Removal from current use assessment (RCW 84.34.108).

(e) Removal of designation or classification as forest land (RCW 84.33.120 and 84.33.140).

(f) Removal of the senior citizens/disabled persons exemption (AGO 1971 No. 31 and AGO 1972 No. 23).

(g) Adding formerly exempt property to the rolls (RCW 84.36.855 and 84.40.350 through 84.40.390).

(h) Removal of exempt property from the rolls (RCW 84.36.815 and 84.60.050 through 84.60.070).

(i) Adding omitted property to the rolls (RCW 84.40.060, 84.40.080 and 84.40.085).

(j) Adding omitted value to the rolls (RCW 84.40.060, 84.40.080 and 84.40.085).

(k) Adding new construction to the rolls (RCW 36.21.080 and 84.40.040).

(l) Correction of mathematical calculations on personal property affidavits committed by the assessor's office.

(m) Removal of special valuation for historic property (chapter 449, Laws of 1985).

(2) The county board of equalization may reconvene as provided for in WAC 458-14-045 for assessment roll changes as a result of subparagraphs (d), (e), (f), (g), ~~((h)),~~ (i), (j), (k) and ~~((k))~~ (m) of subsection (1) of this section.

AMENDATORY SECTION (Amending Order PT 74-5, filed 4/29/74)

WAC 458-14-152 MANIFEST ERRORS. (1) A manifest error as provided in RCW 84.52.090, 84.56.400 and 84.68.110 will be held to be any of the following:

~~((+))~~ (a) Any error that is clearly evident from an inspection of any "assessment list" or "tax roll" itself; or

~~((2))~~ (b) Any error that becomes clearly evident upon examination of any record of the county assessor or other public officer, upon which any "assessment list" or "tax roll" is based; or

~~((3))~~ (c) Any other error made in the process of preparing any "assessment list" or "tax roll", and subsequently becoming evident;

~~((4) Providing that the correction of any of the above errors does not involve a revaluation of property.~~

~~NOTE: A correction of an assessment based upon an appraisal manual, but involving erroneous application of measurements, quantities, rate, etc., would involve a revaluation of property.~~

~~The correction of an assessment resulting from the improper classification of land and the wrong per-acre rate would involve a revaluation of property.~~

~~When land was valued on a square foot basis and later discovered that the description included a parcel which had been acquired by the state for a highway, this is a manifest error that can be corrected without resulting in a change in the assessed value of the property which is subject to taxation.)~~ (2) No manifest error shall be corrected that involves a revaluation of the property. Revaluation shall mean a change in value based upon an exercise of appraisal judgment brought about by a physical appraisal or a statistical update as provided for in RCW 84.41.041. Revaluation shall not include a change in value which is based solely upon correcting double assessments, incorrect characteristics, posting errors, incorrect placement of improvements, erroneous measurements, and misapplication of statistical data through clerical error.

(3) Corrections of manifest errors which involve a revaluation of property can only be done by the reconvened July board of equalization pursuant to RCW 84.48.010.

WSR 85-17-017

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 463—Filed August 12, 1985]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of certain administrative codes affecting logging and burning restrictions. The adoption of emergency rules regulating burning in Eastern Washington and Western Washington.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the current fire danger is sufficient in certain places of the state to control the use of fire. This control of fire is to prevent an escaped fire which would threaten life and property.

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

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 12, 1985.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-088 RESTRICTIONS ON BURNING ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON Effective midnight Monday, August 12, 1985, through midnight Monday, September 9, 1985, all privileges to burn without a written permit, as granted under WAC 332-24-090 OUTDOOR FIRE FOR RECREATIONAL or DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT, are suspended on all lands protected by the Department of Natural Resources in Eastern Washington.

Privileges to burn in an approved burning barrel, as granted under RCW 76.04.150 Closed Season-Permits, are suspended.

NEW SECTION

WAC 332-26-089 OUTDOOR RULE BURNING SUSPENSION IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES. Effective midnight Monday, August 12, 1985, through midnight Monday, September 9, 1985, all privileges to burn without a written permit, as granted under WAC

332-24-090 OUTDOOR FIRE FOR RECREATIONAL or DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT, are suspended on all lands protected by the Department of Natural Resources in the affected areas.

Affected Areas:

Olympic Area – Grays Harbor County north of SR 101 and west of the Wynoochee River.

South Puget Sound Area – Mason, Kitsap, King, and Pierce counties.

REPEALER

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

(1) WAC 332-26-084 LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON.

(2) WAC 332-26-085 CLOSURE OF FOREST OPERATIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON.

(3) WAC 332-26-082 OUTDOOR RULE BURNING SUSPENSION ON LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES.

WSR 85-17-018

ADOPTED RULES

INSURANCE COMMISSIONER

[Order R 85-3—Filed August 12, 1985]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the denial and termination of homeowners insurance because an insured is operating a day-care facility at the insured location, defining the practice to be unfair and prohibited, by amending an emergency rule and adopting it as a permanent rule.

This action is taken pursuant to Notice No. WSR 85-14-087 filed with the code reviser on July 1, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.30.010.

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

APPROVED AND ADOPTED August 12, 1985.

Dick Marquardt
Insurance Commissioner
By Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-30-700 RESTRICTIONS AS TO DENIAL AND TERMINATION OF HOMEOWNERS INSURANCE AFFECTED BY DAY-CARE OPERATIONS. (1) Beginning August 1, 1985, pursuant to RCW 48.30.010, it shall be an unfair practice for any insurer transacting homeowners insurance to deny homeowners insurance to an applicant therefor, or to terminate any homeowners insurance policy covering a dwelling located in this state, whether by cancellation or nonrenewal, for the principal reason that an insured under such policy is engaged in the operation of a day-care facility, pursuant to chapter 74.15 RCW, at the insured location.

(2) This rule does not prevent an insurer from excluding or limiting coverage with respect to liability or property losses arising out of business pursuits of an insured, specifically including those related to the operation of day-care facilities.

WSR 85-17-019

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning chestnut quarantine, chapter 16-470 WAC;

that the agency will at 10:00 a.m., Tuesday, September 24, 1985, in the Holiday Inn, 1700 Canyon, Ellensburg, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 30, 1985.

The authority under which these rules are proposed is chapter 17.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1985.

Dated: August 13, 1985

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-470-400, 16-470-410, 16-470-420, 16-470-430 and 16-470-440.

Description of Purpose: To regulate the movement of chestnut hosts and carriers of chestnut pests in order to prevent their introduction into Washington state.

Statutory Authority: Chapter 17.24 RCW.

Summary of Rules: Certain chestnut pests are known to occur in specific states or areas. These rules will require specific actions which will protect the chestnut industry in Washington state.

Reasons for Supporting Rules: To prevent the introduction of chestnut pests into Washington state.

Agency Personnel Responsible for Drafting, Implementing and Enforcing Rules: Robert O. Rebhan, Plant Services Supervisor, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA 98504, (206) 753-5062.

Persons Proposing Rules: Chestnut industry.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 16-470-400 QUARANTINE—CHESTNUT. The director finds that chestnut pests not known to occur in Washington may be detrimental to the chestnut industry of Washington state and a quarantine is established to prevent the introduction of designated chestnut pests into Washington state.

NEW SECTION

WAC 16-470-410 CHESTNUT—AREA UNDER QUARANTINE. The area under quarantine for designated chestnut pests includes all states and districts of the United States.

NEW SECTION

WAC 16-470-420 CHESTNUT—PESTS. The following are designated chestnut pests: Chestnut bark disease (*Endothia parasitica*); large chestnut weevil (*Curculio caryatrypes*); small chestnut weevil (*Curculio sayi*); nut curculio (*Conotrachelus carinifer*); and the oriental chestnut gall wasp (*Dryocosmus kuriphilus*).

NEW SECTION

WAC 16-470-430 CHESTNUT PESTS—HOSTS AND CARRIERS—COMMODITIES UNDER QUARANTINE. Commodities under quarantine including all species and varieties of chestnut (*Castanea spp.*) and chinquapin (*Castanopsis spp.*) trees, plants and parts thereof including grafts, cuttings, scions, nuts, logs and firewood, are hereby declared to be hosts and possible carriers of designated chestnut pests (see WAC 16-470-420).

NEW SECTION

WAC 16-470-440 CHESTNUT QUARANTINE—RESTRICTIONS—REQUIREMENTS. Commodities under quarantine for designated chestnut pests are prohibited entry into Washington state from areas under quarantine (see WAC 16-470-410) except as provided below:

(1) Commodities under quarantine produced in Arizona, California, Idaho, Nevada, Oregon and Utah may be shipped into Washington state: **PROVIDED**, That each shipment is identified by proper origin certification stating the shipment originated in that state.

(2) Commodities under quarantine produced in any area of Montana, Wyoming, Colorado, New Mexico, or any states east thereof may be shipped into Washington state: **PROVIDED**, That each shipment is accompanied by a certificate bearing original or facsimile signature of the authorized agricultural office affirming that chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are not known to occur in that state.

(3) Commodities under quarantine produced in any area where chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are known to occur may be shipped into Washington state: **PROVIDED**, That the commodities under quarantine have been treated in a manner recommended by the origin department of agriculture or university extension service and approved by the department. Each shipment shall be accompanied by a certificate bearing the original or facsimile signature of the authorized agricultural official stating the commodity is free from quarantined pests, and stating in detail the treatment used.

(4) No restrictions are placed on the nuts of all species and varieties of chestnut and chinquapin that are grown in and imported from foreign countries and reshipped into Washington state when shipped in unopened, original containers.

(5) In addition to all other penalties prescribed in WAC 16-470-015, all host material listed in WAC 16-470-430 entering Washington state in violation of this quarantine will immediately be shipped out of

Washington or destroyed by the person or persons in possession of the material in a manner approved by the department at no cost to the department.

WSR 85-17-020

ADOPTED RULES

HOSPITAL COMMISSION

[Order 85-05, Resolution No. 85-05—Filed August 13, 1985]

Be it resolved by the Washington State Hospital Commission, acting at the Vance Airport Inn, Seattle, Washington, that it does adopt the annexed rules relating to patient discharge information to prevent errors in hospital submission of discharge data, amending chapter 261-50 WAC.

This action is taken pursuant to Notice No. WSR 85-14-116 filed with the code reviser on July 3, 1985. 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 70.39.180 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 8, 1985.

By Maurice A. Click
Executive Director

PATIENT DISCHARGE INFORMATION

Chapter 261-50 WAC

RULES FOR REPORTING HOSPITAL PATIENT DISCHARGE INFORMATION

WAC

261-50-020	Definitions.
261-50-030	Reporting of UB-82 data set information.
261-50-040	Acceptable media for submission of data.
261-50-045	Magnetic diskette and tape record layout.
261-50-065	Revisions to submitted data.
261-50-090	Penalties for Violation.

AMENDATORY SECTION (Amending Order 84-06, Resolution No. 84-06, filed 10/1/84)

WAC 261-50-020 DEFINITIONS. As used in this chapter, unless the context requires otherwise,

(1) "Commission" means the Washington state hospital commission created by chapter 70.39 RCW;

(2) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria;

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW

70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination;

(4) "UB-82 data set" means the data element specifications developed by the Washington state uniform billing implementation committee and set forth in the state of Washington UB-82 Procedure Manual, which is available to the public upon request, which are to be reported by a hospital in processing hospital patient bills/claims for payment.

(5) "Patient discharge" means the termination of an inpatient admission or stay, including an admission as a result of a birth, in a Washington hospital.

AMENDATORY SECTION (Amending Order 84-06, Resolution No. 84-06, filed 10/1/84)

WAC 261-50-030 REPORTING OF UB-82 DATA SET INFORMATION. (1) Effective with all hospital patient discharges on or after July 1, 1984, hospitals shall collect and report the following UB-82 data set elements to the commission: (References to: "Lcn" means location on the UB-82 billing form; "Type" means (A)lpha, (N)umeric, or (D)ate; "Just" means justification, either (R)ight or (L)eft; "Size" means size of the field in bytes.)

(a) Lcn=3 Patient Control Number Type=A Just=L Size=17

Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records and posting of payments. This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification. Example "235198-001" or "345873."

(b) Lcn=4 Type of Bill Type=A Size=3

This three-digit code requires 1 digit each, in the following sequence form: Type of facility, Bill Classification, Frequency.

Digit #1 must be "1" to indicate a hospital.

Digit #2 must be a "1" or a "2" to indicate an inpatient.

Digit #3 must be one of the following:

((0=Nonpayment/zero claims))

1 - Admit through discharge claim

2 - Interim - first claim

3 - Interim - continuing claim

4 - Interim - last claim

5 - Late charge (s) only

6 - Adjustment of prior claim

7 - Replacement of prior claim

8 - Void/Cancel of a prior claim

Example: "111" or "114."

(c) Lcn= 7 Medicare Provider Number Type=A Just=L Size=6

This is the number assigned to the provider by Medicare. Example: "020888." Note: Dashes are excluded. On hardcopy of the UB-82 billing form, the dash may be included. Example: "02-0888."

(d) Lcn=10 Patient Identifier Type=A Just=L Size=31

This field may be developed manually and entered in location 10 on the UB-82 for hardcopy submittal (basic service hospitals). For magnetic tape or diskette submittal, programming will be required to generate the composite variable and place it in the required record layout.

(e) Lcn=11 Zipcode Type=A Just=L Size=9

Patient's zipcode. If 9 digits are used the zipcode is provided in xxxxxxxxx format (no hyphen). Example: "98102" or "981023452." On hardcopy of the UB-82 billing form, this value may be indicated with a hyphen.

(f) Lcn=12 Birthdate Type=N Size=6

The patient's date of birth in MMDDYY format. Example: "062424" or "12292." Note: If the patient is over 100 years old at the date of admission, then "17" must be the value of the "Condition Code #1" field. On hardcopy of the UB-82 form, this value may be indicated in MM-DD-YY format.

(g) Lcn=13 Sex Type=A Size=1

Patient's sex in M/F format. Example: "M" or "F."

(h) Lcn=15 Admission Date Type=D Size=6

Admission Date in MMDDYY format. Example: "030284" or "120883." On hardcopy of the UB-82 billing form, this value may be indicated with hyphens. Example: "12-08-83."

(i) Lcn=17 Type of Admission Type=A Size=1

This field is filled with one of the following codes:

- 1 Emergency
- 2 Urgent
- 3 Elective
- 4 Newborn
- 5 Other

Example: "1" or "3."

(j) Lcn=18 Source of Admission Type=A Size=1

This field is completed with one of the following codes:

- 1 Physician referral
- 2 Clinic referral
- 3 HMO referral
- 4 Transfer from another hospital
- 5 Transfer from a SNF
- 6 Transfer from another HCF
- 7 Emergency Room
- 8 Court/law enforcement
- 9 Other

Example "1" or "4."

(k) Lcn=21 Patient Status Type=A Size=2

Patient discharge disposition in one of the following codes:

- 01 Discharged home
- 02 Discharged to another short-term general hospital
- 03 Discharged to SNF
- 04 Discharged to an ICF
- 05 Discharged to another type institution
- 06 Discharged to home under care of HHA
- 07 Left against medical advice
- 20 Expired
- 30 Still patient

Example: "02" or "06."

(l) Lcn=22 Statement Covers Period Type=D Size=12

This is the beginning and ending dates for which the UB-82 covers. This should be provided in the following format: MMDDYYMMDDYY. Example:

"080183081083" or "122283122583." On hardcopy of the UB-82 billing form, dashes may be included in the dates. Example: "08-01-83 08-10-83."

Chapter 261-50 WAC

(m) Lcn=35 Condition Code #1 Type=A Size=2

If a patient is equal to or over 100 years old at the time of admission, the value "17" must be the value of this field.

(n) Lcn=53 Total Charges Type=N Just=R Size=9 Total Charges for Revenue Code 001 in xxxxxxxx format, where the last two digits are cents and no decimal point is shown. Example: "367287" or "1223398."

The following is effective through September 30, 1985.

(o) Lcn=57A Payer Identification #1 Type=A Just=L Size=25

Data should be entered in the following format "XXX xxxxxxx" where XXX is equal to one of the following entries:

- 001 for Medicare
- 002 for Medicaid
- 003 for self insured employers
- 004 for Group Health
- 005 for other HMO
- 006 for commercial
- 007 for county medical bureaus
- 008 for labor and industries
- 009 for self pay
- 010 - 500 for Blue Cross (See UB-82 Manual)

Examples: "001," or "002." Note: The first three digits of this field must be filled.

The following changes are effective October 1, 1985.

(o) Lcn=57A Payer Identification #1 Type=A Just=L Size=25

Data should be entered in the following format (~~("XXX xxxxxxx")~~) "XXXxxxxxxx..." where XXX (is equal to one of the following entries:) equals a required 3-digit numeric identification code, and xxx equals a supporting written description (not required). The required code options include:

- 001 for Medicare
- 002 for Medicaid
- ~~((003 for self insured employers))~~
- 004 for ~~((Group Health))~~ health maintenance organizations
- ~~((005 for other HMO))~~
- ~~((006 for commercial))~~ 006 for commercial insurance
- ~~((007 for county medical bureaus))~~
- 008 for labor and industries
- 009 for self pay
- ~~((010 - 500 for Blue Cross (See UB-82 Manual)))~~
- 610 for health care service contractors, e.g., Blue Cross, county medical bureaus, Washington Physicians Service

625 for other sponsored patients

Examples: "001," or "002." Note: The first three digits of this field must be filled.

(p) Lcn=57B Payer Identification #2 Type=A Just=L Size=25

Same requirements as in Payer Identification #1. This field should only be completed when a secondary payer has been identified.

(q) Lcn=77 Principal Diagnosis Code Type=A Just=L Size=6

ICD9-CM Code describing the principal diagnosis (the condition established after study to be chiefly responsible or causing the hospitalization) that exists at time of admission. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

(r) Lcn=78 Diagnosis #2 Code Type=A Just=L Size=6

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

(s) Lcn=79 Diagnosis #3 Code Type=A Just=L Size=6

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

(t) Lcn=80 Diagnosis #4 Code Type=A Just=L Size=6

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

(u) Lcn=81 Diagnosis #5 Code Type=A Just=L Size=6

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

(v) Lcn=84 Principal Procedure Code Type=A Just=L Size=5

The ICD9-CM Code that identifies the principal procedure performed during the patient admission. Example: "100" or "0101." Note: Leading zeros are included and decimals are excluded.

(w) Lcn=85 Procedure #2 Code Type=A Just=L Size=5

Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission. Note: Leading zeros are included and decimals are excluded.

(x) Lcn=86 Procedure #3 Code Type=A Just=L Size=5

Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission. Note: Leading zeros are included and decimals are excluded.

(y) Filler Type=A Size=~~((22))~~ 55

This field may be used in the future and is included here so that the record length is compatible with microcomputer database management systems.

~~((z) Filler Type = A Size = 33~~

~~This field may be used in the future and is included here so that the record length is compatible with microcomputer database management systems.))~~

(2) The patient identifier reported pursuant to WAC 261-50-030 (1)(d) shall be composed of the last two letters of the patient's last name, the last two letters of the patient's first name, or one or two initials if no first name is available, and the patient's birthdate in MMDDYY format, i.e., 060650, and shall be entered in field 4 on the record layout and in location 10 on the UB-82 billing form. For example, John Doe, born on January 2, 1948, would be coded: OEHN010248. This data element is required for all hospital patient discharges on or after January 1, 1985. In situations where no first name or initials are available, e.g. a newborn without a first name, the last two letters of the patient's last name shall be followed by 2 blank spaces, followed by the patient's birthdate.

(3) It shall be the responsibility of each hospital to ensure that data reported pursuant to WAC 261-50-030(1) is provided for all patient discharges. Each patient discharge must carry a separate, unique Patient Control Number on a separate UB-82 record. For example, a mother and her newborn require separate UB-82s, each with a separate, unique Patient Control Number.

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

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

AMENDATORY SECTION (Amending Order 84-06, Resolution No. 84-06, filed 10/1/84)

WAC 261-50-040 ACCEPTABLE MEDIA FOR SUBMISSION OF DATA. For purposes of the data collected and reported pursuant to WAC 261-50-030, hospitals may submit such data on the following media: The following is effective through September 30, 1985.

(1) Hardcopy of the UB-82 billing form or a form prescribed by the commission:

(a) For all patient discharges during the period from July 1, 1984 to September 30, 1984;

(b) For all patient discharges after September 30, 1984 from hospitals which are classified as "basic service" hospitals;

(2) Magnetic floppy diskette (5 1/4 inch) formatted in Microsoft Disk Operating System (MS-DOS) version 2.0 and utilizing the MS-DOS back-up function;

(3) Magnetic tape with the following physical specifications as well as external identification setting forth such specifications;

(a) 800, 1600, or 6250 bytes per inch;

(b) ASCII or EBCDIC data representation codes;

(c) Block length, if blocked;

(d) Unlabeled;

(e) Seven or nine track;

(f) Hospital name and patient discharge period.

The following changes are effective October 1, 1985.

(1) Hardcopy of the UB-82 billing form or a form prescribed by the commission(~~(:~~

~~(a-F)) for all patient discharges ((during the period from July 1, 1984 to September 30, 1984;~~

~~(b) For all patient discharges after September 30, 1984)) from hospitals which are classified as "basic service" hospitals;~~

(2) Magnetic floppy diskette (5 1/4 inch) formatted in PC-DOS 2.0 or Microsoft Disk Operating System (MS-DOS) version 2.0 ((and utilizing the MS-DOS back-up functions:)), with a record length of 256 bytes and external identification specifying:

(a) Hospital name;

(b) Patient discharge period (MMDDYY to MMDDYY);

(c) The number of 256 byte records each diskette contains.

(3) Magnetic tape with the following physical specifications as well as external identification setting forth such specifications:

(a) ~~((800;))~~ 1600~~((, or 6250))~~ bytes per inch;

(b) ~~((ASCH or))~~ EBCDIC data representation codes;

(c) Block length~~((, if blocked))~~ 6400, (25 records of 256 bytes);

(d) Unlabeled;

(e) ~~((Seven or n))~~ Nine track;

(f) Hospital name ~~((and patient discharge period:));~~

(g) Patient discharge period (MMDDYY to MMDDYY).

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

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

AMENDATORY SECTION (Amending Order 84-06, Resolution No. 84-06, filed 10/1/84)

WAC 261-50-045 MAGNETIC DISKETTE AND TAPE RECORD LAYOUT. (1) For purposes of data submitted in accordance with WAC 261-50-040 (2) and (3), the data elements for each patient discharge record must have a logical record length of 256 characters along with the following record layout: (References to: "No" means field number for the record; "Lcn" means location on the UB-82 billing form; "Description" means description of the record field; "Type" means (A)lpha, (N)umeric, or (D)ate; "Just" means justification, either (R)ight or (L)eft; "Size" means size of the field in bytes; "Position" means position of the field on magnetic diskette or tape.)

No.	Len	Description	Type	Just	Size	Position
1	3	Patient Control Number	A	L	17	1-17
2	4	Type of Bill	A		3	18-20
3	7	Medicare Provider Number	A	L	6	21-26
4	10	Patient Identifier	A	L	31	27-57
5	11	Zipcode	A	L	9	58-66
6	12	Birthdate	N		6	67-72
7	13	Sex	A		1	73-73
8	15	Admission Date	D		6	74-79
9	17	Type of Admission	A		1	80-80
10	18	Source of Admission	A		1	81-81
11	21	Patient Status	A		2	82-83
12	22	Statement Covers Period	N		12	84-95
13	35	Condition Code #1	A		2	96-97
14	53	Total Charges	N	R	9	98-106
15	57A	Payer Identification #1	A	L	25	107-131
16	57B	Payer Identification #2	A	L	25	132-156
17	77	Principal Diagnosis Code	A	L	6	157-162
18	78	Diagnosis #2 Code	A	L	6	163-168
19	79	Diagnosis #3 Code	A	L	6	169-174
20	80	Diagnosis #4 Code	A	L	6	175-180
21	81	Diagnosis #5 Code	A	L	6	181-186
22	84	Principal Procedure Code	A	L	5	187-191
23	85	Procedure #2 Code	A	L	5	192-196
24	86	Procedure #3 Code	A	L	5	197-201
25		Filler	A		22	202-
						((223))256
(26)		Filler	★		33	224-256))

(2) Any group of six or more hospitals, or any group of hospitals which in the aggregate have more than 30,000 patient discharges per year (determined on the basis of each hospital's commission-approved budget in effect as of July 1, 1984), may in writing request a waiver from the commission to the required record layout of WAC 261-50-045(1) providing such hospitals have a common alternative record layout with the required data set elements set forth in WAC 261-50-030.

AMENDATORY SECTION (Amending Order 84-06, Resolution No. 84-06, filed 10/1/84)

WAC 261-50-065 REVISIONS TO SUBMITTED DATA. (1) All data revisions required as a result of the edits performed pursuant to WAC 261-50-060 shall be corrected and resubmitted in the prescribed manner to the commission or its designee within fourteen working days.

(2) The commission may assess a civil penalty as provided in RCW 70.39.200(~~(, as amended by section 20, chapter 288, Laws of 1984.)~~) and WAC 261-50-090 for the costs associated with more than one cycle of edits as described in WAC 261-50-060.

NEW SECTION

WAC 261-50-090 PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform shall be guilty of misdemeanor. Following official notice to the accused by the commission of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the information required by WAC 261-50-030, 261-50-040, 261-50-045 and 261-50-065 shall constitute a violation, and the commission

may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of violation by the commission. The executive director of the commission may grant extensions of time to file the information, in which cases failure to file the information shall not constitute a violation until the extension period has expired.

WSR 85-17-021
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the administration of vocational rehabilitation services pursuant to RCW 51.32.095.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 13, 1985.

The authority under which these rules are proposed is RCW 51.04.020.

The specific statute these rules are intended to implement is RCW 51.32.095.

This notice is connected to and continues the matter in Notice Nos. WSR 85-13-082 and 85-16-074 filed with the code reviser's office on June 19, 1985, and August 2, 1985.

Dated: August 13, 1985
 By: Richard A. Davis
 Director

WSR 85-17-022
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 85-20—Filed August 13, 1985]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 331, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the administration of vocational rehabilitation services pursuant to RCW 51.32.095.

This action is taken pursuant to Notice Nos. WSR 85-13-082, 85-16-074 and 85-17-021 filed with the code reviser on June 19, 1985, August 2, 1985, and August 13, 1985. 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 51.32.095 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 13, 1985.

By Richard A. Davis
Director

NEW SECTION

WAC 296-18-420 DEFINITIONS. (1) "Employable" means having the skills and training that are commonly and currently necessary in the labor market to be gainfully employed on a reasonably continuous basis when considering the worker's: Age, education, experience, and physical and mental capabilities due to the industrial injury or subsequent reopening.

(2) "Gainful employment" means any occupation, not to exclude self-employment, which allows a worker to be compensated with wages or other earnings considering RCW 51.12.010.

(3) "Formal program" means an approved rehabilitation plan and the contents thereof as described in WAC 296-18-450 that provides services necessary and likely to enable the injured worker to be employable at gainful employment.

(4) "Vocational rehabilitation counselor" means those persons determined by the department to have met the requirements of these rules regarding experience and training which qualify them to aid the injured workers to become employable at gainful employment.

(5) "Vocational rehabilitation provider" means any vocational rehabilitation counselor or firm that has a vendor number to bill for services the Washington department of labor and industries.

(6) "Vocational rehabilitation firm" means any entity comprised of vocational rehabilitation counselors that has a vendor number whether sole proprietorship, partnership, or corporation.

(7) "Vocational rehabilitation services" means services that are designed to enable the injured worker to become employable at gainful employment. The services may include, but not be limited to vocational evaluation, vocational counseling, job analysis, job modification, on-the-job training, or short-term training programs with job placement services provided.

(8) "Referral source" means either the state fund or self-insurer.

NEW SECTION

WAC 296-18-440 REPORTS. The following reports are required from the vocational rehabilitation provider for state fund referrals.

(1) Contact report. Contact with the injured worker shall be reported to the department within twenty-one calendar days of the date the referral was sent to the provider. Notification of contact shall be on a department provided form.

(2) Progress reports. A progress report will be made upon request from the referral source on a department approved format. The referral source is to be notified immediately of factors affecting plan completion or changes of status or changes in plan costs.

(3) Closing report. Upon completion of the formal program, a closing report to the referral source shall be

submitted by the vocational rehabilitation provider. That report shall contain at least the following:

(a) Assessment of the injured worker's employability status at the time of completion of vocational services;

(b) Whether or not the injured worker has returned to work;

(c) Any remaining barriers to the injured worker becoming employable at gainful employment.

NEW SECTION

WAC 296-18-445 SELF-INSURED REPORTS. The following reports are required from the self-insurer to be sent to the self-insurance section.

(1) Self-insured rehabilitation referral. A form submitted no later than after paying ninety days of time loss after the initial filing or reopening of a claim. If more time is necessary, an extension may be requested on this form. The format for this form will be supplied by the department.

(2) Employability assessment report. If a vocational referral is not being made and an extension of time is not necessary, this form must be completed and submitted to the self-insured section no later than after paying ninety days of time loss after the initial filing or reopening of a claim. The format for this form will be supplied by the department.

(3) A vocational rehabilitation plan shall be submitted by the self-insurer after being signed by the injured worker, vocational rehabilitation provider and the employer.

(4) Rehabilitation outcome report. This form is to be submitted when all vocational rehabilitation services have been completed. The format for this form will be supplied by the department.

NEW SECTION

WAC 296-18-450 VOCATIONAL REHABILITATION PLAN. (1) A vocational rehabilitation plan shall be approved by the referral source prior to its implementation. The plan shall be sent to all individuals with responsibilities under it. The plan shall contain the following:

(a) Assessment of the skills and abilities, including the physical and mental capabilities of the injured worker;

(b) The services necessary to enable the injured worker to become employable at gainful employment;

(c) Labor market information indicating the employability of the injured worker at plan completion;

(d) An estimate of the cost and the time necessary for the completion of the plan;

(e) A direct comparison of the injured worker's skills with potential types of employment to demonstrate a likelihood of success;

(f) If necessary, a job analysis of the injured worker's previous occupation, including earnings, may be included; and

(g) Any other information that will significantly affect the plan.

(2) The following priorities shall be addressed and justification given to why each preceding priority was not used.

(a) Return to the previous job with the same employer;

(b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Modification of the previous job with a new employer;

(e) A new job with a new employer or self-employment based upon transferable skills;

(f) A new job with a new employer or self-employment involving on-the-job training; and

(g) Short-term retraining and job placement.

(3) Each plan shall be signed by the vocational rehabilitation counselor and the injured worker. In state fund cases, a copy will be sent to the employer, attending physician, department, injured worker and any parties with responsibilities within the plan by the vocational rehabilitation counselor. The following statement shall be printed above the signatures:

I have read the above plan and understand its contents. By signing this plan I agree to faithfully execute my responsibilities described in it.

(4) If the plan is interrupted for good cause this case will be returned to the referral source at the discretion of the referral source. At the end of such interruption, the referral source may return the referral to the original vocational provider to resume the plan or its preparation.

NEW SECTION

WAC 296-18-460 PERFORMANCE CRITERIA.

(1) Vocational rehabilitation providers offering services under RCW 51.32.095 for state fund referrals shall be selected by the department, at the department's sole discretion, based upon providers' performance according to the following criteria.

(2) There shall be objective evaluation by the department's office of rehabilitation services, which shall address:

(a) Cost to medical aid fund including fees paid to vocational providers or other providers at the request of the vocational rehabilitation counselor;

(b) Cost to accident fund including time loss compensation, paid after vocational rehabilitation services begin less interruptions for medical instability, loss of earning power payments, and "training" costs pursuant to RCW 51.32.095(3);

(c) Cost to second injury fund due to approved job site modifications;

(d) Length of services provided, from time of referral to date of issuance of closing report;

(e) Ratio of referrals to completed plans;

(f) The outcome of the claim at the time of closure of vocational rehabilitation services which identifies the injured worker as (i) employable; (ii) returned to work; or (iii) other.

(3) The office of rehabilitation services shall also weigh the various objective criteria listed above by addressing the following subjective criteria:

(a) The case difficulty utilizing a screening tool developed by the office of rehabilitation services;

(b) The ability of the vocational rehabilitation counselor to comply with the rules contained in chapter 296-18 WAC and the law as contained in RCW 51.32.095;

(c) The adequacy of the vocational rehabilitation providers facilities shall also be considered.

(4) Audits. In order to ensure compliance with the above listed criteria, every vocational rehabilitation provider used by the department shall be subject to an audit of their facilities and files. Audits may be conducted upon petition or upon the department's own initiative. Audits may be for cause or at random and may consist of, but not be limited to, an on-site evaluation of each provider's facilities, files and records, including the accuracy of the records and the accuracy of billing for services. The vocational rehabilitation provider shall receive written notice at least forty-eight hours in advance of such audit.

The audit of vocational rehabilitation providers at locations outside the state of Washington shall be at the expense of the provider and the expense incurred in making such audit shall be paid by the provider.

Such expenses shall be calculated at the usual and normal per diem and travel expense rates established by law and in effect at the time the expenses are incurred.

NEW SECTION

WAC 296-18-470 DISPUTES. (1) In order to avoid delay in the vocational rehabilitation process and to allow resolution of disputes between the injured workers, employers and the referral source, a dispute resolution process is provided. The time limits in this section may be extended by the office of rehabilitation services when good cause is shown.

(2) The director must receive a dispute of the employability determination or formal plan, in writing, within fifteen calendar days from receipt of notification to the worker or employer. The dispute must include reasons for the request. The director, at his or her sole discretion, may initiate an investigation to determine further action on the request. A copy of all disputes received shall be sent to all interested parties.

(3) If necessary, and at the discretion of the director, the office of rehabilitation services will communicate with the aggrieved parties to attempt to resolve the dispute. If the dispute is not resolved, the director in his or her sole discretion may take such other action that he or she considers appropriate to protect the rights of the parties. The director shall inform the aggrieved parties of what action, if any was taken within thirty calendar days of receipt of the dispute from the aggrieved party.

NEW SECTION

WAC 296-18-480 RESPONSIBILITIES. All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

(1) The attending physician shall maintain open communication with the injured worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is

possible to expedite the vocational rehabilitation process, including a definitive appraisal of physical capacities. The attending physician may review the vocational plan, and if the attending physician feels that the injured worker is not physically capable of carrying out the plan or the plan is unnecessary, based on current physical capacities, shall notify the referral source immediately of this opinion with the reasons for such opinion.

(2) The claims unit within the department shall:

(a) Notify the employer of the referral to a vocational rehabilitation provider;

(b) Send the employer a copy of the closing report; and

(c) Give written notice to an injured worker if a complaint of noncooperation has been made.

(3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Further, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.

(4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32-.110 shall be applied.

(5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095. Vocational rehabilitation providers actually assisting the injured worker shall have the burden of showing that they meet the qualifications to be a vocational rehabilitation counselor as set out in these rules. The vocational rehabilitation provider shall comply with all the rules in chapter 296-18 WAC and Title 51 RCW, whether the injured worker is referred by the department or a self-insurer under the following criteria:

(a) Develop a formal program to assist the eligible injured worker to become employable at gainful employment;

(b) Maintain accurate records that will be periodically reviewed by the office of rehabilitation services;

(c) Notify the referral source of noncooperative behavior on the part of the injured worker; and

(d) Keep all parties informed of the progress and development of the formal program.

NEW SECTION

WAC 296-18-490 BILLING FOR VOCATIONAL SERVICES. (1) Vocational rehabilitation providers must comply with the rules contained in chapter 296-20 WAC as they pertain.

(2) Vocational rehabilitation providers must carry general liability insurance, automobile liability insurance, and errors and omission/malpractice insurance.

(3) All vocational services must be prior authorized by the referral source, except immediate job placement.

(4) Charges for the following are considered overhead and will not be paid:

(a) Typing of reports and copies of reports;

(b) Long distance phone call charges and unanswered phone calls;

(c) In-house staffing time;

(d) Postage.

(5) All bills must be itemized on referral source approved bill forms. The billed charges must be justified and consistent with written reports. Any exception to these rules must be thoroughly documented. If charges are not documented, or justified, or consistent, payment will be reduced or denied.

(6) Vocational services must be billed using the following procedure codes. Time units of service are to be stated in tenth of hour blocks or six minutes per time unit. Mileage units of service are to be stated in total miles for the round trip to the nearest mile. Unless otherwise specifically noted, reimbursement rates are achieved by multiplying the total units of service by the relative value unit for the procedure code and then multiplying the total by the current conversion factor for medicine (WAC 296-20-135).

CODE	DESCRIPTION	RELATIVE VALUE UNITS
VO205	Job modification consultant.	4.1
VO210	Consult with doctor, attorney, employer, persons other than the claimant.	4.1
VO212	Review case claim file.	4.1
VO222	Vocational exploration (services provided in conjunction with the injured worker).	4.1
VO223	Vocational counseling (i.e., plan development, placement, etc.).	4.1
VO225	Job analysis (on-site survey of a specific job).	4.1
VO226	Identify and analyze past work skills for transferability.	4.1
VO227	Labor market survey (determination of jobs available in geographic location).	4.1
VO228	Work evaluation - individual.	4.1
VO229	Work evaluation - group, up to a group of five persons.	1.8
VO231	Vocational test administration and scoring.	4.1
VO233	Interpretation of vocational testing and work evaluation.	4.1
VO238	Job placement/job development services to individual injured workers.	4.1
VO239	Job seeking skills instruction-groups (motivation and personal skills training to a group of injured workers) (2-10 workers, Maximum 40 billing hours per worker).	1.8
VO242	Monitor, approved rehabilitation plan.	4.1
VO245	Coordinations of services with (specify) job station, work evaluation, vocational testing, ancillary service.	4.1
VO251	Report Preparation: Initial Contact Report.	Flat Fee \$5
VO252	Progress Report.	Flat Fee \$25
VO253	Report Preparation for reports other than VO251, 252, 258 and 259.	4.1
VO258	Employability Statement form with Initial Evaluation completed.	4.1 up to max. of \$150
VO259	Employability Statement form without Initial Evaluation completed.	4.1 up to max. of \$450
VO260	Travel/wait time (waiting time is limited to one hour). If more than one client is being served in the area, travel time must be split among all clients.	1.8
VO261	Bridge and ferry tolls.	Reimbursement
VO262	Mileage per mile. If more than one	18¢ per mile

CODE	DESCRIPTION	RELATIVE VALUE UNITS
VO263	client is being served in the area, mileage must be split among clients. Provide and monitor a "job station" (a work activity program designed to evaluate or increase an individuals vocational abilities).	4.1
VO264	Work behavior modification.	4.1
VO274	Conducting a job club - maximum 40 billable hours. (A structured search for work programs for groups of injured workers.)	1.8
VO280	Placement by evaluation (placement agencies only) maximum of two hours assessment of placement potential, includes report to department or VRC.	2.9
VO282	Placement made (employment agencies) flat fee paid on placement.	\$300 Fixed Fee
RETRAINING SERVICE (Fees vary by specific plans)		
RO310	Tuition and training fee	
RO312	Training supplies	
RO315	Training equipment	
RO320	Examination and license fees	
RO330	Transportation/mileage	
RO332	Parking	Reimbursement
RO334	Bridge and Ferry Tolls	Reimbursement
RO336	Commercial Fares	Reimbursement
RO340	Books	
RO350	Other	
RO360	Board	
RO370	Room	
RO380	Job modification	

The department or self-insurer will authorize child care as part of a department or self-insurer approved formal program. Payment for child care services will be made to licensed day care providers or family members other than the injured worker or his/her spouse.

RO390	Child care/licensed day center. Hourly rate per child six hours or less	1.1
RO392	Child care/licensed day center. Daily rate per child seven to nine hours	7.5
RO395	Child care/nonlicensed provider. Hourly rate per child six hours or less	0.9
RO397	Child care/nonlicensed provider. Daily rate per child seven to nine hours	6.4

NEW SECTION

WAC 296-18-500 SELF-INSURERS. (1) No later than paying ninety days of time loss following the initial filing or reopening of a claim, the self-insurer shall notify the self-insurance section as to whether or not vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. Each of these cases will be reviewed by the self-insurance section. The criteria to determine employability will be the same as for the state fund. If the injured worker is determined employable, the self-insurer will submit an employability assessment form which contains objective reasons why the injured worker is employable. Within twenty calendar days of receipt of an employability assessment form, the supervisor's designee within the self-insurance section will inform the self-insurer and the injured worker as to whether or not self-insurers determination of employability is approved. If an employability determination cannot be made due to medical instability, the self-insured shall request an extension by notifying the self-

insurance section of the injured worker's condition and when a determination can be made. If the request for extension is not approved, notice will be sent within fifteen calendar days of receipt.

(2) The supervisor's designee within the self-insurance section of the department will receive from the self-insurer the vocational rehabilitation plan signed by the injured worker and employer. A review of the vocational rehabilitation plan by the supervisor's designee will be initiated upon request by the employer or the injured worker. The supervisor's designee shall notify the parties within fifteen calendar days of receipt of the results of the review.

At the completion of each case, the self-insurer shall provide the self-insurance section and the office of rehabilitation services a rehabilitation outcome report on a form prescribed by the department.

NEW SECTION

WAC 296-18-510 VOCATIONAL REHABILITATION COUNSELOR QUALIFICATIONS. (1) All vocational rehabilitation counselors who were registered by the department prior to May 16, 1985, will remain on the list and be eligible to receive referrals. The department is not obligated to make referrals to anyone on this list.

(2) When it is determined an injured worker is eligible for vocational rehabilitation services, the referral source shall authorize such services. Selection of the appropriate provider of vocational services is at the sole discretion of the referral source. Selected vocational rehabilitation counselors must meet one or more of the following categories of experience and education:

(a) A doctorate or masters degree in rehabilitation counseling, psychology, counseling and guidance, social work, or educational psychology; and a minimum of one year of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services with industrially injured workers;

(b) A masters degree with twenty-four credit hours in a combination of rehabilitation philosophy, rehabilitation history, rehabilitation ethics, medical aspects of disability, psychological aspects of disability, job placement, occupational information, counseling theory, personal and vocational adjustment, work evaluation, practicum in subjects listed in this subsection, or coursework relating to counseling and subjects listed in this subsection; and a minimum of two years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services with industrially injured workers;

(c) A bachelors degree in rehabilitation counseling, psychology, counseling and guidance, social work, or educational psychology; and a minimum of two years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services with industrially injured workers; or

(d) A bachelors degree with twenty-four credit hours in a combination of rehabilitation philosophy, rehabilitation history, rehabilitation ethics, medical aspects of disability, psychological aspects of disability, job placement, occupational information, counseling theory, personal and vocational adjustment, work evaluation, practicum in subjects listed in this subsection, or coursework relating to counseling and subjects listed in this subsection; and a minimum of three years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services; with industrially injured workers;

(e) Has been a registered vocational counselor in Washington state.

(3) An intern is an individual who meets the minimum educational requirements as set forth in subsection (2)(a) through (e) of this section, but not the experience requirements. When the intern is employed, the vocational rehabilitation provider shall provide the name of the intern's supervisor. The intern supervisor will be responsible for all rehabilitation work done by the intern. The intern supervisor will co-sign all reports submitted by the intern. The intern must be designated as such on all reports. At the end of the time requirement the intern may apply for a vendor number as a vocational rehabilitation provider.

(4) In order to receive or maintain a provider account number, the provider shall submit certified copies of each counselor's college transcript showing the degree last obtained. A statement of each counselor's past experience in counseling of industrially injured workers must also be submitted. The statement must include the names of former and current vocational counselors and firms the individual was employed by.

(5) It is the responsibility of the vocational counselor to be familiar with the industrial insurance rules and laws of the state of Washington. The vocational counselor must act in a professional manner and comply with the code of professional ethics for vocational rehabilitation counselors.

NEW SECTION

WAC 296-18-520 **JOB MODIFICATION ASSISTANCE.** (1) As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32.250), the supervisor in his or her discretion may pay job modification costs in an amount not to exceed five thousand dollars from the department per worker per job modification. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund. The employer may add to this amount with their own contribution.

(2) An employer requesting job modification assistance must submit to the department a job modification assistance application.

(3) The job modification assistance application shall include, but not be limited to:

(a) A document supporting the need for job modification;

(b) A description of the job modification; and

(c) An itemized account of each expense to be incurred in the job modification. Job modification assistance applications shall be submitted on a form prescribed by the department.

(4) The supervisor shall accept, reject, or modify the job modification application within thirty days of receipt. Notification of the supervisor's acceptance, rejection, or modification shall be in writing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-18-010 GENERAL INFORMATION.
- WAC 296-18-020 VOCATIONAL REHABILITATION ADVISORY COMMITTEE.
- WAC 296-18-040 DEFINITIONS.
- WAC 296-18-070 APPLICATION OF CERTAIN TIMETABLES.
- WAC 296-18-080 REFERRAL AND INITIAL CONTACT.
- WAC 296-18-090 INITIAL EVALUATIONS.
- WAC 296-18-100 REHABILITATION PLANS.
- WAC 296-18-110 MODIFICATION TO THE REHABILITATION PLAN.
- WAC 296-18-120 PLAN COMPLETION.
- WAC 296-18-130 APPLICATION OF CERTAIN TIMETABLES (SELF-INSURED CLAIMS).
- WAC 296-18-140 RETURN TO WORK SUMMARY REPORT (SELF-INSURED CLAIMS).
- WAC 296-18-160 PROGRESS REPORTS (SELF-INSURED CLAIMS).
- WAC 296-18-170 RETURN TO WORK (SELF-INSURED CLAIMS).
- WAC 296-18-180 VOCATIONAL REHABILITATION PLAN.
- WAC 296-18-190 RESPONSIBILITY OF THE INJURED WORKER.
- WAC 296-18-200 FAILURE TO MEET RESPONSIBILITIES.
- WAC 296-18-210 RESOLUTION OF VOCATIONAL REHABILITATION DISPUTES.
- WAC 296-18-300 REGISTRATION OF VOCATIONAL REHABILITATION COUNSELORS.
- WAC 296-18-310 QUALIFICATIONS FOR REGISTRATION OF VOCATIONAL REHABILITATION COUNSELORS.
- WAC 296-18-320 QUALIFICATIONS FOR THE REGISTRATION OF VOCATIONAL REHABILITATION FIRMS.
- WAC 296-18-330 AVAILABILITY OF THE REGISTER.
- WAC 296-18-340 IMMEDIATE DEREGISTRATION.
- WAC 296-18-350 PERFORMANCE EVALUATIONS AND DEREGISTRATION.
- WAC 296-18-360 PETITION FOR RECONSIDERATION OF THE INTENT TO REMOVE.
- WAC 296-18-370 PERIOD OF DEREGISTRATION.
- WAC 296-18-400 JOB MODIFICATION ASSISTANCE.

WSR 85-17-023
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed August 13, 1985]

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 School personnel—Beginning teachers assistance program, chapter 392-196 WAC;

that the agency will at 9:00 a.m., Friday, September 30, 1985, in the Old Capitol Building, State Board of Education Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1985.

The authority under which these rules are proposed is chapter 399, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 30, 1985.

Dated: August 13, 1985

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-196 WAC, School personnel—Beginning teachers assistance program.

Rule Section(s): WAC 392-196-005 Authority; 392-196-010 Purpose; 392-196-015 Mentor teacher—Definition; 392-196-020 Mentor teacher stipend—Minimum amount; 392-196-030 Mentor teacher—Qualifications for nomination; 392-196-035 Mentor teacher—Selection process; 392-196-040 Beginning teacher—Definition; 392-196-045 Beginning teacher stipend—Definition; 392-196-050 Beginning teacher stipend—Minimum amount; 392-196-055 SPI sponsored mentor teacher workshop—Definition; 392-196-060 School district application to SPI for participation; 392-196-065 1985-86 pilot project—Building selection process; 392-196-070 1986-87 school year—Building selection process; 392-196-075 Annual amount for distribution; 392-196-080 Distribution of state moneys; 392-196-085 Carryover prohibition; and 392-196-090 Maximum control factor—Proration.

Statutory Authority: Chapter 399, Laws of 1985.

Purpose of the Rule(s): To establish a beginning teacher assistance program.

Summary of the New Rule(s) and/or Amendments: WAC 392-196-005 sets forth authority of chapter; 392-196-010 sets forth purpose of chapter; 392-196-015 defines mentor teacher; 392-196-020 defines mentor teacher stipend; 392-196-025 sets forth minimum amount of mentor teacher stipend; 392-196-030 sets forth minimum qualifications for mentor teacher; 392-196-035 establishes selection process for mentor teacher; 392-196-040 defines beginning teacher; 392-196-045 defines beginning teacher stipend; 392-196-050 sets forth minimum amount of mentor teacher stipend; 392-196-055 defines SPI mentor teacher workshop; 392-

196-060 sets forth conditions to be met by districts participating in beginning teacher assistance program; 392-196-065 establishes pilot program for 1985-86 school year and sets forth selection process; 392-196-070 sets forth pro rata funding system for 1986-87 school year; 392-196-075 sets forth exclusive use of state moneys allocated for program purpose; 392-196-080 sets forth maximum amount per mentor teacher for current biennium; 392-196-085 prohibits carryover of state allocated funds for this program; and 392-196-090 sets forth proration of funds if budget is adversely affected in second year of biennium subsequent to commencement of program.

Reasons Which Support the Proposed Action(s): Action by 1985 legislature to establish program.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Ted Andrews, SPI, 3-3222; and Enforcement: Bob Marshall, SPI, 3-1880.

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): Establishes new state policy.

Chapter 392-196 WAC
SCHOOL PERSONNEL—BEGINNING TEACHERS ASSISTANCE PROGRAM

Table with 2 columns: WAC and Description. Rows include 392-196-005 Authority, 392-196-010 Purpose, 392-196-015 Mentor teacher—Definition, 392-196-020 Mentor teacher stipend—Definition, 392-196-025 Mentor teacher stipend—Minimum amount, 392-196-030 Mentor teacher—Qualifications for nomination, 392-196-035 Mentor teacher—Selection process, 392-196-040 Beginning teacher—Definition, 392-196-045 Beginning teacher stipend—Definition, 392-196-050 Beginning teacher stipend—Minimum amount, 392-196-055 SPI sponsored mentor teacher workshop—Definition, 392-196-060 School district application to SPI for participation in beginning teacher assistance program, 392-196-065 1985-86 pilot project—Building selection process, 392-196-070 1986-87 school year—Building selection process, 392-196-075 Annual amount for distribution to participating school districts, 392-196-080 Distribution of state moneys for the beginning teacher assistance program—1985-87 biennium, 392-196-085 Carryover prohibition, 392-196-090 Maximum control factor—Proration.

NEW SECTION

WAC 392-196-005 AUTHORITY. The authority for this chapter is RCW 28A. _____ which authorizes the superintendent of public instruction to adopt rules to establish and operate a beginning teachers assistance program.

NEW SECTION

WAC 392-196-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures for the operation of a beginning teachers assistance program, including the conditions for the receipt of state moneys for such purpose by school districts of the state.

NEW SECTION

WAC 392-196-015 MENTOR TEACHER—DEFINITION. As used in this chapter, the term "mentor teacher" shall mean a classroom teacher who has been selected by a school district to provide continuing and sustained support to a beginning teacher, both in and outside the classroom.

NEW SECTION

WAC 392-196-020 MENTOR TEACHER STIPEND—DEFINITION. As used in this chapter, the term "mentor teacher stipend" shall mean an amount paid by a school district to a teacher for services as a mentor teacher including attendance at the superintendent of public instruction sponsored mentor teacher workshop. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.67.074.

NEW SECTION

WAC 392-196-025 MENTOR TEACHER STIPEND—MINIMUM AMOUNT. The minimum amount per school year of the mentor teacher stipend shall be nine hundred fifty dollars.

NEW SECTION

WAC 392-196-030 MENTOR TEACHER—QUALIFICATIONS FOR NOMINATION. In order to be nominated to serve as a mentor teacher pursuant to WAC 392-196-035, the teacher shall meet the following minimum qualifications:

- (1) Be employed full time primarily as a classroom teacher.
- (2) Have been employed primarily as a classroom teacher for one school year within the district and two additional school years within any public or private school in any grade, kindergarten through twelve.
- (3) Hold a valid continuing teaching certificate issued pursuant to chapter 180-79 WAC or be eligible for conversion to such certificate pursuant to WAC 180-79-045.

NEW SECTION

WAC 392-196-035 MENTOR TEACHER—SELECTION PROCESS. Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process.

NEW SECTION

WAC 392-196-040 BEGINNING TEACHER—DEFINITION. As used in this chapter, the term "beginning teacher" shall mean a certificated teacher with fewer than ninety consecutive school days of classroom teaching experience in either a public or private school in any grade, kindergarten through twelve, and who is employed by the district for ninety consecutive school days or more to serve primarily as a classroom teacher.

NEW SECTION

WAC 392-196-045 BEGINNING TEACHER STIPEND—DEFINITION. As used in this chapter, the term "beginning teacher stipend" shall mean an amount paid by a school district to a beginning teacher for one day of attendance at the superintendent of public instruction sponsored mentor teacher workshop. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.67.074.

NEW SECTION

WAC 392-196-050 BEGINNING TEACHER STIPEND—MINIMUM AMOUNT. The minimum amount of the beginning teacher stipend shall be eighty dollars.

NEW SECTION

WAC 392-196-055 SPI SPONSORED MENTOR TEACHER WORKSHOP—DEFINITION. As used in this chapter, the term

"superintendent of public instruction sponsored mentor teacher workshop" shall mean an in-service training program sponsored by the superintendent of public instruction for the purpose of providing professional training for mentor teachers in the methods and procedures for performing such role with particular emphasis upon providing continuing and sustained support by the mentor teacher to a beginning teacher. Such workshop shall be no more than three days in length, but need not be consecutive days, and shall not be held during school hours.

NEW SECTION

WAC 392-196-060 SCHOOL DISTRICT APPLICATION TO SPI FOR PARTICIPATION IN BEGINNING TEACHER ASSISTANCE PROGRAM. Any district may apply to the superintendent of public instruction for participation in the beginning teacher assistance program. The application shall require the superintendent of the district to provide the following assurances:

- (1) The board of directors of the district has reviewed the requirements of this chapter and has agreed to the conditions therein.
- (2) The mentor teacher shall be paid a mentor teacher stipend.
- (3) The beginning teacher shall be paid a beginning teacher stipend.
- (4) The mentor teacher shall be required to attend and shall be reimbursed by the district for travel expenses for attendance at the superintendent of public instruction sponsored mentor teacher workshop.
- (5) The beginning teacher shall be required to attend and shall be reimbursed by the district for travel expenses for one day of attendance at the superintendent of public instruction's sponsored mentor teacher workshop.
- (6) The mentor teacher shall be released from classroom teaching responsibilities in order to observe and assist the beginning teacher in the classroom.
- (7) The mentor teacher and the beginning teacher shall be released from classroom teaching responsibilities in order to jointly observe and evaluate teaching situations.
- (8) The total release time from classroom teaching as required by subsections (6) and (7) of this section shall be at least thirty-six scheduled instructional hours per school year.
- (9) The mentor teacher and the beginning teacher shall be required to complete and forward to the superintendent of public instruction such evaluation reports of the beginning teacher assistance program as requested by the superintendent of public instruction.
- (10) The superintendent of the district shall supply the superintendent of public instruction, at times specified by the superintendent of public instruction, such information as requested regarding the beginning teacher assistance program.

NEW SECTION

WAC 392-196-065 1985-86 PILOT PROJECT—BUILDING SELECTION PROCESS. During the 1985-86 school year one hundred mentor teachers shall be selected to participate in a pilot project. The selection process shall be as follows:

- (1) The superintendent of public instruction shall pro rate one hundred mentor teachers among the nine educational service districts based upon a percentage of beginning teachers hired within the districts within each educational service district for the 1984-85 school year. A quota shall be established for each educational service district.
- (2) Each school district applying for participation in the program shall select one or more school buildings in which one or more beginning teachers will be assigned for the 1985-86 school year. The name of each school building and the number of beginning teachers shall be recorded on a slip of paper and placed in a container for the respective educational service district.
- (3) The superintendent of public instruction shall select the school buildings, including number of beginning teachers, by lot from each educational service district until the quota for each educational service district has been met.

NEW SECTION

WAC 392-196-070 1986-87 SCHOOL YEAR—BUILDING SELECTION PROCESS. The superintendent of public instruction will seek action by the 1986 legislature to permit a mentor teacher for each beginning teacher. However, if moneys are insufficient to achieve this goal, the number of mentor teachers for the 1986-87 school year shall be pro rated upon the number of positions requested per district and the number of positions available.

NEW SECTION

WAC 392-196-075 ANNUAL AMOUNT FOR DISTRIBUTION TO PARTICIPATING SCHOOL DISTRICTS. The superintendent of public instruction annually shall establish a dollar amount per mentor teacher for distribution to districts for support of the beginning teachers assistance program. Such distribution shall be used by the district exclusively for the following:

- (1) Mentor teacher stipends.
- (2) Travel expenses of the mentor and beginning teachers for attendance at the superintendent of public instruction mentor teacher workshop.
- (3) Substitute teacher salaries for release time for mentor and beginning teachers.
- (4) Beginning teacher stipends.

NEW SECTION

WAC 392-196-080 DISTRIBUTION OF STATE MONEYS FOR THE BEGINNING TEACHER ASSISTANCE PROGRAM—1985-87 BIENNIUM. For the 1985-86 and 1986-87 school years, the superintendent of public instruction shall distribute to districts in February of each school year, a maximum of one thousand six hundred dollars per mentor teacher.

NEW SECTION

WAC 392-196-085 CARRYOVER PROHIBITION. State moneys distributed to districts for the beginning teacher assistance program shall be subject to the carryover prohibition of WAC 392-122-900.

NEW SECTION

WAC 392-196-090 MAXIMUM CONTROL FACTOR—PRORATION. State moneys distributed to districts for the beginning teacher assistance program shall be subject to the proration provision of WAC 392-122-905 if the current appropriation to the superintendent of public instruction for the beginning teacher assistance program is adversely affected by action of the legislature after the commencement of the 1986-87 school year.

WSR 85-17-024
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 85-7—Filed August 13, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to School personnel—Beginning teachers assistance program, chapter 392-196 WAC.

I, Frank B. Brouillet, 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 1985 legislature by passage of chapter 399, Laws of 1985, established a beginning teacher assistance program to be operative commencing with the 1985-86 school year. In order to have the program in place by such date, these rules must be adopted on an emergency basis.

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

This rule is promulgated pursuant to chapter 399, Laws of 1985, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 13, 1985.
 By Frank B. Brouillet
 Superintendent of Public Instruction

Chapter 392-196 WAC
SCHOOL PERSONNEL—BEGINNING TEACHERS ASSISTANCE PROGRAM

WAC

- 392-196-005 Authority.
- 392-196-010 Purpose.
- 392-196-015 Mentor teacher—Definition.
- 392-196-020 Mentor teacher stipend—Definition.
- 392-196-025 Mentor teacher stipend—Minimum amount.
- 392-196-030 Mentor teacher—Qualifications for nomination.
- 392-196-035 Mentor teacher—Selection process.
- 392-196-040 Beginning teacher—Definition.
- 392-196-045 Beginning teacher stipend—Definition.
- 392-196-050 Beginning teacher stipend—Minimum amount.
- 392-196-055 SPI sponsored mentor teacher workshop—Definition.
- 392-196-060 School district application to SPI for participation in beginning teacher assistance program.
- 392-196-065 1985-86 pilot project—Building selection process.
- 392-196-070 1986-87 school year—Building selection process.
- 392-196-075 Annual amount for distribution to participating school districts.
- 392-196-080 Distribution of state moneys for the beginning teacher assistance program—1985-87 biennium.
- 392-196-085 Carryover prohibition.
- 392-196-090 Maximum control factor—Proration.

NEW SECTION

WAC 392-196-005 AUTHORITY. The authority for this chapter is RCW 28A.____ which authorizes the superintendent of public instruction to adopt rules to establish and operate a beginning teachers assistance program.

NEW SECTION

WAC 392-196-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures for the operation of a beginning teachers assistance program, including the conditions for the receipt of state moneys for such purpose by school districts of the state.

NEW SECTION

WAC 392-196-015 MENTOR TEACHER—DEFINITION. As used in this chapter, the term "mentor teacher" shall mean a classroom teacher who has been selected by a school district to provide continuing and sustained support to a beginning teacher, both in and outside the classroom.

NEW SECTION

WAC 392-196-020 MENTOR TEACHER STIPEND—DEFINITION. As used in this chapter, the term "mentor teacher stipend" shall mean an amount paid by a school district to a teacher for services as a mentor teacher including attendance at the superintendent of public instruction sponsored mentor teacher workshop. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.67.074.

NEW SECTION

WAC 392-196-025 MENTOR TEACHER STIPEND—MINIMUM AMOUNT. The minimum amount per school year of the mentor teacher stipend shall be nine hundred fifty dollars.

NEW SECTION

WAC 392-196-030 MENTOR TEACHER—QUALIFICATIONS FOR NOMINATION. In order to be nominated to serve as a mentor teacher pursuant to WAC 392-196-035, the teacher shall meet the following minimum qualifications:

(1) Be employed full time primarily as a classroom teacher.

(2) Have been employed primarily as a classroom teacher for one school year within the district and two additional school years within any public or private school in any grade, kindergarten through twelve.

(3) Hold a valid continuing teaching certificate issued pursuant to chapter 180-79 WAC or be eligible for conversion to such certificate pursuant to WAC 180-79-045.

NEW SECTION

WAC 392-196-035 MENTOR TEACHER—SELECTION PROCESS. Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process.

NEW SECTION

WAC 392-196-040 BEGINNING TEACHER—DEFINITION. As used in this chapter, the term "beginning teacher" shall mean a certificated teacher with fewer than ninety consecutive school days of classroom teaching experience in either a public or private school in any grade, kindergarten through twelve, and who is employed by the district for ninety consecutive school days or more to serve primarily as a classroom teacher.

NEW SECTION

WAC 392-196-045 BEGINNING TEACHER STIPEND—DEFINITION. As used in this chapter, the term "beginning teacher stipend" shall mean an amount paid by a school district to a beginning teacher for one day of attendance at the superintendent of public instruction sponsored mentor teacher workshop. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.67.074.

NEW SECTION

WAC 392-196-050 BEGINNING TEACHER STIPEND—MINIMUM AMOUNT. The minimum amount of the beginning teacher stipend shall be eighty dollars.

NEW SECTION

WAC 392-196-055 SPI SPONSORED MENTOR TEACHER WORKSHOP—DEFINITION. As used in this chapter, the term "superintendent of public instruction sponsored mentor teacher workshop" shall mean an in-service training program sponsored by the superintendent of public instruction for the purpose of providing professional training for mentor teachers in the methods and procedures for performing such role with particular emphasis upon providing continuing and sustained support by the mentor teacher to a beginning teacher. Such workshop shall be no more than three days in length, but need not be consecutive days, and shall not be held during school hours.

NEW SECTION

WAC 392-196-060 SCHOOL DISTRICT APPLICATION TO SPI FOR PARTICIPATION IN BEGINNING TEACHER ASSISTANCE PROGRAM. Any district may apply to the superintendent of public instruction for participation in the beginning teacher assistance program. The application shall require the superintendent of the district to provide the following assurances:

(1) The board of directors of the district has reviewed the requirements of this chapter and has agreed to the conditions therein.

(2) The mentor teacher shall be paid a mentor teacher stipend.

(3) The beginning teacher shall be paid a beginning teacher stipend.

(4) The mentor teacher shall be required to attend and shall be reimbursed by the district for travel expenses for attendance at the superintendent of public instruction sponsored mentor teacher workshop.

(5) The beginning teacher shall be required to attend and shall be reimbursed by the district for travel expenses for one day of attendance at the superintendent of public instruction's sponsored mentor teacher workshop.

(6) The mentor teacher shall be released from classroom teaching responsibilities in order to observe and assist the beginning teacher in the classroom.

(7) The mentor teacher and the beginning teacher shall be released from classroom teaching responsibilities in order to jointly observe and evaluate teaching situations.

(8) The total release time from classroom teaching as required by subsections (6) and (7) of this section shall be at least thirty-six scheduled instructional hours per school year.

(9) The mentor teacher and the beginning teacher shall be required to complete and forward to the superintendent of public instruction such evaluation reports of the beginning teacher assistance program as requested by the superintendent of public instruction.

(10) The superintendent of the district shall supply the superintendent of public instruction, at times specified by the superintendent of public instruction, such information as requested regarding the beginning teacher assistance program.

NEW SECTION

WAC 392-196-065 1985-86 PILOT PROJECT—BUILDING SELECTION PROCESS. During the 1985-86 school year one hundred mentor teachers shall be selected to participate in a pilot project. The selection process shall be as follows:

(1) The superintendent of public instruction shall pro rate one hundred mentor teachers among the nine educational service districts based upon a percentage of beginning teachers hired within the districts within each educational service district for the 1984-85 school year. A quota shall be established for each educational service district.

(2) Each school district applying for participation in the program shall select one or more school buildings in which one or more beginning teachers will be assigned for the 1985-86 school year. The name of each school building and the number of beginning teachers shall be recorded on a slip of paper and placed in a container for the respective educational service district.

(3) The superintendent of public instruction shall select the school buildings, including number of beginning teachers, by lot from each educational service district until the quota for each educational service district has been met.

NEW SECTION

WAC 392-196-070 1986-87 SCHOOL YEAR—BUILDING SELECTION PROCESS. The superintendent of public instruction will seek action by the 1986 legislature to permit a mentor teacher for each beginning teacher. However, if moneys are insufficient to achieve this goal, the number of mentor teachers for the 1986-87 school year shall be pro rated upon the number of positions requested per district and the number of positions available.

NEW SECTION

WAC 392-196-075 ANNUAL AMOUNT FOR DISTRIBUTION TO PARTICIPATING SCHOOL DISTRICTS. The superintendent of public instruction annually shall establish a dollar amount per mentor teacher for distribution to districts for support of the beginning teachers assistance program. Such distribution shall be used by the district exclusively for the following:

(1) Mentor teacher stipends.

(2) Travel expenses of the mentor and beginning teachers for attendance at the superintendent of public instruction mentor teacher workshop.

(3) Substitute teacher salaries for release time for mentor and beginning teachers.

(4) Beginning teacher stipends.

NEW SECTION

WAC 392-196-080 DISTRIBUTION OF STATE MONEYS FOR THE BEGINNING TEACHER ASSISTANCE PROGRAM—1985-87 BIENNIUM. For the 1985-86 and 1986-87 school years, the superintendent of public instruction shall distribute to districts in February of each school year, a maximum of one thousand six hundred dollars per mentor teacher.

NEW SECTION

WAC 392-196-085 CARRYOVER PROHIBITION. State moneys distributed to districts for the beginning teacher assistance program shall be subject to the carryover prohibition of WAC 392-122-900.

NEW SECTION

WAC 392-196-090 MAXIMUM CONTROL FACTOR—PRORATION. State moneys distributed to districts for the beginning teacher assistance program shall be subject to the proration provision of WAC 392-122-905 if the current appropriation to the superintendent of public instruction for the beginning teacher assistance program is adversely affected by action of the legislature after the commencement of the 1986-87 school year.

**WSR 85-17-025
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-96—Filed August 14, 1985]**

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

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

are available, and this rule is adopted at the recommendation of the Columbia River Compact Commission.

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

This rule is promulgated pursuant to RCW 75.08.080 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 August 13, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-05100N SEASONS—SALMON. Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, it is unlawful for any person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from:

Noon August 23 to Noon August 28, 1985
Noon August 29 to Noon September 3, 1985
Noon September 6 to Noon September 11, 1985
Noon September 14 to Noon September 18, 1985
Noon September 20 to Noon September 24, 1985

All closures in WAC 220-32-058 remain in effect except the closure at the mouth of Spring Creek. The 300 foot net length restriction does not apply to this fishery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100M SEASONS—SALMON. (85-77)

WSR 85-17-026
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-97—Filed August 14, 1985]

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 salmon are available.

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

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

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

APPROVED AND ADOPTED August 13, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-16000R COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160: (1) Effective immediately until further notice, in those waters of the Columbia River downstream from Wells Dam to the I-5 Bridge - bag limit C, except that the daily bag limit may include two sockeye salmon.

(2) Effective August 16, 1985 until further notice, in those waters of the Columbia River downstream from the Highway 12 Bridge at Pasco to the Megler-Astoria Bridge: Bag limit A.

(3) Effective August 18, 1985 until further notice, in those waters of the Columbia River downstream from the Megler-Astoria Bridge to a line running true north south through Buoy 10: Bag limit F. Barbless hooks required and it is unlawful to fish for or possess salmon taken for personal use from 12:01 a.m. Friday through 11:59 p.m. Saturday of each week during the open fishing period.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-16000Q COLUMBIA RIVER. (85-80)

WSR 85-17-027
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-98—Filed August 14, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted in conformance with the Pacific Marine Fisheries Commission recommendations as modified to prevent overharvest of chinook salmon while taking coho salmon allocations.

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 August 14, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000S SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 15, 1985, until further notice it is unlawful to fish for or possess salmon taken for personal use from waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Washington waters at the mouth of the Columbia River west of a line projected north-south through Buoy 10, and Strait of Juan de Fuca waters westerly of a line projected true north from the mouth of the Sekiu River except as provided for in this section:

(1) Those waters westerly of the mouth of the Sekiu River and northerly of a line projected true west from the mouth of the Queets River: Open to salmon fishing immediately to 11:59 p.m. September 19, 1985, except closed from 12:01 a.m. Friday through 11:59 p.m. Saturday each week during the open period and except closed to salmon fishing within an area bounded by a line projected from the shoreline one mile due north from the mouth of the Sekiu River, thence westerly meandering southerly in a straight line to the Umatilla Reef Light, thence due east to shore. Special bag limit of two salmon daily, except it is unlawful to retain or possess chinook salmon and all chinook salmon must be returned to the water immediately. Minimum size 16 inches for coho salmon.

(2) Those waters southerly of a line projected true west from the mouth of the Queets River, northerly of a line projected true west from Klipsan Beach (46 degrees, 28 minutes, 12 second north latitude), and westerly of the territorial sea boundary referenced on Chart 18500, 21st ed., Dept. Commerce, NOAA, National Ocean Survey (outside three miles): Open to salmon fishing immediately to 11:59 p.m. September 19, 1985, except closed from 12:01 a.m. to 11:59 p.m. Saturday each week during the open period. Bag limit F.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000R SALTWATER SEASONS AND BAG LIMITS—SALMON (85-85)

WSR 85-17-028

ATTORNEY GENERAL OPINION

Cite as: AGO 1985 No. 13

[August 13, 1985]

DISTRICTS—SCHOOLS—FEES—CHILDREN

Schools are not authorized to charge fees for the administration of pre-admission tests for early entrance of children into kindergarten or first grade classes.

Requested by:

Honorable Paul King
State Representative, 44th District
22804 - 57th Avenue West
Mountlake Terrace, Washington 98043

WSR 85-17-029

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed August 14, 1985]

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:

Rep	WAC 356-05-213	Management employee.
Rep	WAC 356-05-222	Nonmanagement employee.
Amd	WAC 356-05-240	Periodic increment date.
Amd	WAC 356-06-020	Exemptions—Exceptions.
Amd	WAC 356-14-110	Salary((=Nonmanagement employ- ees)) —Periodic increment dates— Original—Subsequent.
Amd	WAC 356-14-120	Salary((=Nonmanagement employ- ee))—Periodic increment date— Promotion.
Rep	WAC 356-14-125	Salary reviews—Management employees.
Amd	WAC 356-14-130	Salary—Concurrence of probation, trial service, and periodic increment date ((or salary review date)).
Amd	WAC 356-18-100	Accrued vacation leave disposition— Computation—How made.
Amd	WAC 356-26-040	Registers—Name removal for cause— Grounds enumerated—Requirements.
Amd	WAC 356-26-060	Certifications—General methods.
Amd	WAC 356-30-300	Performance evaluation((=Nonman- agement employees))—Requirements— Monitoring.
Rep	WAC 356-30-302	Performance evaluation—Management employees—Requirements—Monitoring.
Amd	WAC 356-34-010	Disciplinary actions—Causes for demo- tion—Suspension—Reduction in salary— Dismissal;

that the agency will at 10:00 a.m., Thursday, September 12, 1985, 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, EHB 116 and RCW 43.01.041.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 10, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-14-102 filed with the code reviser's office on July 3, 1985.

Dated: August 13, 1985

By: Leonard Nord
Secretary

WSR 85-17-030
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Commission)
[Memorandum—August 7, 1985]

The Washington State Real Estate Commission, as required by RCW 42.30.075, hereby gives notice that the regularly scheduled meeting on September 26, 1985, will convene at 10:00 a.m. at the Doric Tacoma Motor Hotel, Evergreen/Rainier Room, 242 St. Helens Avenue, Tacoma, Washington. The meeting was originally scheduled to be held at the Sheraton-Tacoma Hotel, South 13th and Broadway Plaza, Tacoma, Washington. The date and the time of the meeting remain the same as in the original notice.

WSR 85-17-031
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
[Order PL 548—Filed August 14, 1985]

Be it resolved by the Washington State Board of Nursing, acting at Seattle, Washington, that it does adopt the annexed rules relating to Scope of practice—Advisory opinions, new section WAC 308-120-800.

This action is taken pursuant to Notice No. WSR 85-07-069 filed with the code reviser on March 20, 1985. 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 18.88.080 which directs that the Washington State Board of Nursing has authority to implement the provisions of chapter 18.88 RCW.

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

Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 9, 1985.

By Joan E. Wilson, RN, MSN
Chairman

NEW SECTION

WAC 308-120-800 SCOPE OF PRACTICE—ADVISORY OPINIONS. (1) The board may issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners and consumers concerning the authority of various categories of nursing practitioners to perform particular acts. Such questions must be presented in writing to the department staff.

(2) Questions may be referred to a committee of the board to be denominated the practice committee. Upon such referral, the committee shall develop a draft response which shall be presented to the full board at a public meeting for ratification, rejection or modification. The committee may, at its discretion, consult with health care practitioners for assistance in developing its draft response.

(3) If the board issues an opinion on a given issue, such opinion shall be provided to the requesting party and shall be included in the board minutes.

(4) Each opinion issued shall include a clear statement to the effect that:

(a) The opinion is advisory and intended for the guidance of the requesting party only; and

(b) The opinion is not legally binding and does not have the force and effect of a duly promulgated regulation or a declaratory ruling by the board.

(5) In no event shall this section be construed to supersede the authority of the board to adopt rules related to the scope of practice nor shall it be construed to restrict the ability of any person to propose a rule or to seek a declaratory judgment from the board.

WSR 85-17-032
EMERGENCY RULES
BOARD OF ACCOUNTANCY
[Order ACB 115—Filed August 14, 1985]

Be it resolved by the Washington State Board of Accountancy, acting at Olympia, Washington, that it does adopt the annexed rules relating to certified public accountants, amending WAC 4-25-140 [4-25-040].

We, the Washington State Board of Accountancy, 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 to conform to budget requirements of the board and to effectuate this change in time to apply to the November 1985 CPA exam.

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

This rule is promulgated pursuant to RCW 18.04.055 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 14, 1985.

By James R. Silva
Assistant Attorney General

AMENDATORY SECTION (Amending Order ACB 104, filed 10/10/83)

WAC 4-25-040 STATE BOARD OF ACCOUNTANCY. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

(1) Fees charged by the board shall be as follows:

- (a) CPA examination applications:
(i) One or two parts ... \$ ((50))
(ii) Three parts ... \$ ((60))
(iii) Five parts ... \$ ((75))
(b) Transfer of grade credits from other jurisdictions, pursuant to section 7(5), chapter 234, Laws of 1983 ... \$ 40
(c) Administration of examination for out-of-state applicants, per part ... \$ 10
(d) Application for certificate by reciprocity from other jurisdictions ... \$ 40
(e) Biennial permit to practice public accounting ... \$ 80
(f) Biennial permit restricted to nonpublic accounting (title-only use) ... \$ 50
(g) Biennial firm registration:
(i) Sole proprietorships ... \$ 50
(ii) Partnerships ... \$ 100
(iii) P.S. Corporations ... \$ 100
(h) Amendments to firm registration, each filing ... \$ 10

- (i) Delinquency fee for permit renewal applications sixty days overdue ... \$ 25
(j) Delinquency fee for firm renewal applications sixty days overdue ... \$ 20
(k) ((Temporary practice permits, per individual who is to practice within this state ... \$ 10))
((m)) Copies of records, per page ... \$ 0.10
((m))
(l) Applications for reinstatement ... \$ 25
((m))
(m) Duplicate CPA certificates ... \$ ((10))
25

(2) Any applicant for a certificate or permit who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
(b) The date of the board's letter advising the applicant of the action of the board complained of; and
(c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

Reviser's note: 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 85-17-033
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2266—Filed August 15, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Payment—Hospital services, amending WAC 388-87-070 and new section WAC 388-87-072.

This action is taken pursuant to Notice No. WSR 85-14-030 filed with the code reviser on June 27, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 14, 1985.

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

AMENDATORY SECTION (Amending Order 2195, filed 1/17/85)

WAC 388-87-070 PAYMENT—HOSPITAL ((CARE)) INPATIENT SERVICES. (1) The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

Recipients must have been approved as financially and medically eligible for hospitalization. They are:

- (a) Categorically needy recipients;
- (b) Limited casualty program recipients;
- (i) Medically needy recipients;
- (ii) Medically indigent recipients;
- (c) Recipients of continuing general assistance.

(2) ~~((For hospital admissions and outpatient services occurring between July 1, 1982, and December 31, 1984, and for services described in subsections (5)(a), (b) and (6) of this section, except for nonallowable revenue codes, reimbursable cost will be determined by the application of the ratio of hospital commission approved operating expense and total rate setting revenue.))~~ Except for excluded services, payment for hospital inpatient services is determined according to a diagnosis related group based pricing system. Payment amounts are based upon historical average costs per discharge, adjusted for case mix and indexed to the payment period. Payment for cases meeting the criteria of cost outlier is at eighty percent of the rates determined according to the method in subsection (4)(a) of this section.

(3) Certain services are excluded from the diagnosis related group based pricing system. These exclusions include:

- (a) Rehabilitation, pain treatment, psychiatric, alcoholism treatment and detoxification, and long term hospital level care services.
- (b) Services provided to patients occupying beds utilized by the Fred Hutchinson Cancer Research Center bone marrow transplant program.
- (c) Services at children's hospitals.

(4) Payment for excluded services is determined as follows:

(a) Reimbursable cost of excluded services in subsection (3) (a) and (b) of this section is determined by multiplying charges in allowable revenue codes by the ratio of hospital commission approved operating expenses to total rate setting revenue.

(b) Payment rates for children's hospitals are determined by computing the ratio of indexed historical hospital commission approved operating expenses to total rate setting revenue. This ratio is multiplied times allowable charges.

(5) For all administrative days, days of hospitalization in which medical necessity is below that appropriate for

acute hospital care, the departments maximum reimbursement level will be the adjusted state-wide average per diem rate for skilled nursing facilities.

~~((3) However, for the period February 15, 1983, through June 30, 1983, reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:~~

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage-Point Reduction in Payment Rate	Percent Reduction Total Rate-Setting Revenue
1	40.33 or less	4.4	0.30
2	40.34 — 45.98	17.9	0.36
3	45.99 — 57.28	18.7	0.42
4	57.29 — 68.59	28.0	0.48
5	68.60 or more	20.1	0.54

~~(4) However, for the period April 1, 1984, through December 31, 1984, and for services described in subsection (5)(a) through (d) of this section reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:~~

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage-Point Reduction in Payment Rate	Percent Reduction Total Rate-Setting Revenue
1	39.39 or less*	2.7	0.274
2	39.40 — 44.48	11.5	0.313
3	44.49 — 48.51	10.2	0.352
4	48.52 — 56.28	17.8	0.391
5	56.29 or more	22.9	0.430

*-Plus Psychiatric Hospitals

~~(5) For inpatient hospital discharges related to admissions occurring on or after January 1, 1985, payment amounts will be determined according to a diagnosis-related group based pricing system. Payment amounts will be based upon historical average costs per discharge adjusted for case mix and indexed to the current period, with the following exceptions:~~

(a) ~~The payment rates for certain rehabilitation, pain treatment, psychiatric, alcoholism treatment and detoxification, and long-term hospital-level care services will be determined in accordance with the methods described in subsections (2) and (4) of this section.~~

(b) ~~The payment rate for services provided to patients occupying beds utilized by the Fred Hutchinson Cancer Research Center bone marrow transplant program will be determined by multiplying the applicable ratio of operating expense to revenue times allowable charges and applying the reduction described in subsection (4) of this section, as appropriate.~~

(c) ~~The payment rate for children's hospitals will be determined by computing the ratio of indexed historical~~

~~cost to total rate setting revenue, not to exceed the hospital commission approved ratio of operating expense to total rate setting revenue. This ratio shall be multiplied times allowable charges. As appropriate, the reduction described in subsection (4) of this section will be applied.~~

~~(d) The payment rates for cases meeting the criteria of cost outlier will be set at eighty percent of the rates determined in accordance with the methods described in subsections (2) and (4) of this section.~~

~~(e) For the period January 1, 1985, through June 30, 1985, reductions in the payment rate will be applied to services which are provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance and are not covered under (a), (b), (c), or (d) of this subsection. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the per-case payment rate will be applied to each group of hospitals as follows:)~~

~~(6) For the period beginning July 1, 1985, payment rates established in accordance with subsections (2), (4) and (5) of this section are reduced for services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of general assistance-unemployable. Hospitals are grouped according to the percentage of total rate setting revenue comprising medical assistance, medicare, bad debt, charity, and other contractual adjustments and rates are reduced according to the following table.~~

Hospital Group	((Percent Revenue from Full-Charge Paying Patients	Percentage Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	39.39 or less	2.7	0.274
2	39.40 - 44.48	11.5	0.313
3	44.49 - 48.51	10.2	0.352
4	48.52 - 56.28	17.8	0.391
5	56.29 or more	22.9	0.430))

Hospital Group	Percent Medicare, Medicaid, Bad Debt, Charity, and other Contractuals of Revenue	Percentage Reduction in Payment Rate
1	62.44 or more*	2.7
2	56.41 - 62.43	12.2
3	52.54 - 56.40	13.7
4	44.39 - 52.53	19.6
5	44.38 or less	24.3

***Plus Psychiatric Hospitals**

~~((6) For outpatient hospital services provided on or after January 1, 1985, payment rates will be determined in accordance with subsection (2) of this section.))~~

~~(7) Payment rates or amounts to hospitals established by this section will be adjusted as necessary to remove the impacts of ownership changes and revaluation of assets, including recapture of depreciation as necessary, in accordance with section 2314 of Public Law 98-369 and related federal regulations, guidelines, instructions, and state plan requirements.~~

NEW SECTION

WAC 388-87-072 PAYMENT—HOSPITAL OUTPATIENT SERVICES. (1) Payment shall be made by the department for medically necessary hospital outpatient services.

(2) For hospital outpatient services provided prior to July 1, 1985, except for nonallowable revenue codes, reimbursable costs will be determined by the application of the ratio of hospital commission approved operating expenses and total rate setting revenue.

(3) For hospital outpatient services provided on or after July 1, 1985, payment shall be determined as follows:

(a) For hospital outpatient laboratory, x-ray, and allowable therapy (physical, speech and hearing) services payment will be the lesser of billed charges or the fee listed in the Division of Medical Assistance Schedule of Maximum Allowances.

(b) For all other hospital outpatient services, except for nonallowable revenue codes, reimbursable costs will be determined by the application of the ratio of hospital commission approved operating expenses and total rate setting revenue.

**WSR 85-17-034
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2267—Filed August 15, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medically indigent program, amending chapter 388-100 WAC.

This action is taken pursuant to Notice No. WSR 85-14-029 filed with the code reviser on June 27, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 14, 1985.

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

NEW SECTION

WAC 388-100-001 EFFECTIVE DATES. Regulations contained in chapter 388-100 WAC, WAC 388-100-005 through 388-100-035, shall be limited to:

(1) Individuals whose applications for medical care are received by the department during the period beginning June 1, 1981, and ending April 30, 1985 and who have met the certification requirements of WAC 388-100-025(1) on or before April 30, 1985. Applications or reapplications, for medical care under this chapter, received on or after May 1, 1985, and prior to July 11, 1985, shall be denied, except as specified in subsection (2) of this section.

(2) Individuals whose applications are received on or after July 11, 1985. For the purpose of this subsection applications delivered to the department prior to July 11, 1985, for medical care received on or after July 1, 1985, shall be considered to have been received on July 11, 1985.

AMENDATORY SECTION (Amending Order 1972, filed 6/16/83)

WAC 388-100-025 CERTIFICATION. (1) An applicant shall be certified from the date spenddown and deductible requirements are met through the duration of treatment for the acute and emergent medical condition not to exceed the three calendar month period which begins with the month of application.

(2) An applicant who has been medically determined to be pregnant may apply and be certified for separate three-month periods through the duration of the pregnancy. The three-month limitation in subsection (1) of this section may be extended up to six weeks after delivery to cover the post partum care, which includes routine care for the newborn. Beyond this period of time eligibility for the mother or the newborn shall be determined separately.

(3) All medically indigent applicants shall be individually notified in writing of the disposition of their application.

(4) Any change in circumstances shall be promptly reported to the local community services office.

(5) Certification may be up to seven working days prior to the date of receipt of a written request for assistance. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause. Except that for applications received on or after July 11, 1985, certification cannot be made for any days during the period prior to July 1, 1985.

WSR 85-17-035
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2268—Filed August 15, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-99-060 Scope of care for medically needy.
Amd WAC 388-100-035 Scope of care for medically indigent.

This action is taken pursuant to Notice No. WSR 85-14-028 filed with the code reviser on June 27, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 14, 1985.

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

AMENDATORY SECTION (Amending Order 1937, filed 1/12/83)

WAC 388-99-060 SCOPE OF CARE FOR MEDICALLY NEEDY. (1) The medical coverage under the limited casualty-medically needy program will include early and periodic screening, diagnosis and treatment (EPSDT) services; family planning clinic services; inpatient hospital services; outpatient hospital and rural health clinic services; physical medicine and rehabilitation services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses; skilled nursing facility services; intermediate care facility services; intermediate care facility services for the mentally retarded; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) For other conditions and limitations under which these services may be provided, refer to appropriate service in chapter 388-86 WAC.

(3) A request for an exception to policy shall not be approved without review by the division of medical assistance.

AMENDATORY SECTION (Amending Order 2062, filed 1/4/84)

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The medical coverage under the limited casualty program-medically indigent shall be available to an eligible individual for treatment of acute and emergent conditions only. Services available are limited to the following: Inpatient hospital services; outpatient hospital and rural health clinic services; physical medicine and rehabilitation services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses, SNF, ICF, ICF/MR; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) Payment by the department will not be made until expenses are incurred by the recipient equal to the deductible amount.

(3) All services require the approval of the medical consultant.

(4) The deductible in WAC 388-100-030 does not apply for treatment under the Involuntary Treatment Act (ITA). When any other medical need is identified for recipients undergoing treatment under the Involuntary Treatment Act the requirements for the deductible shall apply to the services other than ITA.

(5) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis may be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent

upon the criteria for acute and emergent having also been met.

(6) For other conditions and limitations under which these services may be provided refer to appropriate service in chapter 388-86 WAC.

(7) No out-of-state care is provided except in the designated bordering cities.

WSR 85-17-036
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2269—Filed August 15, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to persons eligible for medically needy assistance, amending WAC 388-99-010.

This action is taken pursuant to Notice No. WSR 85-14-026 filed with the code reviser on June 26, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 14, 1985.

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

AMENDATORY SECTION (Amending Order 2218, filed 3/20/85)

WAC 388-99-010 PERSONS ELIGIBLE FOR MEDICALLY NEEDY ASSISTANCE. Medically needy refers to a resident of the state of Washington whose income and/or resources are above the limits prescribed for the categorically needy and who meets the resource limits of the SSI program and is:

(1) Related to aid to families with dependent children (AFDC). See chapter 388-83 WAC.

(2) Related to supplemental security income (SSI). See chapter 388-92 WAC.

(3) Related to state supplementary payment program (SSP).

(4) Under age twenty-one and in:

(a) Foster care, or

(b) Subsidized adoption, or

(c) Skilled nursing facility, intermediate care facility, intermediate care facility/mentally retarded,

(d) An approved inpatient psychiatric facility.

(5) Aged, blind, or disabled and residing in a medical facility with income above the three hundred percent of the SSI benefit cap.

(6) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse if:

(a) The ineligible spouse is related to the SSI program due to being aged, blind, or disabled; and

(b) The ineligible spouse is not receiving an SSI payment in his/her own right; and

(c) The income of the couple, including SSI payment, are considered.

(7) A child under five years of age, born after September 30, 1983.

(8) A pregnant woman who does not meet the aid to families with dependent children deprivation and income requirements. For this subsection the period of eligibility includes the six weeks following delivery to cover the post partum care.

WSR 85-17-037
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2272—Filed August 15, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to physical medicine and rehabilitation evaluation and treatment, amending WAC 388-86-112.

This action is taken pursuant to Notice No. WSR 85-14-012 filed with the code reviser on June 24, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 14, 1985.

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

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-112 PHYSICAL MEDICINE AND REHABILITATION EVALUATION AND ~~((REVIEW))~~ TREATMENT. (1) ~~((The department may authorize))~~ Physical medicine and rehabilitation inpatient evaluation and ~~((review))~~ individualized treatment may be authorized for a period not exceeding ~~((one))~~ four weeks at a time when ~~((at))~~ the following conditions are met:

(a) The person suffers from severe disabilities including but not limited to motor ~~((disabilities following accident or illness such as stroke;))~~ and/or cognitive deficits.

(b) ~~((The person has been rejected by the department's division of vocational rehabilitation for such medical service on the basis that there is little or no potential for gainful employment;~~

~~((c)) Physical medicine and rehabilitation treatment would potentially enable the person to ((move from the hospital to a nursing home or from a nursing home to adult family home or from an adult family home into his own assisted and/or independent living situation, or afford the bedridden person cared for in his own home)) obtain a greater degree of self-care and/or independence((;)).~~

~~((d) No other financial resources are available;~~

~~((c)) (c) Prior approval of the ((state)) office of the medical ((assistance)) director is obtained.~~

(2) Extensions of the ~~((evaluation and review for a period up to ninety days))~~ treatment intervals may be authorized by the office of the medical ((assistance)) director if ~~((requested and justified by))~~ adequate justification is received from the physical medicine and rehabilitation facility.

~~((3) These services are not provided under the limited casualty program.))~~

WSR 85-17-038

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 2273—Filed August 15, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of charges, amending WAC 275-16-030.

This action is taken pursuant to Notice No. WSR 85-14-011 filed with the code reviser on June 24, 1985. 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 71.02.412 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 71.02.410.

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

APPROVED AND ADOPTED August 14, 1985.

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

AMENDATORY SECTION (Amending Order 2131, filed 8/3/84)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
((Per diem))			
Hospital Costs Per Day	(((\$112.99 \$166.68 \$131.81))		
	\$113.24	\$179.32	\$144.78
Physician Costs	((4.42 8.51 5.98		
Total	117.41	175.19	137.79)
	*	8.64	*
*Physician costs will be billed on a fee for service basis			
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient	—	—	—
Day Care Per Day	—	((43.80))	—
		67.78	
		11.30	
	==		==
(c) ANCILLARY SERVICES -			
Per relative value unit /¹			
Radiology	7.47	7.47	((6.33))
			4.83
Pathology	.55	.55	((.46))
			.38
Medical Clinics	1.94	1.94	1.00
Electroencephalogram	—	—	1.00
Electrocardiogram	—	—	((.38))
			.41
Inhalation Therapy	—	—	—
Physical Therapy	2.02	2.02	((1.70))
			1.18
Occupational Therapy	—	—	((8.86))
			27.82
Speech Therapy	—	—	((9.25))
			10.43
Dental	—	—	((51.44))
			41.24
Podiatry	1.18	1.18	((1.00))
			1.22
Optometry	—	—	1.00

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

¹/California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 85-17-039

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health)

[Order 2271—Filed August 15, 1985]

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 homes, amending chapter 248-14 WAC.

This action is taken pursuant to Notice No. WSR 85-14-017 filed with the code reviser on June 25, 1985. 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 74.42.620 and 18.51.070 which directs that the Department of Social and Health Services has authority to implement the provisions of chapters 74.42 and 18.51 RCW.

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

APPROVED AND ADOPTED August 14, 1985.

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

AMENDATORY SECTION (Amending Order 1921, filed 12/6/82)

WAC 248-14-001 DEFINITIONS. (1) All adjectives and adverbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" - An employee responsible for the development, implementation, and maintenance of a program for residents intended to provide activities to meet the residents' needs and interests.

(3) "Alterations" - Physical, mechanical, or electrical changes made to existing facilities except for painting or repair.

(4) "Ambulatory person" - A person, who, unaided by another person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(5) "Attending physician" - The doctor responsible for a particular person's total medical care.

(6) "Authorized practitioner" - A certified registered nurse under chapter 18.88 RCW when authorized by the board of nursing, an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, or a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(7) "Bathing facility" - A bathtub or shower.

(8) "Berm" - A bank of earth piled against a wall.

(9) "Citation" - The finding written by a surveyor on an official state and/or federal statement of deficiencies form following a full survey, post survey, or complaint investigation.

(10) "Contact with animals" - Close proximity to animals to allow for close observation, interaction, handling, or petting achieved by either animals being brought into the nursing home on a regular basis or animals being allowed to live on the nursing home premises.

(11) "Department" - The state department of social and health services.

~~((+))~~ (12) "Dialysis" - The process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(a) "Acute dialysis" - Hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for

a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Hemodialysis" - Dialysis of the blood by means of an "artificial kidney" through which blood is circulated on one side of a semipermeable membrane while the other side is bathed by a salt solution. The accumulated toxic products diffuse out of the blood into the salt solution.

(c) "Maintenance dialysis" - Recurrent hemodialysis or peritoneal dialysis in the long-term treatment of a person with chronic, irreversible renal failure of such severity that other medical management will not support life.

(d) "Peritoneal dialysis" - Dialysis of the blood by inserting a tube into a person's abdomen and instilling a sterile salt solution into the peritoneal cavity. Accumulated toxic products diffuse out of the blood through the semipermeable membrane of the peritoneum into the salt solution. After a period of time for diffusion, the solution is allowed to drain from the peritoneal cavity.

(e) "Self-dialysis" - Carrying out dialysis on oneself, assuming primary responsibility for the dialysis procedure whether or not one has assistance.

(f) "Self-dialysis training" - A program of patient education where a patient is taught how to perform self-dialysis safely and effectively and to care for dialysis equipment and supplies.

~~((+2))~~ (13) "Dialysis room" - A room where a patient undergoes dialysis.

~~((+3))~~ (14) "Dietetic service supervisor" - A person who:

(a) Is a dietitian; or

(b) Has completed or is enrolled with a set date of completion in a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American dietetic association; or

(c) Has completed or is enrolled with a set date of completion in a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution.

~~((+4))~~ (15) "Dietitian" - A person who is eligible for registration by the commission on dietetic registration of the American dietetic association based on the 1982 criteria for registration. A person ~~((who does))~~ not ~~((meet))~~ meeting this definition but ~~((was))~~ employed in that capacity by a nursing home or homes on or before the effective date of this regulation will be deemed to meet the requirement of WAC 248-14-230(5). This grandfather clause is only effective so long as the:

(a) Person continues employment with the same nursing home or homes; and

(b) Nursing home has no serious deficiencies in dietary services.

~~((+5))~~ (16) "Drug":

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or any supplement to any of the listed publications.

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man.

(c) "Drug administration" – The direct application of a drug by injection, inhalation, ingestion, or any other means to the body of a resident.

(d) "Drug dispensing" – An act entailing the interpretation of an order for a drug or biological and, pursuant to the order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a residential care unit.

(e) "Legend drug" – A drug bearing the legend, "caution, federal law prohibits dispensing without a prescription."

~~((+6))~~ (17) "Drug facility" – A room or area designed and equipped for drug storage and the preparation of drugs for administration.

~~((+7))~~ (18) "Facilities" – A room or area and/or equipment to serve one or more specific functions.

~~((+8))~~ (19) "Grade" – The level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((+9))~~ (20) "Immediate supervision" – On-site supervision of one or more persons.

~~((+0))~~ (21) "Kidney center" – A health care facility designed, equipped, staffed, organized, and administered to provide the following services:

(a) Medical, social, and psychological evaluation, and selection of persons eligible for maintenance dialysis or kidney transplantation by a formal review body.

(b) Dialysis.

(c) Kidney transplantation for patients with chronic renal failure, either directly or by appropriate referral where this form of therapy is medically indicated.

(d) Training program for physicians, nurses, technicians, and members of other disciplines involved in the care and treatment of persons with chronic renal failure receiving dialysis.

(e) Self-dialysis training program for patients.

(f) Evaluation of situations or facilities and assistance in planning necessary alterations and installations to ensure safe and adequate facilities for maintenance dialysis.

(g) An organized system where patients undergoing dialysis at home or in a nursing home or other satellite facility procure the supplies and equipment necessary to safe and efficient administration of dialysis.

(h) Continued medical management and surveillance of care of patients receiving maintenance dialysis at home or in a nursing home or other satellite facility by means of outpatient clinic services and a continuing program of review, consultation, and training.

(i) An in-hospital dialysis program providing the full gamut of services for diagnosis and treatment of persons with chronic renal disease. The in-hospital services may be provided by means of an association or affiliation with an in-hospital dialysis program.

~~((+1))~~ (22) "Lavatory" – A handwashing sink.

~~((+2))~~ (23) "Licensed nurse" – Either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" – A person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" – A person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

~~((+3))~~ (24) "New construction" shall include any of the following, when the preliminary plans have not been reviewed and accepted at the time of adoption of these regulations:

(a) New buildings to be used as a nursing home;

(b) Additions to buildings used as a nursing home;

(c) Conversions of existing buildings including previously licensed nursing homes; and

(d) Alterations.

~~((+4))~~ (25) "Nursing care" – Services designed to maintain or promote achievement of optimal independent function and health status planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care.

~~((+5))~~ (26) "Nursing home" – Any home, place, or institution operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more residents not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable to properly care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nothing in this definition shall be construed to include facilities precluded by RCW 18.51.010 and 18.51.170.

~~((+6))~~ (27) "Nursing services" – An organized department under the direction of a registered nurse, the members of which provide nursing care.

~~((+7))~~ (28) "Outpatient service" – Any service provided to a nonresident of the nursing home.

~~((+8))~~ (29) "Patient" – A person receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance, or palliative health-related services under professional direction.

(a) "Inpatient" – A resident receiving services with board and room in a nursing home on a continuous twenty-four-hour-a-day basis.

(b) "Outpatient" – A nonresident of the nursing home receiving services at a nursing home not providing him or her these services with room and board on a continuous twenty-four-hour-a-day basis.

(c) "Residents requiring skilled nursing care" – Residents whose conditions, needs, and/or services are of such complexity and sophistication so as to require the frequent or continuous observation and intervention of a registered nurse, and the supervision of a licensed physician. These residents require ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive plan of

care involving interdisciplinary planning input and coordination. Resident needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for residents whose condition is unstable and/or complex.

(d) "Residents requiring intermediate nursing care" – Residents whose physiological and psychological functioning is stable, but require individually planned treatment and services under the daily direction of a registered nurse or a licensed nurse with registered nurse consultation as provided by exemption and the supervision of a licensed physician. The program is directed toward maintenance of maximum independence and return to the community whenever possible. The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

(e) "Residents requiring care for mental retardation or related conditions" – Residents found eligible by the division of developmental disabilities and requiring health care services in accord with subsection ~~((28)(c))~~ (29)(c) or (d) of this section, and are in need of a comprehensive habilitative and/or developmental program incorporated into a twenty-four hour overall program plan.

~~((29))~~ (30) "Peninsular (or island) bathtub" – A bathtub having sufficient clearances around both sides and one end to accommodate residents, equipment, and attendants.

~~((30))~~ (31) "Pharmacist" – A person duly licensed by the Washington state board of pharmacy under the provisions of chapter 18.64 RCW.

~~((31))~~ (32) "Pharmacy" – A place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW.

~~((32))~~ (33) "Physician's assistant" – A person acting as an extender for a designated physician and under a plan of utilization approved by the board of medical examiners or the board of osteopathic medicine and surgery and is registered under the provisions of the law regulating the practice of physician's assistant in the state of Washington, chapters ~~((18.71A or))~~ 18.57A or 18.71A RCW.

~~((33))~~ (34) "Practitioner" – A physician under chapter 18.71 RCW; an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW; a dentist under chapter 18.32 RCW; a podiatrist under chapter 18.22 RCW; a certified registered nurse under chapter 18.88 RCW as authorized by the board of nursing; an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners; a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; or a pharmacist under chapter 18.64 RCW.

~~((34))~~ (35) "Resident" – Means an inpatient.

~~((35))~~ (36) "Residential care unit" – A separate, physical, and functional unit including resident rooms, toilets, bathing facilities, and basic service facilities as identified in WAC 248-14-120 (2)(a).

~~((36))~~ (37) "Respiratory isolation" – A procedure for the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

(38) "Respite care" – Services provided to an inpatient admitted to a nursing home for a period not to exceed fourteen consecutive days, for the purposes of providing temporary relief for families or others providing care for disabled persons.

~~((37))~~ (39) "Responsible party" – A legally responsible person to whom the rights of a client have legally devolved.

~~((38))~~ (40) "Supervision" – The process of overseeing performance while having the responsibility and authority to guide or direct and critically evaluate.

~~((39))~~ (41) "Toilet fixture" – A bowl-shaped plumbing fixture fitted with a seat and a device for flushing the bowl with water.

~~((40))~~ (42) "Toilet room" – A room containing at least one toilet fixture.

~~((41))~~ (43) "Unit-dose" – The ordered amount of a drug in a dosage form ready for administration to a particular person.

~~((42))~~ (44) "Unit-dose drug distribution system" – A system of drug dispensing and control characterized by the dispensing of the majority of drugs in unit doses and for most drugs, not more than a forty-eight hour supply of doses is available at the residential care unit at any time.

~~((43))~~ (45) "Usable floor space" – Excludes areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-140 VENTILATION. (1) General ventilation. Ventilation of all rooms shall be designed to prevent objectionable odors, excessive condensation, and to avoid direct drafts on the residents.

(2) Natural ventilation. When window ventilation is used for resident rooms, the operable opening shall be a minimum of one-twentieth of the required floor area.

(3) Mechanical ventilation. All rooms not ventilated by windows and all inside habitable space shall be mechanically ventilated.

(a) All air-supply and air-exhaust systems shall be mechanically operated.

(b) Installation of air-handling duct systems shall meet the requirements adopted by the state fire marshal.

(c) Corridors shall not be used to supply air to or exhaust air from any room, except that infiltration air from corridors may be used to ventilate bathrooms, toilet rooms, janitors' closets, and small electrical or telephone closets opening directly on corridors.

(d) Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three inches above the floor.

(e) Outdoor air intakes shall be located as far as practical but a minimum of twenty-five feet from the exhausts from any ventilating system, combustion equipment, or plumbing vent or areas which may collect vehicular exhaust and other noxious fumes. The bottom of

outdoor air intakes serving central systems shall be located as high as practical but a minimum of three feet above grade level, or if installed through the roof, three feet above the roof level.

(4) Minimum ventilation requirements.

(a) The ventilation rates shown in Table A are minimum acceptable balanced rates.

TABLE A PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN AREA
Activities of daily living	E or P	2	4	Optional	Optional
Bathroom	N	Optional	10	Yes	No
Clean linen storage	P	Optional	2	Optional	Optional
Clean workroom and clean holding	P	2	4	Optional	Optional
Dietary day storage	E or P	Optional	2	Optional	No
Food preparation center	E	2	8 (10)	Yes	No
Isolation anteroom	NN	2	10	Yes	No
Isolation resident room	NN	2	2	Yes	No
Janitors' closet	N	Optional	10	Yes	No
Laundry, general	V	2	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Medicine preparation room	P	2	4	Optional	Optional
Occupational therapy	N	2	6	Optional	Optional
Personal care room	N	2	8	Optional	Yes
Physical therapy and hydrotherapy	N	2	6	Optional	Optional
Resident area corridor	N	2	2	Optional	Optional
Resident room	E or P	2	2	Optional	Optional
Soiled linen sorting and storage	N	Optional	10	Yes	No
Soiled workroom and soiled holding	N	2	10	Yes	No
Speech and hearing unit	E or P	2	2	Optional	Optional
Sterilizer equipment room	N	Optional	10	Yes	No
TB isolation resident room	NN	2	12 ³	Yes	No
TB isolation room anteroom	NN	2	12 ³	Yes	No
Toilet room and locker rooms	N	Optional	10	Yes	No
Treatment room	E or P	2	6	Optional	Optional
Warewashing room	N	Optional	8 (10)	Yes	No

P=Positive N=Negative E=Equal V=May Vary ()=Recommended NN=Very Negative

¹Requirements for outdoor air changes may be deleted or reduced and total air changes per hour supplied may be reduced to ((25%)) twenty-five percent of the figures listed when the affected room is unoccupied and unused provided ((that)) indicated pressure relationship is maintained. In addition, positive provisions such as an interconnect with room lights must be included to ((insure that)) ensure the listed ventilation rates including outdoor air are automatically resumed upon re-occupancy of the space. This exception does not apply to certain areas such as toilets and storage which would be considered as "in use" even though "unoccupied."

General note: The outdoor air quantities for central systems employing recirculating and serving more than a single area designation may be determined by summing the individual area quantity requirements rather than by providing the maximum listed ratio of outdoor air to total air. Maximum noise level caused by toilet room exhaust shall be ((50)) fifty decibels on the A sound level as per ASHRAE Table 7.

²Temporary imbalance at resident rooms as caused by intermittent toilet room or bathroom exhaust is permissible.

³A minimum of six air changes may be permitted with a properly installed and maintained ultraviolet generator irradiation system. Fixture installation shall conform to the recommendation of the Illuminating Engineering Society Handbook, 5th Edition, Section 25, "Ultraviolet Energy."

(b) Exhaust hoods in food preparation centers and dishwashing areas shall have an exhaust rate not less than ((50-cfm)) fifty cubic feet per minute per square feet of face area. Face area is defined as the open area from the exposed perimeter of the hood to the average perimeter of the cooking surfaces.

(i) All hoods over commercial type cooking ranges shall be equipped with fire extinguishing systems and heat actuated fan controls.

(ii) Cleanout openings shall be provided every twenty feet in horizontal exhaust duct systems serving hoods.

(iii) Installation of equipment for removal of smoke and grease-laden vapors from cooking equipment shall meet standards as adopted by the state fire marshal.

(iv) Kitchen ventilation shall be adequate to provide comfortable working temperatures.

(c) Boiler rooms, elevator equipment rooms, laundry rooms, and any heat-producing spaces shall be provided with sufficient outdoor air to maintain combustion rates of equipment and to limit temperatures at the ceiling to ninety-seven degrees Fahrenheit.

(d) Individual toilet rooms and bathrooms may be ventilated either by individual mechanical exhaust systems or by a central mechanical exhaust system.

(5) Individual exhaust systems.

(a) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans shall be interconnected with room lighting to ((insure)) ensure ventilation while room is occupied. The ventilation fan shall be provided with a time delay shut-off to ensure that the exhaust continues

for a minimum of five minutes after the light switch is turned off.

(b) Air discharge openings through roofs or exterior walls shall be protected against entry of weather elements and foreign objects. Automatic louvers or backdraft dampers shall be provided.

(c) The volume of air removed from the space by exhaust ventilation shall be replaced directly or indirectly by an equal amount of tempered/conditioned air.

(6) Central exhaust systems.

(a) All fans serving central exhaust systems shall be located to prevent a positive pressure in the duct (~~(which passes)~~) passing through an occupied area.

(b) Fire and smoke dampers shall be located and installed in accord with standards adopted by the state fire marshal.

(7) Air filters.

(a) All central ventilation or air-conditioning systems shall be equipped with filters having efficiencies of at least eighty percent if the system supplies air to resident rooms, therapy areas, food preparation, or laundry areas. Filter efficiency shall be warranted by the manufacturer and shall be based on atmospheric dust spot efficiency per ASHRAE standard 52-76. The filter bed shall be located upstream of the air-conditioning equipment, unless a prefilter is employed. In this case, the prefilter shall be upstream of the equipment and the main filter bed may be located downstream.

(b) Filter frames shall be durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work shall be gasketed or sealed.

(c) All central air systems shall have a manometer installed across each filter bed.

(8) Humidifiers. If provided, humidifiers shall be a steam type.

AMENDATORY SECTION (Amending Order 1872, filed 9/1/82)

WAC 248-14-230 FOOD AND FOOD SERVICE.

(1) All food service facilities and practices shall be in compliance with chapter 248-84 WAC, rules and regulations of the state board of health governing food services sanitation.

(2) Food served shall be consistent with the physiological and sociocultural needs of residents. Menus shall be planned considering likes and dislikes, (~~(are)~~) well-balanced, palatable, properly prepared, and (~~(are)~~) sufficient in quality and quantity to meet the dietary allowances of the food and nutrition board of the national research council.

(a) Food shall be prepared by methods conserving nutritive value, consistency, appearance, and palatability. The food shall be served in such a manner to be attractive and at temperatures safe and acceptable to residents.

(b) Diets shall be provided as ordered by the physician; except, diet modifications may be used as an interim measure when ordered by a registered nurse. Supplementary fluids and nourishments shall be provided as needed.

(c) Tube feedings must be of uniform consistency and quality. Facility prepared tube feedings must be made from a written recipe. The tube feedings must be prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

(d) A minimum of three meals in each twenty-four-hour period shall be provided. The time interval between the evening meal and breakfast shall not be more than fourteen hours. The time interval between meals shall not be less than four hours. Nourishments or snacks shall be served as required to meet the recommended dietary allowances or the physician's prescription. Evening nourishments shall be offered when not medically contraindicated.

(e) Table service, outside of the resident's room, shall be available to all residents capable of eating at a table. Table service shall be provided in a manner to best serve the social and nutritive needs of the residents.

(3) Dated menus for general and modified diets shall be planned at least three weeks in advance. Menus shall provide a variety of foods at each meal with daily and weekly variation and adjustment for seasonal change. The current dated general menu, including substitutions, must be posted in the food service area and in a place easily visible to residents and visitors. Dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes shall be retained for at least three months for review by the department.

(4) There shall be a dietetic service supervisor having overall responsibility for the dietary service.

(5) When the dietetic service supervisor is not a dietitian, services of a dietitian shall be provided. Services include nutrition assessment, liaison with medical and nursing staff and administrator, inservice, guidance to the dietetic service supervisor and dietetic staff, and approval of regular and therapeutic menus.

AMENDATORY SECTION (Amending Order 1872, filed 9/1/82)

WAC 248-14-260 NURSING SERVICES.

(1) There shall be organized nursing services with adequate administrative space and a sufficient number of qualified nursing personnel to meet the total nursing needs of all residents.

(a) Nursing services shall be under the direction of a full-time registered nurse.

(b) When any resident requires skilled nursing care, there shall be a registered nurse on duty a minimum of sixteen continuous hours per day and a licensed nurse on duty the remaining eight hours.

(c) When all residents in the facility require intermediate nursing care or care for mental retardation or related conditions, there shall be at least one licensed nurse on duty eight hours every day and additional licensed staff on any shifts if indicated.

(d) Sufficient trained support staff shall be available and assigned only to duties consistent with their education, experience, and the current standards of nursing practice.

(2) Nursing input into the health record shall include:

- (a) History and continuing assessments.
- (b) Current comprehensive written care plans reviewed as needed.
- (c) Nursing orders.
- (d) Ongoing documentation of delivery of appropriate services.
- (e) Progress notes evaluating problems, approaches, goals, and resident responses.

(3) No form of restraint may be applied or utilized for the primary purpose of preventing or limiting independent mobility or activity, see chapter 11.92 RCW, except that a restraint may be used in a bona fide emergency situation when necessary to prevent an individual from inflicting injury upon self or others. A physician's order for proper treatment (~~((which would resolve))~~) resolving the emergency situation and (~~((eliminate))~~) eliminating the cause for the restraint must be obtained as soon as possible. If the problem cannot be resolved in seventy-two hours, timely transfer to a certified evaluation and treatment facility must be initiated.

(a) In other situations, protective restraints or support may be necessary for individuals with acute or chronic physical impairments. The intervention must be related to a specific problem identified in the care plan. The plan shall be designed to diminish or eliminate the use of restraints as appropriate.

(b) Any resident physically restricted shall be released at intervals not to exceed two hours to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

(c) A restraint may be used as a time-out device within the context of a planned behavior modification program only in a certified IMR:

- (i) When the program is approved by the human rights committee,
 - (ii) During conditioning sessions,
 - (iii) In the presence of a qualified trainer, and
 - (iv) For periods of less than one hour.
- (4) Resident call lights shall be responded to promptly.

AMENDATORY SECTION (Amending Order 1872, filed 9/1/82)

WAC 248-14-264 SPECIALIZED REHABILITATIVE AND HABILITATIVE SERVICES. (1) Specialized rehabilitative and habilitative services are provided or arranged for with qualified (~~((outside))~~) resources for each resident (~~((with a comprehensive plan of care))~~) requiring (~~((the provision of these))~~) such services. Direct therapy shall be provided only upon written orders of the attending physician and coordinated with the total plan of care.

(2) The specialized personnel shall be qualified therapists, qualified therapists' assistants, or mental health professionals. Other support personnel under appropriate supervision may perform related duties.

(3) These services shall be designed to maintain and improve the resident's ability to function independently, prevent, as much as possible, advancement of progressive disabilities(;) and restore maximum function.

NEW SECTION

WAC 248-14-297 RESPITE CARE. (1) The provisions of this section apply to all respite care as defined in this chapter, except care provided as part of the respite care demonstration project authorized by chapter 158, Laws of 1984, or any continuation of that demonstration project authorized by subsequent legislation, shall not be considered respite care for the purposes of this section.

(2) Any nursing home desiring to offer respite care services shall notify the director of the bureau of nursing home affairs in writing of the nursing home's intention. The facility will be reviewed for compliance with requirements of this section.

(3) In providing respite care, nursing homes shall comply with all provisions of this chapter except for the following sections: WAC 248-14-247(5); WAC 248-14-250 (3), (4)(a), and (5); and WAC 248-14-270 (2)(c), (3), and (5)(a).

(4) Any nursing home providing respite care shall develop policies and procedures consistent with applicable statutes and applicable provisions of this chapter.

(5) Respite care admissions shall be planned and non-emergent, with a discharge date agreed upon at the time of admission by the patient, physician, and usual care provider.

(6) A nursing home may not accept or retain any patient for respite care receiving professional health services unless arrangements are made and agreed upon by all parties for continuing the required services during the respite care stay. The determination of which services are required during respite care shall be made by the provider of the health services and the patient or usual care provider.

(7) Prior to each admission of a patient for respite care, the nursing home shall have obtained sufficient information to determine the patient's needs during respite care and determined the needs can be met appropriately by the nursing home.

Prior to or at the time a patient is admitted to respite care, current pertinent medical and social data about the patient shall be available in the nursing home. Data available upon admission shall be documented in the health record and shall include:

- (a) Identifying data;
- (b) The name, office address, and telephone number of the patient's attending physician and an alternate physician;

(c) A physician's signed statement of the patient's current health status to include pertinent medical diagnoses, allergies, information on prior treatments, medications, orders, and other data necessary for the health care of the patient; and

(d) The date of discharge and into whose care the patient will be discharged.

(8) Prior to or at the time of each admission to respite care, current medical orders for the respite care patient shall be obtained. Medical orders shall be written, dated, and signed by the patient's attending physician and shall be required for the following:

(a) All medications, dietary modifications, or other specialized services requiring a physician's order;

(b) Any medical restrictions on the level or types of activity in which the patient may engage; or

(c) Any special procedures or precautions required for the safety and well-being of the patient.

(9) Care shall be based on:

(a) Admission data and information regarding other services the patient is receiving in his or her home or elsewhere in the community;

(b) A current nursing assessment of the patient's respite care needs;

(c) The patient's medical diagnoses and nursing diagnoses or patient's problems;

(d) The medical regimen prescribed by the patient's attending physician; and

(e) The nursing regimen prescribed by a licensed nurse.

(10) There shall be prompt reporting to a patient's physician regarding any significant injury, illness, or adverse change in patient's health condition.

(11) On or before each admission, the nursing home shall make provisions with the patient or guardian or family for obtaining authorization for emergency medical treatment for the respite care patient, in the event emergency medical treatment is required.

(12) Respite care health records may be reopened for up to one year following discharge for subsequent respite care admissions, provided the recorded information is reviewed and updated with each admission. A new respite care health record shall be created for respite care patients not having been respite care patients in the same facility within the preceding twelve months.

(13) Provisions shall be made for securing respite care patients' cash and other valuables brought to the nursing home during the respite care stay.

(14) Respite care shall not be funded by Medicaid.

NEW SECTION

WAC 248-14-570 PETS. (1) Each patient shall have a reasonable opportunity to have regular contact with animals as they desire.

(2) The nursing home administrator shall consider the recommendations and preferences of nursing home patients, resident councils, and staff, and shall:

(a) Determine the method or methods of providing residents access to animals.

(b) Determine the type and number of animals to be available in the nursing home. Such animals may include, but are not limited to, dog, cat, fish, mouse, gerbil, hamster, guinea pig, chinchilla, and bird, providing a veterinarian shall verify psittacine birds have met USDA quarantine procedures and are certified free of psittacosis or other diseases transmittable to humans. Wild or exotic animals such as turtles, primates, skunks, and raccoons are not allowed.

(c) Ensure the rights, preferences, and medical needs of individual patients are not compromised by the presence of animals. Arrangements shall be made so patients with allergies, fears, or phobias do not come near or in contact with those animals.

(d) Ensure any animals visiting or living on the premises have a suitable temperament, are healthy, and of such a size their presence poses no significant health or safety risks to patients, staff, or visitors.

(e) Ensure the available space and floor plan of the facility are adequate to accommodate the presence of selected animals.

(f) Establish and implement written policies and procedures for animals visiting the facility and for the care and maintenance of animals living in the facility.

(g) Designate specific nonnursing staff to be responsible for the care, maintenance, and use of animals living in the facility.

(3) Animals, except for fish in aquariums, shall not be permitted in:

(a) Any areas where food is stored or prepared.

(b) Any areas during times food is being served and consumed in group settings, except seeing eye, hearing ear, and assistance dogs are permitted in dining areas as needed.

(c) Any area where dishes or cooking/eating utensils are cleaned or stored.

(d) Any area where linens are laundered or stored.

(e) Any drug or sterile supply storage areas.

(f) A patient's room when the patient's condition contraindicates the presence of the animal.

(4) Animals living on the premises:

(a) Shall be housebroken or trained to use a litter box or housed in cages or tanks cleaned at regular intervals appropriate for the animal's characteristics.

(b) Shall have regularly scheduled examinations and immunizations by a veterinarian, as appropriate for the species. A record of examination and immunizations shall be maintained on the premises.

(c) Shall be kept clean and free of external parasites such as fleas and ticks.

(d) Shall be properly fed and groomed.

(e) Shall be protected from mistreatment.

(5) Animals brought to the nursing home to visit:

(a) Shall be properly supervised.

(b) Shall be clean and free of external parasites such as fleas and ticks.

(c) Shall have current and appropriate immunizations.

WSR 85-17-040

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-99—Filed August 15, 1985]

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 Areas 4B, 5, 6C

provide protection for Puget Sound and Canadian stocks while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7, 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in Areas 6B and 9 protect Nisqually and Hood Canal pink stocks. Restrictions in Area 10 protect chinook returning to Suquamish Hatchery. Restrictions in Area 10C and the Cedar River protect Lake Washington sockeye and chinook. Restrictions in Areas 10D and 10G protect Lake Washington sockeye while allowing harvest of chinook. Restrictions in Areas 12 and 12B protect natural Hood Canal pink stocks while allowing harvest of Hood Canal chinook. Restrictions in Area 13A, Nooksack, Quilcene, and White rivers and Minter Creek protect Puget Sound spring chinook. Restrictions in the Skagit River protect spawning salmon stocks. Restrictions in Area 7C and the Samish River provide protection for chinook returning to Samish Hatchery. Restrictions in Area 6D, Elwha and Dungeness rivers protect local summer/fall chinook and pink salmon stocks. Restrictions in Area 8A and the Stillaguamish River protect local summer/fall chinook. Restrictions in Area 12C protect chinook returning to Hoodsport and Enetai hatcheries. Restrictions in Area 13 provide protection for Nisqually pinks.

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 August 15, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-28-510 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS. *Effective immediately, 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:*

Areas 4B, 5, 6C – Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Areas 6B, 9 – Effective through September 14, gill net gear restricted to 7-inch minimum mesh, and other gear must release pink salmon when open.

Area 6D, Dungeness and Elwha Rivers – Closed to all commercial fishing through September 21.

Areas 6, 6A, 7, 7A – Gill net gear restricted to 5-7/8-inch maximum mesh when open.

Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of

Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8A – Closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D.

Area 10 – Closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock.

Area 10C and Cedar River – Closed to all commercial fishing until further notice.

Area 10D – (1) Effective through October 5, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye. (2) Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.

Area 10G – Effective through September 28, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye when open.

Areas 12, 12B – Effective through August 24, commercial gill net gear restricted to 7-inch minimum and all other gear must release pink salmon when open.

Area 12C – Effective through September 7, closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and Hoodsport Marina dock and in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough.

Area 13 excluding those waters of Hale Passage southerly of the Fox Island Bridge and northerly of the southernmost cable crossing – Effective through September 21, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

**Area 13A – Closed to all commercial fishing through August 31 in that portion within a 1000-foot radius from the outer oyster stakes off Minter Creek including Minter Bay.*

Nooksack (upstream of the confluence of the forks) and Samish Rivers – Closed to all commercial fishing through October 15.

Skagit River upstream of Baker River – Closed to all commercial fishing until further notice.

Stillaguamish River – Effective through September 21, gill net gear restricted to 6-inch maximum mesh when open.

Quilcene River – Closed to all commercial fishing through August 31.

Minter Creek and White River - Closed to all commercial fishing through September 28.

**WSR 85-17-042
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD**
[Filed August 16, 1985]

REPEALER

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

WAC 220-28-509 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-95)

**WSR 85-17-041
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)**
[Order 273—Filed August 16, 1985]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to Washington game fish seasons and catch limits—Purdy Creek (Mason County), adopting WAC 232-28-61419.

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 this closure is at the request of the Skokomish Tribe, with the support of the Department of Fisheries. A significant poaching problem exists on Purdy Creek below the George Adams Hatchery (WDF) beginning in late August. Purdy Creek is closed to salmon fishing, but open for trout, so the poachers have an excuse to be on the stream.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 6, 1985.

By Jack S. Wayland
Director

NEW SECTION

WAC 232-28-61419 AMENDMENT TO WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—PURDY CREEK (MASON COUNTY). *Notwithstanding the provisions of WAC 232-28-614, Purdy Creek (Mason County) is closed to fishing for game fish effective 12:01 a.m. August 16, 1985.*

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 Vacation leave—Cash payment, amending WAC 251-22-090;

that the agency will at 9:00 a.m., Friday, October 18, 1985, in the Board Room, Western Washington University, Bellingham, 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 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 18, 1985.

Dated: August 16, 1985

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on August 16, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-22-090 Vacation leave—Cash payment.

Statutory Authority: RCW 28B.16.100 and 43.01.041 to implement the provisions of those sections.

Purpose of Existing Rules: Establish provisions for cash payment of vacation leave.

Summary of Proposed Changes: Establishes that no contributions are to be made to the Department of Retirement Systems for lump sum payment of excess vacation leave accumulated as prescribed in WAC 251-22-080(2) nor shall such payment be reported to the Department of Retirement Systems as compensation.

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 117, filed 6/1/84)

WAC 251-22-090 VACATION LEAVE—CASH PAYMENT. Classified employees who 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 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. No contributions are to be made to the department of retirement systems (DRS) for lump sum payment of excess vacation leave accumulated as prescribed in WAC 251-22-080(2), nor shall such payment be reported to the DRS as compensation.

WSR 85-17-043
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed August 16, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning desiccants and defoliant, chapter 16-230 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 21, 1985.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

This notice is connected to and continues the matter in Notice No. WSR 85-14-092 filed with the code reviser's office on July 2, 1985.

Dated: August 16, 1985

By: Glenn E. Smerdon
 for Art Losey
 Assistant Director

WSR 85-17-044
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1869—Filed August 16, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to use of endrin on orchards, chapter 16-228 WAC.

This action is taken pursuant to Notice Nos. WSR 85-13-052 and 85-16-075 filed with the code reviser on June 18, 1985, and August 2, 1985. 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 17.21 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 15, 1985.

By C. Alan Pettibone
 Director

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-010 DEFINITIONS. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture of the state of Washington, or a duly authorized representative.

(3) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by humans or animals.

((2)) (4) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

((3)) (5) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

((4)) (6) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

((5)) (7) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

((6)) (8) "Certified applicator" means any individual who is certified by the director to use or supervise the use of any pesticide which is classified by the Environmental Protection Agency (EPA) as a restricted use pesticide or by the state as restricted to use by certified applicators including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, licensed demonstration and research applicators, and certified private applicators.

((7)) (9) "Controlled disposal site" means any place where solid or liquid waste is disposed: PROVIDED, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency: PROVIDED FURTHER, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

((8)) (10) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

((9)) (11) "EPA" means the United States Environmental Protection Agency.

((10)) (12) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

((11)) (13) "Fertilizer" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

~~((12))~~ (14) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended.

~~((13))~~ (15) "Floor level" is considered to be the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

~~((14))~~ (16) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

~~((15))~~ (17) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

~~((16))~~ (18) "Highly toxic" for the purpose of this ~~(order)~~ chapter, are those pesticides determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."

~~((17))~~ (19) "Private applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity on land owned or rented by the private applicator or the private applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((18))~~ (20) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((19))~~ (21) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

~~((20))~~ (22) "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

AMENDATORY SECTION (Amending Order 1805, filed 8/1/83)

WAC 16-228-235 ~~PURPOSE OF ((ORDER))~~ RULES—ENDRIN USE. The purpose~~(s)~~ of ~~((this administrative order are (1) to provide for an orderly two year phase-out in the use of the pesticide endrin for orchard use in the state of Washington, (2) to provide for a public hearing prior to the 1985 application season to determine whether it is necessary to have a crisis permit process for endrin, (3))~~ the following rules is to prohibit the use of endrin except for crisis use, and to establish criteria for the crisis use ((if any)) of endrin~~((, and (4) to establish an endrin advisory committee to advise the director regarding the use of endrin)).~~

AMENDATORY SECTION (Amending Order 1805, filed 8/1/83)

WAC 16-228-245 ENDRIN APPLICATION ((FO))—CRITERIA FOR DETERMINING CRISIS USE ON ORCHARDS. (1) All references to endrin in WAC 16-228-010 through 16-228-230 shall apply: PROVIDED, That when there is a conflict WAC 16-228-235 through ((16-228-290)) 16-228-275 shall prevail.

(2) ~~((Applications of endrin shall not be made to an orchard in the state of Washington until))~~ A crisis permit process for the use of endrin is hereby established which includes but is not limited to the following procedures. The department shall not grant a crisis permit unless an applicant establishes the following:

(a) ~~((The orchard has been inspected by))~~ A licensed pest control consultant shall have inspected the orchard and prepared a written recommendation containing information required by WAC 16-228-250 and certifying that the criteria in subsection (3) of this section have been met; ((and))

(b) The Washington state department of game has been requested and provided an opportunity to have a game department representative inspect the orchard and submit a written report to the department stating whether the criteria in subsection (3) of this section have been met. The orchardist shall ((contract)) contact the department of game and request such an inspection at or about the time the request for inspection is made to the licensed pest control consultant;

(c) Two copies of any reports made by the game representative and the consultant's recommendations shall be given to the grower and one copy shall be sent to the department; and

(d) To apply for a crisis permit, the grower shall submit to the department copies of any reports and recommendations of the game representative and consultant, together with additional information which the department may require, and a request for a crisis permit. If after reviewing the request and supporting documentation, the department concludes that endrin is the only feasible method of controlling meadow voles in the applicants' orchards, that meadow voles pose a substantial threat to the orchard, and that there is a crisis that precludes the option of trying additional alternatives to endrin, the department may issue a crisis permit for the

use of endrin to the applicant. The permit shall specify the amount of endrin which may be used and the time and place where it may be applied, and no applicator shall apply a greater amount of endrin than specified in the permit, or apply endrin in a different place or time than is specified in the permit or without meeting the minimum application restrictions of WAC 16-228-260. The department may specify additional restrictions on the permit if it is deemed necessary. The department shall either deny or grant a permit within ten working days of receipt of the permit application.

(3) The inspection by the consultant and game representative shall be for the purpose of determining whether there is a need for meadow vole control after the following criteria have been met:

(a) There is proof of meadow vole activity. This ~~((must))~~ shall be measured by ~~((some type of))~~ a population level monitoring technique ~~((, i.e., number of meadow voles per tree or amount of visible feeding on apples on ground, or there is documentation indicating there has been a problem of meadow vole populations migrating into the orchard from bordering lands after snowfall))~~ specified by the department of agriculture;

(b) Alternative rodenticides have been used and have not been effective under proper application and weather conditions;

(c) Proper cultural and integrated pest management practices such as mowing of cover crop ~~((and))~~ weed control around trees and removal of picking bins, pruning and debris have been followed during the past year and have not been effective.

(d) The application shall not become a source of contamination of streams, rivers, ponds or lakes because of close proximity or direct surface drainage to these bodies of water.

(4) No sale, distribution or application of endrin for orchard use in Washington state shall be allowed without a crisis permit from the department of agriculture.

AMENDATORY SECTION (Amending Order 1805, filed 8/1/83)

WAC 16-228-250 ENDRIN—WRITTEN RECOMMENDATION—LICENSED CONSULTANT—GAME REPRESENTATIVE. ~~((+))~~ The game representative may prepare a written recommendation which shall contain documentation of the criteria set forth in WAC 16-228-245(3). The licensed pest control consultant shall prepare a written recommendation which shall contain documentation of the criteria set forth in WAC 16-228-245(3) and, in addition, shall include the following:

- ~~((a))~~ (1) Name and address of the grower;
- ~~((b))~~ (2) Address or location of orchard;
- ~~((c))~~ (3) Number of acres to be treated;
- ~~((d))~~ (4) Number of trees per acre;
- ~~((e))~~ (5) Amount of endrin needed to treat the orchard;
- ~~((f))~~ (6) Rate of application;
- ~~((g))~~ (7) Any special precautions of which the orchardist should be made aware.

~~((2))~~ Two copies of the consultant's recommendation and the game representative's report, if any, must be

given to the grower, one copy must be sent to the department of agriculture within seven days after the recommendation or report is made, and one copy must be retained by the consultant.

~~((3))~~ This section shall be valid until December 31, 1984.)

AMENDATORY SECTION (Amending Order 1805, filed 8/1/83)

WAC 16-228-255 ENDRIN—DISTRIBUTION—DEALER RECORDS. (1) Endrin shall be distributed for meadow vole control only by a licensed pesticide dealer to certified applicators or their duly authorized representative. A ~~((copy of any written recommendation by the licensed consultant and game representative and, where applicable, a))~~ copy of the crisis permit issued by the department, ~~((must))~~ shall be presented to the dealer before the endrin is delivered and no sale of endrin shall exceed the amount specified in the crisis permit.

(2) Licensed dealers shall keep records on each sale of endrin which shall include the following:

- (a) Name and address of the certified applicator;
- (b) Applicator or operator certificate or license number;
- (c) Name of authorized agent;
- (d) Date of purchase;
- (e) Brand name and Environmental Protection Agency registration number;
- (f) Amount sold;

(3) Pesticide dealers shall keep the ~~((written recommendations or))~~ crisis permits and dealer records for a period of two years from the date of distribution. Pesticide dealers shall submit copies of the sales records to the director within thirty days of the date of each sale.

AMENDATORY SECTION (Amending Order 1805, filed 8/1/83)

WAC 16-228-260 ENDRIN—APPLICATION RESTRICTIONS. (1) The application of endrin shall be restricted to a swath of four feet on each side of the apple tree row. Application shall be made only with ground equipment that is designed to restrict the spray to the four-foot swath with a minimum of drift.

(2) Spray pressure shall not exceed fifty psi: PROVIDED, That when a drift control agent has been added to the spray mixture, the spray pressure shall not exceed four hundred psi. Handgun applications using a spray pressure exceeding seventy-five psi ~~((must))~~ shall be made with the operator walking next to the four-foot application swath and spraying from the tractor seat shall be prohibited.

(3) Applications shall not be made if the wind velocity is more than five miles per hour from any direction.

(4) Endrin shall not be applied to a snow cover.

(5) Recommendations prepared by licensed pest control consultants shall be on a form prepared by the department and shall set forth these restrictions in the recommendation, together with a certification that the applicators and orchardists who are to use the endrin

have been informed of and understand the restrictions set forth in WAC 16-228-260 and 16-228-265.

AMENDATORY SECTION (Amending Order 1805, filed 8/1/83)

WAC 16-228-265 ENDRIN—POSTING REQUIREMENTS. (1) Orchards sprayed with endrin ((~~must~~)) shall be posted with signs for a period of not less than thirty days from the date of application with the words "POISON - KEEP OUT" printed in both English and Spanish in letters large enough to be legible at a distance of thirty feet and accompanied by a skull and crossbones symbol. The sign also shall contain the statement "area sprayed with endrin."

(2) The signs shall be posted so as to be readily visible from any point of entry into the orchard.

(3) Workers shall be notified that there shall not be reentry into the orchard for thirty days after the application unless rubber boots are worn.

AMENDATORY SECTION (Amending Order 1805, filed 8/1/83)

WAC 16-228-275 ENDRIN—APPLICATOR RECORDS. (1) The applicator ((~~must~~)) shall keep records on the use of endrin which shall include the following:

- (a) Name and address of grower;
 - (b) Location or address of orchard treated;
 - (c) Date of application;
 - (d) Number of acres treated;
 - (e) Amount of endrin used;
 - (f) Type of equipment used;
 - (g) Meadow vole population threshold criteria used;
 - (h) Name of licensed consultant making recommendation;
 - (i) Cultural practices and other rodenticides used prior to the use of endrin;
 - (j) Name of person or firm who supplied the endrin which was applied;
 - (k) Disposal method for empty containers and spray tank residues;
- (1) A certification that all restrictions on application were observed.
- (2) Applicators shall submit a copy of these records to the department within thirty days after the date of application. The applicator shall be required to keep these records for a period of two years.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-228-240 ENDRIN USE IN ORCHARDS—1983 TO 1984.

WAC 16-228-270 PERMIT.

WAC 16-228-280 ENDRIN ADVISORY COMMITTEE.

WAC 16-228-285 ENDRIN USE IN ORCHARDS AFTER DECEMBER 31, 1984—CRISIS PERMITS—PERMIT REQUIREMENTS.

WSR 85-17-045

**NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD**

[Memorandum—August 16, 1985]

The Washington Forest Practices Board will meet at 1:00 p.m. to 10:00 p.m., September 10, 1985, and September 11, 1985, 8:00 a.m. to 5:00 p.m. in Rooms 108 and 110 at The Evergreen State College, Olympia, Washington.

Board business will include discussions on the alternatives for forest practices rule and program changes within riparian areas and other subjects according to the agenda.

Additional information may be obtained from the Division of Private Forestry and Recreation, 120 East Union Avenue, Room 109, Mailstop EK-12, Olympia, Washington 98504, (206) 753-5315.

WSR 85-17-046

**ADOPTED RULES
BOARD OF HEALTH**

[Order 290—Filed August 16, 1985]

Be it resolved by the Washington State Board of Health, acting at Spokane, Washington, that it does adopt the annexed rules relating to prohibition of smoking tobacco in certain places, repealing chapter 248-152 WAC.

This action is taken pursuant to Notice No. WSR 85-14-105 filed with the code reviser on July 3, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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

APPROVED AND ADOPTED August 14, 1985.

By John A. Beare, MD
Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-152-010 STATEMENT OF PURPOSE.

WAC 248-152-020 DEFINITIONS.

WAC 248-152-030 PROHIBITION IN CERTAIN PUBLIC PLACES.

WAC 248-152-035 NO SMOKING AREAS IN RESTAURANTS.

WAC 248-152-040 NO SMOKING SIGNS.

WAC 248-152-050 ENFORCEMENT.

WAC 248-152-060 SEVERABILITY.

WSR 85-17-047
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
 [Order 464—Filed August 16, 1985]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of emergency rules regulating burning in Western Washington. The adoption of emergency rules regulating logging, land clearing, and other industrial operations in Western Washington and Eastern Washington. The repeal of certain administrative codes.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the current fire danger is sufficient in certain places of the state to control the use of fire. This control of fire is to prevent an escaped fire which would threaten life and property. Logging activities and other activities which may cause a fire to start are also regulated in order to prevent the start of fire.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.200 and 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 16, 1985.

By Brian J. Boyle
 Commissioner of Public Lands

NEW SECTION

WAC 332-26-089a OUTDOOR RULE BURNING SUSPENSION IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES. Effective midnight Friday, August 16, 1985, through midnight Wednesday, August 21, 1985, all privileges to burn without a written permit, as granted under WAC 332-24-090, **OUTDOOR FIRE FOR RECREATIONAL or DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT**, are suspended on all lands protected by the Department of Natural Resources in Western Washington.

NEW SECTION

WAC 332-26-090 HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON Effective midnight Friday, August 16, 1985, through midnight Wednesday, August 21, 1985, all logging, land clearing, and other

industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those used on landings, to cease operations from 11:00 a.m. to 8:00 P.M. during the shutdown period. Landing saws to cease operations from 1:00 P.M. to 8:00 P.M. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 P.M. to 8:00 P.M. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 P.M. to 8:00 P.M. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in the:

Olympic Area – shutdown zones 652, 653, 654

South Puget Sound Area – shutdown zones 652, 654, 659

Northwest Area – shutdown zone 658

Central Area – shutdown zone 659

Southwest Area – Shutdown zones 660, 621 East

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 P.M. to 8:00 P.M. during the shutdown period.

All burning permits are cancelled in the affected areas.

NEW SECTION

WAC 332-26-091 HOOT OWL LOGGING RESTRICTIONS ON LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON. Effective midnight Friday, August 16, 1985, through midnight Wednesday, August 21, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those used on landings, to cease operations from 11:00 a.m. to 8:00 P.M. during the shutdown period. Landing saws to cease operations from 1:00 P.M. to 8:00 P.M. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 P.M. to 8:00 P.M. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 P.M. to 8:00 P.M. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in Chelan, Kittitas, and Yakima counties.

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 P.M. to 8:00 P.M. during the shutdown period.

REPEALER

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

(1) WAC 332-26-089 **OUTDOOR RULE BURN SUSPENSION ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN PARTS OF WESTERN WASHINGTON.**

(2) WAC 332-26-087 **MODIFIED LOGGING OPERATIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES SOUTHEAST AREA.**

(3) WAC 332-26-086 **MODIFIED LOGGING OPERATIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES NORTHEAST AREA.**

WSR 85-17-048
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-100—Filed August 16, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted in conformance with the Pacific Marine Fisheries Commission recommendations as modified to prevent overharvest of chinook salmon while taking coho salmon allocations.

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 August 16, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000T SALTWATER SEASONS AND BAG LIMITS—SALMON. *Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 15, 1985, until further notice it is unlawful to fish for or possess salmon taken for personal use from waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Washington waters at the mouth of the Columbia River west of a line projected north-south*

through Buoy 10, and Straight of Juan de Fuca waters westerly of a line projected true north from the mouth of the Sekiu River except as provided for in this section:

(1) *Those waters westerly of the mouth of the Sekiu River and northerly of a line projected true west from the mouth of the Queets River: Open to salmon fishing immediately to 11:59 p.m. September 19, 1985, except closed from 12:01 a.m. Friday through 11:59 p.m. Saturday each week during the open period and except closed to salmon fishing within an area bounded by a line projected from the shoreline one mile due north from the mouth of the Sekiu River, thence westerly meandering one mile off shore to a point one mile due west of Cape Flattery, thence southerly in a straight line to the Umatilla Reef Light, thence due east to shore. Special bag limit of two salmon daily, except it is unlawful to retain or possess chinook salmon and all chinook salmon must be returned to the water immediately. Minimum size 16 inches for coho salmon.*

(2) *Those waters southerly of a line projected true west from the mouth of the Queets River, northerly of a line projected true west from Klipsan Beach (46 degrees, 28 minutes, 12 second north latitude), and westerly of the territorial sea boundary referenced on Chart 18500, 21st ed., Dept. Commerce, NOAA, National Ocean Survey (outside three miles): Open to salmon fishing immediately to 11:59 p.m. September 19, 1985, except closed from 12:01 a.m. Friday to 11:59 p.m. Saturday each week during the open period. Bag limit F.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000S SALTWATER SEASONS AND BAG LIMITS—SALMON (85-98)

WSR 85-17-049
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-101—Filed August 16, 1985]

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 net restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian chinook allocation. Opening in Area 8 provides opportunity to harvest non-Indian allocation of Skagit pinks. Opening in Area 12B provides opportunity to harvest non-Indian

allocation of chinook. Opening in Area 12C provides opportunity to harvest non-Indian chinook and coho allocations. All other Puget Sound marine and freshwater areas are closed to prevent overharvest.

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 August 16, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-47-604 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective August 17, 1985 until further notice, it is unlawful 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 – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Area 6, 6A, 7, 7A – Under control of International Pacific Salmon Fisheries Commission. Gill net gear restricted to 5-7/8-inch maximum mesh when open.

**Areas 7B and 7C – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, August 18 through the morning of August 23. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.*

**Area 8 – Closed except gill nets using 5-inch minimum and 6-inch maximum mesh may fish from 6:00 PM the night of August 22 through the morning of August 23. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307.*

**Area 12B – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, August 18 through the morning of August 23. Fishery exclusion zones applicable to Area 12B commercial fisheries are described in WAC 220-47-307.*

**Area 12C (excluding that portion south of a line projected from Lake Cushman powerhouse to the public boat ramp at Union) – Closed except gill nets using 5-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 18 through the morning*

of August 23, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily August 19 through August 22 and from 5:00 AM to 4:00 PM August 23. Additional fishery exclusion zones applicable to Area 12C commercial fisheries are described in WAC 220-47-307.

**Areas 5, 6B, 6C, 6D, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective August 17, 1985.

WAC 220-47-603 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (85-94)

WSR 85-17-050

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-102—Filed August 16, 1985]

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 Areas 4B, 5, 6C provide protection for Puget Sound and Canadian stocks while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7, 7A provide protection for Puget Sound and Canadian chinook stocks. Restrictions in Areas 6B and 9 protect Nisqually and Hood Canal pink stocks. Restrictions in Area 10 protect chinook returning to Suquamish Hatchery and Nisqually pink salmon. Restrictions in Area 10C and the Cedar River protect Lake Washington sockeye and chinook. Restrictions in Areas 10D and 10G protect Lake Washington sockeye while allowing harvest of chinook. Restrictions in Areas 12 and 12B protect natural Hood Canal pink stocks while allowing harvest of Hood Canal chinook. Restrictions in Area 13A, Nooksack, Quilcene, and White rivers and Minter Creek protect Puget Sound spring chinook. Restrictions in the Skagit River protect spawning salmon stocks. Restrictions in Area 7C and the Samish River provide protection for chinook returning to Samish Hatchery. Restrictions in Area 6D, Elwha and Dungeness rivers protect local summer/fall chinook and pink salmon stocks. Restrictions in the Sekiu, Pysht, Lyre and Hoko rivers protect local summer/fall chinook stocks. Restrictions in Area 8A and the Stillaguamish River protect local summer/fall chinook. Restrictions in Area 12C protect chinook returning to Hoodsport and

Enetai hatcheries. Restrictions in Areas 11 and 13 provide protection for Nisqually pinks.

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 August 16, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-28-511 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS. Effective August 18, 1985, 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:

Areas 4B, 5, 6C - Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Areas 6B, 9 - Effective through September 14, gill net gear restricted to 7-inch minimum mesh, and other gear must release pink salmon when open.

Area 6D, Dungeness and Elwha Rivers - Closed to all commercial fishing through September 21.

Areas 6, 6A, 7, 7A - Gill net gear restricted to 5-7/8-inch maximum mesh when open.

Area 7C - Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8A - Closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D.

*Area 10 - (1) Effective through September 29, closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock. (2) Effective through September 21, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

Area 10C and Cedar River - Closed to all commercial fishing until further notice.

Area 10D - (1) Effective through October 5, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye. (2) Effective until further notice, closed to all commercial fishing in that

portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.

Area 10G - Effective through September 28, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye when open.

*Area 11 - Effective through September 21, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

Areas 12, 12B - Effective through August 24, commercial gill net gear restricted to 7-inch minimum and all other gear must release pink salmon when open.

Area 12C - Effective through September 7, closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and Hoodsport Marina dock and in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough.

Area 13 excluding those waters of Hale Passage southerly of the Fox Island Bridge and northerly of the southernmost cable crossing - Effective through September 21, gill net gear restricted to 7-inch minimum mesh and all other gear must release pinks when open.

Area 13A - Closed to all commercial fishing through August 31 in that portion within a 1000-foot radius from the outer oyster stakes off Minter Creek including Minter Bay.

Nooksack (upstream of the confluence of the forks) and Samish Rivers - Closed to all commercial fishing through October 15.

Skagit River upstream of Baker River - Closed to all commercial fishing until further notice.

Stillaguamish River - Effective through September 21, gill net gear restricted to 6-inch maximum mesh when open.

Quilcene River - Closed to all commercial fishing through August 31.

*Minter Creek and White, Lyre, Pysht, Hoko, and Sekiu rivers - Closed to all commercial fishing through September 28.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 18, 1985.

WAC 220-28-510 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-99)

WSR 85-17-051
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 19, 1985]

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 Continuing general assistance—Exclusions, amending WAC 388-37-010.

It is the intention of the secretary to adopt these rules on an emergency basis on or about August 20, 1985;

that the agency will at 10:00 a.m., Tuesday, September 24, 1985, in the Auditorium, 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 October 1, 1985.

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

The specific statute these rules are intended to implement is chapters 100 and 325, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1985.

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 Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by September 10, 1985. The meeting site is in a location which is barrier free.

Dated: August 16, 1985

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

STATEMENT OF PURPOSE

Re: WAC 388-37-010.

Purpose of the Rule Change: To clarify criteria for payment of attorney's fees for SSI cases and implement recent changes in RCW 74.04.005(6).

Reason this Rule Change is Necessary: For implementation of Engrossed Substitute House Bills 50 and 396.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: This revision updates WAC 388-37-010 (1), (7) and (8) of the subject reference. These amendments are necessary for compliance with Engrossed Substitute House Bills 50 and 396, and to implement rule changes in RCW 74.04.005(6). The first section eliminates a former provision allowing GA-U for any individual denied or terminated from AFDC for income or resource reason(s). WAC 388-37-010(7)

clarifies the criteria for payment of attorney's fees for successful appeals of SSI negative decisions. The department must have received the reimbursement on or after August 23, 1983, and the attorney must have begun representing the client on or after that date. WAC 388-37-010(8) clarifies that a person failing to cooperate in either applying or maintaining eligibility for federal-aid assistance will not be eligible for GA-U.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Dorothy Hopkins, Community Services Program Manager, Division of Income Assistance, mailstop OB 31C, phone 753-4041.

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

AMENDATORY SECTION (Amending Order 2152, filed 9/17/84)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state-financed program providing for the needs of some persons not eligible for a federal aid grant (~~by reason other than resource and income eligibility~~) who are either pregnant or incapacitated from gainful employment. Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by Supplemental Security Income, except as provided in WAC 388-37-010 (2) through (5).

(2) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

(3) Effective August 23, 1983, an SSI recipient whose need is not being met by SSI because of separation from a spouse may be eligible to receive ~~((GAU))~~ GA-U in the amount necessary to supplement his or her need up to the level of the existing ~~((GAU))~~ GA-U payment standard.

(4) An SSI recipient whose SSI check has been lost, stolen, missed, or otherwise delayed, may be granted ~~((GAU))~~ GA-U provided the recipient agrees in writing to repay the amount of ~~((GAU))~~ GA-U assistance issued, and the applicant meets all other ~~((GAU))~~ GA-U eligibility requirements. When an SSI check is lost in the mail system, issuance of ~~((GAU))~~ GA-U will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

(5) An applicant appearing to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(a) The applicant applies;

(b) The applicant assigns the initial SSI payment to DSHS up to the amount of the ~~((GAU))~~ GA-U provided to the applicant pending approval of the SSI application;

(c) The applicant meets all other general assistance eligibility requirements.

(6) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes.

(a) The state cannot be reimbursed for any ~~((GAU))~~ GA-U authorized during the time period these payments cover.

(b) If the amount of the initial SSI payment recovered by DSHS prior to the payment of attorney's fees in subsection (7) of this section does not meet the amount paid as ~~((GAU))~~ GA-U, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.

(c) If the SSI benefit is less than the ~~((GAU))~~ GA-U payment standard because the SSI is based on a different living arrangement than authorized under the ~~((GAU))~~ GA-U program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

(7) Any agreement between the department and a Supplemental Security Income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been

represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States Department of Health and Human Services shall be released directly to the applicant's attorney. Payment is limited to cases where the reimbursement of interim assistance was received by the department on or after August 23, 1983, and the attorney of the applicant for whom reimbursement is received began representing the applicant on or after August 23, 1983. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature. ~~((Reimbursement is limited to cases where the aforesaid agreement between the applicant and the department was entered into on or after August 23, 1983.))~~

(8) Continuing general assistance cannot be granted to an individual eligible for or receiving AFDC or SSI when he or she:

(a) Is ~~((subject to any))~~ currently under sanction for failure to comply with AFDC or SSI requirements, or

(b) Has failed or refused to cooperate in obtaining AFDC or SSI, unless the department has determined there is good cause for failure to cooperate.

WSR 85-17-052
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2270—Filed August 19, 1985]

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 85-14-018 filed with the code reviser on June 25, 1985. 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 74.09.120 and 74.46.840 and is intended to administratively implement that statute.

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 August 16, 1985.

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

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-029 CHANGE OF OWNERSHIP.

(1) On the effective date of a change of ownership, as that term is defined in WAC 388-96-010, the department's contract with the old owner shall be terminated. The old owner shall give the department ~~((thirty))~~ sixty days' written notice of such termination in accordance with the terms of the contract. When certificate of need

approval is required for the new owner to acquire the facility, and the new owner wishes to continue to provide service to recipients without interruption, certificate of need approval shall be obtained before the old owner submits a notice of termination.

(2) If the new owner desires to participate in the cost-related reimbursement system, it shall meet the conditions specified in WAC 388-96-023, and shall submit a projected budget in accordance with WAC 388-96-026 no later than sixty days before the date of the change of ownership. The nursing home contract with the new owner shall be effective as of the date of the change of ownership.

AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

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))~~ Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.

(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.)~~ The old contractor shall provide security, in a form deemed adequate by the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good-faith dispute. Security shall consist of:

~~(a) Withheld payments for one or more months of service due the contractor; or~~

~~(b) A surety bond issued by a bonding company acceptable to the department; or~~

~~(c) An assignment of funds to the department; or~~

~~(d) Collateral acceptable to the department; or~~

~~(e) A purchaser's assumption of liability for the prior contractor's overpayment; or~~

~~(f) Any combination of (a), (b), (c), (d), or (e) of this subsection.~~

~~(4) A surety bond or assignment of funds shall:~~

~~(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good-faith dispute, minus withheld payments;~~

~~(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;~~

~~(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies: PROVIDED, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute.~~

~~(d) Provide the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and~~

~~(e) 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 and assignment, shall be paid to the department if 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.~~

~~(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.~~

~~(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.~~

~~(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including any administrative review of the audit requested by the contractor.~~

~~(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with WAC 388-96-224, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.~~

~~(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.~~

~~((4)) (10) The department may accept an assignment of funds if the assignment meets the requirements of subsection (3) of this section.~~

~~((5)) (11) 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)) security shall not be ((withheld)) required.~~

~~((6)) (12) 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 388-96-101 REPORTS. Each contractor shall submit to the department an annual cost report ~~((and financial statements))~~ for the period from January 1st through December 31st of the preceding year. ~~((Except as otherwise specified in this chapter, the terms "annual cost report," "cost report," and "annual report" shall be understood to include all financial statements, reports, and schedules required by))~~ The department, when it deems necessary to assure the accuracy of cost reports, may require a contractor to submit to the department and may review any underlying financial statements or other records, including income tax returns, which relate to the cost report directly or indirectly.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-104 DUE DATES FOR REPORTS. (1) Annual cost reports for a calendar year shall be submitted by March 31st of the following year.

(2) If a contract is terminated for any reason, the old contractor shall submit a final cost report ~~((financial~~

statements, reports, and schedules)) within one hundred twenty days after the effective date of termination for the period January 1st of the year of termination through the effective date of termination.

(3) A new contractor shall submit, by March 31st of the following year, a cost report (~~((and financial statements, reports, and schedules))~~) for the period from the effective date of the contract through December 31st of the year the contract was made effective.

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 2025, filed 9/16/83)

WAC 388-96-110 IMPROPERLY COMPLETED OR LATE REPORTS. (1) For 1981 and subsequent annual cost reporting periods, an annual report, including the proposed settlement computed by cost center pursuant to regulation, must be completed in accordance with applicable statutes, departmental regulations, and instructions. An annual cost report deficient in any of these respects may be returned in whole or in part to the contractor for proper completion. Annual reports must be submitted by the due date determined in accordance with WAC 388-96-104.

(2) If a cost report (~~((or financial statement, report, or schedule))~~) is not properly completed or is not received by the department on or before the due date of the report, including any approved extensions, all or a part of any payments due under the contract may be held by the department until the improperly completed or delinquent report (~~((or financial statement, report, or schedule))~~) is properly completed and received by the department.

AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All reports shall be legible(;) and reproducible(~~(, and shall be submitted in original)~~). All entries must be typed (~~((or))~~), completed in black or dark blue ink, or provided in an acceptable, indelible copy.

(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 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))~~) specifying 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 1262, filed 12/30/77)

WAC 388-96-117 CERTIFICATION REQUIREMENT. Each required report shall be accompanied by a certification signed on behalf of the contractor (~~((which was))~~) responsible to the department during the report period. If the contractor files a federal income tax return, the certification shall be executed by the person (~~((who))~~) normally (~~((signs))~~) signing this return. The certification shall also be signed by the licensed administrator of the nursing home. If the report is prepared by someone other than an employee of the contractor, a separate statement shall be included with the certification signed by the individual preparing the report and indicating his or her status with the contractor. The certification of the cost report shall be submitted in original.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-128 REQUIREMENTS FOR RETENTION OF RECORDS BY THE CONTRACTOR. All (~~((financial and statistical data))~~) records supporting the required reports shall be retained for a period of four years subsequent to filing at a location in the state of Washington specified by the contractor. If at the end of

four years there are unresolved audit questions, the records shall be retained until these questions are resolved. All such data shall be made available upon demand to authorized representatives of the department and of the United States Department of Health and Human Services. When a contract is terminated, final settlement will not be made and all payments due will be withheld until accessibility to and preservation of the records within the state of Washington are assured.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-134 DISCLOSURE OF NURSING HOME REPORTS. (1) Cost reports and final audit reports will be made available for public disclosure. Cost report schedules showing information on rental or lease of assets, the facility or corporate balance sheet, schedule of changes in financial position, statement of changes in equity-fund balance notes to financial statements, schedules summarizing adjustments to cost reports, reports or reviews of internal control and accounting procedures, and letters containing comments or recommendations relating to suggested improvements in internal control or accounting procedures shall be exempt from public disclosure.

(2) Whether or not subject to public disclosure, all documents shall be provided by the secretary, upon written request, to the legislature and to state agencies or state and local law enforcement officials ((who have)) having an official interest in the requested documents. A contractor or an authorized agent or designee may have access to nondisclosable information from its own records.

AMENDATORY SECTION (Amending Order 2172, filed 12/4/84)

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) An audit of any or all schedules of a facility's cost report may be performed. The cost report, in its entirety, 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) The department or an auditor under contract with the department, if the department or such auditor deems it necessary to assure the accuracy of cost reports, may

require a contractor to submit and may review any underlying financial statements or other records including income tax returns, which relate to the cost report directly or indirectly.

(7) 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 ten 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))~~ (8) 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))~~ (7) of this section, such facility shall be audited as provided in subsection ~~((6))~~ (7) of this section.

~~((8))~~ (9) 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))~~ (10) Reported costs and trust fund accounts of facilities may be selected for audit on a random or other basis.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-207 PREPARATION FOR AUDIT BY THE CONTRACTOR. (1) The department will notify the contractor at least ten working days in advance of a field audit.

(2) The contractor shall provide the auditors with access to the nursing home records, and to all ~~((financial statements, reports, and schedules, including those pertaining to the filing of income taxes, and all such other financial and statistical records and))~~ work papers and documentation supporting the data in the cost report or relating to patient trust funds. Such records shall be made available at a location in the state of Washington specified by the contractor.

(3) The contractor shall reconcile reported data with applicable federal income and payroll tax returns and with the ~~((financial statement as of the end of))~~ records for the period covered by the report. Such reconciliation shall be in suitable form for verification by the auditors.

(4) The contractor shall designate and make available one or more individuals familiar with the internal operations of a facility being audited in order to respond to questions and requests for information and documentation from auditors. If the individual or individuals designated cannot answer all questions and respond to all requests, an alternate individual with sufficient knowledge and access to records and information must be provided by the contractor.

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 2025, filed 9/16/83)

WAC 388-96-213 INADEQUATE DOCUMENTATION. The auditors will disallow any assets, liabilities, revenues, or expenses reported as allowable which are not supported by adequate documentation in the contractor's ~~((financial))~~ records. Documentation must show both that costs reported were incurred during the period covered by the report and were related to patient care, and that assets reported were used in the provision of patient care.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-216 DEADLINE FOR COMPLETION OF AUDITS. (1) Provided ~~((that))~~ auditors are given prompt and timely access to the nursing home and to all ~~((financial and statistical))~~ records necessary to audit the report, field audits will be completed within one year after a properly completed annual cost report is received by the department or, beginning with audits of 1983 cost reports, within one year after a nursing home is notified it has been selected for audit.

(2) The department will give priority to field audits of final annual reports and whenever possible will begin such field audits within ninety days after a properly completed final annual report is received.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-228 COST SAVINGS. (1) In the patient care and food cost areas and in the administration and operations and property cost areas prior to July

1, 1983, the contractor shall refund all payments received for medical care recipients in excess of allowable costs for those recipients in those cost centers, taking into account any authorized shifting.

(2) Beginning July 1, 1983, in the administration and operations and property cost areas, contractors shall be permitted to retain a portion of payments received for recipients in excess of allowable costs for those recipients according to the following procedures:

(a) Based upon the latest information available, the department shall, by December 31st of each year, notify contractors of the fiftieth percentile rates in the administration and operations and property cost areas for the period July 1st through December 31st.

(b) A contractor shall be permitted to retain, after allowable shifting, seventy-five percent of cost savings in the administration and operations cost area or the property cost area multiplied by medical care recipient days of service if the average rate for the cost report period computed according to department instructions in such cost area is at or below the fiftieth percentile rate.

(c) A contractor shall be permitted to retain, after allowable shifting, fifty percent of cost savings in the administration and operations cost area or property cost area multiplied by medical care recipient days of service if the average rate for the cost report period computed according to department instructions in such cost area is above the fiftieth percentile rate.

(d) No cost savings for calendar year 1985 and subsequently shall be retained if the sum of the reported costs in the property cost center and the administration and operations cost center exceed audited allowable costs in those cost centers by ten cents or more per patient day.

(3) Cost savings attributable to any industrial insurance dividend or premium discount under RCW 51.16-.035 shall be recovered by the department in proportion to the ratio of medical care recipients to other patients at the facility.

(4) For the 1983 cost reporting period, cost savings shall be computed but allowable savings shall be prorated by the proportion of Medicaid patient days reported for July 1st through December 31st to the total number of Medicaid patient days reported for the year.

AMENDATORY SECTION (Amending Order 2172, filed 12/4/84)

WAC 388-96-559 DEPRECIATION BASE. (1) Effective January 1, 1985, the depreciation base shall be the historical cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation ~~((which has been))~~ incurred during periods ~~((that))~~ the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. If the department challenges the historical cost of an asset or if the contractor cannot or will not provide the historical cost of a leased asset, the department will have the fair market value of the asset at the time of purchase established by appraisal. For leased assets, the department

may examine documentation in its files to determine the lessor's acquisition date at the time of the last arm's-length transaction. If the department is unable to determine the lessor's acquisition date by review of its records, the department may use the construction date of the facility, as found in the state fire marshal's records, as the lessor's acquisition date of leased assets in determining fair market value. When the appraisals are conducted, the depreciation base of the asset will not exceed the fair market value of the asset. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(5) If a contractor cannot or will not provide the lessor's acquisition cost of assets leased by the contractor, the appraised asset value of land, building, or equipment, determined by the department of general administration shall be adjusted by the department using the Marshall and Swift Valuation Guide to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, pursuant to subsection (7) of this section, the Marshall and Swift Valuation Guide will be used to adjust the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the Marshall and Swift Valuation Guide publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the Western District Index calculated by Marshall and Swift shall be used.

(6) If depreciable assets are acquired which were used in the Medicaid program on or after January 1, 1980, the depreciation base of such assets shall not exceed the net book value existing at the time of acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not in use in or as a nursing care facility.

(7) Subsection (6) of this section shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the previous arm's-length transfer of ownership nor shall subsection (6) of this section apply to the first arm's-length acquisition of assets ((which

occur)) occurring on or after January 1, 1980, for facilities participating in the Medicaid program prior to January 1, 1980. The depreciation base for such acquisitions shall not exceed the lesser of the fair market value of the assets determined by an appraisal conducted by the department of general administration and the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and pursuant to RCW 74.46.840, this subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving subsection (6) of this section to apply without exception to acquisitions occurring on or after July 18, 1984.

(8) For purposes of establishing the property and return on investment component rates, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the Marshall and Swift Valuation Guide to reflect the value of the asset at the lessor's acquisition date.

AMENDATORY SECTION (Amending Order 1712, filed 11/4/81)

WAC 388-96-567 METHODS OF DEPRECIATION. (1) Buildings, building improvements, land improvements, and fixed equipment shall be depreciated using the straight-line method. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years⁽¹⁾ digits method, or declining balance method not to exceed one hundred fifty percent of the straight-line rate. Contractors which have elected to take either the sum-of-the-years⁽¹⁾ digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes not both necessary and related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to WAC 388-96-559.

AMENDATORY SECTION (Amending Order 2172, filed 12/4/84)

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. Office equipment may include items typically used in administrative or clerical functions such as telephones or PBX equipment, copy machines, desks and chairs, calculators and

adding machines, file cabinets, typewriters, and computers. However, expenses of leasing computers may not be reimbursed in excess of ten cents per patient day.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-717 DESK REVIEW ADJUSTMENTS. (1) The department shall analyze each annual cost report to determine if the information is correct, complete, and reported in conformity with generally accepted accounting principles, the nursing home accounting and reporting manual, and instructions issued by the department. An analysis by the department to determine whether reported information is correct and complete may include, but is not limited to:

- (a) An examination of reported costs for prior years;
- (b) An examination of desk review adjustments made in prior years and their final disposition; and
- (c) An examination of findings, if any, from field audits of cost reports from prior years and findings, if any, from the field audit of the cost report under analysis.

(2) If it appears from this analysis ~~((that))~~ a contractor has not correctly determined or reported its costs, the department may make adjustments to the reported information for the purpose of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation of the adjustment and the dollar amount of the adjustment for each adjustment made. If a contractor believes an adjustment is in error, ~~((it))~~ the adjustment shall be subject to review pursuant to WAC 388-96-769 and, if a satisfactory resolution of issues is not reached, to further review pursuant to WAC 388-96-901 and 388-96-904.

(3) The department shall accumulate data from properly completed cost reports ~~((and financial statements, reports and schedules))~~ for use in exception profiling and establishing rates.

(4) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as deemed necessary by the department.

AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

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))~~ a percentage adjustment ((of 2.5 percent)) determined by the legislature shall be applied to allowable costs in these cost areas if the cost report for a contractor covers all twelve months of ((1982)) the cost report period. If the cost report 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 to determine the July 1, 1983, food cost center rate. For July rate setting in subsequent years, the adjustment factor determined by the legislature shall be applied to the previous July rate.

(c) Property and return on ~~((equity))~~ investment 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.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-722 NURSING SERVICES COST AREA RATE. (1) The nursing services cost area reimbursement rate will reimburse for the necessary and ordinary costs of providing routine nursing and related care to recipients. The cost of one-to-one care provided by qualified therapists and their employees are included only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) Nursing service costs will be subject to two reasonableness tests:

- (a) A test for nursing staff hours; and
- (b) A test for cost increases between the current and preceding report period.

(i) The test for nursing staff hours will use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' aids, including purchased and allocated nursing and aid staff time, and the average Battelle patient debility score for the corresponding facilities as computed by the department. Data for the regression shall be taken from correctly completed cost reports and from patient assessments completed by the department for the corresponding calendar report year, which are available at the time the regression equation is computed. A limit on nursing and nursing aid staffing hours will be calculated and set for each facility at predicted staffing hours plus 1.75 standard errors utilizing the regression equation calculated by the

department. Costs for facilities with reported hours exceeding the limit will be reduced by an amount equivalent to the hours exceeding the limit times the average wage rate for nurses and aids indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. Contractors' reporting hours exceeding the limit shall receive the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(ii) The test for cost increases shall compare the percentage change between the ~~((1981))~~ most recent cost report period and ~~((1982))~~ the next prior cost report period allowable ~~((patient care))~~ nursing service costs for the facility against the percentage change between ~~((the))~~ July ~~((1981))~~ of the most recent cost report period and July ~~((1982))~~ of the next prior cost report period medical care component of the consumer price index for urban consumers nationwide. Facilities ~~((which report))~~ reporting increases greater than the consumer price index shall be limited to a rate determined by their 1981 adjusted patient care costs inflated by the medical care component of the consumer price index. If a facility is affected by this limit due to special or unusual circumstances, such as a decrease in patient days, the department may grant an exception or partial exception to the limit.

AMENDATORY SECTION (Amending Order 2172, filed 12/4/84)

WAC 388-96-754 A CONTRACTOR'S RETURN ON INVESTMENT. (1) The department shall establish for individual Medicaid facilities return on investment allowances composed of a financing allowance and a variable return allowance.

(2)(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by eleven percent and dividing by the contractor's total patient days. Annual patient days taken from the contractor's cost report for the most recent twelve-month cost report period will be used. If the cost report covers less than twelve months, annual patient days will be estimated based upon data in the cost report. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to anticipated patient day level.

(b) In computing the portion of net invested funds~~((;))~~ representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an

appraisal conducted by the department of general administration pursuant to this chapter.

(3) The variable return allowance shall be determined according to the following procedure:

(a) The department shall rank all facilities in numerical order from highest to lowest based upon average per diem allowable costs for the sum of the administration and operations and property cost centers for the preceding cost report period. If the contractor's administration and operations and property rates have been established based on a budget, the variable return allowance shall be calculated based on budgeted costs.

(b) The variable return allowance shall be computed by multiplying the total prospective rate for each facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. Facilities in the highest quarter will be assigned a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage of three, and in the lowest quarter a percentage of four.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility and shall be added to the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(6) In the event the Department of Health and Human Services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

NEW SECTION

WAC 388-96-774 PROSPECTIVE RATE REVISIONS. (1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st. All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports. Prospective rates shall be maximum payment rates for contractors for the periods to which they apply and revisions may be granted for inflation only as authorized in WAC 388-96-719(3) and for cost increases as authorized in this section. This section shall apply to rate revision requests and periods subsequent to May 20, 1985.

(2) Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Rates may be adjusted as determined by the department for the following:

(a) Variations of more than ten percent in the distribution of patient classifications or changes in patient characteristics from the prior reporting year.

(b) Program changes required by the department.

(c) Changes in staffing levels at a facility required by the department.

(d) Changes required by survey.

(4) Contractors requesting an adjustment must submit:

(a) A financial analysis showing the increased cost and an estimate of the rate increase, computed according to allowable methods, necessary to fund the cost;

(b) A written justification for granting the rate increase; and

(c) A certification and supporting documentation which shows the changes in staffing or other improvements have been commenced or completed.

(5) Contractors receiving prospective rate increases pursuant to this section must submit quarterly reports, beginning the first day of the month following the date the increase is granted, showing how the additional rate funds were spent. If the funds were not spent for changes or improvements approved by the department in

granting the adjustment, they shall be subject to immediate recovery by the department.

(6) A contractor requesting an adjustment pursuant to subsection (3)(a) of this section shall submit a written plan specifying additional staff to be added and the patient care needs the facility has been unable to meet due to lack of sufficient staff.

(7) In reviewing a request made under subsection (3) of this section, the department shall consider:

(a) Whether additional staff requested by a contractor is appropriate in meeting patient care needs.

(b) Comparisons of staffing levels of facilities having similar patient characteristics.

(c) The physical layout of the facility.

(d) Supervision and management of current staff.

(e) Historic trends in underspending of a facility's nursing services component rate.

(f) Numbers and positions of existing staff.

WSR 85-17-053
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2274—Filed August 19, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to continuing general assistance exclusion, amending WAC 388-37-010.

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 are necessary to implement chapters 100 and 335, Laws of 1985.

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 August 20, 1985.

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

AMENDATORY SECTION (Amending Order 2152, filed 9/17/84)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state-financed program providing for the needs of some persons not eligible for a federal aid

grant (~~by reason other than resource and income eligibility~~) who are either pregnant or incapacitated from gainful employment. Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by Supplemental Security Income, except as provided in WAC 388-37-010 (2) through (5).

(2) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

(3) Effective August 23, 1983, an SSI recipient whose need is not being met by SSI because of separation from a spouse may be eligible to receive (~~GAU~~) GA-U in the amount necessary to supplement his or her need up to the level of the existing (~~GAU~~) GA-U payment standard.

(4) An SSI recipient whose SSI check has been lost, stolen, missent, or otherwise delayed, may be granted (~~GAU~~) GA-U provided the recipient agrees in writing to repay the amount of (~~GAU~~) GA-U assistance issued, and the applicant meets all other (~~GAU~~) GA-U eligibility requirements. When an SSI check is lost in the mail system, issuance of (~~GAU~~) GA-U will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

(5) An applicant appearing to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(a) The applicant applies;

(b) The applicant assigns the initial SSI payment to DSHS up to the amount of the (~~GAU~~) GA-U provided to the applicant pending approval of the SSI application;

(c) The applicant meets all other general assistance eligibility requirements.

(6) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes.

(a) The state cannot be reimbursed for any (~~GAU~~) GA-U authorized during the time period these payments cover.

(b) If the amount of the initial SSI payment recovered by DSHS prior to the payment of attorney's fees in subsection (7) of this section does not meet the amount paid as (~~GAU~~) GA-U, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.

(c) If the SSI benefit is less than the (~~GAU~~) GA-U payment standard because the SSI is based on a different living arrangement than authorized under the (~~GAU~~) GA-U program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

(7) Any agreement between the department and a Supplemental Security Income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States Department of Health and Human Services shall be released directly to the applicant's attorney. Payment is limited to cases where the reimbursement of interim assistance was received by the department on or after August 23, 1983, and the attorney of the applicant for whom reimbursement is received began representing the applicant on or after August 23, 1983. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature. (~~Reimbursement is limited to cases where the aforesaid agreement between the applicant and the department was entered into on or after August 23, 1983.~~)

(8) Continuing general assistance cannot be granted to an individual eligible for or receiving AFDC or SSI when he or she:

(a) Is (~~subject to any~~) currently under sanction for failure to comply with AFDC or SSI requirements, or

(b) Has failed or refused to cooperate in obtaining AFDC or SSI, unless the department has determined there is good cause for failure to cooperate.

WSR 85-17-054

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-103—Filed August 19, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation is needed to protect chinook salmon returning to spawn in the Chehalis River.

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

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

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

APPROVED AND ADOPTED August 19, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-36-02500N CLOSED AREAS - CHEHALIS RIVER. *Notwithstanding the provisions of WAC 220-36-025, effective 12:01 a.m. September 1, 1985 until 11:59 p.m. October 15, 1985, it is unlawful for any fisherman, including treaty Indian fishermen, to fish for or possess foodfish taken for any purpose from the waters of the Chehalis River upstream from the Porter Bridge.*

WSR 85-17-055

PROPOSED RULES GAMBLING COMMISSION

[Filed August 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory section WAC 230-30-075;

that the agency will at 10:00 a.m., Thursday, October 10, 1985, in the Town Plaza Motor Inn, Yakima, 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 [9.46.]070 (1), (2) and (11) and [9.46.]110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 10, 1985.

Dated: August 19, 1985

By: Ronald O. Bailey
Deputy Director

STATEMENT OF PURPOSE

Title: Amendatory section WAC 230-30-075 Minimum percentage of prizes for certain gambling activities.

Description of Purpose: Amends rule to limit the size of a single prize on punchboards/pull tabs to \$200 and clarifies multiple winners.

Statutory Authority: RCW 9.46.070 (1), (2) and (11) and 9.46.110.

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-30-075 authorizes the awarding of a single cash prize or a combination merchandise/cash prize to a maximum limit of \$200.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm, and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment.

Agency Comments: The agency believes the proposed rule is self-explanatory and needs no further comment.

This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of this amendment.

AMENDATORY SECTION (Amending Order 119, filed 2/19/82)

WAC 230-30-075 MINIMUM PERCENTAGE OF PRIZES FOR CERTAIN GAMBLING ACTIVITIES. No operator shall put out for play and no distributor or manufacturer of punchboards and pull tabs shall sell or otherwise provide to any person in this state or for use in this state any punchboard or pull tab series that does not contain the following minimum percentage in prizes:

(1) Punchboards - a minimum of 60 percent respecting each punchboard placed out for public play.

(2) Pull tabs - a minimum of 60 percent respecting each series of pull tabs placed out for public play.

(3) For the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series under this section, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(4) Single cash prizes on punchboards/pull tabs shall not exceed:

(a) ~~((One))~~ Two hundred ~~(((\$100))~~ (\$200) in cash ~~(((\$111))~~; or
(b) A merchandise prize, or combination merchandise prize, for which the operator has not expended more than ~~((one))~~ two hundred dollars.

(5) Multiple winners on an individual pull tab or punch shall not exceed the single cash or merchandise prize limit in (4) above.

WSR 85-17-056

PROPOSED RULES DEPARTMENT OF CORRECTIONS

[Filed August 20, 1985]

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 Residents of adult correctional institutions—Escorted leaves of absence—Approval, amending WAC 137-52-030.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 30, 1985.

The authority under which these rules are proposed is RCW 72.01.380.

The specific statute these rules are intended to implement is RCW 72.01.370, 72.01.375 and 72.01.280.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1985.

Dated: August 19, 1985

By: Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Number of Rule: Amend WAC 137-52-030 Residents of adult correctional institutions—Escorted leave of absence—Approval.

Statutory Authority: RCW 72.01.380.

Summary and Purpose: To reduce the level of administrative review required for nonemergency medical or

dental treatment escorted leaves. As amended, approval of such leaves would be by the superintendent of the institution.

Agency Personnel Responsible for Drafting and Adoption: Gary L. Banning, Assistant 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.

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 business.

AMENDATORY SECTION (Amending Order 85-07, filed 3/19/85)

WAC 137-52-030 APPROVAL. Escorted leaves for medium and minimum custody inmates shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody inmates for the purpose of medical or dental treatment shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody inmates, with the exception of ((~~emergency~~)) medical or dental treatment, shall be approved or denied by the secretary. In approving a request for escorted leave, the following factors will be considered:

- (1) The nature of the ((~~emergency~~ or)) request for escorted leave;
- (2) The community risk associated with granting the request for an escorted leave based on the security or escape risk;
- (3) The inmate's overall history of stability and any tendencies toward violent disruptive behavior;
- (4) Any history of unusual disciplinary problems;
- (5) The inmate's degree of trustworthiness as demonstrated by his/her performance in work assignments and maintenance of a clear disciplinary record;
- (6) Any significant health problems that might be aggravated as a result of the leave; and
- (7) Such other information as may be deemed relevant.

WSR 85-17-057
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed August 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning game farm license provisions, amending WAC 232-12-027;

that the agency will at 9:00 a.m., Tuesday, October 1, 1985, in the Vance Tyee, 500 Tyee Drive, Tumwater, WA 98502, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1985.

The authority under which these rules are proposed is RCW 77.12.030 and 77.12.040.

The specific statute these rules are intended to implement is RCW 77.16.020 and 77.32.211.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 1, 1985.

Dated: August 20, 1985
By: Sam Wright, Administrator
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-027
Game farm license provisions.

Statutory Authority: RCW 77.12.030 and 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.16.020 and 77.32.211.

Summary of the Rule: To delete provisions of game farm license holders to purchase, possess, propagate, sell or transfer game fish - trout and Atlantic salmon.

Reasons Supporting the Proposed Rule: Senate Bill 3067, effective July 28, 1985, transferred the jurisdiction over game fish aquaculture farming operations from the Department of Game to the Departments of Agriculture and Fisheries. Department of Game's game farm license provisions, therefore, no longer need to include language relative to game fish.

Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-2934; and Enforcement: Dave Schultz, Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: No comments.

This proposed rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

This proposed rule does not require a small business economic impact statement.

AMENDATORY SECTION (Amending Order 192, filed 9/9/82)

WAC 232-12-027 GAME FARM LICENSE PROVISIONS. It is unlawful to operate a game farm except under the following provisions:

(1) Game farms licensed prior to July 1, 1981, may continue to possess, propagate, sell and transfer wildlife they lawfully possess on July 1, 1981, by virtue of their license or permit issued by the department. Transfers of wildlife other than those species listed under 2(a), (b), or (c) ((~~or (d)~~)) are restricted to licensed game farms authorized by written permit to possess said wildlife.

(2) Game farms licensed after July 1, 1981, may purchase, possess, propagate, sell or transfer the following wildlife:

- (a) Game animals - bullfrog, *Rana catesbeiana*
- (b) Fur-bearing animals - muskrat, *Ondatra zibethicus* and beaver, *Castor canadensis*

(c) Game birds - Pheasant, of the genus *Phasianus* and *Syrmatius reevesi*; wild turkeys of the species *Meleagris gallopavo*; Hungarian partridge of the genus *Perdix*; chukar partridge of the genus *Alectoris*; quail, of the genus *Lophortyx*, *Colinus*, and *Oreotyx*; waterfowl of the family Anatidae, and tinamou of the genus *Nothoprocta*

((~~(d) Game fish - trout and Atlantic salmon~~))

(3) Application for a game farm license shall be made on a form provided by the department.

(4) The director may issue a license, if after investigation, the applicant meets the requirements of subsection (1) or (2) above and complies with the following criteria:

(a) The applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application.

(b) The rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife.

(c) Operating conditions are clean and humane.

(d) No hazards to state wildlife exist from the operation.

(e) The license covers only the immediate premises and areas described on the application where game birds, (~~game fish~~) or game animals will be held.

(f) Such other restrictions as the director may require.

(5) Holders of a game farm license must make annual reports on the last day of January to the director on forms to be furnished by the department.

(6) A game farm license is not required for captive-bred mink, *Mustela vison*, and captive-bred silver fox, *Vulpes fulva*, lawfully acquired from a licensed breeder or fur farm and held for fur farming purposes.

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 85-17-058
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed August 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state Commission on Equipment intends to adopt, amend, or repeal rules concerning towing businesses;

that the agency will at 1 p.m., Wednesday, September 25, 1985, in the Conference Room, State Patrol Supply Building, 4242 Martin Way, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 377, Laws of 1985.

The specific statute these rules are intended to implement is chapter 377, Laws of 1985. (Title 46 RCW)

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1985.

Dated: July 31, 1985

By: Lieutenant Gary R. Hallett
Executive Secretary

STATEMENT OF PURPOSE

Title: Tow trucks are vehicles that are specially equipped to remove, from the highways, disabled, abandoned or damaged motor vehicles or the removal of vehicles when the driver is incapacitated by intoxicants or otherwise incompetent. The inspection, regulation and licensing as registered tow operators of the various towing firms and tow trucks, by the Washington State Patrol and the Department of Licensing is mandated by chapter 377, Laws of 1985.

Authority: Chapter 377, Laws of 1985, creates a new chapter in Title 46 RCW, amends RCW 46.63.020 and repeals RCW 46.52.102, 46.52.104, 46.52.106, 46.52.108, 46.52.110, 46.52.111, 46.52.112, 46.52.113, 46.52.114, 46.52.115, 46.52.116, 46.52.117, 46.52.118,

46.52.119, 46.52.1192, 46.52.1194, 46.52.1195, 46.52.1196, 46.52.1198, 46.52.145, 46.52.150, 46.52.160 and 46.52.210.

Summary: Towing businesses, tow trucks and their accompanying business activities will be regulated in part by this rule. Detailed regulations that relate directly to towing businesses and the requirements of the Washington State Patrol to assist in the implementation of these regulations are necessary to satisfy legislative intent. Selected senior officers from the state patrol will be appointed by the patrol to serve as towing business inspectors and will assist the Department of Licensing in the implementation of chapter 377, Laws of 1985.

Agency: Commission on Equipment, Washington State Patrol, Lieutenant Gary R. Hallett, General Administration Building, AX-12, Olympia, Washington 98504, (206) 753-6569.

Comments: Vehicles requiring the services of the towing industry constitutes a major business enterprise in the state of Washington. Regulations and inspections to assure compliance with acceptable business practices, adequate tow truck safety equipment and the proper handling and care of vehicles requiring the services of a tow truck are a necessary portion of the towing industry.

Government: Substitute Senate Bill 3553, chapter 377, Laws of 1985, enacted by the legislature of the state of Washington.

TOWING BUSINESSES
WASHINGTON ADMINISTRATIVE CODE
CHAPTER 204-91

NEW SECTION

WAC 204-91-010 **AUTHORITY.** This chapter is promulgated pursuant to Chapter 34.04 RCW and Chapter 377, Laws of 1985, which require that rules and regulations be made for the removal from the highway of disabled, abandoned, or damaged motor vehicles, or the removal of vehicles when the driver is intoxicated or otherwise incompetent. Such regulations are intended to apply only when the removal is done by a registered tow truck operator upon the request of an officer of the Washington State Patrol.

NEW SECTION

WAC 204-91-020 **PURPOSE.** These rules are intended to implement the public policy expressed by the legislature and to carry out the statutory duties of the Washington State Patrol and the Commission on Equipment.

All registered tow truck operators providing service to the public through calls received from the Washington State Patrol shall conduct their operations in accordance with all applicable laws of the state of Washington and all applicable rules of this Commission and the Department of Licensing.

NEW SECTION

WAC 204-91-030 **DEFINITIONS.** (1) "Patrol" means the Washington State Patrol as defined in RCW 43.43.010.

(2) "Department" means the Washington State Department of Licensing.

(3) "Director" means the Director of the Department of Licensing.

(4) "Commission" means the State Commission on Equipment established under RCW 46.37.005.

(5) "Tow Truck Permit" means the permit issued annually by the Department that has the classification of service the tow truck may provide stamped upon it.

(6) "Registered Tow Truck Operator" or "Operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles.

(7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the Commission.

(8) "Tow truck number" means the number issued by the Department to tow trucks used by a registered tow truck operator in the state of Washington.

(9) "Tow truck service" means the transporting upon the public streets and highways of this state of unauthorized vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(10) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(11) "Place of business" means a building which the registered tow truck operator occupies, either continuously or at regular times, where tow business books and records are kept and tow business is transacted in each assigned tow zone.

(12) "Vehicle storage area" means the approved yard or enclosed building where stored vehicles are kept. This storage area and fencing will comply with the requirements as established by the Department of Licensing and all local zoning rules and regulations.

(13) "District Commander" means the local commanding officer of an area established by the Washington State Patrol.

(14) "Inspector" means a commissioned officer of the Washington State Patrol who has been designated as a tow truck inspector by the Patrol.

(15) "Tow Zone" means that geographical area designated by the district commander for the removal of vehicles as defined in Chapter 46 RCW and these regulations.

(16) "Secretary" means the Executive Secretary of the Commission on Equipment.

(17) "Letter of Appointment" means a letter issued by the Secretary that authorizes a licensed tow truck operator to tow on a rotational or contractual basis for the Washington State Patrol.

NEW SECTION

WAC 204-91-040 APPLICATION FOR LETTER OF APPOINTMENT. (1) An application for a Letter of Appointment to provide towing service for the Patrol shall be filed by the applicant with the Secretary of the Commission on Equipment on a form prescribed by the Commission. In the case of a partnership, each partner shall apply on the form prescribed by the Commission. In the case of a corporation, the Commission may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form.

(2) The application form will be assigned a docket number which shall be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence thereafter.

(3) The filing of an application for a Letter of Appointment to tow upon request of the Patrol does not in itself authorize the towing operator to provide towing services pursuant to these regulations until a Letter of Appointment has been granted by the Commission. The Patrol shall not call a towing business unless a permanent letter has been issued in connection with such business by the Commission. However, nothing herein shall prohibit the Patrol from calling the towing business upon the specific request of the person responsible for the vehicle or his agent.

A permanent letter will not be granted until all applicable sections of the rules and regulations of the Department of Licensing to qualify as a licensed and registered tow truck operator have been met by the applicant. Upon request, the Secretary shall advise the applicant of the contents of these regulations and of the standards established for the issuance of a Letter of Appointment.

NEW SECTION

WAC 204-91-050 APPLICATION. Application for licensing as a registered tow truck operator shall be made on forms furnished by the Department and shall be accompanied by an inspection certification from the Washington State Patrol. The inspection form shall be furnished by the Commission.

NEW SECTION

WAC 204-91-060 CERTIFICATE OF APPROVAL. A certificate of approval from the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of the Washington State Patrol, certifying that:

(1) The applicant has an established place of business at the address shown.

(2) The place of business has an office area that is accessible to the public without entering the storage area.

(3) The place of business has adequate and secure storage facilities as defined by rules of the Department, where vehicles and their contents can be properly stored and protected.

(4) The applicant has proof of the following minimum insurance requirements:

(a) Two hundred fifty thousand dollars for liability for bodily injury or property damage per occurrence, and

(b) One hundred thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

(5) The information for the certificate of approval may be included in the inspection form that is completed by the inspector.

NEW SECTION

WAC 204-91-070 INSPECTIONS. Upon receipt of an application for a Letter of Appointment, the Secretary of the Commission shall cause the Patrol to conduct an inspection of the applicant's place of business, facilities, and equipment to determine if the applicant qualifies for the issuance of a Letter of Appointment pursuant to Chapter 204 WAC. Verification must be shown to the inspector that the applicant's request for a Letter of Appointment complies with all applicable local laws and regulations as prescribed for the geographical area where the towing business will be established. If local zoning regulations are applicable, a copy of the certification of approval from the local zoning commission will be furnished to the inspector. This certification may be included in the Department of Licensing application form for license. This certification will become a part of the permanent record maintained on each approved towing firm by the Commission.

(1) Inspections will be conducted at least once a year. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of tow trucks, facilities, and business records.

(2) After a license to operate as a registered tow truck has been approved by the Department, a cab card permit will be carried in the tow truck at all times. The permit will be designed and be furnished by the Department, and will be renewed and changed on an annual basis. The class of the tow truck shall be stamped on this permit.

(a) A tow truck number, as assigned by the Department, will be affixed to each qualified tow truck.

(3) Upon a subsequent inspection of a tow truck which has previously been found qualified and to which a permit has been affixed, the inspector may place a "red" out of service tag on the windshield of the tow truck if it is no longer found to be qualified, subject to the following procedures.

(a) In the event of a safety-related defect which would render the tow truck a safety hazard upon the public highway, the red tag shall be affixed immediately. Upon a protest by the operator that the defect does not represent a safety hazard, the red out of service tag shall not be affixed until such time as the defect is verified as a safety hazard by the inspector's supervisor.

(b) In the event of missing or defective equipment which is not a safety hazard but was required for approval initially, the inspector shall advise the operator of the defect. If after ten days the operator fails or refuses to repair the defect, the red out of service tag shall be affixed.

(c) Upon repair of a defect which has previously caused the applying of a red tag, the inspector shall reinspect the equipment which has been found defective. If the specified corrections have been satisfactorily completed, the inspector shall remove the red tag. In the event that the inspector is not readily available to reinspect and remove the red tag, such other patrol officer as appointed by the inspector's supervisor may reinspect and remove the red tag. The reinspection shall be completed as soon as possible after the operator advises that the defect has been repaired.

(d) Upon termination of a Letter of Appointment, the operator's right to conduct towing services at the request of the Patrol is canceled.

(e) Upon sale or other transfer of the truck from the business, the operator shall so advise the Secretary of the Commission and the inspector will be requested to obtain the previously-issued permit. This permit will be forwarded to the Department of Licensing.

(f) Upon the purchase or acquisition of any additional tow truck to be used pursuant to this chapter, the operator shall immediately notify the Commission and request an inspection of the new unit by the Patrol.

NEW SECTION

WAC 204-91-080 CERTIFICATION. After inspection of the towing business facilities and equipment, the inspecting officer of the Patrol will certify one of the following:

(1) The towing operation of the applicant fully conforms to the requirements and qualification standards established by the Commission and the Department of Licensing; or,

(2) The towing operation of the applicant does not conform to the requirements and qualification standards of the Commission. The Patrol shall state the reasons for failure to qualify in a separate report which shall be attached to the application/inspection form.

(3) In the event the applicant fails to meet the established requirements for approval, the applicant may reapply for a subsequent inspection and request for certification.

(4) The Secretary of the Commission shall have the authority to issue Letters of Appointment after receiving certification from the inspector and notice from the Department of Licensing that the applicant meets all legal requirements to be licensed as a registered tow truck operator. All such Letters of Appointment may be reviewed by the Commission at its regular meetings.

If the Commission shall find that the applicant does not or will not meet the requirements of this regulation or is not qualified regardless of waiver, then the Commission shall deny such application and shall so notify the applicant of its decision, stating the reasons therefore in writing. If a Letter of Appointment is granted, the Secretary will notify the applicant in writing and notify the Patrol directing them to use the services of the applicant in accordance with this regulation.

If the district commander of the Washington State Patrol district concerned recommends denial of a business application for authorization to provide a towing service for the Patrol, the Secretary to the Commission on Equipment shall notify the applicant and the district commander that the applicant and the district commander or his designee have the right to appear before the Commission on Equipment when the application is to be considered to show cause why the application should or should not be approved.

NEW SECTION

WAC 204-91-100 ISSUANCE OF A LETTER OF APPOINTMENT. (1) No towing operator shall be called to perform a towing service at the request of the Patrol unless such operator has a Letter of Appointment as described herein by the Commission. No such Letter of Appointment will be issued by the Commission unless the Commission is satisfied that all qualifications set out in this regulations have either been met by the applicant, or that a waiver of one or more qualifications has been granted by the Commission.

(2) A Letter of Appointment will be valid only in a single tow zone assigned by the district commander. Applications for additional letters of appointment in other zones must be based on a complete and separate business location capable of independent operation within the additional zone.

(3) A tow operator or a district commander may petition the Commission for a waiver of requirements. The Commission may grant a waiver if it finds that the towing service available to the Patrol is inadequate in that area to meet the needs of the public.

In the event a qualified tow business that meets all requirements and qualifications receives a Letter of Appointment in the same zone as the tow business that had been granted a waiver, the tow business currently operating under a waiver will have its Letter of Appointment rescinded by the Commission and after notification will not be called for Patrol-initiated tows.

(4) Every Letter of Appointment shall be issued in the name of the applicant and the holder thereof shall not allow any other person to use the letter of appointment.

(6) The Letter of Appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

(7) A Letter of Appointment shall be valid until superseded or revoked by the Commission.

(8) Each separate place of business will have a Letter of Appointment.

(9) Before a Letter of Appointment can be issued by the Secretary, the applicant must have a tow truck meeting the minimum standards in WAC 204-91-180.

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

NEW SECTION

WAC 204-91-110 SUSPENSION OR REVOCATION OF LETTER OF APPOINTMENT. Upon receiving evidence that any appointee has failed to comply to or no longer complies with any requirement or provision of these rules and regulations, the Commission may deny, suspend, or revoke the Letter of Appointment. The Commission may not deny, suspend, or revoke the Letter of Appointment unless the appointee has been given notice and an opportunity to be heard as prescribed in RCW 34.04.

The holder of a Letter of Appointment may voluntarily relinquish his or her letter. The Secretary will be advised in writing of this voluntary relinquishment. After receiving written notice, the Secretary will cause the inspector to obtain the original Letter of Appointment and forward the same to the Commission.

NEW SECTION

WAC 204-91-120 PROCEDURE. The provisions of Chapter 1-08 WAC shall govern the conduct of any hearing held pursuant to these regulations. The burden of proof in any hearing before the Commission shall be on the applicant seeking a Letter of Appointment, or the person or agency seeking the suspension or revocation of a Letter of Appointment, or other action by the Commission. The Commission, after having heard and considered all pertinent evidence, or after having considered a record of a hearing conducted by a hearing officer duly appointed by the Commission, shall make written findings of facts based on the evidence and written conclusions based on its findings. Oral proceedings shall be recorded on tape and such tape shall become part of the hearing record.

NEW SECTION

WAC 204-91-130 APPEAL. Any person aggrieved by a decision of the Commission denying, suspending, or revoking a Letter of Appointment may appeal such decision to the Superior Court of Thurston County under the provisions of Chapter 34.04 RCW.

NEW SECTION

WAC 204-91-140 COMPLAINTS. All law enforcement or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with supporting documents, including all results from the complaint investigation, to the Department.

(1) Those complaints investigated by the Patrol will be forwarded to the Secretary and the Secretary will review the complaint, prior to forwarding it to the Department.

(2) The Patrol shall investigate all complaints involving deficiencies of equipment.

(3) A complete copy of all complaints investigated by the Patrol will be kept on file by the Commission on Equipment.

NEW SECTION

WAC 204-91-150 BUSINESS OFFICE AND BUSINESS HOURS. Business hours for purposes of inspection of business records, place of business, and towing equipment shall be 8 a.m. to 5 p.m., excluding weekends and holidays.

(1) When an operator is not open for business and does not have personnel present at the place of business, the operator shall post a clearly visible telephone number at the business location for the purpose of public contact for the release of vehicles or personal property.

(2) The operator shall maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a 30-minute period of time.

(3) Personal property shall be released without charge between the hours of 8 a.m. to 5 p.m., except on weekends and legal holidays.

(4) Any fee that is charged for the storage of a vehicle shall be calculated on a 24-hour basis and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area. All impounded vehicles shall be taken to the nearest approved storage location.

(5) All billing invoices that are provided to the redeemer of the vehicle shall be consecutively numbered and shall contain the following minimum information:

- (a) Date of service and tow truck operator's name.
- (b) Time of departure from business.
- (c) Time of return to business.
- (d) Starting mileage of tow truck.
- (e) Ending mileage of tow truck.
- (f) Class of tow truck.
- (g) If towing call is for a Washington State Patrol request.
- (h) All fees for service shall be itemized.

A copy of the invoice shall be filed by invoice number at the business location and a copy of any voided invoice shall be retained in this same file.

(6) The Department shall adopt rules concerning fencing and security requirements of storage areas which may provide for modification or exemptions when needed to achieve compliance with local zoning laws.

(7) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(8) All personal belongings and contents in the vehicle shall be kept intact and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings shall not be sold at auction to fulfill a lien against the vehicle.

(9) All personal belongings not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to Chapter 63.29 RCW.

(10) After January 1, 1986, all employees who serve as tow truck operators shall have a Washington State driver's license endorsed for vehicle combinations under RCW 46.20.440.

(11) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner may inspect and view the vehicle without charge during normal business hours.

(12) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its business records are kept. The application shall also list all locations of secure areas for vehicle storage and redemption.

(13) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle. The lettering shall be at least two (2) inches in height with 1/2-inch stroke, in a color that contrasts with the tow truck's color. The lettering shall be three inches in height, with 1/2-inch stroke, on all tow trucks that are placed into service after January 1, 1986.

(14) Before a tow truck is put into tow truck service or when the reinspection of a tow truck is necessary, the district commander of the State Patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

NEW SECTION

WAC 204-91-160 TOWING PROCEDURE. Officers of the Patrol shall obtain towing services to remove damage or disabled vehicles from the highway or to remove vehicles from the highway with the following limitations:

(1) If the vehicle does not constitute an obstruction to traffic and the owner/operator of the vehicle is present at the scene and appears competent to determine disposition of the vehicle, the owner/operator may, upon request, make his own arrangements for removal. This does not affect rotational positions.

(2) If the vehicle is to be removed from the scene, the owner/operator of the vehicle may make a specific request for a particular tow

operator. The request will be honored by the officer of the Patrol if the requested tow operator is reasonably available and the request is otherwise reasonable in view of the circumstances at the scene. This does not affect rotational positions.

(3) When the owner/operator of the vehicle makes no specific request, or when the owner/operator is incapacitated or is unavailable, the officer of the Patrol shall, when practicable, obtain towing services by notifying the radio communications center and requesting tow service at that location.

(4) The Commission shall specify that tow services obtained by the Patrol will be on a contractual, rotational, or other basis in specific geographical areas in the state.

(5) For the purposes of rotational tow requests, an approved tow truck shall be used only in the single tow zone which has been assigned to the company or business enterprise operating such truck, except:

- (a) In cases of specific requests covered by (2) above; and
- (b) When tow service is not reasonably available within a given zone and tow service may be obtained from another zone.

(6) The Patrol and the Secretary may establish rules that will allow approved towing firms to establish their own central dispatch centers to dispatch tow trucks at the request of the Patrol in selected geographical areas of the state.

(a) These dispatch centers will be the responsibility of those member towing firms that utilize this type of service.

(b) The Patrol communications centers will advise the towing dispatch center of the location, zone number, class of tow truck(s), and number of tow trucks needed at the location. The towing dispatch center will be responsible for dispatching the various towing firm's tow trucks.

(c) Permanent records will be maintained by the towing dispatch center for a period of three years of all tow trucks dispatched at the request of the Patrol.

NEW SECTION

WAC 204-91-170 TOW ZONES. Each district commander of the Patrol shall outline geographical areas within his district to be designated as tow zones and approved by the Commission. The geographical tow zones for each Washington State Patrol district are on file with the Secretary of the State Commission on Equipment, Washington State Patrol Headquarters, General Administration Building AX-12, Olympia, Washington. The boundaries established pursuant to this action may be modified by an appeal. Each district of the Patrol shall be divided into tow zones to be determined on the basis of a general comparison between the availability of towing service and the incidence of need for towing service in geographical areas within his district. They shall consider such factors as the frequency and severity of accidents and the frequency of DWI arrests in respective areas throughout the district, the volume and pattern of traffic, the availability of tow services, and the accessibility of tow services to the respective areas of need within each district. Nothing herein shall prevent the Commission from amending tow zones from time to time as required by changing traffic and accident patterns and other such factors affecting the adequacy of towing service available to the Patrol.

NEW SECTION

WAC 204-91-180 MINIMUM STANDARDS FOR TOW TRUCKS. Class A Tow Trucks. Tow trucks that are capable of towing and recovery operations for passenger cars, pickup trucks, small trailers, or equivalent vehicles. All equipment used in conjunction with the tow truck must be commensurate with the manufacturer's basic boom rating.

(1) Ten thousand pounds minimum manufacturer's gross vehicle rating or equivalent.

(2) Dual tires on the rear axle or duplex type tires, referred to as super single with load rating that is comparable to dual tire rating.

(3) Six ton boom rating dual or single boom with dual winches to control a minimum of two service cables.

(4) A minimum of one hundred feet of 3/8-inch continuous length cable or its equivalent, measured from the point of attachment, in safe working condition on each drum.

(5) Each cable shall be capable of being fully extended from and fully wound onto its drum.

(a) Cables or wire ropes shall be free from the following defects and conditions.

(b) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(c) No evidence of any heat damage from any cause.
 (d) No end attachments that are cracked, deformed, worn, or loosened.

(e) Where a wire rope is attached to a hook with clamps instead of being swaged, a minimum of three clamps shall be used. Clamps shall be spaced at least six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the rope. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size.

(6) One revolving or intermittent red lamp with 360 degree visibility; may also be equipped with flashing amber lamp and/or flashing white lamps which may be used in conjunction with the red lamp(s). Such lighting will not be used when responding to a call, but only at the scene when necessary to warn approaching traffic of impending danger.

(7) A broom and shovel. The broom shall be at least twelve inches wide and have a handle at least four feet long. The shovel shall be flat scoop type with a minimum width of seven inches and overall length of at least three feet.

(8) A tow sling, wheel lift, car carrier, or other comparable device made of a material designed to protect vehicles and motorcycles while being towed.

(9) A 20 BC rating fire extinguisher(s) or equivalent.

(10) A minimum of two snatch blocks or their equivalent in working condition.

(11) A portable dolly or its equivalent for hauling vehicles that are not towable.

(12) Two pinch bars or equivalent devices; one tapered, one flattened; one three feet and one five feet.

(13) A two-way radio having the ability to communicate with a base station. Citizen band radio does not suffice.

(14) Portable lights for unit being towed including, but not limited to, tail lights, stop lights, and directional signals.

(15) In addition to the preceding, the following is required:

(a) Tow truck interior will be reasonably clean.

(b) Tow truck drivers will clean accident/incident scenes of all vehicle glass and debris.

Class B. Tow trucks that are capable of towing and recovery operations for medium size trucks, trailers, motor homes, or equivalent vehicles. Class B tow trucks shall have:

(1) Seventeen thousand pounds minimum gross vehicle weight.

(2) Ten ton minimum hoist rating.

(3) Seven-sixteenths inch cable; a minimum of one hundred feet.

(4) The remaining minimum required standards stated in Class A.

Class C.

(1) Forty-nine thousand pounds minimum gross vehicle weight.

(2) Twenty-five ton minimum hoist rating.

(3) One hundred fifty feet of cable at 9/16-inch.

(4) Air brakes and air system capable of supplying air to the towed unit.

(5) Portable dollies not required.

(6) Tandem rear axle truck chassis.

(7) The remaining minimum required standards in Class A as stated above.

Class D. Must meet equipment standards in Class A, except:

(1) Wheel lift winch capacity of 6,000 pounds minimum.

(2) One cable for Class D.

All other tow trucks which cannot meet these classification or equipment requirements must obtain special approval by the Secretary through the district commander in writing, stating the need, capability, size, and equipment of the tow truck.

NEW SECTION

WAC 204-91-190 VEHICLE TOWING OPERATOR QUALIFICATIONS. In addition to WAC 204-91-180, tow truck operators appointed to perform towing service pursuant to this regulation shall observe the following practices and procedures:

(1) When called by the Patrol, the tow truck operator will dispatch a tow truck within five minutes during normal business hours.

(2) Tow trucks dispatched at the request of the Patrol after normal business hours will be on the move within the assigned zone within fifteen minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance and traffic conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time, the tow truck operator shall so advise the Patrol. In the event the tow truck does not arrive at the scene within a

reasonable time, the Patrol will contact another tow business to perform the necessary services.

(5) A tow operator on rotation who is unable to dispatch within the time stated in WAC 204-91-190, paragraphs, 1, 2, 3, and 4, will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the Patrol for Towing services may result in the suspension or revocation of the tow operator's Letter of Appointment.

(7) The tow operator will advise the Patrol when he receives a private call for a tow and the circumstances indicate that the tow is for a vehicle which has been involved in an accident or other such incident on the public roadway. The tow operator also will advise the Patrol of all traffic accidents on private property resulting in bodily injury or death when the operator has received a private call for a tow at such an accident.

(8) The tow operator will notify the Patrol before moving any vehicle involved in an accident on a public highway under the jurisdiction of the Patrol as defined in the Motor Vehicle Code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under the influence or intoxicants or drugs, or is otherwise incapacitated.

(9) When the Patrol is in charge of an accident scene or other such incident, a tow operator shall not respond to such scene unless his services have been specifically requested by the Patrol, or the driver/owner or his agent.

(10) The tow operator shall be available twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and nonbusiness hours. A copy will also be sent to the Secretary of the Commission and Patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the Department, Secretary of the Commission, and district commander ten days before their effective date.

(11) Tow operators will notify the appropriate Patrol office of the release of stored vehicles within five working days after the release of such vehicle. Notification to the Patrol will be made in such a manner as prescribed by the Secretary.

(12) Tow operators will post current towing service rates in a conspicuous place at the company's place of business and shall list such rates on a form approved by the Commission. A copy of the current rates will be sent to the Department, Secretary of the Commission, and Patrol district commander of the district in which the tow operator has applied for a Letter of Appointment. Any change(s) in service rates will be forwarded to the district commander of the area and to charges made for towing services arising from calls issued by the Patrol shall be consistent with current posted towing rates and shall be based only upon services listed on the prescribed form.

(13) Tow operators will maintain, for three years, records on towed and released vehicles which were towed at the request of the Patrol. This record will include, but not be limited to:

(a) An itemized receipt of charges to the claimant of the vehicle.

(b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the tow truck driver.

Such records will be available for inspection by the Patrol during normal business hours at the appointee's place of business for which the letter of appointment has been issued.

(14) The tow truck driver will sign an inventory sheet made out by the Patrol officer at the scene.

(15) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to Chapter 377, Laws of 1985.

(16) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry.

(17) No tow operator or his/her employee or agent shall misappropriate, wrongfully convert to his/her own use, or abuse any property entrusted to his/her care or storage as a result of performing towing services for the benefit of a towing service customer.

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

NEW SECTION

WAC 204-91-200 EFFECTIVE DATE. These regulations shall become effective on January 1, 1986. Those towing operators who possess valid letters of appointment dated prior to January 1, 1986, are

hereby authorized to continue towing for the Washington State Patrol until such time as they have completed their application to qualify as a registered tow truck operator, have been inspected by the Washington State Patrol, received their license as a registered tow truck operator, and received their Letter of Appointment. Failure to pass the inspection of the Washington State Patrol, as dictated by Chapter 377, Laws of 1985, will cause the automatic cancellation of the pre-1986 Letter of Appointment.

REPEALER

Chapter 204-66 WAC is repealed.

WSR 85-17-059
PROPOSED RULES
COMMISSION ON EQUIPMENT

[Filed August 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state Commission on Equipment intends to adopt, amend, or repeal rules concerning suncreening material for motor vehicle safety glazing surfaces;

that the agency will at 1:00 p.m., Wednesday, September 25, 1985, in the Conference Room, State Patrol Supply Building, 4242 Martin Way, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 304, Laws of 1985.

The specific statute these rules are intended to implement is RCW 46.37.430.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1985.

Dated: August 14, 1985

By: Lieutenant Gary R. Hallett
Executive Secretary

STATEMENT OF PURPOSE

Title: Sunscreening material for motor vehicles is designed to reduce the affects of the sun on the interior of vehicles and on the passengers riding in vehicles. Additionally some people must be protected from exposure to sunlight for physical or medical reasons.

Authority: RCW 46.37.430, safety glazing material in motor vehicles amended by chapter 304, Laws of 1985, is intended to allow the use of sunscreening material on the windows of motor vehicles.

Summary: This statute allows individuals or retail business outlets to sell, install and use sunscreening material on motor vehicles. This statute requires the state Commission on Equipment to adopt standards for these products.

Agency: Commission on Equipment, Washington State Patrol, Lieutenant Gary R. Hallett, General Administration Building, AX-12, Olympia, WA 98504, (206) 753-6569.

Comments: Adequate standards are necessary to ensure that those vehicles that have sunscreening material applied on the existing glazing material do not have products used that may create a vision problem for the

vehicles operator. It is necessary that those manufacturers of suncreening products comply with set standards as established by commission regulations.

Government: Senate Bill 3085, chapter 304, Laws of 1985, enacted by the legislature of the state of Washington.

Chapter 204-82 WAC

Standards for Motor Vehicle Sun Screening Devices

NEW SECTION

WAC 204-82-010 AUTHORITY. This chapter is promulgated pursuant to Chapter 46.37.430 RCW and Chapter 304, Laws of 1985, and is intended to administratively implement that statute.

NEW SECTION

WAC 204-82-020 PURPOSE. The purpose of this rule is to establish requirements for approved vehicle glazing materials designed to reduce the effects of the sun, and for products and materials which are designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun.

NEW SECTION

WAC 204-82-030 SCOPE. This regulation is applicable to passenger cars, multipurpose passenger vehicles, trucks, and buses. Additionally, this regulation encompasses the following window areas on the above-described vehicles.

- (1) Windshields;
- (2) Windows to the immediate right and left of the driver, including wind wings; or
- (3) Rearmost windows if used for driving visibility by means of an interior rearview mirror.
- (4) This rule does not permit or prohibit the use and placement of federal, state, or local certificates on any window as are required or prohibited by applicable laws or regulations.

(5) This rule has no effect on tinted safety glazing material that is installed in accordance with Federal Motor Vehicle Safety Standards (FMVSS 205 and 128) and American National Standards Institute (ANSI Z26.1.1977) on new vehicles at the time of the manufacturing process.

NEW SECTION

WAC 204-82-040 DEFINITIONS. (1) Sunscreening devices means those products or materials designed to be used in conjunction with approved vehicle safety glazing materials for the purpose of reducing the effects of the sun.

(2) Luminous reflectance and light transmittance mean that the reflectance and transmittance referred to in this rule are in the visible light range.

(3) Reflectance means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the product or material to the amount of total light falling on the product or material.

(4) Transmittance means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including the glazing, to the amount of total light falling on the product or material and glazing.

(5) Person means every natural person, firm, co-partnership, association, or corporation.

(6) Manufacture means:

(a) Any person engaged in the manufacturing or assembling of sun screening products and/or materials designed to be used in conjunction with vehicle glazing materials; or

(b) Any person who fabricates, laminates, or tempers the glazing material incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process.

NEW SECTION

WAC 204-82-050 GLAZING LOCATIONS AND RESTRICTIONS. (1) The maximum level of film sunscreening material to be applied to windshields, windows to the immediate right and left of the driver, including wind wings or rearmost windows, if used for driving visibility by means of an interior rearview mirror, shall have a total

reflectance of 35 percent or less, plus or minus 3 percent, and a light transmission of 35 percent or more, plus or minus 3 percent, when measured in conjunction with the safety glazing material.

(a) All other windows may have sunscreening applied that has a greater degree of light reduction.

(b) This rule shall permit a greater degree of light reduction on all windows of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

(2) Louvered materials, when installed as designed, shall not reduce the driver visibility below 50 percent as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from the inside rearview mirror.

(3) Windshield application. The application of sunscreening material is restricted to the top six- (6) inch area of a vehicle's windshield.

(4) If sunscreening material is applied to the rearview window, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least 200 feet to the rear of the vehicle.

(5) The following types or colors of sunscreening material are not permitted:

- (a) Mirror finish products;
- (b) Red, gold, yellow, or black material; or
- (c) Sunscreening material that is in liquid preapplication form and brushed or sprayed on.

NEW SECTION

WAC 204-82-060 CERTIFICATION BY MANUFACTURERS. Each manufacturer shall demonstrate compliance with the applicable requirements of this regulation upon the request of the State Commission on Equipment. Testing to prove compliance with this rule shall be done in conformance with all applicable federal standards.

(1) Each manufacturer shall include instructions with the sunscreening product or material for proper installation.

(2) No person shall offer for sale any sunscreening product or material for motor vehicle use not in compliance with this regulation.

WSR 85-17-060

PROPOSED RULES

COMMISSION ON EQUIPMENT

[Filed August 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state Commission on Equipment intends to adopt, amend, or repeal rules concerning assistance vans;

that the agency will at 1:00 p.m., Wednesday, September 25, 1985, in the Conference Room, State Patrol Supply Building, 4242 Martin Way, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 149, Laws of 1985.

The specific statute these rules are intended to implement is RCW 47.52.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1985.

Dated: July 30, 1985

By: Lieutenant Gary R. Hallett
Executive Secretary

STATEMENT OF PURPOSE

Title: Assistance vans are private or corporation owned vehicles that may be operated on the public highways of this state. They will provide free assistance to vehicles with equipment or fuel problems.

Authority: RCW 47.52.120, as amended by chapter 149, Laws of 1985, is intended to allow the operation of "assistance vans" on the public highways of this state.

Summary: Assistance vans will be allowed to stop and stand on limited access highways in order to assist stranded motorists. They will offer free service to vehicles with equipment or fuel problems. They may push disabled vehicles from the travel portion of the highway to the nearest shoulder area of the highway. They will not be allowed to tow disabled vehicles.

Agency: Commission on Equipment, Washington State Patrol, Lieutenant Gary R. Hallett, General Administration Building, AX-12, Olympia, WA 98504, (206) 753-6569.

Comments: Disabled vehicles pose a serious impediment to the expeditious flow of traffic on limited access highways. Those assistance vans already in place have demonstrated their value in assisting disabled motorists and consequently improving the flow of traffic on heavily traveled limited access highways.

Government: House Bill 271, chapter 149, Laws of 1985, enacted by the legislature of the state of Washington.

**ASSISTANCE VANS
WASHINGTON ADMINISTRATIVE CODE
CHAPTER 204-93**

NEW SECTION

WAC 204-93-010 AUTHORITY. This rule is promulgated pursuant to RCW Chapter 47.52.120 and Chapter 149, Laws of 1985, and is intended to administratively implement that statute.

NEW SECTION

WAC 204-93-020 PURPOSE. The purpose of this regulation is to provide this state with minimum standards and operating regulations for assistance vans.

NEW SECTION

WAC 204-93-030 DEFINITIONS. (1) Assistance van: A vehicle that has been approved by the Commission on Equipment to provide aid, free of charge, to vehicles with equipment or fuel problems. An assistance van will be referred to as "van" in this regulation.

(2) Commission: As hereinafter referred to within this regulation shall mean the Washington State Commission on Equipment.

(3) Secretary: Shall mean the Executive Secretary of the Commission on Equipment.

(4) Patrol: Shall mean the Washington State Patrol as defined in RCW 43.43.010.

(5) District Commander: Shall mean the commanding officer of a Washington State Patrol district.

(6) Inspector: Shall mean a commissioned officer of the Washington State Patrol who has been designated by his/her district commander to conduct inspections of assistance vans.

(7) Owner: Shall mean the legal owner of the assistance van.

(8) Operator: Shall mean the person(s) or firm so named in the Letter of Appointment, who operates the assistance van.

(9) Driver: Shall mean the person who drives the van and furnishes the actual service.

(10) Highway: Means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(11) Letter of Appointment: Shall mean the document issued by the Secretary that authorizes the assistance van to operate within this state.

NEW SECTION

WAC 204-93-040 DRIVER STANDARDS. (1) The driver's minimum age is to be 21 years.

(2) Driver shall possess a valid first aid card.

(3) Driver shall possess a valid Washington operator's license.

(4) Driver shall not have a previous felony conviction and shall agree to submit to a no fee criminal background investigation by the Patrol.

NEW SECTION

WAC 204-93-050 VAN STANDARDS. (1) The minimum size of the van will be a half-ton rated van or pickup truck.

(2) Van will be equipped with adequate front pushbars and will be of such a design to protect the finish of the vehicle being pushed.

(3) The van will not have towing capabilities.

(4) The primary sponsor or operator's name, address, and telephone number will be painted on both sides of the vehicle in a contrasting color. The lettering shall be at least 3 inches in height with a 3/4 inch stroke. Other sponsors may be shown in smaller lettering.

(5) The words "Assistance Van" shall be painted on the front and rear of the van. The size of the lettering shall be the same as the primary sponsor's or operator's name.

(6) The van shall have the capability to jump start another vehicle without going the wrong direction on the highway. It will have the ability to transfer fuel.

(7) The vehicle shall be maintained in a clean and neat manner.

(8) The van will be equipped with an approved light bar that displays amber lighting in a 360° radius. The amber lights will be used only at the scene of a disabled vehicle or when a disabled vehicle is being pushed from the travel lane to the nearest shoulder of the highway.

NEW SECTION

WAC 204-93-060 TWO-WAY COMMUNICATIONS REQUIREMENTS. (1) Capability to monitor channel 9 of the citizen's band radio.

(2) Two-way mobile communications with a base station. A CB radio will not be adequate for this communication.

(3) Public address system.

(4) Communication headsets will not be used while the van is in motion.

NEW SECTION

WAC 204-93-070 EQUIPMENT REQUIREMENTS. The van will be equipped with the following items:

(1) Floor jack - 2-1/2 ton rating.

(2) Portable tank of compressed air with a minimum capacity of 100 pounds of compressed air.

(3) One 36 unit first aid kit or larger.

(4) One 20 BC rated fire extinguisher or two 10 BC rated fire extinguishers.

(5) Mechanics tools for minor repairs.

(6) Five-gallon container of water.

(7) Six red traffic cones.

(8) One case of 20-minute fuses.

NEW SECTION

WAC 204-93-080 INSURANCE REQUIREMENTS. Each van shall be covered with the following minimum insurance coverage:

(1) One hundred thousand dollars of legal liability per occurrence to protect against vehicle damage.

(2) Two hundred fifty thousand dollars for liability for bodily injury or property damage per occurrence.

(3) Proof of insurance will be filed with the Commission. Failure to maintain the required coverage will result in cancellation of the Letter of Appointment by the Commission.

NEW SECTION

WAC 204-93-090 APPLICATION FOR AND ISSUANCE OF LETTER OF APPOINTMENT. (1) An application for a Letter of Appointment to operate an assistance van shall be filed with the Secretary of the Commission on Equipment. This application will be filed on a form prescribed and furnished by the Commission.

(2) The application will be assigned a docket number which shall be its permanent identification number for all matters relating to appointments.

(3) The Secretary will cause an inspection to be made of the van. The inspection form will be prescribed by the Commission and the inspector will be assigned by the district commander.

NEW SECTION

WAC 204-93-100 INSPECTIONS. Upon receipt of an application for a Letter of Appointment, the Secretary shall cause the Patrol to conduct an inspection of the applicant's van, to determine if the applicant qualifies for the issuance of a letter of appointment pursuant to Chapter 204-93 WAC.

(1) Inspections will be conducted at least once a year.

(2) After a Letter of Appointment has been issued, the Secretary will cause to be affixed to each qualified van a window decal indicating that the particular van has been approved by the Commission.

(a) The decal will be furnished by the Commission and affixed to the windshield on the lower right hand corner by the inspector.

(b) Upon a subsequent inspection of a van which has previously been found qualified and to which a decal has been affixed, the inspector may remove the decal from the van if it is no longer found to be qualified, subject to the following procedures:

(1) In the event of a safety-related defect which would render the van a safety hazard upon the public highway, the decal may be removed immediately by the inspector. Upon a protest by the operator that the defect does not represent a safety hazard, the decal may not be removed until such time as the defect is verified as a safety hazard by the inspector's supervisor.

(2) In the event of missing or defective equipment which is not a safety hazard but was required for approval initially, the inspector shall advise the operator of the defect. If after ten days the operator fails or refuses to repair the defect, the decal may be removed.

(3) Upon repair of a defect which has previously caused removal of a decal, the inspector shall reinspect the equipment which had been defective. If the specified corrections have been satisfactorily completed, the inspector shall reapply another decal to the windshield. In the event that the inspector is not readily available to reinspect and reapply the decal, such other Patrol officer as may be appointed by the Patrol may reinspect and reapply the decal. The reinspection and reapplication shall be done as soon as possible after the operator advises that the defect has been repaired.

(c) Upon termination of a Letter of Appointment, the decal will immediately be removed.

(d) Upon sale or other transfer of the van from the business, the operator shall so advise the secretary to the Commission and shall remove the decal prior to the sale or transfer of the vehicle.

(e) Upon the purchase or acquisition of any additional van to be used pursuant to this chapter, the operator shall immediately notify the Commission and request an inspection of the new unit by the Patrol.

NEW SECTION

WAC 204-93-110 CERTIFICATION. After inspection of the van, driver qualifications, and required equipment, the inspecting officer will certify one of the following:

(1) The van operation of the applicant fully conforms to the requirements established by this rule.

(2) The van operation of the applicant does not fully conform to the requirements. The deficiencies shall be listed on the inspection form. The operator will be informed of the deficiencies by the inspector. The operator may reapply to the inspector or the Secretary when he/she has corrected the deficient areas and request another inspection.

(3) Upon certification of compliance by the inspector and after all other requirements of this regulation have been met, the Commission will issue a Letter of Appointment to the applicant.

(a) A copy of the current Letter of Appointment shall be posted in the place of business of the applicant.

(4) Failure of the operator to comply with any of the various regulations in this chapter may result in cancellation of the operator's Letter of Appointment by the Commission.

NEW SECTION

WAC 204-93-120 **FREE SERVICE.** All services provided to a disabled motorist at the location of the disablement shall be free. This will include any vehicle repair parts that may be furnished by the operator.

NEW SECTION

WAC 204-93-130 **NOTIFICATION TO LAW ENFORCEMENT AGENCIES.** The appropriate law enforcement agency will be notified under the following circumstances:

- (1) Motor vehicle accidents
- (2) Ill or incapacitated motorists
- (3) Intoxicated motorists
- (4) If a disabled vehicle is to be left on the highway shoulder and the driver is to be transported away from the scene.

NEW SECTION

WAC 204-93-140 **RESTRICTIONS TO VAN OPERATION AND MOVEMENT ON HIGHWAY.** (1) No traveling in high-occupancy vehicle lane unless responding to a disabled vehicle.

- (2) No wrong direction travel on highway or on/off ramps of highway.
- (3) A disabled vehicle will be pushed only to the nearest highway shoulder area.
- (4) Disabled vehicles will not be towed for any distance.
- (5) All "rules of the road" as defined by RCW 46.61 shall be obeyed with the exception of RCW 46.61.570 and 46.61.575 as they relate to stopping, standing, or parking restrictions on public highways.
- (6) RCW 47.52.120 shall be obeyed, except section (5) as it relates to the stopping or parking of a vehicle on a limited access highway facility.

NEW SECTION

WAC 204-93-150 **RECORD OF ASSISTANCE FURNISHED.** Each van operator will maintain a permanent daily log or record of all assistance furnished to disabled motorists. These records shall be made available to the inspector or Secretary upon request. This record shall include but not be limited to the following items:

- (1) Van driver's name
- (2) Location and time of assistance
- (3) Vehicle license number of vehicle assisted
- (4) Type of assistance given
- (5) Time of day that van is placed in service and taken out of service

NEW SECTION

WAC 204-93-160 **DRIVER'S CLOTHING.** The van driver will wear clothing that identifies the operator or primary sponsor.

- (1) The driver will wear a legible name tag.
- (2) Clothing will be maintained in presentable and clean manner.

**WSR 85-17-061
PROPOSED RULES
COMMISSION ON EQUIPMENT**

[Filed August 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state Commission on Equipment intends to adopt, amend, or repeal rules concerning reflectorized warning devices;

that the agency will at 1:00 p.m., Wednesday, September 25, 1985, in the Conference Room, State Patrol Supply Building, 4242 Martin Way, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 119, Laws of 1984.

The specific statute these rules are intended to implement is RCW 46.37.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1985.

Dated: July 30, 1985
By: Lieutenant Gary R. Hallett
Executive Secretary

STATEMENT OF PURPOSE

Title: Reflective warning device is designed to ensure the safety and protection of the motoring public by providing additional reflection to warn the approaching motorist of the disabled abandoned vehicle.

Authority: RCW 46.37.450, display of warning devices amended by chapter 119, Laws of 1984, is intended to implement a reflectorized warning device and its placement.

Summary: Law enforcement personnel are required to place a reflectorized warning device on or near any motor vehicle (trucks, buses, and trailers over eighty inches in overall width excluded) which has become disabled along the highway or shoulder of the road outside any municipality at a time when lights are required on the vehicle. State and local governments and their employees are relieved from civil liability in the implementation of this section.

Agency: Commission on Equipment, Washington State Patrol, Lieutenant Gary R. Hallett, General Administration Building, AX-12, Olympia, Washington 98504, (206) 753-6569.

Comments: A disabled abandoned vehicle on or near the roadway poses a serious threat to the traveling public, as it is not easily identifiable at night and has been a source of serious and fatal automobile accidents. A law enforcement officer placing a reflectorized warning device on a disabled vehicle shall help provide an additional margin of safety to the approaching motorists by warning them of the disabled vehicle.

Government: Senate Bill 4527, chapter 119, Laws of 1984, enacted by the legislature of the state of Washington.

REFLECTORIZED WARNING DEVICES
WASHINGTON ADMINISTRATIVE CODE
WAC 204-94

NEW SECTION

WAC 204-94-010 **AUTHORITY.** This chapter is promulgated pursuant to Chapter 46.37.450 RCW and Chapter 119, Laws of 1984, and is intended to administratively implement that statute.

NEW SECTION

WAC 204-94-020 **PURPOSE.** Law enforcement personnel are required to place a reflectorized warning device on or near any motor vehicle (trucks, buses, and trailers over eighty inches in overall width excluded) which has become disabled along the highway or shoulder of the road outside any municipality at a time when lights are required on the vehicle. State and local governments and their employees are relieved from civil liability in the implementation of this section.

NEW SECTION

WAC 204-94-030 DEFINITION. "Reflectorized Warning Device" means any device defined in RCW 46.37.450 or any device composed of a reflective sheeting material which consists of spherical lens elements embedded with a transparent plastic having a smooth, flat outer surface.

Dated: August 20, 1985
By: Glen H. Fiedler
Deputy Director

NEW SECTION

WAC 204-94-040 STANDARDS FOR REFLECTORIZED WARNING DEVICES. Reflectorized warning devices used by law enforcement shall conform to those devices described in RCW 46.37-450 and WAC 204-94-030.

Reflectorized sheeting material shall have an average brightness value that ranges from 7 to 70 candlepower per foot-candle per square foot of material.

Reflective sheeting material shall be weather resistant and have a protected pre-coated pressure sensitive adhesive. The reflective sheeting material should be easily removable.

NEW SECTION

WAC 204-94-050 PLACEMENT OF REFLECTORIZED WARNING DEVICES. Whenever any vehicle is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality, at any time when lights are required by RCW 46.04.200, upon discovery of such disabled vehicle by law enforcement, a reflectorized device such as those defined in RCW 46.37.450 or WAC 204-94-030 shall be placed on the vehicle.

WSR 85-17-062
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)

[Memorandum—August 20, 1985]

The Washington State Library Commission will meet on September 12, 1985, in the Lecture Hall of Highline Community College, South 240th Street and Pacific Highway South, Midway, Washington, with a public hearing beginning at 10:00 a.m. and the business meeting immediately following.

This is a change from the Goldendale location as previously planned.

WSR 85-17-063
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed August 20, 1985]

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 Clallam County, WAC 173-19-130.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 8, 1985.

The authority under which these rules are proposed is chapters 43.21A and 34.04 RCW.

The specific statute these rules are intended to implement is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice Nos. WSR 85-12-049 and 85-16-104 filed with the code reviser's office on June 5, 1985, and August 6, 1985.

WSR 85-17-064
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
[Filed August 21, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning vehicle size and weight, chapter 468-38 WAC;

that the agency will at 10:00 a.m., Thursday, September 19, 1985, in the Bellevue Holiday Inn, 11211 Main, Bellevue, 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 46.44.090.

The specific statute these rules are intended to implement is RCW 46.44.042.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 19, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-14-010 filed with the code reviser's office on June 24, 1985.

Dated: August 20, 1985
By: Lue Clarkson
Administrator

WSR 85-17-065
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1870—Filed August 21, 1985]

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

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to cover the time period between the filing with the code reviser and effective date of adopted changes in WAC 16-230-190. Opportunity to present views was given at a recent hearing held on August 6, 1985, (WSR 85-14-092), regarding use of desiccants and defoliants in Walla Walla County.

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

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

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

APPROVED AND ADOPTED August 21, 1985.

By C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1858, filed 5/24/85)

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

(2) Area 1 restrictions:

(a) Any application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1: PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry Creek in Area 1.

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

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

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

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

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

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

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

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

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

(iv) The product name of the dinitro applied;

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

(vi) The amount of dinitro applied per acre;

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

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

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

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

(4) Area 2 restrictions:

(a) Paraquat restrictions:

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

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

(b) Diquat restrictions:

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

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

(c) Dinitro restrictions:

~~(i) During the period of August ((25 through October 31 of any year, diesel and fuel oils are prohibited in dinitro tank mixes)) 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: PROVIDED, That the department may issue permits for aerial application within these areas. The permits, if issued, may in addition to other application restrictions prohibit certain carriers or diluents for the dinitro.~~

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

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

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

(6) Area 3 restrictions:

(a) Paraquat restrictions:

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

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

(b) Diquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Diquat or

any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a written permit from the Washington state department of agriculture.

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

(c) Dinitro restrictions:

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

(ii) During the period of August ((25)) 1 through October 31 of any year, aerial applications of dinitro are prohibited within one-half mile from the center of the town of Touchet, and within one-half mile of commercially grown alfalfa hay: PROVIDED, That the Washington state department of agriculture may issue permits for aerial applications within these areas.

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

WSR 85-17-066

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1871—Filed August 21, 1985]

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

This action is taken pursuant to Notice Nos. WSR 85-14-092 and 85-17-043 filed with the code reviser on July 2, 1985, and August 16, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 21, 1985.

By C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1858, filed 5/24/85)

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

miles to the northeast corner of Section 11, T7N, R37E; thence south seven miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) Any application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1: PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry Creek in Area 1.

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

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

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

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

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

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

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

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

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

(iv) The product name of the dinitro applied;

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

(vi) The amount of dinitro applied per acre;

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

(h) The records required by (g) of this subsection shall be completed and available to the department the same day dinitro was applied. These records shall be

kept for a period of one year from the date of application of dinitro. The director upon written request shall forthwith be furnished a copy of the records.

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

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

(4) Area 2 restrictions:

(a) Paraquat restrictions:

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

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

(b) Diquat restrictions:

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

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

(c) Dinitro restrictions:

(i) During the period of August ((25 through October 31 of any year, diesel and fuel oils are prohibited in dinitro tank mixes)) 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: PROVIDED, That the department may issue permits for aerial application within these areas. The permits, if issued, may in addition to other application restrictions prohibit certain carriers or diluents for the dinitro.

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

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

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

(6) Area 3 restrictions:

(a) Paraquat restrictions:

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

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

(b) Diquat restrictions:

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

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

(c) Dinitro restrictions:

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

~~((ii))~~ During the period of August ((25)) 1 through October 31 of any year, aerial applications of dinitro are prohibited within one-half mile from the center of the town of Touchet, and within one-half mile of commercially grown alfalfa hay: PROVIDED, That the Washington state department of agriculture may issue permits for aerial applications within these areas.

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

WSR 85-17-067

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-104—Filed August 21, 1985]

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 pink salmon are available, and restriction in the numbers of chinook salmon taken will maximize harvest opportunity.

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 August 20, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-24-020001 LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and 220-24-030, effective 12:01 a.m. August 22, 1985, until further notice it is unlawful to take or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla–Tatoosh line, the Pacific Ocean north of the Oregon–Washington boundary, or west of a line drawn true north–south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) *Troll fishing is permitted in waters north of Carroll Island only.*

(2) *Lawful terminal gear is restricted to unadorned, barbless bare blued hooks separated from flashers by not less than 12 inches of leader.*

(3) *No chinook salmon less than 28 inches in length nor coho salmon may be retained or possessed from the above waters.*

(4) *It is unlawful to possess on board any fishing vessel or to land in any Washington state port in excess of one chinook salmon for each twenty pink salmon aboard from the above waters.*

(5) *The above waters will close for commercial troll salmon fishing at 11:59 p.m. August 31, 1985, or when the pink salmon harvest ceiling of 200,000 pink salmon is taken, whichever is the earliest.*

(6) It is unlawful to take or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4.

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. August 22, 1985:

WAC 220-24-02000H **LAWFUL ACTS—TROLL FISHERY.** (85-89)

WSR 85-17-068

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 465—Filed August 21, 1985]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of emergency rules regulating burning in Western Washington. The adoption of emergency rules regulating logging, land clearing, and other industrial operations in Western Washington and Eastern Washington. The repeal of certain administrative codes.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the current fire danger is sufficient in certain places of the state to control the use of fire. This control of fire is to prevent an escaped fire which would threaten life and property. Logging activities and other activities which may cause a fire to start are also regulated in order to prevent the start of fire.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.200 and 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 21, 1985.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-088a **RESTRICTIONS ON BURNING ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN**

EASTERN WASHINGTON. Effective midnight, Monday, August 12, 1985, through midnight, Monday, September 9, 1985, all privileges to burn without a written permit, as granted under WAC 332-24-090 **OUTDOOR FIRE FOR RECREATIONAL OR DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT**, are suspended on all lands protected by the Department of Natural Resources in Eastern Washington.

Privileges to burn in an approved burning barrel, as granted under RCW 76.04.150 Closed Season - Permits, are suspended.

Campfires are allowed in approved campgrounds in Chelan, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Garfield, and Asotin counties only.

NEW SECTION

WAC 332-26-089b **OUTDOOR RULE BURNING SUSPENSION IN WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES.** Effective midnight, Wednesday, August 21, 1985, through midnight, Monday, August 26, 1985, all privileges to burn without a written permit, as granted under WAC 332-24-090, **OUTDOOR FIRE FOR RECREATIONAL OR DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT**, are suspended on all lands protected by the Department of Natural Resources in Western Washington.

NEW SECTION

WAC 332-26-090a **HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON.** Effective midnight, Wednesday, August 21, 1985, through midnight, Monday, August 26, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those used on landings, to cease operations from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in the:

Olympic Area - shutdown zones 652, 653, 654

South Puget Sound Area - shutdown zones 652, 654, 659

Northwest Area - shutdown zone 658

Southwest Area - shutdown zones 660, 621 East

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

All burning permits are cancelled in the affected areas.

NEW SECTION

WAC 332-26-091a HOOT OWL LOGGING RESTRICTIONS ON LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON. Effective midnight, Wednesday, August 21, 1985, through midnight, Monday, August 26, 1985, all logging, land clearing, and other industrial operations which may cause a fire to start are to cease operations during the following times and under the following conditions: 1) All power saws, except those used on landings, to cease operations from 11:00 a.m. to 8:00 p.m. during the shutdown period. Landing saws to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 2) All yarding, skidding, loading, and hauling to cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 3) All other operations not specifically listed here which may cause a fire to start shall cease operations from 1:00 p.m. to 8:00 p.m. during the shutdown period; 4) Watchperson required for a minimum of one hour following operation of spark emitting equipment.

Areas affected by these restrictions are all private and state lands protected by the Department of Natural Resources in Chelan, Kittitas, Yakima, and Klickitat counties.

All persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection, from 1:00 p.m. to 8:00 p.m. during the shutdown period.

REPEALER

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

1) WAC 332-26-090 HOOT OWL LOGGING RESTRICTIONS ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN WESTERN WASHINGTON

2) WAC 332-26-089a OUTDOOR RULE BURNING SUSPENSION IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES.

3) WAC 332-26-091 HOOT OWL LOGGING RESTRICTIONS ON LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON.

4) WAC 332-26-088 RESTRICTIONS ON BURNING ON LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN EASTERN WASHINGTON

WSR 85-17-069
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 21, 1985]

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 Eligibility—Assignment of support rights—Cooperation with Office of Support Enforcement—Effect of noncooperation, amending WAC 388-14-200;

that the agency will at 10:00 a.m., Tuesday, September 24, 1985, in the Auditorium, 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 October 1, 1985.

The authority under which these rules are proposed is RCW 74.20A.270.

The specific statute these rules are intended to implement is RCW 74.20A.270.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1985.

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 Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by September 10, 1985. The meeting site is in a location which is barrier free.

Dated: August 20, 1985

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 388-14-200.

Purpose of this Rule Change: To provide a procedure that conforms to federal requirements for the recovery of retained support monies from public assistance recipients.

Reason These Rules are Necessary: To comply with federal statutes and regulations.

Statutory Authority: RCW 74.20A.270.

Summary of Rule Changes: Will enable the Office of Support Enforcement (OSE) to initiate action to recover retained support monies from current public assistance recipients. In accordance with federal requirements, a recipient must repay retained support monies at the rate of 10% of the grant payment standard, or face sanctions

for noncooperation. The amendments provide the recipient with an opportunity to request an informal meeting with OSE, and the right to request an administrative hearing.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Jon Conine, Chief, OSE, Office of Support Enforcement, phone 454-6481, mailstop FU-11.

These rules are necessary to comply with federal law, 45 CFR 232.11 and .12.

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-14-200 ELIGIBILITY—ASSIGNMENT OF SUPPORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT—EFFECT OF NONCOOPERATION. This section establishes the initial and continuing requirements which affect eligibility for aid to families with dependent children.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant/recipient is applying for or receiving financial assistance including rights to support which have accrued at the time such assignment is executed.

(2) When subsection (1) ~~((above))~~ of this section is satisfied, cooperation is further required as a continuing condition of eligibility for assistance unless the CSO determines ~~((that))~~ the applicant/recipient has good cause not to cooperate under WAC 388-24-111. Cooperation includes identifying and locating absent parents including possible putative fathers, and in establishing paternity of a child or children, and/or in obtaining support payments or any other payments or property due the applicant/recipient or ~~((child(ren)))~~ child or children as ~~((further provided below))~~ follows:

(a) Cooperation in identifying and locating absent parents including putative fathers includes, but is not limited to:

(i) Providing all known relevant information such as the absent parent's name including known aliases, address, telephone or message number; Social Security number, employment history, physical description, and data regarding the date and place of marriage, separation, divorce, or dissolution including copies of any documents and any court orders establishing paternity and/or support obligations. Information must be given at the time of application and/or at a later time if requested by the office of support enforcement to supplement existing information;

(ii) Providing notice to the office of support enforcement of any and all necessary information concerning the absent ~~((parent(s)))~~ parent or parents, including all putative fathers of a child on whose behalf the recipient applied for or receives public assistance, and also providing notice of changes in the information and/or notice of new information as available.

(b) Cooperation in establishing the paternity of a child or children including, but not limited to: Taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, private attorneys compensated under ~~((section 19, chapter 171, Laws of 1979 ex. sess. f))~~ RCW 74.20.350(~~(f)~~), courts or other agencies, in administrative hearings, or in actions to prosecute or maintain any legal action or remedy for the establishment of paternity or in investigations preparatory to or supplementary to such hearings or actions, and to develop medical and anthropological evidence relating to the alleged father's paternity based upon tests performed by experts on the mother and the child.

(c) When a custodial mother has informed the department that a particular man is the father of her child, the department shall make no further inquiry into her personal life unless the man so identified has denied that he is the father of such child.

(d) Cooperation in establishing and collecting support and/or in obtaining support payments or any other payments or property due the applicant/recipient or ~~((child(ren)))~~ child or children includes taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, private attorneys compensated under ~~((section 19, chapter 171, Laws of 1979 ex. sess. f))~~ RCW 74.20.350(~~(f)~~), courts or other agencies in administrative

hearings or in actions to prosecute or maintain any legal action or remedy for the establishment or collection of support obligations or in investigations preparatory to or supplementary to such hearings or actions.

(e) Cooperation in the obtaining of support payments further includes but is not limited to:

(i) Providing of specific information at the time of application to establish the amount of the support debt accrued to the applicant/recipient prior to application for assistance.

(ii) Remittance of all support payments received by the applicant/recipient from any person or agency to the office of support enforcement within eight days of receipt of said payments.

(iii) Execution of a repayment agreement and the repayment of retained support moneys in accordance with such an agreement.

(3) If the applicant/recipient fails to cooperate as defined ~~((above))~~ in this section, the ~~((caretaker/relative))~~ applicant/recipient shall be ineligible to receive assistance ~~((and))~~. Any assistance for which the children may be eligible shall be provided ~~((by protective payment))~~ as specified in WAC 388-33-453(~~(:)~~). The determination of requirements for the ~~((child(ren)))~~ child or children shall be computed without regard to the requirements of the ~~((caretaker/relative))~~ applicant/recipient.

(4) If support moneys are not remitted within eight days of receipt ~~((and protective payments have been established without regard to the requirements of the caretaker/relative pursuant to WAC 388-33-453, the office of support enforcement may enter into a written agreement with the caretaker/relative for satisfaction of the obligation of remittance of support payments by monthly installment payments to the office of support enforcement in amounts not less than ten percent of the original amount not remitted. If a caretaker/relative makes such an agreement for satisfaction and is restored to grant status and fails to make the required monthly payments or again fails to remit support moneys received direct, within eight days of receipt, said recipient is subject to WAC 388-33-453 and thereafter may establish cooperation under this subsection only by remittance to the office of support enforcement of the full amount of support moneys received))~~ by the applicant/recipient as required under WAC 388-14-200 (2)(e)(ii) and the applicant/recipient is currently receiving an AFDC grant, the office of support enforcement shall:

(a) Document the applicant/recipient has, in fact, received and retained support moneys and the amount of said money.

(b) Issue a notice of debt as provided in WAC 388-13-020 to the applicant/recipient to recover the payments, which notice includes the following information:

(i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support moneys as a condition of eligibility for AFDC, and the sanction for failure to cooperate;

(ii) A list of the support moneys retained, including the dates and amounts as well as copies of any documentary evidence (such as copies of checks, front and back), the office of support enforcement possesses;

(iii) A proposed repayment agreement which may include a provision for a voluntary grant deduction;

(iv) An explanation that repaying retained support moneys according to a repayment agreement is a condition of cooperation.

(v) A notice that the recipient may request an informal meeting with OSE, within twenty days of the date of service of the notice of debt, to clarify the recipient's responsibilities for cooperation and to attempt to resolve any differences regarding the existence or amount of the claim for unremitted support moneys and/or the proposed repayment agreement.

(vi) A notice that the recipient has the right to request a hearing pursuant to WAC 388-13-060 to contest the department's claim of ownership of the support money identified in the notice and/or the reasonableness of the proposed repayment agreement.

(vii) A statement that the office of support enforcement will notify the CSO the recipient has failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting or requests an administrative hearing.

(5) ~~((In the event of failure to cooperate under the requirements of this section and/or WAC 388-24-108 and/or 388-24-109, "aid to families with dependent children" does not mean payments with respect to a parent (or other individual whose needs should be considered in determining the need of the child(ren) or relative claiming aid) of a child or children. Nothing in these rules shall be construed to make an otherwise eligible child ineligible for protective payments because of the failure of such parent (or such other individual) to cooperate or~~

~~make assignment))~~ The repayment agreement must be reasonably related to:

(a) The applicant/recipient's total income and resources including the AFDC grant; and

(b) The total amount of retained support moneys;

(c) The monthly amount of the repayment must not exceed ten percent of the grant payment standard during any month the applicant/recipient remains in public assistance status.

(6) If an applicant/recipient has retained support moneys but is no longer an active recipient of public assistance money, the office of support enforcement shall proceed pursuant to RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC 338-14-200(4).

(7) The office of support enforcement shall notify the CSO that the recipient has failed to cooperate if:

(a) The recipient fails to sign a repayment agreement for the amount of retained support moneys claimed by OSE in the notice of debt or as determined by an administrative law judge if a hearing is requested pursuant to WAC 388-13-060;

(b) The recipient enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.

(8) The office of support enforcement shall promptly notify the CSO when either of the following changes in circumstances occurs:

(a) The recipient failing to enter into a repayment agreement consents to do so and signs a repayment agreement;

(b) The recipient defaulting on an agreement or an administrative decision makes a regularly scheduled payment according to the agreement or decision.

(9) Nothing in these rules shall be construed to make an otherwise eligible child ineligible for public assistance because of the failure of applicant/recipient to cooperate as defined in this section.

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 85-17-070
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2275—Filed August 21, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-88-050 Adequate nursing home care.

Amd WAC 388-96-369 Patient trust accounts.

This action is taken pursuant to Notice No. WSR 85-13-010 filed with the code reviser on June 7, 1985. 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 74.42.620 and 74.46.800 which directs that the Department of Social and Health Services has authority to implement the provisions of chapters 74.42 and 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 August 21, 1985.

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

AMENDATORY SECTION (Amending Order 1871, filed 9/1/82)

WAC 388-88-050 ADEQUATE NURSING HOME CARE. (1) Care and services rendered must be justified as essential to resident health care needs, with the overall goal of restoration, maintenance at the highest possible level of independence, and/or supportive care. The nursing home is obligated to provide adequate nursing home care as defined in chapter 248-14 WAC and federal regulations. ~~((Adequate care and services include but are not necessarily limited to:))~~

(a) The facility must make arrangements for:

(i) Physician services, including certification/recertification, plan of care, and visits;

(ii) Special consultant services, laboratory services, x-ray services, and prescription services.

(b) The facility must provide:

(i) Nursing care and supervision, including provision of twenty-four hour RN staffing when deemed necessary by the provider or the department((:));

(((:)) (ii) Personal hygiene((:)); Baths, shampoos, routine nail care, shaves, oral care, and skin care((:));

(((:)) (iii) Health records for each resident((:));

(((:)) (iv) Services relating to meeting medically related psychosocial needs, ordered by the physician when appropriate((:));

(v) Except as provided to residents of ICF/MR's, ancillary care services as defined in RCW 74.46.020(2), including services provided by activities specialists, audiologists, mental health professionals, social workers, speech pathologists, physical therapists, and occupational therapists;

(((:)) (vi) A nutritionally adequate and varied diet((:)) including supplementary nourishments and vitamins;

(((:)) (vii) A safe and comfortable environment((:));

(((:)) (viii) ((Safeguarding the resident's)) Safeguards to assure resident rights and personal possessions.

(2) The nursing home is obligated to provide ~~((items))~~ equipment and supplies ((routinely and relatively uniformly used for residents, and)) essential for the provision of adequate health care ~~((services. Such))~~ as required in subsection (1) of this section plus items ((include)) including but ~~((are))~~ not limited to:

(a) Beds, mattresses, bedrails, footstools, traction equipment, cradles, footboards, and trapeze bars;

(b) Resident gowns, linen, nonpersonal laundry, and isolation supplies;

(((:)) (c) Pitchers, basins, bedpans, urinals, commodes, and elevated toilet seats((:));

(((:)) (d) Materials and supplies used for care of incontinent residents((, such as pads));

(((:)) (e) Soaps, lotions, shampoos, toothpaste, mouthwash, and powder((:));

(((:)) (f) Alcohol sponges, applicators, tongue depressors, thermometers, band-aids, facial tissue, and swabs((, and dressings for occasional and emergency use));

~~((f))~~ (g) Appropriate equipment used for patient positioning, protective support, or restraints((:));

~~((g))~~ (h) Approved nonlegend ~~(stock drugs and solutions, such as)~~ antacid suspensions and tablets, antiseptics, laxatives, ~~((anti-diarrheal))~~ antidiarrheal medications, ~~((aspirin or equivalent pain relievers))~~ analgesics, salt or sugar substitutes((:));

~~((h))~~ Physician ordered dietary supplements,))

~~((i))~~ (Linen and nonpersonal laundry,

~~((j))~~ Clinitest tape or tablets, ~~((quiac))~~ guaiac tests, mineral oil, vaseline, or other lubricants((:));

~~((k))~~ (i) Medication supplies including gloves, hypodermic syringes, ~~((and))~~ needles, and intravenous setups;

~~((l))~~ (k) Supplies for specimen collections, ~~((simple))~~ irrigations, and enemas((:);

~~(3)~~ Reusable equipment to be available for periodic use includes:))

(l) Nonreusable (one-time use) or disposable (time-limited use) supplies and devices used in providing nursing home care, including nonsurgical dressings (e.g., decubiti), suction supplies, urethral catheters, and drainage systems, feeding tubes and bags except as provided under subsection (3)(e) of this section;

~~((a))~~ (m) Ice bags ~~((hotwater bottles,))~~ and K pads;

~~((b))~~ Bedrails, footstools, traction equipment,

~~((c))~~ (n) Walkers, wheelchairs, wheelchair accessories and wheelchair positioning devices, canes, and crutches((:)) not required for exclusive full-time use by a patient for a permanent disability;

~~((d))~~ (o) Emergency tray ~~((and)),~~ emergency aspirator, emergency oxygen and supplies for its administration;

~~((e))~~ (p) ~~((Equipment for administration of oxygen.~~

~~(4)~~ Medically justified services provided for in chapter 388-86 WAC:

~~(a)~~ Specialty consultation;

~~(b)~~ Laboratory services including specimen bottles, tubes, needles, and syringes;

~~(c)~~ X-ray services;

~~(d)~~ Prescription services;

~~(e)~~ Eye glasses and examinations;

~~(f)~~ Physical therapy;

~~(g)~~ Respiratory therapy and oxygen services.

~~(5)~~ Surgical appliances, prosthetic devices, and aides to mobility required for the exclusive use of a resident are available to the resident directly according to WAC 388-86-100:

~~(6)~~ Supplies not usually provided for nursing home residents may be individually ordered according to WAC 388-86-005(2). These items may include medically justified resident care supplies. Requests for such supplies must be authorized by the nursing care consultant. These supplies may be categorized as nonreusable (one-time use) or disposable (time-limited use), items which can be reused with proper handling and precautions by the same residents, but not between residents)) Infrared lamps and weighing scales.

(3) The exceptions listed below will be reimbursed in accordance with WAC 388-86-005, 388-87-025, and 388-87-027:

(a) Aids to mobility including wheelchairs and wheelchair positioning devices required for the exclusive use of a patient (WAC 388-86-100) for a permanent disability;

(b) Supplies for intermittent catheterization programs;

(c) Commercial formula, when used as the only source of nutrition;

(d) Surgical dressings limited to primary dressings required as the result of a surgical procedure performed by a physician;

(e) The following supplies or devices replacing all or part of the function of a permanently impaired or malfunctioning internal body organ:

(i) Colostomy (and other ostomy) bags and necessary accouterments,

(ii) Urinary retention catheters, tubes, and bags, and

(iii) Feeding tubes, bags, or pumps.

(f) Vitamins, only as covered by the state formulary.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-369 THE PROVIDER SHALL MAINTAIN A SUBSIDIARY LEDGER WITH AN ACCOUNT FOR EACH RECIPIENT FOR WHOM THE PROVIDER HOLDS MONEY IN TRUST. (1) Each account and related supporting information shall:

(a) Be maintained at the facility((:));

(b) Be kept current((:));

(c) Be balanced each month((:)); and

(d) Show in detail, with supporting verification, all moneys received on behalf of the individual patient and the disposition of all moneys so received.

(2) Each account shall be available for audit and inspection by a department representative and be maintained for a minimum of four years. The provider further agrees to notify the community services office of the department when:

(a) The account of any individual certified on or before December 31, 1973, whose award letter indicates a limit of ~~(((\$200.00))~~ two hundred dollars cash, reaches the sum of ~~(((\$175.00))~~ one hundred seventy-five dollars.

The community services office will reevaluate the status of each recipient certified under the eligibility criteria prior to January 1, 1974, who has an award letter specifying a ~~(((\$200.00))~~ two hundred dollars cash limit.

(b) The account of any individual certified on or after January 1, 1974, whose resources are within one hundred dollars of the amount listed on the award letter ~~((indicates a limit of \$1,500.00 reaches the sum of \$1,450.00)).~~

(c) For both groups, the accumulation toward the limit, after admission to the facility, is permitted only from savings from the clothing and personal incidentals allowance and other income which the department specifically designates as exempt income from time to time.

(d) No patient account may be overdrawn (show a debit balance). If a patient wants to spend an amount greater than in such patient's trust account, the home may provide money from its own funds and collect the debt by installments from that portion of the patient's

allowance remaining at the end of each month. No interest may be charged to patients for such loans.

(3) In order to ensure that patient trust accounts are not charged for services provided under the Title XIX program, any charge for medical services otherwise properly made to a patient's trust account must be supported by a written denial from the department.

(a) ~~((A request for additional equipment such as a))~~ Mobility aids including walkers, wheelchairs, or crutches requested for the exclusive use by a recipient must have a written denial from the department of social and health services before a patient trust account can be charged.

(b) ~~((Except as otherwise provided as follows, a request for physical therapy, restorative therapy, drugs, or other medical services))~~ Requests for medically necessary services and supplies not funded under the provisions of chapter 388-96 WAC or chapter 388-86 WAC (reimbursement rate or coupon system) must have a written denial from the ((local CSO)) department before a patient trust account can be charged.

(c) A written denial from the ~~((local CSO))~~ department is not required when the pharmacist verifies that a drug is not covered by the program (e.g., items on the FDA list of ineffective or possible effective drugs, non-formulary over-the-counter (OTC) medications ~~((such as vitamins, laxatives, nose drops, etc.))~~). The pharmacist's notation to this effect is sufficient.

WSR 85-17-071
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 21, 1985]

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

New WAC 308-89-010 For hire—Insurance.
New WAC 308-89-020 Definitions, for hire vehicle;

that the agency will at 10:00 a.m., Tuesday, October 1, 1985, in the 4th Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 46.72.120.

The specific statute these rules are intended to implement is chapter 46.74 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1985.

Dated: August 20, 1985
By: Nancy Kelly
Assistant Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To clarify procedures regarding for hire vehicle permit requirements.

Statutory Authority: RCW 46.72.120.

Summary: WAC 308-89-010 describes the requirements regarding insurance policies concerning for hire owner/operators; and 308-89-020 defines for hire vehicle for purposes of chapter 46.72 RCW.

Responsible Agency Personnel: Sue Shoblom, Assistant Administrator, and Sandra Brooks, Administrator, Title and Registration Control, Department of Licensing, Second Floor, Highways-Licenses Building, Olympia, Washington 98504, phone (206) 753-3060 comm, 234-3060 scan.

Proponents: Department of Licensing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as defined in RCW 43.31.920.

CHAPTER 308-89 WAC

TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES

WAC

308-89-010	FOR HIRE—INSURANCE
308-89-020	DEFINITIONS—FOR HIRE VEHICLE

NEW SECTION

WAC 308-89-010 FOR HIRE—INSURANCE. The insurance policy required in RCW 46.72.050 for for hire owner/operators shall include: (a) the name insured in the same manner as recorded on the for hire permit application; (b) inception and expiration dates of coverage; (c) notice of premium paid; (d) the name and policy number of the insuring company; and (e) the year, make and vehicle identification number of each vehicle operated or intended to be operated.

For hire owner/operators are charged with the responsibility of assuring that a copy of the complete insurance policy or surety bond and all ensuing endorsements are forwarded to the department of licensing for approval.

The director may refuse any insurance policies submitted with one or more of the following conditions present: (a) any policy containing a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be directly paid in full to the claimant including the deductible amount, and subsequent collection of the deductible amount from the policy holder will be made by the insurer; (b) any policy containing a clause restricting the insured's age in regard to insurance validity; and (c) any policy which is determined to be a "surplus line" policy, as described in RCW 48.15.040, without the appropriate affidavit being filed with the office of the insurance commissioner and a copy of that affidavit submitted with the certificate of insurance.

In the event of cancellation of the coverage noted on the policy, the insuring company shall serve a copy of such notice upon the director of the department of licensing which shall not be less than ten days prior to the date fixed in the notice as the date of termination of liability.

NEW SECTION

WAC 308-89-020 DEFINITIONS—FOR HIRE VEHICLE. "For hire vehicle" as defined in RCW 46.72.010(1) shall include but not be limited to: (a) cabulance: cabulance transportation is appropriate for persons confined to wheelchairs or persons otherwise physically restricted such that they cannot be safely transported by public mass transportation vehicles, taxicabs, or automobiles. Persons transported by cabulance must be stable, must not be incapacitated from medications, nor in need of oxygen or medical attention enroute; (b) limousine: a vehicle with a driver hired for an event or period of time; (c) taxicab: as defined by RCW 46.90.178; (d) such other vehicles used for the purpose of transporting passengers for compensation and not excluded by RCW, WAC or departmental policy.

WSR 85-17-072
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 21, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning payment of earned commissions, repealing WAC 308-124D-100;

that the agency will at 10:00 a.m., Friday, September 27, 1985, in the Evergreen and Rainier Rooms, Doric Tacoma Motor Hotel, 242 St. Helens Avenue, Tacoma, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.85.040.

The specific statute these rules are intended to implement is RCW 18.85.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Robert A. Salerno
 Department of Licensing
 Real Estate Division
 P.O. Box 247
 Olympia, WA 98504
 Phone 753-6681

Dated: August 15, 1985
 By: Joyce R. Dolliver
 Assistant Attorney General

STATEMENT OF PURPOSE

Title and Numbers of Rule Section(s) or Chapters:
 Repealing WAC 308-124D-100 Payment of earned commissions.

Statutory Authority and Specific Statutes Rules are Intended to Implement: RCW 18.85.040.

Summary of Rule: Repealed since it is not enforced.

Reasons Supporting the Proposed Rule: Will delete a rule which is not enforced.

Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Theresa Anna Aragon, Director, Department of Licensing, Fourth Floor, Highways-Licenses Building, Olympia, WA 98504, 234-5029 scan, 753-5029 comm; Joan

Baird, Assistant Director, Business and Professions, First Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-2241 scan, 753-2241 comm; and Robert A. Salerno, Administrator, Real Estate Division, Third Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-6681 scan, 753-6681 comm.

Name of Person or Organization that is Proposing this Rule: Department of Licensing.

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

These rules are not necessary to comply with a federal law or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

The department has reviewed the impact that the adoption of these rules would have on real estate brokers and salespersons and schools offering real estate courses. Real estate brokers and salespersons are most appropriately classed in SIC Code 6531. They account for more than 10 percent of the firms and individuals in this area. They are less than 20 percent of all firms and individuals in all industries. Cost for small business is estimated to be zero. Any impact that these proposed rules may have is intended to fall equally on all real estate brokers and salespersons.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-124D-100 PAYMENT OF EARNED COMMISSIONS

WSR 85-17-073
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed August 21, 1985]

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:

Amd	WAC 251-10-110	Demotion, suspension, reduction, separation, dismissal—Cause for.
New	WAC 251-10-115	Predissmissal process.
Amd	WAC 251-10-120	Dismissal—Grounds for—Notice;

that the agency will at 9:00 a.m., Friday, October 18, 1985, in the Board Room, Western Washington University, Bellingham, 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 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 18, 1985.

Dated: August 21, 1985

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on August 21, 1985, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-10-110 Demotion, suspension, reduction, separation, dismissal—Cause for.

Purpose of Existing Rule: Establish provisions for discipline.

Summary of Proposed Changes: Establishes that appointing authorities shall dismiss any employee for performance that warrants dismissal and shall remove supervisors who have tolerated the performance of such employees.

The change is the result of 1985 Engrossed House Bill 116.

Rule Affected: WAC 251-10-115 Predissmissal process.

Purpose of Existing Rule: Establish dismissal process.

Summary of Proposed Changes: Establishes criteria of predissmissal process.

The change is the result of U.S. Supreme Court Decision #83-1362 (Cleveland Board of Education vs. Loudermill).

Rule Affected: WAC 251-10-120 Dismissal—Grounds for—Notice.

Purpose of Existing Rule: Establishes the grounds and notice requirements for dismissal.

Summary of Proposed Changes: To shorten notice period for dismissal from fifteen calendar days to seven calendar days.

The change is the result of U.S. Supreme Court Decision #83-1362 (Cleveland Board of Education vs. Loudermill).

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Agency Person Responsible for Rules: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Organization Proposing Changes: Higher Education Personnel Board staff.

The agency makes no additional comments/recommendations.

AMENDATORY SECTION (Amending Order 95, filed 4/26/82, effective 6/1/82)

WAC 251-10-110 DEMOTION, SUSPENSION, REDUCTION, SEPARATION, DISMISSAL—CAUSE FOR. (1) Appointing authorities may demote, suspend, reduce in salary, separate or dismiss an employee under their jurisdiction for just cause. Examples of activities which may result in such action are, but are not limited to: Neglect of duty, inefficiency, incompetence, insubordination, malfeasance, gross misconduct, physical or mental incapacity, willful violation of the published institution or related board or higher education personnel board rules or regulation, mistreatment or abuse of fellow

workers or members of the public, conflict of interest, excessive absenteeism, etc.

(2) Appointing authorities shall dismiss any employee under their jurisdiction whose performance is so inadequate as to warrant dismissal.

(3) Appointing authorities shall remove from supervisory positions those supervisors who, in violation of subsection (2) of this section, have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

NEW SECTION

WAC 251-10-115 PREDISSMISSAL PROCESS. (1) Prior to the decision to dismiss a permanent employee for cause, the employee shall be:

(a) Notified of the charges and the possibility of dismissal;
(b) Given a reasonable time to respond to the appointing authority regarding the charges and the possibility of dismissal. If the appointing authority chooses to have a meeting with the employee, the employee shall be allowed to have a representative present at the meeting.

(2) If the appointing authority's final decision is to proceed with the dismissal action, the employee will be notified in accordance with WAC 251-10-120.

AMENDATORY SECTION (Amending Order 125, filed 2/25/85, effective 4/1/85)

WAC 251-10-120 DISMISSAL/SEPARATION—GROUNDS FOR—NOTICE. Appointing authorities may dismiss or separate a permanent employee for just cause as specified in WAC 251-10-110. The employee shall be provided written notice of the specified cause(s), specific charges, and the right to appeal the dismissal action to the board. The notice shall be furnished at least ((fifteen)) seven calendar days prior to the effective date of the action (unless the dismissal is to be effective immediately as provided in WAC 251-10-140) and shall be furnished directly to the employee during his/her scheduled working hours, or if this is not possible because of the absence of the employee during his/her regularly scheduled working hours, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day as it is postmarked and the notice period shall be computed as provided in WAC 251-04-100. A copy of the notice to the employee shall be transmitted to the director.

WSR 85-17-074

EMERGENCY RULES

BOARD OF ACCOUNTANCY

[Order ACB 115—Filed August 21, 1985]

Be it resolved by the Washington State Board of Accountancy, acting at Olympia, Washington, that it does adopt the annexed rules relating to state Board of Accountancy, amending WAC 4-25-040.

We, the Washington State Board of Accountancy, 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 to conform to budget requirements of the board and to effectuate this change in time to apply to the November 1985 CPA exam.

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

This rule is promulgated pursuant to RCW 18.04.055 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 21, 1985.

By James R. Silva
Assistant Attorney General

AMENDATORY SECTION (Amending Order ACB 104, filed 10/10/83)

WAC 4-25-040 STATE BOARD OF ACCOUNTANCY. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

(1) Fees charged by the board shall be as follows:

- (a) CPA examination applications:
 - (i) One or two parts \$ ~~((50))~~
75
 - (ii) Three parts \$ ~~((60))~~
100
 - (iii) Five parts \$ ~~((75))~~
125
- (b) Transfer of grade credits from other jurisdictions, pursuant to section 7(5), chapter 234, Laws of 1983 \$ 40
- (c) Administration of examination for out-of-state applicants, per part \$ 10
- (d) Application for certificate by reciprocity from other jurisdictions \$ 40
- (e) Biennial permit to practice public accounting \$ 80
- (f) Biennial permit restricted to nonpublic accounting (title-only use) \$ 50
- (g) Biennial firm registration:
 - (i) Sole proprietorships \$ 50
 - (ii) Partnerships \$ 100
 - (iii) P.S. Corporations \$ 100
- (h) Amendments to firm registration, each filing \$ 10
- (i) Delinquency fee for permit renewal applications sixty days overdue \$ 25
- (j) Delinquency fee for firm renewal applications sixty days overdue \$ 20

- (k) Temporary practice permits, per individual who is to practice within this state \$ 10
- (l) Copies of records, per page \$ 0.10
- (m) Applications for reinstatement \$ 25
- (n) Duplicate CPA certificates \$ ~~((+0))~~
25

(2) Any applicant for a certificate or permit who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
- (b) The date of the board's letter advising the applicant of the action of the board complained of; and
- (c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

Reviser's note: 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 85-17-075
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed August 21, 1985]**

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 garbage and/or refuse certificates, WAC 480-70-120 and 480-70-150. The proposed amendatory sections are shown below as Appendix A, Cause No. TG-1903. 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);

that the agency will at 9:00 a.m., Wednesday, September 25, 1985, 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.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1985.

Dated: August 21, 1985

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-70-120 and 480-70-150 relating to garbage and/or refuse certificates.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 which directs that the commission has authority to implement the provisions of chapter 81.77 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to make more efficient the processing of applications seeking authority to transport garbage and/or refuse under contract with the United States of America or any agency thereof.

Paul Curl, Acting 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.

The rule change is not necessary as the result of federal law, or federal or state court action, although it gives practical recognition to Article 6, Clause 2, of the United States Constitution (Supremacy Clause).

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-90, filed 1/19/77)

WAC 480-70-120 CERTIFICATES, APPLICATION FOR. Applications for certificates, extension of service, line, route, or territory under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary public and accompanied by the applicable fee. Such applications must specifically and fully describe the line, route, or territory by reference to specific known and ascertainable streets, avenue, roads, or highways or boundaries, or by metes and bounds. In addition, such applications must have attached thereto a map specifically delineating the line, route, or territory for which application to serve is made. Where such line, route, or territory is not specifically described as required in this rule, the commission may defer consideration of the application until this rule is complied with, or, in its discretion, may reject the application. Applications for authority to provide service under a contract with the United States of America or any agency thereof shall be accompanied by a certified copy of the fully executed contract. Such contract authority will be issued without hearing for a period coextensive with the duration of the contract subject to compliance by the applicant with all other applicable requirements of chapter 81.77 RCW and chapter 480-70 WAC.

AMENDATORY SECTION (Amending Order R-191, Cause No. TG-1575, filed 6/23/82)

WAC 480-70-150 CERTIFICATES, APPLICATIONS—NOTICE TO EXISTING CARRIERS. (1) For the purposes of this rule, applications for permanent authority shall include applications for permanent certificates or extensions of certificate authority, and requests for authority to sell, assign, lease or transfer outstanding certificates or any rights thereunder. Not included are applications for contract certificates under fully executed contracts with the United States of America or any agency thereof.

(2) Except as hereinafter provided, the commission shall notify by means of its weekly application docket all known existing garbage and/or refuse collection companies who, at the time of the filing of an application for permanent authority, are serving, or hold authority to serve, the route, line, or territory described in the application, of the filing of same. Such existing certificate holders or a garbage and/or refuse collection organization, association, or conference on behalf of such existing certificate holders shall have twenty days from the date of such notice to file with the commission their opposition to the application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Applications for authority to provide service to the United States of America or any agency thereof shall not be subject to docketing and protest.

WSR 85-17-076

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 21, 1985]

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 operation of motor vehicles, WAC 480-30-100. The proposed amendatory section is shown below as Appendix A, Cause No. TC-1904. 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, September 25, 1985, 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.

The specific statute these rules are intended to implement is chapter 236, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1985.

Dated: August 21, 1985

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-30-100 relating to operation of motor vehicles.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and chapter 236, Laws of

1985, 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 implement the requirements of the Washington Clean Indoor Air Act (chapter 236, Laws of 1985) as it relates to smoking on busses regulated by the commission.

Paul Curl, Acting 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 chapter 236, Laws of 1985.

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-215, Cause No. TC-1786, filed 7/11/84)

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 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."

WSR 85-17-077
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Registration for Architects)
 [Filed August 21, 1985]

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

Amd	WAC 308-12-010	State board of registration.
New	WAC 308-12-025	Application for examination.
Amd	WAC 308-12-031	Registration examination.
Amd	WAC 308-12-050	Registration by reciprocity.
Amd	WAC 308-12-080	Approved schools of architecture.
Amd	WAC 308-12-081	The seal.
New	WAC 308-12-085	Corporations or joint stock associations.
New	WAC 308-12-115	Definitions.
Rep	WAC 308-12-082	Corporate practice.
Rep	WAC 308-12-110	Architect listings.
Rep	WAC 308-12-120	Definition of principal.
Rep	WAC 308-12-130	Definition of supervision.
New	WAC 308-12-321	Competence.
New	WAC 308-12-322	Conflict of interest.
New	WAC 308-12-323	Full disclosure.
New	WAC 308-12-324	Compliance with laws.
New	WAC 308-12-325	Professional conduct;

that the agency will at 9:30 a.m., Tuesday, September 24, 1985, in the Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is section 5, chapter 37, Laws of 1985.

The specific statute these rules are intended to implement is section 5, chapter 37, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1985.

Dated: August 21, 1985

By: Sydney W. Beckett
 Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Registration for Architects.

Description of Rules: Pursuant to chapter 37, Laws of 1985, the Board of Registration for Architects proposes to amend rules with respect to the following: Organization of the board, application for examination, registration by reciprocity, approved schools of architecture. The board also proposes new rules with respect to professional conduct by architects, practice in corporate form, and definitions of portions of the statute. The board also repeals its previous definitions.

Statutory Authority: Section 5, chapter 37, Laws of 1985.

Summary of the Rules: WAC 308-12-010 to require four members of the board to constitute a quorum; 308-12-025 to provide for the required information to be included on the application for examination form; 308-12-031 provides that the written portion of the architect's examination shall be held during June of each year. The rule further outlines the content and procedure involved in the oral examination; 308-12-050 amends the above rule to conform to the requirements for registration by reciprocity set forth in section 11, chapter 37, Laws of 1985; 308-12-080 amends the current rule with respect to approved schools of architecture to those schools accredited by the National Architectural Accrediting Board; 308-12-081 provides that an architect may affix his or her seal to work which he or she has reviewed, in order to conform to the change in the statute; 308-12-085 provides for the registration of corporations and joint stock associations as architectural firms, pursuant to chapter 37, Laws of 1985; 308-12-115 sets forth definitions of words used throughout chapter 18.08 RCW, where such words are not defined in section 1, chapter 37, Laws of 1985; 308-12-116 establishes the responsibilities of architects who review plans prepared by others; 308-12-321 establishes the standard of competence for architects in their professional conduct; 308-12-322 establishes guidelines for architects relative to conflict of interest in their professional activities; 308-12-323 establishes a code of full disclosure for those engaged in the practice of architecture; 308-12-324 establishes the scope of applicable laws with which architects engaged in their professional duties must comply; and 308-12-325 establishes the code of conduct for architects with regard to their professional activities.

Responsible Personnel: In addition to the members of the board, the following board of registration personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney Beckett, Executive Secretary, P.O. Box 9649, Olympia, WA 98504, phone (206) 753-3873 comm, 234-3873 scan.

Proponents: Washington State Board for the Registration of Architects.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 422, filed 2/2/83)

WAC 308-12-010 STATE BOARD OF REGISTRATION. (1) Meetings: The Washington state board of registration for architects, hereinafter called the board, shall hold its regular public meeting annually in September. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

Executive sessions may be held by the board in conjunction with all public meetings, and at such other times as the board shall deem necessary and for the primary purpose of preparing and grading examinations, approving applications, conducting written and oral examinations, examining reciprocity applications, and acting on applications for reinstatement of revoked licenses, and confidential matters between candidates or registrants and the board.

(2) Rules of order. The latest edition of Robert's Rules of Order shall govern the conduct of business at meetings and sessions of the board.

(3) Officers. At the regular annual public meeting the board shall elect a chairman, a vice chairman and a secretary for the ensuing year.

(4) Quorum. A quorum at any regular or special meeting or session shall consist of ~~((three))~~ four members of the board.

(5) Rule changes. Prior to and during any adoption, amendments, or repeal of any rule, the board of registration shall conduct its business in accordance with chapter 34.04 RCW the Administrative Procedure Act.

(6) Annual report. The board shall issue an annual report and roster.

NEW SECTION

WAC 308-12-025 APPLICATION FOR EXAMINATION. (1) The application for examination must be submitted on forms provided by the board, accompanied by academic and/or practical experience verification in accordance with filing instructions to be considered ninety days prior to the next scheduled examination.

(2) Applications must be accompanied by an examination fee and an application fee as outlined in WAC 308-12-312.

(3) Notice of acceptance of application will be mailed to all applicants approximately six weeks in advance of the examination along with detailed information as to time, place and extent of examination.

(4) No application fee will be refunded because of withdrawal from the examination.

AMENDATORY SECTION (Amending Order PL 517, filed 2/11/85)

WAC 308-12-031 REGISTRATION EXAMINATION. The form of the examination required of applicants shall consist of a written and an oral examination. Where RCW 18.08.160 refers to the "entire examination," it means the written examination together with the oral examination. The written examination shall be administered in June of each year at a location(s) the board determines appropriate.

The board adopts the architectural registration examination and grading procedures prepared by the National Council of Architectural Registration Boards to test the applicant's qualifications and minimum competency for registration, as the written portion of the examination.

~~(1) ((Requirements for admittance to the examination are found in RCW 18.08.140 and 18.08.150.~~

~~(2) The application for examination must be submitted on forms provided by the board, accompanied by academic and/or practical experience verification in accordance with filing instructions prior to March fifteenth to be considered for the next scheduled examination.~~

~~(3) Applications must be accompanied by an examination fee and an application fee as outlined in WAC 308-12-312.~~

~~(4) Notice of acceptance of application will be mailed to all applicants approximately six weeks in advance of the examination along with detailed information as to time, place and extent of examination.~~

~~(5) No application fee will be refunded because of withdrawal from the examination.~~

~~(6)) The written examination: The "architectural registration examination" is divided into nine divisions ((which will be administered in June of each year)). The examinees are tested on their ability to exercise value judgments in actual architectural practice situations. The examination covers the following:~~

TITLE	SUBJECT	((TIME)) HOURS ALLOWED
Division A	Pre-design	3
Division B	Site design	3 1/2
Division C	Building design	12
Division D	Structural-general	2 1/2
Division E	Structural-lateral forces	1 1/2
Division F	Structural-long span	1 1/2
Division G	Mechanical, plumbing, electrical and life safety systems	2 1/2
Division H	Materials and methods	2 1/2
Division I	Construction documents and services	3 1/2

~~((7)) (2) To pass the written examination, an applicant must achieve a passing grade on each division.~~

~~((8)) (3) All nine divisions of the architects registration examination must be taken on the first attempt. On subsequent attempts, examinees may retake any divisions not passed on previous attempts.~~

~~((9)) (4) The oral examination is given upon the applicant's completion of the written examination(~~(-and the fulfilling of the experience requirement))~~).~~

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the written examination.

~~((The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health and property and to promote the public welfare:~~

~~To pass the oral examination, the applicant must exhibit an acceptable entry level knowledge and execution skill in basic professional documents, to assure the board that registration of the applicant will not present a hazard to)) The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health, and property and to promote the public welfare.~~

The oral examination may be conducted by the full board or by ~~((a))~~ an architect member of the board. The board may ~~((recommend waiver of))~~ waive the full board examination if the examining board member deems the applicant prepared for registration. ~~((Such a recommendation shall be circulated to the balance of the board members and must receive approval by a majority of the board before the candidate may be registered and licensed. When a single board member conducts the oral examination, one of two recommendations is given: One is a recommendation for registration and licensing; the other is to recommend a full board oral examination. When the candidate is not recommended for registration he or she shall be called before the full board)) If such waiver is not granted or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.~~

If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination.

The examinee will be required to retake the entire examination if all portions of the written and oral examination (is) are not successfully completed ~~((within the five year period))~~ as per RCW 18.08.160. The five-year period shall begin to run effective with the date on which the examinee first takes the examination. If the examinee does not successfully pass all portions of the written and oral examination, within five years from the date he or she first took the examination, he or she shall lose credit for all portions of the examination previously passed, and a new five-year period shall begin on the date on which the examinee begins to retake the examination.

AMENDATORY SECTION (Amending Order PL 517, filed 2/11/85)

WAC 308-12-050 REGISTRATION BY RECIPROCIITY. ~~((+)) Any architect registered in another state who desires registration and licensure in Washington, shall make formal application on forms provided by)) Pursuant to RCW 18.08.— (section 11, chapter 37, Laws of 1985), the board(~~(-accompanied by the reciprocity registration fee-~~~~

~~(2) The board will require an oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.~~

~~(3) Each candidate shall submit a written comparative analysis of the Washington state law and the law of the base state of the applicant prior to the oral examination:~~

~~(4) Any applicant seeking registration in the state of Washington and originally registered in the applicant's base state in the years beginning in 1978 through 1982, regardless of education, shall be required to have passed the NCARB qualifying examination and parts "A" and "B" of the professional examination. If an applicant has not passed the qualifying examination, the applicant must take and pass parts "D," "E," and "F," the structural divisions of the "architects registration examination." If an applicant has not passed part "A" of the professional examination, "building design," he or she must take and pass parts "B"-"site design" and "C"-"building design," of the "architects registration examination," given during June each year.~~

~~(5) A person whose architectural registration examination did not include NCARB approved seismic sections will be required to attend~~

~~an NCARB approved seismic seminar, write a treatise on lateral forces, or take sections "D," "E," and "F" of the architects registration examination, details of which can be received upon written request to the board)) will recommend to the director that the director grant a certificate of registration to a registered architect in another state or territory of the United States, the District of Columbia, or another country provided:~~

~~(1) That such applicant presents evidence that the applicant has satisfactorily completed a written examination equivalent to the examination required of Washington state registrants.~~

~~(2) That the applicant presents documentation of NCARB Certification which may be accepted by the board as satisfactory evidence that the applicant's qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08.— (section 6, chapter 37, Laws of 1985).~~

~~(3) That the board will require an oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.~~

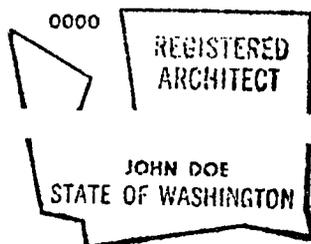
~~(4) That the territory, state or country grants reciprocal privileges to architects registered in the state of Washington.~~

AMENDATORY SECTION (Amending Order PL 422, filed 2/2/83)

WAC 308-12-080 APPROVED SCHOOLS OF ARCHITECTURE. The board adopts the current "List of accredited schools of architecture" as published by the National Architectural Accrediting Board ~~((and universities and colleges of architecture in the state of Washington as its "approved schools."))~~.

AMENDATORY SECTION (Amending Order PL 422, filed 2/2/83)

WAC 308-12-081 THE SEAL. Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered Architect, State of Washington." The seal with the registrant's counter signature shall appear on every drawing filed with public authorities. A facsimile of the seal appears herewith.



No architect shall stamp or countersignature shall be affixed to any drawings not prepared or reviewed by the architect or his or her regularly employed subordinates.

NEW SECTION

WAC 308-12-085 CORPORATIONS OR JOINT STOCK ASSOCIATIONS. (1) For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23A RCW, the corporation or joint stock association shall file with the board a letter of application containing a statement of the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period. The application shall be signed and attested by a corporate officer.

(2) In addition to the application for certificate of authorization, the corporation or joint stock association shall file with the board the documentation and information specified in RCW 18.08.— (section—, chapter 37, Laws of 1985).

(3) The designated architect responsible for the practice of architecture by said corporation shall be a full time employee of the corporation. Full time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be the designated architect at more than one place of business or one company at any one time.

NEW SECTION

WAC 308-12-115 DEFINITIONS. (1) Accredited architectural degree—A professional degree received from the current list of accredited schools of architecture as published by the National Architectural Accrediting Board.

(2) Practical architectural work experience—Practical work experience performing activities involved in the practice of architecture, as defined in RCW 18.08.— (section 3, chapter 37, Laws of 1985), under the direct supervision of an architect. The board may approve similar practical work experience for full or partial credit.

(3) Intern development program (IDP)—An internship program designed to provide a formal means of evaluating training, to recognize the intern-architects' professional development by compiling a continuing, comprehensive record of their internship training and to ensure intern-architects of a range of exposures that will help qualify them to take the professional examination.

(4) Supervision—The word "supervision" in RCW 18.08.— (section 3, chapter 37, Laws of 1985) means the periodic observation of materials and work in progress or completed work to observe the general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendents of construction processes, site conditions, operations equipment, personnel or maintenance of a safe place to work, or any safety in, on, or about the site of the work.

(5) Principal—The word "principal" as used herein shall mean a member of an architectural firm who is an architect registered in this state; a shareholder, if the practice is through a professional service corporation; a partner if the practice is through a partnership; and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described.

NEW SECTION

WAC 308-12-116 REVIEW ARCHITECT. An architect who signs or permits his seal to be affixed to any drawings or specifications that he has reviewed is responsible to the same extent as if he had prepared them himself.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-12-082 CORPORATE PRACTICE.
WAC 308-12-110 ARCHITECT LISTINGS.
WAC 308-12-120 DEFINITION OF PRINCIPAL.
WAC 308-12-130 DEFINITION OF SUPERVISION.

NEW SECTION

WAC 308-12-321 COMPETENCE. (1) In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

(2) In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

(3) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(4) No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

NEW SECTION

WAC 308-12-322 CONFLICT OF INTEREST. (1) An architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(2) If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional

services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

(3) An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

NEW SECTION

WAC 308-12-323 FULL DISCLOSURE. (1) An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement.

(2) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

(3) If, in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially affect adversely the safety to the public of the finished project, the architect shall:

(a) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations.

(b) refuse to consent to the decision, and

(c) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project.

In the case of a termination in accordance with subsection (c), the architect shall have no liability to his or her client or employer on account of such termination.

(4) An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

(5) An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

(6) An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the board.

NEW SECTION

WAC 308-12-324 COMPLIANCE WITH LAWS. (1) An architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

(2) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

(3) An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

NEW SECTION

WAC 308-12-325 PROFESSIONAL CONDUCT. (1) Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have an architect resident and regularly employed in that office having direct knowledge and supervisory control of such work.

(2) An architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, registered under this or another professional registration law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

(3) An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of

an existing or prospective client in connection with a project in which the architect is interested.

(4) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
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4-25-040	AMD-C 85-06-008	16-42-035	AMD-P 85-09-061	16-231-615	AMD-P 85-03-101
4-25-040	AMD-C 85-06-054	16-42-035	AMD-W 85-10-020	16-231-615	AMD 85-07-029
4-25-040	AMD-E 85-17-032	16-42-035	AMD 85-15-024	16-304-040	AMD-P 85-06-051
4-25-040	AMD-E 85-17-074	16-42-04001	REP-P 85-09-061	16-304-040	AMD 85-11-003
4-25-140	AMD-P 85-02-066	16-42-04001	REP-W 85-10-020	16-316-0601	AMD-P 85-06-052
4-25-140	AMD-C 85-06-008	16-42-04001	REP 85-15-024	16-316-0601	AMD 85-11-004
4-25-140	AMD-C 85-06-054	16-42-045	REP-P 85-09-061	16-316-215	AMD-P 85-06-052
4-25-140	AMD 85-11-013	16-42-045	REP-W 85-10-020	16-316-215	AMD 85-11-004
4-25-260	REP-P 85-02-066	16-42-045	REP 85-15-024	16-316-230	AMD-P 85-06-052
4-25-260	REP-C 85-06-008	16-42-05001	REP-P 85-09-061	16-316-230	AMD 85-11-004
4-25-260	REP-C 85-06-054	16-42-05001	REP-W 85-10-020	16-316-270	AMD-P 85-06-052
10-04-020	AMD-P 85-13-003	16-42-05001	REP 85-15-024	16-316-270	AMD 85-11-004
10-04-020	AMD-C 85-14-013	16-42-060	NEW-P 85-09-061	16-316-315	AMD-E 85-13-035
10-04-020	AMD-C 85-17-011	16-42-060	NEW-W 85-10-020	16-316-327	AMD-P 85-06-052
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10-08-040	AMD-C 85-14-013	16-228	AMD-C 85-16-075	16-316-350	AMD-P 85-06-052
10-08-040	AMD-C 85-17-011	16-228-010	AMD-P 85-13-052	16-316-350	AMD 85-11-004
10-08-150	NEW-P 85-13-003	16-228-010	AMD 85-17-044	16-316-440	AMD-P 85-06-052
10-08-150	NEW-C 85-14-013	16-228-235	AMD-P 85-13-052	16-316-440	AMD 85-11-004
10-08-150	NEW-C 85-17-011	16-228-235	AMD 85-17-044	16-316-474	AMD-P 85-06-052
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10-08-160	AMD-C 85-14-013	16-228-240	REP 85-17-044	16-316-635	AMD-P 85-11-081
10-08-160	AMD-C 85-17-011	16-228-245	AMD-P 85-13-052	16-316-635	AMD 85-14-093
16-42	AMD-C 85-03-061	16-228-245	AMD 85-17-044	16-316-660	AMD-P 85-06-052
16-42	AMD-C 85-12-025	16-228-250	AMD-P 85-13-052	16-316-660	AMD 85-11-004
16-42	AMD-C 85-13-047	16-228-250	AMD 85-17-044	16-316-724	AMD-P 85-06-052
16-42-00101	REP-P 85-09-061	16-228-255	AMD-P 85-13-052	16-316-724	AMD 85-11-004
16-42-00101	REP-W 85-10-020	16-228-255	AMD 85-17-044	16-316-800	AMD-P 85-06-052
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16-42-005	NEW 85-15-024	16-228-265	AMD 85-17-044	16-316-830	AMD-P 85-06-052
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16-42-01001	REP-W 85-10-020	16-228-270	REP 85-17-044	16-316-906	AMD-P 85-07-058
16-42-01001	REP 85-15-024	16-228-275	AMD-P 85-13-052	16-316-906	AMD 85-11-002
16-42-015	AMD-P 85-09-061	16-228-275	AMD 85-17-044	16-316-911	AMD-P 85-07-058
16-42-015	AMD-W 85-10-020	16-228-280	REP-P 85-13-052	16-316-911	AMD 85-11-002
16-42-015	AMD 85-15-024	16-228-280	REP 85-17-044	16-316-921	AMD-P 85-07-058
16-42-017	NEW-P 85-09-061	16-228-285	REP-P 85-13-052	16-316-921	AMD 85-11-002
16-42-017	NEW-W 85-10-020	16-228-285	REP 85-17-044	16-316-945	NEW-P 85-07-058
16-42-017	NEW 85-15-024	16-230	AMD-C 85-17-043	16-316-945	NEW 85-11-002
16-42-02001	REP-P 85-09-061	16-230-190	AMD-P 85-07-062	16-316-950	NEW-P 85-07-058
16-42-02001	REP-W 85-10-020	16-230-190	AMD-C 85-10-057	16-316-950	NEW 85-11-002
16-42-02001	REP 85-15-024	16-230-190	AMD-C 85-11-052	16-316-955	NEW-P 85-07-058
16-42-022	NEW-P 85-09-061	16-230-190	AMD 85-12-012	16-316-955	NEW 85-11-002
16-42-022	NEW-W 85-10-020	16-230-190	AMD-P 85-14-092	16-316-960	NEW-P 85-07-058
16-42-022	NEW 85-15-024	16-230-190	AMD-E 85-17-065	16-316-960	NEW 85-11-002
16-42-025	AMD-P 85-09-061	16-230-190	AMD 85-17-066	16-322-010	AMD-P 85-11-082
16-42-025	AMD-W 85-10-020	16-231	AMD-C 85-06-042	16-322-010	AMD 85-15-017
16-42-025	AMD 85-15-024	16-231-413	NEW-P 85-03-101	16-322-012	AMD-P 85-11-082
16-42-03001	REP-P 85-09-061	16-231-413	NEW 85-07-029	16-322-012	AMD 85-15-017
16-42-03001	REP-W 85-10-020	16-231-613	NEW-P 85-03-101	16-322-015	AMD-P 85-11-082

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16-322-020	REP-P	85-11-082	16-470-120	AMD-E	85-11-087	16-750-010	AMD	85-07-003
16-322-020	REP	85-15-017	16-470-120	AMD	85-15-007	50-12-010	REP-P	85-16-116
16-322-025	AMD-P	85-11-082	16-470-200	NEW-P	85-11-083	50-12-040	AMD-P	85-16-116
16-322-025	AMD	85-15-017	16-470-200	NEW-E	85-11-088	50-12-050	AMD-E	85-16-030
16-322-035	AMD-P	85-11-082	16-470-200	NEW	85-15-008	50-12-050	AMD-P	85-16-116
16-322-035	AMD	85-15-017	16-470-210	NEW-P	85-11-083	50-12-100	NEW-P	85-16-116
16-322-040	AMD-P	85-11-082	16-470-210	NEW-E	85-11-088	50-12-110	NEW-P	85-16-116
16-322-040	AMD	85-15-017	16-470-210	NEW	85-15-008	50-16-030	AMD-P	85-16-055
16-322-045	AMD-P	85-11-082	16-470-220	NEW-P	85-11-083	50-20-010	AMD-P	85-16-056
16-322-045	AMD	85-15-017	16-470-220	NEW-E	85-11-088	50-20-050	AMD-E	85-15-074
16-354-005	AMD-P	85-11-079	16-470-220	NEW	85-15-008	50-20-050	AMD-P	85-16-056
16-354-005	AMD	85-15-046	16-470-230	NEW-P	85-11-083	50-20-055	AMD-E	85-15-074
16-354-010	AMD-P	85-11-079	16-470-230	NEW-E	85-11-088	50-20-055	AMD-P	85-16-056
16-354-010	AMD	85-15-046	16-470-230	NEW	85-15-008	50-20-090	NEW-E	85-15-074
16-354-020	AMD-P	85-11-079	16-470-300	NEW-P	85-11-085	50-20-090	NEW-P	85-16-056
16-354-020	AMD	85-15-046	16-470-300	NEW-W	85-14-072	50-24-100	AMD-P	85-16-116
16-354-030	AMD-P	85-11-079	16-470-300	NEW-P	85-15-054	50-44-030	AMD-P	85-16-116
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16-354-040	AMD-P	85-11-079	16-470-310	NEW-W	85-14-072	51-10	AMD-P	85-02-055
16-354-040	AMD	85-15-046	16-470-310	NEW-P	85-15-054	51-10	AMD	85-03-095
16-354-050	AMD-P	85-11-079	16-470-320	NEW-P	85-11-085	51-10	AMD	85-07-036
16-354-050	AMD	85-15-046	16-470-320	NEW-W	85-14-072	67-25-005	AMD-P	85-03-081
16-354-070	AMD-P	85-11-079	16-470-320	NEW-P	85-15-054	67-25-005	AMD	85-06-030
16-354-070	AMD	85-15-046	16-470-330	NEW-P	85-11-083	67-25-180	REP-E	85-13-023
16-354-080	REP-P	85-11-079	16-470-330	NEW-W	85-14-072	67-25-180	REP-P	85-15-077
16-354-080	REP	85-15-046	16-470-330	NEW-P	85-15-054	67-25-185	REP-E	85-13-023
16-354-090	NEW-P	85-11-079	16-470-340	NEW-P	85-11-085	67-25-185	REP-P	85-15-077
16-354-090	NEW	85-15-046	16-470-340	NEW-W	85-14-072	67-25-190	REP-E	85-13-023
16-354-100	NEW-P	85-11-079	16-470-340	NEW-P	85-15-054	67-25-190	REP-P	85-15-077
16-354-100	NEW	85-15-046	16-470-400	NEW-P	85-17-019	67-25-200	REP-E	85-13-023
16-400-007	NEW-P	85-03-089	16-470-410	NEW-P	85-17-019	67-25-200	REP-P	85-15-077
16-400-007	NEW	85-06-029	16-470-420	NEW-P	85-17-019	67-25-257	NEW-P	85-03-081
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16-400-020	REP	85-06-029	16-470-440	NEW-P	85-17-019	67-25-360	AMD-P	85-15-077
16-409-015	AMD-P	85-03-090	16-514-010	NEW-P	85-14-103	67-25-420	AMD-P	85-03-081
16-409-015	AMD	85-07-028	16-514-020	NEW-P	85-14-103	67-25-420	AMD	85-06-030
16-409-020	AMD-P	85-03-090	16-514-030	NEW-P	85-14-103	67-35-070	AMD-P	85-15-075
16-409-020	AMD	85-07-028	16-514-040	NEW-P	85-14-103	67-35-100	AMD-P	85-15-075
16-409-030	AMD-P	85-03-090	16-514-041	NEW-P	85-14-103	67-35-130	AMD-P	85-15-075
16-409-030	AMD	85-07-028	16-514-050	NEW-P	85-14-103	67-35-140	AMD-P	85-15-075
16-409-035	AMD-P	85-03-090	16-514-060	NEW-P	85-14-103	67-35-160	AMD-P	85-15-075
16-409-035	AMD	85-07-028	16-514-070	NEW-P	85-14-103	67-35-180	AMD-P	85-15-075
16-409-060	AMD-P	85-03-090	16-514-080	NEW-P	85-14-103	67-35-190	AMD-P	85-15-075
16-409-060	AMD	85-07-028	16-529-030	AMD	85-10-015	67-35-280	AMD-P	85-15-075
16-409-065	AMD-P	85-03-090	16-530-010	NEW	85-11-089	67-35-310	AMD-P	85-15-075
16-409-065	AMD	85-07-028	16-530-020	NEW	85-11-089	67-35-350	AMD-P	85-15-075
16-409-070	AMD-P	85-03-090	16-530-030	NEW	85-11-089	67-35-460	AMD-P	85-15-075
16-409-070	AMD	85-07-028	16-530-040	NEW	85-11-089	67-35-520	AMD-P	85-15-075
16-409-075	AMD-P	85-03-090	16-530-050	NEW	85-11-089	67-45-010	REP-E	85-09-039
16-409-075	AMD	85-07-028	16-530-060	NEW	85-11-089	67-45-010	REP-E	85-15-044
16-409-085	AMD-P	85-03-090	16-555-010	NEW-P	85-05-038	67-45-010	REP-P	85-15-076
16-409-085	AMD	85-07-028	16-555-010	NEW	85-11-030	67-45-020	REP-E	85-09-039
16-409-120	REP-P	85-03-090	16-555-020	NEW-P	85-05-038	67-45-020	REP-E	85-15-044
16-409-120	REP	85-07-028	16-555-020	NEW	85-11-030	67-45-020	REP-P	85-15-076
16-426-001	REP-P	85-11-080	16-555-030	NEW-P	85-05-038	67-45-030	REP-E	85-09-039
16-426-001	REP	85-15-047	16-555-030	NEW	85-11-030	67-45-030	REP-E	85-15-044
16-426-005	REP-P	85-11-080	16-555-040	NEW-P	85-05-038	67-45-030	REP-P	85-15-076
16-426-005	REP	85-15-047	16-555-040	NEW	85-11-030	67-45-040	REP-E	85-09-039
16-426-010	REP-P	85-11-080	16-555-041	NEW-P	85-05-038	67-45-040	REP-E	85-15-044
16-426-010	REP	85-15-047	16-555-041	NEW	85-11-030	67-45-040	REP-P	85-15-076
16-426-015	REP-P	85-11-080	16-555-050	NEW-P	85-05-038	67-45-045	REP-E	85-09-039
16-426-015	REP	85-15-047	16-555-050	NEW	85-11-030	67-45-045	REP-E	85-15-044
16-426-020	REP-P	85-11-080	16-555-060	NEW-P	85-05-038	67-45-045	REP-P	85-15-076
16-426-020	REP	85-15-047	16-555-060	NEW	85-11-030	67-45-050	REP-E	85-09-039
16-470-010	AMD-P	85-11-086	16-555-070	NEW-P	85-05-038	67-45-050	REP-E	85-15-044
16-470-010	AMD-E	85-11-087	16-555-070	NEW	85-11-030	67-45-050	REP-P	85-15-076
16-470-010	AMD	85-15-006	16-555-080	NEW-P	85-05-038	67-45-060	REP-E	85-09-039
16-470-015	AMD-P	85-11-084	16-555-080	NEW	85-11-030	67-45-060	REP-E	85-15-044
16-470-015	AMD-E	85-11-087	16-560-06001	AMD-P	85-02-054	67-45-060	REP-P	85-15-076
16-470-015	AMD	85-15-007	16-560-06001	AMD	85-10-005	67-45-070	REP-E	85-09-039
16-470-100	AMD-P	85-11-084	16-565-010	AMD-P	85-11-078	67-45-070	REP-E	85-15-044
16-470-100	AMD-E	85-11-087	16-565-010	AMD	85-15-018	67-45-070	REP-P	85-15-076
16-470-100	AMD	85-15-007	16-565-020	AMD-P	85-11-078	67-45-075	REP-E	85-09-039
16-470-110	AMD-P	85-11-084	16-565-020	AMD	85-15-018	67-45-075	REP-E	85-15-044
16-470-110	AMD-E	85-11-087	16-666-140	NEW-P	85-10-051	67-45-075	REP-P	85-15-076
16-470-110	AMD	85-15-007	16-666-140	NEW-W	85-12-053	82-50-021	AMD-P	85-13-068

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98-40-020	NEW-P	85-14-108	106-120-050	REP	85-07-032	
98-40-030	NEW-P	85-14-108	106-120-051	REP-P	85-03-086	
98-40-040	NEW-P	85-14-108	106-120-051	REP	85-07-032	
98-40-050	NEW-P	85-14-108	106-120-053	REP-P	85-03-086	
98-40-060	NEW-P	85-14-108	106-120-053	REP	85-07-032	
98-40-070	NEW-P	85-14-108	106-120-055	REP-P	85-03-086	
98-40-080	NEW-P	85-14-108	106-120-055	REP	85-07-032	
98-70-010	AMD-P	85-14-108	106-120-056	REP-P	85-03-086	
100-100-010	NEW	85-03-011	106-120-056	REP	85-07-032	
100-100-020	NEW	85-03-011	106-120-057	REP-P	85-03-086	
100-100-030	NEW	85-03-011	106-120-057	REP	85-07-032	
100-100-040	NEW	85-03-011	106-120-058	REP-P	85-03-086	
100-100-050	NEW	85-03-011	106-120-058	REP	85-07-032	
100-100-060	NEW	85-03-011	106-120-060	REP-P	85-03-086	
100-100-070	NEW	85-03-011	106-120-060	REP	85-07-032	
100-100-070	AMD-P	85-04-063	106-120-061	REP-P	85-03-086	
100-100-070	AMD	85-09-027	106-120-061	REP	85-07-032	
100-100-075	NEW	85-09-027	106-120-062	REP-P	85-03-086	
100-100-080	NEW	85-03-011	106-120-062	REP	85-07-032	
100-100-090	NEW	85-03-011	106-120-064	REP-P	85-03-086	
100-100-100	NEW	85-03-011	106-120-064	REP	85-07-032	
100-100-100	AMD-P	85-04-063	106-120-066	REP-P	85-03-086	
106-120	AMD-P	85-03-086	106-120-066	REP	85-07-032	
106-120	AMD	85-07-032	106-120-131	NEW-P	85-03-086	
106-120-001	REP-P	85-03-086	106-120-131	NEW	85-07-032	
106-120-001	REP	85-07-032	106-120-131	NEW-P	85-03-086	
106-120-003	NEW-P	85-03-086	106-120-132	NEW	85-07-032	
106-120-003	NEW	85-07-032	106-120-143	NEW-P	85-03-086	
106-120-004	NEW-P	85-03-086	106-120-143	NEW	85-07-032	
106-120-004	NEW	85-07-032	106-120-200	REP-P	85-03-086	
106-120-005	NEW-P	85-03-086	106-120-200	REP	85-07-032	
106-120-005	NEW	85-07-032	106-120-210	REP-P	85-03-086	
106-120-006	NEW-P	85-03-086	106-120-210	REP	85-07-032	
106-120-006	NEW	85-07-032	106-120-220	REP-P	85-03-086	
106-120-007	NEW-P	85-03-086	106-120-220	REP	85-07-032	
106-120-007	NEW	85-07-032	106-120-230	REP-P	85-03-086	
106-120-010	REP-P	85-03-086	106-120-230	REP	85-07-032	
106-120-010	REP	85-07-032	106-120-240	REP-P	85-03-086	
106-120-011	REP-P	85-03-086	106-120-240	REP	85-07-032	
106-120-011	REP	85-07-032	106-120-250	REP-P	85-03-086	
106-120-013	REP-P	85-03-086	106-120-250	REP	85-07-032	
106-120-013	REP	85-07-032	106-120-700	REP-P	85-03-086	
106-120-020	REP-P	85-03-086	106-120-700	REP	85-07-032	
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106-120-021	NEW-P	85-03-086	106-120-800	REP	85-07-032	
106-120-021	NEW	85-07-032	106-120-900	REP-P	85-03-086	
106-120-022	NEW-P	85-03-086	106-120-900	REP	85-07-032	
106-120-022	NEW	85-07-032	113-12-005	REP-E	85-16-067	
106-120-023	NEW-P	85-03-086	113-12-005	REP-P	85-16-089	
106-120-023	NEW	85-07-032	114-12-005	REP-P	85-10-068	
106-120-024	NEW-P	85-03-086	114-12-005	REP	85-13-081	
106-120-024	NEW	85-07-032	114-12-121	REP-P	85-10-068	
106-120-025	NEW-P	85-03-086	114-12-121	REP	85-13-081	
106-120-025	NEW	85-07-032	114-12-125	NEW-P	85-10-068	
106-120-026	NEW-P	85-03-086	114-12-125	NEW	85-13-081	
106-120-026	NEW	85-07-032	118-03-010	AMD-P	85-17-003	
106-120-027	NEW-P	85-03-086	118-03-010	AMD-E	85-17-004	
106-120-027	NEW	85-07-032	118-03-030	AMD-P	85-17-003	
106-120-028	NEW-P	85-03-086	118-03-030	AMD-E	85-17-004	
106-120-028	NEW	85-07-032	118-03-050	AMD-P	85-17-003	
106-120-030	REP-P	85-03-086	118-03-050	AMD-E	85-17-004	
106-120-030	REP	85-07-032	118-03-070	AMD-P	85-17-003	
106-120-031	REP-P	85-03-086	118-03-070	AMD-E	85-17-004	
106-120-031	REP	85-07-032	118-03-090	AMD-P	85-17-003	
106-120-032	REP-P	85-03-086	118-03-090	AMD-E	85-17-004	
106-120-032	REP	85-07-032	118-03-110	AMD-P	85-17-003	
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106-120-033	NEW	85-07-032	118-03-130	AMD-P	85-17-003	
106-120-040	REP-P	85-03-086	118-03-130	AMD-E	85-17-004	
106-120-040	REP	85-07-032	118-03-150	AMD-P	85-17-003	
106-120-041	REP-P	85-03-086	118-03-150	AMD-E	85-17-004	
106-120-041	REP	85-07-032	118-03-170	AMD-P	85-17-003	
106-120-042	REP-P	85-03-086	118-03-170	AMD-E	85-17-004	
106-120-042	REP	85-07-032	118-03-190	AMD-P	85-17-003	
106-120-043	REP-P	85-03-086	118-03-190	AMD-E	85-17-004	
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				118-03-210	AMD-E	85-17-004
				118-03-230	AMD-P	85-17-003
				118-03-230	AMD-E	85-17-004
				118-03-250	AMD-P	85-17-003
				118-03-250	AMD-E	85-17-004
				118-03-270	AMD-P	85-17-003
				118-03-270	AMD-E	85-17-004
				118-03-290	AMD-P	85-17-003
				118-03-290	AMD-E	85-17-004
				118-03-310	AMD-P	85-17-003
				118-03-310	AMD-E	85-17-004
				120-04-010	REP-P	85-11-041
				120-04-010	REP	85-15-013
				120-04-030	REP-P	85-11-041
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				120-06-010	REP-P	85-11-041
				120-06-010	REP	85-15-013
				120-06-020	REP-P	85-11-041
				120-06-020	REP	85-15-013
				120-06-030	REP-P	85-11-041
				120-06-030	REP	85-15-013
				120-06-040	REP-P	85-11-041
				120-06-040	REP	85-15-013
				120-06-050	REP-P	85-11-041
				120-06-050	REP	85-15-013
				120-06-060	REP-P	85-11-041
				120-06-060	REP	85-15-013
				120-06-070	REP-P	85-11-041
				120-06-070	REP	85-15-013
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				120-06-080	REP	85-15-013
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				120-06-100	REP	85-15-013
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				120-06-110	REP	85-15-013
				120-06-120	REP-P	85-11-041
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				120-52-030	REP	85-15-013
				120-52-050	REP-P	85-11-041
				120-52-050	REP	85-15-013
				120-52-070	REP-P	85-11-041
				120-52-070	REP	85-15-013
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				132C-120-020	AMD	85-13-067
				132C-120-025	AMD-P	85-07-051
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132C-120-060	AMD-P 85-07-051	132E-116-020	REP 85-04-003	132L-30-050	AMD-P 85-16-087
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132C-120-095	REP 85-13-067	132E-116-080	REP 85-04-003	132L-30-260	AMD-P 85-16-087
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132C-120-160	REP 85-13-067	132F-148-030	AMD 85-13-076	132R-128-100	REP 85-14-078
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132C-120-215	AMD-P 85-07-051	132F-419-040	NEW 85-13-075	132R-180-060	REP-P 85-05-007
132C-120-215	AMD 85-13-067	132F-419-050	NEW-P 85-07-056	132R-180-060	REP 85-14-078
132C-120-220	AMD-P 85-07-051	132F-419-050	NEW-C 85-12-016	132R-180-070	REP-P 85-05-007
132C-120-220	AMD 85-13-067	132F-419-050	NEW 85-13-075	132R-180-070	REP 85-14-078
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132C-120-225	AMD 85-13-067	132F-419-060	NEW-C 85-12-016	132R-180-080	REP 85-14-078
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132C-120-230	NEW 85-13-067	132F-419-070	NEW-P 85-07-056	132R-180-090	REP 85-14-078
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173-19-4506	AMD-P	85-16-073	173-150-130	NEW	85-12-017	173-516-050	NEW-P	85-12-050
173-20-120	AMD-P	85-06-065	173-150-140	NEW	85-12-017	173-516-060	NEW-P	85-12-050
173-20-120	AMD	85-09-043	173-154	NEW-C	85-08-033	173-516-070	NEW-P	85-12-050
173-20-130	AMD-P	85-06-065	173-154-010	NEW	85-12-018	173-516-080	NEW-P	85-12-050
173-20-130	AMD	85-09-043	173-154-020	NEW	85-12-018	173-516-090	NEW-P	85-12-050
173-20-550	AMD-P	85-06-065	173-154-030	NEW	85-12-018	173-516-100	NEW-P	85-12-050
173-20-550	AMD	85-09-043	173-154-040	NEW	85-12-018	174-104-010	AMD-P	85-06-074
173-20-700	AMD-P	85-06-065	173-154-050	NEW	85-12-018	174-104-010	AMD	85-10-049
173-20-700	AMD	85-09-043	173-154-060	NEW	85-12-018	174-107-230	REP-P	85-14-034
173-22-040	AMD-P	85-06-065	173-154-070	NEW	85-12-018	174-107-240	REP-P	85-14-034
173-22-040	AMD	85-09-043	173-154-080	NEW	85-12-018	174-107-250	REP-P	85-14-034
173-22-060	AMD-P	85-06-065	173-154-090	NEW	85-12-018	174-107-260	REP-P	85-14-034
173-22-060	AMD	85-09-043	173-154-100	NEW	85-12-018	174-107-270	REP-P	85-14-034
173-22-060	AMD-P	85-09-066	173-154-110	NEW	85-12-018	174-107-280	REP-P	85-14-034
173-22-060	AMD-C	85-13-029	173-216-050	AMD	85-04-006	174-107-290	REP-P	85-14-034
173-22-060	AMD	85-14-001	173-303-071	AMD-P	85-05-047	174-107-300	REP-P	85-14-034
173-144-010	NEW-E	85-03-075	173-303-071	AMD	85-09-042	174-107-310	REP-P	85-14-034
173-144-010	NEW-E	85-09-067	173-303-9904	AMD-P	85-05-047	174-107-320	REP-P	85-14-034
173-144-020	NEW-E	85-03-075	173-303-9904	AMD	85-09-042	174-107-330	REP-P	85-14-034
173-144-020	NEW-E	85-09-067	173-304-010	NEW-P	85-14-027	174-107-340	REP-P	85-14-034
173-144-030	NEW-E	85-03-075	173-304-011	NEW-P	85-14-027	174-107-350	REP-P	85-14-034
173-144-030	NEW-E	85-09-067	173-304-015	NEW-P	85-14-027	174-116-040	AMD	85-03-048
173-144-040	NEW-E	85-03-075	173-304-100	NEW-P	85-14-027	174-116-123	AMD-P	85-14-112
173-144-040	NEW-E	85-09-067	173-304-130	NEW-P	85-14-027	177-04-010	REP-P	85-11-042
173-144-050	NEW-E	85-03-075	173-304-190	NEW-P	85-14-027	177-04-010	REP	85-15-012
173-144-050	NEW-E	85-09-067	173-304-195	NEW-P	85-14-027	177-04-030	REP-P	85-11-042
173-144-060	NEW-E	85-03-075	173-304-200	NEW-P	85-14-027	177-04-030	REP	85-15-012
173-144-060	NEW-E	85-09-067	173-304-300	NEW-P	85-14-027	177-04-050	REP-P	85-11-042
173-144-070	NEW-E	85-03-075	173-304-400	NEW-P	85-14-027	177-04-050	REP	85-15-012
173-144-070	NEW-E	85-09-067	173-304-405	NEW-P	85-14-027	177-06-010	REP-P	85-11-042
173-144-080	NEW-E	85-03-075	173-304-410	NEW-P	85-14-027	177-06-010	REP	85-15-012
173-144-080	NEW-E	85-09-067	173-304-420	NEW-P	85-14-027	177-06-020	REP-P	85-11-042
173-144-090	NEW-E	85-03-075	173-304-430	NEW-P	85-14-027	177-06-020	REP	85-15-012
173-144-090	NEW-E	85-09-067	173-304-440	NEW-P	85-14-027	177-08-010	REP-P	85-11-042
173-145-010	NEW-P	85-10-071	173-304-450	NEW-P	85-14-027	177-08-010	REP	85-15-012
173-145-010	NEW	85-14-002	173-304-460	NEW-P	85-14-027	180-25-040	AMD-P	85-06-070
173-145-020	NEW-P	85-10-071	173-304-461	NEW-P	85-14-027	180-25-040	AMD	85-09-059
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173-145-030	NEW-P	85-10-071	173-304-463	NEW-P	85-14-027	180-25-045	AMD-P	85-06-070
173-145-030	NEW	85-14-002	173-304-470	NEW-P	85-14-027	180-25-045	AMD	85-09-059
173-145-040	NEW-P	85-10-071	173-304-490	NEW-P	85-14-027	180-25-045	AMD-E	85-09-063
173-145-040	NEW	85-14-002	173-304-600	NEW-P	85-14-027	180-25-055	NEW-P	85-06-070
173-145-050	NEW-P	85-10-071	173-304-700	NEW-P	85-14-027	180-25-055	NEW	85-09-059
173-145-050	NEW	85-14-002	173-304-9901	NEW-P	85-14-027	180-25-055	NEW-E	85-09-063
173-145-060	NEW-P	85-10-071	173-400-030	AMD	85-06-046	180-25-990	NEW-E	85-16-022
173-145-060	NEW	85-14-002	173-400-075	AMD	85-06-046	180-27-053	NEW	85-04-008
173-145-070	NEW-P	85-10-071	173-400-100	AMD	85-06-046	180-27-054	NEW	85-04-008
173-145-070	NEW	85-14-002	173-400-115	AMD	85-06-046	180-27-055	REP	85-04-008
173-145-080	NEW-P	85-10-071	173-403-030	AMD	85-06-047	180-27-056	NEW	85-04-008
173-145-080	NEW	85-14-002	173-403-030	AMD-E	85-07-011	180-27-058	NEW	85-04-008
173-145-090	NEW-P	85-10-071	173-403-050	AMD	85-06-047	180-27-990	NEW-P	85-09-062
173-145-090	NEW	85-14-002	173-403-050	AMD-E	85-07-011	180-27-990	NEW-E	85-09-065
173-145-100	NEW-P	85-10-071	173-403-070	AMD	85-06-047	180-27-990	NEW	85-12-040
173-145-100	NEW	85-14-002	173-403-070	AMD-E	85-07-011	180-33-015	AMD-P	85-06-069
173-145-110	NEW-P	85-10-071	173-403-080	AMD	85-06-047	180-33-015	AMD	85-09-060
173-145-110	NEW	85-14-002	173-403-080	AMD-E	85-07-011	180-33-015	AMD-E	85-09-064
173-145-120	NEW-P	85-10-071	173-405-021	AMD	85-06-048	180-33-042	NEW-P	85-06-069
173-145-120	NEW	85-14-002	173-405-041	NEW	85-06-048	180-33-042	NEW	85-09-060
173-145-130	NEW-P	85-10-071	173-410-021	AMD	85-06-048	180-33-042	NEW-E	85-09-064
173-145-130	NEW	85-14-002	173-410-042	NEW	85-06-048	180-33-043	NEW-P	85-06-069
173-145-140	NEW-P	85-10-071	173-415-020	AMD	85-06-048	180-33-043	NEW	85-09-060
173-145-140	NEW	85-14-002	173-415-041	NEW	85-06-048	180-33-043	NEW-E	85-09-064
173-145-150	NEW-P	85-10-071	173-501-010	NEW-P	85-16-112	180-38-005	NEW-E	85-16-021
173-145-150	NEW	85-14-002	173-501-020	NEW-P	85-16-112	180-38-005	NEW-P	85-16-035
173-150	NEW-C	85-08-032	173-501-030	NEW-P	85-16-112	180-38-010	NEW-E	85-16-021
173-150-010	NEW	85-12-017	173-501-040	NEW-P	85-16-112	180-38-010	NEW-P	85-16-035
173-150-020	NEW	85-12-017	173-501-050	NEW-P	85-16-112	180-38-020	NEW-E	85-16-021
173-150-030	NEW	85-12-017	173-501-060	NEW-P	85-16-112	180-38-020	NEW-P	85-16-035
173-150-040	NEW	85-12-017	173-501-070	NEW-P	85-16-112	180-38-025	NEW-E	85-16-021
173-150-050	NEW	85-12-017	173-501-080	NEW-P	85-16-112	180-38-025	NEW-P	85-16-035
173-150-060	NEW	85-12-017	173-501-090	NEW-P	85-16-112	180-38-030	NEW-E	85-16-021

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180-38-035	NEW-E 85-16-021	192-12-074	NEW 85-11-038	220-12-020	AMD-C 85-09-016
180-38-035	NEW-P 85-16-035	192-12-076	NEW-P 85-08-030	220-12-020	AMD 85-09-017
180-38-040	NEW-E 85-16-021	192-12-076	NEW 85-11-038	220-12-02000A	NEW-E 85-08-005
180-38-040	NEW-P 85-16-035	192-26-010	NEW-E 85-14-056	220-16-340	AMD-P 85-03-110
180-38-045	NEW-E 85-16-021	192-26-030	NEW-E 85-14-056	220-16-340	AMD-C 85-09-016
180-38-045	NEW-P 85-16-035	192-26-040	NEW-E 85-14-056	220-16-340	AMD 85-09-017
180-38-050	NEW-E 85-16-021	192-26-050	NEW-E 85-14-056	220-16-34000A	NEW-E 85-08-005
180-38-050	NEW-P 85-16-035	192-26-100	NEW-E 85-14-056	220-20-010	AMD-P 85-03-110
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180-38-055	NEW-P 85-16-035	196-04-040	NEW 85-04-030	220-20-010	AMD 85-08-023
180-38-060	NEW-E 85-16-021	204-66-010	REP-P 85-17-058	220-20-010	AMD-C 85-09-016
180-38-060	NEW-P 85-16-035	204-66-020	REP-P 85-17-058	220-20-010	AMD 85-09-017
180-38-065	NEW-E 85-16-021	204-66-030	REP-P 85-17-058	220-20-01000J	NEW-E 85-08-005
180-38-065	NEW-P 85-16-035	204-66-040	REP-P 85-17-058	220-20-01000K	NEW-E 85-09-011
180-38-070	NEW-E 85-16-021	204-66-050	REP-P 85-17-058	220-20-016	AMD-P 85-07-065
180-38-070	NEW-P 85-16-035	204-66-060	REP-P 85-17-058	220-20-016	AMD-C 85-09-034
180-40-215	AMD 85-04-009	204-66-070	REP-P 85-17-058	220-20-016	AMD 85-11-020
180-40-227	NEW 85-04-009	204-66-080	REP-P 85-17-058	220-20-021	AMD-P 85-04-065
180-40-227	AMD-E 85-06-035	204-66-090	REP-P 85-17-058	220-20-021	AMD 85-08-023
180-40-227	AMD-P 85-06-071	204-66-100	REP-P 85-17-058	220-20-02100B	NEW-E 85-09-011
180-40-227	AMD 85-09-049	204-66-110	REP-P 85-17-058	220-20-02100B	REP-E 85-09-036
180-40-245	AMD-P 85-09-058	204-66-120	REP-P 85-17-058	220-20-02100C	NEW-E 85-09-036
180-40-245	AMD 85-12-042	204-66-130	REP-P 85-17-058	220-20-030	REP-P 85-08-038
180-40-260	AMD-P 85-09-058	204-66-140	REP-P 85-17-058	220-20-030	REP-C 85-13-031
180-40-260	AMD 85-12-042	204-66-150	REP-P 85-17-058	220-20-030	REP 85-13-032
180-40-275	AMD-P 85-09-058	204-66-160	REP-P 85-17-058	220-20-03800A	NEW-E 85-11-039
180-50-120	AMD 85-04-007	204-66-170	REP-P 85-17-058	220-20-03800A	REP-E 85-14-060
180-50-120	AMD-P 85-09-052	204-66-180	REP-P 85-17-058	220-22-030	AMD-P 85-08-038
180-50-120	AMD 85-12-037	204-66-190	REP-P 85-17-058	220-22-030	AMD-C 85-13-031
180-50-135	AMD-P 85-16-036	204-66-200	REP-P 85-17-058	220-22-030	AMD 85-13-032
180-50-315	AMD-P 85-09-052	204-82-010	NEW-P 85-17-059	220-24-02000C	NEW-E 85-10-010
180-50-315	AMD 85-12-037	204-82-020	NEW-P 85-17-059	220-24-02000C	REP-E 85-11-031
180-51-050	AMD-P 85-09-053	204-82-030	NEW-P 85-17-059	220-24-02000D	NEW-E 85-11-031
180-51-050	AMD 85-12-041	204-82-040	NEW-P 85-17-059	220-24-02000D	REP-E 85-11-057
180-51-055	AMD-P 85-09-053	204-82-050	NEW-P 85-17-059	220-24-02000E	NEW-E 85-11-057
180-51-055	AMD 85-12-041	204-82-060	NEW-P 85-17-059	220-24-02000E	REP-E 85-15-030
180-51-060	AMD-P 85-09-053	204-91-010	NEW-P 85-17-058	220-24-02000F	NEW-E 85-15-030
180-51-060	AMD 85-12-041	204-91-020	NEW-P 85-17-058	220-24-02000F	REP-E 85-15-065
180-51-062	NEW-P 85-09-053	204-91-030	NEW-P 85-17-058	220-24-02000G	NEW-E 85-15-065
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180-51-065	AMD-P 85-09-053	204-91-050	NEW-P 85-17-058	220-24-02000H	NEW-E 85-16-061
180-51-065	AMD 85-12-041	204-91-060	NEW-P 85-17-058	220-24-02000H	REP-E 85-17-067
180-51-070	AMD-P 85-09-053	204-91-070	NEW-P 85-17-058	220-24-02000I	NEW-E 85-17-067
180-51-070	AMD 85-12-041	204-91-080	NEW-P 85-17-058	220-28-440	REP-E 85-03-037
180-51-075	AMD-P 85-09-053	204-91-100	NEW-P 85-17-058	220-28-501	NEW-E 85-10-011
180-51-075	AMD 85-12-041	204-91-110	NEW-P 85-17-058	220-28-501	REP-E 85-12-013
180-51-080	AMD-P 85-09-053	204-91-120	NEW-P 85-17-058	220-28-502	NEW-E 85-12-013
180-51-080	AMD 85-12-041	204-91-130	NEW-P 85-17-058	220-28-502	REP-E 85-13-014
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180-51-085	AMD 85-12-041	204-91-150	NEW-P 85-17-058	220-28-503	REP-E 85-14-082
180-51-100	AMD-P 85-09-053	204-91-160	NEW-P 85-17-058	220-28-504	NEW-E 85-14-082
180-51-100	AMD 85-12-041	204-91-170	NEW-P 85-17-058	220-28-504	REP-E 85-15-035
180-51-110	AMD-P 85-09-053	204-91-180	NEW-P 85-17-058	220-28-505	NEW-E 85-15-035
180-51-110	AMD 85-12-041	204-91-190	NEW-P 85-17-058	220-28-505	REP-E 85-15-071
180-52-040	REP-P 85-16-037	204-91-200	NEW-P 85-17-058	220-28-506	NEW-E 85-15-071
180-52-045	REP-P 85-16-037	204-93-010	NEW-P 85-17-060	220-28-506	REP-E 85-16-081
180-52-050	REP-P 85-16-037	204-93-020	NEW-P 85-17-060	220-28-507	NEW-E 85-16-081
180-52-055	REP-P 85-16-037	204-93-030	NEW-P 85-17-060	220-28-507	REP-E 85-16-083
180-52-060	REP-P 85-16-037	204-93-040	NEW-P 85-17-060	220-28-508	NEW-E 85-16-083
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180-75-065	AMD-P 85-12-044	204-93-070	NEW-P 85-17-060	220-28-509	REP-E 85-17-040
180-75-065	AMD 85-16-020	204-93-080	NEW-P 85-17-060	220-28-510	NEW-E 85-17-040
180-78-050	AMD 85-04-010	204-93-090	NEW-P 85-17-060	220-28-510	REP-E 85-17-050
192-09-040	AMD-P 85-08-030	204-93-100	NEW-P 85-17-060	220-28-511	NEW-E 85-17-050
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192-09-060	AMD 85-11-038	204-93-130	NEW-P 85-17-060	220-32-02200N	NEW-E 85-04-049
192-09-063	AMD-P 85-08-030	204-93-140	NEW-P 85-17-060	220-32-03000P	NEW-E 85-05-035
192-09-063	AMD 85-11-038	204-93-150	NEW-P 85-17-060	220-32-03000P	REP-E 85-07-002
192-12-040	AMD-P 85-08-030	204-93-160	NEW-P 85-17-060	220-32-03000Q	NEW-E 85-07-002
192-12-040	AMD 85-11-038	204-94-010	NEW-P 85-17-061	220-32-03000R	NEW-E 85-14-005
192-12-070	AMD-P 85-08-030	204-94-020	NEW-P 85-17-061	220-32-03000R	REP-E 85-14-022
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220-32-04200G	NEW-E	85-06-014	220-47-411	AMD	85-13-032	220-56-180	AMD	85-09-017
220-32-04200G	REP-E	85-06-034	220-47-412	AMD-P	85-08-038	220-56-18000S	NEW-E	85-07-024
220-32-04200H	NEW-E	85-06-034	220-47-412	AMD-C	85-13-031	220-56-185	AMD-P	85-03-110
220-32-05100I	NEW-E	85-08-001	220-47-412	AMD	85-13-032	220-56-185	AMD-C	85-09-016
220-32-05100J	NEW-E	85-14-005	220-47-413	AMD-P	85-08-038	220-56-185	AMD	85-09-017
220-32-05100J	REP-E	85-14-022	220-47-413	AMD-C	85-13-031	220-56-185	AMD-P	85-15-098
220-32-05100K	NEW-E	85-14-022	220-47-413	AMD	85-13-032	220-56-18500A	NEW-E	85-08-005
220-32-05100K	REP-E	85-14-038	220-47-414	AMD-P	85-08-038	220-56-190	AMD-P	85-03-110
220-32-05100L	NEW-E	85-14-038	220-47-414	AMD-C	85-13-031	220-56-190	AMD-C	85-09-016
220-32-05100L	REP-E	85-15-005	220-47-414	AMD	85-13-032	220-56-190	AMD	85-09-017
220-32-05100M	NEW-E	85-15-005	220-47-601	NEW-E	85-16-012	220-56-19000N	NEW-E	85-09-020
220-32-05100M	REP-E	85-17-025	220-47-601	REP-E	85-16-082	220-56-19000Q	NEW-E	85-14-024
220-32-05100N	NEW-E	85-17-025	220-47-602	NEW-E	85-16-082	220-56-19000Q	REP-E	85-15-083
220-32-055	AMD-P	85-15-053	220-47-602	REP-E	85-17-009	220-56-19000R	NEW-E	85-15-083
220-32-055000I	NEW-E	85-10-043	220-47-603	NEW-E	85-17-009	220-56-19000R	REP-E	85-17-027
220-32-05500I	REP-E	85-13-013	220-47-603	REP-E	85-17-049	220-56-19000S	NEW-E	85-17-027
220-32-05500J	NEW-E	85-13-013	220-47-604	NEW-E	85-17-049	220-56-19000S	REP-E	85-17-048
220-32-05500N	NEW-E	85-11-006	220-47-930	REP-E	85-03-036	220-56-19000T	NEW-E	85-17-048
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314-12-125	REVIEW	85-12-054	315-04-125	AMD	85-09-004	315-30-060	AMD	85-09-004
314-12-130	REVIEW	85-12-054	315-04-130	AMD-P	85-05-058	315-30-080	AMD-P	85-05-058
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